

Whitchurch Neighbourhood Development Plan 2014 to 2029

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

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8 June 2017

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Summary and Conclusion

1. The Whitchurch Neighbourhood Development Plan has a clear vision and list of objectives.
2. I have recommended modification to some of the policies in the Plan. A number of these are in the interest of precision, to provide a practical framework for decision making. In particular, I have recommended that Policy HD2 is modified to refer to affordable homes being prioritised for households with a local connection, as defined by the Basingstoke and Deane Borough Council Housing Allocations Scheme. In addition, I have recommended that the site at Whitchurch Car Centre is allocated for housing during the Plan period, rather than as a reserve site in Policy HA3. In Policy GD5 I have recommended that the 30% frontage restriction on A2 uses in the Town Centre is deleted. My reasoning is explained under each policy.
3. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Whitchurch Neighbourhood Development Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Whitchurch Neighbourhood Development Plan 2014-2029, as modified by my recommendations, should proceed to Referendum.**

Introduction

4. I was appointed as an independent Examiner for the Whitchurch Neighbourhood Development Plan 2014 - 2029 in April 2017.
5. On 23 March 2013 Basingstoke and Deane Borough Council (BDBC) approved that the Whitchurch Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Whitchurch.
6. The qualifying body is Whitchurch Town Council. The Plan has been prepared by the Neighbourhood Plan Steering Committee on behalf of Whitchurch Town Council. The Plan covers the period 2014 to 2029.

Legislative Background

7. 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.
8. 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.
9. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

EU Obligations

10. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (EA Regulations) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA).
11. BDBC produced a *Neighbourhood Planning Screening Report – Whitchurch Neighbourhood Plan* in September 2014. Based on this Report, in accordance with Stage A of the requirements, BDBC issued a *Whitchurch Neighbourhood Plan Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinion* on 2 October 2014 stating that an Environmental Assessment is considered to be required. Statutory Consultees agreed with this opinion.
12. SEA decisions must inform the preparation of the Plan at all stages. For Whitchurch, a major consideration in the production of the Plan was the size and form of new housing sites. Basingstoke and Deane Local Plan (BDLP) Policy SS5 requires at least 200 dwellings to be provided on identified sites at Whitchurch. These sites can be in and around the defined Settlement Policy Boundary.

13. Stages B and C of the preparation of a SEA require the consideration of reasonable alternatives and the likely significant effects on the environment of implementing the policies in the Plan. Article 5(1) of the SEA Directive provide that an SEA report should identify, describe and evaluate *the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.*
14. A *Sustainability Appraisal (SA) of the Whitchurch Neighbourhood Plan Scoping Report* was prepared in April 2015. This was followed by an SA Report to accompany Regulation 14 Consultation in November 2015. This Report considered two Options. Firstly, delivering housing through one large site. Secondly, delivering housing through multiple smaller sites. Under the second option, nine sites were identified for possible selection. Sites chosen at this stage were Site 8: East of Winchester Road; Site 2 Evingar Road North (Serendipity Sam's); Site 3: Whitchurch Car Centre; and Site 4: Dances Lane. The Report states that these allocations would provide the required 141 dwellings to deliver the remaining (from November 2015) requirement from the BDLP over the plan period.
15. The Report goes on to consider the likely significant effects associated with the draft plan approach and the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects of implementing the draft plan approach.
16. The November 2015 SA Report has been updated into the Submission Version of the SA Report: *Sustainability Appraisal/Strategic Environmental Assessment for the Whitchurch Neighbourhood Plan* in September 2016. Since the November 2015 SA Report, Site 8, East of Winchester Road, received outline planning permission for 100 homes. In response to this, it was decided to allocate Site 1, North West Whitchurch for 60 dwellings as part of a mixed use development. This is in addition to the 34 dwellings granted outline planning permission on the site.
17. In that Report it was considered that Site 2 (Evingar Road North) was no longer suitable for allocation as it is next to an active employment site. Therefore, three sites have been identified for housing development. These are Site 1: NW Whitchurch (60 dwellings as part of mixed use development); Site 4: Dances Lane (15 dwellings); and Site 3: Whitchurch Car Centre (allocated as a reserve site for in the region of 10 dwellings). The SA Report states that the allocation of 85 dwellings is considered to exceed the remaining Basingstoke and Deane Local Plan requirement for Whitchurch. I note that Site 8, East of Winchester Road, has been retained as a housing site in the Plan, with the recognition that it has outline planning permission.
18. The SEA provides a satisfactory explanation of housing site selection. In particular, it details potential effects and relative merits of options and describes a transparent process of site selection following public consultation. Other background documents, including *the Housing Site Selection Overview Report* (September 2015) and Addendum assist in explaining the site selection process.

19. Community consultation highlighted that the community would like to see an allocation of employment land. The Submission Version of the SA Report appraised three alternative sites as reasonable alternatives and evaluates their sustainability performance. The Report states that *drawing on the site assessment / selection process, it was considered that the NW Whitchurch site should be supported for the purposes of the Neighbourhood Plan*. The SEA provides a satisfactory explanation of employment site selection.
20. I am satisfied that the SEA has been undertaken in accordance with the requirements of European Directive 2001/42/EC.
21. The Screening Opinion concluded that an HRA was not required as there are no European sites within a 10km radius of the neighbourhood area. Statutory consultees agreed with this opinion. On this basis, I consider that the Plan did not require a full HRA under Articles 6 or 7 of the Habitats Directive.
22. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

Policy Background

23. *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.*
24. 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.

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

The Neighbourhood Development Plan Preparation

26. 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.
27. There have been many ways that local people and interested parties could engage in the Plan production. I have mentioned key events. The initial consultation process included a launch at two public meetings in September 2013. “*Have Your Say*” consultation events were held in March 2014. There was a separate online Business Survey during early 2014. *Where Should the Houses Go?* drop-in events to present housing options were held in October 2014.
28. The consultation period on the pre-submission draft of the Plan ran from 20 November 2015 until 8 January 2016. Consultation meetings on the pre-submission draft of the Plan were held in December 2015. The Plan was widely publicised. People were consulted via various means including via a website, Facebook and posters. A flyer was delivered to employers and households.
29. Local residents were kept informed of the results of consultations via the Town Council’s web site, printed copies of the results in the community hall and via the Town Council’s notice board. The results were also shared with other interested parties.
30. As a result of consultation, the plan was subsequently revised with regard to housing and employment land. These changes were presented to the public in July 2016. A further public presentation of changes to the Plan was made between October and December 2016. This amounted to a further period of consultation.
31. 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 interested parties were able to engage in the production of the Plan. This must have been a mammoth task and I congratulate them on their considerable efforts.

32. BDBC publicised the submission Plan for comment during the publicity period between 27 February 2017 and 10 April 2017 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of 22 representations were received from 11 individuals, organisations and statutory consultees (excluding BDBC's comments). I am satisfied that all these responses can be assessed without the need for a public hearing.
33. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration.

The Whitchurch Neighbourhood Development Plan

34. At the bottom of each page it is stated that: *The Whitchurch Neighbourhood Development Plan should be read as a whole. Proposals will be judged against all relevant policies in the Development Plan as set out in paragraph 1.2.*
35. I have been provided with a detailed evidence base in background supporting documents. This has provided a useful and easily accessible source of background information. In addition, the Plan includes detailed background information regarding the neighbourhood area.
36. The Plan includes a clear vision statement regarding how the community wishes the town to develop over the next 15 years. A list of objectives to achieve the vision has been identified. These objectives helpfully cross reference to the policies.
37. Hampshire County Council has requested that paragraph 2.18 is modified to delete an apparently incorrect reference to their being *no mineral reserves of any consequence which may impact the allocation of development sites* in the Plan. Although Hampshire County Council has not suggested that mineral reserves would affect the deliverability of any of the allocated sites, it does seem sensible to include correct background information in the Plan. I see this modification as a minor editing matter.
38. Where I have found editing errors, I have identified them as minor editing matters. These have no bearing on whether the Plan meets the Basic Conditions.
39. It is necessary for Neighbourhood 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.

