



Odiham and North Warnborough Neighbourhood Plan 2014-2032

Representation Form

Copies of the Odiham and North Warnborough Neighbourhood Plan and supporting documents are available on [Hart District Council's website](#). Paper copies are available at the locations listed on the website.

Comments must be received by 4pm Monday 16 September

You can send your comments by:

- filling in this form and emailing it to: [REDACTED]
- printing this form and posting it to us at:

Planning Policy Team
Hart District Council,
Harlington Way
Fleet,
Hampshire, GU51 4AE

We cannot accept anonymous comments and will publish all comments on our website with your name and organisation (where applicable). If Odiham Parish Council, who prepared the plan, request a copy, we will send a redacted version showing only your name and comments.

We will send the neighbourhood plan examiner a full copy of your comments and details. The examiner will retain the data until we have made the relevant statutory decisions on whether to adopt the plan and the deadline for a Judicial Review has passed, which is six weeks after the decision notice has been published.

For further details on: how your information is used; how we maintain the security of your information; your rights, including how to access information we hold on you; and how to complain if you have concerns about how your personal details are processed, please see [Hart's Privacy Notice](#).

If you would like to be notified of Hart District Council's decision whether to 'make' the Plan (to bring it into legal force), please mark the box below.

Yes, please notify me x

If you would like to opt out of this decision at any time, please email



PART A: Details of the individual or organisation making the representation

	Your details	Agent's details (if applicable)
Full name	Lindsay Ramsden	Mike Holmes
Address	C/o agent	KLW Ltd Ridgers Barn Bunny Lane Tunbridge Wells Kent
Postcode		TN3 9HA
Email		
Organisation (if applicable)	Avant Homes	

PART B: Your representation

To which part of the Neighbourhood Plan does your representation relate?

Whole document? Yes/no

Paragraph number:

Policy reference: Policies 2v and 14

Do you support, oppose, or wish to comment on this policy/paragraph?

(Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support/objection, or make other comments in the space below, including any specific changes you wish to see to the Plan. Please be as precise as possible and use a new form for comments on different policies/parts of the Plan. Please do not include any personal information in your answer below.

Representation:

1. These representations have been prepared by Kember Loudon Williams on behalf of Avant Homes in response to the review of the Odiham and North Warnborough Neighbourhood Plan Pre-Examination Publication (Regulation 16) and the consultation being carried out by Hart District Council.
2. Avant Homes hold a contractual interest in the land at Dunleys Hill, Odiham that is allocated for “approximately thirty dwellings” within Policy 2v (Site v) of the Neighbourhood Plan – made in June 2017. Policy 14 – Dunleys Hill Open Space seeks to make provision of public open space adjacent to Site v.
3. From the outset we would like to make it clear that we believe the proposed amendments to the Neighbourhood Plan are significant and substantial enough as to change the nature of the plan. As such, the amendments should be fully scrutinised by an Independent Examiner in a public examination as part of the process to modify the Neighbourhood Plan.
4. Policies 2v and 14 of the Neighbourhood Plan currently read as follows –

Policy 2v

“v. 1.00 ha - Land at Dunleys Hill, Odiham – approx. 30 dwellings (Site v):*

- a. Vehicular access to the residential development shall be from Western Lane;*
- b. The residential layout shall include a mix of individual house size, type and design fronting onto the public open space to create an active frontage to the public open space and to represent organic growth. The buildings, including any apartments, shall be no more than two storeys high;*
- c. The residential layout shall retain open views into and out of the Odiham*

Conservation Area (including but without limitation relevant views as referred to in Policy 6);

d. The layout shall include trees, in both the communal and private amenity areas, to reflect the green rural character of this part of the village and a row of trees shall be retained and supplemented where required alongside the Dunleys Hill frontage;

e. The proposals shall include satisfactory mitigation of any ground water and/or surface water flooding risk on the site and to any off-site properties, as shown on Environment Agency and Hart District Council drainage maps, and to neighbouring and to any off-site properties;

f. A financial contribution will be sought from the developer towards the maintenance and upkeep of the public open space; and

g. A financial contribution will be sought from the developer (in accordance with SAMM principles in force at that time) towards monitoring measures across the Thames Basin Heaths Special Protection Area in the event that Site i, Site ii and Site v in combination deliver more than 50 new dwellings.”

Policy 14: Dunleys Hill Open Space

“Land at Dunleys Hill as shown on the Proposals Map is allocated for public open space.

