

Odiham and North Warnborough Neighbourhood Plan 2014-2032

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

**Andrew Ashcroft
Independent Examiner
BA (Hons) MA, DMS, MRTPI**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Hart District Council in July 2016 to carry out the independent examination of the Odiham and North Warnborough Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 24 October 2016.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the plan area. There is a very clear focus on safeguarding the separation between the two communities whilst promoting sensitive housing development. The Plan promotes a range of local green spaces. The Plan also has a distinctive focus on design and its three conservation areas
- 4 The Plan has been significantly underpinned by community support and engagement. It is clear that all sections of the community have been actively 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 meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

Andrew Ashcroft
Independent Examiner
22 December 2016

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Odiham and North Warnborough Neighbourhood Development Plan 2014-2032 ('the Plan').
- 1.2 The Plan has been submitted to Hart District Council (HDC) by Odiham Parish Council 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 in 2012 and which continues to be the principal element of national planning policy.
- 1.4 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.
- 1.5 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 be used to determine planning applications within the plan area and will sit as part of the wider development plan.

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 the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both HDC and the Parish Council. 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 over 30 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted 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.

The Basic Conditions

- 2.5 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; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area; and
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I make specific comments on the fourth bullet point above in paragraphs 2.6 to 2.10 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations a Strategic Environmental Assessment was prepared for the Plan. The assessment indicates that there are no significant negative effects resulting from the policies of the Plan and that when compared to the limited number of reasonable alternatives, they compare well. It comments that the policies have been specifically chosen and formulated to adhere to the principles of sustainable development as defined by the Local Plan and the NPPF.
- 2.7 I am satisfied that the correct processes have been followed in this regard. The SEA strikes the correct balance between having the correct level of detail whilst at the same

time as being proportionate to the task in hand. In particular, the SEA work and the preparation of the Plan itself have been produced in tandem. The SEA also assesses reasonable alternatives to the submitted Plan insofar as they exist.

- 2.8 A Habitats Regulations Assessment (HRA) on the Plan was also commissioned. Odiham Parish lies partially within the Zone of Influence of the Thames Basin Heaths Special Protection Area (TBHSPA) and consequently to comply with the Habitats Directive and the Conservation of Species and Habitats Regulations it is necessary for an assessment as to whether the ONWNP would have a significant effect on the TBHSPA. The HRA is exemplary in its approach to this matter. The necessary detail is provided and an analysis is undertaken of potential likely significant effects. The correct consultation process with statutory bodies was carried out. The HRA concludes that 'the Odiham and North Warnborough Neighbourhood Plan can be screened as not having a significant effect on the Thames Basin Heaths Special Protection Area and no Appropriate Assessment is necessary'.
- 2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a thorough, comprehensive and proportionate process has been undertaken in accordance with the various regulations. The two assessments set out a robust and compelling assessment of the relevant information. They have been prepared and presented in a very professional fashion. None of the statutory consultees have raised any concerns with regard to either the neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.10 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. There is no evidence that has been submitted to me to suggest otherwise. 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. On this basis I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.11 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.
- 2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all 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 Basic Conditions Statement.
- the Consultation Statement.
- The Sustainability Appraisal and the Habitats Regulations Assessment.
- the representations made to the Plan.
- the Hart Local Plan 1996 – 2006.
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- recent Ministerial Statements (March, May and June 2015).

3.2 I carried out an unaccompanied visit to the Plan area on 24 October 2016. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 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. I advised HDC of this decision early in the examination process.

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 the Parish Council has prepared a Consultation Statement. This statement is well-presented and is proportionate to the Plan area and its range of policies. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan. The Statement helpfully sets out how the emerging plan took account of the various comments and representations.
- 4.3 The initial section of the Statement sets out details of the wider consultation events that has been carried out as part the evolution of the Plan. Details are provided about:
- The Spring 2014 newsletter
 - The establishment of the steering group in July 2014
 - The designation of the Plan area in August 2014
 - The appointment of technical consultants in Autumn 2014
- 4.4 The Consultation Statement provides very useful information on the materials used at each of the various public engagement events and processes as set out above. The photographs on pages 9 and 14 of the Statement in particular show the range and the professionalism of the work undertaken. The aims of the consultation and engagement strategy is simply and yet effectively set out in section 3 and as follows:
- To consult many
 - To consult widely
 - To consult at the right time
 - The consult well
 - To keep (the community) informed

It is on this basis that the community has been fully and professionally engaged for over two years. Details are provided about a range of engagement events that include:

- Holding stands at parish events
- Engagement meetings with community organisations
- Leaflets
- Exhibitions
- TV slideshows at events
- Competitions with voucher prizes
- Social media/Facebook/Twitter
- Questionnaires
- Parish Hub events
- A dedicated website

- 4.5 It is clear to me that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. Consultation and feedback has been at the heart of the Plan throughout the various stages of its production.
- 4.6 Consultation and engagement has been maintained into the submission phase of the Plan. This is reflected in the very significant number of representations received to the submitted plan (see 4.8 below). Many of the representations were from local people offering support to the Plan in general, and policies 3 (local gaps) and 11(local green spaces) in particular. There were also representations from landowners and proposed developers to these and other policies.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive and comprehensive approach to seeking the opinions of all concerned throughout the process. There is a very clear and transparent relationship between the consultation process and the Plan itself. HDC has carried out its own assessment to the extent that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period and which ended on 14 October 2016. This exercise generated 189 comments from various persons and organisations. The following statutory bodies or business made comments:
- Sport England
 - Highways England
 - Thames Water
 - Basingstoke Canal Society
 - Dogmersfield Parish Council
 - Natural England
 - Waverley Borough Council
 - Chester Lane Ltd
 - Greywell Parish Council
 - Hart District Council
 - Odiham and Greywell Cricket Club
 - Odiham Health Centre
 - Christian Holliday (Strutt and Parker LLP)
 - Parsons Trust
 - CALA Homes
 - Gladman Developments
 - Bewley Homes
 - Historic England
 - A consortium of Charities
 - Mr R Revell
 - Hallam Land Management
 - Avant Homes

4.9 In examining the Plan I have taken account of all the representations received. In some cases, I have highlighted specific representations in this report where it is both appropriate and relevant to do so. Given the number of representations it would be impractical to list the names of all those making representations or to cross reference them within this report. I have also taken into account the responses that both the Parish Council and Hart District Council have provided to my points of clarification. My questions and the responses to those questions are available on the Hart District Council website.

5 The Plan Area and the Development Plan Context

The Plan Area

- 5.1 The Plan area covers the parish of Odiham. It was designated as a neighbourhood area on 7 August 2014.
- 5.2 The Plan area is located in the Hart District area to the south of the M3 and to the immediate south and west of the A287 that runs from Hook to Farnham. Fleet sits approximately four miles to the east of the Plan area and Hook approximately one mile to the north.
- 5.3 The two separate and yet related settlements of Odiham and North Warnborough sit in the heart of the Plan area. Each has its own distinctive conservation area. There is also a separate conservation area based around the Basingstoke Canal. RAF Odiham is located to the immediate south of Odiham. The remainder of the Plan area is comprised of pleasant countryside.

Development Plan Context

- 5.4 The Hart District Local Plan (Replacement) 1996-2006 was adopted in December 2002. The First Alterations to the Hart District Local Plan (Replacement) 1996-2006 was adopted in June 2006. It is this Local Plan against which I am required to examine the submitted Neighbourhood Plan. A significant element of these policies remain saved until the adoption of the emerging local plan.
- 5.5 The Basic Conditions Statement has very helpfully listed the policies in the adopted local plan. Within this context it highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice.
- 5.6 These saved policies will apply in the Plan area until the adopted Local Plan is replaced by the emerging Hart Local Plan.
- 5.7 For completeness the development plan consists of the following documents:
 - Hart Local Plan 1996 - 2006 (Saved Policies)
 - Policy NRM6: Thames Basin Heaths Special Protection Area of the South East Plan
 - Hampshire Minerals and Waste Plan 2013
- 5.8 The submitted Plan has been designed to run concurrently with the emerging Hart Local Plan.

