

Odiham and North Warnborough Neighbourhood Development Plan Review 2014-2032

**A report to Hart District Council on the Odiham and
North Warnborough Neighbourhood Development
Plan Review**

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Executive Summary

- 1 I was appointed by Hart District Council in September 2024 to carry out the independent examination of the review of the Odiham and North Warnborough Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood plan area on 18 October 2024.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It has a focus on safeguarding its built and natural environment, refining its approach to housing allocations, and proposing the designation of additional local green spaces. Once started, the review of the Plan has been prepared in short order.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Odiham and North Warnborough Neighbourhood Plan Review meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum area should coincide with the neighbourhood area.

Andrew Ashcroft
Independent Examiner
13 December 2024

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the review of the Odiham and North Warnborough Neighbourhood Development Plan Review 2014-2032 (the Plan).
- 1.2 The Plan has been submitted to Hart District Council (HDC) by Odiham Parish Council (OPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF). The NPPF continues to be the principal element of national planning policy. It was most recently updated on 12 December 2024.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises because of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. It can include whatever range of policies it sees as appropriate to its designated neighbourhood area. In this case, the Plan is a review of the 'made' Plan. It has been designed to be distinctive in general terms, and to be complementary to national and local planning policies. The Plan has a focus on safeguarding its built and natural environment, refining the delivery of the allocated housing sites, and proposing a package of additional local green spaces.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then form a part of the wider development plan and be used to determine planning applications in the neighbourhood area.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by HDC, with the consent of OPC, to conduct the examination of the Plan and to prepare this report. I am independent of both HDC and OPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have 42 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I have significant experience of undertaking neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 There are a variety of ways in which a review of a neighbourhood plan can be examined. They are described in Section 3 of this report. In this case I have concluded that the Plan needs both an examination and a referendum.
- 2.5 In this context, and as the independent examiner, I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

Other examination matters

- 2.6 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (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
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

- 2.7 Having addressed the matters identified in paragraph 2.6 of this report, I am satisfied that each of the points have been met subject to the contents of this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Evidence Base
- the Basic Conditions Statement
- the Consultation Statement.
- the Equalities Impact Assessment
- the OPC Modifications Statement
- the HDC Modifications Statement
- the SEA screening opinion.
- the various HRA reports.
- the representations made to the Plan.
- OPC's responses to the clarification note.
- HDC's responses to the clarification note.
- the Hart Local Plan 2032.
- the National Planning Policy Framework (December 2023 and December 2024).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 The various Plan-related documents are helpfully available on the HDC's website. Wherever possible, I will refer to the document concerned to keep this report as concise as possible.

3.3 I visited the neighbourhood area on 18 October 2024. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.15 of this report.

The examination process for the review of a neighbourhood plan

3.4 The Neighbourhood Planning Act 2017 identifies the circumstances that might arise as and when qualifying bodies seek to review 'made' neighbourhood plans and introduces a proportionate process to do so based on the changes proposed.

3.5 There are three types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves and as follows:

- minor (non-material) modifications to a neighbourhood plan or order which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a

supporting document, and would not require examination or a referendum;
or

- material modifications which do not change the nature of the plan or order and which would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan; or
- material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

- 3.6 OPC's Modifications Statement comments that the modifications to the policies constitute a minor material amendment to the Plan which require examination but not a referendum. The Modifications Statement prepared by HDC took the same view.
- 3.7 I have considered the conclusions made by OPC and HDC very carefully. On the balance of the evidence, I have concluded that the significance or substance of the modifications proposed to the Plan by OPC is such that both an examination and a referendum are required. In this context, I have concluded that the proposed modifications are so significant as to change the nature of the Plan.
- 3.8 I have reached this decision for two reasons. The first is that Policy 11 of the Plan proposes the designation of a package of additional Local Green Spaces. Such designations would have a significant effect on the parcels of land concerned. The second is that Policy 2 Site (v) (Land at Dunleys Hill, Odiham) has been amended to clarify the requirement to secure and deliver the public open space (as proposed in Policy 14) on 3.48 ha of adjoining land in the Local Gap to the north of the site alongside the proposed housing.
- 3.9 OPC acknowledged this conclusion and agreed to the examination of the Plan on this basis.

The method of examining the Plan

- 3.10 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted Plan, I was satisfied that the Plan could be examined without the need for a public hearing. On the one hand, the examination has addressed the significant issues of the housing allocations (and their relationship with the proposed Dunleys Hill Open Space) and the designation of the package of Local Green Spaces. However, on the

other hand, the level of detail in the Plan and the representations has allowed me to come to judgements on these issues without the need for a hearing.

The update of the NPPF

- 3.11 The NPPF was updated on 12 December 2024. The fact-check version of this report was sent to HDC and OPC on 9 December 2024.
- 3.12 Paragraph 239 of the NPPF 2024 sets out transitional arrangements for plan-making. It comments that the policies in the Framework will apply for the purpose of preparing neighbourhood plans from 12 March 2025 unless a neighbourhood plan proposal has been submitted to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on or before the 12 March 2025.
- 3.13 On this basis, the examination of the Plan against the basic condition that it should regard to national policies and advice contained in guidance issued by the Secretary of State is based on the 2023 version of the NPPF. Plainly the Plan was submitted earlier in the year in that context. Where NPPF paragraph numbers are used in this report, they refer to those in the December 2023 version.
- 3.14 Paragraph 6.2 of this report sets out full extent of the basic conditions against which a neighbourhood plan is examined.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012, OPC has prepared a Consultation Statement. It is proportionate to the neighbourhood area and the policies in the Plan. It reflects the specific circumstances that have generated the community's desire to review the existing 'made' Plan.
- 4.3 Section 2 of the Statement sets out the various activities that were held to engage the local community during the initial stages of the plan-preparation process. Section 3 helpfully sets out the ambitions which underpinned the consultation processes. Appendices 1 and 2 include details of the processes used and who was engaged.
- 4.4 The Statement also provide details about the consultation process that took place on the pre-submission version of the Plan (January to March 2024). Appendices 3-5 of the Statement set out how the submitted Plan took account of consultation feedback at the pre-submission phase. This is a helpful way to set out the information. It helps to describe how the Plan was refined based on consultation and feedback.

