

Winchfield Neighbourhood Plan 2015-2032

**A report to Hart District Council on the Winchfield
Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Hart District Council in July 2016 to carry out the independent examination of the Winchfield Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 5 September 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 local character and promoting distinctive housing development. It also includes a series of Watch Points.
- 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 Winchfield 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
4 October 2016

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Winchfield Neighbourhood Development Plan 2015-2032 ('the Plan').
- 1.2 The Plan has been submitted to Hart District Council (HDC) by Winchfield 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 the District Council commissioned BASE Planning consultants to carry out a screening assessment. The conclusion of the draft screening report was that there were no significant environmental effects as a result of the production of the Plan.

- 2.7 The required consultation was carried out with the three prescribed bodies.
- 2.8 The same process was also undertaken to undertake a Habitats Regulations Assessment (HRA) screening report on the Plan. That screening report concluded that the Plan was not likely to have any significant effect on a European site.
- 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 BASE report that addresses both of these issues sets out a robust and compelling assessment of the relevant information. It has 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 BASE Screening Statements (January 2016).
- 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 5 September 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 identification of the Vision and Objectives
 - the community/business survey
 - the use of village engagement sessions;
 - the use of a specific website and e-mail facility;
- 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.
- 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 The positive approach that was taken in responding to the earlier comments is reflected in the number of representations received to the submitted plan (see 4.8 below) and their generally positive nature.
- 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 2 September 2016. This exercise generated 32 comments from various persons and organisations. The following statutory bodies or business made comments:

- Natural England
- Thames Water
- Surrey County Council
- Hampshire County Council
- Environment Agency
- Dogmersfield Parish Council
- Hart District Council
- Gallagher Estates/Barratt Homes
- Hartley Wintney Parish Council

4.9 In examining the Plan I have taken account of all the representations received.

5 The Plan Area and the Development Plan Context

The Plan Area

- 5.1 The Plan area covers the parish of Winchfield. It was designated as a neighbourhood area on 8 January 2015.
- 5.2 The Plan area is located in the centre of Hart District. It sits roughly equidistant between Hook to the west and Fleet to the east. Both the A30 and the M3 run loosely from the south east to the north west through the Plan area and with the A30 forming its northern boundary. The London to Southampton railway also runs in a roughly west to east direction through the middle of the Plan area.
- 5.3 The principal built developments of Winchfield Hurst and Winchfield Court sit comfortably within the surrounding rolling countryside. The Plan area is characterised by its farmland, hedgerows and ancient woodlands.

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 5 September 2016.

- 5.10 I drove initially to the car parking area adjacent to the iconic St Mary's church. I could see why it features so heavily in both the Plan itself and other documents and publications about the village. It is a stunning piece of Norman architecture.
- 5.12 I spent some time looking around the church grounds and its wider setting
- 5.13 I then walked along Bagwell Lane to see the proposed local green space.
- 5.14 I then continued my visit by driving to the two built up parts of the Plan area that have settlement boundaries in the saved Local Plan. I saw their differing characters and building types. I also drove to the railway station and to Beauclerk Green.
- 5.15 At various points during my visit I looked at the proposed Local Gaps. I also took the opportunity to walk along the Basingstoke Canal footpath to look at key elements as set out in policy B1. The car park by the Barley Mow Bridge was remarkably full for a dull Monday morning. Nevertheless, I was able to walk along the footpath for 10 minutes in complete isolation. It was thoroughly peaceful.
- 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 Winchfield 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 quality and integrity of the built and natural environment.

- 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. In the social role it includes a Watch Point to identify and sustain assets of community value. In the environmental dimension the Plan positively seeks to protect the natural, built and historic environment of the parish. In particular, it proposes innovative policies on design and its local rural character.

