

**Denmead Parish Council**

# **Denmead Neighbourhood Development Plan**

A Report to Winchester City Council of the Independent  
Examination of the Denmead Neighbourhood Development  
Plan

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## Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”<sup>1</sup>
2. Neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Denmead Neighbourhood Plan (the Neighbourhood Plan) is nationally one of the earliest neighbourhood development plans to progress. The Neighbourhood Plan has been prepared by Denmead Parish Council (the Parish Council), a qualifying body able to lead the preparation of a neighbourhood plan.<sup>2</sup> Work on the production of the plan has been progressed through the Denmead Neighbourhood Forum (the Neighbourhood Forum) established by the Parish Council. The Neighbourhood Forum is described on the Neighbourhood Plan front cover as a frontrunner community group operating as a working party of the Parish Council.
4. At the start of the plan preparation process, a Neighbourhood Plan Steering Group (the Steering Group) was formed consisting of members of the Parish Council, the Village Association, the County and District Council ward member, and other volunteers. The submission draft of the Neighbourhood Plan has been approved by the Parish Council and submitted to Winchester City Council (the City Council).

## Independent Examination

5. This report sets out the findings of the independent examination into the Neighbourhood Plan.<sup>3</sup> The report includes a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The City Council will decide what action to take in response to the recommendations in this report.

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<sup>1</sup> Paragraph 183 National Planning Policy Framework (2012)

<sup>2</sup> Section 61F(1) Town and Country Planning Act 1990 as read with section 38C(2)(a) Planning and Compulsory Purchase Act 2004

<sup>3</sup> Paragraph 10 Schedule 4B Town and Country Planning Act 1990

6. The City Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission plan. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by the City Council. If 'made' the Neighbourhood Plan will come into force and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area.
7. I have been appointed by the City Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the City Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have more than thirty-five years professional planning experience and have held national positions and local authority Chief Planning Officer posts.
8. As independent examiner I am required to produce this report and must recommend either:  
  
that the Neighbourhood Plan is submitted to a referendum, or  
  
that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or  
  
that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements
9. I make my recommendation in this respect and in respect to any extension to the referendum area,<sup>4</sup> in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.<sup>5</sup>
10. In my examination of the Neighbourhood Plan in addition to those matters already identified in this report I am also required to check whether:

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<sup>4</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

<sup>5</sup> Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

- the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;<sup>6</sup>
- the Neighbourhood Plan does not include provision about excluded development;<sup>7</sup>
- the Neighbourhood Plan meets the requirement to specify the period to which it has effect<sup>8</sup>

11. Subject to the contents of this report I am able to confirm that I am satisfied that each of these requirements has been met. Paragraph 1.16 of the Submission Plan confirms the plan period will be 2011 - 2031. Conflicting information regarding commencement of the plan period at paragraph 1.3 in the Basic Conditions Statement should be corrected.

12. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.<sup>9</sup> All parties have had opportunity to submit written representations and those representations are open to all to view.

13. The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue or a person has a fair chance to put a case.

14. I am of the opinion that all parties have had full opportunity to register their views and put their case forward. There are no issues including those arising from representations in respect of which I require further clarification. I took the decision that a hearing was not necessary and proceeded by examination of written representations.

## The Plan area

15. The Neighbourhood Plan relates to the area that was designated by Winchester City Council as a neighbourhood area on 17 September 2012. The submission draft of the Neighbourhood Plan includes a map which shows the plan area encompasses the majority of the Denmead Parish Council area. The plan area excludes that part of the Parish that lies inside the administrative area of the South Downs National Park Authority. It also excludes the small part of the Parish in its south eastern corner that forms

<sup>6</sup> Section 38A(2) Planning and Compulsory Purchase Act 2004

<sup>7</sup> Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

<sup>8</sup> Section 38B(1)(a) Planning and Compulsory Purchase Act 2004

<sup>9</sup> Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

part of the 'West of Waterlooville' strategic housing development scheme. The Neighbourhood Plan does not relate to more than one neighbourhood area,<sup>10</sup> and no other neighbourhood development plan has been made for the neighbourhood area.<sup>11</sup> All requirements relating to the plan area have been met.

## Basic conditions

16. An independent examiner must consider whether a neighbourhood plan meets the "Basic Conditions".<sup>12</sup> A neighbourhood plan meets the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan,
- the making of the neighbourhood plan contributes to the achievement of sustainable development,
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects<sup>13</sup>

17. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>14</sup> All of these matters are considered in the later sections of this report titled 'The Neighbourhood Plan – Taken as a whole' and 'The Neighbourhood Plan – Neighbourhood Plan policies'.

18. Neighbourhood Plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed it is important that

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<sup>10</sup> Section 38B(1)(c) Planning and Compulsory Purchase Act 2004

<sup>11</sup> Section 38B(2) Planning and Compulsory Purchase Act 2004

<sup>12</sup> Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

<sup>13</sup> Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>14</sup> The Convention rights has the same meaning as in the Human Rights Act 1998

Neighbourhood Plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.

19. It is evident from some representations that the nature of a neighbourhood plan is not universally understood. A neighbourhood plan can be narrow in scope, for example including two design policies. There is no requirement for a neighbourhood plan to be holistic, or to include particular types of policies, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan.
20. It is also evident from some representations that the defined role of an independent examiner of a Neighbourhood Plan is not understood. I am not examining the test of soundness provided for in respect of examination of Local Plans.<sup>15</sup> It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and Convention rights.
21. Apart from the correction of minor errors (presented at Appendix 1 to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions.

## **Unaccompanied visit and documents**

22. In undertaking this examination I visited the Denmead area. During this visit I was unaccompanied.
23. I have given consideration to each of the following documents in so far as they have assisted me in considering whether the Neighbourhood Plan meets the basic conditions and is compatible with the Convention rights:
  - Denmead Neighbourhood Plan Submission Plan (6 August 2014)
  - Denmead Neighbourhood Plan Basic Conditions Statement (July 2014)
  - Denmead NDP Statement of Consultation (September 2014)
  - Denmead NDP Consultation Statement Appendices (A1 to G5)
  - Denmead NDP Annex A - Evidence Base, and documents submitted to the City Council by the Parish Council
  - Denmead NDP Strategic Environmental Assessment Screening Opinion (January 2014)
  - Denmead NDP Strategic Environmental Assessment (July 2014)

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<sup>15</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

- Winchester District Local Plan Review (Adopted 2006)
- Winchester District Local Plan Part 1 Joint Core Strategy (adopted March 2013)
- Winchester District Local Plan Housing Requirements 2011-2031: Denmead
- Winchester District Local Plan Part 2 – Development Management and Site Allocations Consultation Draft 2014
- Sustainability Appraisal/ Strategic Environmental Assessment of the Draft Winchester District Local Plan Part 2 – Development Management and Allocations (September 2014)
- Winchester LPP2 DM Policies and Site Allocations Sustainability Appraisal Report Appendix 6 SA of potential site allocations pages 35-51 Enfusion/Winchester City Council (September 2014)
- Winchester District Strategic Housing Land Availability Assessment, Winchester City Council (Updates February 2013 and July 2013)
- Winchester City Council Five Year Housing Land Supply at March 2013 accessed via Winchester City Council Annual Monitoring Report (AMR)
- Denmead Neighbourhood Plan Submission: Legal Compliance Checklist
- Denmead Data Set Winchester City Council (August 2013)
- Denmead Village Design Statement (Adopted 2007)
- Representations received during the publicity period
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Technical Guidance to the National Planning Policy Framework (27 March 2012) [*In this report referred to as the Technical Guidance*]
- Planning policy for traveller sites (March 2012)
- Department for Communities and Local Government Permitted development for householders technical guidance (April 2014) [*In this report referred to as the Permitted Development Guidance*]
- Department for Communities and Local Government Planning Practice Guidance web-based resource (first fully launched 6 March 2014, following beta existence, at a time when Denmead Neighbourhood Plan preparation was well advanced) [*In this report referred to as the Guidance*]
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011
- Neighbourhood Planning (General) Regulations 2012 [*In this report referred to as the Regulations*]

## Consultation

24. The Neighbourhood Plan was launched to Denmead residents in November 2011. Three major consultation exercises have followed namely: ‘village centre engagements’; ‘the former NatWest Bank premises

(Phase 2 – Options)'; 'around the village (Phase 3 – Allocation)'. These have been supplemented with contact with local organisations and businesses, and an innovative infant and junior school project designed to raise awareness amongst parents.

25. A briefing meeting was held with landowners, developers and agents of those with an interest in land followed by two rounds of opportunities for individual meetings.
26. Publicity has been achieved through content in 'Denmead Scene', the Parish Council's quarterly newsletter delivered to all households in the parish and available on the Parish Council website. A dedicated Neighbourhood Plan website was created and use made of local newspapers and notice boards.
27. Pre-submission consultation between 10 March and 21 April 2014, including six public meetings, was clearly well publicised with 197 representations submitted. The representations have been presented in a comprehensive log and an analysis and modification report both included as appendices to the consultation statement. A summary of main issues and concerns raised and how these were addressed is included as section XIII of the consultation statement.
28. The Submission Plan has been the subject of a Regulation 16 publicity period between 29 September and 11 November 2014. A total of 126 representations were properly submitted during this publicity period, all of which I have taken into consideration in preparing this report, even though they may not be referred to, in whole, or in part. I received one representation directly which would not normally be considered as it had not been submitted correctly however the representation is merely a duplicate copy of a representation properly submitted which I have taken into consideration. Another representation made reference to a website and included printed extracts from that website. I have not considered the website content which is subject to change after the closing date for representations but I have taken the submitted printed extracts into consideration.
29. Natural England has not raised any concerns. English Heritage has emphasised the importance of heritage in creating a sense of place and identity and made a number of detailed comments including a request that reference is made to the three bell barrows and a bowl barrow within the plan area; the 20 listed buildings in the parish; the Hampshire Historic Landscape Character Assessment; more information on the history of the Forest of Bere; and greater recognition of non-designated features. Whilst I consider these matters could represent improvements to the

Neighbourhood Plan they are not necessary to meet the basic conditions and therefore I have not recommended modification of the plan in this respect.

