

Winchfield Neighbourhood Development Plan Review 2022-2037

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

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Executive Summary

- 1 I was appointed by Hart District Council in May 2023 to carry out the independent examination of the review of the Winchfield Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood plan area on 5 July 2023.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It has a focus on safeguarding its built and natural environment and defining an additional settlement boundary beyond those already defined in the Local Plan.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Winchfield Neighbourhood Plan Review meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
7 September 2023

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the review of the Winchfield Neighbourhood Development Plan Review 2022-2037 (the Plan).
- 1.2 The Plan has been submitted to Hart District Council (HDC) by Winchfield Parish Council (WPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF). The NPPF continues to be the principal element of national planning policy. It was most recently updated in 2021.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. It can include whatever range of policies it sees as appropriate to its designated neighbourhood area. In this case, the Plan is a review of the 'made' Plan. It has been designed to be distinctive in general terms, and to be complementary to the development plan. The Plan has a focus on safeguarding its built and natural environment and defining an additional settlement boundary beyond those already defined in the Local Plan.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then form a part of the wider development plan and be used to determine planning applications in the neighbourhood area.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by HDC, with the consent of WPC, to conduct the examination of the Plan and to prepare this report. I am independent of both the HDC and WPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have 40 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I am a chartered town planner and have significant experience of undertaking neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

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

Other examination matters

- 2.6 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 Having addressed the matters identified in paragraph 2.6 of this report, I am satisfied that each of the points have been met subject to the contents of this report.

3 Procedural Matters

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

- the submitted Plan.
- the Basic Conditions Statement
- the Consultation Statement.
- the Evidence Base.
- Appendices 1 and 2 of the Plan
- the HDC Statement of the Significance of the Modifications
- the HDC SEA/HRA Screening report.
- the representations made to the Plan.
- WPC's responses to the clarification note.
- the Hart Local Plan 2032.
- the National Planning Policy Framework (July 2021).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 The various documents are helpfully available on the HDC's website. Wherever possible, I will refer to the document concerned for the purposes of keeping this report as concise as possible.

3.3 I visited the neighbourhood area on 5 July 2023. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.15 of this report.

The examination process for the review of a neighbourhood plan

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

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

- minor (non-material) modifications to a neighbourhood plan or order which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum; or
- material modifications which do not change the nature of the plan or order and which would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan; or

- material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

- 3.6 The submitted Plan comments that the modifications to the policies are so substantial and significant to warrant consideration as a change to the nature of the Plan.
- 3.7 HDC reached the same conclusion on the scale and nature of the proposed modifications to the Plan in its Statement of Significance of the modifications. Having considered the conclusions made by HDC and WPC very carefully, I also agree with the approach taken and will examine the Plan on this basis.
- 3.8 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted Plan, I was satisfied that the Plan could be examined without the need for a public hearing.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012, WPC has prepared a Consultation Statement. The Statement is proportionate to the neighbourhood area and the policies in the Plan. It reflects the specific circumstances that have generated the community's desire to review the existing 'made' Plan.
- 4.3 The Statement sets out the various activities that were held to engage the local community during the initial stages of the plan-preparation process. They also provide details about the consultation process that took place on the pre-submission version of the Plan (October to December 2022).
- 4.4 The Statement sets out details of the community engagement that took place as the Plan was being prepared. They included:
 - the delivery of information and flyers in the parish;
 - regular articles in the parish newsletter (Contact);
 - the delivery of Christmas cards to raise awareness of the work on the Plan;
 - the organisation of a series of drop in events (July 2021 to June 2022);
 - the ongoing liaison with HDC; and
 - the preparation of a Housing Needs Survey.
- 4.5 Sections CS3 to CS5 of the Statement set out how the submitted Plan took account of consultation feedback at the pre-submission phase. This is a helpful way to set out the information. It helps to describe how the Plan was refined based on consultation and feedback.