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 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. It also identifies some non-land use Watch Points within the topic based sections of the Plan.
- 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. I address the Watch Points separately.
- 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 beautifully presented and arranged and it is supported by well-chosen photographs and diagrams. The photographs add value and depth to the text. This theme continues throughout the Plan and makes it interesting both to local residents and others who may use it as a planning document throughout its lifetime.
- 7.9 Section 1 sets out some detail on the production of the Plan and the issues that it is seeking to address.
- 7.10 Section 2 provides a succinct background to the challenges within the Plan area and how these developed into visions and objectives. The five objectives are translated into themed chapter areas later in the Plan.
- 7.11 Section 3 sets out detailed information on how the Plan was developed. It overlaps with the associated Consultation Statement. It sets out how the independent health check process has been used to refine the Plan.

- 7.12 Section 4 sets out the Parish Council's view on the housing need for Winchfield. The approach is continued into Section 5. It includes significant commentary on the community's view about an appropriate level of housing delivery within the Plan period. It usefully attempts to provide a context in the absence of any clarity at this stage on an emerging Hart District Local Plan. This highlights the inherent difficulties of preparing a neighbourhood plan in these circumstances.
- 7.13 The introductory paragraph indicates that the actual requirement for the Plan area will emerge from the evolving local plan. It then goes on to indicate that this unspecified requirement will be met from the implementation of the neighbourhood plan policies. I recommend a modification on this matter – the adoption of the emerging local plan may require a reassessment of the neighbourhood plan policies to address the level of growth required for the Plan area.
- 7.14 The section sets out two scenarios based around a proportionate level of housing growth across the District. It continues with significant detail about the emerging Hart Local Plan and the extent to which it may be required to meet unmet housing needs in Rushmoor and Surrey Heath districts. 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. Nevertheless, at the current stage in the preparation of the emerging local plan this approach 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.
- 7.15 I also recommend other consequential changes to the text in this section of the Plan. In particular the mathematical certainty set out 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 any event the submitted Plan does not include any assessment of the extent to which the general housing policies would deliver the level of growth anticipated. I also recommend the deletion of the wording used on page 19 which seeks to deliver housing evenly over the Plan period. Whilst I understand the ambitions of the Parish Council on this matter the thrust of national policy is to boost the supply of housing land. In any event it would be impractical for HDC to phase the receipt and determination of planning applications or the rate at which resulting planning permissions were implemented.

Page 17 first paragraph – delete 'and the village.... As follows'.

Add new sentence at this point 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'.

Page 17 second paragraph – replace 'October 2015' with 'March 2016'.

Page 17 second paragraph – delete all text (including Calculations) after ‘plan period’.

Add new sentence 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.’

Page 18 – delete the first three paragraphs

Page 18 fifth paragraph – delete

Page 19 first sentence – replace with ‘Within this context the delivery of new housing is seen by the local community as best delivered by means of the following types of development;’

Page 19 final paragraph – replace ‘Given the scale...Winchfield,” with ‘In the context of the Plan’s ambition to bring forward proportionate housing growth given the lack of clarity on the emerging local plan,’

- 7.16 Section 5 helpfully sets out the structure of the bulk of the Plan and how the objectives lead into policies. The relationship and overlap with the various Watch Points is also explained. In order to ensure consistency with earlier recommended modifications to Section 4 of the Plan I recommend the following modifications to the text in Section 5.1 on page 25 of the Plan:

Delete the first sentence

Delete the fourth paragraph

Policy A1: Housing Preference for People with a strong connection to Winchfield

- 7.17 This policy sets out to ensure that 50% of all new affordable housing will be initially subject to a local connection. Detailed criteria are set out to define the scale and extent of the required local connection.
- 7.18 The policy also indicates that the Parish Council will welcome proposals for open market housing to be made available for sale initially to local residents before general release
- 7.19 Neither of these elements of the policy meet the basic conditions. They are not land use in their nature. Whilst the general provision of affordable housing is a land use matter its allocation and use is a matter of local discretion and protocol. HDC’s representation to the Plan on this matter advises that the proposed approach would conflict with its approved Allocations Policy (and recently reaffirmed in January 2016). The Allocations Policy sets out the process and approach through which social housing is allocated and this is on the basis of a priority system reflecting levels of need. The element of the policy in relation to giving priority to local residents to purchase new open market dwellings seeks to control the sale and marketing of new properties. This is beyond the remit of the national planning system and would represent an

unreasonable burden on the house builders concerned. For these reasons I recommend the deletion of both elements of the submitted policy.