30. Southern Water state that although there are no current plans, over the life of the neighbourhood plan there may be a need to provide new or improved infrastructure. It is stated Winchester District's strategic policies support the delivery of infrastructure and this should accordingly be reflected in the Denmead NDP and that such policy provision would be in line with the main intention of the Framework to achieve sustainable development. An additional policy is proposed as follows: "*New and improved utility infrastructure will be encouraged and supported in order to meet the identified needs of the community, subject to other policies in the development plan*". The Framework advises duplication between plans should be avoided and there is in any case no requirement to include any type of policy in a neighbourhood plan. Whilst I have no objection to the proposed addition it is not necessary to meet the basic conditions and therefore I have not recommended modification of the Neighbourhood Plan.
31. Several representations expressed general support for the plan. One representation stated, "*The plan has been developed using very specific criteria to ensure that the needs and requests from villagers are considered whilst still meeting the demands from Central Govt. The majority of people living here wish very strongly for it to remain 'a village' and the plan will help to deliver that.*" Another representation stated "*the team have listened to comments both good and bad and have amended the plan to reflect the opinions of the residents of Denmead*". A further representation supports the Neighbourhood Plan on the basis it represents a balanced approach.
32. Representations raise issues relating to Strategic Environmental Assessment. I consider these in the next section of my report titled 'The Neighbourhood Plan – taken as a whole'.
33. A representation states "*part of the evidence base is based on the evidence provided by Winchester City Council with regards to the Local Plan Part 2, but these have yet to be subject to an examination and may not provide sufficient evidence to support the DNP at the local level.*" I have already made it clear I am not examining the test of soundness provided for in respect of examination of Local Plans.<sup>16</sup> The Guidance

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<sup>16</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

states that a draft Neighbourhood Plan is not tested against the policies in an emerging Local Plan although the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.

34. The City Council and the Parish Council have worked collaboratively progressing the Local Plan Part 2 and Neighbourhood Plan in parallel. This collaborative working has included the sharing of information including that relating to potential housing allocation sites in the Denmead Neighbourhood Plan area put forward through the Strategic Housing Land Availability Assessment and call for sites. The Consultation Draft Local Plan Part 2 Sustainability Appraisal and Habitats Regulations Screening Assessment report includes a Sustainability Appraisal of Potential Site Allocations in Denmead.
35. The issue of the overall scale of development in the Neighbourhood Plan has been raised in representations. I consider this issue in respect of my examination of policy 1 of the Neighbourhood Plan. At that time I also comment on representations putting forward additional or alternative sites to those allocated in the submission plan.
36. Several representations are not opposed to development as such, but object to specific site allocations. Indeed the majority of representations express opposition to housing site allocations and I refer to these when considering policy 2.
37. Most of the remaining representations relate to other specific policies of the Neighbourhood Plan and where appropriate I make reference to them in my report when considering the relevant policy.
38. A significant number of representations state *“it is essential that a referendum be held so that the wishes of the Denmead residents can be properly represented.”* One representation *“concludes that if the Plan goes through Examination and WCC make the decision to hold a referendum to ‘make’ the neighbourhood plan, it could be subject to successful legal challenge and in its current form is very likely to be quashed as it fails to meet basic conditions (d) & (f) of paragraph 8(2), Schedule 4B of the Town and Country Planning Act 1990. To proceed with the plan in its current form would represent a waste of Parish Council and local authority resources”* and states *“the submitted plan requires substantial amendment and reconsideration prior to any submission of the Denmead Neighbourhood Plan for examination.”* Another representation suggests those most impacted should be given increased voting rights in any referendum *“to ensure that a fair and balanced result can be obtained”*.

Electoral arrangements are not open to local adjustment and I have no role in the administration of any referendum. A further representation states a cycleway between Denmead and Waterlooville should be included. It is not within my role to add new policies to the Neighbourhood Plan.

39. Other representations comment on the plan preparation process including adequacy of surveys; accuracy of statements; accuracy of the evidence base; delays in publication of the Oikos Place Analysis; inadequate heeding of local opinion; alleged pre-determination in site selection; composition of the Steering Group; and lack of openness and transparency. Others comment on matters of probity in particular the motives and conflict of interests of parties central to plan preparation. I have only considered each of the representations insofar as they are relevant to my role of examining whether the Neighbourhood Plan meets the basic conditions and Convention rights.

## **The Neighbourhood Plan – Taken as a whole**

40. The introduction to the Neighbourhood Plan sets out the plan preparation process and concisely establishes the purpose and strategic context of the plan. The 'state of the parish' section helpfully describes the principal characteristics of the area including community views and planning policy context.
41. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the development plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this.
42. It is important that I comment on the status of the 'Project Proposals' section of the Neighbourhood Plan. Proposals that do not relate to the development and use of land are set out in the latter part of the Implementation Section of the Neighbourhood Plan commencing at paragraph 5.5 and concluding with paragraph 5.23. These paragraphs include the term 'policy' in several places which they should not. The project proposals do not form part of the Denmead Neighbourhood Development Plan and as such have not been considered as part of this independent examination. The proposals would not be the subject of any

referendum and would not become part of the Development Plan for the area.

43. The approach adopted avoids those non-development and land use matters, raised as important by the local community, being lost sight of. The Guidance states, *“Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements.”* The presentation of community proposals is consistent with this guidance and represents good practice.
44. *The Guidance states, “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex.”*

**Recommended modification 1:**

**The project proposals should be transferred to a separate annex that is clearly identified as not forming part of the Neighbourhood Development Plan**

Consideration of Convention rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the Neighbourhood Plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

45. I have given consideration to the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).<sup>17</sup> I have seen nothing in the submission draft of the Neighbourhood Plan that indicates any breach of the Convention. Although no equalities impact assessment has been undertaken the submission draft of the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics.
46. The objective of EU Directive 2001/42 is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are*

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<sup>17</sup> The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

*likely to have significant effects on the environment.*” The Neighbourhood Plan falls within the definition of ‘plans and programmes’<sup>18</sup> as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.<sup>19</sup>

47. Winchester City Council has issued a Strategic Environmental Assessment Screening Report dated January 2014. The report concludes *“Winchester City Council recommends a Strategic Environmental Assessment be carried out for the Denmead Neighbourhood Plan to address the potential significant effects identified.”* The Legal Compliance Checklist states *“The scope of the SEA was consulted on (by letter to statutory authorities – Statement of Consultation Appendix E10) 24 Jan – 28 Feb 2014 and responses taken into account in the preparation of the draft SEA report.”* The Strategic Environmental Assessment Report states *“The responses received on the scope were taken into account in the preparation of a draft SEA report, which was consulted on alongside the Pre-Submission Neighbourhood Plan for the statutory period”. “A number of comments were received on the Neighbourhood Plan and on the Draft SEA during that period and these have resulted in minor modifications being made which are reflected in this final SEA report.”* The reference to the final SEA report is to the Strategic Environmental Assessment that has been prepared and published by the Parish Council in July 2014. That report includes assessment against plan objectives and each of the plan policies.

48. A representation refers to paragraph 65 (which I take to be a reference to paragraph 165) of the Framework and implies the need for a Neighbourhood Plan to necessarily be supported by a sustainability appraisal, which it does not. The Guidance states *“There is no legal requirement for a neighbourhood plan to have a sustainability appraisal”*.<sup>20</sup> Another representation states *“there is no assessment of alternative options for the location of developments. It is considered, as a minimum, that the SEA should have assessed the options for development as presented in the Resident’s Survey in order to ascertain which option was environmentally preferable. At present, the SEA does not conform to the URS/Levett Therivel document ‘DIY SA’ document which at Step 5 has ‘Assessing the impacts of the alternatives and choosing preferred alternatives’ which forms part of the evidence base for the Neighbourhood Plan and is available on the DNF website.”*

<sup>18</sup> Defined in Article 2(a) of Directive 2001/42

<sup>19</sup> Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

<sup>20</sup> National Planning Policy Guidance Paragraph 026 reference ID: 11-026-20140306 and paragraph 72 reference ID: 41-072-20140306

49. Another representation states “*The SEA does not fully assess ‘reasonable alternatives’ and this is a basis (sic) requirement of any SEA*” and, “*The sites that have been identified as allocations within the DNP have not been subjected to any assessment as part of the SEA and therefore provide a fundamental shortcoming of the Plan*” and, “*SEA fails to provide clear evidence of how these alternative approaches scored and whether or not other options would be more suitable and sustainable, that would align with national agenda*” and, “*The SEA in its current form effectively pre-empts the appropriate justification of Policy 1: Spatial Distribution*” and states, “*At no stage has the community been presented with alternative site options and these are not assessed at all in the Strategic Environmental Assessment. This is a fundamental flaw.*”

50. I have already referred to the collaborative working and in particular sharing of information between the City Council and the Parish Council. The Consultation Draft Local Plan Part 2 Sustainability Appraisal and Habitats Regulations Screening Assessment report includes a Sustainability Appraisal of Potential Site Allocations in Denmead. Indeed the Guidance states “*Material produced as part of the Sustainability Appraisal of the Local Plan may be relevant to a neighbourhood plan.*”<sup>21</sup>

51. A representation states the SEA “*is incorrect when stating that the proposed allocations are the only available sites. The sites being progressed through the DNP are not the only parcels of land that are available for development within the plan period*”. In this respect I note paragraph 8.17 of the SEA report includes the statement “*The proposed allocations are the only sites that are available for development in the plan period where there is a justification to amend the DSNB*”. The representation also refers to the examination of another Neighbourhood Plan. In this report I have considered whether the Denmead Neighbourhood Plan meets the basic conditions and have not considered other Neighbourhood Plans.