40. For ease of reference, I have used the same policy titles as those in the Plan.

GENERAL DESIGN

GD1 Re-enforcement of the adoption of the Whitchurch Design Statement as supplementary guidance to be used in the planning process

41. 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.
42. BDLP Policy EM10 seeks high quality design based upon a robust design led approach. BDLP Policy EM11 requires all development to conserve or enhance the quality of heritage assets in a manner appropriate to their significance.
43. Policy GD1 reinforces the existing design guidance in the Whitchurch Design Statement. As such, it evaluates the defining characteristics of the parish and seeks to preserve the character for future generations.
44. The second part of Policy GD1 lists criteria against which development proposals are to be assessed. Criteria 2) and 4) refer to views. As there are no specific views identified in the Plan, I am assuming that the views are those identified in the Design Statement. In the interest of precision, I recommend modification to these criteria to cross refer to the views in the Whitchurch Design Statement.
45. 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.*
46. 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*.
47. Whilst I have limited evidence before me to justify the need to define and provide new pedestrian routes south from Church Street in criterion 3) as part of a development requirement, this criterion does state a proviso 'where appropriate'. In these circumstances, I am satisfied that these requirements for new pedestrian routes would be subject to the statutory tests.

48. The remaining criteria set out the quality of development that will be expected for the Plan area. Subject to the modifications I have suggested above, I consider that Policy GD1 has regard to national policy, contributes towards the environmental and social roles of sustainable development and is in general conformity with strategic policy. Policy GD1, as modified, meets the Basic Conditions.
49. The paragraph number '7.12' has crept into the policy. This is a minor editing matter.
50. **Recommendation: To meet the Basic Conditions, I recommend modification to criteria 2) and 4) in Policy GD1 to read as follows:**
- 2) It responds to and retains the views towards the Town Square, the Silk Mill and towards All Hallows Church that are identified in the Whitchurch Design Statement.**
- 4) It maintains open views towards the countryside, or across open spaces, paying particular regard to views from key existing routes within the Town as identified in the Whitchurch Design Statement and using design of architecture and landscaping that is sympathetic to their rural character.**

GD2 Development of Pedestrian and Cycle Routes and improved access to the River Test

51. The NPPF emphasises the importance of sustainable transport modes, including provision for pedestrians and cyclists. BDLP Policy CN9 promotes transport choice, including providing coherent and direct cycling and walking networks.
52. Policy GD2 seeks to exploit opportunities to link with and improve the cycle and footpath network.
53. The NPPF recognises at paragraph 73 that: *access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities*. BDLP Policy EM5 supports improved links and the remedy of identified deficiencies in the green infrastructure network.
54. The Plan recognises that the River Test is an important but relatively inaccessible and underused asset for the Town. Policy GD2 seeks to facilitate future public access to the river frontage.
55. It is clear that both parts of Policy GD2 meet the Basic Conditions. This policy has regard to national policy outlined above, contributes towards the environmental and social roles of sustainable development and is in general conformity with strategic policy.

GD3 Protection of Assets of Community Value and other Community Facilities

56. Paragraph 70 in the NPPF requires planning policies to plan positively for the provision and use of community facilities and guard against the unnecessary loss of valued facilities. BDLP Policy CN8 lists criteria against which the loss of community, leisure and cultural facilities should be assessed.
57. Policy GD3 seeks to protect community facilities and identifies criteria against which significant changes, replacement or loss of these facilities are to be assessed. These criteria are in general conformity with strategic policy in BDLP Policy CN8 and have regard to national policy. The stance in Policy GD3 of ensuring the protection of community facilities and guarding against their unnecessary loss contributes towards the social role of sustainable development. Policy GD3 meets the Basic Conditions.

CS1 Retention of functionality of Railway Tunnel for future benefit

58. Policy CS1 seeks to retain use of the two existing tunnels under the railway line. To make sense of the policy, *or* should be replace with *as* in the third line. In the interest of precision, I have recommended such a modification. With this amendment, I understand that Policy CS1 supports alternative vehicular access via the tunnels.
59. Although specifically referring to local planning authorities, rather than neighbourhood plans, paragraph 41 in the NPPF does state: *local planning authorities should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice*. I do consider that there is robust evidence to suggest that the retention of the tunnels would allow for the possibility of widening transport choice. In this context, Policy CS1 has regard to national policy and contributes towards the environmental role of sustainability.
60. Whilst the retention of tunnels is not a matter of direct concern in strategic policy, BDLP Policy CN9 does seek to promote a safe, efficient and convenient transport system. In this context, the protection of the tunnels to allow for the possibility of providing alternative suitable access is in general conformity with strategic policy. Subject to the modification I have recommended above, Policy CS1 meets the Basic Conditions.
61. The Contents Page on page 4 of the Plan should include reference to this policy. I see this as a minor editing matter.
62. **Recommendation: To meet the Basic Conditions, I recommend modification to Policy CS1 to read as follows:**

Retention of functionality of Railway Tunnel for future benefit

Use of the two tunnels under the railway line (one previously for track, now disused, and one for pedestrians) at or close to OS grid SU 46181 48936 immediately to the West of Whitchurch railway station, as alternative vehicular access to Whitchurch, will be considered a positive

factor in any proposal. Otherwise proposals that result in either the loss of access to the tunnels or in significant harm to the future ability to access the tunnels will be resisted.

LD1 Protection and Enhancement of Community Leisure and Cultural Facilities, and Open Spaces

63. The majority of Policy LD1 either overlaps with, or contradicts, other policies in the Plan, specifically Policies GD3, HA2 and HA4. In the interest of clarity and to avoid internal conflict in the Plan, I recommend the deletion of most of Policy LD1, apart from reference to open spaces, which are not specifically covered elsewhere.
64. Paragraph 74 in the NPPF lists criteria against which the development on existing open spaces is to be assessed. These include where *surplus to requirements*; where there is *equivalent or better* replacement; or where *the development is for alternative sports and recreational provision, the need for which clearly outweighs the loss*.
65. BDLP Policy EM5 lists criteria against which the loss of public and private open spaces should be assessed. These criteria broadly reflect those in the NPPF.
66. Policy LD1 seeks to protect and retain all open spaces identified on Figure 7.2. This policy does not have regard to the criteria in paragraph 74 in the NPPF and is not in general conformity with strategic policy in BDLP Policy EM5. Whilst I appreciate the importance of existing open spaces to the local community, I have no robust evidence before me to clearly justify departure from national and strategic policy in this respect.
67. Although it is not necessary to repeat Local Plan Policy, in order for Policy LD1 to meet the Basic Conditions, I recommend modification to this policy to refer to the criteria in BDLP Policy EM5. I have suggested revised wording. Subject to this modification, I consider that Policy LD1 will have regard to national policy, contribute to the environmental and social roles of sustainable development and be in general conformity with strategic policy.
68. In the interest of precision, I recommend that Figure 7.2 is replaced with an inset OS based map(s) at an appropriate scale that ensures the precise boundaries of the open spaces are clearly identifiable.
69. Southern Water has requested that reference is made in Policy LD1 to an exception where there are specific necessary infrastructure needs. Neither paragraph 74 in the NPPF nor BDLP Policy EM5 specifies such a requirement. Therefore, I do not consider that such a reference is necessary for Policy LD1 to meet the Basic Conditions.
70. **Recommendation: to meet the Basic Conditions:**

I recommend that Figure 7.2 is replaced with an inset OS based map(s) at an appropriate scale that ensures the precise boundaries of the open spaces are clearly identifiable; and

I recommend modification to Policy LD1 to read as follows:

Protection and Enhancement of Open Spaces

The open spaces as shown in Figure 7.2 will be protected and retained unless satisfactory alternative facilities are provided; or unless it can be clearly proven that they are no longer required; or unless they will provide alternative recreational provision which meets evidence of local need in such a way as to outweigh the loss.

