



16<sup>th</sup> September 2024

Our Ref: OJ/18.210

Odiham Parish Council  
The Bridewell  
The Bury  
Odiham  
Hampshire  
RG29 1NB

Dear Sir / Madam,

## REPRESENTATIONS TO THE ODIHAM AND NORTH WARNBOROUGH NEIGHBOURHOOD PLAN

This Representation to the Odiham and North Warnborough Neighbourhood Plan has been prepared on behalf of Hallam Land who have an interest in the land north of Deptford Road.

We are writing in respect of Policy 11, Local Green Space Designations. Specifically, we refer to Site 11.viii, the Football Club.

We do not consider the site warrants the proposed local green space designation for the following reasons:

Firstly, this measure does not take into account the designations already established in the Hart Local Plan, resulting in an unnecessary extent of policy protection. Secondly, in our opinion the criteria for a Local Green Space designation have not been met; whilst the land is used as a playing pitch it is not demonstrably special.

These points are elaborated upon in the sections below but first we consider the basic conditions required for a Neighbourhood Plan.

### Basic Conditions

As set out in paragraph 1.4 of the consultation document, plans must meet certain **'basic conditions'**

**Firstly, does the Neighbourhood Plan have regard to national policies and advice contained in guidance issued by the Secretary of State?;**

**Secondly, does the Neighbourhood Plan contribute to the achievement of sustainable development?;**

**Thirdly, is the Neighbourhood Plan in general conformity with the strategic policies contained in the relevant Local Plan for the area (or any part of that area)?;**

**Fourthly, the Neighbourhood Plan does not breach, and is otherwise compatible with, EU regulations – including the SEA Directive of 2001/42/EC; and**

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***Fifthly, the Neighbourhood Plan is not likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012).'***

We do not consider that in this instance, the designation of the Football Club accords with the first criterion.

In relation to **Plan Making**, the National Planning Policy Framework (NPPF) states at paragraph 16 that Plans should inter alia:

***(d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*** and

***(f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area'***

The land concerned is already subject to two existing planning policies in the Hart Local Plan that afford protection to this land. The addition of a further designation and associated policy considerations, gives rise to an ambiguity in the decision making framework and an unnecessary duplication of policies. We explain this in the following section.

### **Ambiguity in the policy framework and an unnecessary duplication of policies**

**Policy NBE1** concerns development in the Countryside and strictly controls such activity, limited to a small number of permissible instances. This is also given effect in Policy 1 of the Neighbourhood Plan which controls new development in the open countryside.

As an existing playing field, **Policy INF4** equally restricts the development of this land and that would only be permissible if there was demonstrable evidence it was no longer required for the existing purpose or that alternative recreation space was provided elsewhere. Both the NPPF and Sport England Playing Policy underscore this level of protection.

Moreover, it is also part of the Neighbourhood Plan's Vision and objectives that recreational facilities will be sustained with green space preserved both within and adjoining the settlement areas and enhanced for everyone to enjoy.

Accordingly, applying an additional local green space designation with its different policy tests is unnecessary and creates ambiguity within the policy framework. This could lead to confusion among decision makers, making it unclear how they should respond to development proposals. Furthermore, it directly contradicts the NPPF's directive to avoid unnecessary duplication of policies. By introducing another layer of policy, it undermines the clarity and purpose that the NPPF aims to achieve for the planned system, potentially leading to inconsistent decision-making and hindering the effective implementation of development plans.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004, where a conflict arises between policies in the development plan, this must be resolved in favour of that adopted most recently. In this instance that would preclude the objectives of the Neighbourhood Plan for improvements to recreational facilities.

### **An unnecessary level of policy protection**

Plainly applying policies NBE1 and INF4 in the context of the Neighbourhood Plan's Vision and its objectives affords a particular weight to those policies that restrict development. To add a further layer of policy in the form of a local green space designation is unnecessary and contradictory. The ability to improve local recreational facilities in accordance INF4 is undermined by needing to demonstrate very special circumstances in the terms defined as Green Belt policy.

### **Paragraphs 105 and 106 of the NPPF**

We turn now to whether the land in question meets the criteria for designation as local green space.

At paragraph 105 the NPPF states that '**Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.**' Once designated, such land is subject to the policy protection afforded to Green Belt. Accordingly, proposals for development will not be supported unless very special circumstances exist.

Furthermore, paragraph 106 of the NPPF states that '**The Local Green Space designation should only be used where the green space is: b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife.**' Although the site does meet some of these criteria i.e. a playing field. It cannot be said that the site is '**demonstrably special**'. Reasons for why are explored below.

Alongside the update to the Odiham and North Warnborough Neighbourhood Plan, an evidence base for the reasoning has also been provided. In our opinion the criteria for the local greenspace designation has not been met. The evidence and justification for to Site 11.viii, the Football Club and our comments are as follows:

EVIDENCE	OUR COMMENTS
<p>i <b>Started in the 1930s and re-established in 2009, this is a well-used sports pitch for home team and visitors. The green space is in a transitional location on the very edge of North Warnborough and surrounded by farmland. It is planted with a variety of trees, plants and hedges which contribute to its beauty. Odiham itself does not have a football team therefore this is of particular local significance to North Warnborough. When not in use for football, the area is a tranquil space, set within farmland and screened from the road. It is used by the public for exercise/dog walking. The surrounding hedgerows are a valuable habitat for wildlife.</b></p>	<p>This is not evidence of a demonstrably special place. Rather it merely describes the history and use of the site as a playing field located on the edge of the village. Its character is typically that of a playing pitch with an associated changing room. Hedgerow and trees form the boundary of the site but these landscape features are characteristic of the wider countryside and are not above the ordinary. None are of recognised amenity and none are ancient or veteran. The landscape and biodiversity value of these features are protected by Policies NBE2 and NBE4 of the Hart Local Plan. Its use as informal recreation space is protected by Policy NBE1 in any event.</p>

Accordingly, we do not consider that the necessary criteria for the designation of this land as local green space has been met.

### Conclusion

The designation of Site 11.viii (the Football Club) as a Local Green Space is neither necessary nor justified and should be deleted. This conclusion is supported by two main points:

1. **Existing Policies:** The site is already protected under the Hart Local Plan (2023) through policies NBE1 (Development in the Countryside) and INF4 (Open Space, Sport and Recreation). These policies provide sufficient protection and guidance for the site, making an additional Local Green Space designation redundant.
2. **Criteria Not Met:** The site does not meet the criteria for Local Green Space designation as it is not demonstrably special. The existing policies already ensure the protection and enhancement of recreational facilities, aligning with the Vision of the Odiham and North Warnborough Neighbourhood Plan.

For these reasons, in this instance, the proposal does not meet the necessary basic condition and should be deleted.

Yours faithfully



**Owen Jones**  
Director