Site Visit

- 5.9 I carried out an unaccompanied visit to the Plan area on 24 October 2016.
- 5.10 I initially parked on the eastern edge of Odiham and walked into the village. I looked at the High Street to understand the role and purpose of policy 9. I then looked in turn at the proposed local green spaces to the south of the High Street

- 5.11 I also took the opportunity to explore the conservation area and its relationship with policy 6 in the Plan. I spent some time in The Bury. I saw the stocks outside the Church. They had clearly fulfilled their purpose of 'encouraging virtue and discouraging evil doers'. I saw much evidence of the former and none of the latter during the remainder of the day.
- 5.12 I then looked at the Deer Park from both Deer Park View and Palace Gate to the south and from the canal to the north. I took the opportunity to walk briefly within the Park from Palace Gate. I saw several other people walking within its boundaries.
- 5.13 I then walked into the Dunleys Hill area to look at the Local Gap between the two villages and to look at some of the proposed housing sites. I saw first-hand the distance between the two villages. I then walked West Street to look at other aspects of the Local Gap and other proposed local green spaces
- 5.14 I then returned to my car and drove to North Warnborough. I looked at the two proposed housing sites off Hook Road and the Basingstoke Canal conservation area. I walked along the tow path to the Castle. I then spent some time in and around the area proposed as a local gap between North Warnborough and Greywell. I looked in particular at the distance between the settlements and the nature and character of the countryside concerned.
- 5.15 At various points during my visit I looked at the character of the area in general terms and its applicability to policy 5 included in the Plan.
- 5.16 In order to get a full impression of the Plan area I drove around some of the surrounding main and minor roads and walked along several footpaths.

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 submitted Basic Conditions Statement has been helpful in the preparation of this section of the report. It is an informative document and addresses the relevant details in a very professional way.

6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.

6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Odiham and North Warnborough Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Local Plan.
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities.
- proactively driving and supporting economic development to deliver homes, businesses and industrial units and infrastructure.
- Conserving heritage assets in a manner appropriate to their significance

6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 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.

6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the ministerial statements of March, May and June 2015.

6.7 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 clear ambitions for new development whilst at the same time maintaining the distinctiveness of the two settlements. It proposes detailed policies both to celebrate and to safeguard their rich built heritage.

6.8 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 (paragraphs 17 and 154). This was reinforced with the publication of Planning

Practice Guidance in March 2014. Its paragraph 41 (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.

- 6.9 As submitted the Plan does not fully accord with this range of practical issues. Several 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

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the Plan area. In the economic dimension the Plan includes policies to promote new residential development. It also sets out to safeguard and consolidate the retail function of Odiham High Street. In the social role, it promotes a mix of housing types and safeguards land for future educational use. In the environmental dimension the Plan positively seeks to protect the natural, built and historic environment of the parish. In particular, it proposes two local gaps to maintain the separation between Odiham, North Warnborough and Greywell. It also promotes a range of local green spaces. It includes positively worded policies for each of the three conservation areas.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider Hart District Council area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan. Section 5 of the Basic Conditions Statement (Table C) helpfully relates the Plan's policies to policies in the saved Local Plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the range of policies in the Plan. In particular, 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 thorough and distinctive to the Plan area. The wider community and the Parish Council have spent considerable time and energy in identifying the issues and objectives that they wish to be included in their Plan. This gets to the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20140306) 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. In some cases, there are overlaps between the different policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 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

- 7.8 These introductory elements of the Plan set the scene for its range of policies. They do so in a concise and proportionate way. The Plan is professionally presented and arranged and it is supported by maps and diagrams.
- 7.9 Section 1 sets out some detail on the production of the Plan and the planning policy context. History is provided about the Plan area. Section 2 sets out the vision and objectives for the Plan. They focus on character, ensuring new housing is of a high-quality design, the character and vitality of Odiham High Street, to improve recreation and sporting facilities and to maintain and protect the natural environment and open space. Section 3 then sets out the detailed policies. They flow naturally from the vision and objectives

Policy 1 – Spatial Plan for the Parish

- 7.10 The effect of this policy is to establish key principles for the distribution of future development in the Plan area. It seeks to focus that new development to the two settlements. This approach has regard to national policy and is in general conformity to the strategic policies of the development plan. Gladman Developments challenge this approach based on its inflexibility and its potential to hinder new housing growth. I address the wider supply of new housing in the next policy
- 7.11 The District Council contends that the final element of the policy is unnecessary and that there is no need to reinforce national or local policy in a neighbourhood plan. I have sympathy with its approach. Nevertheless, I do not recommend a modification on

this point as such an approach is not required to ensure that the Plan meets the basic conditions.

- 7.12 Paragraph 3.10 of the submitted Plan indicates that the settlement boundaries have been redrawn to take account of a variety of matters including land with planning permission. On this basis, the District Council suggest that land to the east of Archery Fields is included within the settlement boundary. I sought clarification from the Parish Council on the circumstances in which the parcel of land has not been included within the boundary. I was advised that it is hoping to refine the boundary to take account of the proposed layout of open space on that site. I can understand that approach. However, there are many other areas of open and green space within the settlement boundary. It would be impractical not to have a settlement boundary that did not reflect the traditional boundary and extent of the site. On this basis, I recommend that the site concerned is included within the settlement boundary as shown on the Policies Map. I also recommend some factual changes to paragraph 3.14 of the Plan to take account of technical comments made by the District Council.

Include land to the east of Archery Field within the settlement boundary

In paragraph 3.14 amend the second sentence to read 'The Pre-Submission Neighbourhood Plan.....in the Hart Refined Options for Delivering New Homes Paper'

Policy 2 -Housing Development Sites

- 7.13 The Plan comments about the emerging strategic housing requirement that may be required for the Plan area in the emerging Local Plan in paragraphs 3.14. It is acknowledged that there is uncertainty about the figure concerned. The Plan then makes significant commentary about the proposed delivery of 164 additional dwellings in the Local Plan Preferred Options Paper in 2016. This then informs the related text on the extent to which the package of proposed housing sites contributes to this figure. I have sought clarification from the District Council on this matter. It advises on the timetable for the local plan and that the figure has no particular significance. Several other representations from developers also highlight the same point, albeit from a different perspective.
- 7.14 For the purposes of this examination I agree with the District Council that the figure of 164 dwellings as set out in paragraph 3.14 of the Plan has little significance. As the 'Refined Options for Delivering New Homes February 2016' document comments (in its paragraph 46) the indicative number represents the number of houses proposed on sites in the pre-submission version of the neighbourhood plan.
- 7.15 I can see that the approach adopted is intended to be helpful and to demonstrate a willingness to take an appropriate share of the longer-term housing growth in the District. It is clear that the submitted Plan has been prepared in difficult and changing circumstances. There have been strong and positive working relationships between the two plan-making bodies. In addition, the Plan has relied on the most up to date information that has been available. This is fully in accordance with Planning Practice Guidance.
- 7.16 Nevertheless, at the current stage in the preparation of the emerging local plan the definitive mathematical approach set out in the submitted Plan is both unnecessary and potentially confusing. In particular, the neighbourhood plan examination process is based around the extent to which the submitted neighbourhood plan is in general conformity with strategic policies in the existing, adopted development plan. In its

representations on this matter HDC advise that whilst an up-date to the 2014 SHMA is underway, it cannot currently advise on the updated figures for housing need and indicates that this is part of on-going work towards the emerging Hart Local Plan. I reflect this position in my recommended modifications below.