Consultation Feedback

- 4.5 Consultation on the Plan was undertaken by HDC for a six-week period that ended on 16 September 2024. This generated representations from the following organisations:
- Surrey County Council
 - Winchfield Parish Council
 - Michael Conoley Associates
 - Historic England
 - Rushmoor Borough Council
 - Thames Water
 - Hampshire Swifts
 - Shorewood Homes
 - Gladman Developments Limited
 - National Grid
 - Hallam Land Management
 - Avant Homes

- Natural England
- Hart District Council
- Ministry of Defence
- Hampshire County Council

4.6 The Plan also attracted several representations from residents.

4.7 I have taken all the comments into account in preparing this report. Where appropriate, I refer to specific representations in my commentary on the various policies in the Plan.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Odiham. It was designated as a neighbourhood on 7 August 2014. The parish sits to the south of the M3 and on both sides of the A287 that runs from Hook to Farnham. Fleet is approximately four miles to the east of the neighbourhood area and Hook approximately one mile to the north. In 2021 its population was 5596 persons.
- 5.2 The parish is an interesting place in which to prepare a neighbourhood plan. It includes the villages of Odiham and North Warnborough, the hamlets of Broad Oak, Bartley Heath, Hillside, Rye Common and Potbridge, and an operational airfield with supporting facilities and housing for personnel at RAF Odiham. Odiham and North Warnborough are historic villages, each with its own distinctive character defined principally by natural, built and heritage assets. These assets include the whole or part of four Sites of Special Scientific Interest, three conservation areas, 241 listed structures, chalk downlands and riverine environments.
- 5.3 Odiham High Street is the principal focus of retail and commercial facilities in the parish. It has an attractive and vibrant character and appearance. As the Plan describes, the opening of the Odiham bypass in 1981 has helped to maintain the attractive character of the High Street with its almost unbroken run of listed buildings between the Farnham Road/London Road junction and Western Cross.

Development Plan Context

- 5.4 The development plan for the neighbourhood area is well-developed and up-to-date. HDC adopted the Hart Local Plan (Strategy and Sites) 2032 in April 2020.
- 5.5 Policy SS1 of the Plan (Spatial Strategy and Distribution of Growth) comments that development in Hart District will be focused within defined settlements, on previously developed land in sustainable locations, and on allocated sites. Table 1 of the Plan advises that the bulk of the new housing requirement in Hart District is already met by sites which are completed and sites with planning permission. Inset Maps 24-26 identify the Settlement Boundaries for North Warnborough, Odiham and RAF Odiham respectively. Inset Map 2 addresses Broad Oak.
- 5.6 In addition to Policy SS1, the following policies in the Local Plan have been particularly important in underpinning the policies in the submitted Plan:

H1 Housing Mix

H2 Affordable Housing

NBE4 Biodiversity

NBE5 Managing Flood Risk

NBE8 Historic Environment

NBE9 Design

INF2 Green Infrastructure

INF5 Community Facilities

- 5.7 The submitted Plan has been prepared within its up-to-date development plan context. In doing so, it has relied on up-to-date information and research that has underpinned existing planning policy documents. This is good practice and reflects key elements in Planning Practice Guidance on this matter.
- 5.8 I am satisfied that the submitted Plan seeks to add value to the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement. In the round, the Plan has been carefully prepared to be in general conformity with the strategic policies in the development plan and to provide distinctive parish-based policies to complement the established strategic approach.

Visit to the Neighbourhood

- 5.9 I visited the neighbourhood area on 18 October 2024. I approached it from Hook and the M3 to the north. This helped me to understand its connection to the strategic road network and its location in the wider landscape.
- 5.10 I looked initially at North Warnborough. I saw its interesting relationship with the River Whitewater and the Basingstoke Canal, and its range of historic buildings. I walked along North Warnborough Street and saw that it had a different character to that of Hook Road. I took the opportunity to look at the North Warnborough Football Club to the north.
- 5.11 I then walked to the south and east along Dunleys Hill and looked at the proposed Dunleys Hill housing site (Policy 2v) and the proposed Dunleys Hill Open Space (Policy 14). In doing so, I spent time looking at the interesting boards about social and military history in the beautifully-presented North Warnborough Peace Garden.
- 5.12 I then looked at Odiham Village Centre. I saw its range of retail and commercial services and the way in which they sat comfortably and respectfully in the conservation area. I took the opportunity to look at the proposed local green spaces at the Cricket Ground and Little Park.

- 5.13 Thereafter, I took the opportunity to look at the eastern part of Odiham, including Colt Hill and the recently-developed open space off Langton Avenue.
- 5.14 Throughout the visit I took the opportunity to look at the other proposed Local Green Spaces as identified in Policy 11 of the Plan.
- 5.15 I left the neighbourhood area by driving to Fleet to the north and the east. This helped me to understand the relationship of the parish with surrounding larger settlements and the strategic road network.

6 The Neighbourhood Plan as a whole

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- not breach, and otherwise be compatible with, the assimilated obligations of EU legislation (as consolidated in the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023; and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

6.3 I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in December 2023. This approach is reflected in the submitted Basic Conditions Statement.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are particularly relevant to the Odiham and North Warnborough Neighbourhood Plan Review:

- a plan-led system – in this case the relationship between the neighbourhood plan and the adopted Hart Local Plan;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;

- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. The Plan has a focus on safeguarding its built and natural environment, refining its approach to housing allocations and designating local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This is reinforced in Planning Practice Guidance. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.10 As submitted, the Plan does not fully accord with this range of practical issues. Many of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for residential development (Policy 2), and for Odiham High Street (Policy 9). In the social role, it includes policies on housing mix (Policy 4), local green spaces (Policy 11), and on the proposed Dunleys Hill open space (Policy 14). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has specific policies on the Local Gap (Policy 3), design (Policy 5), and its conservation areas (Policies 6-8). This assessment overlaps with OPC's comments on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in Hart District in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to the policies in the development plan. Subject to the recommended modification in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.14 The Neighbourhood Plan (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement HDC commissioned a screening report on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report (March 2024) is thorough and well-constructed. It includes the responses from the consultation bodies. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.

Habitat Regulations

- 6.16 HDC also commissioned a Habitats Regulations Assessment (HRA) of the Plan. It concludes that the submitted Plan is unlikely to have significant effects on a European site. The report (June 2024) is very thorough and comprehensive. The report assesses the impact of the Plan on the Thames Basin Heaths SPA. It also carried out an Appropriate Assessment of the implications of the implementation of Policy 2 of the Plan (Housing Development Sites) and proposes additional mitigations.
- 6.17 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of neighbourhood plan regulations.

