

## ODIHAM AND NORTH WARNBOROUGH NEIGHBOURHOOD DEVELOPMENT PLAN

### Response to Examiner's Clarification Note

This note sets out the Response of Odiham Parish Council to the Examiner's request for clarification on some matters (in the same order as in the Examiner's note).

In some cases, this response cross-refers to the Schedule of Responses to the Reg 16 Consultation.

### The Examiner has asked two questions about Policy 2v

**Has the Parish Council discussed the revisions to the policy with the landowner/potential developer, and is it satisfied that the development as now proposed in the revised policy will be both deliverable and financially viable?**

#### Discussions

The Parish Council has discussed this site in the past with the landowner/developer (see the agreement originally reached with them about the site in Appendix 6 of our current Consultation Statement). Prior to the plan update, the Parish Council was approached by, and on several occasions held meetings with, a representative of the developer, who was at pains to explain that the Plan as made did not include a mechanism to provide the public open space. Although no discussions with the landowner/developer have taken place during the process of updating the plan, the position the landowner/developer was taking was already clear from these discussions and from the subsequent applications and appeal (21/01490/PREAPP, 22/00146/OUT and APP/N1730/W/22/3308614, and 23/02063/OUT and APP/N1730/W/24/3352142), which has subsequently been confirmed in their engagement with Reg 14 and Reg 16.

#### Deliverability and financial viability

By reference to the Government's definition, the clarified site policy is deliverable. The Council also considers it to be financially viable as per the original plan. If viability were to prove an issue at planning application stage, mechanisms exist to negotiate with the planning authority on affordable housing.

#### **Clarifying existing requirements**

Firstly, we would like to make clear through this response that the revisions to the policy are **clarifications to the existing plan** rather than introducing any new requirements on the developer/landowner.

The reason this site is being discussed at all is because this site (and only this site) was allocated specifically to bring forward the public open space at Policy 14. In doing so the community traded off some of the local gap, land outside the settlement boundary, in order to secure the public open space as a community benefit and give greater protection to the remainder of the local gap. We can point you to evidence of this if needed but it is clear from the site assessment work in the published [Locally Derived Evidence](#) for the made plan which states:

*"Land at Dunleys Hill (SHLAA 65) is an existing important open gap which helps to separate the two settlements of Odiham and North Warnborough. It is currently protected as a Local Gap by the Hart District Local Plan saved policy CON 21. The community felt that this continued protection to prevent coalescence of the two settlements to be important.*

*The community also expressed a desire to have a public open space similar to a village green. The land at Dunleys Hill is in a key focal location between the two villages of Odiham and North Warnborough and is currently not available for public use. As such it was considered to be a good location and opportunity to deliver a public open space for the whole community. To achieve this aim and to ensure the gap function of this site is maintained it was considered that a small part of the site only (up to 1ha) could be proposed for residential development provided the remainder of the site comprised a public open space.”*

Extensive discussions with the developer took place when the original plan was prepared (see Consultation Statement - Appendix 6 for full exchange). This culminated with the developer **explicitly supporting** the housing allocation at site 2v **including the requirement to provide the public open space** (see attached Summary of Submission responses prepared and published by Hart District Council in November 2016, ref 192 on page 19, now attached). With the support of the landowner and developer it was clearly regarded as deliverable and viable.

Through the update to the plan we are simply clarifying the plan which already states in the supporting text to Policy 14 at paragraph 3.78 of the made plan:

*“... In order to deliver and secure public ownership of the land for this purpose, the Neighbourhood Plan designates a 1ha area of land to the southern side of the site for housing, leaving the remaining 3.48 ha of the site as an open space to be transferred to community ownership under Policy 2 (v) of this Neighbourhood Plan.”*

This text was contained within paragraphs 3.48 and 3.49 of the original ‘submission’ plan supporting the proposed Local Green Space designation. When the Examiner recommended that the land changed from a Local Green Space designation to a site allocation for open space, he specifically recommended retaining these paragraphs, but to move them from the supporting text of the LGS policy to the supporting text of the new Policy 14. In doing so the Examiner required three very minor adjustments to the text, none of which affect the passage quoted above concerning delivery of the open space.

We take from this that the text quoted above was deliberately retained so that the plan said something on how the open space allocation would be implemented.

Since then, it has become apparent that the plan would be clearer if the means of implementing Policy 14 is explicitly stated in policy, rather than in supporting text. This is what we are seeking to remedy, not to introduce any new requirements on the developer.

