

Ecchinswell, Sydmonton and Bishops Green Neighbourhood Plan 2021 - 2039

**Report by Independent Examiner to Basingstoke
and Deane Borough Council**

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Summary and Conclusion

1. The Ecchinswell, Sydmonton and Bishops Green Neighbourhood Plan has a clear vision with supporting objectives.
2. The Plan allocates a site for approximately 15 dwellings in Bishops Green and a site for approximately 5 dwellings in Ecchinswell. These together with a windfall allowance of 5 dwellings exceed the indicative housing requirements provided by Basingstoke and Deane Borough Council of 15 dwellings in Bishops Green and zero in Ecchinswell.
3. I have recommended modification to some of the policies in the Plan. In particular, I have recommended that Policy ESBG7 is modified to encourage community engagement; the green corridors identified in Policy ESBG12 are shown as indicative arrows on the Policies Map; and that Policy ESBG16 encourages developers to build properties that are zero carbon ready. My reasons with regard to all the suggested modifications are set out in detail below. None of these significantly or substantially alters the intention or nature of the Plan.
4. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Ecchinswell, Sydmonton and Bishops Green Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Ecchinswell, Sydmonton and Bishops Green Neighbourhood Plan, as modified by my recommendations, should proceed to Referendum.**

Introduction

5. On 24 February 2021 Basingstoke and Deane Borough Council (BDBC) approved that the Ecchinswell, Sydmonton and Bishops Green Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the Parish of Ecchinswell, Sydmonton and Bishops Green.
6. The qualifying body is Ecchinswell, Sydmonton and Bishops Green Parish Council. The Plan has been prepared by a Steering Group on behalf of the Parish Council. The Plan covers the period 2021 to 2039.
7. I was appointed as an independent Examiner for the Ecchinswell, Sydmonton and Bishops Green Neighbourhood Plan in November 2022. I confirm that I am independent from the Parish Council and BDBC. I have no interest in any of the land affected by the Plan and I have appropriate experience to undertake this examination. As part of the examination, I have visited the Plan area.

Legislative Background

8. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
 - the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and
 - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
9. I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions 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 of the authority; and
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.
10. *The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* came into force on 28 December 2018. They state:
- Amendment to the Neighbourhood Planning (General) Regulations 2012.*
- 3.—(1) The Neighbourhood Planning (General) Regulations 2012(5) are amended as follows.*
- (2) In Schedule 2 (Habitats), for paragraph 1 substitute:*
- “Neighbourhood development plans*

1. *In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act(6)—*

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(7).”

11. Since 28 December 2018, a neighbourhood plan is required to be examined against this extra Basic Condition. I will make further reference to this matter under EU Obligations.
12. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

EU Obligations, Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA).

13. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (EA Regulations) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA).
14. BDBC prepared the *Neighbourhood Planning Screening Report – Ecchinswell, Sydmonton and Bishops Green Strategic Environmental Impact Assessment and Habitats Regulations Assessment Final Version following consideration by consultation bodies (Updated October 2022)*. The original February 2022 Report was updated primarily because part of the Parish is within the catchment of the River Test where advice from Natural England indicated that wastewater from new overnight accommodation could have significant effects upon protected habitats.
15. The Report concluded that an SEA was required, primarily due to the possibility that the impacts upon biodiversity, landscape and heritage could be considerable and widespread. Natural England, in a response to the earlier version of the Report, concluded that there are unlikely to be significant environmental effects from the proposed plan.
16. BDBC published a screening opinion on 6 October 2022, which confirmed the need for an Environmental Assessment. AECOM prepared a *Sustainability Appraisal (SA) for the Ecchinswell, Sydmonton, and Bishops Green Neighbourhood Plan* Report in October 2022.
17. Amongst other matters, the SA assessed the reasonable alternatives for housing development, taking into consideration *The Ecchinswell, Sydmonton and Bishops Green Neighbourhood Plan Site Assessment Report (October 2022)*. That report considered technical assessments, community

assessments and deliverability. A Call for Sites Process was run to determine potential locations for the modest number of extra homes seen to be required in the Parish. The two preferred options were identified as land south of Rooksfield and West of the C155 Ecchinswell Road, Bishops Green and land south of the C155 Ecchinswell Road, Ecchinswell.

18. Whilst the site selection process has been criticised, the chosen sites received local support during a transparent and robust consultation process. Any assessment of land availability in the production of neighbourhood plans needs to be proportionate. I am satisfied that the chosen sites are deliverable and together with the overall housing strategy in the Neighbourhood Plan will contribute towards the achievement of sustainable development by the provision of sustainable growth.
19. Taking all the above reports together and having considered the consultee responses, I am satisfied that it has been identified that there are unlikely to be significant effects on the environment by the implementation of the Neighbourhood Plan policies. Reasonable alternatives have been considered, taking into account the SA objectives.
20. As regards HRA and particularly nutrient neutrality, Natural England advised that part of the Plan area lies within the Test catchment, which drains to the Solent. Residential development that drains to the Solent should demonstrate nutrient neutrality and be accompanied by an Appropriate Assessment. The Plan does not allocate any sites for residential development in the Test catchment area. On this basis, Natural England concluded that no full HRA was needed. The *Neighbourhood Planning Screening Report – Ecchinswell, Sydmonton and Bishops Green Strategic Environmental Impact Assessment and Habitats Regulations Assessment Final version following consideration by consultation bodies (Updated October 2022)*, and Screening Opinion also concluded that an HRA was not required.
21. Based on the screening determination and consultee response, I consider that the Plan does not require a full HRA under Articles 6 or 7 of the Habitats Directive. I am satisfied that the Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).
22. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

Policy Background

23. The *National Planning Policy Framework* (NPPF) (2021) sets out the Government's planning policies for England and how these are expected to be applied. The *Planning Practice Guidance* (2014) (PPG) provides Government guidance on planning policy.
24. At the heart of the NPPF is the presumption in favour of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. The three overarching objectives are:
 - a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
 - c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
25. Ecchinswell, Sydmonton and Bishops Green Parish is within the local authority area of Basingstoke and Deane Borough Council (BDBC). The development plan for the Neighbourhood Plan Area includes the Basingstoke and Deane Local Plan (BDLP) (2011 to 2029) adopted on 26 May 2016. The Ecchinswell, Sydmonton and Bishops Green Neighbourhood Plan was prepared in the context of this Local Plan. The strategic policies in this Local Plan include policies regarding housing, the environment and the economy.
26. BDBC is preparing an updated Local Plan. BDBC has undertaken its first non-statutory Issues and Options stage in late 2020. They have also commissioned a number of evidence base documents to support the Local Plan Update. The Neighbourhood Plan has taken into account the emerging Local Plan evidence base.