Consultation Feedback

- 4.6 Consultation on the Plan was undertaken by HDC for a six-week period that ended on 23 June 2023. This generated representations from the following organisations:
 - Transport for London
 - Hampshire Chamber of Commerce
 - National Highways
 - Sport England
 - Coal Authority
 - Trustees of Fisk Family Trust
 - Crookham Village Parish Council
 - Thames Water

- National Gas Transmission
- Defence Infrastructure Organisation
- Hart District Council
- Pearson Strategic Limited
- North East Hants Ramblers
- Network Rail
- Hampshire County Council Public Health
- Natural England

4.7 The Plan also attracted several representations from residents.

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

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Winchfield. In 2011 the population of the parish was 664 persons living in 258 households. It was designated as a neighbourhood area on 8 January 2015.
- 5.2 The neighbourhood area is in the centre of Hart District. It sits roughly equidistant between Hook to the west and Fleet to the east. Both the A30 and the M3 run loosely from the south east to the north west through the neighbourhood area with the A30 forming its northern boundary. The London to Southampton railway also runs in a roughly west to east direction through the middle of the Plan area.
- 5.3 The built developments of Winchfield Hurst and Winchfield Court sit comfortably within the surrounding rolling countryside. The neighbourhood area is characterised by its farmland, hedgerows, and ancient woodlands.

Development Plan Context

- 5.4 The development plan for the neighbourhood area is well-developed and up-to-date. HDC adopted the Hart Local Plan (Strategy and Sites) 2032 in April 2020.
- 5.5 Policy SS1 of the Plan (Spatial Strategy and Distribution of Growth) comments that development in the District will be focused within defined settlements, on previously developed land in sustainable locations, and on allocated sites. Table 1 of the Plan advises that the bulk of the new housing requirement in the District is already met by sites which are completed and sites with planning permission. Inset Maps 30 and 31 identify the Settlement Boundaries for Winchfield Court and Winchfield Hurst respectively.
- 5.6 In addition to Policy SS1, the following policies in the Local Plan have been particularly important in underpinning the policies in the submitted Plan:
 - H1 Housing Mix
 - H2 Affordable Housing
 - NBE4 Biodiversity
 - NBE5 Managing Flood Risk
 - NBE8 Historic Environment
 - NBE9 Design
 - INF2 Green Infrastructure
 - INF5 Community Facilities
- 5.7 The submitted Plan has been prepared within its up-to-date development plan context. In doing so, it has relied on up-to-date information and research that has underpinned existing planning policy documents. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

- 5.8 I am satisfied that the submitted Plan seeks to add value to the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement. In the round, the Plan has been carefully prepared to be in general conformity with the strategic policies in the development plan and to provide distinctive parish-based policies to complement the establish strategic approach.

Visit to the Neighbourhood Area

- 5.9 I visited the neighbourhood area on 5 July 2023. I approached it from Odiham to the south. This helped me to understand its connection to the strategic road network and its location.
- 5.10 I looked initially at St Mary's Church. Its importance as a religious and community facility was self-evident.
- 5.11 I then looked at the two settlement boundaries identified in the Local Plan and the additional boundary at Beauclerk Green/Station Road as proposed in the Plan. I saw the established houses in this part of the parish.
- 5.12 I took the opportunity to look at the railway station. I saw its importance to the local community and the scale and significance of the station car park.
- 5.13 Thereafter I took the opportunity to look at the Brenda Parker Way. This helped me to understand the role and purpose of Policy NE3 of the Plan.
- 5.14 Throughout the visit I took the opportunity to look at the various key views as identified in Policy NE2.
- 5.15 I left the neighbourhood area by driving to Hartley Wintney to the north. This helped me to understand the relationship of the parish with surrounding larger settlements and the strategic road network.

6 The Neighbourhood Plan as a whole

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

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

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

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

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in July 2021. This approach is reflected in the submitted Basic Conditions Statement.

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

- a plan-led system – in this case the relationship between the neighbourhood plan and the adopted Hart Local Plan;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. It proposes an additional settlement boundary to focus the delivery of new development. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This is reinforced in Planning Practice Guidance. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.10 As submitted, the Plan does not fully accord with this range of practical issues. Many of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for new development (Policy BE1) and for commercial development (Policy P&C2). In the social role, it includes policies on affordable housing (Policy BE2) and community facilities (Policy P&C3). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has specific policies on design (Policy BE4), landscape and key views (Policies NE1/2), and heritage assets (Policies HE1/2). This assessment overlaps with WPC's comments on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

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

satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.14 The Neighbourhood Plan (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement HDC published a screening report in February 2023 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It includes the responses from the consultation bodies. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.