52. The Strategic Environmental Assessment (SEA) Report dated July 2014 has been prepared to provide an assessment of any significant environmental effects resulting from the objectives and policies of the submission plan. The SEA Report includes:

- An outline of the contents, main objectives of the Neighbourhood Plan, and relationship with other relevant plans or programmes
- The relevant aspects of the current state of the environment

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<sup>21</sup> National Planning Policy Guidance paragraph 72 reference ID: 41-072-20140306

- The environmental characteristics of areas likely to be significantly affected
- Any existing environmental problems which are relevant to the Neighbourhood Plan
- The environmental protection objectives that are relevant to the Neighbourhood Plan and the way those objectives and any environmental considerations have been taken into account during its preparation
- The likely significant effects on the environment, including:
  - Assessing the impact of the Neighbourhood Plan strategic objectives
  - Assessing the impact of the Neighbourhood Plan policies
  - An outline of the reasons for selecting the alternatives dealt with
  - A description of measures envisaged concerning monitoring

53. The approach set out in the SEA report is consistent with legislative requirements and is proportionate to the scale and nature of the Neighbourhood Plan. The SEA report includes the statement *“In more general terms, the Neighbourhood Plan allocates land for 130 new homes over the plan period, in addition to windfall schemes, in line with the requirements of LPP1, which itself has been subject to a satisfactory Sustainability Appraisal. This number of homes represents a very small addition to the existing housing stock to the extent that no material impacts on transport, air quality or water quality for example can be measured or compared. In which case, the assessment indicates there are no significant environmental effects of the Plan. Those minor environmental effects of the Neighbourhood Plan will be addressed as identified above.”*

54. Wider sustainability attributes are considered in the Basic Conditions Statement in terms of the contribution of the Neighbourhood Plan to the achievement of sustainable development. The SEA report demonstrates how environmental effects have been considered throughout the plan preparation process, not least through consultation with the statutory authorities on a scoping letter, and through preparation of a draft SEA report which was consulted on alongside the pre-submission Neighbourhood Plan. The use of tables to demonstrate how the environmental effects of each policy have been considered individually in turn, and the inclusion of a summary assessment of the plan as a whole, represents good practice.

55. The assessment of the impact of the Neighbourhood Plan policies includes an assessment of the alternative of having no policy. The consideration of the likely significant effects on the environment provides an understanding of the 'reasonable alternatives' that were assessed during plan preparation and the background to the development of the preferred approach for consultation. The SEA report sets out the process of identifying reasonable alternatives and explains the reasons for selecting the preferred approach. The spatial strategy being established by Policy 1 is the focus of assessment of alternatives.
56. The Guidance states, *“Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 sets out the requirements of an environmental report, which is a core output of any strategic environmental assessment. An environmental report for the purpose of the regulations must identify, describe and evaluate the likely significant effects on the environment of implementing the neighbourhood plan policies and of the reasonable alternatives taking into account the objectives and geographical scope of the neighbourhood plan. The environmental report must clearly show how these requirements have been met.”*
57. The Neighbourhood Plan sets out the criteria used in order to determine the preferred adjustment to the defined settlement boundary, which facilitates accommodation of development on sites brought within the revised settlement boundary. The criteria are described in paragraph 4.5 which can be summarised as relative landscape sensitivity to development, proximity to existing village services, and flood risk. The Guidance states *“Proposals in a draft neighbourhood plan, and the reasonable alternatives should be assessed to identify the likely significant effects of the available options. Forecasting and evaluation of the significant effects should help to develop and refine the proposals in the neighbourhood plan.”*
58. The SEA report states the preferred approach has been *“compared to two alternative spatial options to assess their relative environmental performance.”* *“Alternative Policy A retained the flooding and landscape filter criteria of the policy but did not apply an accessibility criterion. This resulted in one and possibly two other sites being suitable for allocation off Inhams Lane, with a potential dwelling capacity of over 50 homes. However, in addition to the sites being some distance from local services in the village, both sites are in close proximity to land with biodiversity value and land that is subject to flood risk. Although both matters may be mitigated, this alternative does not compare favourably with the chosen approach. The Alternative Policy B retained the flooding criterion but*

*relaxed the landscape sensitivity criterion to allow for sites assessed as 'moderately' as well as 'least' sensitive to development (as per the Denmead Site Sensitivity Assessment of 2013). This alternative ensured the Neighbourhood Plan would continue to apply the sequential test of the NPPF and to respect the special character of the Denmead – Waterlooville Settlement Gap. The consequence was that many more available sites on the southern and western edges of the village would have been candidates for allocation, with a potential total capacity well in excess of 500 homes. In almost all cases, the impact on the more sensitive landscapes will be significant as the sites display similar attributes. In some cases, notably those sites that qualify in Alternative Policy A, these impacts would be greater given their closer proximity to areas of biodiversity value and subject to flood risk. In addition, although not an SEA objective, this major scale of development will not be in conformity with the development plan and would not be accommodated without very significant infrastructure investment."*

59. The Guidance states, *"The strategic environmental assessment should only focus on what is needed to assess the likely significant effects of the neighbourhood plan. It should focus on the environmental impacts which are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan."* Available options with their implications for inclusion or exclusion of alternative sites in the Neighbourhood Plan have been considered. The approach adopted is reasonable and appropriate to a strategic environmental assessment.
60. The SEA report meets the requirement to include a non-technical summary of the information within the main report. The summary has been prepared with a simple format, appropriate length, and clear use of language so as to provide the full range of readers with necessary information regarding process and findings.
61. I have noted the Legal Compliance Checklist states *"A review of the Denmead Neighbourhood Plan Environmental Report – draft report prepared by URS (August 2014), concludes that the SEA has fed into and influenced plan-making up to this point and that the Environmental Report presents the necessary information. Also that it would appear that a 'reasonable' approach has been taken in terms of alternatives appraisal and that the quality of the appraisal is of an adequate standard. The SEA report in Annex A lists the Evidence Base, all the documents collected and reviewed in preparing the SEA report. Most of these are WCC evidence reports and studies published on WCC's website."* This precaution to seek

specialist expert opinion confirming the adequacy of the SEA approach adopted represents good practice.

62. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force)

63. The Basic Conditions Statement published by the Parish Council in July 2014 states “*No part of the Neighbourhood Area lies within a zone of influence of any Special Protection Area, a European designated nature site. There has therefore been no requirement for a Habitats Regulations Assessment report in accordance with the EU Habitats Regulations.*” I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site.

64. I conclude that the neighbourhood plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations, and
- is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

65. I refer to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the

same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans<sup>22</sup> which requires plans to be “*consistent with national policy*”.

66. Lord Goldsmith has provided guidance<sup>23</sup> that ‘*have regard to*’ means “*such matters should be considered.*” The Guidance assists in understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”
67. The Basic Conditions Statement confirms the Neighbourhood Plan has been prepared with regard to national policies as set out in the Framework<sup>24</sup> and has sought to reflect the Guidance, and includes in respect of each neighbourhood plan policy reference to paragraphs of the Framework and a commentary. With the exception of those matters in respect of which I have recommended a modification of the plan it is evident that the Neighbourhood Plan has been formulated having regard to national policies and advice contained in guidance issued by the Secretary of State.
68. Apart from those matters in respect of which I have recommended a modification to the Neighbourhood Plan I am satisfied that need to ‘*have regard to*’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that the Neighbourhood Plan meets the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.*”
69. The introductory sections of the Neighbourhood Plan firmly establish the context of the plan within national policy. The plan includes “*the vision for Denmead in 2031*”. This vision relates to matters appropriate to a Neighbourhood Development Plan, is written clearly, and adopts a positive approach recognising that development schemes will occur during the plan period.
70. The Neighbourhood Plan seeks to achieve the following objectives:

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<sup>22</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

<sup>23</sup> the Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord’s Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

<sup>24</sup> Including specific statements in respect of paragraphs 16, 183, 184, and 185 of the Framework

1. To meet the future housing need for the parish by enabling our senior citizens to continue to live in the village if they so wish but to ensure that development works for everyone and adds to the village character and balance by reflecting the overall mix of housing types and distinctive design aesthetic
  2. To support existing businesses including retail activity and to encourage new businesses
  3. To maintain and visually enhance the physical separation of the village from the nearby Waterlooville urban area, and any other future local major developments
  4. To improve the breadth and quality of community and sports facilities in the parish and to ensure recreational and visual amenity for all generations
  5. To create an integrated safe and convenient road, footpath and cycleway layout that embraces the 'Walkable Neighbourhood' concept and encourages the use and provision of public and community based transport to serve the village
  6. To sustain a thriving village that respects cultural, historical and archaeological heritage and the landscape character and biodiversity of its surroundings
71. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking.<sup>25</sup> The vision and objectives have regard to, national policies and advice and illustrate how the Neighbourhood Plan aims to contribute to the achievement of sustainable development. The vision and objectives do not constrain the objectives of the Framework, and in particular have regard to the Framework aims: of delivering a wide choice of high quality homes; of building a strong competitive economy; of conserving and enhancing the historic environment; of conserving and enhancing the natural environment; and promoting healthy communities.
72. A representation states the plan "*does not contribute towards achieving sustainable development because the document does nothing to alleviate the chronic shortfall of public open space the village has experienced for a number of years*". There is no requirement for a Neighbourhood Plan to include policies of any particular type. The Basic Conditions require my consideration whether the making of the neighbourhood plan contributes to the achievement of sustainable development. I am not required to assess whether or not the plan makes a particular contribution in respect of public open space. I am seeking to establish whether or not the

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<sup>25</sup> Paragraph 14 National Planning Policy Framework 2012

Neighbourhood Plan makes a contribution to sustainable development. The requirement is that there should be a contribution. There is no requirement as to the nature or extent of that contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

73. The Basic Conditions Statement sets out at section 4 statements as to how the Neighbourhood Plan makes a contribution to sustainable development including an assessment that each policy makes a positive contribution to at least one of the social, economic and environmental dimensions set out in the Framework.<sup>26</sup> No policy is assessed to make a negative or very negative contribution. I am of the opinion that the statements referred to, provide sufficient and proportionate evidence to accurately demonstrate that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development.

74. Additionally I note the Neighbourhood Plan makes provision for housing development at the scale specified in the Development Plan in locations within close walking distance to the shops and services in the village centre. The plan seeks good housing design; supports employment provision, new sports and leisure facilities; safeguards car park facilities; and makes provision for burial ground expansion. I conclude the Neighbourhood Plan contributes to the achievement of sustainable development.

