

INTRODUCTION

GENERAL

Objections

First Deposit

1272/7186 East Hampshire Chamber of Commerce & Industry
1692/9190 Alton Friends of the Earth

Main Issues

- 1) Whether there is sufficient provision for measuring the effectiveness of the policies, and whether they are too rigid;
- 2) Whether matters of bio-diversity and sustainability should be addressed at the early stage in the formulation of proposals.

Inspector's Reasoning and Conclusions

3.1 I agree with the Council that monitoring is the only way to assess the effectiveness of the policies, and SDDP paragraphs 8.6-8.11 explain the Council's approach. It is sufficient. The maintenance and enhancement of the distinctive character and environmental assets of the District is an important objective, and this demands firm policies. The **East Hampshire Chamber of Commerce & Industry** does not identify areas of particular concern with regard to the alleged lack of flexibility. Judgement on the relevance of particular policies and the due weight to be attached to them will always be needed in the determination of planning applications, and that implies flexibility. Subject to my recommendations elsewhere, I see nothing to convince me that the policies are too rigid.

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3.2 On the second issue, a developer is always well-advised to discuss a proposal with a local planning authority prior to the submission of an application. At that early stage, the implications for bio-diversity and sustainability should be apparent and the Council should be able to advise on any possible problems and the potential means for mitigation of any impact. The chances of permission being granted might also be given. The advice is to discuss as soon as possible.

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3.3 On another matter, the **Alton Friends of the Earth** suggests that the areas identified for protection should be expanded to prevent the almost inevitable erosion of the countryside. This is a general comment that underpins other objections aimed at particular policies that come later in the Chapter. I deal with them below.

Recommendation

3.4 I recommend that no modification be made to the SDDP.

PARAGRAPH 3.2

INTRODUCTION

Objection

Second Deposit SD3.005

1639/12932 East Hampshire AONB Office

Latest Proposed Change

As set out in Document CD11/12 at PIC001.3 (page 25)

Main Issue

Whether a reference to the rich historic heritage within the wider landscape should be added to the text, and whether rivers and ponds are part of the landscape and do not need particular mention.

Inspector's Reasoning and Conclusions

3.5 The Council accepts that reference to the historic heritage would improve the text, hence the Latest Proposed Change. I agree. Rivers and ponds are integral features of the landscape, but I see no harm in retaining a reference to them to emphasise their importance.

Recommendation

3.6 I recommend that the SDDP be modified in accordance with the Latest Proposed Change (PIC001.3).

LANDSCAPE PROTECTION

POLICY C1

Objections

First Deposit

318/5416	Rowlands Castle VDS Steering Group
68/6337	Environment Agency
910/6480	Headley Residents' Association
853/7118	Greatham Parish Council
1115/7197	Mrs A Dale-Harris
1691/7734	D W Redman
1306/7872	Government Office for the South East
938/8530	Buriton Parish Council
2020/8892	Winchester City Council
9/8952	Stroud Parish Council
1611/9500	Bramshott & Liphook Parish Council
978/9819	Buriton Village Design Group
1666/9866	Councillor Mr D Clegg
1496/9975	Mrs J Harwood
1523/10019	Mr A J Williams
1874/10141	House Builders Federation

Main Issues

- 1) Whether the Policy should refer to the Council's Countryside Design Summary and Village Design Statements;
- 2) Whether Policy ENV2 in the adopted First Review Local Plan, dealing with Areas of Special Landscape Quality (AsSLQ), should be brought into the Local Plan;
- 3) Whether Policy C1 provides sufficient guidance for developers and whether Policy HE1 renders it unnecessary.

Inspector's Reasoning and Conclusions

3.7 SD3.006 and SD3.007 meet the points made by the **Rowlands Castle VDS Group** about local distinctiveness and that development proposals must pay particular attention to the documents mentioned. Nevertheless, the Policy purports to elevate SPG to the status of a policy in an adopted Local Plan. That is unacceptable because it is not part of the SDDP and has not been subject to scrutiny as part of the local plan process. I rely also on advice on the matter in Planning Policy Guidance (PPG) 12 paragraphs 3.15-3.18. The paragraph should become supporting text and the remaining part of the Policy should be brought more into line with advice in the Good Practice Guide.

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3.8 Secondly, the Countryside Commission (now the Countryside Agency) and English Nature recommended in 1996 that the protection of the countryside's landscape should

be based on an assessment of its character and local distinctiveness. Landscape Character Areas in East Hampshire have been identified using landscape assessments that focus on intrinsic character rather than on areas of particular quality. This follows the approach recommended by the Countryside Commission in its Report “Countryside Design Summaries”. The Structure Plan no longer recognises AsSLQ. Planning Policy Statement (PPS) 7, however, accepts that local landscape designations should be maintained only where carefully drafted criteria-based policies cannot provide sufficient protection. Policy C1 includes useful criteria, but owing to the high quality of the landscape throughout East Hampshire, such matters as sense of place to which it draws attention are likely to occur throughout it.

- 3.9 The best way forward is to include such matters as character, quality, tranquillity and appearance of the countryside and the intrinsic local character of the landscape, sense of place and local distinctiveness in the criteria-based Policy GS3 (Protecting the Countryside). They could then be relied upon, where relevant, in the determination of proposals throughout the countryside. Policy GS3, as recommended to be modified, would satisfactorily apply to the protection of both countryside and the inextricably related matters of landscape. Hence the repetitive first part of Policy C1 should be deleted. This approach would accord with the requirements of PPS 7, in that there is no convincing evidence to show that yet more protection is needed. Indeed, there are other development plan policies, including SDDP Policy HE1 (Design), and sufficiently detailed guidance in such SPG as the Council’s Countryside Design Summary (Document CD11/12) and Village Design Statements to ensure sufficient protection of the landscape. There is therefore no need to bring ASLQs back into the Local Plan. The Landscape Types are shown on Proposals Map 2 and should be retained.

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- 3.10 On the third issue, SDDP paragraph 3.13 refers to the Council’s Countryside Design Summary that sets out principles for development and the design implications arising from them. It has been the subject of extensive consultation and, as SPG, supports and amplifies the design policies in the SDDP. It should be accorded substantial weight in line with PPG 7 paragraph 3.15-3.18. These provisions continue to apply during the period of transition to the new development plan system (see also PPS 12 paragraphs 5.22-5.24).
- 3.11 Given the detail and the breadth of description of the 6 Landscape Types identified at SDDP paragraph 3.12, it is appropriate that the SPG rather than the Local Plan should provide guidance on design. As I indicate above, the combination of development plan policies and SPG should provide ample guidance for both developers in the preparation of their planning applications, and for the Council in its determination of them.
- 3.12 Policy HE1 sets out in more detail the design objectives for all development proposals. It will complement a modified Policy GS3 and so will not render it unnecessary. So Policy HE1 should stay.

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- 3.13 On another matter, there is no need to expand Policy C1 if it is retained, or the modified Policy GS3, to include the nature conservation value of the landscape. SDDP Policies C3, C4 and C5 provide enough protection for that important consideration.

Recommendation

- 3.14 I recommend that the SDDP be modified by the deletion of the first part of Policy C1 and by the relegation of its second part that refers to SPG to supporting text.

PARAGRAPH 3.12

Objection

First Deposit

1278/7052 CPRE

Main Issue

Whether Area 6, The Hangers, should be amended to ...*ancient and sunken narrow lanes*.

Inspector's Reasoning and Conclusions

3.15 SD3.011 changes the description of the character of The Hangers to *narrow or sunken lanes*. This is sufficient improvement to the text.

Recommendation

3.16 I recommend that no modification be made to the SDDP.

PARAGRAPH 3.13

Objection

First Deposit

1625/9784 The Countryside Agency

Main Issue

Whether the SDDP should say more about the way in which the conclusions of the Countryside Design Summary have been brought into it.

Inspector's Reasoning and Conclusions

3.17 No. It is enough that the supporting text refers to the Countryside Design Summary as the document where the assessment and conclusions on landscape character can be found. More detail would make the SDDP too long.

Recommendation

3.18 I recommend that no modification be made to the SDDP.

PARAGRAPH 3.20

Objection

First Deposit

1886/9695 Ushers of Trowbridge Plc

Main Issue

Whether the SDDP should make clear that VDSs have been prepared in consultation with the public so as to establish their due weight.

Inspector's Reasoning and Conclusions

3.19 The Council accepts that the weight to be attributed to VDSs would be clearer if the SDDP explained that village communities prepared them in consultation with it, hence SD3.016. I agree.

Recommendation

3.20 I recommend that no modification be made to the SDDP.

AREA OF OUTSTANDING NATURAL BEAUTY POLICY C2 AND PARAGRAPH 3.23

Objections

As set out in the Annex at page 8.

Latest Proposed Change

As set out in Document CD11/12 at PIC002.3, PIC003.3 and FPC10 (pages 27 and 28).

Main Issues

- 1) Whether the Policy is too restrictive, conflicts with Structure Plan and national policies, duplicates policies for the protection of gaps and is an adequate replacement for Policy ENV10 in the adopted Local Plan;
- 2) Whether it should better recognise the role of agriculture and changes taking place in the industry and whether it should be linked to Policy GS3;

Inspector's Reasoning and Conclusions

- 3.21 Government policy is that AONBs have the highest status of protection as far as landscape and scenic beauty are concerned (PPS 7 paragraph 21). It is for that reason that I have accorded so much weight in my Report to the AONB and to its implications for the distribution of additional development in the District. Controls must be restrictive whilst at the same time allowing for a suitable amount of development. I recommend minor redrafting of the Policy, but it suitably reflects the importance that the Government attaches to AONBs and which the County Council attaches to the East Hampshire AONB in the Structure Plan. The AONB is a vital feature of the high quality of much of the District's rural area, and the Policy is framed accordingly.
- 3.22 It is suggested that the Policy should be more selective in its application. I disagree. It should be sufficiently robust to protect the open areas from unwarranted development both close to, and remote from, transport corridors without identifying particular locations for special protection. In any event, Structure Plan Policy E9 requires conservation of the quality of the environment along major road and rail corridors.
- 3.23 There is no reason why the Local Plan should give these corridors greater or less protection than that which Policy C2 applies throughout the AONB. There is no national or Structure Plan policy to support such an approach and it would irrationally introduce different levels of protection and an unwarranted additional layer of control. Pressure to develop along the A3(T) corridor undoubtedly exists, particularly where a settlement is close by. But there is no reason to doubt the adequacy of SDDP Policy C2, the SPBs and Structure Plan Policy E9 to resist that pressure.
- 3.24 Where a settlement the size of Petersfield and Liss is within the AONB, it is not unreasonable for the Policy to pay particular attention to the effect of development at the edge of its built-up area. That is where pressure to develop is usually most intense. Sub-paragraph c) should stay.
- 3.25 The Council's explanation for the inclusion of the especial protection that sub-paragraph d) ensures is that the adopted Local Plan Policy ENV10 provides excessive protection

near main transport corridors, especially the main rail corridors. Where development has taken place within the A3/AONB corridor it is as a result of long-term commitments, as at Bedford Road Industrial Estate and the service area at Winchester Road, Petersfield. The SDDP confirms these areas as employment allocations. The proposed hotel on land to the north of the service area, together with other land, is part of the land at Buckmore Farm allocated for employment uses. If the Council needs to explore the need for housing or other development in the railway corridors running through the AONB, it should do so through the local plan or local development framework process or as a departure. This is another reason, in addition to there being no need for an extra layer of protection, why sub-paragraph d) should be deleted.

- 3.26 The objective of the Policy is different from that of Policy C12 (Gaps between Settlements). The latter seeks to prevent the coalescence of settlements, whereas this one seeks to protect the special qualities of the landscape. It is not unusual for policies to have different objectives, even where there may be some overlap in the effect of their applications. To that extent, they complement rather than duplicate each other.
- 3.27 Other comments flow from the above matters. There is no need to repeat the Structure Plan policy, as is suggested. It remains part of the development plan for the District and a material consideration in the determination of planning applications. In Chapter 5 of my Report, I consider Objections to the Council's housing allocations and to the omission of land in the SDDP for that purpose. Where the AONB is a material consideration, I explain its implications. Suffice it to repeat here that I regard it as a forceful restraint on development.
- 3.28 The District includes a small part of the South Downs AONB. Both AONBs are of the equal worth that should be acknowledged. They are mentioned in the supporting text and so it is enough for the Policy to refer to the AONB without naming either of them. For clarity, there is good reason for the Policy to spell out that it applies to development that would harm the AONB, whether within or adjacent to it. The Council will recall our correspondence about *harm* (Document CD20/14), and my view that there is no need to qualify it.
- 3.29 Subject to my recommendation, I endorse the references in the Policy to *tranquillity* and *the social and economic well-being of the AONB*. They suitably amplify national policy in the local circumstances. I also endorse *major development proposals*. The Council accepts that an explanation of the circumstances under which major development would be acceptable should be added to the Policy, hence PIC002.3. The Policy should, however, follow more closely recent Government policy at PPS 7 paragraph 22. This incorporates the Ministerial Statement of June 2000 on PPG 7.
- 3.30 PIC003.3 makes it clear that new major developments would be restricted to those in the proven national interest. It complements SD3.023 that confirms that developers would have to demonstrate that there were no suitable alternative sites for their proposals outside the AONB. This is welcome clarification.
- 3.31 I endorse FPC10 that states that the SDDP housing and employment allocations *are not of a scale such that can be construed to be major development proposals*. Those at Petersfield, for example, include 3 ha and 9.1 ha of land for housing at Pennsfield and Causeway Farm respectively. Whilst these proposals do not amount to major development proposals that raise issues of national significance, as defined in PPS 7 paragraph 22, they are nevertheless large enough to result in substantial incursions into the AONB. The Council's Latest Proposed Change FPC10 should be read in that context.

3.31 Following my recommendation, the Policy would suitably reflect national and County policies. Thus it will not be too restrictive, and would suitably replace Policy ENV10 in the adopted Local Plan.

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3.32 On the second issue, paragraph 3.25 acknowledges the importance of the role of landowners in the management of the AONB, and by implication the role of agriculture. SDDP Policies C14, C15 and C16 apply to proposals involving such matters as rural diversification, the conversion of buildings and new ones for agriculture and forestry, within and without the AONB. There is no need for repetition. Nor is there any need for a link, or cross-reference, with Policy GS3 for the protection of the countryside.

3.33 Similarly, the Policy should not include a presumption against development outside SPBs where it is not essential to legitimate countryside pursuits. That is an objective of Policy GS3. I would, in any event, resist presumptions against proposals because there is no Green Belt in East Hampshire and in refusing planning permission it is for the Council to show why it is doing so. For proposals that would harm the AONB, Policies C2, GS3 and other relevant provisions of the development plan should give it ample ammunition. There is no cause for repetition in, and modification of, the Policy on this point.

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3.34 There are other matters. I see no reason to change the Policy to accommodate the proposed housing/employment allocations, as **Hawthorne Kamm Ltd** suggests. They would have to be justified as exceptions to national and local policies for the protection of the AONB in the context of the local plan review process, or later as departures from the development plan. I deal with the lands concerned in more detail in Chapters 5 and 6 of my Report.

3.35 I have considered all the representations made on this Policy and supporting text. Both are basically sound, but could be improved along the lines examined. This includes accordance with PPS 7 paragraph 22.

Recommendation

3.36 I recommend that the SDDP be modified in accordance with the Latest Proposed Change (PIC002.3, PIC003.3 and FPC10) subject to:

POLICY C2

PLANNING PERMISSION WILL NOT BE GRANTED FOR ANY PROPOSAL TO DEVELOP IN OR ADJACENT TO AN AREA OF OUTSTANDING NATURAL BEAUTY (AONB) WHICH WOULD HARM ITS SPECIAL CHARACTER, QUALITY, TRANQUILLITY AND APPEARANCE OF ITS LANDSCAPE UNLESS IT IS ESSENTIAL FOR ITS ECONOMIC OR SOCIAL WELL-BEING. IN CONSIDERING SUCH A PROPOSAL, PARTICULAR ATTENTION WILL BE GIVEN TO THE NEED TO PROTECT OR ENHANCE:

A) THE LANDSCAPE CHARACTER OF THE COUNTRYSIDE;

B) SETTLEMENTS IN THE WIDER LANDSCAPE; AND

C) LAND AT THE URBAN EDGE.

PLANNING PERMISSION FOR MAJOR DEVELOPMENT PROPOSALS IN THE AONB WILL BE GRANTED ONLY IN EXCEPTIONAL CIRCUMSTANCES. IN ADDITION TO MEETING THE CRITERIA LISTED ABOVE, APPLICATIONS

WILL NEED TO BE ACCOMPANIED BY ASSESSMENTS OF:

- A) **THE NEED FOR THE DEVELOPMENT, INCLUDING IN TERMS OF ANY NATIONAL CONSIDERATIONS, AND ITS EFFECT UPON THE LOCAL ECONOMY;**
- B) **THE COST OF, AND SCOPE FOR, DEVELOPING ELSEWHERE OUTSIDE THE DESIGNATED AREA, OR MEETING THE NEED FOR IT IN SOME OTHER WAY; AND**
- C) **ANY DETRIMENTAL EFFECT ON THE ENVIRONMENT, THE LANDSCAPE AND RECREATIONAL OPPORTUNITIES, AND THE EXTENT TO WHICH THAT COULD BE MODERATED.**

NATURE CONSERVATION

POLICY C3

Objections

First Deposit

68/6279	Environment Agency
1278/7065	CPRE
1897/8139	JGK Environmental Consultancy
1622/8404	English Nature, Hampshire and Isle of Wight
1622/8482	English Nature, Hampshire and Isle of Wight
1306/8563	Government Office for the South East
1692/9192	Alton Friends of the Earth
1692/9194	Alton Friends of the Earth
1847/9540	Sussex Downs Conservation Board

Second Deposit SD3.024

1622/12341	English Nature, Hampshire and Isle of Wight
876/12416	Horndean Parish Council
1872/12823	Hampshire County Council

Second Deposit SD3.025

1926/12280	Squires Bridge Homes Ltd
3886/13715	Squires Bridge Homes/Wates Landmark

Second Deposit SD3.026

2014/12105	Hurlock Investments Ltd
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Latest Proposed Changes

As set out in Document CD11/12 at PIC004.3 (page 29).