Developments should connect new open spaces to other existing or proposed open spaces by means of footpaths, cycle paths and green corridors where possible.

LD2 Protection of Biodiversity

71. The NPPF seeks to conserve and enhance the natural environment. In addition, it states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens.
72. BDLP Policy EM4 is a policy regarding biodiversity, geodiversity and nature conservation. This is a long complex policy setting criteria to ensure that: *development proposals will only be permitted if significant harm to biodiversity and/ or geodiversity resulting from a development can be avoided or, if that is not possible, adequately mitigated...*and where it satisfies a list of criteria.
73. Policy LD2 seeks to protect the ecological value of private gardens. However, it does not allow for mitigation measures for loss of biodiversity. In this respect, the detailed wording in this policy is not in general conformity with BDLP EM4.
74. Policy LD2 seeks to protect the landscape value of private gardens. BDLP Policy EM1 requires development proposals to *respect, enhance and not be detrimental to the character or visual amenity of the landscape likely to be affected*. These are distinctly different policy requirements to those specified for biodiversity. In the interest of precision and to be in general conformity with strategic policy, I recommend separating the ecological and landscape issues in Policy LD2.
75. *Residential (private garden) development* is not clearly defined in Policy LD2. The supporting text in paragraph 7.44 refers to *new buildings on existing gardens, other than smaller householder development (such as extensions or garden buildings and sheds)*. In the interest of precision, I recommend cross reference to paragraph 7.44 in Policy LD2.
76. I have suggested alternative wording which includes reference to mitigation measures with regard to ecology and includes similar wording to BDLP Policy

EM1 with regard to the landscape. Subject to these modifications, Policy LD2 has regard to national policy, contributes towards the environmental role of sustainable development and is in general conformity with strategic policy.

77. **To meet the Basic Conditions, I recommend modification to Policy LD2 to read as follows:**

Protection of Biodiversity and Landscape

Residential (private garden) development as defined in paragraph [7.44] will be permitted provided that proposals:

- 1) respect, enhance and are not detrimental to the character or visual amenity of the landscape; and**
- 2) avoid, or minimize loss of, or significant harm to, the ecological value of private residential gardens, or if significant harm cannot be avoided, it should be adequately mitigated.**

Where proposals are likely to lead to significant harm to the ecological value, the local planning authority may require survey evidence of habitats, species of wildlife, trees and hedgerows.

LD3 Protection of Hedgerows, Trees and Tree Planting

78. Policy LD3 seeks to protect trees and hedgerows and specifically refers to development in the Conservation Area and non-householder development. This policy is in general conformity with BDLP Policy EM4 referred to under Policy LD2 and has regard to national policy where it seeks to conserve and enhance the natural environment. In addition, Policy LD3 contributes towards the environmental role of sustainable development. As such, this policy meets the Basic Conditions.
79. The paragraph number '7.41' has crept into the policy. This is a minor editing matter.

GD4 Protection of Parking in the Town Centre

80. PPG advises that local planning authorities should take a positive approach to support town centres. This includes *seeking to improve the quality of parking in town centres (in line with the National Planning Policy Framework) and, where it is necessary to ensure the vitality of town centres, the quantity too.*
81. BDLP Policy EP3 defines Whitchurch as a District Centre and states: *main town centre uses (such as retail, office, entertainment and leisure) will be permitted within the defined town, district and local centres provided that they are designed at a scale and character which reflects the role, function and distinctive qualities of the centre. Any development that would harm the vitality and viability of a defined centre will not be permitted.*

82. It is clear from background evidence that there is local concern about the provision of adequate public car parking for the Town Centre. In this respect, Policy GD4 seeks to ensure that the level of existing public parking is retained and there is provision for coach parking to assist the tourism economy. In addition, improved public access to the River Test and the provision of a civic space are identified local aims.
83. Policy GD4 takes a positive approach to supporting the Town Centre. As such, it has regard to national policy, contributes towards the environmental, economic and social roles of sustainable development and is in general conformity with strategic policy. Policy GD4 meets the Basic Conditions.
84. This policy is at the beginning of a group of policies for the Town Centre. BDBC has raised concern regarding the precise definition of the area of the Town Centre. In the absence of contrary evidence, it appears that the area of the Town Centre is that defined in the BDLP Proposals Map. In the interest of precision, to provide a practical framework for decision making, I recommend reference in supporting text to clarify this matter. I suggest that this could be in a paragraph preceding the existing paragraph 7.45. Whilst not a requirement to meet the Basic Conditions, an extract from the BDLP Proposals Map identifying the Town Centre could be included.
85. **Recommendation, to meet the Basic Conditions, I recommend the inclusion of additional supporting text to explain that the Town Centre is that identified in the BDLP Proposals Map.**

GD5 To Encourage New Commercial Development, Retain Economic Vibrancy and Vitality and Enhance Frontages in the Town Centre

86. The NPPF seeks to ensure the vitality of town centres. Measures should include promoting competitive town centres that provide customer choice and a diverse retail offer.
87. I have visited Whitchurch and seen for myself the existing retail provision. Policy GD5 supports further Town Centre commercial uses providing new commercial development does not have an adverse impact on nearby residents; is provided in mixed use schemes; and that additional A2 uses are limited to 30% of current shop frontages.
88. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) allows for a change of use without the need for planning permission in certain circumstances. These include permitted change of use from most A1-A5 uses to A2 uses. Unless restricted by a planning condition or an Article 4 Direction removing permitted development rights, development in the A1-A5 Use Classes can change to an A2 use without the need for planning permission.
89. I have not been made aware of any existing Article 4 Direction placing such restrictions on change of use or whether existing A1-A5 uses are restricted by planning conditions. Without such restrictions the planning system cannot

prevent existing or future A1-A5 uses from changing to A2 uses. In these circumstances, the proposed 30% frontage restriction on A2 uses serves no purpose.

90. Save in exceptional circumstances, conditions should not be imposed on a planning permission which restrict permitted development rights. I have no clear evidence before me to suggest that the 30% frontage restriction on A2 uses is necessary to ensure the vitality and viability of the Town Centre to an extent that comprises exceptional circumstances. Even if it was an exceptional circumstance, it would serve no purpose unless the existing A1-A5 premises were similarly restricted.
91. I do not consider that the 30% frontage restriction on A2 uses has regard to national policy and I see no clear reason to restrict permitted development rights. To meet the Basic Conditions, I recommend deletion of this reference in Policy GD5.
92. Subject to my suggested modification, the approach in Policy GD5 ensures that new development will not have an adverse effect on the vitality and viability of the Town Centre. Thus, the modified Policy GD5 has regard to national policy, contributes towards the environmental, economic and social roles of sustainable development and is in general conformity with strategic policy, particularly BDLP Policy EP3. Policy GD5, as modified below, meets the Basic Conditions.
93. The paragraph number '7.61' has crept into the policy. This is a minor editing matter.
94. **Recommendation: To meet the Basic Conditions, I recommend modification to Policy GD5 to read as follows:**

To Encourage New Commercial Development, Retain Economic Vibrancy and Vitality and Enhance Frontages in the Town Centre

Proposed developments for new Town Centre retail, financial and professional services, restaurants and cafes, drinking establishments and hot food take-aways (use classes A1-A5) fronting and adjacent to the principal shopping streets of Church Road, Winchester Street, Newbury Street, Bell Street, London Street and/or on primary pedestrian routes to and from car parks, will be permitted provided that:

- 1) changes of use from ground floor residential and/or employment to uses within A1-A5 are compatible with nearby residential properties and the development forms part of a mixed use scheme providing residential accommodation above ground floor.**

GD6 Redevelopment of Land or Buildings for Uses that Support the Town Centre

95. BDLP Policy EP2 sets criteria for allowing the change of use of business premises within settlement boundaries. These include market signals regarding economic viability.
96. Policy GD6 sets out clear policy guidance for redevelopment within the Town Centre and criteria against which it has to be demonstrated that a use is no longer economically viable. This approach will ensure that redevelopment proposals ensure the vitality and viability of the Town Centre. As such, Policy GD6 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy, particularly BDLP Policy EP2. Policy GD6 meets the Basic Conditions.