The Neighbourhood Plan Preparation

27. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
28. The initial consultation process began with a launch in March 2021, which included leaflet delivery to all homes. I usually summarise in full the opportunities for consultation, but there were numerous opportunities, so I am only mentioning the main ones here. In June 2021 there were pop up events and other engagements including interviews with businesses and stakeholders. In September 2021 there were community consultation events in village halls. Further community consultation was held in May 2022 in village halls.
29. The Consultation period on the pre-submission draft of the Plan ran from 25 August 2022 to 7 October 2022. This was advertised locally via email, Facebook, the website, magazine messages and a leaflet drop to all homes. Drop in events were held in village halls/pub to enable viewing of paper versions of the plan.
30. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. The consultation and publicity went well beyond the requirements and it is clear that the qualifying body went to considerable lengths to ensure that local residents, businesses and stakeholders were able to engage in the production of the Plan. I congratulate them on their efforts, particularly during the various constraints through the pandemic.
31. BDBC publicised the submission Plan for comment during the publicity period between 7 November and 19 December 2022 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of 14 responses were received. I am satisfied that all these responses can be assessed without the need for a public hearing.
32. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration. I gave the Parish Council the opportunity to comment on the Regulation 16 representations. I have taken their comments into consideration. Their comments have been placed on the BDBC web site.

The Ecchinswell, Sydmonton and Bishops Green Neighbourhood Plan

33. Background information is provided throughout the Plan and supplementary documents. A clear vision for the Parish has been established and is supported by nine objectives.
34. Policies in a neighbourhood plan can only be for the development and use of land. Where there are community aspirations, identified in the Implementation section of the Plan, these have to be clearly differentiated from policies for the development and use of land.
35. Paragraph 16 in the NPPF requires plans to be prepared positively, in a way that is aspirational but deliverable; and serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area. In addition, paragraph 16 in the NPPF requires plans to contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
36. PPG states: *A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.* (Paragraph: 041 Reference ID: 41-041-20140306).
37. I do refer to clarity and precision with regard to some recommendations to modifications to the Plan. Where I do so, I have in mind the need for clear and unambiguous policies, thus ensuring that the Plan has regard to national policy in this respect.
38. It is not for me to re-write the Plan. Where I have found editing errors, I have identified them as minor editing matters and highlighted these as such. These have no bearing on whether the Plan meets the Basic Conditions.
39. The diagram on Page 8 does not accurately reflect the Basic Conditions. It is not necessary for the Plan to outline the Basic Conditions. However, if it does so, this should be in accordance with the wording in the legislation as outlined above. **I see this as a minor editing matter.**
40. BDBC has suggested that Supporting Evidence Report F should refer to the NPPF glossary definition of Green Infrastructure. I note that this was an oversight. **I see this as a minor editing matter.**
41. BDBC has suggested that a caveat is added to paragraph 2.36 with regard to habitat loss. **I see this as a minor editing matter.**

42. The layers on the Policies Map are difficult to read in detail. I note that BDBC has offered assistance to help produce maps of a high quality. In the interest of precision, I recommend that the Policies Map is revised to provide greater clarity. This may require a number of additional inset maps.
43. **Recommendation: to meet the Basic Conditions, I recommend that the Policies Map is revised to provide greater clarity.**
44. For ease of reference, I have used the same policy titles as those in the Plan. I have briefly explained national policy and summarised main strategic policies where relevant to each neighbourhood plan policy. I have tried not to repeat myself. Where I have not specifically referred to other relevant strategic policy, I have considered all strategic policy in my examination of the Plan.

Policy ESBG1: Settlement Boundaries

45. Paragraphs 78 - 80 in the NPPF promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. Section 6 in the NPPF explains that planning policies should encourage sustainable economic growth.
46. BDLP Policy SS1 seeks to permit development within all defined Settlement Policy Boundaries, which contribute to social, economic and environmental well-being. It states that all land outside these boundaries is countryside.
47. BDLP Policy SS5 supports the identification of housing sites through Neighbourhood Plans.
48. BDLP Policy SS6 is a restrictive policy regarding new housing development in the countryside. It allows for sites to be allocated in neighbourhood plans. BDLP Policies CN2, EP4 and EP5 allow some development in the countryside, such as rural exception sites for affordable housing and rural economic and tourism development in certain circumstances.
49. BDLP Policy EM1 resists development unless it maintains the integrity of existing settlements and prevents their coalescence.
50. The above policies are relevant to Policies ESBG1, ESBG2, ESBG3 and ESBG4.
51. The Local Plan does not identify settlement boundaries for any of the settlements in the Parish. Policy ESBG1 identifies settlement boundaries for Bishops Green and Ecchinswell Village Core. Their identification is explained in Supporting Evidence Report B. Within these settlement boundaries, development proposals are required to accord with the *Ecchinswell, Sydmonton and Bishops Green Design Guidance and Codes (October 2022)*.

52. The NPPF, at paragraph 134, expresses the importance of well designed development. Where development proposals are not well designed, they should be refused, especially where they *fail to reflect local design policies and government guidance on design, taking into account and local design guidance and supplementary planning documents such as design guides and codes.*
53. It is clear that the *Ecchinswell, Sydmonton and Bishops Green Design Guidance and Codes (October 2022)* is a valuable document to help achieve well designed development. However, as stated in the NPPF above, it is not a policy document. Therefore, in the interest of precision, Policy ESBG1 should refer to the need to have regard to this document, rather than accord with it. I will come back to this matter later under Policy ESBG5. In the interest of precision, the full title and date of the Design Guidance and Codes should be specified where referred to in any of the policies.
54. In criterion B, Policy ESBG1 cross refers to paragraph 80 in the NPPF, Policy SS6 in the BDLP and Policy ESBG8 in the neighbourhood plan. As Policy ESBG8 cross refers to BDLP Policy EP4 and as there are other relevant national policies, I have suggested revised wording. This revision does not necessitate the need to cross refer to Policy ESBG8. In addition, as there are two settlement boundaries, this should be specified in the policy.
55. Policy ESBG1 makes reference to nutrient neutrality requirements for that area of the Parish in the countryside within the River Test catchment area as considered in the HRA. In the interest of precision, as this has nothing to do with settlement boundaries, the title of Policy ESBG1 should be altered to include building in the countryside.
56. Subject to the above modifications, Policy ESBG1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy ESBG1 meets the Basic Conditions.
57. **Recommendation: to meet the Basic Conditions I recommend modification to Policy ESBG1 to read as follows:**

Settlement Boundaries and Building in the Countryside

A. The Neighbourhood Plan defines Settlement Boundaries, as shown on the Policies Map, for each of the main settlements of Bishops Green and Ecchinswell Village Core. Proposals for development within the Settlement Boundaries will be permitted provided they accord with other development management policies of the Development Plan and have regard to the Ecchinswell, Sydmonton and Bishops Green Design Guidance and Codes (October 2022).