Main Issues

- 1) Whether the Policy complies with PPG 9 and should refer to sites that are potential designation candidates;
- 2) Whether it gives SSSIs enough protection;
- 3) Whether it should confirm that an assessment under the Conservation (Natural Habitats) Regulations 1994 would be required for development affecting internationally important sites, and whether the requirement for compensating provision of habitat, of equal or superior quality, is realistic.

Inspector's Reasoning and Conclusions

3.37 The Policy identifies international and national nature conservation interests in line with

PPG 9 paragraph 24. Given the importance of these Sites and Areas, it is suitably restrictive. It puts all concerned on notice that development proposals on these sites will be subject to strict scrutiny and will be refused if they harm those interests. The supporting text is the place for reference to national policies concerning nature conservation and the distinction between international and nationally important sites. It expands on the reference in the Policy to them, and this further accords the SDDP with PPG 9.

- 3.38 All sites of international and national importance have to be notified as SSSIs in accordance with PPG 9 paragraphs 13 and A4. I recommend a modification to paragraph 3.27 to refer to the detailed guidance in PPG 9, but I see no advantage in repeating it in the SDDP.
- 3.39 **English Nature** criticises the Policy in not making clear that it applies to sites proposed to be, as well as those already, designated. That should be put right, but there is no need to spell it out in the Policy. It should be added at the end of paragraph 3.27 where it is confirmed that the Policy applies to new national designations.
- 3.40 The **Environment Agency** says that there should be a policy to require the enhancement of sites of nature conservation importance, as advised in PPG 9 paragraph 24. I agree in principle, but I think it unrealistic to expect it in all cases. The acid test is usually whether a development would cause demonstrable harm to interests of acknowledged importance, but the supporting text at Paragraph 3.26 should be modified accordingly.

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- 3.41 On the second issue, the Policy confirms that development that would adversely affect nature conservation interests of international and nationally designated sites will not be permitted unless other material considerations outweigh the special interests of a site. This approach is basically sound and provides sufficient protection, although any policy in a development plan can be outweighed by other material considerations. There is no need for this, or any other SDDP policy, to say so. Indeed, the unfortunate inference from the qualifications is that the Policy is weaker than it should be. There should be no doubt about the Council's commitment to these valuable assets, and I have sought to put more force into the text.
- 3.42 The SDDP directs the reader to national policies and guidance that provides local planning authorities with a detailed framework for dealing with proposals affecting these important sites. The Latest Proposed Change makes only a passing reference to national guidance. That should be combined with the reference to it in the Policy and be made part of the supporting text at paragraph SD3.030. There should also be a brief mention of the development control process.

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- 3.43 On the third issue, PPG 9 Appendix C gives local planning authorities and developers detailed guidance about proposals affecting internationally and nationally important sites for nature conservation. The supporting text refers to it, and briefly explains the relevance and requirements of the Habitat Regulations. That suffices.
- 3.44 The reference in the Policy to compensating provision of habitat is misleading. It suggests that such provision would be required in all cases where development would cause harm, but the scope for it could be limited. It would much depend on the site concerned, its special interest and the development proposed. Paragraph 3.27 describes these sites as *being effectively irreplaceable*, and this implies that the opportunity of a compensatory habitat could be rare and its provision difficult.

3.45 National guidance does not rule out compensatory measures and this part of the Policy should be re-located. It should, however, be couched in terms that explain that where there is a risk of damage to a designated site such measures could be a consideration, among others, in deciding whether or not planning permission would be refused. That would accord with PPG 9 paragraph 28, and especially its advice on conditions and obligations. The provision should be at least of equivalent worth. Anything better would have to be reasonably provided and, in other words, comply with national policy in Circulars 11/95 and 1/97.

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3.46 There are other matters. There could be some advantage in dividing the Policy into 2 to deal with the 2 levels of protection given to internationally and nationally important sites. But I am not persuaded that it would be particularly informative or helpful to a prospective developer or a member of the public. It can be made sufficiently succinct to avoid sub-division.

3.47 **English Nature** points out that *the EC Birds and Habitats Directive* is incorrect. I agree that it should be *the EC Habitats Directive*.

3.48 A recreational use may or may not be compatible with the nature conservation interests of a SSSI. PPG 9 paragraph 34 sets out the approach to be followed by local planning authorities when considering proposals for recreation affecting them. The objection by the **Horndean Parish Council** concerning Dell Piece West, however, relates to a SINC which is a designation to which the Policy does not apply.

Recommendation

3.49 I recommend that the SDDP be modified as follows:

A) POLICY C3

PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT LIKELY TO HARM THE NATURE CONSERVATION INTERESTS OF INTERNATIONAL AND NATIONAL DESIGNATED SITES, POTENTIAL AND CONFIRMED, SUCH AS SPECIAL PROTECTION AREAS AND SITES OF SPECIAL SCIENTIFIC INTEREST.

B) Additional supporting text immediately after the Policy:

The Council greatly values these sites and is determined to afford them a high degree of protection. In its determination of planning applications and the framing of conditions and obligations/contributions, it will take account of the protection and enhancement that international and national legislation and directives provide, as well as Government guidance.

C) Last sentence of Paragraph 3.26:

....Policies C3, C4 and C5 are in place to protect and enhance wildlife habitats.

D) Insertion within Paragraph 3.27, SD3.030 and PIC004.3:

...imperative reasons for overriding public interest were involved. Detailed guidance on the consideration to be given to development proposals affecting these internationally and nationally important sites is set out in PPG 9 - Nature Conservation. Where an international site hosts a priority habitat or species (as listed in the EC Habitats Directive), permission will be granted only for imperative reasons of human health or public safety or for the benefits of primary importance for the environment (see PPG 9, Annex C).

Where there is loss of, or risk of damage to, a designated site, the Council in deciding whether or not to grant planning permission will consider the use of conditions and/or seek to enter into a planning obligation/contribution to provide nature conservation features to compensate for features lost or harmed as a result of the development. New national and international designations, such as National Nature Reserves (NNR) or Special Areas of Conservation (SAC), may arise in the District during the plan period. These would be covered by Policy C3.

POLICY C4

Objections

First Deposit

68/6354	Environment Agency
1289/7949	Hampshire Wildlife Trust
622/8262	Councillor Mrs T M Jamieson
1306/8539	Government Office for the South East
1591/9060	Rowlands Castle Parish Council
1926/9171	Squires Bridge Homes Ltd
1847/9541	Sussex Downs Conservation Board
1897/9741	JGK Environmental Consultancy

Main Issue

Whether the Policy suitably reflects national guidance.

Inspector's Reasoning and Conclusions

- 3.50 This issue covers several matters. PPG 9 paragraph 18 requires local planning authorities to have regard to the significance of the 4 levels of designation (international/national/local and informal). They are urged to apply local designations only to those sites of substantive nature conservation value. The SDDP has a criteria-based assessment of each site to support its designation as a Site of Importance for Nature Conservation (SINC). The result is at its Appendix C. The supporting text explains the process and mentions the parties involved in the criteria for the selection of SINC.
- 3.51 There is no compelling evidence to suggest that sites have been selected other than on a relevant and rigorous basis, and I am confident about the expertise employed. But paragraph 3.28 should make it clear that the 3rd place of a SINC in the hierarchy of designations accords with its nature conservation qualities, in accordance with PPG 9 (Table, page 5).
- 3.52 The Policy sets out the basis for assessing development proposals. And, subject to my recommendation, it does not go beyond national guidance as **JGK Environmental Consultancy** avers. Indeed, it could be strengthened along the same lines that I recommend for Policy C3. These SINC are important aspects of our natural environment. I do not doubt the Council's commitment to their protection, but I think that that commitment could be more forcefully demonstrated.
- 3.53 The final sentence of the Policy gives the misleading impression that compensatory measures would be sought only after development had taken place. I recommend in similar terms to Policy C3. Indeed, the Council may wish to consider combining these 2 Policies.
- 3.54 The **Environment Agency** suggests that *will take into consideration and have full regard to their scientific..* be added to the Policy. It is little more than a statement of the obvious, and there is no need for it.

- 3.55 There are other matters. Paragraph 3.33 already refers to the importance of retaining wildlife corridors to link habitats. This would, in any event, be a material consideration in the determination of a planning application, and there is no need for elaboration.
- 3.56 I see no need to distinguish between statutory requirements and the Council's input to the Policy since, in the main, the latter reflects statutory guidance.
- 3.57 The Council agrees that a reference to the social value of SINC's should be included at paragraph 3.28, hence SD3.031. I endorse it.

Recommendation

- 3.58 I recommend that the SDDP be modified as follows:

A) POLICY C4

PLANNING PERMISSION WILL NOT BE GRANTED FOR PROPOSALS LIKELY TO HARM THE NATURE CONSERVATION INTERESTS OF SITES OF IMPORTANCE FOR NATURE CONSERVATION.

- B) Deleting the second and third sentences of the Policy and adding as supporting text immediately after it:

The Council attaches great value to the Sites and will have full regard for their scientific significance and nature conservation interest when assessing proposals that may affect them.

And by adding at the end of Paragraph 3.28:

...high value to the local community. Where there is a risk of loss of, or damage to, a SINC the Council in deciding whether or not to grant planning permission will consider the use of conditions and/or seek to enter into a planning obligation/contribution to provide nature conservation features to compensate for features lost or harmed as a result of the proposed development. In its determination of applications, the Council will attribute due weight to the special qualities of a SINC in accordance with its third position following sites of international and national importance in the hierarchy of nature conservation sites set out in PPG 9 and this Local Plan.

POLICY C5

Objections

First Deposit

68/6359	Environment Agency
1278/7075	CPRE
1289/7950	Hampshire Wildlife Trust
1926/9172	Squires Bridge Homes Ltd
1897/9742	JGK Environmental Consultancy
1872/10125	Hampshire County Council

Second Deposit SD3.027

68/14180	Environment Agency
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Second Deposit SD3.028

1926/12281	Squires Bridge Homes Ltd
3886/13722	Squires Bridge Homes/Wates Landmark

Latest Proposed Change

As set out in Document CD11/12 at PIC005.3, PIC006.3 and PIC007.3 (page 30).

Main Issues

- 1) Whether the Policy is of sufficient force, or is too rigorous;
- 2) Whether it should include the recommendations from the Bio-diversity Action Plan.

Inspector's Reasoning and Conclusions

3.59 Similar considerations arise as with Policies C3 and C4, and there is little to add to them. There is no need to distinguish between statutory requirements and the Council's input to the policy since, in the main, the Policy reflects statutory guidance. PPG 9 allows for the designation of sites that are of local nature conservation interest. Local designations should be applied only to sites of substantive nature conservation value and care should be taken to avoid unnecessary constraints on development in accordance with national guidance. There is no reason to believe that the Policy would be applied other than in accordance with advice in PPG 9 paragraph 18.

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3.60 On the second issue, paragraph 3.33 refers to the Hampshire County Council Bio-diversity Action Plan. This document has not been the subject of scrutiny as part of the local plan process and the attendant consultation. No part of it should therefore be elevated to the status of a policy in an adopted Local Plan. The District Council considers it inappropriate to include a statement on the criteria used for the selection of

these sites in the Local Plan because of the wide range of habitat that the Policy is likely to cover. It expects local groups to identify sites of local nature conservation interest that the Policy should protect. Roadside verges are the only examples of local sites that are identified in the supporting text.

- 3.61 Where the Council knows of sites to which the policy would be applied, they should appear on the Proposals/Inset Map. Where it decides to support the inclusion of sites put forward by local groups but not yet identified, it should introduce procedures whereby they are publicised, recorded and made available for inspection in map form together with the reasons for their selection. Not having been part of the local plan selection process, however, they would not carry the same weight as other designations subject to statutory local plan procedures.

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- 3.62 On other matters, the Council agrees that paragraph 3.29 should be modified to reflect SD3.027. PIC005.3 would provide the explanation in the supporting text. This makes sense, and I endorse it.

Recommendation

- 3.63 I recommend that the SDDP be modified by re-locating the final sentence of Policy C5 to become the second sentence in paragraph 3.29, and amend it as follows:

...botanical interest. *Where there is a risk of loss of, or damage to, a local site of nature conservation interest, the Council in deciding whether or not to grant planning permission, will consider the use of conditions or seek to enter into a planning obligation/contribution for the provision of nature conservation features to compensate for such features lost or damaged as a result of the proposed development.* The sites covered by Policy C5.....,

by amending paragraph 3.29 in accordance with PIC005.3,

and by including on the Proposals/Inset Maps those sites known to the Council as being subject to Policy C5.

PARAGRAPH 3.26

Objection

First Deposit

1897/9743 JGK Environmental Consultancy

Main Issue

Whether *bio-diversity* should be defined.

Inspector's Reasoning and Conclusions

3.64 The Glossary of Terms at Appendix A of the SDDP defines the term as biological diversity – the variety of all life forms. That suffices. See also my comments on the Hampshire County Council's Bio-diversity Action Plan under Policy C5.

Recommendation

3.65 I recommend that no modification be made to the SDDP.

PARAGRAPH 3.27

Objections

First Deposit

1897/9744 JGK Environmental Consultancy

Second Deposit SD3.029

1872/12826 Hampshire County Council

Second Deposit SD3.030

1872/12830 Hampshire County Council
3820/14315 Dalton Warner Davis

Pre Inquiry Change PIC004.3

3832/15362 Erringham Investments

Latest Proposed Change

As set out in Document CD11/12 at PIC004.3 (page 29).

Main Issues

- 1) Whether there is ambiguity between the Policy and its supporting text;
- 2) Whether SD3.030 accurately reflects the provisions of the Habitats Regulations.

Inspector's Reasoning and Conclusions

3.66 National guidance at PPG 9 paragraphs 30 and 31 states that development undertaken outside the boundaries of a protected site can seriously damage or destroy its nature conservation value. That is the essential message of both Policy and supporting text and I see no ambiguity between them. National guidance continues to be a material consideration in the determination of planning applications.

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3.67 Secondly, the Council accepts that the text should be modified to reflect more accurately the requirements of the Habitats Regulations, which formally introduce the requirements of the EC Habitats Directive into national legislation, and the 2 levels of protection given to international and nationally important sites. PIC004.3 does so, bringing the SDDP more into line with PPG 9, and I endorse it.

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3.68 On other matters, I consider in my examination of objections to Policy C3 whether the SDDP accords with the hierarchy of nature conservation sites laid down in PPG 9. The text adequately distinguishes sites of international, national and local importance.

Recommendation

3.69 I recommend that the SDDP be modified in accordance with my recommendation concerning Policy C3.

PARAGRPH 3.28

Objections

First Deposit

1620/8148	Whitehill Town Council
1622/8481	English Nature, Hampshire and Isle of Wight
1897/9745	JGK Environmental Consultancy
1897/9758	JGK Environmental Consultancy

Second Deposit SD3.031

1872/12833	Hampshire County Council
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Main Issues

- 1) Whether the District Council alone should be responsible for the identification of SINC;
- 2) Whether the use of *critical importance* in relation to SINC is suitable and implies a value equivalent to that of international/national sites;

Inspector's Reasoning and Conclusions

3.70 It seems reasonable to me that the Council should continue to identify SINC. It has done so on the basis of its own expertise and that of others. From the Inquiry, I consider that the contribution from the Hampshire County Council has been especially valuable. This Authority points out that no Criterion 7A SINC (sites of particularly high value to the community) are identified. Nevertheless, I see no reason to delete the quoted example if it could be a justified designation. The text should be modified, however, to avoid any misunderstanding.

*

3.71 On the second issue, the use of *critical importance* in connection with nature conservation is explained in “Environmental Appraisal of Development Plans - A Good Practice Guide” (HMSO 1993). It refers to elements of the environment whose loss would be very serious (paragraph, 3.11). National guidance in PPG 9 gives different levels of protection to the 3 levels of habitats (international/national/local). Nevertheless, the loss of locally designated SINC habitats could still be regarded as very serious, with the sites being assessed as being effectively irreplaceable.

3.72 **English Nature** has been involved in the selection of SINC in the District and does not object to the use of the term in the process. Critical is defined in this context as *decisive, crucial* (OED) and I agree that these Sites are crucial in their importance for nature conservation in East Hampshire. Come to think of it, crucial might be an even better word and the Council may wish to consider it. It is clear that SINC are of local importance. There is no inference that they are being regarded as of national or international importance.

3.73 On a similar point, I do not uphold the objection to the reference to examples of SINC. I find them helpful, and they could provide the context for additional designations.

- 3.74 There are other matters of presentation and process. I agree that the SINC's are difficult to locate on Proposals Map 2, given its limited grid numbers for eastings and northings. Map CH1, which shows the proposed changes to Map 2, has all the OS grid references. This makes it possible to identify sites by using the site references in Appendix C. Proposals Map 2 should have a full set of OS grid references to aid identification and location of SINC's. Rightly, the Council agrees to standardise the acronym *SINC* throughout the text.
- 3.75 The Council confirms that SINC's are reviewed on a regular basis, and I endorse that approach. No doubt it will be part of the monitoring of the Local Plan.

Recommendation

- 3.76 I recommend that the SDDP be modified as follows:

Paragraph 3.28

.....Examples of SINC's include, or could include, ancient semi-natural woodland,.....

And by showing the full range of OS grid numbers on Proposals Map 2.

PARAGRAPH 3.29

Objections

First Deposit

1897/9746 JGK Environmental Consultancy

Second Deposit SD3.032

1620/13212 Whitehill Town Council

Latest Proposed Change

As set out in Document CD11/12 at PIC005.3 (page 30).

Main Issue

Whether there is any need to retain this paragraph.

Inspector's Reasoning and Conclusions

- 3.77 English Nature does not object to the use of *constant capital*, provided that the SDDP explains that Policy C5 sites are replaceable in certain conditions. Paragraph 3.31 does so. The term should not put too much strain upon comprehension, and it should stay.
- 3.78 *Local Nature Reserves* was deleted from this paragraph following an objection from English Nature who advised that they are invariably assessed as “critical capital” habitats that are effectively irreplaceable. Policy C4, rather than Policy C5, more suitably protects them. The text should confirm that this is so. SD3.032 rightly deletes reference to them, and so I do not uphold the objection lodged by the **Whitehill Town Council**.
- 3.79 The paragraph is part of the useful supporting text for Policy C5. It should be retained in its entirety.