GD7 Encourage a Diverse Range of Uses in the Town

97. Policy GD7 encourages residential use of upper floors in mixed use developments. In doing so, it recognises the importance of the Town Centre at the heart of the community. This has regard to national policy to ensure the vitality of town centres.
98. Whilst Policy GD7 refers to the Town rather than Town Centre in the policy heading, it is in the Town Centre Business section of the Plan. Therefore, I have assumed that this Policy only refers to mixed use proposals for Town Centre sites. In the interest of precision, I recommend modification to the title to refer to the Town Centre. Subject to this modification, Policy GD7 has regard to national policy, contributes towards the economic and social roles of sustainable development and is in general conformity with strategic policy, particularly BDLP Policy EP3. Policy GD7, as modified, meets the Basic Conditions.
99. **Recommendation: to meet the Basic Conditions, I recommend modification to the title of Policy GD7 to read as follows:**
Encourage a Diverse Range of Uses in the Town Centre

GD8 Increasing Prosperity by Encouraging Tourism

100. The background evidence indicates that tourism is an economic benefit to Whitchurch. Policy GD8 promotes development that attracts tourist, enhances employment opportunities and increases prosperity. This has regard to one of the core principles in the NPPF where it refers to the need to proactively drive and support sustainable economic development. In addition, Policy GD8 is in general conformity with BDLP Policy EM10 regarding the delivery of high quality design.
101. Policy GD8 is a general policy which encompasses a wide range of possible tourism and employment developments, some of which may have no

implications for coach and car parking. In this respect, in the interest of precision, I recommend modification to the third criterion in Policy GD8 to refer to the provision of such facilities 'where appropriate'. Subject to this modification, Policy GD8 meets the Basic Conditions.

102. **Recommendation: to meet the Basic Conditions, I recommend modification to criterion 3) in Policy GD8 to read as follows:**

3) adequate coach drop-off points and coach and car parking are provided where appropriate.

TRAFFIC AND PARKING

TR1 Traffic and Parking Policy

103. The NPPF at paragraph 32 requires that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. PPG states: *Local planning authorities must make a judgement as to whether a development proposal would generate significant amounts of movement on a case by case basis.*
104. The NPPF defines a Transport Assessment as: *A comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies what measures will be required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport and what measures will need to be taken to deal with the anticipated transport impacts of the development.*
105. The NPPF defines a Transport Statement as: *A simplified version of a transport assessment where it is agreed the transport issues arising out of development proposals are limited and a full transport assessment is not required.*
106. BDLP Policy CN9 promotes a safe, efficient and convenient transport system.
107. Policy TR1 seeks to ensure that new development does not have a severe impact on traffic congestion in identified locations. In the background evidence, a recurring issue of concern of the local community is traffic. Policy TR1 requires traffic impact assessments where there is likely to be a severe adverse impact. Whilst this is fine in principle, in the interest of precision, Policy TR1 should refer to the need for either a Transport Statement or Transport Assessment, rather than an unspecified traffic impact assessment. As such, the modified Policy TR1 has regard to national policy, contributes towards the environmental and social roles of sustainable development and is in general conformity with strategic policy, particularly BDLP Policy CN9. Policy TR1, as modified, meets the Basic Conditions.
108. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy TR1 to read as follows:**

Traffic and Parking Policy

Any development(s) that will have a severe independent or cumulative impact on traffic congestion in the Town Centre (The Square), Winchester Street or Winchester Road during peak periods will not be permitted, unless the applicant can make a convincing case, supported by an independent Transport Statement or Transport Assessment, that measures can be put in place to successfully mitigate its impact.

INFRASTRUCTURE

109. The Local Plan strategic policy most relevant to all the infrastructure policies in this section of the neighbourhood plan is BDLP Policy CN6. This policy requires new development 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.*

IP1 Electricity Supply

110. Paragraph 93 in the NPPF states: *planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.*
111. Policy IP1 encourages the use of renewable energy sources, particularly micro-generation technology. The North Hampshire Renewable Energy and Low Carbon Development Study (March 2010) states: *the installation of micro-renewables in new and existing homes will count towards national and regional targets, and therefore it is important to recognise how much of a contribution micro-generation is likely to make.*
112. The positive approach to the use of renewable energy sources in Policy IP1 has regard to national policy and particularly contributes towards sustainable development. Policy IP1 meets the Basic Conditions.

IP2 Encouragement of Good Broadband Connections

113. The NPPF emphasises that advanced high quality communications infrastructure is essential for sustainable economic growth.
114. Policy IP2 requires new major developments (defined in paragraph 9.7) to facilitate fast broadband connections and requires a Connectivity Statement for all new major developments. Whilst it is reasonable for such a statement

to demonstrate compatibility with communications infrastructure, the capacity of the backhaul systems is dictated by the internet provider. It would be unreasonable to refuse a major development because of capacity in the control of the internet provider. This would not provide a practical framework for decision making and could undermine the sustainable development of major development sites.

115. I recommend reference to the capacity of the backhaul systems is deleted from Policy IP2 and modification to the policy to refer to the need for the provision of suitable ducting/infrastructure capable of supporting fast broadband. Subject to these modifications, Policy IP2 has regard to national policy, contributes towards the environmental and social roles of sustainable development and is in general conformity with strategic policy. The modified Policy IP2 meets the Basic Conditions.

116. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy IP2 to read as follows:**

Encouragement of Good Broadband Connections

New developments must provide suitable ducting/infrastructure to enable fast broadband connections. A ‘Connectivity Statement’ must be provided with all applications for all new major developments, demonstrating compatibility with available fibre or communications infrastructure.

IP3 Reducing the Adverse Impact of Utility Improvements on the Town

117. The economic role of sustainable development includes the need to identify and coordinate development requirements, including the provision of infrastructure. PPG explains that *it will be important to recognise that water and wastewater infrastructure sometimes has locational needs (and often consists of engineering works rather than new buildings) which mean otherwise protected areas may exceptionally have to be considered.*

118. Policy IP3 is concerned with the impact of new development on utility infrastructure. Southern Water has raised concern regarding the wording of this policy. In particular, Southern Water has explained that it is not necessary for developers to consider the impact of development on treatment works, as this is dealt with by the water industry’s regulatory process. In addition, Southern Water has stated that the location of the current network of water and wastewater infrastructure is fixed. To provide a practical framework for decision making, I suggest modification to the last paragraph of Policy IP3 to reflect these comments from Southern Water. In this respect, I have recommended the suggested revised wording proposed by Southern Water. Subject to this modification, Policy IP3 has regard to national policy, contributes towards the sustainable development and is in general conformity with strategic policy. The modified Policy IP3 meets the Basic Conditions.

119. Southern Water doesn't agree with the reference in paragraph 9.3 of the supporting text that *sewerage for sites North of the Test was considered a partial constraint*. This appears to have come from the commentary table in the SA/SEA. On page 47 of that document it states: *Southern Water have stated that Whitchurch wastewater treatment works currently has insufficient capacity for additional development*.
120. Whilst paragraph 9.3 in the Plan refers to partial constraint to development, it does go on to conclude that there are no overriding utility constraints on the allocations. I see no reason to modify paragraph 9.3 in order to meet the Basic Conditions.
121. Southern Water has requested the deletion of the last two sentences of paragraph 9.8 where they refer to possible engineering solutions. My remit is only to determine whether the Plan meets the Basic Conditions. Reference is made in paragraph 9.8 to possible solutions with the caveats 'may require' and 'may be'. I consider that the wording of these two sentences does not constrain possible future engineering solutions. I see no reason to modify paragraph 9.8 in order to meet the Basic Conditions.
122. **Recommendation: to meet the Basic Conditions I recommend modification to the last paragraph in Policy IP3 to read as follows:**

In particular, the impact of the development upon the sewerage system, including flood risk, which could adversely impact the quality of water in the River Test, shall be considered. Proposals for new developments must deliver any off-site infrastructure needed to connect to the nearest point of capacity, determined by Southern Water in the sewerage system. This off-site infrastructure, which would need to be provided by the development, must be identified in terms of scope and potential impact on the Town Centre and SSSI as part of the design statement supporting development proposals. Any new or replacement infrastructure shall be designed and constructed to minimise the impact of implementation on the town businesses and traffic using the Town.