75. Subject to my recommended modifications of the Submission Plan relating to specific policies, as set out later in this report, I find that the Neighbourhood Plan, taken as a whole, has regard to national policies and advice contained in guidance issued by the Secretary of State and contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

76. The Framework states that the ambition of the neighbourhood should “support the strategic development needs set out in Local Plans”.<sup>27</sup> “Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that

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<sup>26</sup> Paragraph 7 National Planning Policy Framework 2012

<sup>27</sup> Paragraph 16 National Planning Policy Framework 2012

*an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies”.*<sup>28</sup>

77. Statutory weight is given to neighbourhood development plans that are in general conformity with the strategic policies of the development plan for the local area, and have appropriate regard to national policy. This ensures neighbourhood plans cannot undermine the overall planning and development strategy set out in the development plan for the local area.
78. The City Council has informed me that the Development Plan for Denmead comprises the Winchester District Local Plan Part 1 – Joint Core Strategy 2013, adopted on 20 March 2013; the Winchester District Local Plan Review 2006 (‘saved’ policies); and the Hampshire Minerals and Waste Local Plan 2013.
79. The Minerals and Waste Local Plan does not appear to impact in any particular way on the Neighbourhood Plan and the Neighbourhood Plan does not include matters that relate to policies of those plans. Additionally minerals and waste are excluded matters for the purposes of policy making in Neighbourhood Plans.
80. As the saved policies of the Winchester District Local Plan Review predate the Framework, the Framework takes precedence where there is a conflict. Policies not saved cannot now be used in determining planning applications nor be taken into account when assessing whether a Neighbourhood Plan is in general conformity with the strategic policies of the Development Plan.
81. A representation states a position *“that a neighbourhood plan that contains housing policies that seek to constrain housing delivery cannot proceed to adoption in advance of up-to-date strategic policies and evidence base at the local plan level.”* In the case of Winchester District there is an up-to-date Local Plan Part 1 in place (adopted March 2013) that provides a strategic context for the Denmead Neighbourhood Plan housing and other policies. The requirements for *“a genuinely plan led system”*, the first listed core planning principle of the Framework, are in place.
82. The Basic Conditions Statement provides commentary linking each of the policies of the Neighbourhood Plan to policies of the Development Plan. In particular the Neighbourhood Plan will boost the supply of new homes by

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<sup>28</sup> Paragraph 184 National Planning Policy Framework 2012

about 250 homes which meets the level of provision set out in the up to date Development Plan for the area. I am satisfied the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area.

83. The emerging Local Plan Part 2 – Development Management and Site Allocations (LLP2) will provide more detailed guidance beyond the strategic policies and development allocations in LLP1. There is no requirement for a Neighbourhood Plan to conform to an emerging Local Plan. The evidence base of the emerging Local Plan has been used to inform the Neighbourhood Plan and this represents good practice.

#### Monitoring and review

84. The Neighbourhood Plan contains a statement that the Neighbourhood Plan will be monitored by the local planning authority and the Parish Council on an annual basis. It is stated that it is expected the plan will be formally reviewed by the Parish Council and the Denmead Village Association on a five year cycle or to coincide with review of the Winchester District Local Plan if this cycle is different. This commitment to monitoring and review will facilitate opportunity for plan flexibility and represents good practice.

## **The Neighbourhood Plan – Neighbourhood Development Plan policies**

85. The Submission Plan includes 8 policies:

- 1: A Spatial Plan for the Parish
- 2: Housing Site Allocations
- 3: Housing Design
- 4: Land at Parklands Business Park, Forest Road
- 5: Sports and Leisure Facilities
- 6: Public Car Park at Hambledon Road/Kidmore Lane
- 7: Burial Ground
- 8: Travellers Accommodation

86. The plan also includes 4 proposals. I have already clarified the status of these proposals as not forming part of the Neighbourhood Plan and confirmed that I have not examined them.

87. The Guidance states that “*Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood*

*should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.” “Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*

88. *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*
89. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*
90. *“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”<sup>29</sup>*
91. If to any extent a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. Policy 1 and policy 2 are inter-linked as the housing site allocations in policy 2 are located within the definition of the settlement boundary in policy 1. Representations primarily directed at the housing site allocations in policy 2 have in some instances a relevance to policy 1. For this reason I have considered a number of representations in respect of both policy 1 and policy 2.

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<sup>29</sup> See section 38(6) of the Planning and Compulsory Purchase Act 2004.

## Policy 1: A Spatial Plan for the Parish

92. Policy 1 seeks to direct future development to the settlement of Denmead and adjusts the settlement boundary to facilitate this. The policy also defines the settlement gap between Denmead and Waterlooville where coalescence of the settlements will be prevented.
93. One representation states *“the DNP should allow sufficient quantity of development to not only meet its own needs but also the needs of the authority as a whole, should other areas which have been categorised as a location for growth fail to deliver.”* The representation states policy 1 *“actively seeks to constrain housing and is contrary to the express terms of the Framework”* and *“more greenfield allocations should be promoted as part of the DNP in order to deliver sustainable development.”* The representation states the Neighbourhood Plan arbitrarily restricts development and that the level of housing allocation is restrictive in its approach to the growth of Denmead and contrary to the Framework which seeks to boost significantly the supply of housing. The representation states that the Neighbourhood Plan does not meet basic condition (d)<sup>30</sup> and *“in order for the DNP to meet its vitality objectives and ensure that a re-balance to the demographic market is achieved, the DNP must allow for more growth through residential development”* and, *“unless this recommendation is adopted, the evidence suggests that demographic imbalance will worsen and will prejudice the future vitality of the village. This will have detrimental impacts to the soundness of the DNP.”*
94. The representation contends that *“the figure expressed in the DNP of 250 dwellings should be treated as a minimum figure and should not be intended to place a cap on development.”* The representation expresses concern that the Neighbourhood Plan is not sufficiently growth oriented or aspirational; and will not generate sufficient CIL contributions to support the plan objectives concerning vitality and viability; and does not provide a flexible and adaptable plan; and would effectively act to restrict growth that could otherwise be demonstrated as sustainable; and the Housing Site Allocations have constraints to development delivery; and the Neighbourhood Plan does not provide enough jobs. The representation states, *“At this time based on clear evidence the DNP as presented would fail to deliver the goals of policies DS1, MTRA 1 and MTRA 2 of the adopted Winchester LPP1.”*
95. A supporting study paper to the representation concludes the Neighbourhood Plan will fail to deliver against the policies DS1, MRTA 1

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<sup>30</sup> The making of the Neighbourhood Plan contributes to the achievement of sustainable development

and MRTA 2 of the adopted Winchester Local Plan Part 1 and the quantum of development proposed, even if delivered in the manner and timelines set out in the draft plan, will not allow the plan to achieve its vision and objectives as set out in chapter 3. The representation also states that there is no evidence that outstanding permission/SHLAA sites will come forward which presents a scenario *“if these potential sites fail to come forward (of which represents 29% of the total housing provision) the DNP will have failed to allocate sufficient land to meet the identified need.”* The representation also states the preferred option 3 from the community consultation (40 dwellings across four sites) *“should be increased to ensure the flexibility and adaptability of the plan to ensure it is responsive to market conditions and to ensure objectives of chapter 3 of the DNP are addressed, thus ensuring the vitality of the village over the plan period.”*

96. A representation states that further housing development will put Denmead into the category of a town and conflict with the requirement to retain its village character. Another representation states the 22 flats to be created in the Parklands area and approval of additional house at ‘The Potteries’ should be counted in Denmead’s quota and the proposed development be reduced accordingly. A further representation states *“We support the overriding policy and the positive support for development within the proposed settlement boundary and which accords with the provisions of the neighbourhood plan and the Winchester Development Plan.”*

97. A number of representations state that sites should be allocated for housing development in place of, or additional to, those allocated in policy 2 of the Neighbourhood Plan. I have considered the existence of these sites as potential additional sites in respect of the issue of the overall scale of development in the context of policy 1, and as potential additional or alternative sites in whole, or part, in the context of policy 2. One representation proposes a preferred combination of sites, and other site specific representations state:

- the Parish Council is requested to give full regard to the need to promote additional sites through the Neighbourhood Plan in order to deliver the scale of housing to meet the need. The representation states land at Inhams Lane, Denmead *“is the most sustainable potential residential development site which can be delivered within Denmead. The site offers a sustainable development opportunity which could help deliver the housing needs and should be considered as achievable, deliverable and a viable option for allocation through the DNP.”* The representation states the site is considered suitable for residential development and can be master planned to ensure that any development provides the

necessary amount of recreation and open space. The site is described as sustainably located, well contained and will not encroach in the wider open countryside. It is stated the confines of the site and natural boundaries significantly minimises impacts on the landscape and is an ideal location for development. It is stated proposals could be worked up in conjunction with the Parish Council to ensure that the site can contribute to delivering some of the benefits outlined in the representation and deliver the objectives of the Neighbourhood Plan.

- the Neighbourhood Plan should release further land to the north of the village to the east of Housing Site Allocations 2i and ii for any further growth beyond that required currently as the housing requirements for Denmead will inevitably be reviewed upwards long before 2031. It is requested allocation 2i should make provision for future access to land to the east.
- that on the basis of accessibility to services, or dwelling group size, the block of 13 dwellings on the east side of Bunkers Hill should be included within the settlement boundary in order to facilitate infill residential development and allocate 0.18 hectares of land to enable a self build single family dwelling.
- the benefits of developing a site at Forest Road and Furzeley Road as an alternative, as a whole or in part, to sites proposed in the north of the village, “*have been overlooked*”. The representation also considers development should be spread across the village which it is stated has been consistently supported by the local residents. The rating of part of the site in the Council’s Transport Assessment is challenged as is the reference to a deleted SINC. The representation is supported by a landscape assessment concluding the site should have been assessed independently of other sites and given a ‘least sensitive rating’, and includes many detailed critical observations on the Oikos Place Analysis report. The representation sets out potential benefits as including:
  - the site can accommodate all or part of the housing requirement of the village in pockets of development at various densities responding to their immediate area building on the more suburban character of the area;
  - will provide 40% affordable housing and could provide a number of bungalows and smaller dwellings built to lifetime homes standard suitable for older people;
  - significant open space to address the village shortfall and leisure facilities including a MUGA or full size artificial sports pitch can be

provided on site; not within areas at risk of flooding and drain away from the village so cannot cause any problems in the village;

- served by Forest Road which has lower levels of traffic than Hambledon Road and resulting in less traffic flow through the village centre than the preferred sites;
- reducing school run congestion as the road configuration means it is easier to walk than drive to school;
- could provide a safe and attractive link for the Wayfarers Walk or potential re-routing away from the road; within walking distance of the village centre;
- local residents will be able to walk to the proposed sports pitch; close to the business park and golf course;
- only moderately sensitive landscape appraisal and well screened by trees and hedges; scored well in the City Council site assessment checklist as predominantly green without legislative, policy or physical constraints preventing development;
- opportunity for a definitive rounding off of the southern side of Denmead on an evidently constrained site by Furzeley Road and Creech Woods with no further risk of expansion from the development; but would not mask views from those locations due to topography and existing vegetation;
- would help re-balance the village following recent housing developments towards the northern part of the village; available, suitable, achievable and deliverable;

- two hectares of land south of Maple Drive for residential development and sports and open space facilities on adjacent land is proposed. The representation states the Landscape and Visual Sensitivity Appraisal is not considered to be an appropriate basis in which to assess the landscape impacts of potential sites and expresses serious concern that the conclusions drawn from the study have been misinterpreted for example the land south of Maple Drive being categorised as a 'most sensitive' location. The representation sets out potential benefits of development south of Maple Drive including 52 dwellings on 2 hectares of land; 4.5 hectares of formal playing pitches which would be utilised by Denmead Football Club and informal open space and a MUGA; a significant area of land to remain undeveloped in perpetuity; limited highways impact; and a drainage strategy which could improve the existing drainage problem at this end of the village.

