

East Hampshire District Council

**Beech**

**Neighbourhood Development Plan  
2019-2028**

**Independent Examiner's Report**

By Ann Skippers MRTPI FHEA FRSA AoU

4 May 2020

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## Summary

I have been appointed as the independent examiner of the Beech Neighbourhood Development Plan.

Beech village is linear in nature within a narrow valley. The Parish has a population of about 532 people but there are few services or facilities in the Parish itself with residents reliant on nearby Alton or Basingstoke. The surrounding area is predominately rural with woodland a particular feature.

The Plan has been prepared against the backdrop of an emerging Local Plan. Although it does not contain any site allocations, it has 14 policies covering a variety of issues from transport to housing mix to design to business uses. It builds on earlier work on a Village Design Statement and a Parish Plan.

The submission documents include a very well presented Basic Conditions Statement that I found to be very helpful. I commend its approach to others.

It was necessary to hold a public hearing. More details about the reasons for that are given in my report.

It has been necessary to recommend a number of modifications. In the main these are intended to ensure the Plan is clear providing a practical framework for decision-making as required by national policy and guidance, but others are made to avoid duplication or because insufficient evidence has been put forward to support the direction of the Plan. The modifications do not significantly or substantially alter the intention or overall nature of the Plan.

Subject to those modifications, and the holding of the hearing, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to East Hampshire District Council that, in my view, the Beech Neighbourhood Development Plan is able to go forward to a referendum. The final decision on this is of course to be made by East Hampshire District Council.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI  
Ann Skippers Planning  
4 May 2020



## 1.0 Introduction

This is the report of the independent examiner into the Beech Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by East Hampshire District Council (EHDC) with the agreement of the Parish Council, to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

## 2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions<sup>1</sup> are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation

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<sup>1</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.<sup>2</sup> It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check<sup>3</sup> whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.<sup>4</sup>

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case East Hampshire District Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

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<sup>2</sup> Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

<sup>3</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

<sup>4</sup> The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

### 3.0 The examination process

I have set out my remit in the previous section of this report. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).<sup>5</sup>

PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>6</sup> Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

Some representations make suggestions for revised or new policies. I feel sure the Parish Council will wish to consider these further in any future review of the Plan.

In addition to the 12 representations received by EHDC during the Regulation 16 consultation stage, an anonymous representation was received by EHDC. EHDC did not accept this representation as a formal submission. However, I was forwarded a redacted copy of it. It makes a number of comments about the validity of the Plan and the conduct of the working party. An examiner has no authority to deal with allegations of misconduct or similar. Such allegations should be dealt with through other procedures.

In 2018, NPIERS published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for the Parish Council to make any comments; it is only if they wish to do so. The Parish Council sent comments and I have taken these into account.

As a result of the representations made at the submission (Regulation 16) stage and these comments from the Parish Council on those representations, it transpired that the Parish Council had not taken a representation from Gladman Developments Ltd into account at the pre-submission (Regulation) 14 stage. On the face of it, this meant that the Consultation Statement submitted was deficient and did not meet the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

This regulation states that a consultation statement means a document which:

- “(a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
  - (b) explains how they were consulted;
  - (c) summarises the main issues and concerns raised by the persons consulted;
- and

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<sup>5</sup> PPG para 055 ref id 41-055-20180222

<sup>6</sup> Ibid

(d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.”

It is the local planning authority that must be satisfied that a draft neighbourhood plan submitted to it for independent examination complies with all the relevant statutory requirements.<sup>7</sup> However, it is also clear that a local planning authority considers whether a neighbourhood plan meets the basic conditions after an independent examination has taken place.<sup>8</sup> This means that, generally, local planning authorities consider whether the documentation needed has been submitted, but do not consider the detail of that until a later stage. It would have been difficult, nigh on impossible, for the local planning authority to pick up on this issue at the time of submission.

Locality’s Neighbourhood Plans Roadmap A Step-by-Step Guide 2018 Edition<sup>9</sup> explains that the Consultation Statement is “...about demonstrating that there has been proper consultation and that representations have been taken into account.”<sup>10</sup>

I am not aware of any other guidance or advice relating to the contents of Consultation Statements produced at national level. In my experience, Consultation Statements usually refer to each individual representation received. However, the Parish Council takes the view that as a summary of the issues raised was included in the Consultation Statement, it is not deficient.

I may have been more inclined to agree with the Parish Council’s position had not individual response forms and other consultees been identified in the Consultation Statement. In addition it is clear that Gladman Developments Ltd, having looked at the Consultation Statement, do not feel their representation has been considered.

Therefore it was decided that a public hearing should be held to ensure that Gladman Developments Ltd were given a fair chance to put their case.

PPG<sup>11</sup> explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.<sup>12</sup>

A hearing was held on 12 February 2020 at Beech Village Hall. The notice of the public hearing and the agenda and guidance notes are attached to this report as Appendix 2. Notes of the hearing are included as Appendix 3. Other information relating to the hearing such as the invitation letters sent to the participants by EHDC are available from EHDC.

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<sup>7</sup> PPG para 052 ref id 41-052-20140306

<sup>8</sup> Ibid para 053 ref id 41-053-20140306

<sup>9</sup> Locality/Dave Chetwyn

<sup>10</sup> Locality Neighbourhood Plans Roadmap A Step-by-Step Guide, 2018 Edition page 34

<sup>11</sup> PPG para 056 ref id 41-056-20180222

<sup>12</sup> Ibid

I am grateful to Gladman Developments Ltd who indicated to EHDC that the “key policies and issues we would want to pursue are policies BPC02, BPC03 and BCP06”.<sup>13</sup> This allowed the hearing to focus on these policies, but any policy or issue referred to in Gladman Developments Ltd’s representations, either at Regulation 14 or 16 stages, was referred to at the hearing. Gladman Developments Ltd were also given an opportunity to make any other submissions they wished to at the hearing.

At the hearing the Parish Council made a statement and apologised for their oversight.

The hearing gave Gladman Developments Ltd an opportunity to orally put forward their case, to hear responses from the Parish and District Councils as appropriate and to discuss the issues raised.

At the end of the hearing, I sought to ensure that Gladman Developments Ltd had made all the points they wished to and did not have anything further to add. As a result of the hearing, there was agreement that no concerns remained that the representation made at Regulation 14 stage was not taken into account. There was agreement that the hearing had afforded Gladman Developments Ltd a full opportunity to make all the comments they wished to make and they had had a fair chance to put their case.

Given this, in my view, whilst the Consultation Statement on the face of it does not appear to meet the requirements of Regulation 15 (2) of the Neighbourhood Planning (General) Regulations 2012, as Gladman Developments Ltd have had a fair chance to put their case orally at the hearing, any procedural unfairness or other harm which may have resulted through the omission occurring at the pre-submission stages has been remedied through the holding of the hearing.

The decision on this issue is of course, ultimately, a matter for the local planning authority at the next stage of the process.

I am very grateful to everyone for ensuring that the examination, including the hearing, has run smoothly and in particular Kevin Thurlow at EHDC for his assistance to me throughout the examination.