EMPLOYMENT

123. One of the core principles in the NPPF includes the need to proactively drive and support sustainable economic development.
124. Whilst there is no strategic requirement for additional employment land in the Plan area, the local community expressed an interest in the provision of further employment development through the consultation process on the Plan. Although three alternative sites for employment were considered in the Submission Version of the SA Report, the site previously named "South of Blosswood Lane Extension" did not continue to be considered for employment by the owners and the entire site was allocated for housing and open space in the Local Plan.

125. The chosen site for employment development in the Plan is part of a mixed development of the North West Whitchurch Site. The site selection has been informed by detailed analysis and a site assessment process that is transparent and clear to understand and the landowner has been involved in negotiations regarding detailed matters. Whilst I understand that there are issues to be resolved, I have not been made aware of any substantive issue that would prevent the delivery of the employment proposals for the site. I will refer to this further under the site allocation Policy HA2 in the Housing Section.

ES1 Encouragement of New Employment Sites within the Settlement Boundary

126. BDLP Policy EP1 promotes inward investment and economic growth. This is reflected in Policy ES1 where it supports new and expanding businesses. Policy ES1 lists criteria, which in summary, will ensure that the premises are compatible with the appearance and character of the area and do not have an adverse effect on residential amenity. This ensures that such new development achieves high quality design.
127. Policy ES1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy ES1 meets the Basic Conditions.

ES2 Protection of Existing Productive Employment Sites from Redevelopment

128. BDLP Policy EP2 sets criteria for allowing the change of use of business premises within settlement boundaries. These include where market signals indicate that premises are unlikely to come back into employment use.
129. Policy ES2 seeks to protect existing employment sites and ensure that new development does not result in noise complaints. It specifies the loss of an employment site will only be supported if it is no longer viable for employment purposes. This is in general conformity with strategic policy and supports sustainable economic development. Policy ES2 meets the Basic Conditions.

ES3 Protection of the Town Centre from Employment-Related Traffic and HGV Traffic

130. Traffic, parking and HGVs have been overwhelming concerns of the local community throughout the consultation process on the production of this Plan. I have visited Whitchurch and seen for myself the traffic problems caused by HGVs travelling through the town.
131. Policy ES3 seeks to ensure that HGV traffic generated from new employment premise to the north of the town will be actively directed north. Proposals that would generate HGV traffic south of the Town Centre that would travel north

through the Town Centre will not be permitted. There is clear robust background evidence supporting this stance.

132. Policy ES3 requires development proposals that generate significant traffic to include a Transport Statement and Traffic Management Plan. I have referred to Transport Statements and Transport Assessments under Policy TR1. In only requiring a Transport Statement rather than possibly requiring a more comprehensive Transport Assessment, Policy ES3 does not have regard to national policy. Therefore, I recommend the inclusion of reference to a Transport Assessment in Policy ES3. I have suggested alternative wording for the first two paragraphs. In doing so, I have recognised that not all employment development north of the Town Centre would necessarily generate significant traffic.
133. The requirement for effective directional signing and improvements to the junctions within the Town Centre pre-empt any findings of a Transport Assessment, Transport Statement and/or Transport Management Plan for employment developments north of the Town Centre. In the interest of precision, I recommend the inclusion of 'if necessary' after this reference in the second paragraph.
134. Subject to the modifications I have suggested above, Policy ES3 has regard to national policy, contributes towards the environmental role of sustainable development and is in general conformity with strategic policy, particularly BDLP Policy EM10 where it seeks to deliver high quality development. Thus, the modified policy meets the Basic Conditions.
135. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy ES3 to read as follows:**

Protection of the Town Centre from Employment-Related Traffic and HGV Traffic

Planning applications that generate significant traffic should be accompanied by either a Transport Assessment or Transport Statement and by a Transport Management Plan where appropriate.

Proposals for employment developments north of the Town Centre that would generate HGV traffic will need to demonstrate, by means of either a Transport Assessment, Transport Statement and/or Transport Management Plan where appropriate, that HGV traffic generated will be actively directed to the A34 junction north of the Town at Litchfield, avoiding the Town Centre. The direction of traffic will need to be practical and enforceable and the development will be required to provide for the direction of and compliance with a route by means of appropriate mechanisms funded by the developer, such as a Traffic Regulation Order, and effective directional signing and improvements to the junctions within the Town Centre if necessary.

Proposals for employment developments south of the Town Centre that would generate HGV traffic that would travel through the Town Centre to travel north shall not be permitted.

ES4 Rural Employment

136. Paragraph 28 in the NPPF 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. One criterion to promote a strong rural economy is that neighbourhood plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.*
137. BDLP Policy EP4 supports the rural economy and lists criteria whereby development proposals for economic uses will be permitted.
138. Policy ES4 specifies criteria against which proposals for rural businesses and enterprises in new and re-used buildings for are to be assessed. The criteria broadly accords with BDLP Policy EP4. I consider this approach supports economic growth in rural areas and thus has regard to national policy in this respect and contributes towards all roles of sustainable development. Policy ES4 meets the Basic Conditions.

HOUSING

HD1 Housing Mix

139. The Court of Appeal issued a judgment on 11 May 2016 on the Secretary of State's appeal against a previous High Court judgment of 31 July 2015 upholding a joint application by West Berkshire District Council and Reading Borough Council which challenged the Secretary of State's Written Ministerial Statement of 28 November 2014 and his subsequent alterations to the Planning Practice Guidance on planning obligations for affordable housing and social infrastructure contributions.
140. As the High Court judgment from which the Order originated has now been overturned, the policies in the Written Ministerial Statement of 28 November 2014 should once again be considered as 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.

141. BDLP Policy CN1 requires 40% affordable housing on all market housing sites. 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.*
142. 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 allows for policy in the neighbourhood plan that is not in general conformity with the strategic BDLP Policy CN1 requirement for 40% affordable housing on all market housing sites.
143. I assume that the exemptions under Planning Policy Guidance in the first sentence of Policy HD1 refer to affordable housing thresholds in the Planning Practice Guidance. In the interest of precision, I recommend modification to explicitly make reference to the thresholds. Subject to this modification, Policy HD1 has regard to the above national policy on the thresholds for the provision of affordable housing.
144. The NPPF seeks to ensure that there is provision of a wide choice of quality homes. BDLP Policy CN3 seeks a housing mix for market housing.
145. Policy HD1 includes criteria for the mix of both market and affordable housing. BDBC's Housing Department has objected to criterion 2), stating that specific affordable housing requirement within the Plan area will need to be established through consultation with the BDBC Housing Department. I see this as a practical way of ensuring that the strategic requirement for affordable housing is achieved. Thus, I recommend modification to criterion 2) accordingly.
146. 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. On this basis, I recommend the deletion of reference to standards in criterion 3). The remainder of criterion 3) refers to identified local need for older people's housing. Criterion 4) seeks integration of affordable housing. Both these matters have regard to ensuring inclusive and mixed communities, as outlined in paragraph 50 in the NPPF.
147. I note that criterion 5) is taken from BDLP Policy CN3 with regard to a mix of market housing. As Policy HD1 is concerned with both market and affordable housing, in the interest of precision, it is necessary to specifically refer to market housing in this criterion.
148. Subject to these suggested modifications, Policy HD1 has regard to national policy, contributes towards sustainable development and is in general

conformity with strategic policy (with the exception of affordable housing thresholds). As modified, Policy HD1 meets the Basic Conditions

149. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy HD1 to read as follows:**

Housing Mix

Applications for development of market housing, which are not exempt under Planning Practice Guidance affordable housing thresholds, will be permitted providing that:

- 1) 40 per cent of the dwellings are affordable homes**
- 2) The type and size of affordable homes meet the specific needs identified through consultation with Basingstoke and Deane Borough Council's Housing department**
- 3) Developments address the local need for older persons' housing.**
- 4) Affordable homes are well integrated with market housing**
- 5) Development proposals provide evidence, proportionate to the scale of development proposed, to justify the mix of market housing proposed.**

HD2 Providing Affordable Housing for those with Local Connections

150. Although I have commented on the thresholds for the provision of affordable housing above, the tenure requirements in BDLP Policy CN1 remain strategic policy. The supporting text to BDLP Policy CN1 explains that *the provision of affordable housing to meet required needs is a key priority for the council in order to ensure that those households in need are able to access housing in the borough.*
151. The affordable housing local connection criteria in Policy HD2 do not correspond to the BDBC Housing Allocation Scheme. I have no clear evidence before me to justify departing from the BDBC Housing Allocation Scheme. In the interest of providing a practical framework for decision making, particularly for the practical provision of affordable housing, I recommend modification to Policy HD2 to accord with the BDBC Housing Allocation Scheme.
152. I have suggested modified wording along the lines suggested by BDBC in their representations on the submission Plan, to ensure a practical framework for decision making. As mentioned in the representations, this is the same wording that I recommended when examining the Bramley Neighbourhood Development Plan. The supporting text should be modified accordingly. I see the precise wording of the supporting text to be an editing matter. Subject to

these suggested modifications, Policy HD2 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. As modified, Policy HD2 meets the Basic Conditions.

153. **Recommendation: to meet the Basic Conditions, I recommend modification to the supporting text in paragraph 11.12 to accord with the modified Policy HD2 below; and I recommend modification to Policy HD2 to read as follows:**

Providing Affordable Housing for those with Local Connections

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

Housing Site Options

154. The NPPF in paragraph 185 is clear that outside the strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area. National policy emphasises that development means growth. The Neighbourhood Plan has sought to provide for sustainable growth by the allocation of four sites for housing development.
155. There has been criticism of the housing site selection. I have already considered the housing site options to a large extent with regard to my comments on the SEA. The criteria for site selection were originally based on a set of site assessment criteria drawn from the BDBC's SHLAA. The results of the Sustainability Appraisal "SEA scoping" and "assessment of reasonable alternatives" exercise were also considered. The findings were assessed by both the Neighbourhood Plan Steering Committee and by consultants. The criteria and assessment are outlined in Tables 11.3 and 11.4 in the Plan.
156. There has been considerable consultation on the housing allocations in the Plan, including an additional consultation period when the site to the North West of Whitchurch was included. I consider this has been a fair, robust and transparent process and it is relevant that there has been very limited local objection to the allocation of the site to the North West of Whitchurch in representations on the submission Plan.
157. BDLP Policy SS5 requires at least 200 dwellings at Whitchurch. Table 11.1 in the Plan indicates that a further 66 minimum dwellings are required above existing approvals and allocations. A contingency of a minimum of 20 dwellings has resulted in the Plan identifying a minimum of 86 additional dwellings.

HA1 Allocation of the Dances Lane Site for Approximately 15 Dwellings

158. BDBC has expressed concern that this site may not be able to accommodate 15 dwellings, but does not consider this will undermine the strategic housing requirement due to flexibility in the housing provision in the Plan. I concur with this view.
159. As part of my examination, I have visited the Parish and viewed the sites allocated for housing. I have seen nothing to suggest, and have no evidence to suggest, that this site cannot be developed in accordance with other policies in the Plan, particularly with design principles in Policy GD1. I note that the Police Commissioners have confirmed the availability of the site. Policy HA1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy HA1 meets the Basic Conditions.

HA2 Allocation of Land West of Evingar Road (North West Whitchurch) for up to 94 Dwellings and up to 4000m² of Business Development

160. The strategic housing requirement in BDLP Policy SS5 is stated as a minimum. There is question over whether the Dances Lane site and the Whitchurch Car Centre Site are able to accommodate the total number of dwellings specified. I have no clear robust evidence before me to explain why the North West Whitchurch site should be restricted to only providing up to 94 dwellings. In particular, I have no evidence to suggest that development slightly over this number of dwellings would not contribute to the achievement of sustainable development. To be in general conformity with strategic policy and contribute towards sustainable development, I therefore recommend that Policy HA2 refers to 'approximately' 94 dwellings. Similarly, to contribute towards sustainable development, I recommend that the provision of business development on this site is 'approximately' 4000m².
161. Policy HA2 lists a number of criteria that are already policy requirements elsewhere in the Plan. As stated at the bottom of each page, it is clear that the Plan should be read as a whole. Repetition is not necessary and does not provide a practical framework for decision making. Therefore, I recommend that the following criteria in Policy HA2 are deleted: 3) (reference to HGVs), 4, 7 and 9).
162. I will now consider the remaining criteria in turn. In many instances, I have referred to relevant national and strategic policies above and do not intend to re-iterate these.
163. Criteria 1) and 2) seek high quality design where they are specifically concerned with the quality of development in relation to the edge of town location. These are in general conformity with BDLP Policy EM10. The first part of criterion 3) seeks to mitigate impact on local roads. This is in general conformity with BDLP Policy CN9.

164. Criterion 5) seeks to improve accessibility by non-car transport modes. The NPPF seeks to promote sustainable transport and highlights in paragraph 35 that developments should be located and designed where practical *to give priority to pedestrian and cycle movements and have access to high quality public transport facilities*. In paragraph 29 it is stated that: *the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel*. Similarly, BDLP Policy CN9 promotes opportunities for sustainable transport modes.
165. My one concern with criterion 5) is a matter of precision. To 'ensure the ability to service the site by public transport' could be interpreted as requiring the funding of public transport and I have no clear evidence to support this requirement. 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.'*
166. In the interest of precision and to ensure the viability of the proposed development, I recommend modification to criterion 5) to refer to the 'ability to access' the site for public transport, rather than the 'ability to service' the site.
167. Criterion 6) protects and enhances walking and cycling routes. This is in general conformity with BDLP Policy CN9. Criterion 8) seeks a net gain in biodiversity. This is in general conformity with BDLP Policy EM4.
168. As mentioned above under Policy HD1, 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. On this basis, I recommend the deletion of criterion 10).
169. Whilst criteria 11) and 12) are concerned with the provision of public open space and ecology, the detailed management organisation of this open space is not a land use and development matter. Therefore, I recommend the deletion of this aspect. Otherwise, these criteria are in general conformity with BDLP Policies EM4 and EM5.
170. 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.
171. Criterion 13) requires the provision of a public car park and pedestrian link to the Station. I understand that the additional land required for the pedestrian link is in the ownership of Hampshire County Council. In the circumstances of this site, I consider such provision meets the statutory tests.
172. Criterion 14) seeks to mitigate noise nuisance. This has regard to one of the core principles in the NPPF: *to always seek to secure high quality design and*

a good standard of amenity for all existing and future occupants of land and buildings.