Delete policy

Policy A2: Size and Location of New Developments

- 7.20 This policy relies heavily on local consultation feedback and the application of several policies in the saved Local Plan including RUR2, RUR3 and RUR20. It then identifies that new housing development should respect the existing scale of the village and should not result in developments of more than seven homes. Exceptions are identified where larger developments could come forward. In addition, support is given for the development of brownfield sites in preference to greenfield sites.
- 7.21 Gallagher Estates and Barratt Homes have made significant representations to the housing policies in the Plan. I shall address them at this point in the report. The representation sets out their joint ambition to develop a garden community within the Plan area of approximately 3000-5000 dwellings. In summary the representations comment that:
- The submitted Plan has not taken appropriate account of the full objectively assessed need for housing in the wider Hart District;
 - An emerging SHMA is likely to increase the assessed need for housing;
 - The submitted Plan has had no regard to the development strategy in the emerging Local Plan in general, and fails to take account of the potential for the development of a new garden settlement (in the Plan area);
 - Given the impending consultation on the preferred strategy for the local plan it would be premature for the submitted plan to proceed in its current format.
- 7.22 As part of this representation my attention was drawn to the February 2016 changes to Planning Practice Guidance (PPG) with respect to the relationship between local plans and neighbourhood plans.
- 7.23 I have given these matters detailed consideration. As part of doing so I have sought clarification from HDC on how it has addressed the PPG matters with the Parish Council and the extent to which the submitted Plan has had proper regard to important elements of national policy.
- 7.24 On the housing land supply and shared information issue HDC advised that the Winchfield Neighbourhood Plan recognises the most up to date information on housing need that was available to them at the time. The reference to the 382 dwellings per year figure presented on page 17 is taken from the Hart Housing Land Supply document. This document was updated in August 2016 but at the time of drafting the Neighbourhood Plan it was not available. It also uses an annual requirement of 382 houses per year.
- 7.25 The five-year supply documents have been informed by the Council's Strategic

Housing Market Assessment (SHMA). These were produced in 2014, and were subsequently updated to the objectively assessed housing need that was agreed by the Council during an appeal for housing development on land at Owens Farm, Hop Garden Road, Hook. A revised SHMA is being produced across the housing market area but has not yet been published.

- 7.26 On the matter of the relationship and timing of the production of the emerging local plan and the submitted Plan HDC comment that the Neighbourhood Plan has had to be prepared in a Local Plan policy vacuum and therefore the Parish Council could not be expected to prejudge decisions that still have not yet been made by the District Council. The November 2014 Housing Options sought views on possible options and in response a decision was made to proceed with a potential housing option for testing purposes only. The 2016 Refined Housing Options Paper was also only an Options Paper. It sought views on possible growth strategies. It made no recommendations and identified no preferred strategies. As such it gave no specific guidance to Neighbourhood Plans and indeed identified no allocated sites. In these circumstances HDC agrees that the Neighbourhood Plan was entitled to proceed in the manner that it has because it had no other option.
- 7.27 I was also advised that in May 2016 the Council wrote to Winchfield Parish Council setting out the implications of the preparation of a new Local Plan on the Winchfield Neighbourhood Plan. Winchfield Parish Council confirmed that it had the same understanding of the scenario of a new Local Plan taking precedence over policies in the Neighbourhood Plan.
- 7.28 The Council has also advised that a Regulation 18 consultation Draft Local Plan: Strategy and Sites is set to be considered by the Council's Cabinet on 19 October 2016 and then Council on 20 October 2016 for agreement to undertake consultation from November/December 2016.
- 7.29 On the basis of these points of clarity and my own observations and judgement it is clear that the submitted Plan has been prepared in difficult and changing circumstances. The Parish Council is to be commended for pressing ahead. It is clear that 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. The Parish Council is fully aware that the emerging Local Plan may cause the neighbourhood plan to have limited effect over time if the two sets of policies are in conflict.
- 7.30 Taking all matters into account I conclude that there are no procedural or practical reasons why the neighbourhood plan cannot proceed beyond the examination phase. The emerging local plan will take its own course and will be subject to its own examination process. In any event the potential making of the neighbourhood plan will not prejudice the ability of HDC to pursue the development strategy that it sees fit in the emerging local plan. Similarly, Gallagher Estates/Barratt Homes would be free to pursue its ambitions for the Winchfield Garden Community in that same plan.