I made an unaccompanied site visit to familiarise myself with the Plan area on 4 October 2019. I took time to refamiliarise myself with the Parish in the morning prior to the hearing on 12 February 2020.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering

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<sup>13</sup> Email dated 20 December 2019 to EHDC from Gladman Developments Ltd



paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing carried out and the Plan's presentation made consistent.

## **4.0 Neighbourhood plan preparation**

A Consultation Statement has been submitted. It explains that from the outset, a set of guiding principles informed the approach taken. The principles included early engagement, regular opportunities to comment as the draft plan evolved, different ways for people to engage, to benefit from the community's knowledge and experience and to ensure statutory requirements were met.

A Working Group was established in early 2017 consisting of a Parish Councillor and local residents to prepare the Plan. Having set parameters, topic based teams were formed to take forward each element of the Plan. Regular contact with EHDC was established and professional support enlisted.

A range of engagement methods were used; these included monthly Parish Council meetings open to the public, articles in the village magazine, Beech News, distributed free of charge to every dwelling in the Parish, a dedicated website, a Facebook page, a Nextdoor social media app and two events.

A questionnaire was circulated in Summer 2017 and achieved a good response rate.

Specific consultation was carried out on the specially commissioned Landscape Character Assessment (LCA) in October/November 2018.

Pre-submission (Regulation 14) consultation took place between 5 February – 2 April 2019; a slightly longer period as EHDC was also consulting on the emerging Local Plan.

The consultation was publicised through posters, articles in Beech News and at the monthly village dinner. An event was held during the period over a weekend.

I consider that the consultation and engagement carried out is satisfactory.

Submission (Regulation 16) consultation was carried out between 22 July – 2 September 2019.

The Regulation 16 stage resulted in 12 representations. I have considered all of the representations and taken them into account in preparing my report.

## 5.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

### Qualifying body

Beech Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

### Plan area

The Plan area is coterminous with the administrative boundary for the Parish. EHDC approved the designation of the area on 18 April 2017. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown clearly on page 4 of the Plan.

### Plan period

The Plan period is 2019 – 2028. This is clearly stated in the Plan itself and confirmed in the Basic Conditions Statement. This requirement is therefore satisfactorily met.

### Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

### Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.<sup>14</sup>

In this case, Section 6 of the Plan makes reference to matters falling outside the scope of the Plan and Section 7 includes the community's priorities in relation to revenues from the Community Infrastructure Levy (CIL) in an Infrastructure Development Plan. Both Sections are clearly differentiated.

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<sup>14</sup> PPG para 004 ref id 41-004-20190509

## 6.0 The basic conditions

### Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. On 24 July 2018, a revised NPPF was published. On 19 February 2019, the revised NPPF was updated and replaces the previous NPPF published in March 2012 and revised in July 2018.

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies and should shape and direct development outside of these strategic policies.<sup>15</sup>

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.<sup>16</sup> They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and set out other development management policies.<sup>17</sup>

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.<sup>18</sup>

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.<sup>19</sup>

Policies should also be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.<sup>20</sup>

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at [www.gov.uk/government/collections/planning-practice-guidance](http://www.gov.uk/government/collections/planning-practice-guidance) which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

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<sup>15</sup> NPPF para 13

<sup>16</sup> Ibid para 28

<sup>17</sup> Ibid

<sup>18</sup> Ibid para 29

<sup>19</sup> Ibid para 31

<sup>20</sup> Ibid para 16

PPG indicates that a policy should be clear and unambiguous<sup>21</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.<sup>22</sup>

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>23</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>24</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan aligns with the NPPF.

### **Contribute to the achievement of sustainable development**

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.<sup>25</sup> This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.<sup>26</sup> The objectives are economic, social and environmental.<sup>27</sup>

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.<sup>28</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement assesses the Plan in relation to sustainability.

### **General conformity with the strategic policies in the development plan**

The development plan includes the East Hampshire District Local Plan: Joint Core Strategy 2014 (JCS) adopted on 8 May 2014, the Local Plan (Part 2) Housing and Employment Allocations (2016) and the saved policies of the EHDC's Local Plan; Second Review (LP), adopted in March 2006. The Hampshire Minerals and Waste Plan (2013) also forms part of the development plan.

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<sup>21</sup> PPG para 041 ref id 41-041-20140306

<sup>22</sup> Ibid para 041 ref id 41-041-20140306

<sup>23</sup> Ibid para 040 ref id 41-040-20160211

<sup>24</sup> Ibid

<sup>25</sup> NPPF para 7

<sup>26</sup> Ibid para 8

<sup>27</sup> Ibid

<sup>28</sup> Ibid para 9

EHDC have helpfully confirmed that it is the policies in the JCS that are the relevant strategic policies for the purpose of the basic condition.<sup>29</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement outlines relevant JCS and LP policies alongside the Plan's policies with a commentary on each.

### ***Emerging Local Plan***

EHDC is currently reviewing the JCS. The draft Local Plan 2017 – 2036 will cover areas in East Hampshire outside the South Downs National Park. Two consultations have been carried out so far. The first was on the draft Local Plan and ran from 5 February – 19 March 2019. The second consultation focused on ten large development sites and ran from 3 September – 15 October 2019. Once adopted, it will replace the JCS.

There is no legal requirement to examine the Plan against emerging policy. However, PPG<sup>30</sup> advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the Plan is tested.

Furthermore Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging Local Plan and the adopted development plan with appropriate regard to national policy and guidance.<sup>31</sup>

### **European Union Obligations**

A neighbourhood plan must be compatible with European Union (EU) obligations. A number of EU obligations may be of relevance for these purposes including in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

PPG<sup>32</sup> confirms that it is the responsibility of the local planning authority, in this case EHDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is EHDC who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

### ***Strategic Environmental Assessment and Habitats Regulations Assessment***

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of

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<sup>29</sup> Representation from EHDC of 1 September 2019 in response to Regulation 16 consultation

<sup>30</sup> PPG para 009 ref id 41-009-20190509

<sup>31</sup> Ibid

<sup>32</sup> Ibid para 031 ref id 11-031-20150209

preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.<sup>33</sup> The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

A Screening Statement of 29 November 2018 has been prepared. This draft determination concluded that the Plan was unlikely to have any significant environmental effects and therefore a SEA would not be needed.

Consultation with the three statutory bodies took place on the Screening Statement. All three concurred that SEA would not be needed. The Basic Conditions Statement<sup>34</sup> indicates EHDC confirmed that no SEA would be needed by email on 7 December 2018. EHDC formally issued a Screening Determination letter on 22 July 2019.

EU obligations in respect of SEA have been satisfied.

With regard to HRA, the Screening Determination letter from EHDC dated 22 July 2019 states that HRA of the Plan is not required. Natural England concurred with this view. Given the distance, nature and characteristics of the nearest European sites and the nature and contents of this Plan, together with the responses from NE and the Screening Determination of EHDC, I consider that the requisite requirements have been met and that the prescribed basic condition is complied with.

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.<sup>35</sup>

### **European Convention on Human Rights (ECHR)**

The Basic Conditions Statement contains a detailed statement in relation to human rights. Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

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<sup>33</sup> PPG para 001 ref id 65-001-20190722

<sup>34</sup> Basic Conditions Statement page 19

<sup>35</sup> PPG para 031 ref id 11-031-20150209

## 7.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold text**. As a reminder, where I suggest specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is presented very well and contains 14 policies. There is a useful contents page at the start of the Plan. There is a minor typo to correct.