173. As regards criterion 15), Planning Practice Guidance advises that planning conditions should meet the '6 tests'. In this respect, I have no clear robust evidence that the provision of the employment land infrastructure prior to the occupation of the first dwelling is necessary and reasonable. These are two of the '6 tests'. Therefore, as such a requirement would need to be imposed by way of a planning condition on a planning permission; I recommend the deletion of criterion 15). In addition, such a requirement could seriously undermine the delivery of the strategic housing requirement, which would not be in general conformity with strategic policy, particularly BDLP Policy SS5.
174. Subject to the modifications I have suggested above, I consider that Policy HA2 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. As modified, Policy HA2 meets the Basic Conditions.
175. Concern has been raised in representations on the submission plan regarding the allocation of this site, including the provision of utility infrastructure, vehicular access and traffic impact.
176. The *Whitchurch Neighbourhood Development Plan, 2014 to 2029 Traffic Studies Addendum Version for Regulation 15 Submission* has considered the traffic impact of development on this site. The Report concludes: *The flows are based on the developers' own figures, but do not include any Heavy Commercial Vehicles (HCVs), due to the lack of data. The percentage increases do not seem to meet the description 'severe impact', required by the planning authorities, so it seems unlikely that there will be any planning conditions placed on non-HGV traffic movements to/from the site or its access point.*
177. Southern Water has requested inclusion of two further criteria regarding connection to the sewerage network and future access to an existing mains water infrastructure. I consider that the sewerage aspect has been covered in the modified Policy IP3 above. I see future access to an existing mains water infrastructure that crosses the site as a detailed matter to be resolved as part of a planning application. Importantly, Southern Water has not indicated any insurmountable reason to prevent development on this site.
178. There has been a suggestion for a further reserve site based on concern regarding the deliverability of the North West Whitchurch site. Outline planning permission has been granted for up to 34 dwellings on the 'allotment' part of this overall allocation. I note that the site owners have submitted an outline planning application for a mixed employment/housing development for the remainder of the site to the north of the allotments (16/03220/OUT). Whilst there appear to be unresolved issues in relation to this planning application, and it is not for me to make detailed comment on a planning application, I have no clear evidence before me to suggest that the site is not deliverable. As such, I see no strategic requirement for the identification and allocation of a reserve housing site.

179. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy HA2 to read as follows:**

Allocation of Land West of Evingar Road (North West Whitchurch) for approximately 94 Dwellings and approximately 4000m² of Business Development

The part of the 14 ha site to the east of the Proposed Settlement Policy Boundary at North West Whitchurch (Figure 11.5), which includes the Land adjoining Caesar's Way (13/01522/OUT) which has outline planning permission for up to 34 homes, is allocated for a mixed housing and business development. The site will deliver a high quality development that will make provision for approximately 94 homes (class C3) and approximately 4000m² of business development (classes B1 and B2).

This site shall provide a development which will:

- 1) Have a design and layout of high quality and character which respects locally distinctive features of Whitchurch (as detailed in the Whitchurch Design Statement SPD) and its location on the edge of the Town
- 2) Respond positively to the Wessex Downs AONB and landscape characteristics of the area, providing an appropriate edge to the town
- 3) Include measures to mitigate the impact of the development on the local road network
- 4) Include measures to improve accessibility by non-car transport modes, particularly to the centre of Whitchurch and ensure the ability to access the site by public transport
- 5) Include the provision of internal walking and cycle routes linked to existing external routes, and the maintenance and improvement of existing Public rights of way through the site
- 6) Avoid or mitigate direct or indirect adverse impacts on key species and habitats by ensuring a net gain in biodiversity. Safeguard parts of both the existing and proposed sites' natural green spaces and the boundary vegetation for an adequate landscape (and over time, natural acoustic) buffer zone to the adjacent A34 road and railway embankments
- 7) Make land available by a planning obligation for public open space (for recreation, re-located allotments, orchard and car parking) to meet local needs (see Figure 11.5)
- 8) Developer to prepare a landscape and ecological master plan for the community open space areas of the site and ensure that an ecological management plan is in place and funded in perpetuity to maintain this public asset
- 9) Make land available by a planning obligation for the provision of a minimum 70 space public car park located to the north east corner of the

site and to ensure good pedestrian linkage to Whitchurch Station. Work with adjoining landowners Network Rail and HCC to provide step free pedestrian access from the car park to the London bound platform via the existing pedestrian tunnel.

10) In the light of the nearby B2 Industrial uses in Ardglen, adjacent A34 Trunk Road and active railway (Salisbury to Waterloo Line), ensure that acceptable noise reduction standards can be met within homes and business premises through the preparation of a comprehensive mitigation assessment/strategy. In particular the layout of the site shall be designed to avoid the juxtaposition of homes adjacent to B2 Industries wherever possible.

HA3 Allocation of the Whitchurch Car Centre Site as a Reserve Site for Approximately 10 Dwellings

180. The Whitchurch Car Centre site is identified as a reserve site within the Settlement Policy Boundary. The background evidence explains that it is allocated as a reserve site, rather than a current housing allocation, due to the likely restrictions on numbers or design. In the background housing evidence it is stated that the reserve site should only be *triggered as allocated for housing, and therefore open to planning application, if the projected total housing within the term of the Plan will fall below that designated by the Local Plan.*
181. The Environment Agency has stated that the site is located partly within flood zones 2 and 3. Whilst not suggesting that the development of the site is not deliverable, the Environment Agency has suggested additional text to be included in Policy HA3. This recognises that the sequential approach should be applied. Paragraphs 100-104 in the NPPF outline the sequential test, which is aimed at steering new development to areas with the lowest probability of flooding. To have regard to national policy in this respect, I recommend modification to Policy HA3 to refer to the sequential test.
182. BDBC has raised concern that the site could not accommodate 10 dwellings. Sites under 10 dwellings within the Settlement Policy Boundary are considered to be small scale development and are not counted against the strategic requirement for dwellings in BDLP Policy SS5. Policy HA3 does indicate that the dwellings are likely to be in the form of flats.
183. The Plan allocates a contingency of a minimum of 20 dwellings. If it is found that this site cannot accommodate approximately 10 dwellings, this will not undermine the housing strategy in the Local Plan.
184. BDLP Policy SS1 lists criteria for the scale and distribution of new housing. One criterion is to permit development within the Settlement Policy Boundary that contributes to social, economic and environmental well-being. Subject to detailed layout and design, I see no reason why the principle of residential development of the Whitchurch Car Centre site would not be in general conformity with BDLP Policy SS1. On this basis, I see no robust evidence to

justify allocating this site as a reserve site rather than as an allocation for construction during the current Plan period. I note that the owners have indicated that the site would be available for development. Therefore, I recommend deletion of reference to the site being reserved.

185. Subject to the modifications I have suggested above, I consider that Policy HA3 is in general conformity with strategic policy, has regard to national policy and contributes towards sustainable development. Policy HA3, as modified, meets the Basic Conditions.
186. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy HA3 to read as follows:**

Allocation of the Whitchurch Car Centre Site for Approximately 10 Dwellings

The 0.15 ha site at the Whitchurch Car Centre (figure 11.6) is allocated for housing development in the WNDP and will deliver a high quality development that will provide approximately 10 dwellings, likely to be in the form of flats.

As the site is partly located within flood zones 2 and 3, the sequential approach to development in areas at risk of flooding should be applied.

HA4 Allocation of the East of Winchester Road Site for Approximately 100 Dwellings

187. This site currently has outline planning permission with reserved matters subsequently approved in March 2017. The reserved matters approval is not referred to in the Plan. To reflect the current planning situation, I suggest modification to Policy HA4 to simply refer to planning permission, rather than outline planning permission. In addition, I suggest that paragraphs 11.33 and 11.45 are updated to reflect the current planning position. I see these as minor editing matters.
188. The permission includes provision of a school drop off area, football pitches, changing rooms and open space. There is clearly a long history to the proposed development of this site, which I have not been party to. The majority of Policy HA4 re-iterates the provisions in the outline planning permission on the site.
189. Many of the criteria in Policy HA4 are the same as those in Policy HA2. For the same reasons as specified under Policy HA2, criteria 1), 2) 5) and 6) are relevant to both sites and meet the Basic Conditions. For the same reasons as specified under Policy HA2, I recommend deletion of criteria 7) and 8) and I recommend modification to criterion 4).
190. The requirement for improvements to the junction with Winchester Road and to junctions within the Town Centre pre-empts any findings of a Transport Assessment, Transport Statement and/or Transport Management Plan. In the

interest of precision, I recommend the inclusion of 'if necessary' in this reference in criterion 3).