Human Rights

- 6.18 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. OPC has helpfully prepared an Equalities Impact Assessment. It concludes that ‘in preparing the Odiham and North Warnborough Neighbourhood Plan, Odiham Parish Council and the Neighbourhood Plan Steering Group have sought to engage widely with all of the local community. They have gone beyond minimum consultation requirements to gather the views of the community.’
- 6.19 There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. Based on all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.20 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan Policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and OPC have spent time and energy in identifying the issues and objectives that they wish to be included in the review of the 'made' Plan. The community has successfully marshalled the capacity to prepare the Plan to acknowledge the changing circumstances since the Plan was made (including updated national and local planning policies). This approach sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan.
- 7.6 For clarity this section of the report comments on all the policies in the Plan.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-2)

- 7.8 The Plan is well-organised and includes effective maps that give real depth and purpose. The Plan makes an appropriate distinction between the policies and their supporting text. Its design will ensure that it will comfortably be able to take its place as part of the development plan if it is eventually made. The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies. The Plan's title uses the wording 'Update'. Plainly the Plan is intended to be an update of the made Plan. Nevertheless, the legislation comments about a review of a Plan. I recommend a change to the title of the Plan accordingly.

In the Plan's title replace 'Update' with 'Review'

- 7.9 The Introduction identifies the neighbourhood area. It helpfully sets out a series of issues which have underpinned the Plan including:
- the planning policy context;
 - a profile of the parish and its history;
 - the neighbourhood planning process;
 - the engagement with the community; and
 - the work undertaken on SEA screening and Habitats Regulations Assessment.
- 7.10 Section 2 sets out a comprehensive vision and objectives for the Plan. They are very distinctive to the neighbourhood area and provide an overall context for the resulting policies.
- 7.11 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

General comments on policies

- 7.12 The Plan helpfully consolidates the review of the Plan into the structure of the 'made' Plan. This results in a series of revised policies and others which are largely unchanged from the 'made' Plan. For the purposes of this report, I do not comment in any detail on the retained policies other than where they may have been affected by the adoption of the Hart Local Plan or by updates in national planning policy since the Plan was made. In some cases, I have recommended modifications to the wording of policies in the made Plan to reflect the approach and language now taken in neighbourhood plans (which has matured since the Plan was made).

Policy 1 - Spatial Plan for Parish

- 7.13 This policy remains unchanged other than where its wording reflects the current Hart Local Plan which was adopted after the neighbourhood plan was made. It sets a spatial plan for the parish and has three related parts as follows:
- the focus for growth will be the villages of Odiham and North Warnborough as the two principal settlements in the parish;
 - proposals for development within settlement boundaries will be supported, where they accord with national policy, the relevant applicable policies in the Local Plan, and the policies of the Neighbourhood Plan;
 - development proposals outside settlement boundaries will be required to conform to national policy, the policies of the relevant applicable

Local Plan and the policies of the Neighbourhood Plan in respect of the control of development in the open countryside.

7.14 Gladman Developments Ltd comment that the policy takes:

‘a restrictive approach towards development beyond the settlement boundary of a settlement. The approach taken is therefore not in accordance with the hierarchical requirements of national policy which sets out a presumption in favour of sustainable development and the national policy imperative which seeks to significantly boost the supply of housing.’

7.15 I have considered this representation carefully. However, I am satisfied that the policy meets the basic conditions. The three limbs of the policy have regard to national policy both in general terms, and specifically to the element of national policy (paragraph 84 of the NPPF) which identifies the limited range of circumstances in which residential development will be supported in the countryside.

7.16 I have made a series of recommended modifications to Policy 2, and to the boundary of the Local Gap later in this report. In this extent I recommend that the settlement boundary is redrawn to take account of the recommended deletion of the housing allocation of Dunleys Hill (Policy 2v). Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development. It will focus new development in the principal settlement so that they can benefit from access to their commercial and community facilities.

Revise the settlement boundary on Dunleys Hill/Western Lane to correspond with the deletion of Policy 2v

Policy 2 - Housing Development Sites

7.17 This is an important policy within the Plan. Three changes are proposed to this policy as follows:

- an acknowledgement that some of the sites in the made Plan have consent or that have been delivered;
- the SPA mitigation requirements for sites (i), (ii) and (v) have been clarified but remain unchanged from the original neighbourhood plan; and
- site (v) (Land at Dunleys Hill, Odiham) has been amended to clarify the requirement to secure and deliver the public open space on 3.48 ha of adjoining land in the local gap to the north of the site (as captured in Policy 14) alongside the proposed housing.

7.18 The policy proposes a package of development sites. In summary, the proposed sites and their anticipated yields are as follows:

- Site I Land at Longwood (9 dwellings).
- Site ii Land at 4 Western Lane (15 dwellings).
- Site iii Land at Crumplins Yard (8 dwellings).
- Site iv Land at Albion Yard (12 dwellings).
- Site v Land at Dunleys Hill (30 dwellings).
- Site vi Land at Hook Road (15 dwellings).
- Site vii Land next to Crownfields (30 dwellings).

In total the Plan anticipates that the various sites will yield 119 homes.

7.19 The Plan also advises that at Sites 2ii (Western Lane) and 2iii (Crumplins Yard) are now completed, and that planning permission had been granted for the development of Site 2vii (Land next to Crownfields). Within this context I recommend that Policies 2ii and 2iii are deleted from the Plan. I note that development has now started on Site 2vii. Nevertheless, I am satisfied that the policy should remain in the Plan. It will provide a context for any potential new planning applications on the site or for proposals to modify the existing planning permission.

Site 2v Land at Dunleys Hill

7.20 The proposed development of the site at Dunleys Hill sits at the very heart of the proposed changes to this policy. The submitted Plan proposes a refinement to the position in the made Plan to clarify the requirement to secure and deliver the public open space on 3.48 ha of adjoining land in the local gap to the north of the site (as detailed in Policy 14) alongside the proposed housing.

7.21 The policy is criteria-based. The following are key criteria:

- vehicular access to the residential development shall be from Western Lane (criterion a);
- 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 (criterion c);
- 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 (criterion h);

- a financial contribution will be required from the developer towards the maintenance and upkeep of the public open space (criterion h); and
- 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 if Site i, Site ii and Site v in combination deliver more than 50 new dwellings (criterion i).

7.22 The policy also advises 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. Finally, it comments that the Dunleys Hill Open Space must be maintained and managed as a public open space in perpetuity. In addition to clarifying the requirement to provide public open space as set out in Policy 14, the updates to the policy clarify the role that the open space has for SPA mitigation, which is relied upon in the Habitats Regulations Assessment.