- 7.31 Within this context I am satisfied that the first three components of the policy have regard to national policy and are in general conformity with the strategic policies in the development plan.
- 7.32 The fourth, fifth and six elements of the policy relate to drainage and infrastructure capacity issues. These policy elements are supported by Thames Water. There is little to support their inclusion in the policy within the preceding supporting text.
- 7.33 Taking these matters into account I recommend two modifications. The first relates to the fact that the need for additional wastewater and water supply infrastructure provision will involve input from the water companies (Thames Water and South East Water) and they would be involved in discussions as to how this would be delivered. This point should be appropriately referenced in the supporting text. The second relates to the final element of the policy on infrastructure capacity constraint. There are no identified constraints identified within the text and as such I recommend that the matter is made less specific. I also recommend that the infrastructure constraints are specifically referenced to water supply, waste water capacity and surface water drainage. This will provide the clarity provided by the NPPF.

Replace the sixth element of the policy with:

In the event that there is a water supply, waste water capacity and surface water drainage infrastructure capacity constraint the developers will be required to identify the appropriate improvements that are required and how they will be delivered

Include the following additional supporting text at the bottom of page 27:

'The need for additional wastewater and water supply infrastructure provision to supply and service new residential schemes will involve input from the water companies (Thames Water and South East Water). These companies will need to be involved in discussions as to how this would be delivered. The companies will also have an important role to play in advising developers on the scale of any capacity constraints that may exist and how they could satisfactorily be remedied'

Policy A3: Residential Car Parking Spaces, Gardens and Utility Space

- 7.34 The policy sets out a series of details in relation to car parking spaces, gardens and utility spaces. The first element of the policy sets out specific standards for residential car parking and resists the development of garage blocks. The second and third elements relate to the scale and proportions of gardens and the utility spaces required for the storage of refuse bins.
- 7.35 The policy reflects the character of the area that I saw on my visit to the Plan area. It is a distinctive policy that meets the basic conditions.

Policy A4: Height and Type of Housing

- 7.36 The policy sets out detailed guidance on the type and height of new housing. As with the previous policy it is distinctive to the Plan area.
- 7.37 The policy properly identifies that new housing should reflect the local character of the Plan area. In addition, it is written in a non-prescriptive style by identifying the general acceptability of a wider range of dwelling types.
- 7.38 The policy has an overlap between policy and supporting text in its language. I recommend a modification to address this matter.

Delete final paragraph of the policy

Include an additional sentence at the end of the supporting text to read:

'Policy A4 sets out detailed guidance on these matters. For clarity the policy is not intended to prevent loft conversions or the insertion of appropriate windows or other openings in loft conversions'

Policy A5: Design

- 7.39 The policy has been designed to fulfil two related purposes. The first is to bring forward design that respects the rural character of the Plan area. The second supports the development of energy efficient proposals. Both aspects of the policy are entirely appropriate to the Plan area.
- 7.40 The second component of the policy encourages energy efficient proposals to come forward. This approach does not however provide any clarity to the decision-maker. I recommend a modification to the Plan to this effect with the replacement of 'encouraged' with 'supported'.

In final element of the policy replace 'encouraged' with 'supported'

Policy A6: Density

- 7.41 The policy and its supporting text provide useful and distinctive commentary on existing and future density for residential development in the Plan area.
- 7.42 It is a distinctive and well-researched policy and which relies on evidence in general, and of recent developments in particular. I recommend a modification to provide the necessary clarity to the policy. As submitted the policy merely sets out an expectation for a particular density rather than requiring that standard.