Habitat Regulations

- 6.16 HDC prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. It concludes that the submitted Plan is unlikely to have significant effects on a European site. The report is very thorough and comprehensive. Appendix 1 of the report (the detailed assessment produced earlier by AECOM) assesses the impact of the Plan on the Thames Basin Heaths SPA. It concludes that the Plan will not give rise to likely significant effects on this European site, either alone or in combination with other plans or projects, and Appropriate Assessment is not required.
- 6.17 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of neighbourhood plan regulations.

Human Rights

- 6.18 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. Based on all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

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

7 The Neighbourhood Plan Policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and WPC have spent time and energy in identifying the issues and objectives that they wish to be included in the review of the 'made' Plan. The community has successfully marshalled the capacity to prepare the Plan to reflect changing circumstances including updated national and local planning policies. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. It includes a series of Community Aspirations in Section 9.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. Thereafter I comment on the Aspirations.
- 7.6 For clarity this section of the report comments on all the policies in the Plan.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-4)

- 7.8 The Plan is well-organised and includes effective maps and photographs that give real depth and purpose to the Plan. The photographs are particularly effective. The Plan makes an appropriate distinction between the policies and their supporting text. Its design will ensure that it will comfortably be able to take its place as part of the development plan if it is eventually made. The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies.
- 7.9 The Introduction comments about the neighbourhood area and the Plan period. It helpfully sets out the reasons for the review of the Plan and its focus (paragraph 1.16). It also sets out the consultation processes which were associated with the Plan. This overlaps with the submitted Consultation Statement.
- 7.10 Section 2 sets out the context to the history of the parish and its current circumstances. Key elements of this section have underpinned the policies in the Plan.
- 7.11 Section 3 sets out the national (NPPF) and the local (Hart Local Plan 2032) planning policy context within which the Plan has been prepared.

- 7.12 Section 4 sets out a comprehensive vision and objectives for the Plan. They are very distinctive to the neighbourhood area and provide an overall context for the resulting policies. In the round the Plan is a first-class example of a review of a neighbourhood plan both in terms of its format and content.
- 7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

General comments on policies

- 7.14 The Plan helpfully consolidates the review of the Plan into the structure of the 'made' Plan. This results in a series of new policies and the retention of existing policies in the 'made' Plan. For the purposes of this report, I do not comment in any detail on the retained policies other than where they may have been affected by the adoption of the Hart Local Plan or by updates in national planning policy since the Plan was 'made' in 2017. In some cases, I have recommended modifications to the wording of policies in the made Plan to reflect the approach and language now taken in neighbourhood plans (which has matured since the Plan was made).

Policy NE1 Landscape Character

- 7.15 This policy includes material modifications which do not change the nature of the Plan. It has two related parts. The first comments about the way in which development proposals should respect the local landscape. The second sets out the requirements for development outside the defined settlement boundaries. The policy is underpinned by the details in Appendix 1.
- 7.16 As submitted the policy has a confusing structure with the various criteria spread between the different elements of the policy. I recommend modifications to remedy these matters and to bring the clarity required by the NPPF. The recommended modifications reflect the representation made by HDC and WPC's helpful responses to those comments in its response to the clarification note. They also highlight the need for the policy to be applied in a proportionate way based on the scale and nature of the proposal concerned. I also recommend that the supporting text is expanded so that it highlights the location of the maps showing the settlement boundaries. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace the policy with:

'Development proposals should respect the key characteristics of the landscape character areas identified and described in the Winchfield Landscape Character Assessment. As appropriate to their scale, nature and location, proposals should:

- a) respect and where practicable reinforce the key characteristics of the parish, having regard to the relevant landscape character area description;**
- b) be designed and sited to harmonise with the existing landscape;**

c) where necessary provide landscape impact mitigation measures as part of the proposal;

d) be designed to be accommodated in the existing landscape without having an unacceptable impact, by reason of height, scale, materials, siting, and location;

e) avoid the physical and visual coalescence with the neighbouring settlements of Fleet, Hook, Hartley Wintney and Dogmersfield;

Proposals for new development or change in the use of land outside the defined settlement boundaries of Winchfield Court, Winchfield Hurst and Beauclerk Green should be accompanied by a Landscape and Visual Impact Appraisal that demonstrates how the proposal meets the criteria above.'

