

BURGHCLERE PARISH NEIGHBOURHOOD PLAN
MODIFIED VERSION

2011 – 2029

BASIC CONDITIONS STATEMENT

Published by Burghclere Parish Council in accordance with Regulation 15(1)(d) of the
Neighbourhood Planning (General) Regulations 2012 (as amended)

December 2022

1.INTRODUCTION

1.1 This statement has been prepared by Burghclere Parish Council (“the Parish Council”) to accompany its submission of the Modified Version of the Burghclere Parish Neighbourhood Plan (“the Neighbourhood Plan”) to the local planning authority, Basingstoke & Deane Borough Council (“the Borough Council”), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the Regulations”).

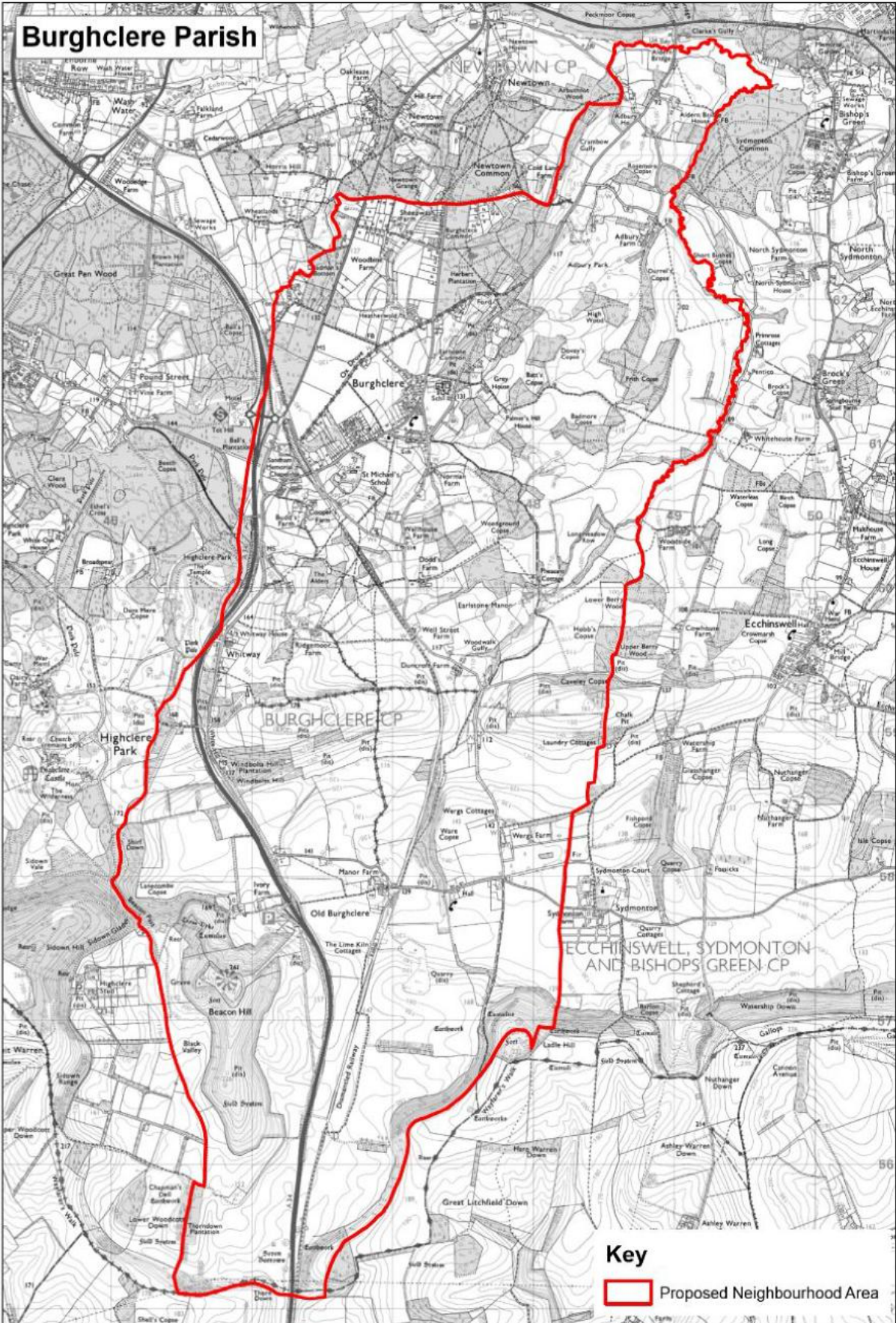
1.2 The Modified Neighbourhood Plan has been prepared by the Parish Council, a qualifying body, for the Neighbourhood Area, which coincides with the boundary of the Parish of Burghclere and which was designated by the District Council on 26 February 2018 (see Plan A overleaf). The Burghclere Parish Neighbourhood Plan (“the Made Plan”) was made by the Borough Council in May 2021.

