

Examination of the East Woodhay Neighbourhood Plan

Open Letter to East Woodhay Parish Council and Basingstoke and Deane Borough Council 11 May 2022

Paragraph 1.10.5. in Part 2 of the *Neighbourhood Planning Independent Examiner Referral Service Guidance to service users and Examiners* advises that: *the independent examiner will initially undertake a high-level assessment of the plan documents. If there is an obvious and potentially fatal flaw, the independent examiner will write to alert the local planning authority and qualifying body.*

I have undertaken a high-level assessment of the Plan in accordance with the guidance and unfortunately I have found a potential flaw. Therefore, in the spirit of the guidance, I am writing to alert the local planning authority and qualifying body.

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;

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

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).

The Solent is designated as a Special Protection Area, Special Area of Conservation and a Ramsar site. Basingstoke and Deane Borough Council has advised that there are high levels of nitrogen and phosphorus entering this water environment from a variety of sources and there is evidence that these nutrients are causing eutrophication. Following the receipt of advice from Natural England in October 2019, the Council has not issued decisions for new residential development or overnight accommodation in the River Test and Itchen catchment area (which ultimately discharges into the Solent) unless it can be shown to be nutrient neutral.

Since the Strategic Environmental Impact Assessment and Habitats Regulations Assessment was prepared in September 2018, Natural England has identified the River Test catchment area, which extends into a small area of the Parish.

Unfortunately, as a consequence of part of the River Test catchment area being situated in the Parish, it is now necessary to update the Strategic Environmental Impact Assessment and Habitats Regulations Assessment (September 2018). This requirement is needed in order for the Plan to meet the following Basic Conditions:

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

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).

In the light of the above, I would like to give the Parish Council the opportunity to consider whether it wishes to arrange for the Strategic Environmental Impact Assessment and Habitats Regulations Assessment (September 2018) to be updated. This will delay the examination of the Plan. In these circumstances, I consider it expedient to delay the start of the examination until such time as the updated document has been produced and has been subject to the necessary consultation.

Should the Parish Council not wish to update the document, then I would like to give the Parish Council the opportunity to consider whether it wishes to withdraw the Neighbourhood Plan from examination or whether I continue with the examination with the understanding that I will recommend that the Neighbourhood Plan does not proceed to referendum. I realise that either decision will be a great disappointment to the many local people who would have contributed to the production of this Neighbourhood Plan.

I have yet to examine the Plan in detail and there may be other modifications required to meet the Basic Conditions. I am not seeking, and will not accept, any representations from other parties regarding this matter at this stage.

I realise that this is an important consideration for the local community. I would like to give the Parish Council 7 days from receipt of this letter to respond. If further time is required, for example to coincide with a Parish meeting, please let me know.

Please can this open letter be placed on the Basingstoke and Deane Borough Council's web page for the Neighbourhood Plan.

Kind Regards

Janet Cheesley