7.23 The submitted Habitats Regulations Assessment (HRA) concludes that, other than for Policy 2, the Plan poses no potential for significant adverse effect on the Thames Basin Heaths SPA. However, it concludes that Policy 2 has the potential for significant adverse effect on the Thames Basin Heaths SPA and is screened in for appropriate assessment. Paragraphs 1.17 to 1.24 of the HRA undertake the Appropriate Assessment and effectively underpin the approach taken in the policy. In summary these sections of the HRA advise that:

- Natural England's approach towards developments of 50 or more houses within 5-7km of the Thames Basin Heaths SPA may need mitigation for recreational pressure;
- Three adjacent sites (Policy 2 i, ii and v) provide for 50 dwellings or more;
- Natural England's advice that mitigation for the Thames Basin Heaths should consist of the provision of suitable alternative natural greenspace (SANG) and a contribution towards Strategic Access Management and Monitoring (SAMM);
- The public open space (Policy 14) to be brought forward with housing site Policy 2v will fulfil the SANG requirements of the mitigation strategy for the 54 dwellings across all three adjacent sites;
- AECOM (the author of the HRA) recommend that Policy 2 is updated to include the requirement for the land to be managed as a public open space in perpetuity;

- A contribution to the monitoring element of the SAMM will be required from all three sites (should they all come forward) in line with the current SAMM pricing structure and with policy NBE3 (Thames Basin Heaths Special Protection Area) of the Hart local plan (Strategy and Sites) (2032). The contribution will be paid by the developer towards monitoring if all three of the sites come forward and in combination would deliver 50+ new dwellings. If the 50-dwelling total is not breached then a SAMM contribution would not be required.

7.24 The proposed changes to the policy attracted comments from Avant Homes. The key elements of the representation are as follows:

'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.

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.

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.

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.

(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.'

- 7.25 I sought OPC's comments on the extent to which it had engaged with the landowner and potential developer about the proposed changes to Policy 2v and the extent to which it was satisfied that the revised policy approach would be commercially viable. In its response to the clarification note, it advised (amongst other things) that:

'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.

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

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.

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.

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.

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.'

- 7.26 Plainly there is considerable tension between the approaches taken by OPC and Avant Homes on the development of the Dunleys Hill site. In simple terms, the earlier consensus which existed as the made Plan was prepared and submitted has evaporated. This is highlighted in the debate about the extent to which the delivery of the housing site should be connected to the delivery of the adjacent Dunleys Hill Open Space (as set out in Policy 14 of the Plan).
- 7.27 Two planning applications have been submitted for the development of the allocated site. Both were refused planning permission. The first application was dismissed at appeal. An appeal has been made against the second refusal. Neither of the two planning applications proposed the delivery of the open space at Dunleys Hill. As described earlier in this report (paragraph 7.23), the delivery of the Dunleys Hill Open Space is part of the mitigation described in the Appropriate Assessment element of the HRA. This reinforces the tension between OPC and Avant Homes on the delivery of the Dunleys Hill housing allocation.
- 7.28 OPC and Avant Homes have very different views about the effect of the approach taken in the review of the Plan on the viability of the development of Policy 2v. Moreover, neither of the two parties have submitted any detailed evidence on this important matter. In addition, Avant Homes advises that the delivery of the open space as included in the submitted Plan would be unviable. In its response to the clarification note, OPC suggest that if viability was an issue at planning application stage, mechanisms exist to negotiate with the planning authority on the amount of affordable housing within the overall site. Plainly HDC would be able to have such discussions. Nevertheless, there is no information to suggest that the package of development anticipated in the Plan would be viable even if no affordable housing was to be delivered on the Dunleys Hill housing site. In the round,

these circumstances would place an unreasonable burden on HDC in terms of how to balance the different requirements for the development of the Dunleys Hill housing allocation and to determine any future planning applications. In the round, such an approach would not have the clarity required by the NPPF. In addition, it would not give certainty either to OPC or Avant Homes (or any other potential developer) on the eventual determination of planning applications.

- 7.29 In the round, I am not satisfied that the approach taken in the Plan has regard to national policy on both viability and delivery. I am also not satisfied that the delivery of the site would not breach, and is otherwise compatible with, the assimilated obligations of EU legislation (as consolidated in the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 given that there is no certainty that its delivery will accord with the Appropriate Assessment in the HRA.
- 7.30 In this context, I have carefully considered the nature of the modifications which I need to recommend to the Plan to ensure that it meets the basic conditions. As the submitted Plan is a proposed review of the made Plan, the natural approach would be to delete the revisions and revert to the made Plan. However, in the circumstances, I am not convinced that such an approach would be appropriate. I have reached this conclusion for three related purposes. The first is that the continued operation of the made Plan (in respect of Policy 2v) is clearly unattractive to OPC. The second is in relation to details in the HRA. The fact that the proposed developer of the Dunleys Hill housing site is unwilling to deliver the open space (and advises that it would be unviable to do so) undermines the whole approach to SPA mitigation relied upon in the HRA not only for the submitted review of the Plan but also the made Plan. The third is that the made Plan has neither secured planning permission for residential development on the Dunleys Hill site (Policy 2v) nor has it achieved any progress on the delivery of the Dunleys Hill Open Space (Policy 14). The third issue is particularly appropriate given that the Plan has now been made for over seven years, and the Plan is now well into its Plan period (2032). I acknowledge that Avant Homes is pursuing an appeal against the second refusal of planning permission on the site. This is a separate matter, and it acknowledges that developers can submit planning applications as they see fit and to appeal the refusal of planning permission. The appeal will be determined based on the development plan in place at that time and material planning considerations.
- 7.31 In all the circumstances the only option available for me is to recommend the deletion of Policy 2v given that there is no evidence to suggest that a policy-compliant development will come forward within the Plan period. Such an approach will have consequential implications on Policy 14 as it would be inappropriate for the Plan to continue with its expectations for the delivery of

open space at Dunleys Hill when there is no mechanism in place for its development.

- 7.32 The recommended deletion of Policy 2v also has consequential implications on the extent of the Local Gap. I address this matter separately in my commentary on Policy 3. The recommended deletion of Policy 14 also has consequential implications on Policy 2i
- 7.33 The overall package of recommended modifications will have consequential (factual) implications for other elements of the supporting text. I highlight those paragraphs in the general comments at the end of this section of the report.

Delete Policies 2ii, 2iii and 2v.

In Policy 2i delete criterion f) and the final paragraph (commentary on the links with Policy 14).