1.3 The Neighbourhood Planning Act 2017 contains provisions to amend Section 38 of the Planning & Compensation Act 2004 in relation to modifying a made neighbourhood plan. As a result, the Neighbourhood Planning (General) & Development Management Procedure (Amendment) Regulations 2017, which came into force on 31 January 2018, amended the Neighbourhood Planning (General) Regulations (as amended) 2012 for this purpose.

1.4 Those amendments enable a qualifying body to propose modifications to a made neighbourhood plan that, if considered not to be so significant or substantial as to change the nature of the neighbourhood development plan, requires only an independent examination and not another referendum. The 2017 Regulations amend Regulations 14 to 20 of the 2012 Regulations so that the process for preparing, consulting on, submitting, publicising and examining such modifications matches that for neighbourhood plans in general. However, Regulation 15 has been amended to require the qualifying body to publish a statement alongside the neighbourhood plan as proposed to be modified at the Submission stage thus:

“setting out whether or not the qualifying body consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion”.

1.5 The Parish Council published its Modification Proposal and Modification Proposal Statement in October 2022 for the statutory minimum six-week consultation period in accordance with Regulation 14. The representations made on those documents have been analysed to inform some minor amendments to the submitted documentation. A full record of the consultation process and outcome is provided in the separate Consultation Statement, as per Regulation 15 (1)(b).



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Plan A: Burghclere Designated Neighbourhood Area

1.6 This Basic Conditions Statement, as per Regulation 15(1)(d), sets out how the modification proposal meets the basic conditions requirements of how the neighbourhood development plan meets the requirements of paragraph 11 of Schedule A2 to the Planning & Compulsory Purchase Act 2004. Specifically, the Regulations state that the Modified Plan will be considered to have met the conditions if:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to modify the made Neighbourhood Development Plan,
- (d) The modification of the made Neighbourhood Development Plan contributes to the achievement of sustainable development,
- (e) The modification of the made Neighbourhood Development Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- (f) The modification of the made Neighbourhood Development Plan does not breach, and is otherwise compatible with retained EU obligations.
- (g) prescribed conditions are met in relation to the Neighbourhood Development Plan and prescribed matters have been complied with in connection with the proposal for the Plan (in respect of the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 and other material considerations).

1.7 The Made Plan contains fourteen policies B1 – B14. The Modified Plan proposes to make material modifications to three existing policies and build on existing design, climate change and green infrastructure policies with the introduction of a Design Code, and an updated sustainable buildings policy and a Green Infrastructure and Nature Recovery policy. But, in making those changes, the opportunity has been taken to make minor modifications to five other policies, primarily to update their content. All of the proposed changes are described and explained in the separate Modification Proposal Statement.

1.8 In which case, this Statement focuses on explaining how the materially modified and updated policies meet the basic conditions. The policies continue to relate to the development and use of land in the designated Neighbourhood Area. They do not relate to ‘excluded development’, as defined by the Regulations, and they will apply for the plan period up to 31 March 2029 to align itself with the plan period of the adopted Basingstoke and Deane Local Plan 2029.

1.9 The submission documents comprise:

- The Modified Plan and Policies Map
- The Basic Conditions Statement
- A statement from BDBC on the re-screening of the Modified Plan in relation to EU obligations on Strategic Environmental Assessment and Habitats Regulations
- The SA/SEA Addendum Report
- The Consultation Statement
- The Modification Proposal Statement

2.CONFORMITY WITH NATIONAL PLANNING POLICY

2.1 The Modified Plan has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) of 2021. The review of the Made Plan has taken into account how that version modified the 2012 version of the NPPF, against which the Made Plan was assessed. Account has also been taken of the Planning Practice Guidance (PPG) where relevant.