B. Apart from the special circumstances set out in the NPPF and Policy SS6 and other relevant policies in the adopted Local Plan 2011-2029 (or

successor document), there is a presumption against housing development outside the Settlement Boundaries unless specific provision has been made by Policy ESG4.

C. In the area of the parish that is part of the River Test catchment (see Map at §5.11) new dwellings and development resulting in a net increase in population (including rural worker housing and tourist attractions and accommodation) served by a wastewater system that will discharge into the River Test will be required to demonstrate nutrient neutrality in accordance with the latest Natural England guidance.

Policy ESG2: Housing Supply To Meet Local Needs

58. PPG advises that where an indicative housing figure has been provided, it will need to be tested at examination (Paragraph: 104 Reference ID: 41-104-20190509).
59. The adopted Local Plan for the Local Plan Period up to 2029 contains no housing requirement for this Parish. In a letter to the Parish Council dated 1 June 2022, BDBC provided an indicative housing number for the Plan area up to 2039. This was necessary as the Neighbourhood Plan goes beyond the adopted Local Plan timeframe. Based on a settlement study as evidence base to inform the updating of the Local Plan, BDBC provided an indicative figure of 15 homes for Bishops Green and no housing requirement for Ecchinswell. Since then, BDBC has resolved to approve a planning application for up to 42 new dwellings at Woodside View in Bishops Green (22/00174/OUT). BDBC has confirmed that when this planning consent is issued, subject to it being implemented, it will meet and exceed Bishops Green's identified minimum housing requirement.
60. BDBC wrote to the Parish Council in a letter dated 16 December 2022 following this resolution to grant planning permission. The letter is attached to their Regulation 16 consultation comments. It stated that BDBC *is of the view that the housing requirement figures identified through the Settlement Study are minimums. This approach reflects the NPPF's presumption in favour of sustainable development and would be consistent with the neighbourhood planning policy in the current Local Plan which sets parish targets of 'at least' a certain number of homes. It is therefore the LPA's view that the allocation of 15 homes in Bishops Green would still provide 'policies and allocations' to meet the parish's identified housing requirement.*
61. For Ecchinswell, the letter stated: *In relation to Ecchinswell, the draft settlement study initially identified a requirement for six dwellings in the village based upon its proportional share of the borough's need. All the other housing requirements identified by the study have been rounded to the nearest five, however the requirements for Ecchinswell and the other very*

small settlements were rounded down to zero. This was a policy decision (not related to the actual level of need) as it was not considered proportionate to require communities to produce neighbourhood plans for such a small number of homes. The actual level of need identified by the study for Ecchinswell, rounded to the nearest five (consistent with the other settlements), should therefore be five dwellings, and the neighbourhood plan would contain 'policies and allocations' to meet this. Although the site is not directly adjacent to the proposed SPB (as required by Policy SS5 in the adopted Local Plan), the council's draft LPU (as set out in the papers for Economic, Planning and Housing Committee for June 2022) proposes to include greater flexibility where there are no suitable alternative sites within or adjacent to the SPB.

62. The Parish Council replied to BDBC on 22 December 2022. The letter explained that the Parish Council wished to proceed with the Plan in its current form. BDBC agreed with the assessment in the Parish Council's letter.
63. The Neighbourhood Plan Examination process does not require a rigorous examination of borough wide housing land requirements. This is the role of the examination of the emerging updated Local Plan.
64. The housing allocations in the Neighbourhood Plan exceed the indicative housing requirement provided by BDBC. From the evidence before me, I consider the indicative housing requirement figure provides me with the most up to date guidance on total housing numbers for the Parish. In the absence of adopted strategic housing policies, it is not my role to determine whether the Neighbourhood Plan would be inconsistent with the adopted version of the emerging updated Local Plan if it were to be subject to accommodate further growth.
65. To meet the Basic Conditions, it is not necessary to recommend additional or alternative housing sites. In paragraph 3.12 in the Plan, the Parish Council has committed to an early review should the housing number for the Parish increase as the update of the Local Plan advances.
66. Neighbourhood Plans can allocate sites for more housing than the indicative housing requirement, providing, as Paragraph 29 in the NPPF explains, this would not undermine strategic policies. Policy ESG2 provides for approximately 20 - 25 dwellings to be delivered during the plan period on two allocated sites with approximately 5 windfall dwellings. This, together with up to 42 dwellings in Bishops Green would bring the total to approximately 62-67 dwellings. BDBC has not suggested that the allocations, together with the 42 dwellings, would undermine strategic policies.
67. Whilst indicative layouts for the two allocated sites are shown on pages 44 and 47, it may be that sustainable development can be achieved above the maximum of 25 indicated in Policy ESG2. To contribute towards

sustainable development, I suggest that the figure of 25 dwellings is expressed as a minimum.

68. As explained under SEA above, I am satisfied that the chosen sites are deliverable and together with the overall housing strategy in the Neighbourhood Plan will contribute towards the achievement of sustainable development by the provision of sustainable growth.
69. In reaching my conclusion on this matter, I consider it relevant to refer to the High Court Judgment of *Gladman Developments Limited v Aylesbury Vale District Council & Winslow Town Council* [2014] EWHC 4323 (Admin) on 18 December 2014.
70. The following is an extract of paragraph 58 of that judgment: *In my judgment, a neighbourhood development plan may include policies dealing with the use and development of land for housing, including policies dealing with the location of a proposed number of new dwellings, even where there is at present no development plan document setting out strategic policies for housing. The examiner was therefore entitled in the present case to conclude that the Neighbourhood Plan satisfied basic condition 8(2) (e) of Schedule 4B to the 1990 Act as it was in conformity with such strategic policies as were contained in development plan documents notwithstanding the fact that the local planning authority had not yet adopted a development plan document containing strategic policies for housing. Further, the examiner was entitled to conclude that condition 8(2) (d) of Schedule 4B to the 1990 Act was satisfied. That condition requires that the making of the neighbourhood development plan “will contribute to the achievement of sustainable development”. The examiner was entitled to conclude that a neighbourhood plan that would provide for an additional 455 dwellings, in locations considered to be consistent with sustainable development, did contribute to the achievement of sustainable development notwithstanding that others wanted more growth and development plan documents in future might provide for additional growth. Similarly, the examiner was entitled to conclude that having regard to national guidance and advice, including the Framework, it was appropriate to make the neighbourhood plan even though there might, in future, be a need for further growth.*
71. Turning to criterion B in Policy ESBG2, BDLP Policy CN3 seeks a housing mix for market housing. Policy ESBG2 refers to *BDBC Housing Supplementary Planning Document (July 2018)*, with regard to housing mix. The views of the local community on housing mix are summarised in Supporting Evidence Report C.
72. BDBC has suggested that criterion B should state ‘at least 30%’ (discount on First Homes), and the policy could be made clearer by removing reference to BDBC’s Housing Market Assessment (as this is an evidence base document rather than a policy setting document). In the interest of precision, I agree with these modifications.