- 7.17 I also recommend other consequential changes to the text in this section of the Plan. In particular, the mathematical certainty set out (both for the strategic requirement and the delivery on each site) is unrealistic and unsupported by direct evidence. I recommend that this is remedied by highlighting this underpinning uncertainty within the Plan and indicating that a review would be undertaken once the emerging local plan has been adopted.

In paragraph 3.14:

Add new sentence after Archery Fields (up to 35) to read ‘The eventual adoption of the emerging local plan may require a reassessment of the policies set out in this Plan to address the level of growth required’.

Add a new section within 3.14 at this point to read: ‘At this stage the policies within this Plan have been designed to bring forward future development that is proportionate to the size of the Plan area. They have been designed to have regard to national policy and to the saved policies of the Hart Local Plan.’

Delete all further text in paragraph 3.14 after Archery Fields (up to 35)

Insert new section within paragraph 3.14 to read: ‘In addition to the delivery of houses from the seven sites allocated in this policy residential development is also likely to take place on windfall sites within the Plan area. As part of this process the further conversion of business and office premises to residential use is expected, subject to the provision of policies in the development plan. The yield on these and other sites will be monitored and assessed against the overall housing need for the District eventually to be agreed in the emerging local plan and if appropriate against any target set for the neighbourhood plan area. Where necessary neighbourhood plan policies will be reviewed accordingly.’

Insert new section within paragraph 3.14 to read: ‘Policy 2 sets out the basis on which seven sites will be allocated and developed for residential purposes. For each of the sites a plan showing specific design principles is included. In addition, an indicative yield for each site is identified. The respective figures should be treated with a degree of caution. The yield on each of the sites will be influenced by further technical work that will need to be undertaken. The development management process will ultimately determine the design, layout and yield of each site.’

Insert new section within paragraph 3.14 to read: ‘Strategic Access Management and Monitoring Measures (SAMM) form one of the elements of mitigation to ensure that new residential development avoids likely significant effect upon the Thames Basin Heaths Special Protection Area (as summarised in paragraph 8.10 of the Odiham Neighbourhood Plan Habitat Regulation Assessment). This is set out in the saved South East Plan Policy NRM6, and through the Thames Basin Heaths Special Protection Area Delivery Framework prepared collectively by the affected local authorities and Natural England. The Thames Basin Heaths SPA comprises multiple SSSI sites, owned and managed by many different organisations and some private

individuals. In order to ensure that access management implemented in one area does not simply displace visitors onto another part of the SPA, to measure the effects of SANG provision and to monitor visitor and bird numbers, it is necessary to take a strategic approach to visitor access management. Where appropriate direct reference is made to this matter in the relevant housing site in policy 2’.

- 7.18 Within this context the Plan identifies seven housing sites. Each of the seven sites has a specific component policy. Some of the sites are part of a wider package associated with the formation of a new area of open space off Dunleys Hill. It is clear that a significant amount of positive work has been undertaken in this area of plan making. A positive approach has been taken in accordance with the NPPF, and I can see that the sites concerned will contribute significantly to boosting the supply of housing land in the Plan area. The sites are also supported by the preparation of design principles. I agree with the District Council that the design principles are a helpful and positive approach to bringing forward the sites for development. I am satisfied that in principle the package in the submitted plan to release land for development for housing and open space in the local gap will meet the basic conditions. It will bring forward new residential development whilst retaining the spirit and purpose of the local plan local gap designation. The wider package will also contribute to all three of the dimensions of sustainable development. I comment on the details of each site in turn

Longwood

- 7.19 This is a small site to the immediate north of West Street. It sits to the immediate west of sites 2 ii and 2v. It is proposed that the site has a shared access (off West Street) with the adjacent proposed housing site (2ii). The site is currently within the identified local gap in the adopted local plan.
- 7.20 I am satisfied that the principle of the residential development of the site meets the basic conditions. In reaching this conclusion I have taken account of the limited objections to the development of the site and the suggestion that the site should be enlarged.
- 7.21 I recommend some detailed modifications to ensure that the policy has the clarity required. In criterion c, I can see no reason why tree planting would not be possible and I recommend accordingly. In criteria f and g, I recommend modifications to bring complete clarity to the contributions required.

In criterion c delete ‘wherever possible’

In criterion f replace ‘(Site v)’ with ‘(Policy 14)’

In criterion g replace ‘(SAMM)’ with ‘in accordance with SAMM principles in force at that time’

Land at 4 Western Lane, Odiham

- 7.22 This proposed site lies to the east of the Longwood site. The contextual information is identical to that set out in paragraph 7.19 of this report.
- 7.23 I am satisfied that the principle of the residential development of the site meets the basic conditions. I recommend some detailed modifications to ensure that the policy has the clarity required by the NPPF. In criterion c, I can see no reason why tree planting would not be possible and I recommend accordingly. In criterion f, I

recommend a degree of flexibility on the type of footpath required. In criteria g and h, I recommend modifications to bring complete clarity to the contributions required.

In criterion c delete 'wherever possible'

In criterion f replace 'A public right of way' with 'a footpath 'and Site v' with 'Policy 14'

In criterion g replace '(Site v)' with '(Policy 14)'

In criterion h replace '(SAMM)' with 'in accordance with SAMM principles in force at that time'

Land at Crumplins Yard

7.24 This proposed site lies to the south and west of Dunleys Hill. It is to the immediate north of the boundary of the local gap.

7.25 I am satisfied that the principle of the residential development of the site meets the basic conditions. I note the technical concerns that the District Council has made on potential flooding issues. However, I am satisfied that these are technical details to be addressed at the development management stage. I recommend some detailed modifications to ensure that the policy has the clarity required. In criterion c, I can see no reason why tree planting would not be possible and I recommend accordingly. In criterion g, I recommend a modification to the wording for consistency purposes. I also recommend modifications to criteria a and h to ensure consistency with other housing sites.

In criterion a) replace '(Site v)' with 'Policy 14'

In criterion c) delete 'wherever possible'

In criterion g) replace 'A public footpath' with 'A footpath '

In criterion h) replace '(SAMM)' with 'in accordance with SAMM principles in force at that time'

Land at Albion Yard, North Warnborough

7.26 This site is located in North Warnborough and to the west of Hook Road. It is currently occupied by a range of buildings and sits to the immediate north of the canal.

7.27 I am satisfied that the principle of the residential development of the site meets the basic conditions. I note the technical concerns that the District Council has made on potential flooding issues. However, I am satisfied that these are technical details to be addressed at the development management stage.

7.28 Criterion c sets out the need for 'generous' green open spaces within the site, but does not define their size. I am satisfied that open spaces are required within the site to respect the character of the conservation area. However, this is a detailed design matter to be addressed at the development management stage. I recommend accordingly. Criterion i) requires upgrades to the wastewater network. Whilst I am satisfied that this is the case I recommend a modification to the criterion so that it reads as such and not as a statement of fact as set out in the submitted plan.

In criterion c) delete 'generous'

In criterion e) delete 'wherever possible'

Replace criterion i) with the following: ‘Development must provide necessary upgrades to the existing wastewater system; and’

Land at Dunleys Hill Odiham

- 7.29 This site is located to the north of Western Lane. It is located to the immediate east of housing sites 2i and 2ii. It currently sits within the identified Local Gap in the local plan.
- 7.30 I am satisfied that the principle of the residential development of the site meets the basic conditions.
- 7.31 This site is at the heart of the residential and open space package proposed on the Odiham side of the Odiham – North Warnborough Local Gap in and around the vicinity of Dunleys Hill. This part of policy 2 attempts to set out the relationship between the various elements, and the provision of car parking for the open space in particular. In my commentary on Policy 11 (Local Green Spaces) later in this report I have recommended that the proposed open space is addressed through a separate policy rather than the local green space policy. I have recommended the incorporation of some of the elements of this policy into that new policy. This will make the requirements for each site much simpler to understand and will meet the need for clarity as set out in the NPPF. I recommend associated modifications to this policy by way of deleting criteria that sit better within the format of the recommended new policy.