Proposals for the layout and construction of the public open space will be supported subject to the following criteria:

i. Vehicular access into the site should be off Dunleys Hill and shall be consistent with the principles set out for the development of the proposed housing site to the north in Policy 2 iii of this Plan; and

ii. Associated car parking spaces should be sensitively designed and surfaced to respect the location of the site within the designated local gap; and

iii. Any associated recreational or maintenance buildings or structures should be essential to the operation of the open space and should comply with the design principles set out in Policy 5 of this Plan.”

5. It is worth noting at this point that the Independent Examiner of the 2017 made Neighbourhood Plan recommended several modifications to the Submission Plan from July 2016, including several modifications to Policy 2v and the creation of Policy 14.
6. The modifications to Policy 2v included the following:
 - Deletion of a duplicated requirement setting out the site area for the residential development and the area of public open space;
 - Deletion of a requirement setting out the layout of the public open space and details of the transfer of the land for the public open space;
 - Deletion of paragraph requiring a public car park for 6/8 cars and bicycle parking to serve the public open space, again transferred along with the public open space;
 - Deletion of a requirement to provide an access to serve the public car park from Dunleys Hill;

- Deletion of a paragraph requiring a minimum of three additional public parking spaces to be provided on the south side of the public open space alongside the residential development; and
 - Replacement of a reference to 'SAMM' with 'in accordance with SAMM principles in force at that time'.
7. The Independent Examiner had also previously agreed to insert reference to provision of "approximately thirty dwellings" on the site to allow for some flexibility in the delivery of residential development for the site.
 8. The Independent Examiner would have been fully aware of the background to the wording of the proposed Neighbourhood Plan and the policies within it. Ultimately, subject to the recommended modifications at the time, the Independent Examiner found the Plan to meet the basic conditions for the preparation of a neighbourhood plan.
 9. What occurred after the Neighbourhood Plan was made is irrelevant to the process of producing the Neighbourhood Plan in the first place and the current attempts to amend it now. The onus is on the Parish Council to appropriately draft the policies contained within a neighbourhood plan and to ensure that the appropriate triggers are in place, in this instance to link the delivery of the public open space with the delivery of the housing development. This clearly was not done as part of the original Neighbourhood Plan process and the policies do not meet the aspirations of the Parish Council.
 10. As part of this proposed update of the Neighbourhood Plan the Parish Council is proposing additional wording to be added to Policy 2v and the rewording of Policy 14 as set out below. follows –

Policy 2v

*"v 1.00 ha - Land at Dunleys Hill, Odiham – approx. 30 dwellings (Site v)**
allocated to provide housing and to secure and deliver the public open space on 3.48 ha of adjoining land in the local gap to the north (in accordance with Policies 3 and 14):

- a. Vehicular access to the residential development shall be from Western Lane;
- b. The residential layout shall include a mix of individual house size, type and design fronting onto the public open space to create an active frontage to the public open space and to represent organic growth.
- c. The public open space shall be provided in accordance with Policy 14 and the public open space shall be provided as part of a package of appropriate SPA mitigation measures relating to any residential housing development at the site.**
- d. The buildings, including any apartments, shall be no more than two storeys high;
- e. The residential layout shall retain open views into and out of the Odiham Conservation Area (including but without limitation relevant views as referred to in Policy 6);
- f. The layout shall include trees, in both the communal and private amenity areas,

to reflect the green rural character of this part of the village and a row of trees shall be retained and supplemented where required alongside the Dunleys Hill frontage;

g. The proposals shall include satisfactory mitigation of any ground water and/or surface water flooding risk on the site and to any off-site properties, as shown on Environment Agency and Hart District Council drainage maps, and to neighbouring and to any off-site properties;

h. A financial contribution will be **required** from the developer towards the maintenance and upkeep of the public open space; and

i. **In addition to the provision and maintenance of the public open space to be provided in accordance with Policy 14**, a financial contribution will be required from the developer (in accordance with SAMM principles in force at that time) towards monitoring measures across the Thames Basin Heaths Special Protection Area in the event that Site i, Site ii and Site v in combination deliver more than 50 new dwellings.

It should be noted that the Dunleys Hill Open Space (Policy 14) serves as part of the SPA mitigation required to deliver Site i Longwood and Site ii land at 4 Western Lane. The Dunleys Hill Open Space must be maintained and managed as a public open space in perpetuity.