Recommendation

- 3.80 I recommend that the SDDP be modified in accordance with the Latest Proposed Change (PIC005.3) and by confirmation in the supporting text at the end of SDDP paragraph 3.28 that Policy C4 applies to Local Nature Reserves.

PARAGRAPHS 3.30 & 3.31

Objections

First Deposit

1291/8018 Froyle Parish Council
1292/8043 Bentley Parish Council
1897/9747 JGK Environmental Consultancy

1897/9748 JGK Environmental Consultancy
1291/10345 Froyle Parish Council
1292/10346 Bentley Parish Council

Second Deposit SD3.033

68/14181 Environment Agency

Latest Proposed Change

As set out in Document CD11/12 at PIC006.3 (page 30).

Main Issues

Whether these paragraphs should be retained.

Inspector's Reasoning and Conclusions

- 3.81 *Critical* and *constant capital* are explained in these paragraphs. I do not think that I have misunderstood the terms, so they should not present too much difficulty to other readers of the Local Plan. They are important concepts in the application of Policy C5. They should stay, as should the paragraphs in their entirety.
- 3.82 The **JGK Environmental Consultancy** refers to the role of English Nature in relation to these objections. The Council confirms, however, that English Nature has no objection to either term.
- 3.83 The **Environment Agency** suggests a minor improvement to SD3.033, hence the Latest Proposed Change. I agree with it.

Recommendation

- 3.84 I recommend that the SDDP be modified in accordance with the Latest Proposed Change (PIC006.3).

NEW PARAGRAPH SD3.035

Objections

Second Deposit SD3.035

1622/12347 English Nature, Hampshire and Isle of Wight
1289/12619 Hampshire Wildlife Trust
1872/12835 Hampshire County Council

Latest Proposed Change

As set out in Document CD11/12 at PIC007.3 (page 30).

Main Issue

Whether developers will wrongly presume that the management of a site will make the impact of a development insignificant.

Inspector's Reasoning and Conclusions

- 3.85 There is no reason why they should do. Good and enduring management of a nature conservation site may make a development acceptable. But in some cases, however good the management might be, it may not overcome basic objections in principle to a scheme.
- 3.86 The Council accepts that the text should explain that a contribution to management and maintenance to minimise harm would be appropriate only in the event of development being permitted. PIC007.3 dispels any such misunderstanding and I endorse it.

Recommendation

- 3.87 I recommend that the SDDP be modified in accordance with the Latest Proposed Change (PIC007.3).

PARAGRAPH 3.32

Objections

First Deposit

1897/9749 JGK Environmental Consultancy

Main Issue

Whether the paragraph is unreasonable since an applicant may not have any right to enter others' land.

Inspector's Reasoning and Conclusions

3.88 National guidance in PPG 9 paragraph 15 acknowledges the importance of wildlife corridors, and the SDDP is right to accept it. The Council confirms that it will call on advice from nature conservation bodies in the County. Denial of access to land and any need for confidentiality may present difficulties in a few cases, but any such problems should not be insurmountable. They do not negate the importance of the inter-relationship of one habitat with another. The paragraph is not unreasonable.

Recommendation

3.89 I recommend that no modification be made to the SDDP.

PARAGRAPH 3.33

Objections

First Deposit

1847/9543 Sussex Downs Conservation Board
1897/9750 JGK Environmental Consultancy

Second Deposit SD3.038

1639/12944 East Hampshire AONB Office

Second Deposit SD3.039

1622/12349 English Nature, Hampshire and Isle of Wight
1289/12621 Hampshire Wildlife Trust

Main Issues

Whether the paragraph should be deleted because it relates to non-planning matters.

Inspector's Reasoning and Conclusions

3.90 The management of land, particularly in the context of nature conservation, is a land use matter and a legitimate subject for inclusion in the SDDP. Appropriately, the paragraph is drafted in terms of encouragement rather than requirements, the latter applying only in connection with the grant of planning permission. There are 2 Action Plans and they should be given their correct titles.

Recommendation

3.91 I recommend that the SDDP be modified as follows:

Paragraph 3.33

...Information on the various wildlife habitats in the District, factors affecting these habitats together with objectives and targets for managing the habitats, is contained in *the Biodiversity Action Plan for East Hampshire and the Biodiversity Action Plan for Hampshire*. The Action Plan targets should be promoted...

LOCAL LANDSCAPE FEATURES

POLICY C6

Objections

First Deposit

322/5420	Frogmore Lane Residents Association
1622/8409	English Nature, Hampshire and Isle of Wight
1304/8691	Country Landowners Association
1694/9335	Blackmoor Estate
1611/9498	Bramshott & Liphook Parish Council
1864/10297	Defence Estates
1293/8070	George Wimpey (UK) Ltd

Second Deposit SD3.040

1293/13639	George Wimpey (UK) Ltd
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Second Deposit PIC8.3

1960/15236	Liss Village Design Group
781/15355	Liss Conservation Volunteers

Main Issues

- 1) Whether the Policy is too rigid, gives stronger protection to non-statutory landscape features than Policy C3 affords to statutory features of international and national importance, or is too generalised;
- 2) Whether these features, and especially trees, require positive management and pre-emptive action.

Inspector's Reasoning and Conclusions

- 3.92 The features mentioned contribute a good deal towards the character of East Hampshire and the Policy is right to protect them. Only when harm to them would be more than trivial would planning permission be refused. The Planning and Compulsory Purchase Act 2004 Section 38(6) provides flexibility in that *if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise*. Thus material considerations could result in the outweighing of a policy. The Policy is strong, but in the context of the Act and as it applies to local and to features that in this case carry no statutory protection, it is not rigid.
- 3.93 Policies C3-C5 deal with nature conservation and habitats. There could well be overlap between nature conservation and habitats and local landscape features, but not always. There is no reason why a separate policy should not seek to protect the features to which Policy C6 applies, which may not always be important in nature conservation terms.

The SDDP, complemented by national policy, clearly distinguishes between local and national/international sites of importance for nature conservation, and there is little risk that Policy C6 will be construed as conferring too high a degree of protection on features of purely local importance. The Policies complement, not conflict with, each other.

- 3.94 These features generally occur throughout East Hampshire, and so it is right that the Policy applies throughout the District and hence within and without the AONBs. It is therefore not too generalised in its application. Whether the Policy would apply to the garden at The Royal Anchor Hotel at Liphook or to Oaklands Farm at Rowlands Castle would depend on the assessment of the site and the likely effect of the proposed development.
- 3.95 As I note elsewhere, the former is in a Conservation Area. Part of the latter is designated as a SINC and hence identified as such in accordance with criteria and procedures set out in SDDP paragraph 3.28 and Appendix C. Unless that overall process can be shown to be deficient, and I have no evidence to that effect, I see no reason to dispute the designation.
- 3.96 Important local landscape features will usually be evident to the local community and the Council. Helpfully, the Policy lists 8 examples. It would be both difficult and unnecessary to clarify the criteria against which the value of the features would be determined. As with the intensity of harm caused, a judgement must be made on the importance to be attached to particular features.

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- 3.97 Secondly, there is little doubt that positive management best preserves local landscape features. Paragraph 3.34 encourages that approach. It states that, where appropriate, landowners will be encouraged to produce management plans to protect them. The Council confirms that, where it anticipates a threat from development, it will protect the most important trees with Tree Preservation Orders before the development takes place. That is the best approach. Regrettably, however, anticipation and such action are not always possible. In those cases, the Policy should provide some protection.

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- 3.98 The Council will not be surprised to read, once more, my comments about *harm* and the effect of the Latest Proposed Change. There is no need to qualify it, or any similar term. Harm must be more than trivial to justify the refusal of planning permission, and a judgement must be made upon its intensity. The Change should not proceed.

Recommendation

- 3.99 I recommend that the SDDP be modified as follows:

POLICY C6

PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT WHICH WOULD HARM LOCAL LANDSCAPE FEATURES SUCH AS IMPORTANT TREES, HEDGEROWS, WOODLANDS, COPSES, MEADOWS, WATERCOURSES, PONDS AND OPEN AREAS, INCLUDING AREAS WHICH EXTEND INTO SETTLEMENTS.

PARAGRAPH 3.34

Objections

First Deposit

1278/7085 CPRE
1278/7091 CPRE
1897/9751 JGK Environmental Consultancy

Main Issue

Whether this paragraph is of sufficient force.

Inspector's Reasoning and Conclusions

- 3.100 The Council confirms that, within resources available, it will continue to protect the most important trees and groups of trees in the District when they are known to be at risk from development proposals. It is not unreasonable for the text to explain the limits on its powers to retain trees, woods and hedgerows. Nor is it wrong for it to explain that most local landscape features will be retained through a combination of development control, advice and grant aid. Realistically, the CPRE does not disagree with that approach.
- 3.101 With its limited staff and other resources, the Council cannot be expected to identify and protect all trees and hedgerows of importance in East Hampshire, but Policy C6 will assist in that endeavour. It sends a guidance note (“Protection of Trees on Development Sites”) to developers when planning permissions are granted. This is in addition to conditions requiring the protection of trees affected by development.
- 3.102 The Council states that it requires an ecological assessment to be carried out on any site that it considers may be of ecological importance. Whether or not a site is described as *waste land* is unlikely to veil its ecological importance. It is well known that unmanaged land can often provide a rich habitat.
- 3.103 I deal with the definition of *important* in respect of objections to Policy C6. The protection afforded to hedgerows under the Hedgerows Regulations 1997 and other landscape features is limited, but relevant, and is explained in the text. I see no advantage in elaboration.
- 3.104 The Council’s stance is reasonable, and the paragraph is a fair and helpful reflection of it. Without a suggested modification from CPRE, I do not see how the text could be given greater force so as to improve the SDDP.

Recommendation

- 3.105 I recommend that no modification be made to the SDDP.

TREE PRESERVATION

POLICY C7

Objections

First Deposit

563/5770	Mr J M Davis
760/6629	Mrs C Burns
1278/7093	CPRE
1622/8411	English Nature, Hampshire and Isle of Wight
1692/9200	Alton Friends of the Earth
1897/9752	JGK Environmental Consultancy
1666/9868	Councillor Mr D Clegg
1673/9937	The Alton Society

Second Deposit SD3.044

68/14182	Environment Agency
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Main Issue

Whether the Policy is necessary and, if it is, whether it is suitably drafted.

Inspector's Reasoning and Conclusions

- 3.106 The Policy reflects the statutory protection that is given to certain individual and groups of trees. That protection remains in any event, but in view of the contribution that trees make to the character of East Hampshire, a policy that reflects legislation and national guidance on the matter is entirely justified. It is necessary.
- 3.107 Where a tree is lost through development it is seldom possible to replace it with one of equal amenity value, particularly if that tree was a mature specimen. The objective of the Policy is to secure the planting of a replacement tree (or trees) to provide the maximum amenity value in the longer term. It is a good idea to require developers to indicate in their planning applications any loss of, or damage to, trees as a result of their schemes, and the Council does so.
- 3.108 **Mrs Burns** seeks to strengthen the policy to prevent large-scale development that would result in the loss of trees of high landscape value where they are difficult to replace. I applaud her concern, but there should be no great problem in applying the Policy to meet it. That is one of its purposes.
- 3.109 In response to the **Alton Friends of the Earth**, I would point out that the function of trees in town and countryside in providing wildlife habitats is part of their amenity value. This is recognised in national policy, particularly Circular 36/78 paragraph 2, which seeks to protect, manage and add to the existing stock of trees. There is no need for the Policy to specify this function in the urban areas or for it to include *wildlife*. Where trees make an identifiable contribution to wildlife habitat, Policies C3-C5 provide for their protection.

3.110 A decision-taker should always be aware of the damage that can occur to a tree if buildings are erected too close to it. This does not need to be spelt out in the Policy. Nor would it be sensible to specify minimum distances, since these vary according to the species, maturity and spread of the tree(s). Discussions at the pre-application stage, on the basis of any SPG that the Council may have, is the better approach.

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3.111 There are other matters. I am concerned about Criterion b) which has attracted objection. This is another case where a material consideration could outweigh the Policy, and the inference of this clause is that it weakens it. It would be better to delete it. The last paragraph of the Policy essentially explains how it will be applied. It would be better as supporting text.

3.112 There are a few typing errors, although undoubtedly not as many as in my Report. I correct them in my recommendation.

3.113 SD3.047 refers to the need to remove trees as part of heathland management, and I deal with it under that text.

Recommendation

3.114 I recommend that the SDDP be modified as follows:

POLICY C7

PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT THAT WOULD DAMAGE OR DESTROY ONE OR MORE TREES PROTECTED BY A TREE PRESERVATION ORDER OR IN A CONSERVATION AREA UNLESS REMOVAL WOULD BE IN THE INTERESTS OF GOOD ARBORICULTURAL PRACTICE.

If the removal of one or more trees protected by a Tree Preservation Order or in a Conservation Area is permitted as part of a development, a condition will require the planting of an equivalent number of, or more, trees either on and/or near the site. Where a specimen tree is lost it will have to be replaced by a tree of the same species, unless otherwise agreed in writing with the Council.

PARAGRAPH 3.36

First Deposit

88/6676 Thames Water Property
1287/7557 Mrs A Storey

Main Issue

Whether the text should take more account of the public sewerage system and to the prospect of protecting newly planted trees with a TPO.

Inspector's Reasoning and Conclusions

- 3.115 The basic objective of Policy C7 and its supporting text is to safeguard trees that are protected by a TPO or are in a Conservation Area, and to secure their replacement when they are lost as a result of development. Remedial measures are hardly likely to amount to indiscriminate planting as is feared. As the Council says, a landowner needs no planning permission to plant trees. The concern of **Thames Water Property** about damage to sewers is best met by ensuring that relevant parties are aware of the line of sewers, water supplies etc and suitable precautions taken.
- 3.116 It would not be reasonable for the Council to make a TPO in respect of newly planted and immature trees. Landscaping schemes are invariably provided under conditions with such requirements as the replacement of trees that die or are damaged in the first 5 or so years following planting.

Recommendation

- 3.117 I recommend that no modification be made to the SDDP.

WATER RESOURCES

POLICY C8

Objections

First Deposit

292/5619	Mr A Blackham
68/6289	Environment Agency
68/6309	Environment Agency
68/6392	Environment Agency
910/8690	Headley Residents' Association
1673/9938	The Alton Society

Main Issue

Whether the Policy needs greater force and clarity, and should be supplemented with others.

Inspector's Reasoning and Conclusions

- 3.118 The **Environment Agency** suggests a modified policy of shorter sentences, which does add to the clarity of the policy. It does help. Mitigation measures could include a range of measures from increasing water supply to controlling pollution. To set out all possible measures in the Policy would make it long, tedious and of little assistance. It would be better for the Council to discuss those needed, advised if necessary by other parties, with the prospective developer.
- 3.119 The Council confirms that it consults water companies on all the SDDP proposals to ensure that the developments can be satisfactorily be provided with water without detriment to others. In some situations, off-site reinforcement works will be required to ensure adequate water supply.
- 3.120 The **Environment Agency** suggests additional policies to secure measures for the control of pollution in new developments and others to reduce the demand for water through water efficient fixtures and fittings. Whilst laudable, such measures cross the boundary between land use planning and the Building Regulations and would be better the subject of informatives and/or requirements under those Regulations.
- 3.121 The Policy is for the most part of sufficient force and clarity for inclusion in the Local Plan. But a minor modification would improve it.

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- 3.122 There is one other matter. Any difficulties experienced in water supply in the Alton area should be mentioned in the supporting text if the Council considers that it could be a brake on development. My recommendation is made in that context.

Recommendation

- 3.123 I recommend that the SDDP be modified as follows:

POLICY C8

PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT THAT WOULD HARM WATER RESOURCES OR THEIR QUALITY, INCLUDING EXISTING ABSTRACTIONS AND THE POTENTIAL YIELD OF GROUND WATER, RIVERS, STREAMS AND STILL WATER. MEASURES FOR MITIGATION WILL BE SECURED BY CONDITIONS ATTACHED TO A PLANNING PERMISSION AND/OR THROUGH A PLANNING OBLIGATION/CONTRIBUTION.

Paragraph 3.39

....pollution and waste from development. *Demands for water from new development in Alton, in particular, is likely to need new strategic infrastructure development by the supply company. This is confirmed in the supporting text where allocations are proposed in this part of the District.* The Environment Agency has developed....

PARAGRAPH 3.40

Objections

First Deposit

68/6293 Environment Agency

Second Deposit SD3.052

68/15255 Environment Agency

Main Issue

Whether SD3.052 should be updated to reflect the current position on Local Environment Agency Plans (LEAPS).

Inspector's Reasoning and Conclusions

3.124 The Council confirms that it will make any necessary modification. I have no doubt that it will keep in touch with the **Environment Agency** and that the Local Plan will reflect the then current position. I doubt whether this will be the only matter to be updated.

Recommendation

3.125 I recommend that the SDDP be modified to reflect the up-to-date position regarding LEAPs.

FLOOD PROTECTION

POLICY C9

Objections

First Deposit

68/6302 Environment Agency
68/6321 Environment Agency
1673/9939 Alton Society

Main Issues

- 1) Whether there should be a new policy to discourage culverting;
- 2) Whether the Policy should require an Environmental Impact Assessment to determine if a development would be affected by flooding.

Inspector's Reasoning and Conclusions

3.126 I see no reason to introduce a new policy to discourage developers from culverting watercourses on their land when such works require the consent of the **Environment Agency**. Where development requiring planning permission is required, the treatment of watercourses would normally be dealt with by conditions or legal agreement.

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3.127 On the second issue, the Council agrees with the points made by Alton Society, and SD3.058 and SD3.059 suitably cover them. The SDDP thus makes a developer responsible for assessments as to whether a scheme is likely to be affected by flooding. This would include assessments on risks of groundwater flooding as well as an environmental impact assessment.

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3.128 On another matter, I deal with the **Environment Agency**'s objection to the omission on the Proposals Map of Areas Liable to Flooding in my consideration of Paragraph 3.41.

Recommendation

3.129 I recommend that no modification be made to the SDDP.

PARAGRAPH 3.41

Objections

Second Deposit SD3.058

760/14370 Mrs C Burns

Second Deposit SD3.060

68/11774 Environment Agency

Main Issues

- 1) Whether SD3.058 should be modified to require consultation with Parish Councils on proposals to identify historical wetland areas;
- 2) Whether SD3.060 should refer to Indicative Floodplains and be shown on the Proposals Map.