98. A tightly drawn settlement boundary restricting development in all directions from a settlement will rarely be demonstrably consistent with national policy in the absence of evidence that development needs can be

met. The Neighbourhood Plan proposes a settlement boundary that makes provision for development at the scale of identified need set out in the Development Plan. The Development Plan provides an up-to-date basis for a plan led approach, which is the first listed core planning principal of the Framework. The Development Plan including the planned-for level of growth for Denmead has been examined in detail and found to be sound. Adjustment to the settlement boundary is based on criteria relating to relative landscape sensitivity to development; proximity to existing village services; and flood risk. These criteria have regard to components of the Framework. The role of a Neighbourhood Plan in shaping and directing development is recognised in the Framework.

99. The Neighbourhood Plan includes site allocations that will deliver 128 new homes which with completions and commitments will satisfy the Development Plan requirement of about 250 dwellings. This will boost significantly housing supply in the plan area. The site allocations do not represent all the housing development that will occur in the plan area over the plan period. The Neighbourhood Plan anticipates other development proposals will be made inside the settlement boundary, which policy 1 supports, provided they accord with the other provisions of the Neighbourhood Plan and the Winchester Development Plan. The Neighbourhood Plan states “*these may include ‘windfall’ housing schemes (i.e. unforeseen housing proposals within the Boundary on previously-used land) or the development of other open land that are consistent with other DNP and development plan policies.*” The site allocations clearly do not represent a cap on housing development.

100. I also note policy 1 does not place any cap on the number of dwellings or the amount of development that can take place within the settlement boundary. The LPP 1 Development Plan is up to date and I find the Neighbourhood Plan is in general conformity with the strategic policies of the Development Plan. It is not a requirement that a Neighbourhood Plan should re-balance or otherwise seek to adjust the demographic profile of a plan area. Additionally there is no requirement for a Neighbourhood Plan to include any particular type of land use policy including any policy that “*provides enough jobs*”. Nor is there any requirement for a Neighbourhood Plan to provide for a specific level of CIL contributions.

101. It is not within my role to consider the different ways a village can be described as thriving nor how that could be achieved. I have already stated there is no requirement for a neighbourhood plan to perform the

role as a comprehensive local plan and I am not examining the test of soundness provided for in respect of examination of Local Plans.<sup>31</sup>

102. The wider than neighbourhood consideration of future housing delivery across the entire District is appropriately addressed through Local Plan preparation processes and cannot reasonably be expected to be addressed in neighbourhood plans. The Local Plan Part 1 provides a strategic policy that establishes the Neighbourhood Plan area should provide for about 250 new homes over the plan period. The Framework states “*relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*” I note that the latest available information demonstrates that more than a five year supply of deliverable housing sites is available in the District. On this basis the Local Plan Part 1 level of housing provision relating to Denmead should be considered an up to date policy.
103. Whilst representations have put forward additional or alternative sites as being suitable for inclusion in the Neighbourhood Plan I find that the settlement boundary defined in policy 1 meets the Basic Conditions and the existence of sites outside that boundary, whether they are suitable for development or not, as additional or alternative sites, is not a matter against which the Neighbourhood Plan is to be examined.
104. I am of the opinion that the commitment contained in the Neighbourhood Plan to plan monitoring and review will offer appropriate opportunity to respond to any site delivery constraints arising and achieve any necessary flexibility and adaptability.
105. Representations have included support for the maintenance of the Denmead Gap. One representation relates to statements made by the LPP1 Examination Inspector relating to review of the gap. The LPP1 Development Plan does not require a review but states in text “*any detailed review of these boundaries will be undertaken in future LPP2 or a Neighbourhood Plan.*” An assessment to support the settlement gap element of the policy has been undertaken and included in the Neighbourhood Plan.
106. The purpose of the settlement gap designated in policy 1 is stated to prevent the coalescence of Denmead and Waterlooville. Preventing two settlements from coalescing is not the same as preventing any

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<sup>31</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

development between them. Policy 1 applies development plan policy such that within this area only development that does not physically or visually diminish the gap will be allowed.

107. I am satisfied that need to have regard to national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of policy 1. The policy shapes and directs sustainable development. These considerations support my conclusion that this policy meets the basic conditions.

## **Policy 2: Housing Site Allocations**

108. Policy 2 allocates land for housing development and establishes key principles for each scheme. The housing site allocations of policy 2 are the subject of the majority of the representations on the Neighbourhood Plan.

109. English Heritage trust that 'landscape sensitivity' includes the historic significance of landscapes; if not, considers this should be a separate criterion. English Heritage also states "*according to our records, none of the four proposed housing sites in Policy 2 would affect any designated heritage assets. However, the Historic Environment Record and/or Winchester City Council's Archaeological Adviser should be consulted for any known or potential archaeological interest on these sites. Also, as the Denmead Historic Environment Assessment, which we generally welcome, appears to omit historic landscapes, the City Council's Conservation Officer and Landscape Architect should also be consulted.*"

110. The English Heritage representation continues "*We welcome and support the reference to existing site landscape features in Policy 2i Land East of Village Centre, which may be of historic significance as well as contributing to landscape character, visual amenity and biodiversity, but would prefer the criterion to be a little clearer that these features should be retained within any development proposals.*"

111. A representation refers to the Carpenters Field site "*The location and detail layout are truly excellent. The site is near the village centre, with access to the main car park and within easy walking distance to the main Denmead shopping area. The housing has been kept low enough to allow for green areas, with a wide range of house types, styles and sizes. This will provide a very attractive housing estate in the heart of Denmead.*" One representation referring to need for social housing and for family homes

supports development at a reduced level and avoiding loss of the two oak trees at Anmore Road/Hambledon Road, and states development is better placed in the centre of the village rather than on the settlement periphery. Another representation states plans can eradicate the issues of flooding and sewage.

112. Another representation supports the Housing Site Allocations set out in Policy 2 and considers that accommodating required residential growth predominantly to the north of the village is the correct approach for a number of reasons:

- Forest Road forms a defensible southern boundary for the settlement and development on the other side of this boundary would be illogical
- the land to the south of Forest Road also acts as a buffer between the existing developed area and the environmentally sensitive Creech Woods
- the open land to the east of the village forms an important buffer between Denmead and Waterlooville. Large swathes of this area are also in Flood Zones 2 and 3
- the open land around Inhams Lane provides important separation between the two parts of the village and is also largely within Flood Zones 2 and 3
- most importantly in addition, the open land that abuts the existing northern boundary of the village is closest to many of its existing commercial and community facilities and to bus routes. Therefore, it is the most sustainable location to accommodate Denmead's necessary housing growth.

113. A further representation supports the Neighbourhood Plan setting out how the basic conditions are met. The representation supports the criteria employed to determine the location of the most sustainable sites for development having regard to the landscape sensitivity to development; transport accessibility and in particular proximity to existing village services, and flood risk. The representation in particular supports allocation 2i land east of village centre on the basis it:

- makes a significant contribution to meeting required housing numbers with a mix of types to meet local needs and including affordable housing
- offers excellent accessibility to services and shops in the village centre assisting vitality and viability of the centre
- helps refocus the village centre at the heart of the settlement
- provides direct accessibility by walking and cycling to school, sport and other facilities and bus stops

- strengthens the existing community focus with a village green on the Hambledon Road frontage
- offers opportunity to improve walking and cycling links to adjacent land and the open space north of Tanners Lane
- confirms ample scope for additional traffic (including that from the adjoining allocation) to be accommodated on the surrounding highway network without detriment to free flow of traffic or traffic safety
- will offer highway benefits for existing and future residents through improved access arrangements and reduce the attraction of Anmore Road as a through route
- will provide car parking facilities for Anmore Road residents and visitors
- can deliver at least four distinct development parcels (a concept plan is submitted) using existing and re-enforced landscape features
- is well contained within the local landscape in an area of limited landscape sensitivity and relates well to adjoining built development (a detailed landscape and visual assessment report is submitted including many supportive conclusions and confirming the site is a least sensitive location)
- offers opportunity for bio-diversity and environmental improvements
- is in flood zone 1 the lowest risk zone for probability of flooding even taking account of climate change
- a drainage strategy can be implemented ensuring no adverse impact on flood flow rates outside the site with potential to reduce some of the existing flood effects outside the site (details have been submitted in this respect)
- a sewer upgrade down to the pumping station could provide additional capacity to address existing issues of surcharge
- provide financial contribution to a multi-use games area at King George's Field in lieu of on-site provision
- is highly sustainable, available for development and capable of delivery in the required timescale

Additionally the representation states that in respect of previous concerns over flooding and drainage, and transport and highways, and landscape impact, and ecology, additional reports have been submitted. In respect of ecology it is stated site surveys at different times of year confirm there are no ecological related constraints to prevent development proceeding. I have taken additional reports submitted as part of the representation into consideration.