- **Correct “Ordinance” at the bottom of the Contents page to “*Ordnance*”**

### 1. Introduction

This is a helpful and well written introduction to the Plan that sets out general information about neighbourhood plans and contains key information about the Plan.

### 2. Preparing the Neighbourhood Development Plan

This well written section summarises the evolution of the Plan.

### 3. About Beech

Setting out a variety of information, this section gives the context for the Plan. It includes some very useful and clear maps and diagrams.

### 4. Vision

The clearly articulated vision for the Plan is:

“The Parish of Beech will continue to preserve its character as a spacious village set in a rural landscape, while at the same time ensuring that it remains a vibrant, safe and welcoming community and an attractive location for people to live.”

## 5. Policies

This section of the Plan contains the policies. It is divided into five topic based sections. Each begins with a set of objectives, reference is made to supporting evidence and the intention of the policies is set out.

This section explains that, if made, the Plan will “span” the JCS and the emerging Local Plan. As a result the Plan seeks to import some of the JCS policies in the period before the Plan can be reviewed.

EHDC expresses some concern about this approach and I agree. This is because whilst the Plan has rightly been prepared against the backdrop of the current development plan which includes the JCS and with an eye on the emerging Local Plan, once the JCS has been superseded, if there are conflicts between policies in this Plan and any Local Plan which has been subsequently adopted, the conflict will be resolved in favour of the policy which is contained in the last document to become part of the development plan.<sup>36</sup>

Therefore whilst I see no harm in bringing in some reference to the JCS, the Plan could be construed as being potentially misleading on this point. A modification is therefore made to address this.

- **Change the “note” on page 14 of the Plan to read:**

***“The first adopted version of this Plan will span EHDC’s replacement of its Local Plan, the Joint Core Strategy (2014), in which the policies are known, by its Local Plan 2017 – 2036, in which the policies are currently in draft with their final form unknown. There will be a time lag between EHDC’s adoption of its Local Plan 2017 – 2036 and any subsequent revision of this Plan. It must be noted that if there are conflicts between the policies in the new Local Plan 2017 – 2036 once it is adopted and this Plan, it is the most recently adopted plan which will take precedence.”***

### ***Section 5.1 Countryside and Environment***

The “Background and Intent” section quotes from the NPPF. Two quotes refer to national parks, the Broads and Areas of Outstanding Natural Beauty (AONB). Given that the Plan area does not include any of those designations, the quotes might be construed as being potentially misleading. To avoid this scenario, a modification is recommended in the interests of accuracy and clarity.

- **Delete the sentence that begins “In summary...” from the first paragraph under the sub section heading “Background and Intent” on page 15 of the Plan**

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<sup>36</sup> PPG para 009 ref id 41-009-20190509



## Policy BPC01: Green Infrastructure & Biodiversity

The Plan rightly recognises the importance of green infrastructure. This has an important multi-functional role. It delivers a wide range of environmental and quality of life benefits including supporting healthy lifestyles, helping to address climate change and as part of flood risk management.

This policy seeks to retain green infrastructure including old woodland cover and wildlife habitats and to support the addition or enhancement of green infrastructure. This is a stance the NPPF supports and is a local expression of JCS Policies CP20, 21 and 28 in particular.

Inadvertently, the policy as currently written, may support otherwise unacceptable development if the proposal provides green infrastructure or enhances wildlife corridors. With a modification to address this in the interests of clarity and ensuring that sustainable development can be achieved, the policy will meet the basic conditions.

- **Add the words “*Otherwise acceptable*” at the start of criterion b) of the policy**

## Policy BPC02: Development outside the Settlement Policy Boundary

This policy was discussed during the hearing alongside Policy BPC03. The policy explains any land falling outside the Settlement Policy Boundary shown on Map 2, will be considered as countryside. It then sets out the types of development that will be appropriate in this location.

The Settlement Policy Boundary has been defined through the JCS. It has not been reviewed as part of the work on this Plan although some minor revisions are proposed through the emerging Local Plan. The principle of identifying Settlement Policy Boundaries is therefore well established in the District and there is evidence that such an approach will be taken forward in the emerging Local Plan.

JCS Policy CP19 is a policy of general restraint to protect the countryside for its own sake. Development which is allowed should have a proven need for a countryside location such as farming or forestry or other rural enterprises in line with JCS Policy CP6. In turn that policy permits farm diversification and conversion of rural buildings.

The criteria are similar to JCS Policy CP19, as EHDC rightly point out, but the policy does add some additional local steer. However, it does not align with the more recent NPPF which, for example, permits well designed new buildings to support the sustainable growth and expansion of businesses in rural areas.<sup>37</sup> Given the approach of the policy is

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<sup>37</sup> NPPF para 83

in general conformity with District level policies and seeks to list the type of development which may be acceptable, it is important that the list includes the acceptable types of development.

I am also concerned that both criteria of the policy then refer to other policies of the development plan which is unnecessary as all policies in the development plan when relevant would be considered by any decision taker in any case.

Therefore to meet the basic conditions, a modification to the policy is put forward. This will improve the policy's flexibility and help to ensure it meets the basic conditions.

I must record that at the hearing a helpful suggestion was made to combine Policies BPC02 and 03. I have given this careful consideration and am grateful to the parties for their suggestions and inputs in putting forward wording and others' comments on it. I have however reached the conclusion that the policies as modified can remain separate.

- **Change the policy to read:**

**“Land outside the Beech Settlement Policy Boundary (as shown in Map 2) will be considered as countryside.**

***Sustainable development which has a proven need to be located in a countryside location, either for the purposes of agricultural, forestry or other rural enterprise or rural conservation needs; or through the conversion of redundant or disused rural buildings; or well designed new buildings that support the sustainable growth and expansion of all types of businesses; or is essential utility infrastructure that cannot be located elsewhere; or is for rural exception site housing or other housing promoted by national and District level policies will be supported provided that its effect on the countryside and its intrinsic character and beauty is acceptable.”***

### **Policy BPC03: Preventing Coalescence with Alton and Medstead/Wivelrod**

This policy was discussed during the hearing. Please see my comments above in relation to Policy BPC02.

Two “non-coalescence” areas are proposed by this policy. The areas are shown on Maps 3 and 4. The first is between Beech and Alton. The second is between Beech and Medstead/Wivelrod.

The policy resists development if individually or cumulatively it would increase the risk of coalescence and diminish the separate identity of each settlement by reducing openness and the visual break between the settlements.

First of all, even though gaps between these settlements are not included in JCS Policy CP23, Gaps Between Settlements, I consider it is appropriate in principle for neighbourhood plans to identify such areas of local importance at the neighbourhood level. I am aware many other neighbourhood plans have included policies with similar aims.

Secondly, the policy seeks to deal with coalescence which is a recognised planning issue. It is important to prevent neighbouring settlements merging into one another and for local identity and distinctiveness to be reinforced and promoted.

Therefore I find no objection in principle to such a policy. There is also no conflict with policies at District level and EHDC also do not raise any 'in principle' objection. By designating such an area, there is no evidence before me that District level strategic policies on housing or other development given Beech's position in the settlement hierarchy and the achievement of sustainable development could not be achieved.