Inspector's Reasoning and Conclusions

3.130 **Mrs Burns** says that Parish Councils should be consulted where there is evidence that a site once included a natural pond or wetland. SD3.060 suitably covers the point. Parish Councils are, in any event, consulted on planning applications, and this is an example of where their detailed local knowledge can be brought to the local planning authority's attention and any necessary action taken.

*

3.131 Secondly, the **Environment Agency** provides flood risk maps on the internet, but not everybody has access to it. It would be helpful also to have the Indicative Floodplains shown on the Proposals Maps and/or its Insets to show areas that are at risk from flooding. This would put all concerned on notice that they might need more detailed information from larger scale maps which, presumably, are held at the Council's offices. This information would complement Policy C9 and be particularly valuable if development was likely to be restricted or refused in a floodplain.

Recommendation

3.132 I recommend that the SDDP be modified by showing Indicative Floodplains on the Proposals Map and/or on one or more of its Insets, and by adding the following to the end of SD3.060:

Indicative Floodplains, as notified by the Environment Agency, are shown on the Proposals Map and/or its Inset Maps.

SECOND DEPOSIT NEW PARAGRAPH SD3.064

Objections

Second Deposit SD3.064

3012/11036 Southern Water
1874/12834 House Builders Federation
68/14183 Environment Agency
68/14184 Environment Agency

Latest Proposed Change

As set out in Document CD11/12 at PIC009.3 (page 34).

Main Issue

Whether there should be more emphasis on Sustainable Drainage Systems (SuDS).

Inspector's Reasoning and Conclusions

3.133 The Council accepts the points made by **Southern Water**, hence the Latest Proposed Change. The Change also meets the points raised by the **House Builders Federation** and the **Environment Agency**, and I endorse it. The proviso covers the point about the suggested *where practicable*.

Recommendation

3.134 I recommend that the SDDP be modified in accordance with the Latest Proposed Change (PIC009.3).

RIVER CORRIDORS

POLICY C10

Objections

First Deposit

68/6283	Environment Agency
1113/6432	Sheet Village Association
1622/8420	English Nature, Hampshire and Isle of Wight
1897/9753	JGK Environmental Consultancy

Second Deposit SD3.065

1279/12472	Liss Parish Council
1278/14585	CPRE

Main Issues

- 1) Whether the Policy is in sufficient detail, or sufficiently selective;
- 2) Whether there should be another policy relating to nature conservation and requiring the enhancement of land for it.

Inspector's Reasoning and Conclusions

3.135 The Policy seeks to protect all river corridors in the District, and so there is no need to identify particular examples like those of the Rivers Rother and Kettlewell. Nor is it intended to indicate any measures needed, for example, to increase or restrict public access. It should not protect only those corridors of substantial nature conservation interest. No doubt many do have that interest, but it is their openness and coming together of agreeable attributes that results in their quality. River corridors thereby make an important contribution to East Hampshire for the reasons explained in the text. There is no evidence or other reason to exclude any from the Policy.

3.136 On a similar note, I do not agree with the **Environment Agency** that the Policy provides greater protection than that which Policies C3 and C4 give to international/national sites of importance for nature conservation. The SDDP well distinguishes between these sites of statutory significance and those of local importance, and it is clear that greater weight should be given to the former. This Policy complements those other Policies. It neither undermines, nor conflicts with, them. They all contribute to the worthy objective of protecting the many facets of the rural beauty of East Hampshire.

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3.137 On the second issue, Policies C3, C4 and C5 relate to nature conservation. There is no need for more. The **Environment Agency** does, however, have a valid point in that neither the Policies nor their supporting text refer to the enhancement that PPG 9 paragraph 24 requires. This should be put right. Hence my recommendation concerning Policy C3 and paragraph 3.26.

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3.138 By now, the Council will be well aware of my views on the qualification of harm and similar terms. I will not labour the point here.

Recommendation

3.139 I recommend that the SDDP be modified as follows:

POLICY C10

PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT THAT WOULD HARM THE LANDSCAPE, INTERESTS OF NATURE CONSERVATION, RECREATION AND FISHERIES IN RIVER CORRIDORS AND ASSOCIATED AREAS.

PROTECTION OF AGRICULTURAL LAND POLICY C11 & PARAGRAPHS 3.43 & 3.45

Objections

First Deposit

1278/7127	CPRE
853/7128	Greatham Parish Council
1272/7255	East Hampshire Chamber of Commerce & Industry
1289/7956	Hampshire Wildlife Trust
1280/8350	George Wimpey (UK) Ltd
1694/9341	Blackmoor Estate
1976/9039	The Environmental Project Consulting Group
1948/9457	Beechcroft Developments Ltd
1673/9940	The Alton Society

Second Deposit SD3.068

1306/12741 Government Office for the South East

Second Deposit SD3.069

1899/12261 Bewley Homes Plc

Latest Proposed Change

As set out in Document CD11/12 at PIC010.3 and PIC011.3 (pages 34 and 35).

Main Issue

Whether the Policy sufficiently accords with national policy and takes sufficient account of matters of bio-diversity.

Inspector's Reasoning and Conclusions

- 3.140 Government policy is set out in PPS 7, published in 2004. Policy C11 as now drafted is somewhat weaker than its equivalent in the adopted Local Plan, but it generally accords with guidance in PPS 7 and other national policies. The criteria accord with the considerations set out in national policy, and with the general approach to the framing of policies as advised in the Good Practice Guide. Local circumstances do not suggest a different approach, and so I do not uphold the objections to a criteria-based policy. CPRE's suggested amendment to criterion d) is now met by the exception proposed under PIC010.3.
- 3.141 Best and most versatile agricultural land is a long-standing term that continues to feature in PPS 7. The Government is committed to it, so rightly is the Council, and I endorse the inclusion of the term in the SDDP. It should not be deleted from the Policy. This local land produces local food, and in my opinion it is a valuable resource, with important sustainability implications.

- 3.142 The **East Hampshire Chamber of Commerce** says that the Policy should allow areas of the best and most versatile agricultural land to be developed so as to improve bio-diversity and to provide housing at the edge of villages. Such an approach goes beyond Government policy. It is for the Council to decide whether this land should be developed, *having carefully weighed the options in the light of competent advice* as PPS 7 paragraph 29 advises. The prospect of allowing a few high value developments on good quality agricultural land in order to fund improvements in bio-diversity flies in the face of national policy for protecting the countryside for its intrinsic character and beauty.
- 3.143 Bio-diversity may be one of many material considerations in the determination of a planning application for residential or other development, but it should not be elevated to a clause in the Policy, thereby substantially weakening it. The quality of agricultural land is a matter that I discuss where relevant in my consideration of proposed allocations and of Omission Sites. Thus it is again taken into account in the local plan process, and rightly so.
- 3.144 The **Wildlife Trust** is concerned that the Policy would steer development towards land of lower agricultural value that might otherwise make an important contribution to bio-diversity. That point is met by the Latest Proposed Change, but this brings in material considerations that would in any event be taken into account in the statutory process of determining a planning application. Hence I do not support the Objection. Suffice it to say that, however improbable, it is not impossible for a contribution to bio-diversity to outweigh the Policy.
- 3.145 In PIC011.3, I query *and its accessibility to infrastructure, the workforce and markets*. These seem to me to be considerations in favour of development, whereas such matters as the quality of the landscape militate against development on agricultural land of the lowest grade practicable. I invite the Council to have another look at this clause.
- 3.146 As I say, the Policy is generally in line with national policy, but it should be strengthened. That is achieved by ensuring that qualifications to it, and the way in which the Council would apply it, is set out in the supporting text. My recommendation makes the Latest Proposed Change unnecessary.

Recommendation

- 3.147 I recommend that the SDDP be modified as follows:

POLICY C11

PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT THAT WOULD RESULT IN THE LOSS OF THE BEST AND MOST VERSATILE AGRICULTURAL LAND

The Council is committed to the protection of this land, but other considerations may be material in a development proposal. These include the size and shape of the land, accessibility and any lack of development opportunities within SPBs and of previously-developed land that performs well against the criteria in PPG 3 paragraph 31. Where the use of agricultural land is unavoidable, the Council will expect the development to take place on the lowest grade practicable, unless other sustainability considerations indicate otherwise. Those considerations might include importance for bio-diversity, the quality and character of the landscape and its heritage interest.

GAPS BETWEEN SETTLEMENTS

POLICY C12

Objections

First Deposit

1272/7265	East Hampshire Chamber of Commerce & Industry
1452/8180	Sir Geoffrey Dalton
690/8643	Mrs A Davis
1578/8873	The Petersfield Society
1976/9040	Environmental Project Consulting Group
1881/9602	Bryant Homes Technical Services Ltd
1868/10104	Lady H M Richardson
1874/10142	House Builders Federation

Second Deposit SD3.071

1874/12838	House Builders Federation
1863/13320	Persimmon Homes

Main Issues

- 1) Whether the Policy purports to achieve the same degree of protection of Local Gaps as is does to strategic gaps, contrary to national guidance;
- 2) Whether it applies to more land than is reasonable.

Inspector's Reasoning and Conclusions

3.148 Government policy concerning development in the countryside is set out in PPS 7 that largely supersedes PPG 7. It is silent on the concept of strategic or Local Gaps. One of its main objectives, however, in promoting more sustainable patterns of development is to prevent urban sprawl (page 2, (ii), second objective). Since one of the main aims of gap policy is to prevent the spread of settlements by keeping them separate and distinct, I find no conflict between the SDDP, PPS 7 and the Structure Plan, especially its Policies G2 and G3 that seek to prevent urban sprawl. Policy G2 requires strategic gaps to be defined in local plans and Local Gaps to be identified where there is important open and undeveloped land that separates settlements whose identity would be lost by their coalescence. This Structure Plan requirement underpins SDDP Policies C12, C12a and C12b.

3.149 The objective of strategic and Local Gaps is fundamentally the same in that both are designed to retain the distinctiveness of settlements and prevent coalescence. The main difference is that strategic gaps are perceived as the larger open areas between the main towns and settlements in the County, like Havant and Rowlands Castle, whereas the Local Gaps are of more local significance. There is no reason, however, why Policy C12 should not apply to both types of gap, provided that their different status is made clear. The text does so, and so there is no need to make 2 policies from one.

3.150 On the actual wording of the Policy, I endorse the deletion in the SDDP of *Only in very*

exceptional circumstances. This clause smacks of Green Belt policy, which it is not. It is better to say *Development will not be permitted* or *Planning permission will not be granted for*, so as to achieve the objectives of the Policy, and for material considerations to provide for any exceptions. That might include national interest. And in my view the Policy should do more than prevent coalescence. *Coalesce* is defined as *to grow or come together, so as to form one body or association* (OED). Development visually or physically compromising the integrity of the gaps between settlements would conflict with the Policy. Thus, erosion of gaps or the leading to coalescence, should be prevented. The Policy is admirably drafted.

- 3.151 As written, the SDDP Policy has twin objectives. It seeks to prevent coalescence or the loss of the separate identity of settlements. A scheme would fail if it contravened either of those objectives. It would not, in other words, have to offend both objectives to justify the refusal of planning permission. The SDDP thus has a stronger policy than that of the FDDP, and is the better for it. The point is made that only vulnerable areas should be defined as gaps. Arguably many, if not all, parts of the countryside in Hampshire are vulnerable to development, but such an approach would not sufficiently embrace the worthy objectives of the Policy, even if such areas could be accurately identified.

*

- 3.152 On the second issue, the Council's Document CD14/15/C12.GENERAL confirms that it has adopted a minimalist approach in the definition of gaps. I deal below with objections in respect of particular Local Gaps, and my Conclusions complement those on the definition of SPBs. As a general point, and bearing in mind the objectives of the Policy that I support, there is no evidence that gaps are more extensive than is reasonable. Indeed, in some cases I consider that SPBs should be more tightly defined so as to include more generally open land in a gap between settlements. **Mrs Davis** says that there are not enough gaps between settlements, but no example is given. Presumably, however, any other open land not allocated for development will continue to be protected by national and local policies for safeguarding the countryside.

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- 3.153 On another matter, I comment in my examination of Policy C11 on the suggestion that small developments be permitted on the edge of settlements. I see no cause to regard such schemes as exceptions to either Policy. The allocations should provide for enough development during the plan period, and the countryside should be safeguarded.

Recommendation

- 3.154 I recommend that no modification be made to the SDDP.

POLICY C12 (A)

Objections

First Deposit

38/5151	H E Hardy
573/6616	Mr J M Harvey
1081/6751	Portsmouth City Council
1278/7143	CPRE
876/8370	Horndean Parish Council
1772/8923	Mr F Philpot
1386/9450	Mr W B D Wardle

Second Deposit SD3.073

3416/12223	Mrs Mary Cotton
1666/13022	Councillor Mr D Clegg
4025/14099	A Thomson
4026/14104	Mrs Sheet
4028/14108	E K W Skeet

Latest Proposed Change

As set out in Document CD11/12 at PIC012.3 (page 36).

Main Issues

- 1) Whether Strategic Gaps in the south of the District are consistently defined and whether the one between Rowlands Castle and Havant is already compromised by development;
- 2) Whether in other respects this Gap is suitably defined in accordance with the objectives of the Policy.

Inspector's Reasoning and Conclusions

- 3.155 The Strategic Gap between Rowlands Castle and Havant is less than 200 m wide between the elongated SPB at Durrants Road and the District boundary with Havant. At its widest it is about 1 km from east to west and about 800 m from north to south. The Council has undertaken a review of this Gap as defined in the adopted Local Plan to see if it includes more land than is necessary to ensure the visual and physical separation of the 2 settlements (Document CD14/15/C12.GENERAL). Although both Havant Borough Council and the Hampshire County Council have been consulted, the Gap is not consistently defined at the administrative boundary. That is misleading, unsatisfactory and should be put right.
- 3.156 The same applies to the Strategic Gaps between Havant and Waterlooville and Emsworth and Havant. They are identified on the Havant First Deposit Local Plan Proposals Map which shows 2 Strategic Gaps abutting the Havant/East Hampshire boundary. The Structure Plan requires their identification as Strategic, rather than Local,

Gaps and the County Council may be able to advise District and Borough Councils on their definition at administrative boundaries.

- 3.157 It is true that the Strategic Gap between Rowlands Castle and Havant includes some development, especially along Durrants and Whichers Gate Roads. But that does not invalidate the application of the Policy to an extensive area of prevalingly open land between built up areas. A firm approach is required to prevent further erosion, and that is its intent.

*

- 3.158 On the second issue, the SDDP rightly excludes land between The Drift and Whichers Gate Road from the Strategic Gap. This is an open area lying between 2 parts of the same settlement, not between different settlements. This part of the Policy does not apply to it, and its location militates against exception.

- 3.159 Lands to the west of Durrants Road and the former allotments south of Durrants Gardens are in a vulnerable part of the Gap that includes ribbon development along Durrants Road. Their development as suggested by the **Portsmouth City Council** would unacceptably reduce and cause damage to it, further compromising its integrity. It is unjustified.

- 3.160 SD3.073 (Map No: CH2) and PIC012.3 (Map No: PIC MAP9) introduce the prospect of removal from the Gap of parts of rear gardens of some 11 dwellings along Whichers Gate Road. Given its sensitivity and vulnerability, the Gap should be defined to coincide with the SPB. It is already limited in depth hereabouts and should not be compromised further, perhaps by encouraging backland development. I therefore recommend that both Gap and SPB be defined tightly at the rear of these dwellings. That means the deletion of SD2.042 and not proceeding with the Latest Proposed Change.

Recommendation

- 3.161 I recommend that:

- A) the Council consults the Hampshire County Council and the Havant Borough Council in its review of these Strategic Gaps to ensure consistency in their definition at administrative boundaries, and that the SDDP be modified accordingly; and
- B) the SDDP be modified by the deletion of SD2.042 and by coinciding the boundary of the Strategic Gap with the SPB at the rear of Nos 58-90 Whichers Gate Road on Inset Map 38 in accordance with my recommendation in Chapter 2 to modify the SPB in this locality.

POLICY C12 (B)

Objections

First Deposit

9/6144	Stroud Parish Council
622/8263	Councillor Mrs T M Jamieson
938/8533	Buriton Parish Council
938/8534	Buriton Parish Council
1791/8950	Buriton Village Association
1591/9074	Rowlands Castle Parish Council
1833/9152	J G Jones
1692/9209	Alton Friends of the Earth
1613/9513	Dr J M Tough
978/9820	Buriton Village Design Group
1515/9960	Mr & Mrs L Waller
1530/10045	Bramshott & Liphook Preservation Society
1873/10134	Laing Homes Ltd
1645/10254	Mr N D Paren
1960/10273	Liss Village Design Group
1666/10313	Councillor Mr D Clegg

Main Issues

- 1) Whether the former Strategic Gap between Rowlands Castle and Waterlooville/Horndean should be designated a Local Gap;
- 2) Whether additional Local Gaps should be designated between
 - a) Stroud and Petersfield
 - b) Petersfield and Weston and Nursted
 - c) Four Marks and Medstead
 - d) Griggs Green and Liphook
 - e) Liphook and Bramshott;
 - f) Liss Forest and West Liss.

Inspector's Reasoning and Conclusions

3.162 The open land between Rowlands Castle, Waterlooville and Horndean is some 2.5 km wide at its narrowest point. The area is extensive, and I agree with the Council that there is little danger of these settlements coalescing. There is thus no need to keep them apart by designating land between them as a Local Gap.