114. A representation states in its current form the proposed housing allocations within the DNP fails to meet basic conditions (a)<sup>32</sup> and (d)<sup>33</sup>. Another representation includes documents relating to the planning history of Carpenters Field and lists of “over 2000 residents from all parts of Denmead Village who have signed individual copies of a letter which objects to any building construction on countryside adjacent to the north side of Hambledon and Anmore Roads (known locally as Carpenters Field)”. This is referred to in another representation. The points made in an example letter are combined below with other representations on the housing site allocations which primarily object on grounds of: flooding and sewerage; traffic; location and distribution of development; other factors; and development considerations specific to sites 2iii and 2iv; including:

#### Flooding and sewerage

- land east of Anmore Road and Mill Road/Edneys Lane experiences drainage problems and additional building development will make matters worse even with SUDS
- the main drain in Anmore Road surges in periods of heavy rain and parts of the road flood after a comparatively short period of rainfall
- the foul water drainage system is already overloaded and does not have capacity for additional development
- sequential flooding risk from building on Carpenters Field given recent flooding events and the heavy clay soil and topography
- viability of the cost of drainage improvements
- ground water rising is the issue rather than rainwater run-off
- removal of trees will increase the problems of flooding

#### Traffic

- traffic congestion, parking difficulties, and blocked traffic on Anmore Road and the proposed junction site, and speeding at times
- traffic safety issues, access difficulties, and disruption to existing residents
- impact of traffic and noise on the rural identity, and unsuitability of the network of country lanes for extra traffic popular for walkers, joggers, leisurely strollers, cyclists, and horse and pony riders including traps and carriages (restrictions on dog walking and horse riding in parks is referred to also)

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<sup>32</sup> having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan

<sup>33</sup> the making of the Neighbourhood Plan contributes to the achievement of sustainable development

- Anmore Lane with no pavements will change character with increased usage.
- traffic from 128 new homes with delivery and service vehicles will be introduced to one junction with Anmore Road on a corner that is currently hazardous
- on street parking causes congestion and the proposed car park will not be used as people wish to park directly outside a property, for convenience especially with children, and insurance purposes
- widening the junction of Anmore Road with Hambledon Road would be most valuable, but not at the expense of traffic reaching an unacceptable level
- the single point of access off Hambledon Road will be subject to Transport Assessment to establish visibility splays that may be contrary with other policies specifically proposal 1
- cumulative highways impact of the allocations should be assessed, if this is too great it will jeopardise housing delivery
- extra cars driving off to work through the village and returning in the evening

#### Location and distribution of development

- the plan does not meet the wishes of the majority who said they prefer several smaller developments spread around the village rather than one large site of four parcels all in close proximity to one another
- the site allocations do not provide a flexible and adaptable plan
- one developer will not have sufficient number of house types to achieve four different character areas on a site of this size
- small sites will not deliver community benefits such as affordable housing
- the summary site analysis table at pages 47-50 gives subjective views and inaccurate assessments have been made of the alternative sites
- small sites on 'hobby land' required rather than one large farmed site
- support more suited and less impacted locations in various parts of the village and not decimate the village centre
- residents will not walk but drive to shops in the already congested centre
- development should be shared out to include areas to the north-west and west putting the village centre more truly at the centre of the village and the area around Anthill Common is suitable and no more distant from the village centre than a site not ruled out for this reason
- more development should occur in other villages and brown field sites around Portsmouth
- a lack of housing for first time buyers in the north-west and west areas

- no objection to the two smaller sites chosen in Mill Close and Green Lane
- development on the outskirts of the village would see cars driving off in various directions not through the village centre
- the approved and adopted village design statement shows the area outside the building boundary and having countryside status whereas other areas exist without this status with less impact on diminishing village open green space

#### Other factors

- any development will exacerbate local school place and health care availability
- overdevelopment, disturbance from development and pile driving
- loss of an area where countryside is visible reducing the rural countryside nature and impacting on attractive rural lanes
- new village green will be very small and no substitute for loss of use of country lanes due to traffic
- on-site additional sports pitches should be provided in accordance with policy CP7 of the Local Plan Part 1 and developers should not provide financial contribution to a MUGA at King George's Field in lieu of on-site provision
- allocation 2i on its own will be unable to fund or facilitate identified need of public open space and provision made by policy 2ie is not an accessible location remote from the majority of the existing settlement
- potential loss of ancient oak trees
- Carpenters Field site has Great Crested Newts, Palmate Newts, Smooth Newts, sticklebacks, adders, lizards, shrews, voles, foxes, badgers, bats feeding over the pond (Daubenton's and Pipistelle), nesting moorhens, mallard ducks, herons and owls, Roe Deer, Fallow Deer and Muntjac, and less common types of birds, butterflies and moths
- No strong physical boundaries making it hard to resist the adjacent site and further development if the current proposal proceeds
- require good architecture
- query whether all aspects of Section 106 from the developer of Carpenter's Field have been accurately declared
- current allocations will result in limited S106/CIL funding unable to meet requirements to achieve vitality and viability such as affordable housing
- properties including affordable, social and starter homes with facilities and infrastructure available at existing development sites including development within the Denmead boundary adjacent to the northwest area of Waterlooville

- the design principles for site 2i are overly prescriptive
- this land has previously been awarded 'omission site' status by HM Government Inspectorate
- allocation 2ii is completely dependent on allocation 2i coming forward in its allotted timeframe to provide necessary access
- If allocations 2i and 2ii fail to come forward this would remove 84% of the land allocated and 44% of the minimum need

#### Development considerations specific to sites 2iii and 2iv

- support the development of 10 new homes at the Baptist Church site with easy access for senior citizens to the village and the buses
- over development at too high a density and concentration of affordable accommodation
- demolition of the Baptist Church, a building of interest and possibly a potential candidate for local listing
- likely loss of ancient oak trees which have tree preservation orders
- main drain will not cope with replacing two properties with twenty
- site 2iv is very close to the rear wall of an existing property on Anmore Road
- two storey flats not be in keeping with the character of bungalows
- loss of wildlife corridor and rural feel and views onto open countryside
- increased noise, traffic and light pollution
- Baptist Church site unlikely to produce community benefits due to sustainability requirements, need to fund a new church, uncertainty of church relocation and funding, not an 'available' site within 2014-2019
- until the church is vacant the site should not be considered available for development within the first five years of the plan
- there is no evidence to suggest that there is adequate transport provisions relating to the points raised in the Transport Assessment which questions sustainability and safety
- potential loss of the children's nursery facility
- allocation (iii) not undergone assessment within the evidence base leading up to the submission document nor justified

115. The Guidance states where a Neighbourhood Plan allocates sites an appraisal of options and an assessment of individual sites against clearly identified criteria must be undertaken. Links are provided to 'Housing and economic land availability assessment' and 'viability' within the Guidance. The Guidance states *"it is the role of the assessment to provide information on the range of sites which are available to meet need, but it is for the development plan itself to determine which of those sites are the*

*most suitable to meet those needs.” I have already referred to the part of the Guidance that states “While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*

116. Adjustment to the settlement boundary and site selection is based on criteria relating to relative landscape sensitivity to development; proximity to existing village services; and flood risk. These criteria have regard to components of the Framework. A representation challenges interpretation of flood risk assessment in the Oikos Place Analysis. The criterion used in site selection has however been limited to location in respect of Flood Zones.
117. When checking I had received all of the necessary documents to undertake this independent examination I queried with the City Council item 9 listed in Annex A Evidence Base to the Neighbourhood Plan described as Denmead Neighbourhood Plan Site Assessments (2014) and was advised, “see pages 47-50 of Denmead Neighbourhood Plan”. I have proceeded on this basis. I consider the Annex A listing, and the reference in paragraph 4.6 of the neighbourhood plan, should be adjusted to achieve greater clarity. I have included this in Appendix A to my report. The Summary Site Analysis sets out the results of assessment for all sites including allocated site 2iii land at Baptist Church. There are discrepancies between the table and accompanying maps. Site 310 for example has an accessibility rating of adequate in the table but a rating of good on the map. This has been raised in a representation along with a copy of correspondence confirming the correct rating. Whilst this error and similar errors would not have changed the site selection the lack of accuracy in such an important matter is unhelpful.
118. All four sites allocated for housing development lie wholly within flood zone 1. Policy 2 is consistent with the Technical Guidance which aims to steer new development to areas with the lowest probability of flooding, and has regard to the Framework aim of meeting the challenge of climate change and flooding. In a representation the Environment Agency has stated “we note that there are site allocations included within this plan. We are pleased to see that the proposed allocations have been directed to the areas of lowest probability of flooding and that they are all located within Flood Zone 1. A site specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1 at planning application

stage.” Policy 2 requires planning applications to be accompanied by a drainage strategy to be agreed by the relevant authorities setting out the proposed approach to achieving effective sustainable drainage solutions. Details are provided at paragraphs 4.16 and 4.17 of the Neighbourhood Plan. Requirements to ensure connection to the foul water or combined drainage system only at a point of capacity can be included in any planning permission.

119. Policy 2 also requires planning applications to demonstrate in their respective transport assessments that the cumulative impact of the proposal and other site allocations on Anmore Road can be managed and mitigated to the satisfaction of the local highway authority. The development principles include requirements relating to vehicular, pedestrian and cycle access, highway improvements, and car parking.
120. Policy 2 also includes development principles relating to green infrastructure including contributions in lieu of on-site provision, and landscape buffers. Development Plan policy CP7 states a preference for on-site provision where feasible but acknowledges financial contributions to off-site improvements can be an option. I consider the policy wording and in particular inclusion in the policy of the phrase “the control of which will be subject to a design code” provides sufficient assurance that appropriate retention of site landscape features is capable of being achieved.
121. Representations refer to the size of the allocation on land east of the village centre and expressed community preferences relating to the scale and distribution of build options. Paragraph 4.19 of the Neighbourhood Plan states, “*The shape and landscape configuration of the site will enable a layout to be achieved that will appear as a group of distinctive housing parcels of development, rather than as one homogenous ‘housing estate’*”, and paragraph 4.20 states “*Each parcel will be expected to comprise a distinctive mix of housing types and designs.*” Policy 2 requires a layout which subdivides the total site area into at least four distinct development parcels using the existing site landscape features. Paragraph 4.21 recognises the significance of this issue in winning the support of the local community. I consider this is a satisfactory response to expressed community preference.
122. In terms of availability the Neighbourhood Plan states “*All landowners of sites allocated in the Plan have been contacted and all have agreed that their sites would come forward in the Plan timeframe.*” Three of the four site allocations state a precise number of dwellings to be accommodated

and the fourth indicates an 'up to' figure. Whilst I appreciate the need to ensure the total level of provision meets the requirements of the strategic planning context established by the Development Plan the approach to policy formulation adopted could have the effect of preventing sustainable development proposals that vary from the number of dwellings specified. I recommend the term 'about' is applied to the number of dwellings indicated in respect of all four sites.