73. Turning to criterion D, BDBC has stated that criterion D(iii) could helpfully set out that First Homes Exception Sites will not be permitted in the AONB (as this could be relevant to Ecchinswell). It is also suggested that Criterion D(iii), bullet 2, is amended so it refers to all heritage assets (not just designated ones). In the interest of precision, I agree with these modifications.

74. Subject to the above modifications, Policy ESBG2 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy ESBG2 meets the Basic Conditions.

75. **Recommendation: to meet the Basic Conditions I recommend modification to Policy ESBG2 to read as follows:**

Housing Supply To Meet Local Needs

A. The Neighbourhood Plan provides for a minimum of approximately 25 dwellings to be delivered as follows:

- **Approximately 15 dwellings at Bishops Green allocated through policy ESBG3**
- **Approximately 5 dwellings at Ecchinswell allocated through Policy ESBG 4**
- **Approximately 5 dwellings as windfall schemes within a Settlement Boundary**

B. In any new residential development, there should be a varied mix of house types, of which at least 50% of market dwellings must be 1, 2 or 3 bedrooms. Planning applications for 2 or more net new dwellings should set out and justify the housing mix in line with the Basingstoke and Deane Housing Supplementary Planning Document (July 2018), section 3.3 (or any successor requirement) with at least 25% of the affordable housing requirement being 'First Homes' discounted in price by at least 30% in line with the B&DBC First Homes Interim Policy Statement (December 2021).

C. In Bishops Green, any housing development should, where possible, oversupply the provision of accessible Green Space to make up the existing shortfall versus the Local Plan requirements for settlements in Rural Areas.

D. Proposals for First Homes Exception Sites will be deemed appropriate if:

- i. They are adjacent to a settlement boundary and the gross site area is no more than 0.2ha;**

- ii. they are outside the Area of Outstanding Natural Beauty;**
- iii. the scheme is for no more than 6 houses; and**
- iv. It can be demonstrated that the scheme will;**
 - avoid areas at risk of flooding;**
 - not cause unacceptable harm to identified key views or harm to any heritage assets or protected habitats; and**
 - accords with all other relevant development management policies of the development plan.**

Policy ESBG3: Housing in Bishops Green

76. Policy ESBG3 allocates land south of Rooksfield and west of Ecchinswell Road for approximately 15 dwellings. I have seen the site and note that the land promoter has confirmed that the policy is viable and deliverable. I am satisfied, as far as I can reasonably be expected to be, that the site is viable and deliverable.
77. To avoid an internal conflict with Policy ESBG2, in the interest of precision I recommend that all reference to housing mix and type is deleted from criterion B.I and references deleted from paragraph 5.21. Criterion B.II refers to ‘a like for like’ replacement of any hedgerows affected by a new vehicular access. Clearly any new hedgerows cannot be planted in the same position as those they are to replace. Criterion B.IV refers to the need to restore the hedgerow boundary. I consider that requirement sufficient to minimise the impact of hedgerow loss at a new vehicular access. Therefore, I recommend the deletion of the reference to hedgerows in criterion B.II.
78. It is not clear how the proposed development could support ‘slow the pace’ measures. In the interest of precision, I recommend that criterion B.III is reworded to refer to the need to have regard to the ‘slow to pace’ measures.
79. Criterion B.VII refers to keeping external lighting to a minimum. This should be deleted to avoid internal conflict within the Plan as this matter is covered in greater detail in Policy ESBG15.
80. It is clear from national policy and from the National Design Guide that community participation in the design process is strongly desirable. However, as I explain under Policy ESBG7 below, local planning authorities cannot require that a developer engages with them at the pre-application stage and can only encourage developers to engage with the local community before submitting their applications. Therefore, criterion C in Policy ESBG3 and paragraph 5.28 should be amended to have regard to national policy.

81. Supporting Evidence Report P is a design concepts report for the site prepared on behalf of the landowners. It includes the Concept Development Framework Plan included in the Plan on page 44. There may be a number of ways that sustainable development could be achieved on this site. In the interest of precision, I suggest that an additional sentence is added to paragraph 5.29 explaining the status of the Concept Development Framework Plan. In addition, as Appendix 5 in the Local Plan is concerned with sites allocated in that Plan, I suggest deletion of reference to that appendix in paragraph 5.29.
82. Subject to the above modifications, Policy ESG3 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy ESG3 meets the Basic Conditions.
83. **Recommendation: to meet the Basic Conditions I recommend:**

1) modification to Policy ESG3 to read as follows:

Housing In Bishops Green

A. The Neighbourhood Plan allocates 2.1ha of Land south of Rooksfield and west of C155 Ecchinswell Road, as shown on the Policies map, for approximately 15 dwellings on the northern part of the site including accessible green space uses and green infrastructure to support a biodiversity net gain.

B. The scheme will be permitted provided:

I. Vehicular access is via Ecchinswell Road to the satisfaction of the Highways Authority;

II. The development creates safe and convenient access for all users, having regard to 'slow the pace' measures and provides for the creation of a footway on the existing verge between Rooksfield and Eagle Road to improve pedestrian and cycle access northwards to the village facilities;

III. The landscape and habitat scheme makes provision for a publicly accessible green space and biodiversity enhancements that contribute to the enhancement of 'Green Corridor 4', in line with policy ESG12, including the restoration of the hedgerow boundary to the Ecchinswell Road;

IV. The design and layout provides an appropriate buffer to properties at Rooksfield and Featherbed Lane through the retention and reinforcement of the existing boundary trees and hedgerows;

V. The design, layout, form and materials have full regard to the Ecchinswell, Sydmonton and Bishops Green Design Guidance & Codes (October 2022), creating a positive new settlement edge; and

VI. The heights and roofscape of buildings have regard to the landscape setting, solar orientation for amenity and sustainability purposes.

C. To achieve a comprehensive and well-designed development that is acceptable to the community, including an accessible green space amenity for the village, a design brief should be prepared by the developer in support of the planning application. The developer is strongly encouraged to engage with the local community in the production of this design brief and is strongly encouraged to agree the content of the design brief with the Parish Council.