2.2 Set out in Table A below is the analysis of how the materially modified policies of the Modified Plan have had regard to the NPPF:

Table A: Neighbourhood Plan & NPPF Conformity Summary			
No.	Policy Title	NPPF Ref	Commentary
B1	Burghclere Settlement Boundary	16, 29, 78-80, 126	<p>NPPF Paragraphs 78 – 80 promote sustainable development in rural areas by requiring policies to be responsive to local circumstances and by locating housing where it will enhance or maintain the vitality of rural communities. While no change to the settlement boundary has been necessary, the modification removes some confusion in how this policy operates inside and outside settlement boundaries and continues to reflect NPPF paragraphs 16 and 29 to maintain the plan led system and to permit development within the settlement policy boundary where it complies with the Burghclere Design Code. The modified policy includes an updated clause and supporting text to address this.</p> <p>The modified policy also includes a new clause that reflects Natural England’s updated guidance on ‘nutrient neutrality’ and to ensure the Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).</p>
B2	Land off Harts Lane / Winchester Road	29, 67, 174(d)	<p>The allocation policy continues to provide a positive vision for the Parish and fulfils the Borough Council’s latest expression of the housing supply strategy informing the Local Plan Update having regard to NPPF paragraph 67.</p> <p>The minor change to the policy (clause (vi) 10% net gain) is consistent with NPPF paragraph 174(d) and the Environment Act 2021 elevates ‘biodiversity net gain’ onto a statutory footing. The provision of biodiversity net gain will be an important element in delivering this site. The requirements of this policy will be superseded by legislative requirements once mandatory Biodiversity Net Gain comes into force.</p>
B3	Residential Garden Land Development	71, 124(d), 130	<p>The updated policy improves clarity on the criteria that should apply to development of Residential Garden Land, particularly plot subdivision, in the context of the Burghclere Design Code which seeks to</p>

			ensure development makes efficient use of land while being sympathetic to local character and resist inappropriate development that would undermine the character of the village.
B4	Housing mix, tenure and Provision of Smaller Homes	64, 72	The minor modification responds to the First Homes policy initiative introduced through a Written Ministerial Statement and updated Planning Practice Guidance in May 2021 which updated the definition of affordable housing to include 'First Homes'.
B5	Burghclere Design Code	126-134	The policy replaces policy B5 (High Quality Design) of the Made plan by translating the design principles of the made Policy B5 into a new design code which is consistent with the principles set out in the National Design Guide and National Model Design Code. In doing so, it responds to the provisions of national policy on the high-quality design expectations from new development.
B6	Net Zero Carbon Buildings	56, 152, 155, 157	The modified policy is a local response to a global challenge, the local community being convinced by the international evidence of Climate Change, consistent with the aims and provisions of §152, §155 and §157. The modification also acknowledges the Governments and Planning Inspectors' statements that homes should avoid the need for retrofitting and hence why the Government chose to adopt the term 'Zero Carbon Ready' which simply means taking a 'fabric first' approach in line with the 'energy hierarchy' and to ensure that no further costly retrofitting to the fabric will be necessary during the lifetime of the building.
B8	Valued Local Landscape	174, 176 and 190	NPPF paragraph 174 requires plans to contribute to and enhance the natural and local environment. The modifications add a small number of policy principles that are integral to the character of the local landscape and the setting of the village. The amended policy title also reflects the value the Burghclere community place on the local landscape and Case Law which confirms ' <i>a valued landscape need not be designated</i> '.
B10	Green Infrastructure and Nature Recovery	179	These modifications reflect the advent of the principles of local nature recovery alongside biodiversity net gain in the Environment Act 2021. The modified policy seeks to support the identified Green Infrastructure and Nature Recovery Network in the parish and to provide a framework which supports the enhancement of ecological opportunity areas identified by the Hampshire Biodiversity Information Centre consistent with NPPF paragraph 179(a) and identifies opportunities to secure measurable net gains for biodiversity (paragraph 179b).

3.CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

3.1 It was determined by BDBC that the Made Plan did have the potential for significant environmental effects and so a Strategic Environmental Assessment (SEA) was required. The Parish Council chose to prepare a Sustainability Appraisal (SA) incorporating an SEA. BDBC has rescreened the Modified Plan and has determined that the modifications would not result in likely significant effects on the environment and that the Modified Plan did not require an SEA (see Section 5 below and the separate report).