#### **Effect on the plan as a whole**

Delivery of the open space with site 2v is crucial not just because that was the rationale for allocating site 2v in the first place, but also because the open space became central to the SPA mitigation required for the plan as a whole to comply with the Habitat Regulations.

For housing sites 2v, 2i and 2ii to be developed at densities that make efficient use of land (and as such comply with [NPPF](#) paragraph 128) Natural England has made it clear that SPA mitigation will be required, because together they total more than 50 homes. The Habitat Regulations Assessments supporting the original plan understood that the open space at Policy 14 would come forward with site 2v and as such serve as a key part of the SPA mitigation package. This is reflected at paragraph 3.23 of the made plan, which states:

*“3.23... The additional mitigation requirement for open green space is to be provided in any event in the form of public open space on land adjoining Site v (Dunleys Hill).”*

The need for mitigation only applies if together the three sites deliver more than 50 homes. However, if the sites are to comply with NPPF paragraph 128 and make efficient use of land, then together they will deliver more than 50 homes. If site 2v is delivered with 30 homes (as per the current application at appeal), combined with the 16 already built at site (ii), that would mean site (i) could only deliver 4 units instead of the indicative 9 units. This may serve as a disincentive to bring that site forward at all, and it would certainly make inefficient use of land contrary to the NPPF.

So, for the plan to meet national policy requirements regarding efficient use of land (which is relevant to the basic conditions), SPA mitigation is undoubtedly required and delivery of the open space with site 2v becomes central to deliverability of the three sites taken together.

Notwithstanding the Examiner’s recommended changes to the original submission plan, the link between Policy 2v and Policy 14 must have been deemed to remain in place otherwise the original plan that went to referendum and ultimately formally made by the Council would be inconsistent with the HRA supporting it.

To say now that the open space requirement with site 2v is a change in policy therefore misrepresents the reality, which is that the open space and housing was always understood by all parties to be a single package integral to the success of the plan as a whole, with sites 2i, 2ii and 2v to be delivered at densities that make efficient use of land in line with national policy.

When one understands the background to the plan, the site assessment work, the Habitat Regulations Assessments, and reads text in the plan at para 3.78 and 3.23 of the made plan, it is clear that the link between Policy 2v and Policy 14 **already exists**. The requirement to bring forward the open space with site 2v is not a new requirement on the developer.

#### Conclusions on deliverability and viability

The original proposals were clearly deliverable and viable as they had the support of the developer, and as explained above we do not seek to change the requirements on the developer.

Past work by Hart District Council has always shown strong viability for greenfield sites in Hart even with 40% affordable housing provision and SPA mitigation, particularly in the rural areas including Odiham. This may be something the District Council could verify.

Whilst the amount of public open space/SANG being sought with site 2v may be proportionately more than would usually be the case (given the unique circumstances of this site), it is also true that SAMM payments will be lower than usual (given the distance from the SPA beyond 5km), and Policy 4 on Housing Mix is proposed to be less prescriptive than it is in the current made plan (Policy 4 of the made Neighbourhood Plan requires 50% of the market houses to be 1-2 bedrooms – the new policy provides the potential to improve viability through the market housing mix).

It is also important to note that when making a planning application, it is open to the developer to make a viability case to the planning authority so that priorities for the Section 106 planning obligations including affordable housing provision can be negotiated. Specifically, Hart Local Plan Policy H2 Affordable Housing states:

*“Only when fully justified, will the Council grant planning permission for schemes that fail to provide 40% affordable housing, or fail criteria a) to g) above. Any such proposals must be supported by evidence in the form of an open book viability assessment, demonstrating*

*why the target cannot be met. In such cases the Council will commission an independent expert review of the viability assessment, for which the applicant will bear the cost. The Council will then negotiate with the applicant to secure the optimum quantity and mix of affordable housing that is viable and meets the identified housing need.”*

Hart District Council’s Viability Appraisals for New Development Supplementary Planning Document Adopted November 2023 states:

*“4.15 If it were found that a site was not viable with the full provision of affordable homes and other Section 106 requirements, it would be for the Council, through the determination of the planning application, to decide how to prioritise the requirements and secure the optimum mix and quantity of affordable homes that is viable.”*

We therefore consider site 2v in combination with Policy 14 to be deliverable and viable.