Replace 'are expected to' with 'should'

Policy B1: Rural Look and Feel – Significant Views and Topography

- 7.43 The policy addresses three related elements. All three elements sit within the wider context of the rural character of the village. The supporting text identifies that this policy stems directly from the community consultation process that has underpinned the Plan. The first element refers to views from the canal and views from footpaths. The second element refers to the protection of hedgerows and mature trees. The third element refers to electricity cables and pylons.
- 7.44 The first element of the policy insofar as it refers to views from the canal meets the basic conditions – the various views are shown on the map on pp36/37. However, the views from the footpaths identified in policy B2 are not defined in that policy, nor are they specifically shown on the map on page 39. As such this element of the policy does not have the clarity required by the NPPF and I recommend its deletion.
- 7.45 The second part of the policy on natural landscape is entirely appropriate and meets the basic conditions.
- 7.46 The third part of the policy has no context as described in the supporting text. In any event such installations are a matter for the utility providers and who do so under separate legislation. As such I recommend the deletion of this part of the policy. Within the wider context it would be appropriate for it to become an additional Watch Point in the event that the community wished to retain some mention of this matter in the Plan.

Delete the second bullet point in the first element of the policy

Incorporate the first bullet point into the preceding sentence

Delete the third element of the policy

Introduce a new Watch Point into the Plan using the same narrative as set out in the third element of this policy as submitted and with some appropriate supporting text.

Policy B2: Rural Look and Feel – Lanes and Public Rights of Way

- 7.47 As with the previous policy this policy sets out how the rural character of the Plan area should be addressed in development proposals. Policy B2 concentrates on the many lanes and public rights of way. This approach is entirely appropriate to the character of the Plan area and which I saw on my visit.
- 7.48 The second and third sentences of the first paragraph of the policy refer to highways rather than land use matters. I recommend that this element of the policy is deleted and replaced with a Watch Point if thought appropriate by the Parish Council. I also recommend other modifications to the policy to ensure that it has the necessary clarity as required by the NPPF.

Delete the second and third sentences of the first paragraph of the policy

Replace 'permitted' with 'supported' at the end of the first sentence

Replace 'will be expected to' with 'should' in the fourth sentence

Replace 'encouraged' with 'supported' in the final sentence of the second paragraph of the policy

Include a new Watch Point (if required) to replace the second and third sentences of the first paragraph of the policy and with consequential supporting text.

Policy B3: Local Gaps

- 7.49 The policy identifies Local Gaps on the map on page 40 and indicates that future sustainable development will be expected to respect their designation.
- 7.50 The policy has several elements of internal inconsistency. The third paragraph of text explicitly indicates that the purpose of the policy is to identify new Local Gaps at the village edges. However, the policy itself refers less specifically to visual and physical local gaps which currently exist and where the land concerned creates wildlife and biodiversity corridors. In addition, the supporting text recognises that saved policy CON 21 (Local Gaps) of the Local Plan does not designate any such gaps in the Plan area. There is no evidence or other information presented in the Plan to identify either the circumstances that justify the designation of an additional Local Gap or the extent to which Policies RUR2 and 3 in the Local Plan are insufficient to control development outside the identified settlement boundaries. The matter is further compounded as the third paragraph of the supporting text refers to the section of the NPPF that applies only to the green belt. For these reasons I recommend that the policy is deleted – it is not in general conformity with a strategic policy of the development plan and it seeks to apply national policy in an inappropriate way.

Delete policy

Policy B4: Local Green Space

- 7.51 This policy proposes a local green space based on guidance in paragraphs 73 to 77 of the NPPF. It also indicates that further such designations may come forward in the future but without any indication about their location or the timetable involved. The justification for the designation however is based heavily on the identification and safeguarding of a repositioned route for the Historic Three Castles Path.
- 7.52 Having sought clarification from HDC and the Parish Council on this matter I recommend that both the policy and the supporting text are replaced with a policy safeguarding the route of the proposed realigned Path. The area of land affected would remain unchanged as a result of this recommended modification.