Delete criteria b) f) h) i) j)

In criterion e) delete ‘wherever possible’

In criterion m) replace ‘(SAMM)’ with ‘in accordance with SAMM principles in force at that time’

Land at Hook Road North Warnborough

- 7.32 This site is located to the east of Hook Road. Its identified indicative layout reflects the existing disposition of buildings on the site and the location of the canal to the immediate east.
- 7.33 I am satisfied that the principle of the residential development of the site meets the basic conditions. In coming to this conclusion, I have read carefully the objection to its development from the Basingstoke Canal Society. I address these comments in the context of the criteria associated with the policy. The relationship between the site and the canal presents both technical challenges and opportunities in equal measure.
- 7.34 The site owners have made a generally positive representation to this policy. However, they raise specific comments on the vehicular access into the site, the need for a margin adjacent to the canal and the requirement for a public footpath adjacent to the canal. In respect of the former point the owners advise about ownership issues and restricted vehicular rights of way through the former Jolly Miller site. Plainly a degree of flexibility will be necessary to ensure that this site is developed in the way envisaged in the submitted Plan. This flexibility should not however affect the integrity of the proposed open spaces within the site. It will be a matter for consideration at the detailed design stage. I recommend a modification accordingly.
- 7.35 The issue of the margin between residential development and the canal is a technical matter. It has been raised separately by the Canal Society. I am satisfied that the matter is one that needs to be incorporated into the layout of the site. However, this is a detailed design matter for consideration at the development management stage. I

recommend accordingly. The right of way point is a similar point to those that I have addressed on other sites proposed for residential development.

- 7.36 I also recommend modifications to criteria c, d and h to provide the clarity required by the NPPF.

Replace criterion a with: 'A satisfactory access or access points are provided onto Hook Road and which will provide appropriate linkage between the two component parts of the site'

In criterion c delete 'generous'

In criterion d replace 'avoid any.... Paraphernalia on' with 'respect'

In criterion g delete 'minimum 10 m' and insert 'and which is designed' between 'embankment' and 'in order'.

In criterion h delete 'wherever possible'

In criterion I replace 'A public right of way' with 'A footpath'

Land next to Crownfields, Odiham

- 7.37 This site is located to the west of Alton Road and to the immediate south of residential properties in Crownfields and Buffins Road. It forms part of a larger parcel of land in agricultural use. There has been a degree of objection to the site. Much of this objection is centred on the extent to which the proposed residential nursing care home would or would not contribute towards meeting the longer term strategic housing needs for the Plan area. The District Council has helpfully advised on this point as part of my clarification questions. Nevertheless, I have to assess the Plan on the basis on which it has been submitted. In any event my proposed modification to the Plan around housing numbers reduces the significance of this point.

- 7.38 I am satisfied that the principle of the residential development of the site meets the basic conditions. The site has the ability to sit comfortably against the existing residential development to its north and can be sensitively incorporated into the wider landscape. The disposition of land uses as shown on the indicative layout is entirely appropriate.

- 7.39 I recommend a series of modifications to the policy and the related supporting text to provide the clarity required by the NPPF. The first is in relation to the proposed landscape buffer on the exposed southern and western boundaries of the site. I agree with the District Council that it should be significant in scale in order to protect the setting of Odiham. The second is in respect of the language used in criteria i) and j) on public rights of way.

In criterion f insert 'significant' between 'A' and 'landscape' and replace 'to help screen the development' with 'to safeguard the setting and integrity of Odiham and to provide a clear distinction between the settlement boundary and the countryside beyond'

In criteria i) and j) replace 'A public right of way' with 'A footpath'.

In paragraph 3.20 delete 'Furthermore a care home.....policy 2'

Policy 3 – Local Gaps

7.40 This policy identifies two Local Gaps in the Plan area. The first is between Odiham and North Warnborough. The second is between North Warnborough and Greywell. The effect of the policy would be to resist development proposals within the local gaps that would lead to the visual coalescence of the settlements concerned or which would damage the integrity and distinctive identity of the various settlements. I looked at these proposed gaps carefully as part of my visit to the Plan area. The policy has attracted considerable local support and landowner representation and objections. I have considered all the various representations in assessing the extent to which this policy meets the basic conditions.

7.41 The supporting text helpfully sets out the Plan's justification for the two local gaps in separate sections. I will comment on them in turn.

Odiham to North Warnborough

7.42 The supporting text on the Odiham to North Warnborough Local Gap (paragraphs 3.22 and 3.23) describes the area of land concerned and makes specific reference to policy CON 21 of the saved Hart Local Plan. The text then goes into detail about the proposed housing allocations in Policy 2 of the submitted Plan.

7.43 CON 21 of the saved Hart Local Plan includes the Odiham to North Warnborough local gap as one of seven such identified local gaps. In the saved Local Plan, they were seen as having a local value and significance as opposed to the more strategic gap identified in the Blackwater Valley (CON 20). Nevertheless, I saw from my visit to the Plan area the reasoning that had underpinned the policy and the sensitivity of the gap itself. I also saw that the policy had been successfully applied in recent years within the context set by the development plan.

7.44 Several representations have made comments challenging the need to retain the local gap as set out in the saved local plan. Those representations highlight the passage of time since the original adoption of the local plan, the indication in the supporting text of the local plan that these local gaps may require frequent review and the potential impact of the longer-term application of the policy in frustrating the supply of housing land in the Plan area. One of the representations comments that the local gap approach is contrary to national policy to the extent that it is clearly a strategic policy and outside the remit of neighbourhood planning.

7.45 I am not convinced by these arguments. Firstly, the Odiham to North Warnborough Local Gap is plainly in general conformity to the strategic policies of the development plan. In any event the emerging strategy for the Hart Local Plan will address both the level of housing and other growth required in the District, its spatial allocation and the need or otherwise for the protection of gaps between settlements. In any event the continued retention of this local gap in the neighbourhood plan (as now proposed to be amended) is far from a 'blanket policy restricting housing development in some settlements and preventing other settlements expanding' in the reference to national policy to which my attention has been drawn.

7.46 Secondly, I saw first-hand the sensitivity of the gap between the new settlements. The representations challenging the retention of the local gap provide no assessment of the impact of the deletion of the local gap policy in terms of the distinctiveness and identity of the settlements concerned. Thirdly the submitted neighbourhood plan has actively assessed the boundaries of the local gap and proposes a related package of

housing and open space in and around Dunleys Hill. This is innovative and proactive planning. Fourthly the longer-term retention of a local gap will not automatically frustrate the boost of housing supply in the Plan area. Several representations to the submitted plan have proposed other housing sites elsewhere in the neighbourhood area and unrelated to the local gap. These continue to be assessed as part of the emerging local plan.

- 7.47 I am satisfied that the Odiham to North Warnborough Local Gap as identified in the submitted Plan meets the basic conditions.

North Warnborough to Greywell

- 7.48 The local gap between North Warnborough and Greywell included in the submitted Plan is a proposed new Local Gap. It is not one of the seven identified local gaps as included in the saved Local Plan.

- 7.49 Paragraph 3.24 sets out the reasoning behind the designation of this new local gap in the neighbourhood plan. The characteristics of the area of land concerned are described and with specific reference to the setting of King John's Castle. Reference is also made to the characters of both the Basingstoke Canal conservation area and the North Warnborough Conservation area.

- 7.50 I walked to the north of the proposed local gap along the canal towpath as part of my visit and enjoyed the view from the Castle. Thereafter I drove along Deptford Lane into Greywell. I saw that the area was largely in agricultural use.