3.2 The Parish Council chose to prepare a Draft SA/SEA Addendum to demonstrate how the modifications contributed to achieving sustainable development. A Draft SA/SEA Addendum was published at Regulation 14 and a final version alongside the suite of submission documents now. It concludes:

“9.1 The assessment indicates that the majority of the effects of the preferred modifications to the Neighbourhood Plan will be neutral, but with important positive effects in some cases. However, there remains potential for some negative effects, but such effects have been addressed through avoidance or mitigation measures.

9.2 Having tested the ‘no policy’ option, it does not seem likely that the alternative will lead to a better sustainability outcome than the proposed modifications. In some cases, notably in respect of design effects, the alternatives assess less well.

9.3 It can therefore be concluded that the Modified Plan contributes to the achievement of sustainable development when considered against its reasonable policy alternatives and does not have the potential for significant negative effects.”

4. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

4.1 The Made Plan was prepared to ensure its general conformity with the development plan for Basingstoke and Deane, that is the adopted Local Plan 2011-2029. Table B below considers the general conformity with the relevant Local Plan policies.

Table B: Neighbourhood Plan & Development Plan Conformity Summary		
No.	Policy Title & Refs	Commentary
B1	Burghclere Settlement Boundary	The modified policy remains in general conformity with the strategic policies SS1 which seeks to permit development within defined settlement policy boundaries to meet the housing requirement set out in policy SS5. In addition the policy also addresses the need for nitrate mitigation should development proposals come forward in the Test Catchment.
B2	Land off Harts Lane / Winchester Road	The modified policy continues to make provision for the housing requirement set out in Policy SS5. It supplements policy EM4 though the minor change to the policy (clause (vi) 10% net gain) that reflects the Borough Council's latest interim guidance on Biodiversity Net Gain.
B3	Residential Garden Land Development	Policy EM10 seeks high quality development and while there remains no current development plan provision regarding residential garden land, the modified policy gives local effect to the BDBC informal guidance note on 'New Homes in the Countryside on Previously Developed Land' to assist the decision maker in their planning judgment, as described in paragraph 10 of that guidance.
B4	Housing mix, tenure and Provision of Smaller Homes	There is no development provision for 'First Homes'. The modified policy remains in general conformity with Policy CN3 but updates Policy CN1 of the Local Plan by including the expectation that 25% of the affordable homes component will be allocated as 'First Homes' discounted in price by 30% in line with the B&DBC First Homes Interim Policy Statement and the conclusions of Basingstoke and Deane's Housing Market Assessment (Sept 2020).
B5	Burghclere Design Code	The modified policy supplements BDLP Policies EM10 which calls for a 'design led approach' and the importance of respecting and maintaining the local distinctiveness and sense of place of an area. It also remains consistent with Policy EM11 in relation to heritage assets and policy EM1 relation to design in the North Wessex Downs AONB.
B6	Net Zero Carbon Buildings	The modified policy complements policy EM10 to bring this policy context up to date with contemporary thinking

		and national policy provisions for tackling climate change through the application of the 'energy hierarchy' to ensure buildings are 'zero carbon ready' and resource efficient. In these respects, EM10 having been adopted several years ago, is not considered to fully reflect national legislation nor the Borough Council's 'Horizon 2050' vision, although paragraph 6.85 of EM10 acknowledges, like B6, the importance of designing buildings to minimise energy consumption by prioritising 'passive' solutions and by taking a 'fabric first' approach.
B8	Valued Local Landscape	The modified policy continues to supplement Local plan policy EM1 by reinforcing the value of the setting of Burghclere village and the visual connectivity of the village into the wider landscape. The modified policy seeks to ensure that the location and design of new development within or beyond the settlement also have proper regard to the Burghclere Design Code.
B10	Green Infrastructure and Nature Recovery	The modified policy, aimed at promoting nature recovery, reflects the environmental goals of EM5. It translates those goals into a spatial network of green infrastructure assets defined on the revised Green Infrastructure and Nature Recovery Map and derived from a variety of published data sets (e.g. Hampshire Biodiversity Information Centre, Natural England's Magic Map)

5. COMPATABILITY WITH EU LEGISLATION

5.1 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. The Plan has been subject to extensive engagement with those people local to the area who could be affected by its policies and their views have been taken into account in finalising the Plan.