In summary the policy clarifications are valid for the following reasons:

- Site 2v was allocated in the first place on the premise that the open space at Policy 2v would come with the development. This was with the positive support of the landowner/developer as well as the community. Appendix 6 of the Consultation Statement to the updated Plan includes the email from the developer on 2<sup>nd</sup> July 2015 listing proposed improvements to be provided to the open space, and these were explicitly referenced in the final exchange of emails from the Neighbourhood Plan Steering Group on July 24<sup>th</sup> 2015 and subsequent confirmation from the developer on July 31<sup>st</sup>. The developer/landowner then supported these proposals in the 2016 Reg 16 consultation, as shown in the attached Summary of Submission responses, reference 192). Please note that the full representations were never published by Hart, so OPC only has access to a copy of this summary report, downloaded at the time. It is possible that Hart may, if needed, be able to find a copy of the full representation.
- As the rationale for the site 2v allocation has not changed, we are simply clarifying the requirement that the open space must be provided. This is a clarification rather than a policy change (otherwise the current plan would be inconsistent with the HRA supporting it or it would fall foul of national policy to make efficient use of land). Consequently, deliverability and viability should not be an issue for the update to the plan, but if viability is shown to be an issue, the developer can make the case with a planning application.
- If site 2v were to deliver just the homes without the public open space, it would undermine public faith in the planning system. The community created and voted for a neighbourhood plan that delivered the open space with the housing at 2v as documented in paras 3.23 and 3.78 of the made plan.

**The final part of the policy (2v) comments that the proposed Dunleys Hills Open Space also serves as part of the SPA mitigation to deliver site i (Longwood) and site ii (land at Western Lane). In this context, what progress has been made on the delivery of the overall SPA mitigation package?**

The land at 4 Western Lane (Application 19/02541/FUL), has been developed and provides 15 houses. The permission includes a Deed of Agreement between Hart District Council and the

landowners which provides for payment of SAMM contributions when the cumulative number of dwellings on sites i, ii and v exceed 50.

Longwood (site i) has not yet been developed, though a recent pre-application request for advice has been submitted. Any permission will be subject to the same legal agreement.

These two sites are dependent the provision of the POS to achieve their nationally required density if 30 houses are to be approved on site 2v.

## **Policy 11: Local Green Spaces**

The Examiner has asked OPC to explain (a) the purpose of the second part of the policy, (b) the extent to which this part has had regard to national policy, and (c) the extent to which this part is realistic/deliverable through the development management process.

The second part of the policy states that

*“Local Green Spaces should be interconnected through a network of pedestrian routes where possible. This network should prioritise the use of existing pedestrian routes, Core Walking Zones and proposed Cycle routes outlined in the LCWI”.*

### Purpose

The purpose of this part of the policy is to maximise the extent to which the LGSs can operate as key elements of an interconnected network (so that the whole is more than the sum of its parts).

To reap the maximum benefits, footpaths to and from them should be kept open, consistent with:

- The vision for the parish up to 2032, which includes ‘improved footpaths and cycleways that connect settlements, amenities, green space and historic attractions in an environmentally sustainable way’ (page 18); and
- Item iv under Goals and Objectives, which is ‘to maintain and ideally improve recreational and sporting facilities and other community amenities including footpaths and cycleways’.

The approach of treating the LGSs as contributing to a connected network is also consistent with the new (2024) Local Cycling and Walking Infrastructure Plan (LCWIP) produced by HDC and Hampshire CC (referenced at para 1.11 and elsewhere). Three of the proposed LGSs (11.i Beacon Field, 11.ii Chamberlain Gardens and 11.vi Community Peace Garden) and the proposed open space at Dunleys Hill (Policy 14) are within the LCWIP Core Walking Zone.

### National policy

The NPPF (December 2023) deals with LGSs in chapter 8 (Promoting healthy and safe communities). Three paragraphs are relevant to the second part of the Policy 11.

Para 102 states that ‘Access to a **network** of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support climate change’ [emphasis added]. It specifically refers to such spaces forming a **network** and this is reflected in the wording of the second part of Policy 11.

Para 104 underlines the importance of public rights of way and refers specifically to networks.

Para 106 sets out criteria to be satisfied for LGS designation, one of which (b) is that the space should be demonstrably special to a local community. The Plan notes (para 3.68) that many consultation responses referred to the importance of protecting public footpaths and para 3.120 records that ‘Odiham Parish has a good **network** of footpaths and bridleways, with opportunities for circular routes within easy reach of main settlements which are of **particular value** and amenity to local residents. Development that would have an adverse impact on views from such routes, or which would suburbanise their surroundings, will therefore normally be resisted’ [emphasis added].