Policy 14

“Land at Dunleys Hill as shown on the Proposals Map is allocated for public open space which serves as part of the SPA mitigation required to deliver Policy 2 Site v in conjunction with Site i and Site ii. The Dunleys Hill Open Space must be maintained and managed as a public open space in perpetuity.

i. Proposals for the layout and construction and maintenance of the public open space will be supported subject to all the following criteria:

ii. Vehicular access into the site shall be consistent with the principles set out for the development of the proposed housing site to the north in Policy 2 v of this Plan;

iii. A minimum of 8 additional public car parking spaces and cycle parking for visitors to this space shall be provided in the south western corner of the POS. They shall be sensitively designed and surfaced to respect the location of the public open space within the designated local gap;

iv. The public open space shall be laid out to include facilities for the recreational benefit of the local community;

v. Any associated recreational or maintenance buildings or structures should be essential to the operation of the open space and should comply with the design principles set out in Policy 5 of this Plan.

vi. A management plan for the open space is required to be submitted to and approved by the local planning authority before development of the 1 ha at Dunleys Hill (policy 2v) commences, which must show how the land will be costed, funded and managed and maintained in perpetuity, for the lifetime of the proposed development; a network of pedestrian links to other green spaces should be established where possible. This network should be well-signposted and should prioritise the use of existing

pedestrian routes, Core Walking Zones and proposed Cycle routes outlined in the LCWIP.

vii. Land at Dunleys Hill is designated as part of a larger Local Gap Policy 3 of this Neighbourhood Plan). The function of the gap is to avoid the coalescence between the two settlements of Odiham and North Warnborough. In addition to this important gap function, the land has an intrinsic local character that is particularly valued by the local community. Over the years, this prominent open area has served to soften and bring visual relief to the built up frontage alongside the main road that runs through the heart of the two settlements. It brings an open aspect into the area between the two settlements, which is a particular characteristic of the locality and one which helps to define the distinctive local and rural character of Odiham and North Warnborough.”

11. The text is not accurately reflected within the submitted table of proposed changes compared with the text within the submission draft of the Neighbourhood Plan. The text within the submission draft of the Neighbourhood Plan has therefore been relied upon.
12. We have no issue with referencing to retaining the Local Gap between Odiham and North Warnborough (Policy 3). However, the remaining proposed amendments to Policy 2v and the rewording of Policy 14 of the submission draft Neighbourhood Plan set out a retrospective requirement for the public open space identified in Policy 14 to be delivered as a “planning gain” arising from the housing development achieved by Policy 2v.
13. This requirement is unjustified and is an attempt by the Parish Council to retrofit the delivery of the open space to the housing allocation. This was not, and is not a requirement of the adopted policy for Site v. Nor was it a matter required by the Independent Examiner in assessing the current made Neighbourhood Plan. It was not required in the modifications of the Plan, as formally made in 2017. Had the Independent Examiner seen fit to put this mechanism in place; clearly the Examiner would have done so via the proposed modifications to the Plan. This was not done following Examination. Nor was it raised by the Parish Council or Hart District Council at that time: the latter as the Local Planning Authority.
14. The introduction, latterly, of this requirement is also considered to be unbalanced when viewed in the context of the remainder of the criteria that need to be met at the site. As set out below, the provision of the open space in addition to the other requirements of Policy 2v would make the development of Site v financially unviable: particularly as the ‘open space’ land is not owned by Avant Homes.
15. If this requirement were to enter the Neighbourhood Plan, Avant Homes, and indeed any potential developer of the site, would be required to:
 - a) provide the public open space;
 - b) contribute financially to the maintenance and upkeep of the public open space;
 - and
 - c) contribute financially towards monitoring measures across the Thames Basin Heaths Special Protection Area.

16. These requirements go significantly above and beyond what is required to be delivered by the other sites identified in Policy 2 of the Neighbourhood Plan. This is inconsistent and overtly onerous on which ever developer comes forward to deliver the housing allocated for Site v.
17. As noted above, it must also be borne in mind that this approach has severe implications on viability when considering the relatively small scale of the site allocated for development. The requirement to provide the additional land for informal and formal recreation/play facilities, together with contributions and funding for management, extends far beyond what is proportionately deliverable/fundable, off the back of the provision of approximately thirty dwellings. This is a small site and allocation when the District Council policy requirement that 40% of the homes provided is affordable housing. For a thirty-unit scheme, this equates to 12 affordable units and 18 open market units.
18. It is also the case that where there are delivery requirements in place for other sites, set out under Policy 2, these have not been followed through by Hart District Council. For example:
 - (i) When the development of sixteen dwellings was approved by the District Council for the site identified by Policy 2ii, Land at 4 Western Lane, under application number 19/02541/FUL, the District Council did not require the applicant to make a financial contribution towards the maintenance and upkeep of the public open space identified by Policy 14. This is despite the policy requiring "A financial contribution will be sought from the developer, towards the maintenance and upkeep of the public open space on Dunleys Hill (Policy 14)";
 - (ii) Similarly, when the District Council approved eight dwellings under planning application 16/00635/FUL for the site identified by Policy 2iii, Land at Crumplins Yard, the District Council did not require the applicant to provide a shared access from Dunleys Hill. This is required under policy to serve both the development and a public car and bicycle park for users of the adjoining public open space. Neither was there a requirement for the layout of the development to overlook the adjoining open space and to create an active frontage. Again, there was no requirement to make a financial contribution towards the maintenance and upkeep of the public open space identified by Policy 14.
19. Clearly, therefore, the approach being adopted by the Parish Council now, is seeking to 'fix the ills' of the past, and to retrofit the provision of the public open space to the sole delivery of Site v at Dunleys Hill. This is wholly inconsistent, departs from the conclusion of the Independent Examiner in 2016 and, moreover, the provisions of the 2017 adopted policy. The latter formed the basis of negotiation and agreement between Avant Homes and the landowners on the option for the land.
20. The onus on Avant Homes in relation to the delivery of development for the site identified by Policy 2v is, therefore, disproportionate to the other Policy 2 sites and the scale of development proposed in this site, given the requirement to provide the public open space and contribute financially to the maintenance and