5.2 A screening opinion was issued by BDBC for the Made Plan, which confirmed that the Neighbourhood Plan had the potential for significant environmental effects and that an SEA would be required for the Neighbourhood Plan to be in accordance with EU Directive 2001/42. As per paragraph 3.1 above the Parish Council chose to prepare a Sustainability Appraisal (SA) incorporating an SEA which informed and was published alongside the Made Plan. BDBC also determined that no Habitats Regulation Assessment was required of the Neighbourhood Plan under the EU Habitats Regulations.

5.3 BDBC has now undertaken a re-screening of the Modified Plan for submission dated October 2022, submitted alongside this document. It concludes (in paragraph 7.3 on page 31):

- *“An SEA is considered to be required to accompany the Neighbourhood Plan. Given the nature of the proposed amendments to the Plan, it is considered that this could be addressed through an update or addendum to the SEA that accompanied the original Neighbourhood Plan; and that*
- *The updated Neighbourhood Plan would not need to be subject to an HRA.”*

5.4 The Parish Council has been mindful of the fundamental rights and freedoms guaranteed under the European Convention on Human Rights in process of preparing the modified neighbourhood plan and considers that it complies with the Human Rights Act.

5.5 An Equalities Impact Assessment is attached overleaf in Appendix A

Appendix A - Equalities Impact Assessment

Burghclere Neighbourhood Development Plan Modification

1. Introduction

1.1. The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity and to foster good relations between persons who have a “protected characteristic” and those who do not.

1.2. “Protected characteristics” are age, disability, gender reassignment, marriage & civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

1.3. This report assesses the Submission Burghclere Neighbourhood Development Plan Modification (BNDPM) to ensure that Burghclere Parish Council (as the qualifying body responsible for preparing the BNDPM) is satisfying its statutory duties in this regard. Equality Impact Assessment (EqIA) is a systematic analysis of a policy or policies, in order to explore the potential for an adverse impact on a particular group or community. It is a method of assessing and recording the likely differential and/or adverse impact of a policy on people from different groups. If a policy results in unfairness or discrimination, then changes to eliminate or lessen the impact should be considered.

1.4. The purpose of the analysis is to increase participation and inclusion, to change the culture of public decision-making and to place a more proactive approach to the promotion of equality and fairness at the heart of public policy. The processes involved in conducting the analysis should not be looked on as an end in themselves. Instead, it should be borne in mind that the aim is the promotion of fairness and equality of opportunity and thus it is the outcomes that are of primary concern. In undertaking the EqIA, it is important to keep in mind why the BNDP is needed, what the intended outcomes are, and how it will be ensured that the policies will work as intended.

2. Methodology

2.1. An assessment has been made on whether the BNDPM has a positive, negative or neutral impact on each of the protected characteristics (in so far as data is available). The vision and objectives of the BNDPM have been assessed, and individual policies are highlighted where they are considered likely to have a negative impact.

3. Baseline data

3.1. Data for the Parish of Burghclere is available from a combination of the 2011 and 2021 Census for the following protected characteristics: age, sex, disability, race and religious belief. The distinctions are shown below.

3.2. No data is available for the following protected characteristics: gender reassignment, marriage and civil partnership, pregnancy and maternity and sexual orientation.

Burghclere neighbourhood area – population characteristics

2021- Total Population – 1.178

2011- Age: 20.7% of the population are children aged 15 or less, 61.8% are in the working age groups up to the age of 64, and 17.4% are aged over 65. This means that the population has a slightly older profile than the national average.

2021 - Sex: 578 males, 600 females.

2021 - Ethnic Grouping:

White: 1,142

Asian: 24

Black: 3

Arab: 2

Mixed/multiple: 6

Other ethnic group: 2

2011 - Main language; English is the main language for 97.2% of residents.

2011 - Country of birth; 91.7% of residents were born in the UK. 3.6% were born in the EU and 4.7% were born elsewhere.

2011 - Ethnic group: 98% of the population is British White, 1.1% Mixed/multiple ethnic, 0.6% Asian/Asian British, 0.1% Black/African/Caribbean/Black British.