#### Whether realistic/deliverable

The policy that Local Green Spaces should be interconnected through a network of pedestrian routes where possible is realistic and deliverable. The rights of way that connect them already exist and OPC has a working group that manages volunteers to keep footpaths clear to support the work of the Hampshire Countryside Service.

The development management process is the responsibility of Hart DC, who take account of the importance of public rights of way when dealing with planning applications (liaising with Hampshire as appropriate).

#### Specific proposals

##### *North Warnborough Football Club*

The particular local significance of this proposed LGS is its recreational value (as a playing field). North Warnborough FC has teams playing in the Basingstoke & District Saturday Football League; it also has a youth team. The site comprises a mown grass pitch and a brick-built club-house building. Other than pitches at Robert Mays School, Mayhill School and at the RAF base, it is the only football pitch available and accessible to the residents of North Warnborough and Odiham.

The site is publicly accessible and is also used by dog-walkers.

##### *Hatchwood Farm*

A permission in principle is not a planning permission. Section 70(1) of the Town and Country Planning Act 1990 refers to applications for planning permission and the separate Section 70(1A) refers to applications for permission in principle. They are therefore two different things - and a PiP is not a planning permission. Consistent with this, Section 70(2ZZB) states that ‘An application for technical details consent (TDC) is an application for planning permission’. An application for TDC has been submitted (24/01631/TDC) but refused so there is no planning permission for the development of the site. Another application was registered on 23 October.

**Please also see comments on the representation from Shorewood Homes in our complete Schedule of Responses to the Reg 16 Consultation.**

Little Park (Deer Park)

**Please also see comments on the representation from Michael Conoley Associates in our complete Schedule of Responses to the Reg 16 Consultation.**

OPC considers that criterion c) of NPPF para 106 is met and is grateful for the opportunity to expand further on why we consider that the Little Park is indeed 'local in character and not an extensive tract of land'.

Meeting criterion c) of NPPF paragraph 106

*'106. The Local Green Space designation should only be used where the green space is:  
(c) local in character and is not an extensive tract of land.'*

In meeting NPPF Sustainable Development objectives, this criterion should be evaluated having regard to both qualitative and quantitative considerations.

Local in character

HE notes in its representation to the Examination that such [Local Green] spaces are often integral to the character of place for any given area, and this is very much a theme in the Odiham & North Warnborough Conservation Area Appraisal.

The Little Park has shaped most of the eastern edge of North Warnborough, with pre and post war development up to its edge but not encroaching into it, and has likewise shaped the entire northern edge of Odiham. Michael Conoley Associates (MCA), for the landowner, correctly recognises that the Little Park connects Odiham to North Warnborough. The Little Park is at the very heart of the parish, and performs an unusual combined role of serving in planning terms as a local gap, while at the same time bordering and uniting the two settlements. Its social role allows residents to take a variety of rural off-road routes between them, with 9 different access points from the two settlements to the footpaths which criss-cross the Little Park.

As such it is very much local to both main settlements of the parish.

Not an extensive tract of land

**Research into history**

Some of the changed circumstances since the site was deleted from the Plan in the 2016 Examination include further historical research. This is presented as "Map History of the Little Park", on the Neighbourhood Plan page of the Parish Council web site, referenced in the Local Evidence Base and linked from it at the top of pdf page 27, and attached. This document shows both maps of the land in question and the results of searched records.

It was this research which prompted the name change of this proposed LGS site from Deer Park to Little Park, as the research and maps combined show that from at least 1683 this land was known variously as the *town lawne*, *the Little Park*, and *the Heither Park* to distinguish it from the *Further Park*. The map record and index from the Godson map of 1739 to the present clearly shows this land as an integral whole, with well-defined boundaries for at least the last 300 years – a pocket which has to this day shaped the development of both Odiham and North Warnborough, and which OPC does not consider to be “blanket designation of open countryside adjacent to [the] settlements”\*. The latter claim would be at odds with historical and present reality.

\*(PPG Open space, sports and recreation facilities, public rights of way and local green space, para 15, Reference ID: 37-015-20140306).

#### **Size vs “facilities”**

MCA’s comments compare the features and “facilities” of other large sites which have been accepted as LGS, but these are unrelated to whether the site satisfies criterion c). They claim that ‘It is clear that for a larger site to be accepted as an LGS, it needs to have more use/facilities than rough footpaths through the site which make them suitable to be designated as such’ (although the PPG, para 17, Reference ID: 37-017-20140306, points out that LGS may be designated with no public access at all).