Delete the sites for Policies 2ii, 2iii and 2v sites from the Policies Map

Policy 3 – Local Gap

- 7.34 This policy remains unchanged from the made Plan. However, the supporting text has been updated to acknowledge local policy changes since 2017.
- 7.35 The Local Gap is an irregular swathe of land between Odiham and North Warnborough. The form and location of the Gap results in the two settlements being separate one from the other.
- 7.36 In its representation Gladman Developments Ltd comment that:

‘The use of settlement gaps was an issue that arose during the course of the Local Plan examination, a proposed policy in relation to the gaps was removed and modifications were made to the landscape policy were included so that the issue of coalescence would still be considered through development management.

The supporting text indicates that policies in regard to gaps between settlements can be incorporated through neighbourhood plans, however definitive boundaries still need to be supported by evidence. Gladman have not been able to find any evidence supporting the extent of the gap proposed, other than this being the reinstatement of the area previously designated as a gap but removed through the Local Plan examination for a lack of evidence.

This lack of evidential support is compounded by the fact that a number of site allocations are made within the proposed ‘local gap’ area. It is clear that there are parts of the proposed gap that can support residential development

without unacceptable impacts and perceived coalescence between Odiham and North Warnborough.'

- 7.37 In its response to this representation, OPC commented that evidence supporting the inclusion and extent of the Local Gap is contained in the Locally Derived Evidence for the existing made plan. It also drew my attention to my summary of the issue in my report on what is now the made Plan.
- 7.38 I have considered all the information carefully. On the balance of the evidence, I am satisfied that the policy has regard to Section 15 of the NPPF. It acknowledges and safeguards the important Local Gap between Odiham and North Warnborough. In reaching this conclusion, I note that the Hart Local Plan provides flexibility for a neighbourhood plan to define a Local Gap.
- 7.39 I have recommended the deletion of the proposed housing site at Dunleys Hill (Policy 2v) earlier in this report. In this context that site would logically form a part of the Local Gap. As such I recommend that the Local Gap is extended to incorporate the deleted housing allocation at Dunleys Hill. In paragraph 7.16 of this report I have recommended that the settlement boundary is adjusted accordingly, so that the Local Gap extends up to the settlement boundary.
- 7.40 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Extend the extent of the Local Gap as shown on the various maps in the Plan to incorporate the site shown as Policy 2v (Dunleys Hill) in the submitted Plan

Policy 4 - Housing Mix

- 7.41 This policy comments on the mix of new housing developments. Outdated evidence has been removed from the policy and associated text in the made Plan.
- 7.42 The policy now comments that housing proposals will be supported where they provide:
- a mix of dwelling sizes and types on development sites;
 - a mix that reflects the requirements set out in the most up to date evidence of needs adopted by the District Council and Odiham Parish Council; and
 - affordable housing in accordance with the relevant adopted Hart District Council policy at the time.
- 7.43 The policy has been positively updated. I am satisfied that it meets the basic conditions. In reaching this conclusion I have carefully considered the comments made by Gladman Developments Limited. I am also satisfied that

the policy will contribute to the delivery of the social dimension of sustainable development.

Policy 5 – General Design Principles

- 7.44 The Plan advises that the policy and the associated text has been amended to refer to new evidence (the adopted Village Design Statement and Odiham and North Warnborough Conservation Area Appraisal) and changes to national policy guidance. Three new design criteria have also been added to the policy.
- 7.45 The updates to the policy have been well-considered. They acknowledge that the national focus on high standards of design has moved on significantly since the Plan was made. The updates respond positively to this context, and the Village Design Statement is a major step forward. In the round, the policy is a first-class response to Section 12 of the NPPF.
- 7.46 HDC suggest revisions to two of the criteria in the policy. OPC agreed to the revisions in its response to the clarification note. I am satisfied that modifications are required to the two criteria to ensure that the Plan meets the basic conditions, and I recommend accordingly. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace criterion xiv with: ‘Development proposals should be designed, constructed, and operated to ensure that there are no unacceptable levels of noise pollution. In addition, development should comply with relevant noise standards and guidelines, including any relevant local thresholds.’

Replace criterion xvi with: ‘Development proposals should be designed, constructed, and operated to ensure that lighting is unobtrusive and does not result in an unacceptable level of light pollution that could impact on the character and appearance of the countryside.’

Policy 6 – Odiham Conservation Area

- 7.47 The policy and the associated text has been amended to refer to new evidence (the adopted Odiham and North Warnborough Conservation Area Appraisal) and to changes to national policy guidance. The policy has also been amended to provide clarification for several of the criteria as well as adding additional criteria.
- 7.48 I am satisfied that the policy has regard to Section 16 of the NPPF. It responds positively to the character of the Conservation Area. In reaching this conclusion I have carefully considered the representation made by Gladman

Developments Limited. In specific terms I am satisfied that the Odiham and North Warnborough conservation areas have separate policies in the Plan. This acknowledges that they have separate designations. I am also satisfied that the identified views in the Conservation Area are an appropriate element of the character and appearance of the conservation area. Indeed, this element of the policy contributes to its distinctive approach and adds clear value to national and local policies on conservation areas.

- 7.49 I recommend a modification to criterion a of the policy as suggested by HDC and as agreed by OPC. The modification will ensure that the approach taken more closely reflects the statutory requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.50 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace criterion a with: ‘pay special attention to the desirability of preserving or enhancing the character or appearance the Conservation Area and its setting.’

Policy 7 – North Warnborough Conservation Area

- 7.51 The policy and the associated text have been amended to reference new evidence (the adopted Odiham and North Warnborough Conservation Area Appraisal) as well as changes to national policy guidance. The policy has also been amended to provide clarification for several of the criteria and to include additional criteria.
- 7.52 I am satisfied that the policy has regard to Section 16 of the NPPF. It responds positively to the character of the Conservation Area. In reaching this conclusion I have carefully considered the representation made by Gladman Developments Limited. In specific terms I am satisfied that the Odiham and North Warnborough conservation areas have separate policies in the Plan. This acknowledges that they have separate designations. I am also satisfied that the identified views in the Conservation Area are an appropriate element of the character and appearance of the conservation area. Indeed, this element of the policy contributes to its distinctive approach and adds clear value to national and local policies on conservation areas.
- 7.53 I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy 8 – Basingstoke Canal Conservation Area

- 7.54 The policy and the associated text have been amended to reference new evidence and changes to national policy guidance. The policy has also been amended to provide clarification for several of the criteria and to include additional criteria.
- 7.55 I am satisfied that the policy has regard to Section 16 of the NPPF. It responds positively to the character of the Conservation Area. The policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy 9 - Odiham High Street

- 7.56 The policy has been updated to acknowledge the most recent version of the Use Classes Order.
- 7.57 I looked carefully at the High Street during the visit. It has retained its viability and vitality, and continues to function as the retail and commercial centre of the parish. I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Policy 10 – Education

- 7.58 This policy remains unchanged.
- 7.59 I am satisfied that it continues to meet the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

Policy 11 – Local Green Spaces

- 7.60 The policy and associated text have been amended to include thirteen new Local Green Spaces (LGS). Details of each of the proposed LGSs are included in the supporting text on a site-by-site basis. The details are based around the three criteria in paragraph 106 of the NPPF for LGS designation as follows:
- in reasonably close proximity to the community, it serves (a);
 - 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 (b); and
 - local in character and is not an extensive tract of land (c).