At the end of paragraph 5.16 add: 'Policy NE1 sets out the Plan's approach to this important matter. The settlement boundaries referenced in the policy are shown in Figures 7.1, 7.2 and 7.3 of this Plan.'

Policy NE2 Protection of Key Views

- 7.17 This is a new policy. It identifies a series of key views and proposes a policy approach to ensure that development proposals take account of their importance. I looked carefully at a selection of views during the visit. It was clear that they have been carefully considered and help to describe the rural character of the parish.
- 7.18 The views are carefully shown (at different scales) on Figures 5 and 6. The table in Figure 6 helpfully describes the landscape qualities of the various key views. The views are underpinned by the details in Appendix 2 of the Plan.
- 7.19 In general terms the policy's approach meets the basic conditions. However as submitted the policy has a rather complicated structure and it not immediately obvious how HDC would be able to implement it in a clear and consistent way throughout the Plan period. I recommend that the order of the policy is restructured to remedy these issues. The recommendations take account of HDC's comments and WPC's response to the clarification note. They also provide absolute clarity about the definition of key views in the review of the Plan. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace the policy with:

'The Plan identifies a series of key views in Figures 5.5 and 5.6. Development proposals should safeguard and respond positively to the key views.

Development proposals which would affect the key views should be accompanied by a Landscape and Visual Impact Appraisal that demonstrates how the proposal will respect and, where practicable, reinforce the view(s) concerned.

Development proposals which would have an unacceptable impact on the characteristics of identified key views will not be supported.'

Policy NE3 Brenda Parker Way

- 7.20 This is a new policy. It has been prepared to safeguard the Brenda Parker Way. As paragraph 5.27 comments, it is an ancient sunken footpath which forms part of the boundary between Winchfield and Hook parishes. It is characterised by an impressive canopy of mature trees. I looked at the Way during the visit and saw its very distinctive character.
- 7.21 The details of the policy have attracted representations from adjacent landowners and potential developers. Whilst no development is allocated in the vicinity of the Way in the adopted Local Plan, this part of the parish has been the subject of ongoing developer interest. This matter is conveniently summarised in the Lightwood representation as follows:
- 'Hart District Council sought to identify land in this area as a broad location for accommodating development needs growth within its now adopted Local Plan. The examination hearings found that more work needed to be done to justify the proposed growth strategy, and that the Plan could be found sound without Shapley Heath being included. The Inspector advised the Council to adopt the Plan to secure its 5-year land supply position rather than taking additional time to justify the proposed policy and a longer-term strategy for the district. Following the adoption of the Local Plan, at the request of Hart District Council, Shapley Heath entered Phase 2 of the Government's Garden Communities Programme. Its sub-regional location meant it scored very well during Homes England's evaluation of the Phase 2 submissions. Joint working on the baseline evidence base began between the developers and the Council. The objective was to ultimately achieve a 'Prospectus' for Shapley including a masterplan. This information would have informed the next update of the Local Plan. As the project progressed into year 2, local authority funding from Homes England was ultimately lower than expected. The assessment of Shapley Heath was halted by the Council in late 2021 before the evidence base was complete. The project did not reach the master planning stage.'*
- 7.22 The representations query both the detailed wording of the policy and the way in which the canopy is shown on Figure 5.8. They suggest alternative wording for the policy.
- 7.23 Neighbourhood plans are examined against the adopted Local Plan. Nevertheless, Planning Practice Guidance (ID: 41:009:20190509) provides an opportunity for a parish council to ensure that its plan takes account of new development which may come forward in a review of a local plan. Paragraphs 1.9 to 1.14 of the submitted Plan specifically raise this matter. On this basis, I am satisfied that it is appropriate for the Plan to address this matter in general terms, and beyond the more general approach taken in the Plan to safeguard footpaths (in Policy P&C1).
- 7.24 I have considered this matter very carefully and taken account of the details in the Plan, the various representations, and WPC's responses to the clarification note. I have given particular attention to the way in which the tree canopy is shown on Figure 5.8. In the absence of any detailed assessment on this issue, the extent of the canopy is illustrative and this matter is reinforced by the scale of the figure. In any event the wider protection of ancient trees and woodland is addressed in Policy NE4 of the Plan.