123. The component of policy 2 relating to land east of the village centre includes the phrase "*provides a car park*". This requirement could be met by very little provision. I recommend the figure indicated in paragraph 4.28 should be included in the policy in order to achieve clarity.

124. I consider that where it is appropriate that they should be addressed the other site specific issues identified in respect of the housing allocation sites, including those relating to sites 2iii and 2iv, are capable of being adequately responded to as part of the consideration and determination of planning applications as they arise.

125. I conclude policy 2 as modified will meet the basic conditions. Given the conclusion I have reached with respect to the housing site allocations in policy 2 there are no consequential implications for adjustment to the settlement boundary established by policy 1 of the Neighbourhood Plan. Whilst representations have put forward alternative or other sites as being suitable for inclusion in the Neighbourhood Plan (as presented in my consideration of policy 1) I find that policy 2 which allocates housing sites meets the Basic Conditions and the existence of other sites, whether they are suitable or not, is not a matter against which the Neighbourhood Plan is to be examined.

126. I am satisfied that need to have regard to national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of policy 2. The policy shapes and directs sustainable development. These considerations support my conclusion that this policy meets the basic conditions.

**Recommended modification 2:**

**In policy 2 insert "About" as the first word in sections i, ii, and iv; and replace "Up to" with "About" in section iii; and in part ig of the policy insert "20 space" before private**

### Policy 3: Housing Design

127. This policy requires development proposals to reflect specified characteristics of surrounding buildings and landscape. This component of the policy sets out the nature and quality of development that will be expected for the plan area. It is based on the stated objective requiring respect for heritage and landscape character and an understanding and evaluation of its defining characteristics established in the Village Design Statement.
128. A representation states the policy is overly prescriptive going over and above the requirements of national policy and that the basis for the policy is a reflection of what is addressed in the Denmead Village Design Statement which should be updated prior to continuation of the plan. Another representation supports the objectives to ensure that new development reflects the architectural and historic character and scale of the surrounding buildings and landscape.
129. The Framework states planning policies should aim to ensure that developments “*respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation*”. The policy requires proposals to reflect local character but does not prevent or discourage appropriate innovation. English Heritage welcomes and supports the policy for its references to the architectural and historic character and scale of the surrounding buildings and landscape and for giving force to the adopted Village Design Statement in the planning process. English Heritage also welcomes and supports the design principles particularly that development in the village centre should sympathise with and match the earlier buildings. The Framework states Neighbourhood Plans “*should allow communities to shape and direct development in their area*” and that Neighbourhood Planning “*provides a powerful set of tools for local people to ensure that they get the right type of development for their community*”. The first component of the policy has regard to the Framework aim of requiring good design, conserving and enhancing the historic environment; and conserving and enhancing the natural environment.
130. A second component of the policy seeks to resist the loss of local homes especially suited to occupation by older people. The Neighbourhood Plan states “*In the meantime, the policy makes specific provision to prevent the loss of bungalows suited to older people through conversion of roof space into larger homes suited to families*”. The paragraph later refers to “*loft conversions*” and “*retention of bungalows in*

*their original form*". The policy is silent in respect of bungalows that are not in their original form. The mechanism adopted is to resist planning applications that increase the gross internal floorspace of existing bungalows. An increase in gross internal floorspace of an existing bungalow can be achieved at ground floor level or through roof space.

131. The Permitted Development Guidance demonstrates that very significant extension of a dwellinghouse can occur without the need for planning permission, taking advantage of permitted development rules. These permitted development rules include the achievement of enlargement of a house consisting of an addition or alteration to its roof subject to specified conditions and limits. Policy 3 will have no effect in preventing such extensions.
132. A Local Planning Authority is able to remove some permitted development rights by issuing what is known as an Article 4 Direction meaning that a planning application will be needed which normally would not need one. This is a completely separate procedure to Neighbourhood Plan making.
133. This component of the policy has regard to the part of the Framework concerned with delivering a wide choice of high quality homes and in particular the need to plan for a mix of housing that meets the needs of different groups in the community such as older people. This component of the policy may be limited in effect as a result of Permitted Development rights but the policy meets the basic conditions.

#### **Policy 4: Land at Parklands Business Park, Forest Road**

134. This policy establishes conditional support for the development of a residential care home; change of use of smaller employment premises; and creation of dedicated lorry parking spaces at the Parklands Business Park on Forest Road. A representation refers to recent prior notification applications and states the policy as currently drafted would be ineffective as there may soon be no vacant units remaining and the whole function of a Business Park would also be undermined by containing a number of residential units. Another representation expressed support for the lorry parking facilities.
135. A further representation states the Neighbourhood Plan policies will not adequately support the future growth prospects of the village to sufficiently deliver the goals and objectives of the plan and meet policies within the LPP1. It is stated "*the economic policies of the plan do not identify specific*

*location for employment provisions...".* The representation also refers to the need to readdress viability issues of the plan due to an ageing population through an increased requirement for residential and economic provisions. Whilst policy MTRA 1 of the LPP1 refers to retention or redevelopment of existing employment land and premises, and development of new sites or buildings, it is not a requirement that this is achieved through Neighbourhood Plans. There is no requirement for a Neighbourhood Plan to include any particular type of planning policy.

136. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes, and building a strong, competitive economy. The policy refers to employment of a type that would not be better located in the village centre. This aspect of the policy is imprecise and does not offer a clear basis for decision making. If the intention is to exclude retail and service uses that generate high customer visits then this should be stated. In all other respects the policy meets the basic conditions.

**Recommended modification 3:**

**In policy 4 employment types better located in the village centre should be specified**

**Policy 5: Sports and Leisure Facilities**

137. This policy establishes conditional support for development proposals for sport and leisure facilities on land at Denmead Junior School. A representation states there is a shortfall of 20 acres of leisure land in the Parish which the plan does not adequately address and it is not clear whether the new facilities at the Junior School will add, replace or displace football use at weekends. The representation also states an all-weather pitch is required and *"there is limited evidence to support the provision of a Multi-Use Games Area which will only use existing land in King George V field"*. A further representation states *"the allocations approached by the DNP through policies 2 and 5 will not be able to support the level of need through either on-site provision or s106 contributions."* Another representation states the Neighbourhood Plan should provide for expansion of the tennis club and additional green space for other existing sporting clubs to expand.

138. A further representation states the matters of residential amenity should be dealt with by planning conditions and given the evidence of significant need to provide sports and leisure facilities and public open space it is recommended that an increase in total housing allocations

within the Neighbourhood Plan will help to ensure that this identified need is met. I consider the guidance offered by the policy in terms of avoiding harm to residential amenity is helpful and there is no requirement for a Neighbourhood Plan to contain specific categories of policy or levels of provision of facilities. The policy has regard to the component of the Framework concerned with promoting healthy communities. This policy meets the basic conditions.

### **Policy 6: Public Car Park at Hambledon Road/Kidmore Lane**

139. This policy seeks to resist development proposals that will lead to the loss of any existing car parking spaces or of the toilet facilities in the public car park at Hambleton Road/Kidmore Lane. A representation supports the policy to retain the public car park to serve the village centre with its shops and facilities. Whilst no reasoned justification is stated in respect of the toilet facilities I have treated these as ancillary to, and an integral part of, the car park. This policy meets the basic conditions.

### **Policy 7: Burial Ground**

140. This policy allocates land off Cemetery Lane for a burial ground extension. A representation states that the owners do not object in principle to this allocation however it is stated this land will only become available in association with the development of the parcel of land to the east of housing site 2i. Achievement of important community infrastructure through implementation of a 'made' Neighbourhood Plan as part of the Development Plan for an area is assisted by statutory mechanisms. This policy has regard to the component of the Framework requiring planning policies to plan positively for community facilities and to ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. This policy meets the basic conditions.

### **Policy 8: Travellers Accommodation**

141. This policy establishes conditional support for the development of new sites for settled travellers accommodation. Government is currently consulting on planning policy for traveller sites to be incorporated within the Framework. At present national policy remains that set out in the document 'Planning policy for traveller sites' published March 2012. This

policy must be taken into account in the preparation of Neighbourhood Development Plans.<sup>34</sup> 'Planning policy for traveller sites' should be read in conjunction with the Framework so far as relevant.

142. Neighbourhood Plan policy 8 refers to pitches. Annex1: Glossary to Planning policy for traveller sites makes it clear that for the purposes of that planning policy the term 'pitch' means a pitch on a 'gypsy and traveller site' and 'plot' means a pitch on a 'travelling showpeople site' (often called a yard). It is explained that this terminology differentiates between residential pitches for 'gypsies and travellers' and mixed-use plots for 'travelling showpeople' which may/will need to incorporate space or to be split to allow for the storage of equipment. The Hampshire Traveller Assessment referred to in paragraph 4.58 of the Neighbourhood Plan presents recommendations to the consortium of eleven authorities "*in respect of the future accommodation for both broad groups of travellers; Gypsies and Travellers, and Travelling Showpeople.*" Paragraph 4.59 of the Neighbourhood Plan states "*It is the case that in two parts of Denmead there are settled gypsy and travelling showmen communities that are accepted within the parish.*" On this basis I consider if a policy relating to traveller sites were ultimately to be included in the Neighbourhood Plan it should expressly include plots as well as pitches for the avoidance of doubt that the policy relates to Travelling Showpeople as well as Gypsies and Travellers.