2) deletion of paragraph 5.21.

3) modification to paragraph 5.28 to read as follows:

The policy therefore strongly encourages a ‘co-design’ approach to be taken prior to a planning application being submitted as advocated by paragraph 7 of the national Design Guide and supported by the NPPF §126 and PPG ID26-019-20191001. This ensures the scheme has a sense of community ‘ownership’ as described by policy L3 (paragraphs 159 and 160) of the National Design Guide.

4) modification to paragraph 5.29 to read as follows:

The land promoter has confirmed as per (PPG:ID10-002) that the policy is viable and deliverable. A Design Concept report has been prepared by the land promoter to illustrate how the scheme could come forward to meet the policy requirements. The report is available in the Supporting Evidence (document Supp Ev P ESG NP Site BGI Design Report) and a concept development framework from this report is shown below. It is recognised that this is for illustrative purposes only as there may be a number of ways to achieve sustainable development on this site.

Policy ESG4: Housing in Ecchinswell

84. Paragraph 176 in the NPPF states that plans should: *distinguish between the hierarchy of international, national and locally designated sites; allocate*

land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

85. Paragraph 176 in the NPPF states: *Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*
86. Paragraph 177 in the NPPF explains that major development in an AONB should be refused other than in exceptional circumstances. Policy ESBG4 allocates a site for approximately 5 dwellings on land south of Ecchinswell Road. I do not consider the site allocated in Policy ESBG4 to constitute major development. Nevertheless, the starting point for consideration of the allocation of any housing site in an AONB has to be the national policy obligation to ensure that great weight continues to be given to conserving and enhancing the landscape and scenic beauty of the AONB. Natural England has made no objection to the allocation of this site.
87. I have seen this site which lies just within the North Wessex Downs AONB. There are two existing buildings, a two -storey barn structure at the entrance, and a single-storey shed structure. Both of these buildings are dilapidated. On the eastern side of the shed is an area of hardstanding and a base from previous structures.
88. As regards the location of this site within the AONB, the SA acknowledges the significance of this nationally designated landscape. However, it has found that: *given the relative containment of site within the landscape and the presence of existing structures on the site, high quality development has the potential to conserve (and potentially, augment) villagescape character in the area. Development would also not affect any locally identified viewpoints in this part of the neighbourhood area.*
89. I have attributed great weight to conserving and enhancing the landscape and scenic beauty of the AONB. The NPPF recognises that some development can take place in an AONB, but *the scale and extent of development within these designated areas should be limited.* I am satisfied that the proposed development on this site would be limited and would not undermine the requirement to ensure that land is allocated with the least

environmental or amenity value, where consistent with other policies in the Framework.

90. I note that the land promoter has confirmed that the policy is viable and deliverable. I am satisfied, as far as I can reasonably be expected to be, that the site is viable and deliverable.
91. I now turn to the detail in Policy ESG4. For the same reasons as explained under Policy ESG3 above, I recommend the deletion of criterion B.I; modification to paragraph 5.31; 'for regard' to be added to 'slow the pace' in criterion B.III; rewording of criterion C; and rewording of paragraph 5.35.
92. BDBC has raised concern regarding the deliverability of a green path. The Parish Council has confirmed that this is a consideration, rather than a requirement. Therefore, in the interest of precision, I recommend moving this consideration from the policy to the accompanying text.
93. Criterion B.VII should be deleted to avoid internal conflict within the Plan as these matters are covered in greater detail in Policies ESG12 and ESG15. Similarly, such references should be deleted from paragraph 5.34.

Policy ESG4 does not state that it requires the retention of mature trees, although this is a design principle in the Design Codes. In the interest of precision, reference to the retention of mature trees in paragraph 5.34 should be modified accordingly.

94. Supporting Evidence Report Q is a design concepts report for the site prepared on behalf of the landowners. It includes the Concept Development Framework included in the Plan on page 47. There may be a number of ways that sustainable development could be achieved on this site. In the interest of precision, I suggest the deletion of criterion B.V and that an additional sentence is added to paragraph 5.35 explaining the status of the Concept Development Framework.
95. Subject to the above modifications, Policy ESG4 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy ESG4 meets the Basic Conditions.
96. **Recommendation: to meet the Basic Conditions I recommend:**

1) modification to Policy ESG4 to read as follows:

Housing In Ecchinswell

A. The Neighbourhood Plan allocates approximately 0.15ha of previously developed land south of the C155 Ecchinswell Road, as shown on the Policies map, for approximately 5 dwellings,

B. The scheme will be permitted provided:

I. Vehicular access is via Ecchinswell Road to the satisfaction of the Highways Authority, with a minimal loss of the existing hedgerow to reduce the impact on the existing rural character;

II. The development is to create safe and convenient access for all users, having regard to ‘slow the pace’ measures and where technically feasible, improve pedestrian and cycle access to the village facilities;

III. The design has full regard to sustaining the setting of the Conservation Area, the North Wessex Down AONB Management Plan and the Ecchinswell, Sydmonton and Bishops Green Design Guidance and Codes (October 2022); and

IV. The development retains access to the existing livery yard on the adjacent land.

C. To achieve a well-designed development that is acceptable to the community, a design brief should be prepared by the developer in support of the planning application. The developer is strongly encouraged to agree the content of the design brief with the Parish Council.

2) modification to paragraph 5.31 to read as follows:

This policy allocates land for a scheme of homes as part of the holistic vision for the future of Ecchinswell Village and to contribute to the Parish housing requirement. The site has been little used for a number of years and comprises various barns and storage structures.

3) modification to paragraph 5.34 to read as follows:

Second, and subject to detailed technical work, it may contribute via “Slow the Pace” measures to an improved pedestrian/cycle connection to the village facilities westward along the Ecchinswell Road towards Footpath 18. Consideration should be given to the possibility of providing a “green path” along the north side of Ecchinswell Road, although this is not a policy requirement. The ESBG NP Design Guidance and Codes (October 2022) seeks the retention of mature trees.

4) modification to paragraph 5.35 to read as follows:

The land promoter has confirmed as per (PPG:ID10-002) that the policy is viable and deliverable. A Design Concept report has been prepared

by the land promoter to illustrate how the scheme could come forward to meet the policy requirements. The report is available in the Supporting Evidence (document Supp Ev Q ESG NP Site EX Design Report) and a concept development framework from this report is shown below. It is recognised that this is for illustrative purposes only as there may be a number of ways to achieve sustainable development on this site.