New Policy title - Safeguarding of land for new right of way

Replace the policy with the following:

‘Land at Talbothays Farm and as shown on the proposals map (or reference to a separate map) will be safeguarded for a new section of the Three Castles Path. Proposals for built development that would otherwise prevent the development of the new right of way will not be supported’.

Replace the supporting text and the associated table with the following:

The text in the column ‘Close proximity to the Community’ (without the reference to the Evidence Base), followed by the text in the column ‘Demonstrably Special...’

Policy B5: Light Pollution

- 7.53 The policy sets out to ensure that the intrusion of light pollution from future development will be minimised. It highlights that the absence of street lighting is an important factor in the rural character of the Plan area. The importance of the darks skies on the ecological importance of the Thames Basin Heath Special Protection Area is also highlighted.
- 7.54 For clarity I recommend that the policy sets out a general principle that development should proceed without street lighting unless it can be demonstrated that it is needed for security or other reasons. This will ensure that the policy implements the approach set out in the supporting text. I also recommend that an appendix should be added to the Plan on the matter of the guidelines set out by the Institute of Lighting Engineers. As submitted the Plan offers no clarity on the scale and significance of these guidelines.

Insert the following at the start of the policy:

All development should be designed in a way that does not require external lighting or the use of street lighting.

Insert the following sentence at the end of the supporting text:

Appendix (insert number) identifies the key principles associated with guidance on lighting in rural areas by the Institute of Lighting Engineers and provides a link to the most up to date advice produced by that organisation.

Policy C1: Local Ecology, Wetlands and Flood Risk Areas

- 7.55 This policy celebrates the richness of the ecology in the Plan area. The supporting text makes helpful references to both the NPPF and to the saved local plan policies.
- 7.56 I recommend a modification to the fourth paragraph of the associated supporting text to provide an accurate summary of the importance of the Thames Basin Heaths Special Protection Area.

- 7.57 The submitted Plan includes a map of national flood zones on page 45. In doing so it uses language that may create uncertainty throughout the Plan period. A 'Flood Zone' is the area flooded by a designated main river as modelled by the Environment Agency's Flood Map for Planning. In the Plan area the only locations that fall within the 'Flood Zones' are the lands immediately adjacent to the River Hart in the north east and the lands immediately adjacent to the River Whitewater in the south west. There are no other 'Flood Zones' in Hart. Most of the areas shown as supposed flood zones in 'National Flood Zones' map are actually areas of surface water flooding. I recommend a series of modifications to the Plan to address this matter.
- 7.58 I also recommend that the final paragraph of the policy is deleted and repositioned into the supporting text – it explains how applicants and decision makers should use and apply the policy rather than being part of the policy itself.

Delete the second paragraph of the policy

Insert the following sentences at the end of the supporting text:

Policy C1 draws together these important considerations and sets out key expectations for developers. In interpreting.... other relevant sources.'

Modify the first sentence of the fourth paragraph of supporting text to read:

Winchfield also...Heaths SPA. Within this zone of influence Natural England has identified that additional housing development is likely to have a significant effect on the integrity of the SPA. Therefore, any proposals for new housing development within this zone must include measures to protect its integrity.

Replace the term 'Flood Zone' with 'area prone to flooding' on the map on page 45. The term Flood Zone should be replaced in associated text elsewhere in the Plan as follows:

Page 40: the paragraph above the 'Mapped Local Gaps in Winchfield' map.

Page 45: first bullet point under the Policy C1 box.

Policy D1: Historic Environment and Heritage Assets

- 7.59 This policy sets out to ensure that the historic environment and heritage assets of the Plan area are valued. It also specifies that future development should be in keeping with the local character in general, and should safeguard heritage assets in particular. I saw this heritage first hand on my visit to the Plan area. A policy of this nature is entirely appropriate to the Plan area.
- 7.60 The first sentence of the submitted policy is more about the process of implementing the policy rather than policy itself. On this basis I recommend that it is deleted and repositioned into the supporting text.
- 7.61 The second part of the policy as submitted is unclear. It indicates that the conservation of heritage assets will be supported but does not set out the mechanisms by which this

will be achieved. In addition, it fails to relate the policy to the determination of planning applications. I recommend a modification to remedy these matters.