I saw the non-coalescence areas as proposed to be designated at my visits.

The area shown on Map 3 is the Beech/Alton area. It was this area which particularly concerned Gladman Developments Ltd not least because they have an interest in land which would fall within this proposed area.

The area proposed is relatively large. It essentially follows the Parish boundary towards Alton and uses the Settlement Policy Boundary and field boundaries to identify the area. There is evidence that Alton is expanding westwards and southwards towards the Parish boundaries as planning permission has been granted for two schemes and a further development site is included in the emerging Local Plan.

Although Beech and Alton are separated by the A339, the A339 might not provide enough of a physical barrier and in any case does not provide sufficient or satisfactory visual separation between the two settlements. The concern about coalescence between Beech and Alton therefore has a firm basis.

Much of the land within the proposed area was described to me at the hearing as forming a "basin". The topography in this Parish is certainly of great importance and a feature of the area. I saw at my visit that the open countryside facing Alton from Beech village is a valued part of the setting of Beech which merits safeguarding. There are also substantial areas of ancient woodland within the proposed area as well as other areas of land adjacent to the A339.

The Parish Council would prefer a policy which identifies a geographical area on a map whereas EHDC would prefer a criteria based policy which would reflect the approach of JCS Policy CP23 and the emerging Local Plan.

I consider that, in this case, there is some justification for an area to be identified on a map, particularly given the committed status of those sites with planning permission, as this would add clarity to the planning process and reassurance to the local community.

However, if the area is to be defined on a map, then the area must be appropriate. At the hearing my attention was drawn to the Landscape Character Assessment (LCA) carried out as part of work on the Plan. It divides the Parish into six landscape character type areas subdividing the built up areas into three sub types. Whilst the LCA identifies valued characteristics and forces for change which refer to separation, I consider the area proposed is too large as presently put forward. In any case, landscape is but one issue in the identification of areas such as these. It is unnecessary to include areas such as ancient woodland which already have some protection. A modification is therefore made to the area shown on Map 3. A further modification to the Map to remove areas shown as “earmarked” for housing is made in the interests of clarity.

I note Gladman Developments Ltd has raised substantial concern about the designation of the area.

I am also mindful that the emerging Local Plan proposes a site allocation, known as SA19, which falls partly within the proposed area. However, a representation has been received on behalf of the promoters of SA19 giving support for the designation and demonstrating how that site could be developed whilst respecting the small area which falls within the proposed designation. This gives me comfort that the designation is unlikely to harm the developability, deliverability or viability of the sites coming forward in the emerging Local Plan or the achievement of sustainable development at a strategic or local level.

Turning now to the second area, the Medstead/Wivelrod area, shown on Map 4, this seeks to prevent coalescence between three settlements. Medstead has a clear and distinctive edge which coincides with the Parish boundary. The area proposed for designation does not relate to any other built development or physical boundary, but spreads into open countryside. The area towards Wivelrod, a settlement falling outside the Parish, reaches to the Parish boundary where it would adjoin open countryside to the southeast of Wivelrod. The area is not supported by the physical relationship between the places concerned and so is without sufficient justification. A modification is therefore made to delete this area.

With regard to the wording of the policy, I consider that greater clarity and flexibility are needed. With that in mind, a modification is proposed to the wording of the policy.

Consequential amendments to the supporting text will be needed to remove references to the Medstead/Wivelrod area and the woodland now proposed for deletion from the Beech/Alton area. In addition, a change is recommended to the tone of the supporting text so that it is less subjective to provide a more practical framework for decision making.

With these modifications, the policy will meet the basic conditions.

- **Modify Map 3 to remove areas of woodland and remove the “pink” areas which show “land...earmarked for development”**

- Delete the Beech/Medstead/Wivelrod area and all references to it and Map 4
- Reword the policy to read: *“Development will not be permitted in the non-coalescence area shown on Map 3 if, individually or cumulatively, it would result in reducing the visual and/or physical separation between Beech and Alton or otherwise diminish their separate and distinctive identities.”*
- Consequential amendments will be needed to the supporting text to remove references to the Medstead/Wivelrod area and the woodland
- Substitute the word *“brings”* for the word *“marches”* in paragraph 4

#### **Policy BPC04: Preservation of Amenity of Historic Parkland**

Thedden Grange is the subject of this policy. It is valued by the local community. The policy designates an area around the Georgian Grange and its parkland to help ensure that any development is appropriate in type and scale. The extent of the area also takes into account views. It is supported by the LCA and is a local expression of JCS Policy CP20 in particular.

I note that EHDC support the policy. Historic England suggest amendments to the wording of the policy, but these can be considered as part of any future review of the Plan.

I consider the policy meets the basic conditions as currently presented and that the area identified on Map 5 is appropriate. No modifications are therefore recommended.

#### **Policy BPC05: Recreation Space – Local Green Spaces**

Two Local Green Spaces (LGS) are designated by this policy. They are both clearly shown on Map 6.

The NPPF explains that LGSs are areas of particular importance to local communities.<sup>38</sup> The effect of such a designation is that new development will be ruled out other than in very special circumstances.

The identification of LGSs should be consistent with local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. The NPPF makes it clear that LGSs should be capable of enduring beyond the Plan period. Further guidance about LGSs is given in PPG.

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<sup>38</sup> NPPF paras 99, 100 and 101

I visited both proposed areas at my visit.

**The green at the Village Hall** is situated at the fork of a road junction within the village and lies adjacent to the Village Hall and associated car park. It is a grassed area with trees, seats and a play area.

**The Recreation Ground** is an area of land used for football, cricket and other sports. It is accessed by foot. It is an area of elevated and enclosed land.

In my view, the proposed LGS meets the criteria in the NPPF satisfactorily as both are in close proximity to the community served, hold a particular local significance and are demonstrably special, are local in character and are not extensive tracts of land.

The NPPF explains that policies for managing development within a LGS should be consistent with those for Green Belts. In turn the NPPF explains<sup>39</sup> that inappropriate development is harmful and should not be approved except in very special circumstances. It goes on to indicate what inappropriate development is and exceptions to that. The policy reflects that insofar as is necessary to do so. However, it does not refer to Map 6 which shows the two LGSs. A modification is made to remedy this in the interests of clarity.

With this modification, the policy will meet the basic conditions.

- **Add the words “as shown on Map 6” after “The following sites...” in the policy**

## **Section 5.2 Housing**

### **Policy BPC06: Development Setting and Scale**

This policy was discussed at the hearing. I am again grateful to the parties for making their points and putting forward suggestions as to how it might be amended; this has helped to inform my own thinking on a way forward.

The preamble explains that the local community accepts the need for new homes and that the needs of older people, first time buyers and those needing affordable homes are especially supported. Beech is defined as an “other settlement with a settlement policy boundary” in the JCS. These are settlements with a limited range of local services and may be appropriate for some further small scale local development.<sup>40</sup>

Policy BPC06 is a long criteria based policy. On the face of it, it applies to the whole Parish. However, at the hearing the Parish Council confirmed that the intention was it should only apply to development within the Settlement Policy Boundary and other specified areas. This makes sense and was accepted by the participants at the hearing.