Policy ESG5: Design Quality in the Parish of Ecchinswell, Sydmonton and Bishops Green

97. Paragraph 126 in the NPPF states: *The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*
98. Paragraph 127 in the NPPF states: *Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.*
99. BDLP Policy EM1 requires development proposals to demonstrate that they are sympathetic to the character and visual quality of the area concerned. BDLP Policy EM10 seeks the delivery of high quality development.
100. Policy ESG5 seeks high quality design and refers to the *Ecchinswell, Sydmonton and Bishops Green Design Guidance and Codes (October 2022)*. This is a valuable document to aid character led design in the Parish in order to respond to and enhance the local character.
101. As explained under Policy ESG1, design guidance and codes are not policy documents. Paragraph 129 in the NPPF states that such documents should be prepared as part of a plan or as supplementary planning documents, in order to carry weight in decision making. Nevertheless, however they are prepared, they are guidance or supplementary to policy. Therefore, in the interest of precision, paragraph 5.36 should be modified accordingly. I have suggested revised wording.

102. Criterion C in Policy ESBG5 is Design Code 01. There is no justifiable evidence as to why this particular design code has been elevated to policy. In the interest of precision and to ensure that all design codes are considered in decision making as appropriate to their status, I recommend that criterion C is deleted from Policy ESBG5.
103. Paragraph 131 in the NPPF makes it clear that it is the Government's intention that all new streets include trees unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate. Whilst this is covered in the Design Guidance and Codes Report, to have regard to national policy I recommend the inclusion of such a requirement in Policy ESBG5.
104. Subject to the above modifications, Policy ESBG5 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy ESBG5 meets the Basic Conditions.
105. Criterion A should refer to 'Codes' rather than 'Code'. **I see this as a minor editing matter.**
106. BDBC has suggested a number of minor modifications to the Design Guidance and Codes Report, which are primarily editorial and are sensible modifications to make. **I see these as minor editing matters.**
107. **Recommendation: to meet the Basic Conditions I recommend:**
- 1) modification to Policy ESBG5 by the deletion of criterion C and the inclusion of the following as criterion C:**
- C. All new developments should include tree-lined streets unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate.**
- 2) modification to paragraph 5.36 to read as follows:**
- The policy establishes the importance of high-quality design that reflects the locally distinctive character of the parish. It requires applicants to acknowledge, understand and respond to the Ecchinswell, Sydmonton and Bishops Green NP Design Guidance and Codes (October 2022) prepared by AECOM for the Parish Council as part of the Neighbourhood Plan. The Design Guidance and Codes form an integral part of this Neighbourhood Plan and carry weight in decision making in accordance with NPPF §129.**

Policy ESBG6: Design Quality in the Ecchinswell Conservation Area

108. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability: firstly, at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and secondly, at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.
109. The NPPF advises at paragraph 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
110. BDLP Policy EM11 seeks to ensure that all development conserves or enhances the quality of the borough's heritage assets in a manner appropriate to their significance.
111. Policy ESBG6 requires development proposals in the Conservation Area to preserve and enhance the significance of the area. To have regard to national policy, this should be reworded to refer to preserving or enhancing the character or appearance of a Conservation Area.
112. Subject to the above modification, Policy ESBG6 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy ESBG6 meets the Basic Conditions.
113. **Recommendation: to meet the Basic Conditions I recommend modification to Policy ESBG6 to read as follows:**

Design Quality in the Ecchinswell Conservation Area

Development proposals in the Ecchinswell Conservation Area, as shown on the Policies Map, must preserve or enhance the character or appearance of the area as defined by the Ecchinswell Conservation Area Appraisal (CAA).

Policy ESBG7: Community Engagement in Planning

114. Paragraph 40 in the NPPF clearly indicates that local planning authorities cannot require that a developer engages with them at the pre-application stage for most types of development and can only encourage developers to engage with the local community before submitting their applications.
115. Paragraph 132 in the NPPF states: *Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for*

clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

116. BDLP Policy EM10 seeks the delivery of high quality development, taking into account relevant community documents that identify the local character and distinctiveness of an area which is valued by local communities, whilst allowing for innovation where appropriate.
117. Policy ESBG7 requires applicants of development proposals likely to generate public interest to demonstrate engagement with the community. There is no doubt that such involvement is desirable. However, paragraph 40 in the NPPF clearly indicates that local planning authorities cannot require that a developer engages with them at the pre-application stage and can only encourage developers to engage with the local community before submitting their applications. It is therefore evident to me that this policy does not comply with the basic conditions because of this clear conflict with the NPPF. Therefore, I recommend that the first paragraph in Policy ESBG7 refers to applicants being encouraged to engage with the community. I have suggested revised wording.
118. Subject to the above modification, Policy ESBG7 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy ESBG7 meets the Basic Conditions.
119. **Recommendation: to meet the Basic Conditions I recommend modification to the first paragraph in Policy ESBG7 to read as follows:**
- A. Applicants of development proposals which are likely to generate public interest, are encouraged to engage in early, proactive, and effective engagement with the community particularly with regard to design issues.**

Policy ESBG8: Support For Rural Businesses & Workspace

120. *The NPPF supports a prosperous rural economy. Paragraph 84 states: Planning policies and decisions should enable:*
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*

c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

121. BDLP Policy EP4 supports the rural economy and lists criteria for economic uses in the countryside. These include that all development proposals must be well designed and of a use and scale that is appropriate to the site and location.
122. The above policies are relevant to Policies ESBG8 and ESBG9.
123. Policy ESBG8 supports the expansion of existing businesses and opportunities to create local employment. In doing so, it ensures that such developments would have no local adverse impact, particularly with regard to the local highways. Policy ESBG8 has regard to national policy, particularly where it enables sustainable growth of existing businesses. This contributes towards sustainable development, particularly the economic objective. In addition, Policy ESBG8 is in general conformity with strategic policy. Policy ESBG8 meets the Basic Conditions.

Policy ESBG9: Support For Home Working

124. Policy ESBG9 supports home working extensions within residential curtilages and supports the provision of a 'Work Near Home' initiative. Policy ESBG9 has regard to national policy, particularly where it supports a prosperous rural economy. This contributes towards sustainable development, particularly the economic objective. In addition, Policy ESBG9 is in general conformity with strategic policy. Policy ESBG9 meets the Basic Conditions.

Policy ESBG10: Broadband & Mobile Communications

125. NPPF paragraph 114 explains that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.
126. BDLP Policy CN6 requires new development to provide and contribute towards the provision of necessary infrastructure.
127. It is clear from the background evidence that broadband and mobile communication services are limited in the Parish. Policy ESBG10 seeks to ensure that new dwellings and business premises are enabled to ensure a superfast broadband connection. This has regard to national policy,

contributes towards sustainable development and is in general conformity with strategic policy. Policy ESG10 meets the Basic Conditions.