143. Representations question whether existing mobile homes in Old Mill Lane are travellers' sites and state permission for an existing site is limited to the current incumbent which will cease when he leaves removing the reason for placing more sites in the lane. One representation states that the term 'settled traveller' is an oxymoron. The Commission for Racial Equality has estimated that the number of Gypsies and Travellers living in conventional housing is around three times the number of those with traditional nomadic lifestyle.<sup>35</sup> Conventional housing is treated in planning policy as a residential use regardless of the race or origin of occupants. From my visit to the plan area it would appear traveller accommodation in the two locations referred to in policy 8 is principally in static caravan or mobile home units rather than bricks and mortar accommodation.

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<sup>34</sup> Planning policy for travellers (March 2012) states "In relation to neighbourhood plans, under section 38B and C and paragraph 8(2) of Schedule 4B to the 2004 Act (inserted by the Localism Act 2011 section 116 and Schedules 9 and 10) the independent examiner will consider whether having regard to national policy it is appropriate to make the plan."

<sup>35</sup> Commission for Racial Equality, *Common Ground: Equality, good race relations and sites for Gypsies and Travellers*, 2006

144. The Neighbourhood Plan policy relates to 'settled travellers accommodation'. This is not a term used in 'Planning policy for traveller sites'. For the purposes of national planning policy:

*gypsies and travellers means, "persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependent's educational or health needs or old age have ceased to travel temporarily or permanently (but excluding members of an organised group of travelling showpeople or circus people travelling together as such)"*

*and travelling showpeople means, "Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependents' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers as defined above."*

145. For the purposes of national planning policy 'travellers' means gypsies and travellers and travelling showpeople as defined above. Local Plan Part 1 includes policy CP5 Sites for Gypsies, Travellers and Travelling Showpeople and the emerging Local Plan Part 2 includes policy DM4 Gypsies, Travellers and Travelling Showpersons. I consider that should any policy ultimately be included in the Neighbourhood Plan it should refer to traveller sites rather than sites for settled traveller accommodation.

146. Other representations state the Old Mill Lane area is unsuitable for traveller sites as follows:

- the location will be divisive not mixing types of housing and people together and not enabling the integration of new travellers into the local community being 2.25 miles from the centre with no local facilities or public transport
- will lead to further development encroachment north of Denmead, an area coming under pressure from other proposals - better all together at the Bunns Lane site
- not in keeping with the architectural value of existing properties
- visual intrusion in a open countryside area of outstanding natural beauty directly opposite and visible from the South Downs National Park, with the Monarchs Way footpath passing through the area
- infrastructure and services have limited capacity and there is no foul water mains drainage, and flooding occurs in the lane
- sufficient provision elsewhere and existing settled traveller plots on Old Mill Lane are ample and current permissions have been exceeded

- the means of constraint on expansion is unclear - albeit there being a limit per site of two settlements the fact there is no limit to the amount of travellers' sites is of grave concern
- the single track road and connecting lanes with limited passing places and no street lighting are already overburdened not least with agricultural traffic and will struggle with any more vehicles in particular lorries, vans and caravans which will heighten danger to users of the lane including walkers, horse riders and cyclists. Traffic has increased avoiding the congestion caused by the Waterlooville development and when Hambledon Road floods. The traffic problem is compounded by the fact that the existing travellers are involved in the motor trade, such as the breakers yard
- the proposal will cause tension between parts of the community with comment about allegations relating to anti-social behaviour experienced, animal welfare, loose dogs, noise, non registered quad bike ridden up the lane by an under-age child, burnt out vehicles, potential crime and disorder, and the fear of crime.

147. In terms of decision making 'Planning policy for traveller sites' states local planning authorities should ensure proposals "*avoid placing an undue pressure on the local infrastructure*". Infrastructure and highway issues raised in representations would be material considerations in the determination of any individual planning applications.

148. Whilst national planning policy in respect of traveller sites is currently separate from the Framework, policy 8 of the Neighbourhood Plan has regard to the component of the Framework seeking delivery of a wide choice of high quality homes. The Framework states that new isolated homes in the countryside should be avoided unless there are special circumstances. The stated aim of the Neighbourhood Plan policy for new traveller sites to be in close proximity to either of the settled community in order to provide "*the best opportunity for newcomers to become part of Denmead*" is capable of interpretation as being 'special circumstances'.

149. Policy H of 'Planning policy for traveller sites' will also be significant in decision taking with respect to any planning applications in that "*Local Planning Authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan*". The Neighbourhood Plan establishes the basis of support for proposals in terms of location and re-confirms the strategic context established in the Development Plan, in particular the criteria in policy CP5 of the Local Plan Part 1, as explained in paragraph 4.60 of the Neighbourhood Plan.

150. I have given consideration to the fact that the plan area abuts the South Downs National Park. I note policy 8 qualifies support for proposals for new sites for traveller accommodation provided they accord with all the relevant policies of the Neighbourhood Plan and the Winchester Development Plan. Policy CP5 of the LPP1 provides protection for the South Downs National Park.

151. In respect to plan-making 'Planning policy for traveller sites' states "When assessing the suitability of *sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.*" I consider the Neighbourhood Plan policy does not have regard to national policy in that it does not place any limit on the number of sites that could be achieved in open countryside locations during the plan period and could lead to multiple sites in total being disproportionate in size and dominating the nearest settled community in the Old Mill Lane and Bunns Lane areas.

152. The overarching aim of national policy is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. In seeking to ensure traveller sites are sustainable, economically, socially and environmentally, national policy aims to ensure policies promote peaceful and integrated co-existence between the site and the local community. Policy 8 of the Neighbourhood Plan states sites will be supported "*provided they are located on land in close proximity to the settled traveller community in Old Mill Lane and adjacent to the existing traveller site at West Fork in Bunns Lane.*" The Neighbourhood Plan explains the requirement to be in close proximity to either of the settled community "*will provide the best opportunity for newcomers to become part of Denmead.*" It is further stated, "*Within the engagement carried out in preparing this plan, it has been very clearly felt that assimilation outweighs any disadvantage of limited sustainability.*" On this basis the intention of the location aspect of the policy has regard to national policy. However representations relating to the Old Mill Lane area indicate that the plan intention is at risk. I note that in respect of plan making 'Planning policy for traveller sites' states policies should "promote peaceful and integrated co-existence between the site and the local community". I consider policy 8 does not have regard to national policy in this respect.

153. 'Planning policy for traveller sites' makes extensive reference to Local Plans and to Local Planning Authorities. I consider it is the intention that issues relating to travellers sites should normally be addressed at that

level. As set out in 'Planning policy for travellers sites' it is the responsibility of the City Council to identify the number of travellers' pitches and plots that will be required based on local needs assessments.

154. The Travellers Accommodation Assessment for Hampshire Study Report produced by Forest Bus Limited in April 2013 for a consortium of eleven authorities in Hampshire has informed this process. The emerging Local Plan Part 2 consultation draft policy DM4 sets out a quantification of need over the plan period. The Local Plan Part 2 Consultation Draft also states the City Council has jointly with East Hampshire District Council and the South Downs National Park Authority, commissioned consultants to assess potential sites for traveller accommodation. The results of this assessment will be subject to consultation and sites will be allocated as necessary in the Local Plan 2, using the criteria outlined in CP5 and established site assessment criteria, in order to meet the identified need and maintain an adequate supply of sites over the next few years. I consider this co-ordinated approach over a wider than District area is appropriate in the context of national policy and that the Neighbourhood Plan policy represents undesirable duplication. I recommend policy 8 should be deleted from the Neighbourhood Plan.

**Recommended modification 4:  
Delete policy 8**

## **Summary and Referendum**

I have recommended the following modifications to the Submission Plan:

**Recommended modification 1:  
The project proposals should be transferred to a separate annex that is clearly identified as not forming part of the Neighbourhood Development Plan**

**Recommended modification 2:  
In policy 2 insert "About" as the first word in sections i, ii, and iv; and replace "Up to" with "About" in section iii; and in part ig of the policy insert "20 space" before private**

**Recommended modification 3:  
In policy 4 employment types better located in the village centre should be specified**

**Recommended modification 4:  
Delete policy 8**

I also make the following recommendation in Appendix 1 below

**Recommended modification 5:  
Identified errors that are typographical in nature or arising from updates should be corrected**

I consider the Neighbourhood Plan establishes, subject to the modifications I have recommended, a realistic and achievable vision for development and change within the plan area. I am satisfied that the Neighbourhood Plan<sup>36</sup>:

- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations;
- meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified meets the basic conditions:
  - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan,
  - the making of the neighbourhood plan contributes to the achievement of sustainable development,
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
  - does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects<sup>37</sup>

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<sup>36</sup> The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

<sup>37</sup> Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

**I recommend to Winchester City Council that the Denmead Neighbourhood Development Plan for the plan period up to 2031 should, subject to the modifications I have put forward, be submitted to referendum.**

I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.<sup>38</sup> In all the matters I have considered I have not seen anything that suggests the referendum area should extend beyond the boundaries of the plan area as they are currently defined.

**I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by Winchester City Council on 17 September 2012.**

### Appendix 1: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.<sup>39</sup> The Neighbourhood Plan includes a small number of errors that are typographical in nature or arise from updates. I recommend modification as follows:

- Paragraph 1.11 biodiversity not bio-diversity
- Paragraph 1.16 correct plan period
- Paragraph 4.15 about 130 not 128 (twice)
- Item 9 'Denmead Neighbourhood Plan Site Assessments (2014)' listed in Annex A Evidence Base to the Neighbourhood Plan, and referred to in paragraph 4.6, should be adjusted to refer to the Summary Site Analysis presented in the plan document
- Site 313 should be shaded on the landscape sensitivity map in accordance with the Summary Site Analysis schedule
- Site 310 and Site 378 should be rated good for the accessibility criterion in the Summary Site Analysis schedule
- Site 2469 should be rated good for the accessibility criterion in the Summary Site Analysis schedule in accordance with paragraph 4.37 of the Submission Plan
- SINC boundaries on the Denmead Flood Risk Map should be corrected
- Paragraphs 5.5 to 5.23 when referring to proposals should not use the term 'policy'
- Additionally some of the recommended modifications in this report will necessitate consequential related adjustments to the Neighbourhood Plan document

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<sup>38</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

<sup>39</sup> Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

**Recommended modification 5:  
Identified errors that are typographical in nature or arising from  
updates should be corrected**

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17 December 2014

REPORT ENDS