*

- 3.163 On the second issue, a) Stroud is a small settlement about 1.5 km to the west of Petersfield and beyond the A3(T) road. The Council confirms that there is no pressure to develop which would lead to coalescence of the settlements.
- 3.164 Nursted and Weston, b), are small outliers of scattered development to the south of Petersfield. They are of limited size, have no recognisable centres and few facilities. Again, the Council reports no pressure to develop at either place. I accept its advice, and see no need for the designation of a Local Gap.
- 3.165 The effective physical boundary between Four Marks and Medstead, c), is the Watercress Line. There is some ribbon and similar development along Lymington Bottom Road, Station Approach and Boyneswood Road with more low density development along Grosvenor Road and Soldridge Road/Five Ash Road on the Medstead side of the railway. The Council maintains that this pattern of development makes it well-nigh impossible to define a meaningful Local Gap between the 2 settlements. I agree.
- 3.166 On d), Griggs Green is a small, compact settlement mainly of housing about 600 m to the west of Liphook along Longmoor Road. I do not agree with the Council that it would be difficult to define a boundary between the 2 settlements but, in the absence of substantial pressure to develop intervening open land, there appears to be little risk of erosion or coalescence.
- 3.167 On e), the A3 (T) road generally defines the northern limit of the mainly built up area of Liphook. The Council confirms that there is little pressure to develop Liphook beyond this road towards Bramshott.
- 3.168 On f), the River Rother lies between West Liss and Liss Forest. It, and parts of its valley are designated a SINC. West Liss is a north western extension of Liss and contains a small Conservation Area. These 2 parts of the larger built up area that makes up Liss and Liss Forest are separated by some 800 m of predominantly open land. In my view this combination of factors would effectively control harmful, eroding development between the 2 parts of the settlement.
- 3.169 The above areas of open land do not, for various reasons, justify their designation as Local Gaps. They contrast with land between Alton and Chawton that is particularly vulnerable to development, as various Objections demonstrate. This long standing gap separates 2 recognisable and distinct settlements only about 0.5 km apart and which would lose their identity through development leading to coalescence. The designation should stay.
- 3.170 The fact that I do not recommend the designation of additional Local Gaps does not denigrate the value of the land concerned as countryside. Whether or not land is subject to Policy C12 it will, unless allocated for development, continue to be protected by national and local policies for the sake of its intrinsic character and beauty. And that character includes its prevailing openness. Policy C12 grants an additional layer of protection, for specified purposes, and there is some limited merit in its doing so. My praise for the Policy is not so faint, however, that I consider that it should be deleted and the requirements of the Structure Plan in this respect thwarted.

Recommendation

- 3.171 I recommend that no modification be made to the SDDP.

POLICY C12 (B) ALTON/CHAWTON

Objections

First Deposit

1407/7621	J G Oates
1570/8566	R W McKenzie
1569/8567	Mr W Curtis
1696/9522	Village Green Plc
1862/9644	Chawton Parish Council
959/9711	R J Caunter
1873/10135	Laing Homes Ltd

Main Issue

Whether this Local Gap should be modified in any way.

Inspector's Reasoning and Conclusions

- 3.172 The “Chawton Triangle” consists mainly of open land in the form of paddocks. It valuably retains the physical and visual separation of Chawton and Alton. Chawton, in particular, is a historic and architecturally important village, whose special qualities have been recognised through its designation as a Conservation Area. It is an attractive and recognisably discrete village that should remain physically and visually separated from its larger neighbour to the north.
- 3.173 The gap has been partially compromised by development to the east of Winchester Road. Although the A31 bypass provides an element of physical separation, the remaining open land between the 2 settlements is subject to intense pressure to develop as demonstrated by the Objections to the SDDP. The continued protection of the “Chawton Triangle” is essential to the objectives of Policy C12, and the notation should be deleted from no part of it. I think that Jane Austen would have agreed.
- 3.174 The paddock to the west of Messrs Travis Perkins premises is virtually encircled by buildings. It forms part of an enclave of mainly residential development mostly fronting Winchester Road. It does not readily complement any other open land and should not be included in the Local Gap.
- 3.175 The fields to the west of the former Lord Mayor Treloar Hospital are part allocated as employment land (IB1(2)) and part remain as countryside (OS 1500). The land lies to the north of Chawton Park Road and is separated from Chawton by the Jubilee Playing Fields, the railway viaduct, the A31 road and Local Gap land on both sides of the road. It does not lie between the settlements and so is unsuited to Local Gap designation.
- 3.176 The Jubilee Playing Fields lie between the physical extension to Alton proposed under Policy IB1, and Chawton. Only about 300 m separates them from the northern part of Chawton’s SPB. Although the railway and the A31 road pass through this narrow gap, the Playing Fields usefully ensure the visual and physical separation of Alton and Chawton. It would be sensible to add them to the Local Gap.

- 3.177 Land to the east of Selborne Road lies between the “Chawton Triangle” and the southern built-up edge of Alton. The fields identified by the **Chawton Parish Council** in its Addendum Plan are part of the gap that provides visual and physical separation between the 2 settlements in this locality. There is pressure to develop on part of Borovere Farm, as other Objections show. These fields would be a sensible addition to the Local Gap in furtherance of the objectives of the Policy. The Inspector who considered this land in 1995 was satisfied with the Local Gap as then defined. But in the light of subsequent pressure, it would now be prudent to adopt an even firmer approach.
- 3.178 There is pressure to develop paddock land to the north of Wolf’s Lane. At present it lies outside the Local Gap, yet between the outer limits of the built-up areas of Alton and Chawton. Again, it would be sensible to add the notation to it and thereby to complete the protection of this arc of vulnerable open land that lies generally between the 2 settlements.

Recommendation

- 3.179 I recommend that the SDDP be modified by adding to the Local Gap notation between Chawton/Alton on Inset Map 1b (Alton South) the following lands:
- A) the Jubilee Playing Fields;*
 - B) the fields to the east of Selborne Road, identified on the Chawton Parish Council's Addendum Map (PR 5 1862/9644); and*
 - C) land between Wolf’s Lane and the A31 road, east of the present boundary of the Local Gap notation, up to the western boundary of the A339.*

POLICY C12 (B) ALTON/HOLYBOURNE

Objections

First Deposit

510/6626	Mr & Mrs Bicknell
1922/9132	Alton Convent School
1401/9622	Mrs L Wright
1673/9941	The Alton Society
1863/10213	Persimmon Homes
1278/10314	CPRE

Main Issues

- 1) Whether the gap between Alton and Holybourne is too small for the purposes of Policy C12 and, if it remains, whether it should be Strategic or Local;
- 2) Whether, if retained, it should be modified in any way.

Inspector's Reasoning and Conclusions

3.180 The physical and visual separation between Alton and Holybourne has been much eroded over the years by such developments as at the Eggar School and Complins and Thornton End. What remains of it is fragile and especially vulnerable. Nevertheless, it is the Council's intention, and I consider it deserving of firm support, that the remaining open land between the 2 settlements be protected in order to retain their separate identities. Its smallness does not invalidate its protection. Indeed, it makes it that much more needed.

3.181 The Structure Plan identifies only one Strategic Gap in East Hampshire, that being between Rowlands Castle and Havant. This gap at Alton/Holybourne is more local in its intent, keeping apart 2 parts of which are arguably of the same settlement. Rightly, this is a Local Gap, in accordance with Structure Plan Policy G3.

*

3.182 Land at the east of The Grange Hotel is an open field just beyond the eastern limits of Alton. It provides a break in the continuity of development across the A339 road, between Alton and Holybourne, at one of the main entrances to both settlements. The prospective developers and landowners associated with the site at the rear of Chandos Lodge, a housing allocation in the SDDP, propose to retain it as open space as part of their scheme. This would ensure the retention of the land as part of the Local Gap, and I endorse that approach.

3.183 As the allocated land lies behind frontage properties along Anstey Road/London Road that are part of the built up area, it does not meet the criteria for selection as part of the Local Gap. I say that because it is rightly included in the SPB and a scheme for it would be an acceptable consolidation of development within it and an efficient use of urban land. It would not lead to the coalescence of the main built up parts of Alton and Holybourne, and so would not undermine the Policy.

- 3.184 The Local Gap is defined tightly around, and so to exclude, the main buildings of the Alton Convent and School. The width of the gap between the SPBs at this point is about 350 m. The definition is appropriate if the separation indicated between the 2 settlements is to be retained. I examine a complementary Objection to the SPB in Chapter 2 of my Report, and can add little here. There is no reason to modify the extent of the Local Gap, which should coincide with the SPB.
- 3.185 The Agent's reference to PPG 12 paragraph 5.22 is misplaced in that that advice relates to the safeguarding of transport routes. Flexibility in the application of the policy is available as a material consideration. With regard to the other 2 schools, Eggar's School and Lord Mayor Treloar College (Upper School), the SPB follows a logical line between buildings and their playing fields.

Recommendation

- 3.186 I recommend that no modification be made to the SDDP.

POLICY C12 (B) BORDON/LINDFORD

Objection

First Deposit

88/6660 Thames Water Property

Main Issue

Whether Lindford Sewage Treatment Works are rightly included in the Lindford/Bordon Local Gap.

Inspector's Reasoning and Conclusions

- 3.187 By their very nature, such Works include a range of buildings and other features like storage tanks, sludge beds and access roads. This Local Gap generally coincides with the valley of the River Wey and is only some 300 m wide at its narrowest part. As with Green Belts, I see no objection in principle to a Local Gap including a development of this magnitude.
- 3.188 Buildings and other hard surfaces do not cover the entire site, and this part of the valley has a prevailing openness that is a key characteristic of a Local Gap. It keeps the settlements separated and distinct. There is no cause to re-define the Local Gap so as to exclude the Works from it. I examine the limited prospects of the land for residential development in Chapter 5.5 of my Report.

Recommendation

- 3.189 I recommend that no modification be made to the SDDP.

POLICY C12 (B) HEADLEY/ARFORD

Objections

First Deposit

511/6986	Headley Parish Council
2007/8640	Mr & Mrs B Collett
910/8693	Headley Residents' Association
998/9926	J O R Darby
1523/10014	Mr A J Williams
1523/10015	Mr A J Williams
1874/10143	House Builders Federation

Main Issues

- 1) Whether this Local Gap is suitably defined to achieve the objectives of the Policy;
- 2) Whether the Local Gap between Headley Down and Grayshott includes more land than is necessary to prevent coalescence.

Inspector's Reasoning and Conclusions

- 3.190 Some Objectors consider that this Local Gap includes too much land. Others say that it does not include enough. The Council maintains that coalescence of Headley, Arford and Headley Down is almost complete. I agree that much of this locality has taken on the character of a low density residential area, but there is nevertheless a significant amount of it whose prevailing openness still serves to separate the more compact built up areas in this part of the District and hence to retain their identity. That is the basis of my approach to the Objections. It complements my consideration of the SPBs.
- 3.191 The SDDP has less land than does the adopted Local Plan in the Local Gap between Headley Down and Arford. It excludes land to the west and north of common land between Barley Mow Hill and Beech Hill Road, shown on the OS as Beech Hill Common. This area comprises open land and low, and very low, density residential development set within a wooded, semi-rural landscape. The distance between the SPBs at this point is about 600 m.
- 3.192 SD3.071 establishes that, for land to be suitable for inclusion in a Local Gap, it must be *open and largely undeveloped*. I agree, and that description applies to land in and around Beech Hill Common including the rural Arford Common between Beech Hill Road and Barley Mow Hill. Even though it includes Fairview Terrace, the locality comprises in the main dwellings in large or very large, and often wooded, plots. This area is more open and rural than urban. Development leading to coalescence would undermine its character, and its visual and physical attributes justify its being brought into the Local Gap.
- 3.193 Frontage development to the south of Beech Hill Road is neither open nor largely undeveloped. But it comprises dwellings in moderately large plots where more development would lead to further erosion of the prevailing openness of the wider surroundings. Moreover, if the land to the south of this row of dwellings is to be kept in

the Local Gap, and more land to the north of Beech Hill Road is to be brought into it, it makes sense to include these plots in the interest of consistency and to emphasise the sweep of rural area between Arford and Headley Down.

- 3.194 The well-wooded frontage to low density housing on the west side of Long Cross Hill lies within a narrow arm of land between the SPBs of Arford and Headley. At its narrowest, the separation between the 2 settlements is about 100 m, including the plots of Long Cross Hill. It is suggested that the Local Gap should be extended to include the dwellings along this frontage. They do, however, relate more to the built-up area which is relatively compact in this locality than to the more open countryside to the west. The Local Gap hereabouts is correctly defined.
- 3.195 The open land to the rear of Arden and Linkwood at Headley Down is a small gap between housing within the same settlement. For that reason, there is no cause to extend the Local Gap notation to include it.

*

- 3.196 On the second issue, the distance between the SPBs for Headley Down and Grayshott, measured along Grayshott Road and Headley Road, is some 1500 m. There is a significant amount of sporadic housing development along both sides of the road to an extent that parts of it have a built-up appearance. I agree with the Council that, to avoid any further erosion of the prevailing openness of the land between these 2 settlements, it is sensible to keep it in the Local Gap in its entirety.
- 3.197 I recommend some minor modifications to the Local Gap in my consideration of the SPB for Arford. They are complementary matters. That is in Chapter 2 of my Report.

Recommendation

- 3.198 I recommend that the SDDP be modified to extend the Local Gap to include land
- A) between Beech Hill Road and Barley Mow Hill; and*
 - B) comprising plots south of Beech Hill Road.*

POLICY C12 (B) LISS/LISS FOREST

Objections

First Deposit

313/5410 J Bean
351/5449 Mr V G Carter
174/6123 Mr N R Stafford
313/10428 J Bean

Second Deposit SD3.075

3996/11938 Mr & Mrs Ashby
1279/12473 Liss Parish Council
1626/12799 Mr G Williams
1643/13714 Wing Cmd (Rtd) J C Meader RAF
1645/13735 Mr N D Paren
1646/13793 Mrs M A Paren
3888/13873 Gammans and Claxon
3984/13886 J C Weston
3985/13896 Frances Dowty
3986/13904 Mr D A Bowtell
3987/13923 J Webster
3988/13928 Mr R Lunsden
3989/13934 Mr & Mrs R J Cartwright
1960/13951 Liss Village Design Group
3990/13961 B S Myall
3991/13970 D J Dunford
3993/13987 P Monk
3994/13996 E L Croft
3995/14009 Jenni Blake
1706/14098 Westbury Homes (Holdings) Ltd
3889/14140 Marechaux Ltd
781/14250 Liss Conservation Volunteers
541/14299 Mrs G Logan
538/14302 Mr G Logan
577/14335 Mrs M Hewitt
733/14341 Liss Forest Residents Association
756/14350 Mr & Mrs Ginn
1323/14415 Z K Saunders
1417/14466 I F Blake
1067/14604 Mr A Aberg

Main Issue

- 1) Whether this Local Gap is suitably defined to achieve the objectives of the Policy;

- 2) Whether Policy H9 should be applied to all houses between the railway and the recreation ground and between Rotherbank Farm Road and Newfield Road.

Inspector's Reasoning and Conclusions

- 3.199 Again, some representations call for a reduction in the extent of the Local Gap, others for an increase. SD3.075 (Map No: CH4) deletes from it an area that is part of the long rear gardens of 4 dwellings fronting Forest Road (Nos. 58-64). Some Objectors consider that the Local Gap should be extended to include all the open land and low density development between the railway and Newfield Road.
- 3.200 As other Objections to the SDDP demonstrate, Liss Forest is under considerable pressure for residential development. As I explain in Chapter 5.3 of my Report, I recommend against any significant growth in both Liss and Liss Forest. For that reason alone, and also because of the prevailing openness of the land between these 2 settlements, it makes sense to confirm the Local Gap. It should be defined suitably and firmly to guard against its erosion and a trend towards coalescence.
- 3.201 The low-density development at Holly Wood, Forest Brow and Nos 58-64 Forest Road have a greater affinity with the rural than the urban areas. It is not unusual to find in the countryside dwellings of this number and pattern and with large gardens. They complement the recreation ground and are in marked contrast with the more compact development at Newfield Road, Pine Walk and Rotherbank Farm Lane. The rear gardens are seldom visible to the general public, but they are part of the now limited swathe of mainly open land that separates Liss and Liss Forest.
- 3.202 Further erosion should be prevented. On the western side of Forest Road, the Local Gap should include all the land at Forest Brow and Holly Wood. On its eastern side it should be extended northwards up to the southern edge of Rye Croft and Pine Walk, thereby including the Recreation Ground. An additional benefit would be the avoidance of its definition along a line that extends in a north-easterly direction from near Rotherbank Farm Lane towards the Recreation Ground. That line is sometimes difficult to identify on site, and for that reason alone is less than ideal.
- 3.203 The Local Gap extends southwards to the railway which, west of Forest Road, marks the northern extent of the main built up area of Liss. An extension of the Local Gap east of Forest Road and south of the railway would not be between settlements of any substantial size, and so it would serve no obvious purpose. Policies for the protection of the countryside should be sufficient.
- 3.204 My recommendations should ensure that the Local Gap between Liss Forest and Liss better serves the objectives of the Policy.
- *
- 3.205 On the second issue, I agree that the dwellings in the area noted are of pleasant appearance and in pleasant surroundings. In my opinion, however, they are not so numerous or share so many features of scale and design to qualify them as being within an Area of Special Housing Character. Their inclusion in the Local Gap is more appropriate.
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- 3.206 There are other matters. Some Objectors are concerned that the removal of the Local Gap notation from woodland would result in its not being properly managed and/or suffer from indiscriminate felling or removal. The Council can make a Tree Preservation Order should it consider that to be for the public benefit or where removal

would have a significant effect on the local environment. Retention of the notation would not, of itself, protect the woodland. That is not its purpose.

- 3.207 The fact that an area near a Local Gap is of nature conservation interest does not justify its inclusion in it. As explained, the main purpose of Local Gap policy is to prevent development that would lead to the coalescence of settlements. If land has any significant value in terms of nature conservation there are local and national policies designed to safeguarding it.

Recommendation

- 3.208 I recommend that the SDDP be modified to extend the Local Gap to include land at

- A) Holly Wood and Forest Brow, Forest Road, Liss Forest and*
- B) Nos 58-64 and the Recreation Ground, Forest Road, Liss Forest.*

POLICY C12 (B) PETERSFIELD/STEEP

Objection

First Deposit

1702/9533 Taywood & Wilcon Homes & Montacue Developments

Main Issue

Whether the Local Gap is sufficiently wide to allow for some development without compromising its function.

Inspector's Reasoning and Conclusions

- 3.209 Steep and Petersfield are separated by about 700 m of predominantly open land. Through it passes the A3(T) road and, from Tilmore Road, Petersfield to the eastern part of Steep, the Hangers Way long distance footpath. Fine views across the gap are available from the Hangers Way footpath. Inset Maps 32b and 33 show that the Local Gap notation applies where the settlements are closest to each other and where more development could most easily lead to coalescence. It is important, both in visual and physical terms, that this Gap is not further compromised by development, particularly if it were to result in, or give the impression of, Petersfield extending up to and beyond the trunk road.
- 3.210 The Local Gap well achieves the purpose of the Policy that applies to an area that is subject to pressures for development. I do not see how development could take place without seriously undermining the prevailing open character of the locality. There is no cause to modify the extent of the Gap, all of which is important in the context of the Policy. It is not so large that any erosion of it would be acceptable.