- 7.51 I sought clarification from the Parish Council as part of the examination on the justification for the designation of this new local gap. I was helpfully advised of the contents of the Hart Landscape Assessment which indicates that the proposed new local gap site falls within the Whitewater Valley character area (described as Open Valley Side). I was also directed to the Hampshire County Council Integrated Landscape Character Assessment. In particular, I was advised that the proposed gap would perform an important role in maintaining the separate identity and local distinctiveness of North Warnborough Street with its tightly packed listed houses, cottages and farms from the rather more dispersed historic development of Greywell.

- 7.52 As part of the examination I have also taken account of a representation made by Hallam Land Management. Its comments raise objections to several policies in the Plan as part of its promotion of a mixed-use development on land north of Deptford Lane, North Warnborough. That site occupies the majority of the proposed new local gap. The representation contends that there is no methodology or robust evidence to support the proposed new local gap. It identifies other neighbourhood plans where examiners have deleted proposed local gap policies which were not underpinned by appropriate evidence. My attention is particularly drawn to the recent examination of the Winchfield Neighbourhood Plan (also in Hart District).

- 7.53 The representation also sets out the developer's own evidence to the extent that the proposed development could be achieved without detracting from the separation between the two settlements. It concludes that a sensitively designed scheme could be achieved within the site which would retain the special identity of the two settlements.

- 7.54 I have considered these two very different approaches very carefully. In doing so I have taken account of the significant local support for the proposed new local gap. I have commented earlier in this report about the relationship between the emerging

local plan and the submitted neighbourhood plan. In the case of this policy it is not within my responsibilities to make any assessment about the desirability or otherwise of the site being promoted in this part of the Plan area. In addition, the emerging local plan will provide the context for the level and distribution of growth in the wider District and its spatial allocation.

7.55 Taking account of all the information I conclude that there is insufficient evidence or other information presented in the Plan to justify the designation of an additional Local Gap. At the same time, there is no evidence presented on the extent to which Policies RUR2 and 3 of the Local Plan are insufficient to control development outside the identified settlement boundaries.

7.56 I recommend the deletion of the proposed North Warnborough to Greywell local gap

Replace 'Gaps' with 'Gap' (in both parts of the policy)

Delete the second bullet point (North Warnborough to Greywell)

Delete Greywell in the second part of the policy

Delete the final two sentences of paragraph 3.21

Delete paragraph 3.24 and Policies Map Inset 2

Policy 4 – Housing Mix

7.57 This policy sets out to ensure that an appropriate range and mix of houses are provided on residential developments in general, and on the seven allocated sites in particular. I am satisfied that the policy is underpinned with appropriate and up to date information (as set out in paragraph 3.25).

7.58 The District Council supports the principle of the policy and suggests that it could take a more flexible position than that prescribed in para 3.26 of the Plan. I have sympathy with the approach suggested particularly given the thrust of national housing policy. On this basis, I recommend modifications to the policy that retain its core purpose with a degree of flexibility to plan for a family, to have a spare room for visitors or to allow flexibility for those wishing to downsize. In this context, I also recommend that the 'policy requirement' in paragraph 3.26 is modified to 'policy objective'.

7.59 I also recommend that paragraph 3.25 is modified to identify that housing needs and associated studies may be updated during the Plan period.

Delete the first criterion in the policy and replace with two criteria as follows:

- **A mix of dwelling sizes and types on development sites of 5 or more dwellings; and**
- **A mix that reflects the requirements set out in the table in paragraph 3.26 below, or more up to date evidence of needs adopted by the District Council**

Retain the second criterion in the submitted plan and include as the third criterion.

Insert the following sentence immediately after the first part of the text in paragraph 3.25: 'Policy 4 is designed to take account of the most recent housing needs surveys. Throughout the lifetime of the Plan these needs may change and further studies may be published'.

In the table in 3.26 replace 'Requirement' with 'Objective'

Policy 5 – General Design Principles

- 7.60 This policy establishes robust design principles for new development. It does so in a positive and exemplary way.
- 7.61 It is very distinctive to the Plan area. The policy reflects its rich built heritage. It references the HDC Urban Characterisation and Density Study 2010, the Village Design Statement and the three conservation area character appraisals.
- 7.62 The policy has had regard to national planning policy. It is an excellent interpretation of paragraph 60 of the NPPF. It reinforces local distinctiveness without imposing architectural styles or particular tastes. The implementation of the policy will be at the heart of the promotion of the environmental dimension of sustainable development. It meets the basic conditions.

Policy 6 – Odiham Conservation Area

- 7.63 This policy builds on the general principles set out in Policy 5 and sets out a specific policy approach to the Odiham Conservation Area. Similar policies follow for the North Warnborough Conservation Area (Policy 7) and the Basingstoke Canal Conservation Area (Policy 8).
- 7.64 The policy continues the thorough and exemplary approach adopted in Policy 5. It is particularly distinctive to the conservation area concerned. It addresses specific issues such as building to plot ratios, the use of vernacular building forms and materials, architectural and building features and boundary treatments. It reflects a community that values its built heritage.
- 7.65 Criterion 1 refers to important views shown on Plan D. I am satisfied that this is an appropriate approach. However, I recommend an addition to the supporting text to clarify that the need to take account of these important views will only apply to planning applications likely to have an impact on this matter. Otherwise the policy meets the basic conditions.

Insert the following sentence at the end of paragraph 3.33 'The first criterion of policy 6 only applies to planning applications likely to have an impact on these important views'

Policy 7 – North Warnborough Conservation Area

- 7.66 The policy continues the thorough and exemplary approach adopted in Policies 5 and 6. It is particularly distinctive to the conservation area concerned. It addresses specific issues such as the green spaces interwoven with natural water features, the significance and role of heritage assets and the presence of barns and farm-related outbuildings. As with Odiham it reflects a community that values its built heritage.
- 7.67 Criterion 1 refers to important views shown on Plan E. I am satisfied that this is an appropriate approach. However, I recommend an addition to the supporting text to clarify that the need to take account of these important views will only apply to planning applications likely to have an impact on this matter. Otherwise the policy meets the basic conditions.

Insert the following sentence at the end of paragraph 3.36 'The first criterion of policy 7 only applies to planning applications likely to have an impact on these important views'.

Policy 8 – Basingstoke Canal Conservation Area

- 7.68 The policy continues the thorough and exemplary approach adopted in Policies 5/6/7. It is particularly distinctive to the conservation area concerned. It addresses specific issues such as the canal side cottages, the historic bridge and the contribution of the openness of the canal's sides to the surrounding fields and to the Deer Park.
- 7.69 The policy meets the basic conditions.

Policy 9 – Odiham High Street

- 7.70 The policy sets out three related policy approaches for Odiham High Street. I was able to appreciate its vibrancy and its position at the heart of the community on my visit to the Plan area. The first part of the policy supports the development of new or extended retail developments in the identified village centre. The second part of the policy seeks to restrict the loss of retail uses in this identified area. The third element of the policy supports proposals for the provision, alteration or replacement of shop fronts and signs.
- 7.71 The Parish Council helpfully provided clarification on the second part of the policy in general, and its proposals to resist changes of use of existing shop units to other uses where the proposal concerned would result in the number of retail uses falling below one-third of the total number of ground floor uses in the identified area. I am satisfied that the approach is both appropriate and underpinned by appropriate evidence and research. The trigger point reflects the healthy mix of uses in the village centre which includes community uses, offices, restaurants and residential accommodation. I am also satisfied that the information concerned will be updated and monitored and made available to the decision makers as part of their application of this policy.
- 7.72 I recommend a series of modifications to bring the necessary clarity to the policy as required by the NPPF. The first brings absolute clarity to the first part of the policy. The second replaces 'be resisted' with 'not be supported' in the second part of the policy. This will achieve consistency with other policies. The third ensures that all the criteria need to be met to achieve support for a proposal on the basis of the third element of the policy. The fourth ensures that there are separate criteria for the second and third elements of the policy.