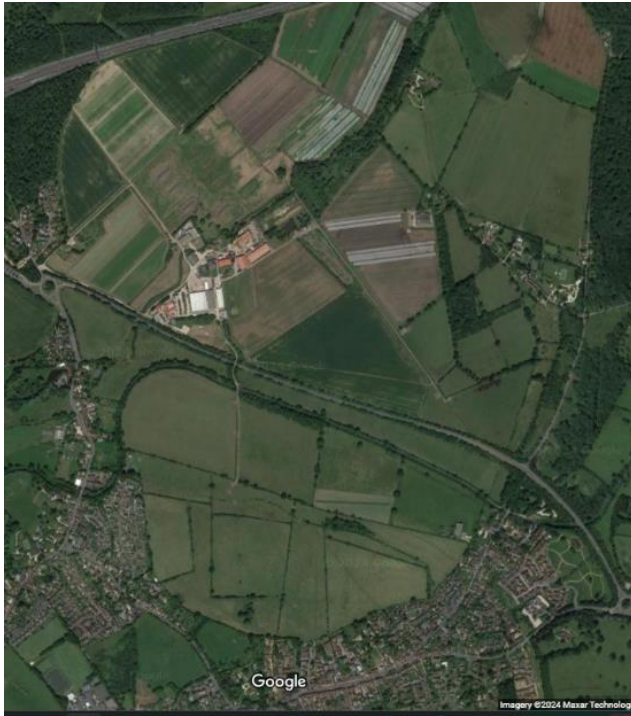
However, MCA conflates two different matters – criterion b), which addresses recreational value, and criterion c), which addresses local character and size. They helpfully quote from the Cranleigh Examination report, which says:

**“7.49: However, each LGS needs to be assessed on its individual merits and direct comparisons between LGS’s cannot be readily made”**

Thus while direct comparisons with other sites in other Plans with different characteristics may not be helpful, comparisons of size alone show that the Little Park would by no means be the largest, with the Long Aston Ashton Park Estate example of 329 ha; Laverstock and Ford Castle Hill Country Park 55 ha; and others not far removed in size from the Little Park such as The Heath at Petersfield 36 ha and Great Ridings Wood in Effingham at 23.55 ha.



Google satellite picture of the entire extent of the full Deer Park



The Council therefore concludes that the Little Park meets criterion c) on both counts:

It is within easy walking distance of, and local to, the most populated part of North Warnborough and the east-west breadth of Odiham.

Far from vanishing over some distant horizon, this relatively narrow strip of land rises gently and ends cleanly with a hedge, clearly visible from footpaths and on this aerial map. It is bounded on three sides by the two settlements.

Among its multiple paths, an inter-connecting footpath runs directly between the two settlements along its northern edge.

Thus it connects the two settlements socially through its many footpaths, while providing a green lung separation zone in planning terms as local gap.

The Little Park has been a single entity for over 300 years; it has very clearly defined boundaries and is not regarded as an extensive tract of land, but rather as an historic and cohesive place integral to this rural parish.

#### Further changes since the 2016 Examination

Apart from the additional research into historic records already mentioned, there have been two main types of changes: planning applications and works to improve the footpaths.

#### **Planning applications**

Since 2016, seven applications for planning permission have been made to HDC relating to the Little Park (part of the Deer Park):

16/02213/FUL - Change of use of agricultural land to managed public and private open space, creation of new vehicular and footway/cycleway access to Dunleys Hill; access from car park off Deer Park View to a new extended car park and erection of a community building, erection of eight dwellings and residential curtilages, formation of two new paths and diversion of two others, cycleways, Park fencing and a deer shelter, repairs to existing Deer Park wall at Palace Gate, restoration of historic fishponds together with new landscaping, tree planting, overhead wires placed underground and a managed deer herd on the land at the Deer Park, Odiham - WITHDRAWN 11.10.2016

16/02214/LBC – as above - WITHDRAWN 11.10.2016

16/03247/FUL - Change of use of agricultural land to public and private open space, formation of new vehicular access to The Birches and revised vehicular access off Dunleys Hill with associated new footpath and cycleways, fencing, tree planting and landscaping to

the public and private open spaces. Construction of car park extension off Deer Park View car park with associated access from the existing car park, single storey community building, paths, earthworks and landscaping. Construction of 8 dwellings and formation of residential curtilages with access driveways, fencing and landscaping. Repairs to the listed Deer Park wall adjoining Palace Gate. All on land off Dunleys Hill and Deer Park View, Odiham - WITHDRAWN 03.07.2017