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<sup>39</sup> NPPF paras 143 - 147

<sup>40</sup> JCS page 25

Modifications are therefore made in the interests of providing a practical framework for decision making to the policy and to its supporting text.

The policy seeks to ensure that development coming forward respects the character and appearance of the locality and its distinctive characteristics. The policy has been informed by the LCA.

Taking each criteria: a) relates to the linear nature of Beech village. It is clearly worded.

Criterion b) could be open to interpretation and is rather loosely worded so a modification is recommended to make it clearer and to provide a more practical framework for decision making.

Element c) is unclear in how it might be applied. I have incorporated an element regarding rooflines in the revised criterion b) and it can therefore be deleted.

Criterion d) is a little unclear, but is now covered by the modified criterion b) and so is recommended for deletion.

Element e) refers to development on the hillsides. This is difficult to interpret and apply although I can see from my visit the intention of this part of the policy. I have therefore recommended a modification to this element.

Criterion f) refers to backland development and the subdivision of plots along Medstead Road. This is the main road through the village and is a long road. Criterion a) and revised criteria b) and e) will deal with any concern about inappropriate backland development. It can therefore be deleted.

Criteria g) and h) refer to a Special Housing Area (SHA) which is shown on Map 7. The extent of the area also includes some of the Medstead Road properties referred to in the previous element.

I understand the SHA has been brought forward from saved LP Policy H10 which is not regarded as a strategic policy by EHDC. EHDC has indicated that the emerging Local Plan will take a different approach based on a Neighbourhood Character Study (NCS) undertaken in 2018 for EHDC. This Study recognised the area was very low density at four dwellings per hectare but identified plot size as varying from around 0.74 hectares to around 0.07 hectares. The Study identified pressure to develop. It identifies the area as “very low density, where large plots are ‘hidden’ development”.<sup>41</sup> Although identifying this element as a key characteristic, it does not make any specific recommendations in this respect, but suggests that consideration should be given to replacing LP Policy H10 with a District-wide design policy and guidance.<sup>42</sup>

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<sup>41</sup> Neighbourhood Character Study page 72

<sup>42</sup> Ibid page 69 onwards

EHDC point out that criterion g) of Policy BPC06 largely repeats saved LP Policy H10 part e) and consider this to be out of kilter with the more recent evidence in the form of the NCS and JCS Policy CP10.

The LCA suggests conserving the current density of settlement and refers to the minimum plot size of 0.2 hectares in the SHA. Given the NCS, I would have liked to find more detailed, specific and local evidence put forward in support of this part of Policy BPC06. However, I am mindful that saved LP Policy H10 is still operative at the moment although at the hearing EHDC indicated anecdotally it had not received broad support at appeal, Inspectors preferring to take a 'case by case' approach.

Element h) seeks to introduce a presumption to prevent new dwellings in the front gardens of properties in Wellhouse Road also falling within the SHA.

The NPPF is clear that policies should support development that makes efficient use of land, but the desirability of maintaining an area's prevailing character and setting should be taken into account amongst other things.<sup>43</sup> It indicates that high quality places are fundamental and that good design is a key aspect of sustainable development, creates better places to live and work and helps to make development acceptable to communities.<sup>44</sup>

At my visit I saw that Medstead Road and Wellhouse Road had different characters, but both roads make a vitally important contribution to the distinctiveness of Beech. In my view, given that the properties along the narrow Wellhouse Road were large and situated in spacious plots, the subdivision of plots and building in front garden areas would potentially adversely affect the character and appearance of the roads. But this is not the same as what amounts to a blanket ban on new dwellings in front gardens.

Both criteria g) and h) are restrictive. Yet the area has a distinctive character and appearance. As saved Policy H10 is still extant, criterion g) is appropriate to retain in Policy BPC06 in some form given that the supporting text for saved LP Policy H10 identifies the range of plot sizes as does the NCS. I propose to amalgamate it with criterion h) to recognise the SHA but to do so in a more flexible way.

The modified policy and accompanying text will seek to ensure that new development is of high quality design and that local character is taken into account. This is in line with the NPPF's<sup>45</sup> stance on the creation of high quality buildings and places, in general conformity with the JCS and Policy CP29 in particular and will help to achieve sustainable development.

- **Add at the start of the policy [before criterion a)]: *"This policy applies to any new development or redevelopment proposals within the Settlement Policy Boundary and on sites outside the Settlement Policy Boundary which have a frontage on or gain or would gain access from Medstead Road, Snode Hill,***

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<sup>43</sup> NPPF para 122

<sup>44</sup> Ibid para 124

<sup>45</sup> Ibid para 125 and Section 12



***Wellhouse Road and Kings Hill. Proposals should take account of all the following design considerations:***

- ***Reword criterion b) to read: “New dwellings should reflect the size, height, scale and massing of dwellings in the area they are to be located and pay particular attention to, and respect, established building lines, rooflines and the prevailing plot sizes of surrounding and nearby dwellings.”***
- ***Reword [existing] criterion e) to read: “Care should be taken in the siting and location of any new buildings on hillsides. It is important that any buildings sited on hillsides are visually acceptable from short and longer vistas and do not disrupt the character and appearance of the area and in particular its wooded skyline backdrop.”***
- ***Amalgamate criteria g) and h) into a new criterion that reads: “Within the Special Housing Area (shown on Map 7) any subdivision of plots should not result in a plot area of less than 0.2 hectare unless it can be demonstrated that this would conserve the character of the area. New dwellings in the front gardens of existing dwellings in Wellhouse Road are unlikely to be acceptable.”***
- ***Delete criteria c), d), f), g) and h)***
- ***Delete paragraph 1. of the supporting text and replace with “This policy applies to all new development or redevelopment proposals within the Settlement Policy Boundary and on sites outside the Settlement Policy Boundary which have a frontage on or gain or would gain access from Medstead Road, Snode Hill, Wellhouse Road and Kings Hill. Whilst this policy is intended to guide the form of development, it should not be interpreted as supporting the principle of development in these locations where that development would conflict with other policies in the development plan, including the Neighbourhood Development Plan.”***
- ***Change paragraph 3. on page 24 of the Plan to read: “Policy BPC06 is intended to protect the village skyline which is established by the mature green infrastructure. The LCA supports these policies.”***
- ***Update the reference to the criterion in paragraph 5. on page 25 of the plan to reflect the combined criterion as modified above***

### **Policy BPC07: Building Design and Character**

This policy has its foundations in the Village Design Statement of 2002. It is also informed by the LCA. It seeks to complement strategic policies, including JCS Policies CP20, CP27 and CP29 by adding a local dimension.

The criteria based policy is clearly written. It covers design, living conditions, boundary treatments, trees and landscaping, lighting and encourages energy efficiency. It reflects the NPPF's stance on achieving well designed places and pollution and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

### **Policy BPC08: Housing Mix**

The NPPF<sup>46</sup> is clear that the supply of housing should be boosted and that the needs of different groups in the community be reflected in planning policies. PPG explains the need to provide housing for older people is critical.<sup>47</sup>

This policy seeks to meet local housing needs which have been identified as part of the work on the Plan supporting the development of smaller homes for younger people and families and for those wishing to downsize. Whilst housing needs may well alter over time, the provision of smaller units for these groups will tend to form part of the mix.