Modify the first element of the policy to read: Proposals for new or extended A1 retail development in Odiham High Street (as shown on the Policies Map) will be supported if they accord....

In the second element of the policy replace 'be resisted' with 'not be supported'

In the third element of the policy insert 'and' after the end of the first criterion

In the third element of the policy revise the numbering of the criteria so that the three criteria are distinct to that element and do not appear as a numerical continuation from the second element.

Policy 10 – Education

- 7.73 The policy safeguards land at Robert May’s School. The Parish Council has clarified that this safeguarding is for educational purposes. I recommend a modification to clarify this point. Otherwise the policy meets the basic conditions.
- 7.74 I am satisfied that the Policy 10 has a clear and specific purpose. I am also satisfied that it can comfortably overlap with the Local Gap policy. I also recommend some minor modifications to the supporting text both for accuracy and clarity.

Insert ‘for educational purposes’ after ‘Map’,

Para 3.43 replace ‘replace’ with ‘consolidates.’

Para 3.44 insert ‘appropriate’ between ‘justify’ and ‘development.’

Policy 11 – Local Green Spaces

- 7.75 This policy identifies a series of local green spaces (LGS) within the Plan area. Detailed evidence to support each of the six proposed sites is set out in the Locally Derived Evidence documents in Appendix 1 of the submitted Plan. The LGSs in general, and the Deer Park in particular, have attracted significant local support.
- 7.76 Paragraph 3.46 of the submitted Plan correctly identifies the three criteria for LGS designation in paragraph 77 of the NPPF. The LGS criteria sit within the context set by paragraph 77 to the extent that ‘LGS designation will not be appropriate for most green areas or open spaces’. LGS designation should only be used when each of the three criteria are met. In examining the Plan, it became clear that recent planning applications had been submitted on several of the proposed LGSs. In other cases, the owners had expressed a view to proceed with some elements of built development on the site concerned. This is not unusual in neighbourhood plan examinations, particularly where a local plan is emerging. Nevertheless, future planning applications are a matter for HDC to determine on the basis of the development plan and other material planning considerations. This examination is based purely on the relationship between each of the six proposed LGSs in the submitted Plan and national policy.
- 7.77 As part of the examination I sought clarification from the Parish Council on several matters that are set out in Planning Practice Guidance Chapter 37 on this matter. The Planning Practice Guidance (PPG) provides a greater level of detail for plan making bodies on the designation of LGSs. Paragraph 11 sets out that if any parcel of land is already protected by a separate designation consideration should be given to whether additional local benefit would be gained by its designation as LGS. The first matter on which I sought clarification relates to this element of PPG and was the extent to which the proposed LGS designations had taken account of the existing Odiham Conservation Area and the local gap. The second matter was the extent to which Hockleys Farm and the Deer Park were local in character. I also raised specific points on some of the sites. I will address all relevant points on a site by site basis below.

Land at Close Meadow

- 7.78 The proposed LGS is an open green parcel of land. A private residential driveway runs through the north of the site to a collection of dwellings located to the immediate north and west of the Church. The site area is 2.9 hectares in size.
- 7.79 The LGS Assessment report comments that ‘this space is of particular local significance as it provides an important setting to the historic settlement of Odiham. It

affords particularly good views towards the Grade 1 listed Church and other listed buildings close-by which adds to the beauty of this part of Odiham. The historic importance of this space is recognised by its designation as part of the Odiham Conservation Area. It provides a tranquil green space which can be appreciated by users of the adjoining public footpaths. Its tranquil beauty is also widely appreciated by the community both by users of the two adjoining public footpaths and also when viewed from the main Alton Road which adjoins the space. Views across Close Meadows to All Saints Church are particularly valued and are enjoyed by not only the local community but also the many visitors drawn to Odiham's heritage and by drivers on Alton Road.'

- 7.80 The proposed designation of the site as LGS has attracted an objection from the site owner and Bewley Homes. These representations comment that it cannot be demonstrated that the site is demonstrably special to the local community and that it holds particular local significance because of its beauty, historic significance or recreational value. Doubt is cast on the accuracy of the underpinning evidence. The importance of the viewpoints as identified in the Conservation Area Character Appraisal is also questioned. As part of that objection a detailed Heritage Assessment has been included in the representation. The representations themselves specifically comment on the proposed LGS designation. The Heritage Assessment is more general in nature. It was produced in December 2014 'to inform proposals for future development of the site at Close Meadow, Odiham'.
- 7.81 I looked at these factors carefully as part of my visit to the Plan area. I saw that the proposed LGS plays an important role within the conservation area and provides a context and setting to the village as a whole. I saw the views of the Church from both the Alton Road and the footpaths surrounding the site. I also looked at the site from the footpath running to the north of the site. I was able to appreciate its tranquillity particularly from those footpaths that surround and frame the site.
- 7.82 I am satisfied that the proposed LGS is within close proximity to the community it serves. It sits comfortably within the existing village. I am also satisfied that the proposed LGS is local in character and is not an extensive tract of land.
- 7.83 Plainly there are very different views on the extent to which the proposed LGS is demonstrably special to the local community. Having looked at the site in detail and assessed the information available to me as part of the examination I am satisfied that the proposed LGS is demonstrably special to the local community and holds a particular local significance by virtue of its tranquillity and its intrinsic beauty in providing a context and setting to the village from the west. I am satisfied that the viewpoints as set out in the 2008 Conservation Area Appraisal remain current and up to date. Similarly, I am satisfied that the Parish Council has undertaken a proportionate analysis of the additional local benefit of designating the parcel of land as a LGS when it is already included within the Odiham Conservation Area. The parish council correctly comments on the differences between the effects of the two different designations and that conservation area designations of these spaces are for historic and landscape reasons.

Land at Dunleys Hill

- 7.84 The proposed LGS is located to the immediate west of Dunleys Hill. At the time of my visit to the Plan area it was in arable use. This is consistent with photographs in the LGS Assessment.

- 7.85 In general terms I am satisfied that the package of measures proposed in policies 2i, 2 ii, 2 iii, 2 v and 11ii meets the basic conditions. In combination, they safeguard the local gap whilst releasing land for residential development on its southern edge and proposing an area of open space. Nevertheless, in PPG terms the proposed open space is not existing local green space. National policy does not allow the identification of a parcel of land that may be LGS in the future.
- 7.86 I suggest a more appropriate way of handling the matter would be to delete the proposed LGS at Dunleys Hill from Policy 11 and include it in a modified format as a separate policy. This is addressed later in this report. The new policy would support its development as open space. This is the intention of the submitted Plan.

Delete Land at Dunleys Hill as a LGS

Create a new policy (Policy 14) 'New open space – Land at Dunleys Hill

Land at Hockleys Farm

- 7.87 The proposed LGS occupies 5.8 hectares of land to the west of Odiham and to the south-east of North Warnborough. It sits within the Local Gap in the adopted Local Plan. It is in agricultural use. At the time of my visit it was used as grazing land.
- 7.88 The LGS assessment comments that 'this space provides a valued and attractive green edge to the settlement with footpaths which link the settlement to the open countryside beyond to provide the community and visiting ramblers with important informal recreational opportunities. The space also establishes the rural character and setting of the villages with their adjacent farmland. There are views of special note from this green space towards Odiham and across the Whitewater Valley towards Greywell which are much valued by the community'.
- 7.89 The proposed designation has attracted an objection from the site owner. This argues that the site is not special to the community and that it is a working agricultural field of no specific environmental significance. It is also argued that the site is a level open featureless field.
- 7.90 In its clarification to my question about the size of the proposed LGS the Parish Council comments that it is a clearly defined local space and is enclosed by natural features such as hedgerows, streams, property boundaries and a road. I am advised that its size relates to its natural boundaries and enclosures and the way in which they are utilised and valued by the community. To reduce them in size would require an arbitrary and artificial boundary to be drawn which would bear little resemblance to their natural configuration or the way in which they are viewed and utilised. The Parish Council also draws my attention to the difference between local gap and LGS designation and its current uncertainty around whether or not the emerging local plan will continue to safeguard the local gap.
- 7.91 I am satisfied that the proposed LGS is within close proximity to the community it serves. It sits comfortably between the two existing villages.
- 7.92 I do not consider that the proposed LGS is demonstrably special to the local community and holds a particular significance. The site is an unremarkable parcel of agricultural land within the existing local gap.
- 7.93 I also do not consider that the proposed LGS is local in character. At 5.8 hectares, it is significant in size. Plainly each and every proposed LGS needs to be considered on its individual merits. Nevertheless, this parcel of land is of a scale and in a land use

that has consistently been considered to be an extensive tract of land both within my previous examinations and by other examiners. On the basis of the inability of the site to meet the criteria in paragraph 77 of the NPPF I recommend that the proposed LGS is deleted.