Policy ESG11: Community Facilities

128. The NPPF promotes healthy communities. Paragraph 93 in the NPPF seeks to ensure that planning policies plan positively for the provision and use of community facilities and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
129. BDLP Policies CN7 and CN8 list criteria against which the loss or provision of essential facilities and services, community, leisure and cultural facilities should be assessed and support improvement of existing facilities.
130. Policy ESG11 identifies community facilities, where their loss is resisted. In addition, the policy supports the development of existing facilities. Policy ESG11 has regard to national policy, contributes towards sustainable development, particularly the social objective and is in general conformity with strategic policy. Policy ESG11 meets the Basic Conditions.
131. My concern it with the Policies Map. Not all of the identified community facilities are identified on the map. In addition, where they are adjacent to Local Green Spaces, such as St Lawrence Church and Ecchinswell Village Hall and parking area, the boundaries of the community facilities should not encroach into the Local Green Spaces as different policy restrictions apply.
132. **Recommendation: to meet the Basic Conditions, in the interest of clarity, all the identified community facilities should be annotated on the Policies Map and not encroach into any adjacent Local Green Spaces.**

Policy ESG12: Green Infrastructure Network & Nature Recovery

133. Paragraph 179 in the NPPF requires plans to identify, map and safeguard components of local wildlife rich habitats and wider ecological networks to protect and enhance biodiversity. Paragraph 180 in the NPPF lists principles to be applied when determining planning applications, with regard to habitats and biodiversity. These principles include: *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*
134. The Environment Act 2021 makes provision for achieving at least 10% biodiversity net gain to be a condition of receiving planning permission. Various parts of this Act, including this biodiversity net gain requirement are

yet to come into force. At a local level, a higher minimum level of biodiversity net gain would require justification in local plans.

135. BDBC *Achieving Biodiversity Net Gain* provides interim guidance for development. It encourages all planning applications over 0.1 ha to demonstrate a measurable net gain for biodiversity of 10% or above. This is guidance rather than policy.
136. BDLP Policy EM4 is a policy regarding biodiversity, geodiversity and nature conservation.
137. Policy ESG12 refers to a nature network throughout the Parish. Supporting Evidence Reports G and H provide background evidence.
138. Policy ESG12 resists the loss of land lying within the network. Of particular concern is that one of the proposed green corridors runs through the majority of the housing site allocated at Bishops Green. This is a direct internal policy conflict in the Plan. In addition, as mentioned above, outline planning permission has been granted (22/00174/OUT) for up to 42 dwellings at Woodside View, Bishops Green. The planning application has all matters reserved apart from access. The Policies Map identifies a green corridor across approximately a third of the site.
139. I note that the green corridors have been informed by data and advice supplied by the Hampshire Biodiversity Information Centre. Nevertheless, there is not a clear evidence base to explain or justify the precise width/alignment of the proposed green corridors that connect the habitats.
140. The Green Infrastructure Network Map on page 60 provides a useful source of information, which is not fully translated onto the Policies Maps. The Parish Council has explained in response to representations that the green corridors are schematic and the edges of the green lines are not intended to depict the hard edge of a corridor. Paragraph 5.66 refers to the Cambridge Nature Network Area Map. On that map arrows are used to indicate corridors between identified areas of focus. Whilst the map on page 60 does include arrows at the ends of the corridors, in these circumstances, I recommend that the green corridors are annotated in a similar way to the Cambridge Nature Network Area Map with arrows on the Green Infrastructure Network Map on Page 60 and that the Green Infrastructure Network identified on that map is included in full on the Policies Map. In addition, I have suggested revised wording to Policy ESG12, to refer to a Green Infrastructure Network with indicative Green Corridors to connect habitats.
141. To ensure that regard is had to national policy, particularly the evolving parts of the Environment Act yet to come into force, I have suggested revised wording to Policy ESG12 to explain that the extent of net gain in biodiversity should be in accordance with national policy, taking into

consideration guidance in BDBC *Achieving Biodiversity Net Gain* or successor document.

142. Subject to the above modifications, Policy ESG12 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy ESG12 meets the Basic Conditions.
143. BDBC has stated that paragraph 5.69 should be modified to explain that the proposed green corridors were informed by data and advice supplied by the Hampshire Biodiversity Information Centre, rather than 'reviewed by and supported by' the Hampshire Biodiversity Information Centre. **I see this as a minor editing matter.**
144. **Recommendation: to meet the Basic Conditions I recommend:**

1) modification to Policy ESG12 to read as follows:

Green Infrastructure Network and Nature Recovery

A. The Parish contains a variety of green and blue infrastructure that provides an environmental support system for the community and wildlife. The Neighbourhood Plan identifies a Green Infrastructure Network, together with indicative Green Corridors to connect habitats, as shown on the Map on page [XX] and on the Policies Map, for the purpose of promoting nature recovery and for mitigating climate change. The Green Infrastructure Network is parish-wide, encompassing various areas of woodland, streams and hedgerows in the north of the parish to downland in the south. Bishops Green and the land to the north lie in close proximity to Greenham and Crookham Commons SSSI.

B. Development proposals that lie within or adjoining the Green Infrastructure Network must demonstrate how they will maintain or improve the functionality of the Green Infrastructure Network in the design of their layouts and landscaping schemes.

C. Development proposals that will lead to the extension of the Green Infrastructure Network, which includes the delivery of additional Accessible Green Space in Ecchinswell and Bishops Green for the use of the community and the 'green corridor opportunities', will be permitted, provided they are consistent with all other relevant policies of the development plan.

D. The extent of any net gain in biodiversity for any development should be in accordance with national policy, taking into consideration guidance in BDBC *Achieving Biodiversity Net Gain* (or successor document).

2) modification to the Map on page 60 and the Policies Map to identify indicative green corridors with arrows and for the full Green Infrastructure Network to be identified on the Policies Map. It may be easier for the Map on Page 60 to become a Policies Map inset.