EHDC make the point that given Policies BPC06 and BPC07 seek to ensure that any new dwellings are of a similar size and scale, it is hard to see how this policy would be implemented. The Plan itself recognises this in the supporting text. Nevertheless the policy applies across the Parish not just within the Settlement Policy Boundary and any future review of the Plan could potentially seek to further this desire by considering suitable opportunities.

The policy is clearly worded and meets the basic conditions. It is a local expression of JCS Policy CP11. No modifications to it are therefore recommended, but the supporting text does require some clarification and removal of statements that are either without explanation or which read as policy statements.

- **Delete paragraph 2. on page 27 of the Plan**
- **Delete the words "...each likely to be of four homes or fewer per site..." in paragraph 3. and replace with "...likely to be smaller developments..."**
- **Correct the typo in paragraph 1. "stories" to "storeys"**

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<sup>46</sup> NPPF paras 59, 60 and 61

<sup>47</sup> PPG para 001 ref id 63-001-20190626

## Section 5.3 Local Economy

### Policy BPC09: Site of the Departure Lounge and Village Businesses

New businesses and the expansion of existing businesses are supported by this policy subject to three criteria.

Three locations are referred to: within the Settlement Policy Boundary, redundant farm buildings and the site of the Departure Lounge. The Departure Lounge site is adjacent to the A339 to the north east of the village. Historically, a commercial market, it has now been converted into small business units. I saw at my visit that these include a café, self storage and pet wash.

First of all, the policy's reference to farm buildings should be extended to include all other rural buildings in line with the NPPF which does not restrict the conversion of buildings for business use to redundant farm buildings.<sup>48</sup> In fact the NPPF in supporting a prosperous rural economy does not refer to redundant buildings and also supports well designed new buildings. A modification is therefore made to better reflect the stance of the NPPF.

Secondly, whilst the first two criteria are clearly worded and seek to ensure the sustainable growth and acceptability of any proposals, the last criterion simply refers to other policies in the development plan. This is unnecessary as any relevant development plan policies would be taken into account in any case. A modification is therefore made to address this.

Subject to these modifications, the policy will take account of national policy and guidance, reflect JCS Policy CP6 in particular and help to achieve sustainable development.

- **Change the first sentence of the policy to read: "...or in *farm or other rural buildings or in well designed new buildings* or at the site of the Departure Lounge..."**
- **Delete criterion c)**

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<sup>48</sup> NPPF para 83

## **Section 5.4 Highways and Transport**

### **Policy BPC10: Managing the Impact of New Development on Traffic**

The Plan explains that traffic is of concern to the local community; primarily its volume and its speed. Work on the Plan has identified the opportunity to enhance footpath, cycling and bridleway provision and connections.

Policy BPC10 has three elements. The first seeks to ensure new development is acceptable in relation to the nature and volume of traffic it creates on the local road network. It is a local expression of JCS Policies CP29 and CP31.

The second is designed to ensure that vehicular accesses to new developments are appropriate reflecting the rural character and nature of the local road network.

The last element seeks to ensure safety is paramount. It seeks to include some specific requirements about vehicles entering and leaving sites in forward gear and entrance gates that are prescriptive and may, on certain sites, be unnecessary. Little substantive evidence such as a traffic or highways study, is produced to support this element. A modification is therefore made to address this.

With this modification, the policy seeks to ensure that the potential impacts of development on transport networks are satisfactorily addressed given the nature of the local road network. This aligns with the stance in the NPPF which promotes sustainable transport.<sup>49</sup> It will help to achieve sustainable development.

- **Delete the second and third sentences of criterion c) of the policy**
- **Delete paragraph 4. of the supporting text on page 33 of the Plan**

### **Policy BPC11: Footpaths, Bridleways and Cycle Paths**

It is clear that footpaths, bridleways and cyclepaths are valued by the local community. This policy seeks to ensure that new developments take any available opportunities to retain, reinstate or enhance those networks.

In addition, a proposed cycle route from Alton to the A339/Medstead Road junction is supported.

The policy is clearly worded. It reflects the NPPF's stance on promoting opportunities to promote walking and cycling<sup>50</sup> in order to promote sustainable transport, but also to promote healthy, inclusive and safe places including pedestrian and cycle connections

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<sup>49</sup> NPPF Section 9

<sup>50</sup> Ibid para 102

within and between neighbourhoods<sup>51</sup> which promote healthy lifestyles and social interaction. It is a local expression of JCS Policy CP31 in particular.

It therefore meets the basic conditions and no modifications are recommended.

### **Policy BPC12: Planning for Parking**

Beech has high car ownership as a result of its rural location. There is also limited public transport in the area. This policy therefore seeks to ensure any new development provides satisfactory off-street parking and sets a standard of one space per bedroom up to three bedrooms for residential development.

Local parking standards should take account of accessibility, the type of development, public transport provision and car ownership.<sup>52</sup> Whilst the policy introduces higher minimum within plot requirements than the current EHDC standards, the policy is sufficiently supported by evidence and based on the local context which I saw during my site visit. However, a greater element of flexibility is needed to address those situations where such provision may not be necessary.

With this modification, the policy will meet the basic conditions.

- **Add the word “usually” between “...should...” and “...include...” in the second sentence of the policy**

### **Section 5.5 Infrastructure**

#### **Policy BPC13: High Speed Broadband and Mobile Communications**

In common with many rural areas, the availability and quality of broadband and other telecommunications infrastructure is an important issue. This policy supports the provision of infrastructure to improve telecommunications. This is in line with the NPPF’s support for high quality communications infrastructure.<sup>53</sup> It will help to achieve sustainable development. The policy is clearly worded and meets the basic conditions. No modifications are therefore recommended.

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<sup>51</sup> NPPF para 91

<sup>52</sup> Ibid para 105

<sup>53</sup> Ibid Section 10

## **Policy BPC14: Drainage Infrastructure Requirements**

The Plan explains that Beech has experienced flooding as rainwater from the surrounding hills flows towards the village. This policy therefore requires new development to show satisfactory infrastructure for surface water disposal will be provided.

In their representations, both the Environment Agency and Thames Water suggest this policy can be strengthened in line with the NPPF.

EHDC consider the policy is not in general conformity with JCS Policy CP25 in relation to SuDs. In response the Parish Council indicate that this strategic policy requires new development to ensure there is no increase in surface water run-off. Due to the topography in the area, Beech experiences surface water flooding from run-off from fields and the hillside. What is sought is the infrastructure to improve methods for dealing with run off through SuDs or other off site drainage improvements. This then should be a priority for the Plan's Infrastructure Development Plan.

If this policy is modified to address the comments from the Environment Agency, Thames Water and EHDC, it will simply repeat the NPPF and the JCS. Therefore whilst I understand and support the community's desire to address the matter, Policy BPC14 as currently presented does not provide me with enough information or certainty to enable me to modify it satisfactorily to reconcile the points made at the non-strategic neighbourhood level. Therefore it can only be deleted.

- **Delete Policy BPC14 and its supporting text and Map 10**

## **6. Social Infrastructure**

This section of the Plan details education, health and community facilities issues of importance to the local community. It recognises that this forms part of a separate section of the Plan.

## **7. Infrastructure Development Plan**

Explaining that once the Plan is made, 25% of revenues from the CIL will be available to the Parish, this section contains a list of the community's priorities for spending any such revenues. This is helpful.