Recommendation

- 3.211 I recommend that no modification be made to the SDDP.

POLICY C12 (B) PETERSFIELD/SHEET

Objections

First Deposit

404/5508	Petersfield Town Council
93/5675	Councillor Mr J Crowhurst
1113/7172	Sheet Village Association
1294/8078	Bellwinch Homes
990/9891	Captain & Mrs M E Barrow

Main Issue

Whether there is indeed a gap between the 2 settlements and, if so, whether it is suitably defined according to the purposes of the Policy.

Inspector's Reasoning and Conclusions

- 3.212 The coalescence of Sheet, on its southern side, and Petersfield on its north-eastern side is virtually complete. There is still, however, a clearly defined gap between parts of these settlements through which the railway and the A272 road passes. It comprises the open land between School Lane, Sheet and Kingsfernden Lane, Petersfield. It contributes substantially towards their separate identities. The historic village centre of Sheet, a Conservation Area, contrasts with the pleasant, more modern residential parts of Petersfield. There certainly is a gap between parts of both settlements and it is vulnerable to development pressures as other Objections to the SDDP confirm. It accords with the purposes of the Policy and the Local Plan should include it.
- 3.213 The Local Gap is admirably defined. It follows distinct physical features like substantial residential development and roads. It is neither too large nor too small. I disagree with **Bellwinch Homes** that the land south of the railway could be developed without eroding the Gap. It would take up a substantial part of it, and complete the coalescence of the settlements in this locality, wholly undermining a laudable objective of the Policy. This was a factor recognised by a previous Inspector in the determination of an appeal in 1989 (Document AWR25/1294 Annex, paragraph 89). The Inspector's assessment of the impact of that earlier proposal remains valid. The distance between the 2 parts of the SPB hereabouts is small, about 400 m, and any reduction would result in those circumstances that the Policy is designed to prevent.
- 3.214 For similar reasons, I reject the suggestion that that part of the Gap between the slip road and School Lane should be developed to stop further development taking place elsewhere in the town. That is not a practical or realistic option, and it has a logic that eludes me. Presumably it rests on the basis that other localities are more sensitive and development would cause them greater harm. That is an assessment that should be made on the merits of each proposal.
- 3.215 Shear Hill gives access to a row of detached houses to the south of the junction of the A272 slip road and Ramshill. They are subject to Policy H9. The SDDP does not intend any erosion of the Local Gap; indeed, it protects it from development. The Policy causes no harm to these properties.

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3.216 On another matter, the Structure Plan does not identify the need for a strategic gap between Petersfield and Sheet, and I see no reason to steer a different course. It should remain as a Local Gap. That would not increase the risk of development taking place up to the A3(T) road. The main objectives of the 2 levels of protection are essentially the same; that is, maintaining the visual and physical separation between settlements. But this is a case of local, rather than of County, application.

Recommendation

3.217 I recommend that no modification be made to the SDDP.

POLICY C12 (B) HORNDEAN/CATHERINGTON/CLANFIELD

Objections

First Deposit

381/5900	Ms R Singleton
1623/8484	Hampson Holdings Limited
1990/8622	Mr & Mrs L Giles
1950/9462	Linden Homes

Second Deposit

876/12425	Horndean Parish Council
1990/13465	Mr & Mrs L Giles
3888/13874	Gammans and Claxon
4012/14052	Mr & Mrs Gothard
1706/14100	Westbury Homes (Holdings) Ltd
3889/14141	Marechaux Ltd

Main Issue

Whether the Local Gap is suitably defined so as to accord with the objectives of the Policy.

Inspector's Reasoning and Conclusions

- 3.218 The Council confirms that the major change from the adopted Local Plan is the deletion of the Local Gap notation from the playing fields, recreation ground and football ground to the north of Horndean Community School. That stems from the Structure Plan requirement not to include more land than is necessary to meet the objectives of its Policy G3. I accept the logic of doing so. It is especially appropriate here in that the land concerned is in the SPB and is an enclave within it, rather than an extent of open land between 2 settlements. It should therefore stay in the SPB, with a Policy R2 notation. Another change concerns residential development fronting the north side of the bridle path and to the west of Five Heads Road. These dwellings were outside the SPB, but the SDDP now includes them in it. The Local Gap consequently coincides with their northern plot boundaries, and this suitably acknowledges the situation on the ground.
- 3.219 Land to the rear of 111-143 Drift Road is the subject of SD3.076 (Map No: CH5) that deletes the Local Gap notation from it. It consists of parts of the long rear gardens of Nos 137-143, the plots of 2 dwellings (117 and 117a Drift Road) and land to the west of No 117a. For the reasons I give in respect of Objections to the SPB (SD2.037), the SPB should be tightly defined here so as to promote the objectives of Policy C12. Deletion of the Local Gap notation would encourage development in these back gardens and similar generally open land, thwarting those objectives. SD3.076 should be deleted and the SPB and the Local Gap boundary should coincide.
- 3.220 Similar considerations apply to Rumsey Gardens Nursery. It includes some buildings, but it is in a predominantly open use. A nursery is a not uncommon feature in the countryside and this one, owing to its predominantly open appearance and its position

adjoining other mainly open land, gives it a closer affinity with the rural, rather than the urban, area. Its position and openness allows it to contribute to the Local Gap, of which it is an undoubted part. It should be outside the SPB and inside the Local Gap.

- 3.221 The land between Nos 102-120 Downhouse Road lies between 2 ribbons of development. The one to the south is a longer than the one to the north and physically more detached from the main built-up area. About 100 m of open land separates them. I recommend in Chapter 5.4 of my Report against the allocation or similar of this land for residential development. It should remain open. Its extent and greater affinity with the countryside than with the built-up area makes it part of the Local Gap. And so it should stay.
- 3.222 The Local Gap notation does not apply to the site known as The Dump. It lies between Nos 70-74 Five Heads Road. Its modest size and its position within frontage development prevents it from functioning as part of a Local Gap as the Policy intends. There is no cause for modification.

Recommendation

- 3.223 I recommend that the SDDP be modified by deleting SD3.076 (Map No: CH5), thus reinstating the Local Gap notation.

POLICY C12 (B) HORNDEAN/BLENDWORTH

Objection

First Deposit

1874/10144 House Builders Federation

Main Issue

Whether this Local Gap notation is necessary.

Inspector's Reasoning and Conclusions

3.224 Blendworth is a hamlet separated from the eastern parts of Horndean by a gap of open land some 300 m wide. Coalescence, or development leading to it, of Horndean and Blendworth, should be prevented. In particular, the separate identity and distinctive character of Blendworth is well worth protecting. The Council confirms, and I accept, that the closeness of the locality to the Hazelton Interchange with the A3(M) brings pressure for further development. It is wholly appropriate to apply the Local Gap notation to the land concerned.

Recommendation

3.225 I recommend that no modification be made to the SDDP.

EQUESTRIAN USES

POLICY C13

Objections

First Deposit

1278/7151	CPRE
1622/8422	English Nature, Hampshire and Isle of Wight
1692/9211	Alton Friends of the Earth
1847/9545	Sussex Downs Conservation Board
1639/10042	East Hampshire AONB Office

Main Issue

Whether the Policy is of too much, or too little, rigour in its requirements.

Inspector's Reasoning and Conclusions

- 3.226 The Policy reasonably takes account of the possible effect of this type of development on residential and other amenity and on the character of the countryside and its landscape. That would include disturbance arising from floodlighting, and there is no need to specify further. In any event, Policy P5 deals with light pollution and seeks to ensure that, where a lighting scheme is acceptable in principle, its impact on its surroundings will be minimised. All this should suffice. SDDP Policies C3-C5 address the ecological value of landscape. Again, there is no need to labour the point.
- 3.227 Criterion d) refers to the prospect of a use causing, or exacerbating, conflict between equestrians, vehicles or pedestrians. I see no good reason why vehicles and pedestrians should be identified to the exclusion of other road users. There is always a potential conflict, in varying degrees, between all groups of road users. Conflict becomes a concern when it threatens road safety and unacceptably increases the risk of accidents. That should not be limited to just 2 groups of road users. I suggest the wording be broadened to embrace all users of the highway, which includes public rights of way.
- 3.228 Where too great a use of rights of way by equestrians is likely to lead to degradation of the surface, the highway authority responsible for its maintenance and upkeep will be concerned. No doubt it would ask to be consulted on any such proposals so that any remedial measures could be considered. Serious inconvenience and danger on the public highway arising from proposals for equestrian uses would be a matter for Criterion c).
- 3.229 Criterion f) requires that a scheme should not cause unacceptable harm to the local landscape. Paragraph 3.53 refers to the potential for doing so as a result of subdivision of fields, over-grazing and the erection of unsightly structures. The **East Hampshire AONB Office** criticises the lack of any reference to the cumulative impact of schemes in the same locality. Given the high quality of the District's landscape and the pressures on the agricultural industry to diversify, I consider that is a matter that should be highlighted in both Policy and supporting text. The Council would attach a condition requiring the protection of trees and hedges from browsing as a matter of course where need be. The criterion provides the basis for doing so.

- 3.230 SD3.077 clarifies the approach the Policy takes to the preferred use of existing buildings and to locating a new building within an existing group in order to protect the landscape.
- 3.231 The Policy, generally as drafted, suitably deals with the Objectors' concerns. It is of appropriate rigour in its requirements. Not surprisingly, I should prefer to see *cause unacceptable harm* deleted.
- 3.232 The last sentence of the Policy explains how it will be applied. It would be better as supporting text.

Recommendation

- 3.233 I recommend that the SDDP be modified as follows:

POLICY C13

PLANNING PERMISSION WILL BE GRANTED FOR STABLES, HORSE-RIDING SCHOOLS AND/OR RIDING CENTRES IN THE COUNTRYSIDE PROVIDED THAT THE SCHEME WOULD:

- A. RE-USE EXISTING BUILDINGS OR, WHERE NONE EXISTS OR IS NOT CAPABLE OF CONVERSION, BE SITED WITHIN AN EXISTING GROUP OF BUILDINGS;***
- B. BE WELL-RELATED TO EXISTING OR PROPOSED BRIDLEWAYS;***
- C) NOT CAUSE OR EXACERBATE CONFLICTS BETWEEN EQUESTRIANS AND OTHER USERS OF THE PUBLIC HIGHWAY;***
- D) NOT HARM THE LIVING CONDITIONS OF EXISTING OR FUTURE RESIDENTS;***
- E) NOT HARM, BY ITSELF OR IN COMBINATION WITH EXISTING EQUESTRIAN ESTABLISHMENTS, THE CHARACTER OF THE LOCAL LANDSCAPE INCLUDING THE COUNTRYSIDE SETTING OF SETTLEMENTS,***

with the last two sentences of the Policy relegated to supporting text.

Paragraph 3.53

...shelters and stables. *It follows that the cumulative impact of equestrian uses within a locality could, potentially, compound the harm to the countryside that may result from the use.* Additional problems can be caused...

PARAGRAPH 3.52

Objections

First Deposit

394/5496	Mrs B Amos
439/5545	Mr & Mrs D C Comber
448/5556	Mrs P S Aikenhead
449/5557	Sarah Bullen
451/5559	Mrs J Barnes
452/5560	Lady Bagent
455/5563	Mr L Axel-Berg
758/6695	Miss J Kemp
1503/7264	Mrs F Axel-Berg
1780/7821	Petersfield Branch of The Pony Club
1788/7829	Mrs E Christian
1798/7839	Hambledon North Pony Club
1802/7843	Lord Leconfield Branch of The Pony Club
1309/7883	British Horse Society
1965/8249	Cowdray Pony Club
2017/8652	Chiddingfold Branch of the Pony Club

Main Issue

Whether the FDDP is correct in its assertion that *leisure or commercial equestrian uses are not essential to the economy and well-being of the countryside.*

Inspector's Reasoning and Conclusions

3.234 The last sentence of this paragraph, if to be re-instated in the SDDP, could be better drafted. Probably these uses are not essential to these interests, in that the economy and well-being of the countryside would not collapse in their absence. It would be better to say that these uses play an important part in the economy and well-being of the countryside. SD3.080 meets the objections, however, by deleting the sentence. I am happy to leave it at that.

Recommendation

3.235 I recommend that no modification be made to the SDDP.

PARAGRAPH 3.53

Objections

First Deposit

394/6007 Mrs B Amos

Second Deposit SD3.081

68/14186 Environment Agency

Latest Proposed Change

As set out in Document CD11/12 at PIC013.3 (page 37).

Main Issue

Whether SD3.081 should be modified to include *surface water* as well as *ground water*.

Inspector's Reasoning and Conclusions

3.236 In short, yes. The Latest Proposed Change does so.

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3.237 SD3.082 is consistent with SD3.080 which deletes the assertion that equestrian uses are not essential to the economy of the countryside.

Recommendation

3.238 I recommend that the SDDP be modified in accordance with the Latest Proposed Change (PIC013.3).

RURAL DIVERSIFICATION

POLICY C14

Objections

First Deposit

910/8702	Headley Residents' Association
1578/8875	The Petersfield Society
1847/9546	Sussex Downs Conservation Board
1625/9790	The Countryside Agency

Second Deposit SD3.084

1279/12474 Liss Parish Council

Second Deposit SD3.085

749/12722	National Farmers Union
3836/14738	Humphrey Farms Ltd

Main Issue

Whether the Policy is necessary and, if so, whether it accords with national policy for rural diversification.

Inspector's Reasoning and Conclusions

- 3.239 One of the Government's objectives for rural areas is to raise the quality of life and the environment in them through the promotion of certain objectives. Farm diversification has a part to play in that endeavour. This Policy allows for rural diversification in circumstances other than those involving the conversion of farm buildings. It thus complements Policy C15 concerning the conversion of rural buildings. It is necessary and should stay.
- 3.240 The Policy encourages rural enterprises that would not harm the local landscape. It identifies a range of enterprises that are suitable in principle in a rural area. They include the processing of farm produce, farm shops, tourist accommodation, sports and recreation facilities and the processing of timber. A balance must be struck between the promotion of these activities and the possible untoward effects upon the countryside, its landscape and the generation of traffic on rural roads often ill-suited to accommodate it. Provided that balance is kept in mind, I do not consider that the Policy is too heavily weighted in favour of employment. In that context, I endorse Criterion d).
- 3.241 The supporting text makes it clear that the proposals for diversification should be looked at on a comprehensive basis, avoiding the stripping out of the assets of the holding that would undermine its viability. It would not be easy to set out this objective in the Policy, but it is well explained in the supporting text. That should suffice. The emphasis of the Policy is correctly weighted in favour of retaining, indeed encouraging, a viable rural enterprise, albeit a diversified one. I am not convinced that the Policy or the supporting

text should give more guidance on what are likely to be acceptable criteria for diversification. Much will depend upon the circumstances of individual proposals, but the SDDP provides a useful framework for assessing those circumstances. It accords with national policy set out in PPS 7.

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3.242 On other matters, the Council will not be surprised with my comment about *unacceptable impact*. It could be better phrased. And on Criterion b), I suggest a more stringent test than *should*. I think that Criterion d) could be better phrased to go some way to meet the valid concerns of some Objectors.

Recommendation

3.243 I recommend that the SDDP be modified as follows:

POLICY C14

PLANNING PERMISSION FOR AN ENTERPRISE IN THE COUNTRYSIDE WHICH FORMS PART OF A FARM DIVERSIFICATION SCHEME WILL BE PERMITTED ONLY IF:

- A) AS SDDP;***
- B) WHERE A NEW BUILDING IS REQUIRED AND NO EXISTING BUILDING IS AVAILABLE FOR CONVERSION, IT IS SITED WITHIN AN EXISTING GROUP OF BUILDINGS;***
- C) IT DOES NOT HARM THE CHARACTER OF THE LOCAL LANDSCAPE OR OTHER LOCAL AMENITY; AND***
- D) THE TRAFFIC GENERATED IS NOT OF A TYPE OR VOLUME THAT WOULD CAUSE INCONVENIENCE OR DANGER ON THE PUBLIC HIGHWAY, OR WOULD REQUIRE IMPROVEMENTS THAT WOULD HARM THE CHARACTER OF RURAL ROADS.***

PARAGRAPH 3.56

Objection

Second Deposit

1625/12884 The Countryside Agency

Main Issue

Whether SD3.086 should make clear that rural diversification means more than farm diversification.

Inspector's Reasoning and Conclusions

3.244 The text is about farm diversification, and it applies Government policy in PPS 7 to local circumstances. There are other aspects of rural diversification, as other parts of the SDDP acknowledge. These include Policies C15 and TM1 and their supporting text. Policy IB3 considers industrial and business development in the countryside. The SDDP does not neglect the valid point that the **Countryside Agency** makes.

Recommendation

3.245 I recommend that no modification be made to the SDDP.

CONVERSION OF BUILDINGS IN THE COUNTRYSIDE POLICY C15

Objections

First Deposit

586/5797	Town Planning Consultancy
572/6550	Worldham Parish Council
1278/7157	CPRE
1272/7277	East Hampshire Chamber of Commerce & Industry
897/8493	Ramblers' Association
1304/8695	Country Landowners Association
1578/8885	Petersfield Society
1976/9043	Environmental Project Consulting Group
1835/9287	Medstead Parish Council
1694/9346	Blackmoor Estate
1847/9547	Sussex Downs Conservation Board
1639/10072	East Hampshire AONB Office

Second Deposit SD3.088

1279/12475 Liss Parish Council

Second Deposit SD3.094

1278/14596 CPRE

Main Issue

Whether the Policy suitably reflects Government policy for the conversion of buildings in the countryside.