7.25 On the balance of the evidence, I recommend the following modifications:

- the replacement of the first part of the policy with a factual statement as a context for its second part;
- the deletion of the unnecessary second sentence of the policy;
- the replacement of the third sentence of the policy with one which sets out the requirements for any new development rather than attempting to comment on what may be supported;
- the deletion of the Ancient woodland semi-natural shading and key from Figure 5.8 and consolidation of the supporting text on this matter; and
- the inclusion of additional supporting text as suggested by WPC in its response to the clarification note.

7.26 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the first part of the policy with: ‘The Brenda Parker Way is shown on Figure 5.8. It is an ancient sunken path.’

Delete the second sentence.

Replace the third sentence of the policy with: ‘Development proposals should safeguard the Brenda Parker Way and its associated tree canopy’

Delete the Ancient woodland semi-natural shading and the associated key from Figure 5.8

Include additional supporting text as follows:

‘5.28. A world first project is currently underway mapping sunken lanes to analyse and understand their cultural value; the initial findings will be published by Natural England in 2023. This path is, in places, up to five metres wide although at times so sunken that adjacent fields are difficult to see. Land to the west is fenced and land to the east is newly fenced in part. The fence line runs behind the ancient trees that line this path which provides an important wildlife link between woodland habitats. The overhead canopy creates a strong sense of enclosure contributing to the paths ancient look and feel which is distinctive in the parish. Should development proposals come forward on land adjoining the Brenda Parker Way during the Plan period, the safeguarding of the trees, their root structure and the canopies should be addressed in detailed proposals and/or masterplans.

5.29. To provide further protection to this important path Winchfield Parish Council is working with Hook Parish Council to safeguard the historical and biodiverse importance of the path and its setting which is defined as a landscape corridor in the Winchfield Landscape Character Assessment (April 2022) and in The Brenda Parker Way Landscape Report (September 2022). For the avoidance of doubt this Plan does not make any formal designations within the Parish of Hook.’

Policy NE4 Trees, Woodlands, and Hedgerows

- 7.27 This is a new policy. It provides additional detail to one element of Policy B1 in the made Plan. The policy takes a positive approach to this matter. It reflects the sylvan nature of the parish.
- 7.28 I recommend detailed modifications to the wording used in the policy to bring the clarity required by the NPPF. The recommended modification to the third part of the policy introduces a proportionate element. This will provide the necessary flexibility to allow HDC to apply the policy throughout the Plan period. It replaces the rather matter of fact reference to minor and major development in the submitted policy. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

In the first part of the policy replace ‘unless there are wholly exceptional reasons’ with ‘other than in exceptional circumstances’ and ‘be resisted’ with ‘not be supported’

Replace the third part of the policy with: ‘As appropriate to their scale, nature and location, development proposals should include new tree and hedgerow planting using locally native species.’

Policy NE5 Dark Skies

- 7.29 This policy includes a minor, non-material modification to the policy on dark skies which does not change the nature of the Plan.
- 7.30 The policy takes a positive approach to this matter. I recommend a series of modification to the wording and format of the policy to bring the clarity required by the NPPF. I also recommend the inclusion of an additional part to the policy to take account of HDC’s comments on the need for the need for development proposals to be accompanied by an assessment on the impact of any proposal on dark skies. The recommended modification proposes that this need would apply on a proportionate basis. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Inset a semi colon at the end of a)

Replace ‘and’ at the end of b) with ‘; and’

In c) replace ‘adverse’ with ‘unacceptable’

Include an additional part of the policy to read:

‘As appropriate to their scale, nature and location, development proposals involving the installation of outdoor lighting should be accompanied by a lighting assessment which specifies the way in which the criteria above have been applied.’