Replace the policy with the following:

Heritage assets within the Plan Area especially the listed buildings and their settings should be protected, conserved and enhanced when development proposals are brought forward.

Insert the following sentences at the end of the supporting text:

Policy D1 sets out the Plan's approach to this important matter. Any proposed development will be assessed against the maps in this Plan and all up to date relevant information to ensure that the design, position, scale and mass of proposed new development does not adversely affect the significance of any heritage asset or its setting.

Policy E1: Development Access

- 7.62 This policy sets out a policy that respects the community's wish to see the tree-lined narrow lanes to continue to be a feature of the Winchfield landscape. This element of its character is an important factor and which appropriately underpins the appropriateness of this policy.
- 7.63 The policy is designed to provide a degree of flexibility in circumstances where a new access is required (in its second part). However, the policy provides no guidance or clarity to either an applicant or to the decision maker about which of the two elements of the policy would apply to the development being proposed. I recommend modifications to both the policy and to the supporting text to remedy this matter.

In the first paragraph of the policy replace:

- 'make use' with 'take account',
- 'the site' with 'proposed development sites' and
- 'without' with 'and should avoid'

In the second paragraph of the policy:

- Insert 'Where this approach is impractical and' at the start
- Insert 'overall' between 'the' and 'rural'

Watch Points

- 7.64 The Plan identifies a series of Watch Points. Section 5 of the Plan properly identifies that the community engagement process highlighted villages preferences that are community-aspirational objectives rather than neighbourhood plan policies. They are correctly presented in a different format from the land use policies. They sit at the end of each of the five topic chapters. However, for the purpose of this examination I address them separately.

7.65 The Watch Points are as follows:

- AW1 Assets of Community Value (ACV)
- AW2 Community Infrastructure Levy monies
- EW1 Traffic Management

7.66 I am satisfied that the Watch Points are both appropriate and related to the character of the Plan area. I make the following comments on each of the Watch Points in turn:

AW1

This Watch Point seeks to identify and retain ACVs. However, the Watch Point is written as a land use policy. In addition, it applies a policy approach to potential assets that have not yet been defined and approved. On this basis I recommend that the Watch Point is modified to read:

Key Assets of Community Value will be registered within the Plan period. Once the assets have been defined the community will expect them to be retained for the purposes which led to their registration.

AW2

This Watch Point addresses the potential use of CIL monies generated within the Plan area. It sets an appropriate tone for the use of the local element of the levy. Whilst the supporting text is clear that the Watch Point refers to the local element of the Levy this is not carried through into the Watch Point itself. I recommend a modification to bring an appropriate level of clarity. The Watch Point would have greater clarity if it referred explicitly to infrastructure rather than 'other proposals'. As currently drafted the Watch Point suggests that the levy could be applied to any proposal that the Parish Council may consider to be of future benefit to the community. The CIL legislation is very clear on projects to which the levy can and cannot be applied. I recommend as follows:

Insert 'The local element of' at the start of the Watch Point

Insert 'infrastructure' between 'other' and 'proposal'.

EW1

This Watch Point has a clear focus on introducing speed limits and other traffic safety measures. Its supporting text sets out useful history on the matter. I can see that it would meet a genuine community concern. The text indicates that the Parish Council has taken the lead on this lobbying approach in the past. I recommend a modification so that it is clear that the Parish Council will continue to take a leadership role on this matter. Otherwise there is no clarity to the community on which body will lead and drive the campaign.

Insert 'by the Parish Council' between 're-commenced' and 'to have...'

Other Matters

- 7.67 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.

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 Winchfield 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. Nevertheless, it remains fundamentally unchanged in its role and purpose.

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 Winchfield 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 my view the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 8 January 2015.
- 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.

Andrew Ashcroft
Independent Examiner
4 October 2016