191. As regards criteria 9) and 10), in the circumstances of this site, I consider that the community benefits derived from the public open space provision and school drop off facilities are reasonable and necessary developer contributions.
192. Criterion 11) seeks to ensure that the existing sewage treatment works do not cause odour nuisance to the new residents. Southern Water has suggested modification to this criterion to require physical separation, rather than mitigation measures, which may not be possible to deliver. This has regard to policy outlined in paragraph 109 in the NPPF where it seeks to ensure that new development is not put at unacceptable risk from, or adversely affected by unacceptable levels of pollution. In addition, subject to the revised wording as suggested by Southern Water, criterion 11) has regard to one of the core principles in the NPPF: *to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*
193. My comments regarding other detailed suggested modifications raised by Southern Water have been addressed under Policy HA2.
194. Subject to the modifications I have suggested above, I consider that Policy HA4 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. As modified, Policy HA4 meets the Basic Conditions.
195. **Recommendation: To meet the Basic Conditions, I recommend modification to Policy HA4 to read as follows:**

Allocation of the East of Winchester Road Site for Approximately 100 Dwellings

The 12.12ha site east of Winchester Road (Figure 11.7) is allocated for housing development in the WNDP and planning permission has been given. The western part of the site within the proposed settlement boundary will deliver a high quality development that will make provision for approximately 100 dwellings. This site shall provide a development which will:

- 1) Have a design and layout of high quality and character which respects locally distinctive features of Whitchurch (as detailed in the Whitchurch Design Statement SPD) and its location on the edge of the Town**
- 2) Respond positively to the landscape characteristics of the area, providing an appropriate edge to the town**

3) Include measures to mitigate the impact of the development on the local road network including improvements, if necessary, to the junction with Winchester Road, and to the junctions within the Town Centre

4) Include measures to improve accessibility by non-car transport modes, particularly to the centre of Whitchurch and ensure the ability to access the site by public transport

5) Include the provision of internal walking and cycle routes linked to existing external routes, and the maintenance and improvement of existing Public rights of way through the site

6) Avoid or mitigate direct or indirect adverse impacts on key species and habitats by ensuring a net gain in biodiversity. Safeguard parts of the site's natural green space and the boundary vegetation as an adequate landscape buffer zone to adjacent open countryside

7) Make land available by a planning obligation for public open space (for football pitches, associated changing rooms and car parking) to meet local needs, in line with the council's adopted standards and FA Standards for Club Football – see Figure 11.7

8) Ensure adequate pedestrian linkage to Testbourne School in conjunction with the provision of a car and bus turning, drop off and collection point, sized to meet the needs identified in the school travel plan and HCC capacity forecasts for the WNDP period

9) In the light of the nearby sewage treatment works, ensure that acceptable odour standards can be met within homes and amenity areas through the preparation of a comprehensive assessment (to be agreed with Southern Water).

196. Subject to my comments with regard to the details of the site-specific allocations above, 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. The overall housing provision is in general conformity with strategic policy, particularly BDLP Policy SS5. Subject to my suggested modifications to Policies HA2, HA3 and HA4 above, the housing allocations meet the Basic Conditions.

HA5 Revision of the Settlement Policy Boundary

197. BDLP Policy SS5 requires the Plan to identify sites/opportunities for at least 200 homes. These may be in and around the defined Settlement Policy Boundary. Policy HA5 extends the Settlement Policy Boundary to include the proposed built up areas of the two housing sites identified in Policies HA2 and HA4. As such, this Policy is in general conformity with strategic policy and

has regard to national policy by the provision of sustainable growth. Policy HA5 meets the Basic Conditions.

198. In the interest of precision, the word 'proposed' should be deleted from the Key in Figures 11.5 and 11.7.
199. **Recommendation: to meet the Basic Conditions, I recommend that Figures 11.5 and 11.7 refer to 'The Settlement Boundary (HA5)' in their Key, rather than this being a 'proposed' boundary.**

COMMUNITY PROJECTS

CP1 Allocation of CIL Revenues to Whitchurch Community Infrastructure Projects

200. As previously mentioned, 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.
201. BDLP Policy CN6 is a strategic policy seeking developer contributions *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.*
202. 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 trigger the need for contributions towards community infrastructure projects. In this respect, Policy CP1 does state that developers will be required to mitigate the impact of the development on infrastructure. This, by implication, allows for there to be no requirement for contributions where small scale development has no impact on infrastructure.
203. The first sentence of the second paragraph generally re-iterates the first paragraph. In the interest of precision, I have suggested modified wording that includes reference to the Whitchurch Infrastructure Projects outlined in the supporting text. The last two sentences in Policy CP1 are statements, rather than a land use and development policy. Thus, in the interest of precision, I recommend that these sentences are moved into the supporting text.
204. Subject to the modifications I have suggested above, I consider that Policy CP1 has regard to national policy, particularly as outlined in the Community Infrastructure Levy Regulations 2010. In addition, it contributes towards the social role of sustainable development and is in general conformity with strategic policy. As modified, Policy CP1 meets the Basic Conditions.

205. **Recommendation: to meet the Basic Conditions, I recommend that the last two sentences in Policy CP1 are moved to the supporting text. I recommend modification to Policy CP1 to read as follows:**

Allocation of CIL Revenues to Whitchurch Community Infrastructure Projects

Developers will be required to mitigate the impact of the development on infrastructure such as public utilities, libraries, policing, waste services and the highways network, healthcare, education, leisure services and other schemes identified as Whitchurch Infrastructure Projects in this Plan, or in the Basingstoke and Deane Community Infrastructure Levy (CIL), Regulation 123 List. Section 106 agreements will be used to secure contributions where appropriate and until the borough council implements a CIL.

Referendum and the Whitchurch Neighbourhood Development Plan Area

206. 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.

207. **I am pleased to recommend that the Whitchurch Neighbourhood Development Plan as modified by my recommendations should proceed to Referendum.**

208. I am required to consider whether or not the Referendum Area should extend beyond the Whitchurch Neighbourhood Development Plan Area. I consider the Neighbourhood Development Plan Area to be appropriate for the purpose of holding a referendum and I have not been provided with evidence to the contrary. I see no reason to alter or extend the area to which the Referendum should take place.

Minor Modifications

209. The Plan is a well-written document, which is easy to read. Where I have found minor editing errors, I have identified them above. It is not for me to re-write the Plan. If other minor amendments are required as a result of my

proposed modifications, I see these as editing matters which can be dealt with as minor amendments to the Plan.

Janet Cheesley

Date 8 June 2017

Appendix 1 Background Documents

The background documents include

The National Planning Policy Framework (The 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)
Whitchurch Conservation Area Appraisal Map (2004)
North Hampshire Renewable Energy and Low Carbon Development Study (March 2010)
BDBC Housing Allocations Scheme (December 2016)
Comparison between the 2015 and 2016 BDBC Housing Allocations Scheme in BDBC email dated 24 May 2017
Comparison between the 2016 and 2017 BDBC Housing Allocations Scheme in BDBC email dated 31 May 2017
Regulation 16 Representations
Summary of Regulation 16 Representations
Neighbourhood Planning Screening Report – Whitchurch Neighbourhood Plan (September 2014).
Whitchurch Neighbourhood Plan Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinion (October 2014)
Sustainability Appraisal of the Whitchurch Neighbourhood Plan Scoping Report (April 2015)
Sustainability Appraisal of the Whitchurch Neighbourhood Plan to accompany Regulation 14 Consultation (November 2015)
Whitchurch Design Statement (July 2004)
Supporting Documentation includes all background evidence documents on the Whitchurch Town Council dedicated Neighbourhood Plan web page and specifically include:
Consultation Statement (Version for Regulation 15 Submission)
Basic Conditions Statement (January 2017)
Sustainability Appraisal/Strategic Environmental Assessment for the Whitchurch Neighbourhood Plan (September 2016)