## 8. Monitoring and Review

Although there is no statutory requirement to monitor and review neighbourhood plans at the present time, this section indicates that the Parish Council will undertake reviews. I regard this as good practice and commend this to others.

This part of the Plan also sets out how the Plan will be used

## Appendices

Appendix 1 contains details of supporting documents and the evidence base.

Appendix 2 contains the responses of the Traffic Solution Survey referred to in Section 5.4.

There is a typo to correct on page 42 of the Plan.

- **Correct “Ordinance” on page 42 to “*Ordnance*”**

## Glossary

The Plan includes a helpful glossary.

## 8.0 Conclusions and recommendations

I am satisfied that the Beech Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to East Hampshire District Council that, subject to the modifications proposed in this report, the Beech Neighbourhood Development Plan is able to proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Beech Neighbourhood Development Plan is able to proceed to a referendum based on the Beech Neighbourhood Plan area as approved by East Hampshire District Council on 18 April 2017.

*Ann Skippers* MRTPI  
Ann Skippers Planning  
4 May 2020



## **Appendix 1 List of key documents specific to this examination**

Beech Neighbourhood Development Plan 2019 – 2028 Submission Version June 2019

Basic Conditions Statement June 2019

Consultation Statement May 2019

Strategic Environmental Assessment Screening Statement Draft Determination 29  
November 2018

Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)  
Opinion Screening Determination Letter from EHDC of 22 July 2019

Beech Landscape Character Assessment (terra firma)

Beech Parish Archaeology HER report

Beech HBIC Ecological data search

East Hampshire District Local Plan: Joint Core Strategy adopted June 2014

East Hampshire District Local Plan: Housing and Employment Allocations April 2016

East Hampshire District Local Plan: Second Review adopted 30 March 2006

Draft Local Plan 2017 – 2036 (Regulation 18) Consultation 5 February – 19 March 2019

Neighbourhood Character Study for East Hampshire District Council Final Report:  
Classification and Description December 2018 (as pertaining to Beech)

Supporting and other documents on the Parish Council and Working Group websites at  
[www.Beechpc.com](http://www.Beechpc.com) and [www.Beechnp.co.uk](http://www.Beechnp.co.uk)

Comments from the Parish Council on Regulation 16 representations

**List ends**

## Appendix 2 Notice of hearing, agenda and guidance notes

### EAST HAMPSHIRE DISTRICT COUNCIL – EXAMINATION OF THE BEECH NEIGHBOURHOOD PLAN

#### TOWN AND COUNTRY PLANNING ACT 1990 (“The 1990 Act”)

#### SECTION 61E & SCHEDULE 4B: PROCESS FOR MAKING OF NEIGHBOURHOOD DEVELOPMENT ORDERS (“SCHEDULE 4B”)

#### NOTICE OF PUBLIC HEARING UNDER PARAGRAPH 9(2) OF SCHEDULE 4B

Notice is given that the appointed Independent Examiner, Ann Skippers BSc (Hons), MRTPI, FRSA, AoU, into the abovementioned draft neighbourhood plan has decided to hold a Public Hearing as part of the examination.

The purpose of the Public Hearing is to give Gladman Developments Ltd a fair chance to put their case. This is because their representation at pre-submission stage (Regulation 14 of The Neighbourhood Planning (General) Regulations 2012) was not considered by Beech Parish Council, in its role as qualifying body for preparing the Beech Neighbourhood Plan.

Venue: Beech Village Hall, 1 Wellhouse Road, Beech, Hampshire, GU34 4AQ

Date: Wednesday 12 February 2020

Start Time: 2pm

After the Independent Examiner has introduced the Public Hearing and its purpose, the Independent Examiner will invite Gladman Developments Ltd to put forward their case on the draft Policies or other aspects of the draft neighbourhood plan in relation to compliance with the basic conditions and other matters the Independent Examiner must consider.

The Public Hearing will take the form of a roundtable discussion. The Independent Examiner will invite the participants to give their respective comments and may ask questions or raise points of each participant.

Members of the general public are warmly invited to attend, but only those invited to participate in advance (and listed on this notice) will be able to speak and take part in the discussion.

It is important to note that not everyone who has made representations will be invited to participate in the Public Hearing. The Public Hearing will not consider every matter raised in representations. This is because the Independent Examiner considers that these other matters can be adequately dealt with by way of written representations.

After the Public Hearing the Independent Examiner is expected to complete and submit the examination report by the end of March 2020. The examination report will set out whether or not the neighbourhood plan should proceed to the next step of a referendum; and if so whether any modifications should be made to it before it is subject to a referendum, in accordance with Schedule 4B of the 1990 Act.

#### **Invited Participants:**

Gladman Developments Ltd

Beech Parish Council

East Hampshire District Council

Date of Notice: 6<sup>th</sup> January 2020

**Examination of the Beech Neighbourhood Plan  
Public Hearing  
12 February 2020 at 2pm  
Agenda and Guidance Notes**

**Introduction**

The appointed Independent Examiner into the above draft neighbourhood plan, Ann Skippers, has decided to hold a Public Hearing as part of the examination.

The purpose of the Public Hearing is to give Gladman Developments Ltd a fair chance to put their case to ensure adequate examination of the points raised. This is because their representation at pre-submission stage was not considered by the Parish Council.

**Agenda**

1. **Introduction to the Public Hearing** including its purpose, how it will be conducted, housekeeping matters and introduction of the Invited Participants (Ann Skippers, Independent Examiner)
2. **Neighbourhood Plan Policies** to be discussed by the Invited Participants (discussion led by the Independent Examiner)
  - **Gladman Developments Ltd has notified the Examiner they wish to focus on Policies BPC02 (Matter 1), BPC03 (Matter 2) and BPC06 (Matter 3)**
3. **Any other issues raised by Gladman Developments Ltd** (discussion led by the Independent Examiner)
4. **Other Matters**
5. **Close.** It is anticipated that the Public Hearing will end between 4pm and 5pm. A short comfort break will be taken at a convenient point in proceedings.

**Invited Participants:**

Gladman Developments Ltd  
Beech Parish Council  
East Hampshire District Council

*Agenda finalised on 13 January 2020*

## **Guidance Notes for Invited Participants and Attendees at the Public Hearing into the Beech Neighbourhood Plan**

The session will take the form of a Neighbourhood Plan Public Hearing. This is distinctive to neighbourhood planning. It is not the same as a public inquiry, an appeal hearing or an examination in public for a Local Plan.

The Public Hearing will be chaired by the Independent Examiner and run entirely at her discretion. It will take the form of a roundtable discussion. Generally, the Independent Examiner will seek to ensure that the Invited Participants have an opportunity to put forward their case to ensure that the issues raised are examined in satisfactory detail by inviting them to provide their views and/or answer questions posed by her.

It is suggested that a maximum of two representatives from each of the Invited Participant organisations or bodies sit round the table to participate in the Public Hearing. The representatives could change on each matter for discussion and can be substituted at any time.

Only one person may speak at any one time.

The matters to be considered are set out in the Agenda above. All the Invited Participants are invited to speak on all matters.

It should be noted that only the Invited Participants will be able to speak and participate in the discussions. Members of the general public are warmly invited to attend, but they will not be able to take part in the discussions themselves.