- 7.61 I have also assessed the proposed LGSs against the more general criteria in paragraph 105 of the NPPF.
- 7.62 I looked at the proposed LGSs carefully during the visit. Based on the visit and the information in the Plan, I am satisfied that the following proposed LGSs meet the criteria in paragraphs 105 and 106 of the NPPF:
- LGS 11i Beacon Field
 - LGS 11ii Chamberlain Gardens
 - LGS 11iii Chapel Pond
 - LGS 11iv Close Meadow
 - LGS 11v Community Orchard
 - LGS 11vi Peace Meadow
 - LGS 11vii Cricket Club
 - LGS 11i Kitchen Garden
 - LGS 11xii Montfort Place
 - LGS 11xiii Oak Tree Close
 - LGS 11xiv Recreation Ground
 - LGS 11xv Salisbury Close
- 7.63 Detailed representations were received on the other proposed LGSs. I address them in turn in the following sections of this report.

LGS 11viii Football Club

- 7.64 The Plan comments about the proposed LGS as follows:

'The space is just beyond but adjacent to the North Warnborough settlement boundary and close to the community it serves. The Club started in the 1930s, was re-established in 2009 and is now a well-used sports pitch for the 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 attractiveness. Odiham does not have a football team so this asset is of particular local significance. 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. It is one of the larger LGSs but not an extensive tract of land and it has a distinct fenced/hedged boundary, consistent with local character.'

- 7.65 I looked at the proposed LGS carefully during the visit. I saw that it displayed the characteristics as described in the Plan. I noted its use, its pedestrian access from North Warnborough Street, its use by walkers and people exercising their dogs, and the well-used pathways around the pitch.

7.66 In its representation, Hallam Land Management comments that:

‘(the proposed designation) does not take into account the designations already established in the Hart Local Plan, resulting in an unnecessary extent of policy protection. 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 (with) INF4 is undermined by needing to demonstrate very special circumstances in the terms defined as Green Belt policy

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. (The Parish Council’s evidence) 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.’

7.67 In its response to the clarification note, OPC advised that:

‘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.’

7.68 I have considered this matter carefully and within the context of national policy as set out in the NPPF. I am satisfied that the proposed LGS meets criteria a and c in NPPF 106b. This is not disputed in the Hallam Land Management representation.

7.69 On the balance of the evidence, I am satisfied that the proposed LGS meets criterion b of paragraph 106 of the NPPF. It is an established recreation facility in the parish, and the recreational value of a playing field is specifically identified in paragraph 106b of the NPPF. In addition, it provides for informal recreation and dog walking opportunities for residents. Plainly it is particularly accessible to people living in Warnborough Green and North Warnborough.

- 7.70 I have noted the comments made by Hallam Land Management about the way in which policies in the Hart Local Plan will have a bearing on the planning policy context for this site. However, such an overlap is common and the development plan context for any site commonly relies on the interplay between several policies. In any event, a general policy overlap is not one of the matters specifically addressed in Planning practice guidance which comments about the need for qualifying bodies to test the added value of LGS beyond recognised national and local designations (such as Green Belt, National Parks, National Landscapes, Sites of Special Scientific Interest, ancient monuments, and conservation areas (ID: 37-011-20140306)).
- 7.71 In addition, I am satisfied that the proposed designation would accord with the more general elements of paragraph 105 of the NPPF. Firstly, I am satisfied that its designation is consistent with the local planning of sustainable development. It does not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the proposed LGS is capable of enduring beyond the end of the Plan period. It is an established element of the local environment and has existed in its current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGSs would not endure beyond the end of the Plan period.
- 7.72 The level of detail on the relevant map for the proposed LGS should be clearer. For the avoidance of doubt, it should be the larger area as shown on the map rather than the smaller area (the football pitch itself) within the larger area (which includes the changing room).

LGS 11ix Hatchwood Farm

- 7.73 The Plan comments about the proposed LGS as follows:

'This small space is adjacent to the settlement boundary of Odiham, within a short walking distance of the High Street via Farnham Road and close to the large areas of twentieth century housing development to the north and south of Farnham Road. It is a remnant of one of the fields that were originally associated with Hatchwood Farm (now also known as Hatchwood Place), a complex of converted farm buildings, two of which are listed. It once formed part of a larger field running right up to the farmstead and would have been functionally closely related to the farmstead, thereby forming part of the setting of this heritage asset. Its key role now is as part of a green corridor rich in biodiversity with boundaries comprising mature trees and hedgerows which support birds, butterflies, and small mammals. It has a well-used footpath which links into the network of PROW which surrounds Odiham and is very well used by residents and visitors.'

7.74 I looked at the proposed LGS carefully during the visit. I saw that it displayed the characteristics as described in the Plan. I saw several people walk along the footpath through the proposed LGS and then continue along the same footpath to the south of Farnham Road (or vice versa). I note that the proposed LGS is adjacent to the settlement boundary as defined in the submitted Plan and within the settlement boundary as defined in the Local Plan. Whilst this matter is not directly explained in the submitted Plan, I am satisfied that it is within OPC's ability to vary the settlement boundary through the review process. For clarity, this issue has had no bearing on my assessment of the proposed LGS against the criteria in paragraphs 105 and 106 of the NPPF.

7.75 In its representation Shorewood Homes comments as follows:

'the Permission in Principle (PiP) (ref. 23/02313/FUL) for the Hatchwood Farm site was registered by Hart District Council (HDC) on the 18 October 2023 and approved on the 16 January 2024. This PiP application and its permission preceded the draft Neighbourhood Plan Submission Draft dated July 2024, and its supporting 'Local Green Space Derived Evidence' dated May 2024.'