Inspector's Reasoning and Conclusions

- 3.246 The Policy is lengthy. No doubt this reflects the high quality of the landscape in East Hampshire and the Council's commitment, which I applaud, to protect it from harmful development.
- 3.247 The re-use of redundant, conveniently located farm buildings for community purposes may be a more sustainable option than the erection of a new building on a greenfield site or of obliging people to make long journeys to distant facilities. There is no objection to the Policy's accepting the prospect of community use, and paragraphs 3.61 & 3.64 usefully explain the point. This is all in line with PPS 7 paragraphs 17, 18 and 19, and I support it. New community facilities would also have to comply with SDDP Policy HC3.
- 3.248 PPS 7 paragraph 17 does not preclude the re-use of buildings in the countryside for residential purposes, but change to economic development purposes is usually preferred. The emphasis in the Policy appears to me to accord with that preference. Owing to the

pressures to build houses in the countryside in East Hampshire, that emphasis is particularly apt. It deserves strong support, and I am not persuaded to recommend any change of emphasis. The Policy does allow for residential use where the usually preferred uses would not be acceptable, for reasons that might include remoteness or traffic generation. I support the reference to those matters in Criteria e) and f).

- 3.249 National guidance, also in PPS 7 paragraph 17, supports the re-use of rural buildings where they are appropriately located and suitably constructed. Criterion a) of the Policy requires buildings to be of sound, permanent construction and not derelict. There is no conflict here between the national and local approach. There would seldom, if ever, be a justified case for use of a derelict building. I would expect that to be tantamount to the erection of a new building, and policies for the protection of the countryside would apply. The Council should not depart from Government policy.
- 3.250 Much may depend upon the definition of executive in the case of conversions to residential use. From my experience, I realise that poor schemes of conversion, accompanied by large curtilages containing a plethora of paraphernalia, seldom flatter the countryside. And that is putting it mildly. The Policy, aided by national and local policies concerning design and the protection of the countryside, should prevent such harm. It would not, however, be right for it to seek to determine the sector of the market for which conversions are intended. It must remain a land use policy.
- 3.251 The last paragraph of the Policy reflects guidance in PPS 7 paragraphs 17 and 21. This requires local planning authorities to draw up criteria-based policies to deal with the conversion and re-use of buildings in the countryside. It is reasonable for the Policy to restrict development in the countryside and for the Council to control the erection of new buildings when existing ones are taken out of agricultural use. Otherwise, encroachment into the countryside would be invited. Conditions and/or obligations/contributions to that end would have to meet the tests of Circulars 11/95 and 1/97. The text explains that such an approach would depend upon *the merits of any individual case*. That confirms a discretionary, rather than a mandatory, application. The paragraph does, however, explain how the Policy will be exercised, and so it should be relegated to supporting text.
- 3.252 Subject to my comment about *unacceptable harm*, Criteria d), e), and i) are in sufficient detail and no qualification is needed. I applaud the reference to *lighting*. Light pollution in a rural area can be especially intrusive, especially when it limits our wonder of the awesomeness of the night sky. Owls and bats enjoy statutory protection, and so there is a duty to ensure that their habitats are not damaged as a result of conversion. Moreover, SDDP Policy C5 applies to sites of local nature conservation interest. National and local requirements are sufficient for the protection sought, and there is no need for the Policy to require a survey to establish the presence or otherwise of these creatures.
- 3.253 The qualification sought by the **Blackmoor Estate** in respect of criteria d) and e) is, in fact, the fall-back position in any proposed change of use of a rural building. There is no need to spell it out in the Policy. In other words, the Council in its determination of a planning application for the change of use of a building would compare the implications of what is proposed with those that might reasonably be expected with the continuation of the existing use. Thus the Council would have to take into account the level of disturbance caused by the continued and authorised use of a building in its determination of a planning application for its re-use. I see no need for that to be spelt out in criteria.
- 3.254 Criterion i) deals with changes to residential use. It requires that all reasonable efforts have been made to find a long-term employment or community use before a residential use is considered. It is not necessary to qualify that process by stating that a suitable long-term re-use of a building would need to be *financially viable for both the property*

owner and occupier. It would be unreasonable to expect a building to be used in a way that was not financially viable, or otherwise of advantage.

- 3.255 Criterion e) refers to local rural roads. That includes roads and lanes broad and narrow. There is no need for modification on this count.
- 3.256 The Policy accords with Government policy and suitably applies it to local circumstances in East Hampshire.

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- 3.257 On a familiar point, harm needs no qualification in the Policy.

Recommendation

- 3.258 I recommend that the SDDP be modified as follows:

POLICY C15

D) *THE PROPOSAL WOULD NOT HARM RURAL AMENITIES BY REASON OF NOISE, SMELL, DUST, SMOKE, LIGHTING, VIBRATION, OR ANY FORM OF WATER, SOIL OR AIR POLLUTION OR OPERATIONS AT UNSOCIAL HOURS;*

and by the relegation of the last paragraph of the Policy to supporting text.

PARAGRAPH 3.62

Objections

Second Deposit SD3.096

3836/11656 Humphrey Farms Ltd
749/12725 National Farmers Union

Main Issue

Whether SD3.096 is too restrictive and conflicts with advice in PPG 13 paragraph 43.

Inspector's Reasoning and Conclusions

3.259 Here the SDDP deals with the change of use of large rural buildings often in remote locations and which could lead to unsustainable travel patterns. **Humphrey Farms Ltd** refer only to part of PPG 13. Local planning authorities should not reject proposals where small-scale business development or its expansion *would give rise to only modest additional daily vehicle movements, in comparison to other uses that are permitted on the site, and the impact on minor roads would not be significant.* The example cited in paragraph 3.62 would result in a large number of employees and by implication the traffic generation would be significant in terms of its impact on minor roads. In the circumstances, I find no conflict with PPG13, nor do I regard the wording too restrictive. SD3.096 accords with national advice. Its statement that *the conversion of large rural buildings to businesses with a large number of employees.....* will rarely be permitted is helpful advice to prospective developers.

Recommendation

3.260 I recommend that no modification be made to the SDDP.

PARAGRAPH 3.67

Objections

First Deposit

1895/9729 English Heritage

Main Issue

Whether some enabling development might be justified on occasion where it would assist in the preservation of a Listed Building.

Inspector's Reasoning and Conclusions

3.261 This prospect is often present when a Council is dealing with proposals to change the use of Listed Buildings. **English Heritage** has produced guidance on this topic in its “Enabling Development and the Conservation of Heritage Assets”. But the accompanying policy statement cautions that there should be a clearly stated presumption against enabling development. It would not, therefore, be prudent for the supporting text to mention the topic and perhaps raise false hopes. It would be better left to pre-application discussions where it could be raised if the merits of the case warranted it.

Recommendation

3.262 I recommend that no modification be made to the SDDP.

NEW AGRICULTURAL AND FORESTRY BUILDINGS POLICY C16 & PARAGRAPH 3.69

Objections

First Deposit

1278/7168 CPRE
1272/7280 East Hampshire Chamber of Commerce & Industry
1976/9044 Environmental Project Consulting Group
1847/9549 Sussex Downs Conservation Board

Second Deposit SD3.097

3836/14739 Humphrey Farms Ltd

Second Deposit SD3.098

3836/14740 Humphrey Farms Ltd

Second Deposit SD3.102

1639/12955 East Hampshire AONB Office

Main Issues

- 1) Whether the Policy is necessary and whether special consideration should be given to the re-use of buildings as long as other policies are met;
- 2) Whether in all other respects the intentions of the Policy are reasonable.

Inspector's Reasoning and Conclusions

3.263 The guidance that the Policy contains is necessary in that it usefully sets out the Council's intentions in certain situations. It does not preclude consideration being given to the re-use of buildings provided that certain requirements are met, so it does not undermine national or local policies for rural diversification. But it is more a statement of intentions in given situations than a land use policy or proposal. For that reason, it would be better as supporting text.

*

3.264 On the second issue, the seeking of a legal agreement and/or the attachment of a planning condition in the circumstances outlined in the Policy is not uncommon. Ignorance of a condition or an obligation is no defence under the law, and those with a present or prospective interest in the land should acquaint themselves with any such restrictions that apply. I can see nothing unreasonable in the Council's intentions, nor am I persuaded that their drafting is too weak.

3.265 It should be remembered that the countryside is to be protected and so development in it is not usually permitted. That should be the basis of the approach, and explains

intentions and restrictions. Hence the removal of a building, no longer needed for the purpose for which it was permitted, may be justified especially when no suitable alternative use can be found. And so may the re-instatement of the land to its previous condition, especially where the landscape has an intrinsic natural beauty that needs to be protected. It would always be open to the Council and landowner to agree that the land be returned to a suitable alternative condition if the circumstances warranted it. There is no need to spell it out in the supporting text.

- 3.266 These intentions accord with national policy. PPG7 Annex E E5 deals with buildings erected under specific agricultural permitted development rights on or after 1 April 1997. To summarise, it requires that such a building be removed when it ceases to be used for its original purpose within 10 years of its substantial completion and where no acceptable re-use can be found. The application of the provision to buildings erected following the grant of planning permission would be subject to a legal agreement. Such an agreement would need to meet the tests of Circular 1/97. Thus the provision follows the spirit of national policy.
- 3.267 Given the local circumstances within East Hampshire the provision would be a reasonable fallback position. I would expect it to be used sparingly and but rarely. With such a large part of the District lying within an AONB it is sensible for the Plan to state firmly its position in respect of such buildings. I do not see any objection to securing the objective of the policy by means of a legal agreement, in addition to a planning condition. A legal agreement can be a more appropriate means of securing a planning objective, particularly where particular and detailed matters as here need to be addressed.
- 3.268 These intentions are reasonable. They apply national policy to local circumstances, and I support them.

Recommendation

- 3.269 I recommend that the SDDP be modified by relegating the Policy to supporting text.

DESIGN

POLICY HE1

Objections

First Deposit

322/5854	Frogmore Lane Residents Assoc.
68/6305	Environment Agency
88/6679	Thames Water Property
1278/7171	CPRE
1272/7284	East Hampshire Chamber of Commerce & Industry
1293/8072	George Wimpey (UK) Ltd
1976/9045	Environmental Project Consulting Group
1948/9458	Beechcroft Developments Ltd
1921/9083	Rydon Homes

Second Deposit SD3.105

1960/13975 Liss Village Design Group

Main Issue

Whether the Policy is reasonable in its requirements.

Inspector's Reasoning and Conclusions

- 3.270 The layout of industrial areas, access to public utilities and the treatment of affordable housing are but a few of a whole range of matters that would need to be taken into account at the conception stage in the process towards achieving good design. The Policy seeks to achieve a high standard of design for all development proposed throughout the District. There is therefore no need to single out particular aspects of it, like those quoted. It might be inferred that those not mentioned were of less importance.
- 3.271 Policy C8 applies to the protection of water resources. Measures to reduce consumption would best be dealt with through education and/or the Building Regulations and the wider publicity and adoption of the **Environment Agency's** water saving and recycling schemes. These are important matters in the drive towards sustainability, but they would be somewhat out of place in a policy dealing with general design matters, especially as elsewhere the SDDP considers them as far as it is appropriate for it to do so.
- 3.272 Criterion a) requires development to harmonise, in essence, with the surroundings. There is no reason to presume that this would preclude a modern design. SDDP paragraph 3.73 anticipates it, in that a contemporary design is expected to respect its context. Whatever design solution is put forward, it would be expected to be compatible with its neighbours and its location. There is no need to explain that expectation further. Nor is it necessary for the text to explain that good design can embrace modern, traditional or perhaps a mix thereof.
- 3.273 Criterion b) requires that schemes use *materials appropriate to the locality*. SDDP paragraph 3.76 states that where local traditional materials are not available, equivalent

non-local materials will be considered. These provisions are sufficiently flexible to permit the use of suitable alternatives where justified. There is no reason to believe that the Council would unreasonably insist on local traditional materials. No modification is required.

- 3.274 Criteria c), and d) could make it difficult or impossible to devise a scheme for making better use of previously-developed land by, for instance, infilling or development in large gardens. This would run counter to one of the main objectives of PPG 3, the making of a more efficient use of urban land. Re-phrasing and combining them would achieve a more balanced approach to this objective while protecting valuable local features. The features that are important and to the achievement of good design do not need to be specified in the Policy. PPG 1 paragraph 14 explains the importance of looking at the wider context, and I recommend a modification to the Policy that better reflects it.
- 3.275 Crime prevention is capable of being a material consideration in the determination of planning applications, and the Policy rightly draws attention to it. As long as the Council's approach follows Government guidance in Circular 5/94, there should be no problem. Indeed, the prevention of crime should be a vital part of good layout and design. *Appropriate* in the criterion should ensure that any measure would not be unreasonably required. The supporting text helpfully refers to the Council's SPG on the topic, and this will assist developers in designing with security in mind.
- 3.276 Policy C1 requires that development proposals within an area covered by a Village Design Statement be required to take account of it. I recommend that this part of Policy C1 be relegated to supporting text, but it would still be part of the development plan. And as the SDDP must be read as a whole, there is no need for repetition. My recommendation concerning Policy GS3 is relevant in the context of Policy C1.
- 3.277 Subject to my recommendation, this Policy is reasonable in its requirements.

Recommendation

- 3.278 I recommend that the SDDP be modified by the deletion of Criteria c) and d) and replaced as follows:

RESPECTS THE APPEARANCE AND TREATMENT OF THE SPACES BETWEEN AND AROUND BUILDINGS THAT ARE IMPORTANT TO THE QUALITY AND CHARACTER OF THE LOCAL ENVIRONMENT WHILE RETAINING IMPORTANT OPEN SPACE, NATURAL AND/OR HISTORIC FEATURES; AND, WHERE POSSIBLE, CREATES NEW LANDSCAPING AND OPEN SPACE AS AN INTEGRAL PART OF THE DESIGN;

PARAGRAPH 3.74

Objection

First Deposit

1293/8073 George Wimpey (UK) Ltd

Main Issue

Whether the Policy conflicts with Government advice on the ways of promoting good design.

Inspector's Reasoning and Conclusions

3.279 PPG 1 requires local plans to include policies on design. It urges good design upon all those involved in the development process. SDDP paragraph 3.72 describes the effect that the disregard for local traditional building styles has had on the District. It refers to the building of housing estates that are the same wherever they are built throughout the country and which lack local identity. Regrettably, it accurately describes much of the volume housing that has taken place in post-war Britain. It is a sorry situation that deserves a vigorous response. The SDDP serves to do so.

3.280 RPG 9 paragraphs 5.6, 5.8 and 5.10 urges local planning authorities and designers to secure design excellence in pursuance of the goals of making the best use of urban land while resisting unnecessary encroachment into the countryside. SDDP paragraphs 3.73-3.75 identifies the characteristics of vernacular architecture that define the traditional building styles found in East Hampshire and which contribute to its local identity. The District has some 39 Conservation Areas and 40% of it lies in the East Hampshire AONB. These considerations justify a policy that seeks to ensure that new development is of a high standard of design while respecting its neighbours and its setting. I recommend that Criteria c) and d) be modified to reflect better the objectives of PPGs 1 and 3 in this regard. No further modification is needed.

Recommendation

3.281 I recommend that no modification be made to the SDDP.

PARAGRAPH 3.81

Objection

First Deposit

368/5466 Hampshire Constabulary

Main Issue

Whether the paragraph should refer to crime prevention measures of the “Secured by Design” standard.

Inspector's Reasoning and Conclusions

3.282 The Council agrees to the suggested change, and I endorse the consequent SD3.109.

Recommendation

3.283 I recommend that no modification be made to the SDDP.

ADVERTISEMENTS

POLICY HE3

Objection

First Deposit

1278/7183 CPRE

Main Issue

Whether the Policy should be changed to stop *out of place clutter in the countryside*.

Inspector's Reasoning and Conclusions

3.284 The Policy stops an advertisement display from adversely affecting the character or appearance of the locality. It applies throughout the District. That includes the countryside, and there is no need to specify either it, or the urban areas.

Recommendation

3.285 I recommend that no modification be made to the SDDP.

**PROTECTION OF THE HISTORIC HERITAGE
POLICY HE4
& DEVELOPMENT AFFECTING THE SETTING OF A
CONSERVATION AREA
PRE-INQUIRY CHANGE NEW POLICY PIC016.3**

Objections

First Deposit

1278/7184	CPRE
1304/8719	Country Landowners Association
1833/9153	J G Jones
1862/9648	Chawton Parish Council

Second Deposit SD3.112

1895/13139	English Heritage
938/14442	Buriton Parish Council

Pre Inquiry Change PIC16.3

567/14992	Network Rail
1899/15276	Bewley Homes Plc

Latest Proposed Change

As set out in Document CD11/12 at PIC016.3 (page 46).

Main Issue

Whether the deletion of Policy HE4 leaves any features or areas of historic, architectural or archaeological interest without adequate protection.

Inspector's Reasoning and Conclusions

3.286 SD3.112 deletes Policy HE4. A new policy at SD3.125 deals with Buildings of Local Architectural, Historic or Townscape Interest, and this serves much of the purpose of Policy HE4. Other SDDP and national policies protect the heritage. For example, Policies HE5-8 protect Conservation Areas, Policies HE9-12 protect Listed Buildings, Policy HE16 protects archaeological sites and Policy HE17 protects Historic Parks and Gardens. The Council accepts that the deletion of Policy H4 removes the protection afforded to the settings of Conservation Areas. The new policy that follows Policy HE8 at PIC016.3 is, with minor redrafting, a suitable replacement. These policies should be ample, and there is no need to re-instate Policy HE4.

- 3.287 There are other matters. The Council confirms at FPC36 its intention to compile a local list of locally important buildings of architectural or historic interest, in consultation with town and parish councils and other interested persons. Candidate buildings for placing on the list could therefore be put forward for inclusion, provided that they met criteria set out in SDDP paragraph 3.92.
- 3.288 Not all Listed Buildings or buildings within Conservation Areas suffer from poor maintenance or insufficient funding for their upkeep. Where they do, it is always open to landowners to seek a change to a use that might be more viable. Such proposals would be considered under Policy HE11 (Change of Use of a Listed Building) or Policy HE7 (Change of Use of a Building in a Conservation Area). PPG 15 paragraph 3.25 advises the owners of Listed Buildings of the help that could be available in such circumstances. In other words, lack of upkeep may not justify a change of use of the building and the SDDP is right not to imply otherwise.
- 3.289 Provisions for the protection of Conservation Areas are laid down in the Planning (Listed Buildings and Conservation Areas) Act, 1990 Section 72. The SDDP should not purport either to amend or extend that protection. PPG 15 paragraph 4.14 treats the preservation or enhancement of the character or appearance of the setting of a Conservation Area as a material consideration in the determination of a planning application. The proposed new Policy PIC016.3 adopts that guidance, and I endorse it.
- 3.290 The likely effect of a development proposed by a Network Rail, or anybody else, would be assessed against the Policy in the normal way. These provisions of the SDDP go as far as they reasonable can in meeting the points raised in these Objections. I do not see how this new Policy could be made more certain. The land, buildings and general setting of a Conservation Area will be unique, and it will be for the Council to assess the effect of a proposal on the Area and its setting.
- 3.291 **Bewley Homes Plc** asks that the degree of harm regarded as unacceptable to be quantified. That is not a reasonable objective for a local plan policy. It will always be a matter of judgement for the decision-maker and so, again, *unacceptable* is of no help. Where the Council has produced townscape appraisals for its Conservation Areas, as for Petersfield and Alton, developers will be in a better position to know the type and form of development likely to be acceptable. They are always well advised to consult the Council before submitting an application for a scheme that could affect a Conservation Area or its setting.
- 3.292 The SDDP and the Council's proposed changes to it should meet the valid points that the Objectors make. There could, however, be features such as ancient water meadows and field systems that deserve, but lack, protection. I deal with this matter below in my examination of the Objections to SD3.125.