As a general rule, there will be no cross-examination. Participants may not question other participants, although they may request that questions be asked of other participants.

No pre-hearing statements or any further written submissions are invited at this stage. It may be the case that further information is requested by the Independent Examiner at the Public Hearing for submission after the close of the Public Hearing. If the Independent Examiner requests further submissions, these will be publicly available.

Whether attendees agree or disagree with what is being said at any time, attendance at the Public Hearing is on the basis that all people present, including members of the public, will be respectful to all other parties at all times.

Attendees may leave at any time, but are requested to respect participants and members of the general public in doing so.

**For further information** relating to the Public Hearing please contact [neighbourhoodplans@easthants.gov.uk](mailto:neighbourhoodplans@easthants.gov.uk) or call East Hampshire District Council's planning policy team on 01730 234102. If anyone has any special requirements in

terms of access or otherwise, please get in touch with East Hampshire District Council using these contact details as soon as possible, to help ensure we can do our best to meet your needs.

## Appendix 3 Notes of hearing

### EXAMINATION OF THE BEECH NEIGHBOURHOOD PLAN

PUBLIC HEARING – 12 FEBRUARY 2020

#### Notes of Hearing

Participants Ann Skippers (AS) – Independent Examiner  
Graham Webb (GW) – Beech Parish Council  
John Slater (JS) – John Slater Planning Ltd, obo Beech Parish Council  
Tony Ransley (TR) – Beech Parish Council  
Victoria Potts (VP) – East Hampshire District Council  
Kevin Thurlow (KT) – East Hampshire District Council  
Richard Agnew (RA) – Gladman Developments Ltd  
Richard Crosthwaite (RC) – Gladman Developments Ltd

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1. **Introduction**  
AS explained that the purpose of the hearing was to give Gladman Developments Ltd a fair chance to put forward their case concerning the Beech Neighbourhood Plan, to ensure that the issues raised in their Regulation 14 and Regulation 16 consultation responses are examined in satisfactory detail. AS noted that although only the invited participants could take part in the hearing, other responses to the Regulation 16 consultation would also be carefully considered through the examination process.
- GW made an opening statement, apologising to the examiner, other participants and the general public for Beech Parish Council's failure to consider the Regulation 14 consultation response from Gladman Developments Ltd. RA noted that Gladman Developments Ltd ('Gladman') were present to explore the points made in their representations and that the Consultation Statement for the Beech Neighbourhood Plan had been deficient by omitting details of their Regulation 14 response. AS noted that the purpose of the hearing was to remedy this deficiency through exploring the points made by Gladman.
2. **Neighbourhood Plan Policies – BPC02**  
RA stated that Policy BPC02 is negatively worded, could stifle the growth of Alton and is not flexible enough to accord with paragraph 16 of the National Planning Policy Framework (NPPF). RA suggested that the policy is re-worded to suggest that sites adjacent to Alton would be considered differently. GW noted that the policy as written reflects the wishes of Beech Parish residents as shown by the 2017 village questionnaire. GW suggested it is in general conformity with Policy CP19 of the East Hampshire Joint Core Strategy ('JCS'). KT noted that CP19 is a relevant policy from the JCS and referred to East Hampshire's response to the Regulation 16 consultation for further details. Neither Beech Parish Council nor EHDC supported Gladman's alternative wording for BPC02, contained in the latter's Regulation 16 representation.

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**ACTIONS** *None*

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- 3 **Neighbourhood Plan Policies – BPC03**  
A map of the Parish boundary and the proposed area of non-coalescence with Alton was displayed. There was some confusion over the different areas of proposed housing development in Alton shown on the map, and their status. These were clarified. AS



requested details from Beech Parish Council on how the non-coalescence areas for Policy BPC-03 had been defined. GW confirmed that the Beech Landscape Character Assessment (2018) together with knowledge of the location of existing and proposed/promoted development in Beech and Alton had informed the proposed non-coalescence areas. TR explained the items of historical significance, and GW the topographical detail. KT highlighted paragraph 7.29 in the JCS as relevant for identifying the strategic purpose of defining a gap between settlements. RA suggested that a criteria-based approach to avoiding coalescence, as part of an amalgamated Policy BPC02 and BPC03 would be more appropriate. RA agreed to provide some suggested wording, taking the key points from BPC-02 and BPC-03. GW suggested that amalgamation could prove unwieldy and noted that the maps for the two policies were different. KT noted that EHDC has also proposed a criteria-based approach to maintaining gaps between settlements in its draft Local Plan; but that it would be possible to pursue a map-based approach in the Beech Neighbourhood Plan. GW noted that no gap involving Beech has been identified within the JCS and that the Neighbourhood Plan is therefore seeking to include one, to be effective both now and under the new Local Plan, to ensure that Beech's identity is not lost.

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ACTIONS	1) <i>Gladman to suggest new wording to support its proposal for amalgamating BPC-02 and BPC-03 and for replacing a map-based definition of non-coalescence areas with a criteria based approach to maintaining the separate identities of places for all parties to consider.</i>
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4      **Neighbourhood Plan Policies – BPC-06**  
 RC suggested that this policy lacked clarity regarding the geography of its application and that it should therefore be re-worded. KT noted that EHDC had made a similar point in its Regulation 16 response. GW noted that the policy was drafted to apply to development only within Beech village rather than to the entire parish. TR suggested that its application only to the village area could be implied from the existing wording. Beech Parish Council agreed to provide some suggested new wording to make clear where the policy should apply. AS asked if the policy would be in general conformity with the JCS. KT noted that saved policy H10 of the Local Plan, referenced by GW, does not have an up-to-date evidence base; and that the contents of the recently prepared East Hampshire Neighbourhood Character Study should be taken into account. GW explained that the counterpart to policy H10 reproduced in Policy BPC06 is intended to cater for the possibility that policy H10 will not be fully replicated in the impending new Local Plan. Its inclusion reflects the wishes of Beech Parish residents and the support in the Beech Landscape Character Assessment (2018) for retaining the current minimum new plot size in the Special Housing Area.

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ACTIONS	2) <i>Beech Parish Council to suggest new wording for the policy or supporting text, to clarify its view on an appropriate geography for applying the criteria of Policy BPC-06 for all parties to consider</i>
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5      **Other Issues Raised by Gladman Developments Ltd**  
 In response to a question by AS, RA stated that Gladman was happy to rely on its written submission concerning policies BPC-04, BPC-07, BPC-08, BPC-10 and BPC-12. RA confirmed that they had nothing further to explore at the hearing regarding the other policies of the Neighbourhood Plan. RA noted that Gladman was grateful for the opportunity of appearing at the hearing and that it had been helpful to discuss certain issues in more detail and hear from the parish council in response. AS asked whether the

hearing had provided an opportunity for Gladman to have a fair chance to put forward its case. RA agreed that the hearing had provided such an opportunity and that Gladman was happy for the examiner to consider her conclusions through the examination process. No further matters were raised by the participants.

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**THE HEARING WAS CLOSED AT 16:15**

*Meeting note produced by the Independent Examiner and EHDC, in consultation with Beech Parish Council and Gladman Developments Ltd.*

*Finalised version: 02/04/2020*