upkeep of the public open space. Moreover, there is a requirement to contribute financially towards monitoring measures across the Thames Basin Heaths Special Protection Area and provide 40% of the homes as social housing in accordance with Hart District policy.

21. It is interesting to read, as part of their Health Check Report (October 2023) of the proposed Neighbourhood Plan Update, that Troy Planning + Design state in their commentary on Policy 2v that –

“The PC has requested that the Neighbourhood Plan Update consider the potential opportunity for linking Policy 14 (Dunleys Hill Open Space) with this policy Policy 2 (Housing Development Sites v).”

22. In addition, the modification type is noted by the Health Check Report as follows –

“N/A: No modification necessary based on the information available. However, if changes were required through further landowner / developer consultation and discussion this would likely be classified as B Material modifications which do not change the nature of the neighbourhood plan.”

23. Several points arise from these notes. The first is that the amendments to Policy 2v proposed by the Parish Council are not based upon any existing policy requirement or any baseline evidence. They are simply based upon a request that the Parish Council have put forward.

24. The second point to note is that no discussion has been held between the Parish Council and Avant Homes regarding their proposed modifications. Lastly, the proposed modifications to Policy 2v are significant, and would fundamentally change the nature of the Neighbourhood Plan. If these modifications were to be made, they would result in a failure to be able to deliver the housing allocated under Policy 2v because of the implications this would have as set out above.

25. The Health Check Report goes on to comment on Policy 14 as follows –

“Conformity with higher-level policies and associated guidance

The Open Space site is not referred to in the Local Plan.

It is understood from the Monitoring Report that there are no updates on this site / scheme.

Effectiveness and relevance

The policy remains effective and relevant.

The PC has requested that the Neighbourhood Plan Update consider the potential opportunity for linking Policy 2 (Housing Development Sites v) and Policy 14 (Dunleys Hill Open Space).”

26. The modification type for Policy 14 is defined by the Health Check Report as being –

“N/A: No modification necessary.”

27. It is, therefore, once again clear that the proposed modifications to Policy 14 are not based upon any existing policy requirement or any baseline evidence. Instead, they are simply a request made by the Parish Council.

28. The impact of the proposed modifications, however, are again significant and would fundamentally change the nature of the Neighbourhood Plan.

29. In view of this, for the reasons set out above, we are firmly of the view that the provision of Policy 2v – Land at Dunleys Hill, within the made 2017 Neighbourhood Plan, and previously assessed by the Independent Examiner remains sound and continues to meet the basic conditions for the preparation of a neighbourhood plan. There is no need or planning justification for Policies 2v and 14 to be amended as suggested by the Parish Council as part of this Neighbourhood Plan Review.

30. This provision and delivery of any open space(s) should have been correctly addressed in the current 2017 Neighbourhood Plan, together with appropriate means of proportionate, funded delivery across each of the Odiham sites. At the very least, the open space could have been included within the Policy 2v allocation with appropriate cross-referenced funding/delivery arrangements. This was not done. To endeavour to retrofit the delivery solely onto Avant Homes – particularly when the company does not currently own the adjoining ‘open space’ land is naive and unjustified.

31. In conclusion, we would be grateful if Hart District Council could keep us informed of the progress of the Neighbourhood Plan Review process. We would wish to appear at any forthcoming examination hearing to present to the Independent Examiner due to the significant and substantial changes to the nature of the Neighbourhood Plan created by the proposed modifications to Policies 2v and 14.