7.76 In addition, the representation makes detailed comments on the way in which the three criteria in NPPF 105 apply to the site together with a comparison between this proposed LGS and the others in the Plan.

7.77 In its response to the clarification note, OPC provided some general comments on the PiP issue. It also commented that:

'an application for Technical Details Consent 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 (2024).'

7.78 Planning practice guidance provides a clear context for the relationship between proposed LGSs and planning decisions for the development of land. Plainly this is of critical importance given that the designation of LGSs prevent the development of the land concerned by giving them the same protection as land in the Green Belt. Planning practice guidance (ID: 37-008-20140306) comments that:

'Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation or where planning permission is no longer capable of being implemented.'

7.79 I have considered OPC's responses to the clarification note very carefully. Planning practice guidance also provides the context for Permission in Principle as follows:

'The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed (ID: 58-001-20180615).

Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed. The granting of technical details consent has the effect of granting planning permission for the development (ID: 58-003-20190615).'

7.80 Whilst OPC is correct that that planning permission does not exist on the site, the thrust of the Shorewood Homes representation about the decision already made by HDC on the site is of key importance to this matter. Based on all the evidence, I have reached the following conclusions:

- the proposed LGS comfortably meets criteria a and c of paragraph 106 of the NPPF;
- the extent to which the proposed LGS is demonstrably special to a local community and holds a particular local significance is uncertain. I saw that the footpath was being used during the visit. Otherwise, there was little else within the site to suggest that it met criterion b of paragraph 106 of the NPPF;
- PiP has been granted by HDC for the development of three houses on the site;
- OPC was aware of that proposal and provided comments to HDC;
- whilst a recent application for Technical Details Consent has been refused by HDC, such matters have the potential to be resolved (in a similar way to which they are in the more usual development management process);
- at this stage, there is no evidence that the proposals which were included in the PiP are no longer capable of being implemented (as advised in ID: 37-008-20140306 of Planning practice guidance); and
- given the decision made by HDC on the PiP issue there is no evidence that the proposed LGS is capable of enduring beyond the end of the Plan period (NPPF 105).

7.81 In all the circumstances, I recommend that the proposed LGS is deleted.

LGS 11xi Little Park

7.82 The Plan comments about the proposed LGS as follows:

'The former Little Park has survived intact as the last remnant of the original 215-hectare Deer Park; it was enclosed some 300 years ago and retains the hedges and field pattern shown on Will Godson's post-enclosures map of 1739. In 1987, the historic importance of this space and its contribution to the character of the two settlements (and the Basingstoke Canal) were recognised by its inclusion as part of the Odiham Conservation Area.

It comprises a key part of the green infrastructure of the parish, with five public footpaths crossing the Little Park used through most of the year by ramblers and groups as well as daily dog-walkers and visitors. These footpaths form parts of a circular route around the parish allowing access to the Basingstoke Canal, the northern part of North Warnborough and a well-frequented farm shop and café at Lodge Farm. The Park is also used as a short-cut and traffic-free way from North Warnborough to Odiham. There are multiple public access points into the Park, facilitating invaluable informal recreation for many.'

7.83 I looked at the proposed LGS carefully during the visit. I secured ready access from the northern end of Palace Gate. I saw that it displayed the characteristics as described in the Plan. I saw several people walking their dogs. I also saw grazing cattle.

7.84 A representation on behalf of the owner of the site acknowledges that the Park meets criterion a and b of paragraph 106 of the NPPF. Thereafter, the representation comments that:

'The site is located to the north of Odiham and to the east of North Warnborough and is in agricultural use. The land is privately owned and rented out to a local farmer who grazes predominantly cattle and sheep. There are footpaths traversing the site but there are no additional recreational facilities within the site nor permission to stray from the footpaths. There are no benches, picnic areas, play areas, toilet facilities or refreshments provided within the site.

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. It is, frankly, extraordinary that your 'evidence base' does not refer to the examples we cite above.

Accordingly, the land is already protected from development by its location within the Conservation Area and no further benefit would be gained by designating the site as an LGS.'

- 7.85 OPC commented in detail on this representation in its response to the clarification note. It advised about the way in which other LGS elsewhere had been assessed. In addition, it commented about the various planning applications which had been submitted in the proposed LGS in recent years.
- 7.86 I have noted that the proposed designation is supported by several individual representations.
- 7.87 It is common ground that the proposed LGS meets criteria a and b of paragraph 106 of the NPPF. The contested issue is its size (41.7ha), and whether it is local in character and not an extensive tract of land. The owner highlights that I recommended the deletion of this proposed LGS from the submitted version of what is now the made Plan. OPC highlights a series of LGSs of a similar size elsewhere which have been found to be local in character by other examiners since the Plan was made.
- 7.88 On the one hand, an analysis of LGSs elsewhere can be helpful in general terms and to understand the way in which examiners address this issue. However, on the other hand, in the absence of all the details that were available to the examiner at that time, conclusions can be drawn which do not necessarily reflect the circumstances of each case.
- 7.89 National guidance on the size of LGSs is clear. Planning practice guidance (ID: 37-015-20140306) comments that there are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, it advises that the NPPF is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. In this context, Planning practice guidance comments that blanket designation of open countryside adjacent to settlements will not be appropriate and that designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name.
- 7.90 Based on my observations of the proposed LGS, I have concluded that it is an extensive parcel of land. I also conclude that the proposal would be a blanket designation of open countryside adjacent to Odiham and North Warnborough. Whilst I am aware of cases elsewhere where examiners (including plans which I have examined) have concluded that proposed larger LGS have been local in character, they are traditionally those which have an important element of formal recreational importance and are not open countryside.
- 7.91 In addition, OPC has not separately assessed the added value which would arise from the designation of Little Park as a LGS beyond the protection which already exists from its location in the Conservation Area (as identified in Planning practice guidance ID:37-011-20140306). The existing controls are

demonstrated in the number of planning applications which have been refused by HDC.

- 7.92 In all the circumstances I recommend that the proposed LGS is deleted from the Plan.