Policy NE6 Biodiversity protection and enhancement

- 7.31 This policy includes material modifications which do not change the nature of the Plan. It reflects the need to protect and enhance biodiversity in the current Plan and now reflects the mandatory requirement for developers to provide a measurable 10% net gain in biodiversity.
- 7.32 The Plan takes a positive approach to this important matter. The element on biodiversity net gain reflects the requirements of the Environment Act 2021. I recommend a detailed modification to the wording of the policy to bring the clarity required by the NPPF. It will set out the requirements for new development in a clearer fashion. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace ‘will be supported where they’ with ‘should’

Policy NE7 Energy Efficiency and Generation

- 7.33 This is a new policy. It supports proposals that contribute to energy efficiency and renewable low carbon energy generation subject to various criteria.
- 7.34 The Plan takes a positive approach to this important matter. I recommend a detailed modification to the wording of the policy to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace ‘providing’ with ‘and where they’

Policy HE1 Designated Heritage Assets

- 7.35 This policy includes material modifications which do not change the nature of the Plan. It Includes a new requirement for the need for the preparation of Heritage Statements.
- 7.36 The policy takes a positive approach to this matter. I recommend detailed modifications to the wording of the second part of the policy to ensure that it has regard to national and local planning policy. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the second paragraph of the policy with:

‘Proposals which lead to substantial harm or total loss of significance to a heritage asset and/or its setting will not be supported. Proposals which lead to less than substantial harm to the significant of the heritage asset and/or its setting will be weighed against the public benefits that might accrue from the development.’

Policy HE2 Non-Designated Heritage Assets

- 7.37 This is a new policy. It specifically identifies non-designated heritage assets within the Parish and proposes an approach to development proposals that may affect the assets.
- 7.38 In the round it is a very good policy which reflects the approach in Section 16 of the NPPF (including paragraph 203) as it specifically applies to non-designated heritage assets.
- 7.39 I looked at several of the proposed assets. I am satisfied that they are appropriate to be addressed in this way.
- 7.40 I recommend that the third part of the policy becomes the first part of the policy to provide clarity on its intents (and with a minor modification). Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Revise the order of the policy so that the submitted third part becomes the first part.

In doing so replace its opening element with: 'The Plan identifies the following non-designated heritage assets:'

Policy BE1 New Development

- 7.41 This policy proposes a new settlement boundary for Beauclerk Green/Station Road. It continues to identify the two settlement boundaries already identified in the parish in the Local Plan. I looked at the proposed settlement boundary at Beauclerk Green/Station Road. I am satisfied that the approach taken in the policy on this matter is appropriate and meets the basic conditions. It takes account of the existing homes in this part of the parish.
- 7.42 The policy continues the approach of the made Plan of ensuring that new development is focused in the settlement boundaries.
- 7.43 I recommend detailed modifications to the wording of the policy to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In the first part of the policy replace 'are expected to take place' with 'will be supported' (first sentence) and replace 'permitted' with 'supported' (second sentence)

In the third part of the policy replace 'adversely' with 'unacceptably'

Policy BE2 Affordable Housing on Rural Exception Sites

- 7.44 This is a new policy. It is supported by an up-to-date Housing Needs Survey and sets out the considerations for proposals on rural exception sites.

- 7.45 In the round I am satisfied that the policy has regards to national policy and complements local policy by making specific reference to the three settlement boundaries in the parish.
- 7.46 I recommend detailed modification to the wording of the first part of the policy to take account of the comments made by HDC about the location of rural exception sites and the response to the clarification note from WPC on this matter. I also recommend the deletion of unnecessary wording from this part of the policy. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In the first part of the policy replace ‘outside and in close proximity’ with ‘adjoining or in close proximity’.

In the first part of the policy delete ‘where housing...other policies’

Policy BE3 Housing Mix and Appearance

- 7.47 This policy includes material modifications which do not change the nature of the Plan. It includes additional details regarding housing mix.
- 7.48 I am satisfied that the policy meets the basic conditions.