Delete Land at Hockleys Farm as a LGS

Land at Kitchen Garden

- 7.94 The proposed LGS is an untended kitchen garden. It is defined by a traditional high brick garden wall on its northern boundary. It includes the remains of a traditional wooden kitchen garden greenhouse. It is 0.35 hectares in size. It is largely square in shape and sits to the immediate west of the Church and to the immediate east of the Close Meadow LGS. It lies within the Odiham Conservation Area. I looked at the site from the footpath running due west from the church. The site was visible at this point behind a locked gate.
- 7.95 The LGS assessment comments that the site ‘provides a tranquil green space which can be appreciated by users of the adjoining public footpaths. It holds a particular local significance due to its history, tranquillity and contribution to the character of an area that is regarded by residents as not simply the heart of the village but the physical embodiment of what makes Odiham special. The Bury, which is closely linked to the Kitchen Garden, is generally regarded as forming the heart and historic core of Odiham. It is the place which, through its combination of listed buildings, tranquillity, charm, character, combination of greenery and built form, and simple everyday use by people going to and fro on foot to work, shops and schools is considered the real heart of the village’.
- 7.96 The proposed designation of the land as LGS has attracted an objection from the site owners. They argue that the site does not fulfil the requirements to be designated for this purpose. The representation draws my attention to several comments made at the pre-submission stage of the Plan that did not support the site’s designation as LGS.
- 7.97 I am satisfied that the proposed designation meets the proximity and local in character tests.
- 7.98 In response to my clarification questions the Parish Council has provided further information on the historical association of this part of the village with the Chamberlain family. I can see that Neville Chamberlain’s sisters were heavily involved in the local area and donated parcels of land, including land to the immediate south of the proposed LGS for recreational use (now known as Chamberlain Gardens). Whilst this information provides a wider historic interest I do not consider however that in itself it justifies the designation of this particular site as a LGS.
- 7.99 Having seen the site and its setting I consider that its designation or not as LGS turns on the extent to which it is demonstrably special to the form and character of the village and its tranquillity. In this context, it sits within the heart of the village, adjacent to the church and within close walking distance of The Bury. Whilst it is mainly set back beyond a traditional high cottage garden wall it is nevertheless within the public view where the private driveway leads to the house to its south-eastern corner. Due to its location, well away from High Street and off a quiet pedestrian footway the sense of tranquillity is very obvious within and around the site. In addition, it provides a part of the green aspect to the immediate west of the church.

7.100 In its response to another part of my clarification questions the Parish Council addresses the overlap between the conservation area designation and the proposed LGS designation. It comments that the existing Conservation Area designation is through separate legislation for very specific reasons unrelated to the local feeling and attachment to the spaces. The Parish Council comments that conservation area legislation is for historic and landscape reasons and this may not necessarily provide protection against future development on part or all of the space. I am satisfied that this is the case and that there would be added local value in designating the site as a LGS. From the evidence submitted as part of the examination I am satisfied that the site is demonstrably special to the local community and holds a particular local significance through the contribution that it makes to the form and character of the village. Its openness and tranquillity are very clear and self-evident.

Land to rear of Beech Cottage, King Street

7.101 The proposed LGS sits to the east of King Street in Odiham. It is 1 hectare in size. It is largely rectangular in shape. It lies within the Odiham Conservation area. Due to its location to the rear of private properties the site is difficult to view from public places. On my visit, I was able to get some views into the site in the vicinity of its south-eastern corner from the footpath that runs along the north-western boundary of the cemetery to Mildmay Court. The proposed LGS is dominated by mature trees. In a 2016 appeal decision in respect of a proposed residential development on the site the Planning Inspector described the site as ‘an undeveloped backland site with swathes of grass and trees, some of which are the subject of a tree preservation order’ (Appeal Decision APP/N1730/W/15/3005945).

7.102 The LGS Assessment comments that ‘this area provides a tranquil natural green space within a generally built up part of the settlement which helps to characterise the skyline of central Odiham as one of old buildings and mature trees within a rural area. This open space is one of the last pieces of land in the centre of the Odiham Conservation Area that remains undeveloped. The soil has remained untouched for centuries’.

7.103 The LGS Assessment has drawn my attention to the recent appeal decision on this site (as set out above). That appeal was dismissed. I am mindful about my earlier comments on the distinction between this examination and the determination of planning applications and appeals. Nevertheless, there are important overlaps between the two matters in general, and the impact of built development on the character and appearance of the conservation area and the integrity of the various trees in particular.

7.104 In relation to the former the Inspector found that ‘given that the open, undeveloped green space of the appeal site and its many mature trees are positive contributors to the rural character of the conservation area; achieving a residential development that would preserve (if not enhance) the character and appearance of the Odiham Conservation Area is challenging. In this respect, the Appellant has taken great care with the design of the buildings, utilising detailing found elsewhere in the area and with the intention of employing high quality materials which is to be commended’. The Inspector also reports that the District Council ‘has no objection in principle to the residential development of the appeal site’ (as it falls within the settlement boundary)’.

7.105 In relation to the integrity of the trees different schemes have brought forward specific responses from two separate inspectors. At the most recent appeal in 2016 the inspector comments that ‘throughout the course of the hearing, the Appellant and

Council worked together to reduce areas of disagreement and that is very much appreciated. Nonetheless, agreement could not be reached with regard to four principal trees T1, T2, T30 and T27'.

- 7.106 The Inspector's report also makes reference to a previous appeal where the Inspector concluded that the scheme could be accommodated without material detriment to protected trees despite some of the buildings encroaching upon the root protection area. This conclusion took account of a different layout.
- 7.107 I am satisfied that the site meets the proximity and the local in character criteria.
- 7.108 Having seen the site and its setting I consider that its designation or not as LGS turns on the extent to which it is demonstrably special by virtue of its identification as natural green space in which the mature trees contribute to views throughout the wider area and are positive contributors to the rural character of the conservation area.
- 7.109 Plainly the existing trees contribute significantly to the character and attractiveness of the area in general and the conservation area in particular. Nevertheless, neither the submitted plan nor the responses to my clarification questions directly address the ability or otherwise of existing conservation area legislation (and the associated operation of the development management system) to safeguard these trees. Two appeals have already been dismissed. Subject to appropriate layout and design well-designed development could proceed on the site without affecting the skyline in general, and the integrity of the trees concerned in particular. The limited visibility of the site from public vantage points reinforces the importance of the tree issue. No evidence has been presented as part of the examination on whether any additional local benefit would be gained by designation as Local Green Space over and above its inclusion within the Odiham Conservation Area. In particular, I am not satisfied that LGS designation is required in order to safeguard the trees on the site. In addition, its designation as LGS will neither increase its visibility within the Plan area nor provide any public access into what is largely a land-locked parcel of land. On this basis, I conclude that the proposed LGS should be deleted from the Plan.