16/03248/LBC - Repairs to existing Deer Park wall at Palace Gate - WITHDRAWN 03.07.2017

17/03029/FUL – Change of use of agricultural land (part of ‘The Deer Park’) to public and private open spaces with associated new footpath/cycleway; revised vehicular access off Dunleys Hill with adjoining new footpath/cycleway; fencing, tree planting and landscaping to the public and private open spaces. Construction of 7 dwellings with residential curtilages and access driveways, fencing and landscaping; all on land on north of Dunleys Hill, Odiham – REFUSED

21/01490/PREAPP - Change of use of agricultural land (part of 'The Deer Park') to public and private open spaces with associated new footpath/cycleway; revised vehicular access off Dunleys Hill with adjoining new footpath/cycleway; fencing, tree planting and landscaping to the public and private open spaces. Construction 13 residential dwellings focused around a courtyard area and including 4 affordable units. Access driveways, fencing and landscaping; all land on north of Dunleys Hill and Odiham – OPINION ISSUED

22/01034/PRIOR Erection of an agricultural barn Land On The North Side Of Dunleys Hill – APPEAL ALLOWED 05.10.23

### **Footpath improvements - formation and impact of Conservation Volunteer Group**

From Spring 2020 to the ending of restrictions in Spring 2022, the Covid years brought into sharp focus the value of local green space in all our communities for mental and physical health and wellbeing. There had also been a huge public outcry and vote of no confidence in former Parish Councillors over plans to build in the Deer Park, which highlighted the importance of the land to the community.

Recognising this, in 2022 one of the new OPC councillors for North Warnborough began scoping a parish Conservation Volunteer Group, liaising closely with Hampshire Countryside Services (HCS) and local ramblers' groups. By March 2023 a volunteer task force had been mobilised with a main focus of keeping rights of way clear. Since then, regular Conservation Days have taken place involving over 30 volunteers. Heavily supported financially and with expertise and labour from HCS, their work has included two days building new wooden bridges over ditches and culverts in the centre of the Little Park (footpath 17/18), so making "the rough footpaths" (MCA) more accessible especially for people with mobility issues. The volunteers have also cleared several footpaths which interconnect Odiham and North Warnborough and the canal, improving access and accessibility for all and generating significant public support for the (new) parish council and its volunteer group.

For all these reasons OPC considers that the Little Park is indeed deserving of designation as a Local Green Space.

### **Policy 14**

#### **Is the Parish Council satisfied that the use of land at Dunleys Hill as proposed in the policy (and in paragraph 3.132) continues to be capable of delivery in the Plan period?**

There is clearly an appetite to develop site v, as seen by the recent applications and appeals: 21/01490/PREAPP, 22/00146/OUT and APP/N1730/W/22/3308614, and 23/02063/OUT and APP/N1730/W/24/3352142.

The Parish Council is satisfied that if the plan is clarified accordingly, the open space will be delivered with the housing at site 2v as per the original understanding with the developer.

The developer has since sought to take advantage of the change to the plan whereby the requirement to provide the open space was 'relegated' to supporting text. Understandably the landowner and developer would prefer the plan not to be clarified in the way we seek. But that should not prevent the clarification from being made.

We appreciate that two developments have taken place without contributing to the maintenance of the public open space (site 2ii and 2iii). However, as we say above, if viability is shown to be an issue as a result of this, there is scope to negotiate other section 106 requirements at the planning application stage if required, including affordable housing.

Ultimately it comes back to the reason why the housing site was allocated in the first place. The housing should not be allowed to take place without the open space. Odiham Parish Council has taken the opportunity presented by this update to seek this clarification so that the plan reflects the wishes of the community, which after all must be the whole point of neighbourhood plans.

## **Representations**

Please refer to the separate document, Schedule of Responses to Reg 16v Consultation in which the Parish Council has commented on all the representations submitted including those by the following parties as identified in the relevant schedule:

- Michael Conoley Associates (Representation 6);
- Shorewood Homes (Representation 11);
- LRM Planning (Representation 20); and
- Avant Homes (22).

## **Attachments:**

2016 Hart Summary of Submission responses

Map History of Little Park, (with 2 additional historic records appended in response to Examiner's request for clarification).

6th November, 2024

Odiham Parish Council,  
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The Bury,  
Odiham,  
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