Policy BE4 Development Design Considerations

- 7.49 This policy includes material modifications which do not change the nature of the Plan. It replaces the existing policy with a more detailed set of design considerations. It is supported by good examples of vernacular design in Figure 7.5. In the round the policy is an excellent local response to Section 12 of the NPPF.
- 7.50 HDC questions the appropriateness of the first criterion of the policy preventing the development of new homes in the gardens of existing homes. In its response to the clarification note WPC commented that the policy has taken account of paragraph 71 of the NPPF which advises that plans should consider the case for setting out policies to resist inappropriate development for residential gardens. Paragraph 7.37 of the Plan briefly addresses this issue and Figure 7.4 shows the relationship between plot sizes and buildings locations. I have considered this matter very carefully. On the balance of the evidence, I am satisfied that the approach taken in the Plan meets the basic conditions. It is based on an assessment of the size of gardens in the parish and reflects its inherent character.
- 7.51 HDC also suggests that the final criterion (on electric vehicle charging points) refers to national guidance (Part S of the Building Regulations). This approach will ensure that the Plan has regard to national policy and I recommend accordingly. In reaching this conclusion I have taken account of WPC’s response to the clarification note.
- 7.52 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

At the end of criterion j) add ‘in accordance with national standards’

Policy BE5 Residential Parking Spaces

- 7.53 This policy includes a minor (non-material) modification which does not change the nature of the Plan. It largely replicates existing Policy A2 with some additional wording regarding parking in courtyard areas.
- 7.54 HDC raise concerns about the car parking standards and their relationship to current and emerging local standards. I have considered this matter very carefully. On the balance of the evidence, I am satisfied that the approach taken has regard to national policy and has responded to several of the criteria in paragraph 107 of the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In the second part of the policy replace ‘will be resisted’ with ‘will not be supported’

Replace the third part of the policy with: ‘Proposals for the provision of car parking in separate courtyard areas will not be supported. Where car parking cannot be provided within the curtilage of the dwelling concerned, it should be provided within a dedicated and accessible location close to the dwelling.’

Policy P&C1 Public Rights of Way

- 7.55 This policy includes a minor (non-material) modification which does not change the nature of the Plan. It replaces Policy B2 of the made Plan with additional wording regarding the protection of existing rights of way.
- 7.56 The policy takes a positive approach to this matter. I saw the importance of footpaths during the visit. I recommended a modification to the wording of the policy to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In the first part of the policy replace ‘adversely’ with ‘unacceptably’

Policy P&C2 New Business and Employment Development

- 7.57 This is a new policy. It sets out the approach to proposals relating to employment development and equestrian facilities.
- 7.58 The policy approaches this matter in a very balanced way. I am satisfied that it has regard to national policy. I recommended a detailed modification to the wording of the policy to bring the clarity required by the NPPF. The approach will also ensure that the various policies in the Plan take a consistent approach. I also recommend that the general reference to the Policies Map in the first part of the policy is clarified. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In the first part of the policy add ‘(as shown on Figures 7.1.7.2 and 7.3)’

In the fourth part of the policy replace ‘significant adverse’ with ‘unacceptable’

Policy P&C3 Protecting existing services and facilities

- 7.59 This is a new policy. It sets out the approach to proposals which would result in the loss of valued facilities or services. It acknowledges that the viability of community facilities may alter in the Plan period or that alternative facilities and services may come forward.
- 7.60 I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

Community Aspirations

- 7.61 Section 9 addresses a series of Community Aspirations which have arisen as the Plan was developed. They are non-land use matters which cannot directly be addressed as planning policies. In accordance with national advice, they are included in a separate section of the Plan
- 7.62 I am satisfied that the various Aspirations are both appropriate and distinctive to the parish. In some cases, their implementation will complement some of the land use policies. The following Aspirations are particularly noteworthy:
- working with Dogmersfield to create a footpath to the Hart Leisure Centre;
 - creating a circular walk for wheelchairs and push chairs;
 - creating an area for community events; and
 - planting an orchard.

Other Matters - General

- 7.63 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for HDC and WPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

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

Other Matters - Specific

- 7.64 HDC has made detailed comments on the Plan. They have been very helpful as part of the wider examination process. Where they relate directly to specific policies, I have considered them in my assessment on a policy-by-policy basis. HDC has also made a series of more general comments on the wording used in the Plan. WPC has responded positively to these suggestions. I recommend that these matters are incorporated into the Plan

Modification of general text based on HDC comments and WPC responses to those comments

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2037. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character of the neighbourhood area and to promote appropriate employment development. In the round it is a first-class example of a review of a neighbourhood plan.
- 8.2 Following the independent examination of the Plan, I have concluded that the Winchfield Neighbourhood Development Plan Review meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

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

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by the District Council on 8 January 2015.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
7 September 2023