Delete Land to rear of Beech Cottage as LGS

Land at the Deer Park

- 7.110 The proposed LGS is located to the immediate north of Odiham. It extends to 44 hectares in size. The proposed LGS falls within both the local gap and the Odiham Conservation Area. It is predominantly used for grazing purposes. The designation of the site as LGS has attracted very significant support from the local community.
- 7.111 I looked carefully at the proposed LGS from various vantage points to the north and from both the aptly-named Deer Park View and Palace Gate. I took the opportunity to walk into the area through the footpath at the end of Palace Gate.
- 7.112 The LGS assessment provides a very significant level of detail on the Deer Park. In its initial section, it comments that 'the earliest mention of the Deer Park occurs in 1216 when the park and Odiham castle were retained for the king. The Deer Park has been used for agriculture for the last 400 years and the formal field boundaries reflect the introduction of Parliamentary enclosures in the 18th century. The outline of the park is still of vital importance in influencing the layout of the settlements of Odiham and North Warnborough. The Deer Park lies on the eastern side of Dunleys Hill, forming the eastern boundary to North Warnborough, and provides a very important open green space for both villages'.

- 7.113 The proposed designation has attracted an objection from the site owner. In summary that objection contends that the land concerned is an extensive tract of land. It is also contended that its size is significantly larger in scale than others proposed in the Plan and elsewhere in England in other neighbourhood plans.
- 7.114 In its response to my clarification questions the Parish Council has helpfully set out its thinking on this proposed designation. On the size point I am advised that the site is a clearly defined local space enclosed by natural features such as hedgerows, streams and property boundaries. Its size relates to its natural boundaries and enclosures and the way in which they are utilised and valued by the community. It is argued that to reduce it in size would require an arbitrary and artificial boundary to be drawn which would bear little resemblance to their natural configuration or the way in which they are viewed and utilised.
- 7.115 I have also been advised about the extent to which the Parish Council grappled with the size issue as the Plan emerged.
- 7.116 I am satisfied that the proposed LGS meets the proximity criteria. It sits to the immediate north of Odiham and is well-connected to it visually and in terms of its use for recreational use by the local community. It is also in close proximity to North Warnborough.
- 7.117 I am also satisfied that the proposed LGS comfortably meets the second criteria for LGS designation. Plainly the land concerned is demonstrably special to the local community and holds a particular local significance. The historic importance of the Deer Park is self-evident and is supported by a variety of published documents and by Historic England.
- 7.118 However I am not satisfied that the proposed LGS is local in character. At 44 hectares in size I conclude that it is an extensive tract of land and that it is not local in character. It is extensive in its appearance and setting in relation to the village. It is extensive when viewed on the Policies Map. It is an important feature that dominates the landscape setting to the northern side of the village. In coming to this judgement, I recognise that each and every proposed local green space must be considered on its own merits. It is on this basis that Planning Practice Guidance does not identify a maximum size for designation. Nevertheless, the proposed LGS is well beyond what has been accepted as being local in character in other neighbourhood plan examinations. As the agent acting for the site owner points out the site is also significantly larger than most other proposed LGSs that have been deleted from other plans at examination.
- 7.119 The majority of the site already has a degree of protection as afforded by its location within the local gap (in the adopted local plan) and within the Odiham Conservation Area. I note the Parish Council's comments about the different purposes of LGS/Conservation area designation and the longevity of the Local Gap. Nevertheless, these matters do not affect my judgement on the third criterion in the NPPF. On this basis, I recommend the deletion of the site as LGS

Delete Land at the Deer Park as LGS

- 7.120 The policy itself provides the long-term development management approach to the consideration of planning application on the proposed local green spaces. Paragraph 78 of the NPPF comments that Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts. I am satisfied that this

will be the case based on the policy in the submitted plan. Given that the two remaining LGSs (Close Meadow and Kitchen Garden) are in private ownership and do not have public or open recreational access the absolute nature of Policy 11 is entirely appropriate. In the event that the Plan is reviewed and the Dunleys Hill open space is then laid out and proposed as LGS a degree of flexibility may need to be introduced to the policy to allow for a degree of recreational-related development insofar as it would need planning permission.

Policy 12 – Natural Environment

- 7.121 This policy sets out a range of key principles against which development proposals will be assessed in relation to the natural environment. As with the design and conservation area policies it is very well-crafted and researched.
- 7.122 It provides an exemplary local interpretation of section 11 of the NPPF. It is distinctive to the Plan area. I commend its approach to others preparing neighbourhood plans. It meets the basic conditions.

Policy 13 – Assets of Community Value

- 7.123 This policy sets out to protect designated assets of community value from either loss or significant harm.
- 7.124 It helpfully clarifies that other legislation will designate the assets concerned. This policy applies only to assets once designated. As such it is a land use policy. It also meets the basic conditions.

Proposed New Policy 14 – Open Space

- 7.125 In Policy 11 of the Plan I recommend a modification to delete land at Dunleys Hill as a LGS and to treat it instead as a proposed new area of open space. It is on this basis that this replacement policy is proposed.
- 7.126 Paragraph 7.86 of this report has already set out the background to this matter and which I will not repeat here.

Include new Policy: Policy 14 Dunleys Hill Open Space

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

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

- **Vehicular access into the site should be off Dunleys Hill and shall be consistent with the principles set out for the development of the proposed housing site to the north in policy 2 iii of this Plan; and**
- **Associated car parking spaces should be sensitively designed and surfaced to respect the location of the site within the designated local gap; and**
- **Any associated recreational or maintenance buildings or structures should be essential to the operation of the open space and should comply with the design principles set out in Policy 5 of this Plan**

Use supporting text for the new policy as set out in paragraphs 3.48/49 of the submitted Plan with the following changes:

3.48

Line 6 replace 'green' with 'open'

Line 8/9 replace 'green space' with 'aspect'

3.49

Line 11 replace 'LGS' with 'open space'

Other Matters

- 7.126 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 as a result of my recommended modifications to the policy concerned I have identified them in this report. However, there may be other changes to the general text elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for the District Council and the Parish Council to have the flexibility to make the necessary changes. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

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 thorough and distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Odiham and North Warnborough Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a range of modifications to the policies in the Plan. The structure and the format of the Plan remains. My various recommendations concentrate on the proposed Local Gaps and the proposed Local Green Spaces.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to Hart District Council that subject to the incorporation of the modifications set out in this report that the Odiham and North Warnborough Neighbourhood Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In its representation to the Plan Greywell Parish Council suggested that the referendum area should be extended to include that community. This reflected the proposed local gap in the submitted Plan between North Warnborough and Greywell. I have recommended the deletion of that proposed Local Gap from the Plan. In any event, it would have been difficult to have identified which households to have included within the referendum area if the local gap was retained within the Plan and I had been minded to extend the referendum area beyond the Plan area itself.
- 8.5 In my view the neighbourhood area is entirely appropriate for the purpose of the referendum. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 7 August 2014.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. It has been a complicated examination given the range of issues that are addressed in the Plan in general and the proposed local gaps and local green spaces in particular. The matter has inevitably been more challenging than would otherwise have been the case given the significant level of representations received at the submission stage. This reflects the role and significance of the neighbourhood plan in the two communities. It also reflects the high levels of engagement achieved in earlier stages of the Plan.
- 8.7 The District Council has been particularly helpful in providing the necessary information to allow me to undertake this examination. Its provision of a file of all the representations has proved to be invaluable during the examination process. The Parish Council has also been very accommodating in providing accurate and

proportionate responses to my various requests for clarification during the process. The District Council has also played a similar role in providing its own clarification on technical matters and in liaising with the Parish Council on sending this information to me.

**Andrew Ashcroft
Independent Examiner
22 December 2016**