The policy wording

- 7.93 The first part of the policy takes matter-of-fact approach in paragraph 107 of the NPPF.
- 7.94 The second parts seek to establish an interconnected network between the LGS. However, it does not identify a delivery mechanism for this approach. In any event such an approach would be beyond the control of a LGS policy (which is one largely to prevent development coming forward). In its response to the clarification note, OPC draws attention to the relationship between this part of the policy and the broader ambitions of the Plan. It also advises that the approach of treating the LGSs as contributing to a connected network is consistent with the new (2024) Local Cycling and Walking Infrastructure Plan (LCWIP) produced by HDC and Hampshire County Council (which is referenced in paragraph 1.11 of the Plan and elsewhere).
- 7.95 Whilst I have noted these comments, the fact remains that such an approach is not directly related to a policy which is designed to secure the designation of specific parcels of land as LGSs. In all the circumstances I recommend the deletion of this part of the policy.
- 7.96 Nevertheless, I recommend that the issue is repositioned into supporting text as an approach which OPC will pursue. I am satisfied that it is appropriate in this context and that its focus is on connections to be secured rather than future uses of the designated LGSs.
- 7.97 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and economic dimensions of sustainable development.

Delete LGS 11ix Hatchwood Park

Delete LGS 11 xi Little Park

Delete the final part of the policy

Delete paragraphs 3.93 and 3.94 (and the associated map of Hatchwood Park)

Delete paragraphs 3.96 to 3.101 (and the associated map of Little Park)

Delete the proposed Little Park and Hatchwood Farm LGSs from the Policies Map

Clarify the extent of the designated area on the map for LGS11viii Football Club on page 80 of the Plan.

At the end of paragraph 3.68 add: 'The NPPF advises that the designation of appropriate land as Local Green Spaces when local and neighbourhood plans are prepared or updated

Replace the final sentence of 3.69 with: 'Policy 11 designates additional Local Green Spaces. Where practicable, the Parish Council will work with other public organisations to ensure that they are connected through a network of pedestrian routes. This approach will prioritise the use of existing pedestrian routes, Core Walking Zones and proposed Cycle routes outlined in the LCWIP.'

Policy 12 – Natural Environment

- 7.98 The policy and the associated text has been amended to include reference to biodiversity and provide revised guidance on flood risk. References to climate change have also been included in the associated text. The policy is based around a series of principles with which development should comply.
- 7.99 In general terms the policy takes a positive approach to these matters and has regard to Section 15 of NPPF.
- 7.100 Gladman Developments Ltd comment about the potential for off-site delivery of biodiversity net gain. Nevertheless, I note that this possibility is mentioned in paragraph 3.113 of the Plan.
- 7.101 In the round I am satisfied that the policy continues to meet the basic conditions. It will contribute to the delivery of the social and economic dimensions of sustainable development.

Policy 13 – Assets of Community Value

- 7.102 The associated text has been amended to include an up-to-date list of assets of community value. This has been a very useful exercise.
- 7.103 I am satisfied that it continues to meet the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

Policy 14 – Dunleys Hill Open Space

- 7.104 The policy and the associated text have been amended to clarify the role of the site in mitigating impacts from the sites identified in Policies 2i, 2ii and 2v on the Thames Basin Heaths Special Protection Area and the associated

design and management requirements. The link to Policy 2v and Policy 3 (Local Gaps) is also clarified.

7.105 I have commented in paragraphs 7.20 to 7.33 about the way in which the Plan sets out to ensure the delivery between the sites identified in Policies 2i, 2ii and 2v and the development of this proposed Open Space. I do not repeat those details here, and rely on the conclusions reached earlier in this report.

7.106 Plainly the development of land at Dunleys Hill as an open space is an important element of the Plan. At the same time, it is an ambitious project. I have considered the appropriateness of the policy very carefully. On the balance of the evidence, I have concluded that there is no assurance on the delivery of the open space within the Plan period. I have reached this conclusion for the following related reasons:

- the Plan was made in 2017 and no obvious progress has been made so far on the delivery of open space on the site;
- the planning applications which have been submitted by Avant Homes make no reference to its delivery;
- OPC offers no assurance about delivery in its response to the clarification note; and
- no updates on the delivery of the open space were provided by the owner of the site during the most recent consultation exercise.

7.107 In these circumstances I recommend the deletion of the policy.

Delete the policy

Delete paragraph 3.133

Delete The Dunleys Hill Open Space from the Policies Map

Other Matters – General

7.108 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly because of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan because of the recommended modifications to the policies. Similarly, changes may be necessary to paragraph numbers in the Plan or to accommodate other administrative matters. It will be appropriate for HDC and OPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.

Other Matters – Specific

7.109 HDC has made a series of helpful comments on both the policies and the supporting text in the Plan. I have included them in the recommended modifications on a policy-by-policy basis where they are required to ensure that the Plan meets the basic conditions.

7.110 I also recommend modifications to the text of the Plan to ensure that the Plan meets the basic conditions. They are based on HDC's comments on the general elements of the Plan. OPC has agreed to the proposed revisions. To avoid a repetition of existing information, I simply refer to the relevant HDC reference system in its representation as follows:

- Paragraphs 1.6 to 1.13
- Paragraphs 1.35 and 1.36
- Paragraph 3.16
- Paragraph 3.19 (Note: may not be needed with recommended changes to Policy 2)
- Paragraph 3.129
- Paragraph 3.133
- Paragraph 4.19

7.111 The section of this report on Policy 2 has recommend that three proposed housing sites are deleted from the Plan. I have also recommended that two of the proposed LGSs are deleted. In this context, I recommend that OPC and HDC make matter of fact revisions to the various affected paragraphs in the Plan.

Changes to the following paragraphs supporting text in the Plan which comment about the overall development of homes in the parish:

- *Paragraph 1.9*
- *Paragraph 1.36*
- *Paragraph 3.14*
- *Paragraphs 3.16 to 3.18 (and Table 1).*
- *Paragraph 3.22*
- *Paragraph 3.25 (and Table 2)*
- *Paragraphs 3.26 to 3.28*
- *Paragraphs 3.30 and 3.31*
- *Paragraph 3.72*
- *Paragraph 3.131 and 3.132*

Changes to paragraph 3.73 supporting text in the Plan which comments about the number of proposed LGSs

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2032. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character of the neighbourhood area and to promote appropriate residential development. It also proposes the designation of a package of additional local green spaces.
- 8.2 Following the independent examination of the Plan, I have concluded that the Odiham and North Warnborough Neighbourhood Development Plan Review meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 Based on the findings in this report I recommend to Hart District Council that subject to the incorporation of the modifications set out in this report the Odiham and North Warnborough Neighbourhood Development Plan Review should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by the District Council on 7 August 2014.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. OPC's response to the clarification note was both comprehensive and timely

Andrew Ashcroft
Independent Examiner
13 December 2024