Recommendation

- 3.293 I recommend that the SDDP be modified as follows:

POLICY PIC016.3

DEVELOPMENT AFFECTING THE SETTING OF A CONSERVATION AREA

PLANNING PERMISSION FOR DEVELOPMENT OUTSIDE A CONSERVATION AREA WILL NOT BE GRANTED IF IT WOULD HARM ITS SETTING OR VIEWS INTO OR OUT OF IT.

CONSERVATION AREAS

PARAGRAPH 3.94

Objections

First Deposit

1171/7049	Richard L Stubbs MRTPI and Barry Read RIBA
1703/7738	Greene King Plc
1703/7799	Greene King Plc
1895/9732	English Heritage
1666/9876	Councillor Mr D Clegg

Main Issue

Whether Conservation Areas should be shown on the Inset Maps as well as on Proposals Map 2.

Inspector's Reasoning and Conclusions

3.294 The Council accepts that Conservation Areas should be shown on Inset Maps, and I enthusiastically support the decision. I do not think that there is any need, however, for the supporting text to refer to the Map or Maps that show the particular Conservation Area. Most readers of the Local Plan should be able to cope, but the Council may wish to ponder the point.

Recommendation

3.295 I recommend that the SDDP be modified by showing Conservation Areas on the Inset Maps.

NEW DEVELOPMENT IN A CONSERVATION AREA

POLICY HE5

ALTERATIONS TO A BUILDING IN A CONSERVATION AREA

POLICY HE6

Objections

First Deposit

938/8536	Buriton Parish Council
1833/9155	J G Jones
978/9821	Buriton Village Design Group
1272/7292	East Hampshire Chamber of Commerce & Industry
1976/9051	Environmental Project Consulting Group
1833/9156	J G Jones

Second Deposit SD3.117

511/11617	Headley Parish Council
1895/13141	English Heritage
910/14393	Headley Residents' Association

Latest Proposed Change

As set out in Document CD11/12 at PIC014.3 (page 45).

Main Issue

Whether the Policies are of sufficient rigour and reasonable in their requirements.

Inspector's Reasoning and Conclusions

- 3.296 SD3.117 removes *all the following criteria are met* from all SDDP criteria-based policies. It is not needed. It is clear that all criteria must be met. The removal does not weaken the Policy.
- 3.297 The Planning (Listed Building and Conservation Areas) Act, 1990 Section 72 requires the Council, in its determination of applications for development in a Conservation Area, to pay special attention *to the desirability of preserving or enhancing the character or appearance of that area*. That is a demanding standard of control. Although Policies HE6 and HE7 contain a key phrase about the need to preserve or enhance the character or appearance of the area, Policy HE5 does not. That is a significant omission that should be put right. In addition, the relevant statute and the significance of Section 72 should be mentioned early in the supporting text given its importance in development control in a Conservation Area. These modifications would meet the concerns of **Mr Jones**.

- 3.298 It is suggested that the Policy should be strongly enforced. The Council, like all local planning authorities, can take enforcement action where need be. No doubt it does. Such features as masts and aerials may, or may not, require planning permission, depending upon such circumstances as size and position. Where they do, I do not doubt that the Council will determine the applications upon the basis of this Policy and any other material considerations.
- 3.299 SDDP paragraph 3.100 confirms that the Council may make Article 4 Directions to remove permitted development rights where it considers it appropriate to do so in the interest of protecting the character or appearance. This would extend controls, as certain Objectors suggest.
- 3.300 The Planning (Listed Buildings and Conservation Areas) Act 1990 applies to proposals to designate, extend or alter a Conservation Area. It is not therefore appropriate for the local plan process to purport to extend the Conservation Area at Buriton or anywhere else. Helpfully, SDDP paragraph 3.94 states that the Council has identified a programme of Conservation Area review.
- 3.301 Subject to my recommendation, which incorporates the Latest Proposed Change (PIC014.3), these Policies are of sufficient rigour and are reasonable in their requirements.

Recommendation

- 3.302 I recommend that the SDDP be modified as follows:

New paragraph before paragraph 3.94

The Planning (Listed Buildings and Conservation Areas) Act, 1990 Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This statutory requirement underpins the Local Plan policies for proposals in Conservation Areas.

POLICY HE5

DEVELOPMENT IN A CONSERVATION AREA WILL BE PERMITTED ONLY WHERE IT WOULD PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF THE AREA. TOWARDS THAT END THE FOLLOWING REQUIREMENTS WILL APPLY:.

CHANGE OF USE OF A BUILDING IN A CONSERVATION AREA POLICY HE7

Objections

First Deposit

1272/7293 East Hampshire Chamber of Commerce & Industry
1976/9052 Environmental Project Consulting Group
1833/9157 J G Jones

Second Deposit SD3.119

1279/12479 Liss Parish Council
1895/13143 English Heritage

Latest Proposed Change

As set out in Document CD11/12 at PIC015.3 (page 45).

Main Issue

Whether the Policy is suitably drafted.

Inspector's Reasoning and Conclusions

3.303 Many of the points that Objectors raise to this Policy I examine in respect of Policies HE5 and HE6 above. I note *unacceptable harm*. The Policy would benefit from being drafted more in line with the Good Practice Guide and to reflect the Planning (Listed Buildings and Conservation Areas) Act 1990 Section 72. My recommendation incorporates the Latest Proposed Change (PIC015.3).

Recommendation

3.304 I recommend that the SDDP be modified as follows:

POLICY HE7

PLANNING PERMISSION FOR THE CHANGE OF USE OF A BUILDING IN A CONSERVATION AREA WILL BE PERMITTED PROVIDED THAT IT WOULD NEITHER:

- A) REQUIRE ANY CHANGES IN THE APPEARANCE OR SETTING OF THE BUILDING OTHER THAN THOSE THAT WILL PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF THE AREA; NOR***
- B) HARM THE SURROUNDINGS AS A RESULT OF TRAFFIC GENERATION, VEHICLE PARKING AND SERVICING, OR NOISE.***

DEMOLITION OF A LISTED BUILDING POLICY HE9

Objection

First Deposit

1673/9919 The Alton Society

Main Issue

Whether the drafting of this Policy leads to confusion with Policy HE8.

Inspector's Reasoning and Conclusions

3.305 Policy HE8 deals with demolition in a Conservation Area. Policy HE9 deals with demolition of a Listed Building. Not all buildings in a Conservation Area are Listed. I see no scope for confusion between them.

Recommendation

3.306 I recommend that no modification be made to the SDDP.

PARAGRAPH 3.105

Objections

First Deposit

1895/9731 English Heritage

Second Deposit SD3.122

1895/13131 English Heritage
1278/14606 CPRE

Latest Proposed Change

As set out in Document CD11/12 at PIC017.3 (page 48).

Main Issue

Whether the text should refer to **English Heritage**'s published advice on enabling development and include a list of examples thereof.

Inspector's Reasoning and Conclusions

- 3.307 The Council accepts, as do I, that the text would be improved by referring to this advice by name; hence PIC017.3.
- 3.308 It would not be helpful to try to give examples of the type of enabling development that might be acceptable since each case is likely to be peculiar to the circumstances. There would be too much of a risk of hostage to fortune. The reference to the advice is sufficient.

Recommendation

- 3.309 I recommend that the SDDP be modified in accordance with the Latest Proposed Change (PIC017.3).

EXTENSION OR ALTERATION OF A LISTED BUILDING

POLICY HE10

First Deposit

749/9484 National Farmers Union
1673/9920 Alton Society

Main Issue

Whether Criterion c) of the Policy is necessary.

Inspector's Reasoning and Conclusions

- 3.310 This Criterion goes somewhat further than national guidance on alterations and extensions to Listed Buildings as set out in PPG 15 paragraphs 3.12-3.15. This states *it is important to balance the effect of any such changes on the special interest of the Listed Building against the viability of any proposed use and of alternative, and possibly less damaging, uses*. It continues that many Listed Buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new changes. Indeed, cumulative changes reflecting the history of use and ownership are, themselves, an aspect of the special interest of some Buildings.
- 3.311 The paramount concern is the effect of any proposed change on the special interest of the Building. Criterion a) covers the protection of that special interest. PPG 15 recognises that balancing the special interest of a Listed Building and proposals for alteration and extension is demanding and should always be based on specialist expertise. Whilst viability may be a factor in negotiations between a developer and the Council, it does not need to be a consideration in every case. For that reason, the Criterion c) is not necessary although it would be useful for the supporting text to refer to the matter as a possible consideration.
- 3.312 In the third line of the Policy it should be *or*, not *of*.

Recommendation

- 3.313 I recommend that the SDDP be modified by the deletion of Criterion c) and by adding to the end of paragraph 3.107:

Where an extension or alteration is proposed to a Listed Building that would detract from its special interest and it is argued that it is required in order to maintain or secure a viable use of the Building, the Council will require evidence of economic viability in support of the application.

DEVELOPMENT AFFECTING THE SETTING OF A LISTED BUILDING

POLICY HE12

Objections

First Deposit

1673/9923 Alton Society
1640/10229 Mrs P A Newby

Second Deposit SD3.124

1895/13146 English Heritage

Pre Inquiry Change PIC018.3

1895/15256 English Heritage
1899/15277 Bewley Homes Plc

Latest Proposed Change

As set out in Document CD11/12 at PIC018.3 and FPC11 (page 50).

Main Issue

Whether the Policy is suitably drafted and reflects national policy. word “extension” should be deleted from criterion d).

Inspector's Reasoning and Conclusions

- 3.314 Criterion d) is concerned that any future extension of a Listed Building is not compromised should such development be necessary to safeguard its viability and special interest. SDDP paragraph 3.114 convincingly explains the reason for this cautious approach. I rely much upon the Council’s experience in this matter and am persuaded that *extension* should not be deleted from the Criterion.
- 3.315 The Council accepts that the supporting text should make reference to the possible harm to Listed Buildings caused by development on adjacent sites. SD3.124 and the Latest Proposed Change meet the point and I endorse them. In particular, PIC018.3 rightly emphasises the need to protect the setting of a Listed Building rather than the land adjacent to it. This better reflects national policy in PPG 15.
- 3.316 There have been several changes to SD3.124. My understanding is that, as a result of the Latest Proposed Change, it should be as I recommend.

Recommendation

- 3.317 I recommend that the SDDP be modified as follows:
Paragraph SD3.124

The Council recognises the need to preserve the settings of Listed Buildings and that the interest, character and contribution to townscape or countryside of these Buildings can be harmed by unsympathetic development nearby. Therefore, special care must be exercised in the siting, design and appearance of new buildings that would affect their settings.

BUILDINGS OF LOCAL ARCHITECTURAL, HISTORIC OR TOWNSCAPE INTEREST

SECOND DEPOSIT NEW POLICY SD3.125

Objection

Second Deposit SD3.125

938/1444 Buriton Parish Council

Main Issue

Whether the Policy provides sufficient protection for features other than buildings and their settings.

Inspector's Reasoning and Conclusions

- 3.318 The **Buriton Parish Council** is concerned that the Policy would not protect such features as ancient water meadows and field systems. FDDP Policy HE4 provided for the protection of *buildings, features, and areas which are of historic, architectural or archaeological interest or their setting*, a wider remit than that of this new Policy. If, however, there are parts of the District's historic heritage, other than buildings and their settings, that are worthy of protection and which are not already afforded protection either by statute or development plan policies, some mention should be made of them. This should be in the supporting text.
- 3.319 The Parish Council appends a list to its letter of 6th November 2003. Their repetition in the Local Plan would make it somewhat lengthy, but I refer to some of them in my recommendation as examples.

Recommendation

- 3.320 I recommend that the SDDP be modified by adding the following to SD3.127:

Parts of the District's historic heritage, other than buildings and their settings, may be worthy of protection. Not all enjoy statutory protection. They include ancient water meadows and field systems and old travelways. They may constitute material considerations in the determination of a planning application for a proposal that might affect them.

SECOND DEPOSIT NEW PARAGRAPH SD3.127

Objections

First Deposit

1673/13059 Alton Society
1375/14920 Lindford Parish Council

Latest Proposed Change

As set out in Document CD11/12 at FPC36 (pages 50 and 51).

Main Issue

Whether the SDDP should acknowledge the Council's intention to prepare a Local List of buildings of local architectural, historic or townscape interest.

Inspector's Reasoning and Conclusions

- 3.321 The Council confirms that it will produce this list during the plan period, hence the Latest Proposed Change. This is a good idea, and I endorse it. A local list does not, however, have the force of a statutory one, and it would be neither correct nor helpful for the text to imply that the Council has more power to retain these buildings than is the case. It can certainly *seek to* retain them, and the text fairly sets out its intentions. These 2 words should not be deleted.
- 3.322 The **Lindford Parish Council**'s concerns about the need to protect Chase Farmhouse have been met, in that the building is Listed.

Recommendation

- 3.323 I recommend that the SDDP be modified in accordance with the Latest Proposed Change (FPC36).

UNDER UTILISATION OF HISTORIC BUILDINGS POLICY HE13

Objection

First Deposit

1673/9932 Alton Society

Main Issue

Whether *under utilisation* should be defined.

Inspector's Reasoning and Conclusions

3.324 Paragraph 3.118 explains that it means vacant or redundant floor space. That suffices.

Recommendation

3.325 I recommend that no modification be made to the SDDP.

COMMERCIAL FRONTAGES

POLICY HE14

Objections

First Deposit

1272/7294	East Hampshire Chamber of Commerce & Industry
1976/9059	Environmental Project Consulting Group
1673/9934	Alton Society

Main Issue

Whether the Policy introduces unnecessary and excessive control over the style and design of shop fronts.

Inspector's Reasoning and Conclusions

3.326 The Policy seeks to promote a high quality of design of commercial frontages including shops. That is a laudable aim, especially in the delightful towns and villages of East Hampshire. Further advice is found in the Council's "Shop Fronts Design Guide" which outlines a number of basic steps towards good design and sound planning principles. Neither the Policy nor the Guide appears to be either unreasonable or excessive. The difference between *provided that* and *only if* is so subtle that either would do. The suggested change would not improve the SDDP, so the former should stay.

Recommendation

3.327 I recommend that no modification be made to the SDDP.

POLICY HE15

Objections

First Deposit

1272/7634 East Hampshire Chamber of Commerce & Industry
1976/9062 Environmental Project Consulting Group

Main Issue

Whether the Policy is excessive in its requirements.

Inspector's Reasoning and Conclusions

3.328 This Policy supplements Policy H14. It seeks to promote a high quality of design in frontages of historic buildings that are in commercial use. My comments are similar to those concerning Objections to Policy HE14. The Council's objectives, however, are especially apt in that they are to encourage good design as well as protect the District's historic heritage. Again, the Council's "Shop Fronts Design Guide" gives more detailed advice. The Policy is reasonable, not excessive, in its requirements.

Recommendation

3.329 I recommend that no modification be made to the SDDP.

HISTORIC PARKS AND GARDENS

POLICY HE17

Objections

First Deposit

1171/7050	Richard L Stubbs MRTPI and Barry Read RIBA
1272/7303	East Hampshire Chamber of Commerce & Industry
1976/9065	Environmental Project Consulting Group

Main Issue

Whether the Policy should acknowledge that development can enhance or assist the restoration of Historic Parks and Gardens.

Inspector's Reasoning and Conclusions

- 3.330 It is not necessary to state that some forms of development can be beneficial in this way. Proposals should be treated with the same degree of caution as that exercised in respect of proposals claimed to enable the enhancement or similar of other assets of the District's heritage. I do not like hostages to fortune.
- 3.331 The Council accepts that historic parks and gardens should be shown on the Proposals (Inset) Maps. I agree.

Recommendation

- 3.332 I recommend that the SDDP be modified by showing Historic Parks and Gardens on the Proposals (Inset) Maps.

ANCIENT TRACKS AND LANES

POLICY HE18

Objections

First Deposit

1289/7957 Hampshire Wildlife Trust
1622/8425 English Nature, Hampshire & Isle of Wight

Main Issues

Whether the cultural and biological elements of the Policy should be cross-referenced with Policies C3, C4 and C5;

Inspector's Reasoning and Conclusions

- 3.333 Proposals affecting nature conservation interests will be considered against SDDP Policies C3-C5. The Local Plan will, or should be, read as a whole. Cross-referencing is not needed to the stated, or any other, policies. If a track or lane were considered important in nature conservation terms, I would expect it to be assessed under one of the nature conservation policies and this would determine the degree of protection to be afforded it. This Policy complements other policies in the SDDP, especially those concerned with heritage. In principle, it gives neither more nor less protection than they do.
- 3.334 These tracks and lands should be shown on the Proposals Map and/or its Insets. This will provide clarity in the application of the Policy.

Recommendation

- 3.335 I recommend that the SDDP be modified by showing ancient tracks and lanes on the Proposals Map and/or its Insets and by confirming in the supporting text that they are identified on it/them.

PARAGRAPH 3.134

Objection

First Deposit

68/6307 Environment Agency

Main Issue

Whether *biodiversity* should be added to Objective d).

Inspector's Reasoning and Conclusions

3.336 Since this section deals mainly with the built environment it would not be appropriate to do so. The grant aid mentioned is aimed for the most part at the built environment.

Recommendation

3.337 I recommend that no modification be made to the SDDP.