2021 - Religion:

Christian: 678

Muslim: 6

Hindu: 7

Sikh: 1

Jewish: 1

Other religion: 8

No religion: 413

2011 - Health: The local community is generally healthy, with the great majority reporting “very good” or “good” health at the time of the 2011 Census. Nevertheless, 19.8% of the local population reported long term health problems or a disability but this is in line with the national average.

Data sourced from NOMIS: <https://www.nomisweb.co.uk/> and https://www.citypopulation.de/en/uk/southeastengland/admin/basingstoke_and_deane/E04004443__burghclere/

4. Process of Community Consultation

4.1. All written communication was in English and it was not considered necessary to translate them into any other language.

4.2. Throughout the preparation of the BNDPM the Parish Council has encouraged engagement with the local community in planning for the future development of the parish.

4.3. Consultation has taken place after widespread advertisement. Updates have been published monthly in the Parish magazine and online on the Parish website. Further updates have been added to nextdoor.com website. E-copies of the draft NDPM and supporting documents were on the Regulation 14 pre-submission page of the parish council website. Printed copies of the draft NDPM were available on request.

5. Impact on Groups with Protected Characteristics

5.1. The Vision Statement for neighbourhood area in 2029 is:

“Burghclere village has grown whilst retaining its special rural qualities. Growth has not undermined the landscape and has preserved the essential character of the parish, village and outlying hamlets, and important views into and from the countryside.

New homes have helped address local need and sustain the demand for cherished community facilities – the Portal Hall, recreation ground and the local schools.

The design of new homes on the edge of and on infill sites within the village respect local character. There is a wider range of entry level housing types that enable younger people to find homes and older households to downsize. There are also now more affordable homes in the village.

Technological changes have resulted in increased use of fuel efficient and electric modes of transport, benefiting the environment. These also allow more working from home rather than reliance on commuting. The growth of new micro-businesses throughout the parish means the parish is more self-contained.

Recognition of the benefits of rural biodiversity has enhanced the connectivity between the village and the countryside. The development of the parish has not only avoided harm to its biodiversity but has also helped create new ecological value.

The tourism potential of the area has been realised and has led to new local employment opportunities. Beacon Hill, Sandham Memorial Chapel and activities at the Recreation Ground continue to thrive. There are improved village car parking facilities.”

5.2. The BNDPM contains a series of objectives, these set out how the Parish Council proposes to deliver its Vision for the area up to 2029. Delivery of the objectives will be through both planning policies and community actions. Each objective is reviewed to assess

whether it is likely to have an impact on groups within the parish with protected characteristics:

Objective	Likely impact	Commentary
1 Housing	Positive	This objective seeks to ensure that all new development provides excellent affordable housing and work spaces, for sale or rent that contribute to safe sustainable and mixed communities with good access to local jobs and essential services. This objective is expected to have a positive impact on all sectors of the community but particularly those with limited mobility and specific housing needs. This objective also seeks to rebalance the current housing stock by encouraging affordable housing and by increasing the number of smaller properties suitable for young people and older people wishing to down size.
2 Design, Heritage and Landscape	Neutral	This objective seeks to ensure that new development respects local character in respect of design and layout, and in light of climate change, sustainability. It also seeks to protect heritage and other important assets across the parish and is considered to have a neutral impact on groups within the community with protected characteristics.
3 Environment	Positive	This objective seeks to protect and enhance open spaces and biodiversity within the parish by providing green corridors, green spaces and green infrastructure. This objective is deemed to have a positive well-being impact on groups within the community with protected characteristics.
4 Business & Tourism	Neutral	This objective seeks to enhance business and tourism opportunities in the parish and allow such sites more accessible to visitors. This objective is deemed to have a neutral impact on groups within the community with protected characteristics.
5 Traffic and Parking	Neutral	This objective seeks to make provision for traffic mitigation and traffic flow, with concomitant aim to make the roads in the parish safer for all users including those requiring mobility assistance. It also aims to provide more better parking facilities that would benefit groups in the community with protected characteristics.

5.3. All of the BNDPM objectives are considered to have a positive or neutral impact.

6. Conclusion

- 6.1. The BNDPM provides a suite of objectives and policies to respond to the vision for the benefit of the local community as a whole, including those with protected characteristics, but perhaps most particularly young people, older people and those with limited mobility.
- 6.2. In conclusion, this assessment finds the BNDPM to be appropriate and that the duty of care prescribed by the Equalities Act 2010 is met.