Policy ESG13: Valued Landscapes & Key Views

145. Part of the Parish lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). At paragraph 176, the NPPF requires great weight to be given to conserving and enhancing the landscape and scenic beauty of such areas, which have the highest status of protection in relation to these issues. The NPPF, in Paragraph 174 requires the planning system to contribute to and enhance the natural and local environment. This includes protecting and enhancing valued landscapes.
146. BDLP Policy EM1 seeks to protect and enhance the character and visual amenity of the landscape. This is a detailed policy which lists criteria against which development proposals are considered.
147. Evidence in support of Policy ESG13 is found in Supporting Evidence Reports D and E. Policy ESG13 seeks to conserve and enhance the valued landscape of the Parish. BDBC has suggested that 'valued landscape' could cause confusion, especially as the AONB is a valued landscape, which nationally has the highest status of protection. In the interest of clarity, I suggest that the policy simple refers to 'landscape'.
148. The policy refers to landscape management guidelines, with supporting text at paragraph 5.74 specifically referring to the BDBC Landscape Character Assessment (2021) and guidance in the BDBC Landscape, Biodiversity and Trees SPD (2018). In the interest of precision, the policy should cross refer to both of these documents. I have suggested revised wording.
149. Policy ESG13 identifies 30 Key Views. It states that these are on the Policies Map, but they are actually identified on 3 separate Maps. In the interest of precision, these maps should be incorporated into the Policies Map. It may be preferable for them to become inset Maps for the Policies Map.
150. Supporting Evidence Report E provides valuable robust evidence for the justification of the chosen key views. Having seen these views, I am satisfied with the methodology for their identification as outlined in the Report. In the interest of precision, the Policy should refer to development proposals 'within the Parish' that affect key views. I have suggested revised wording.
151. Subject to the above modifications, Policy ESG13 has regard to national policy, contributes towards sustainable development and is in general

conformity with strategic policy. Modified Policy ESBG13 meets the Basic Conditions.

152. **Recommendation: to meet the Basic Conditions I recommend:**

1) modification to Policy ESBG13 to read as follows:

Landscape and Key Views

A. Development proposals should conserve and enhance the landscape of the parish and take account of the landscape management guidelines in the Basingstoke and Deane Landscape Character Assessment (May 2021) for the Ecchinswell, Clere Scarp and Great Litchfield Down and Willesley Warren Landscape Character areas, as shown on the Policies Map. Developments that would have an unacceptable detrimental impact on the character and visual amenity of the landscape in the neighbourhood area will not be supported.

B. All proposals for development should have regard to guidance in the Basingstoke and Deane Landscape, Biodiversity and Trees Supplementary Planning Document (2018).

C. The Neighbourhood Plan identifies 30 key views on the Policies Map. Proposals for development within the Parish that affect a key view will be permitted provided they will not cause undue harm to the natural or historic landscape features that contribute to its acknowledged value.

2) incorporation of the Key Views Maps into the Policies Map. It may be preferable for them to become inset Maps for the Policies Map.

Policy ESBG14: Local Green Spaces

153. The NPPF in paragraphs 101 - 103 states: *the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*

The Local Green Space designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;

b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

c) local in character and is not an extensive tract of land.

Policies for managing development within a Local Green Space should be consistent with those for Green Belts.

154. I have visited the Parish and seen the proposed Local Green Spaces (LGS). I have no evidence to suggest that these LGS are not capable of enduring beyond the end of the Plan period. All the LGS meet the criteria for designation. Justification for the designations is provided in Supporting Evidence in the Green Space Report. This provides robust evidence for their designation.
155. *Eagle Road Recreation area.* This recreation area includes an area of children's play equipment. It is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its recreation provision. It is local in character and is not an extensive tract of land.
156. *Beech Road Recreation area.* This recreation area includes an area of children's play equipment. It is in the centre of Bishops Green. It is demonstrably special to the local community especially for its recreation provision. It is local in character and is not an extensive tract of land.
157. *Harrier Road open space.* This open area is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its informal recreation provision. It is local in character and is not an extensive tract of land.
158. *Ecchinswell Pond.* This area is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its tranquillity, informal recreation provision and wildlife value. It is local in character and is not an extensive tract of land.
159. *Methodist Church Yard.* This site is the churchyard of the former Methodist Church. It is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its historical significance and tranquillity. It is local in character and is not an extensive tract of land.
160. *St Lawrence's Church Yard.* This area is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its historical significance, tranquillity, informal recreation provision and wildlife value. It is local in character and is not an extensive tract of land. As

mentioned under Policy ESG11, the church building should be removed from the LGS designation on the Policies Map.

161. *Village Hall Play Park & Recreation Ground*. This is a recreation ground that includes an area of children's play equipment. It is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its recreation provision. It is local in character and is not an extensive tract of land. As mentioned under Policy ESG11, the Policies Map needs to differentiate between the Village Hall and Parking area and the area designated as LGS. Such differentiation would mean that paragraph 5.83 regarding a community hub should be deleted.
162. *War Memorial area*. This area is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its historical significance. It is local in character and is not an extensive tract of land.
163. *Old Church Yard*. This old church yard is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its historical significance and tranquillity. It is local in character and is not an extensive tract of land.
164. *Digweeds*. This open area is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its tranquillity and informal recreation provision. It is local in character and is not an extensive tract of land.
165. Paragraph 5.81 refers to a proposed area of green space as part of the housing allocation at Bishops Green. Whilst that area might meet the criteria for designation as LGS in the future, such a designation can only be made through a local or neighbourhood plan. Therefore, I suggest revision to paragraph 5.81 accordingly. I have suggested revised wording.
166. Following a Court of Appeal case with regard to the lawfulness of a LGS policy in a neighbourhood plan: (*Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council*, [2020] EWCA Civ 1259), I consider it necessary to delete the last sentence in Policy ESG14. This will ensure that there can be absolutely no doubt regarding the lawfulness of the policy. The restrictions on development with regard to LGS designation will continue to apply through the NPPF. This will ensure that policies for managing development within a LGS are consistent with those for Green Belts. This ensures that the policy meets the Basic Conditions.
167. Subject to the above modifications, Policy ESG14 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy ESG14 meets the Basic Conditions.
168. **Recommendation: to meet the Basic Conditions I recommend:**

1) the deletion of the last sentence in Policy ESBG14

2) modification to Paragraph 5.81 to read as follows: By design, the site allocated for extra housing in Bishops Green includes a significant area of new green space intended to address the shortfall vs the B&D BC standard for such space in Bishops Green. Once developed, this may be considered as a potential Local Green Space in a review of this Plan.

3) modification to the Policies Map by the deletion of the Ecchinswell Village Hall building and parking area and St Lawrence Church building from the LGS designations.

4) deletion of paragraph 5.83

Policy ESBG15: Dark Skies

169. Paragraph 185 in the NPPF seeks to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
170. BDLP Policy EM1 requires development proposals to have regard to intrinsic dark landscapes. BDLP Policy EM12 seeks to ensure that new development does not lead to pollution. Pollution includes light pollution.
171. Policy ESBG15 is supported by Supporting Evidence Report H, which has a key conclusion that the *Parish is the custodian, particularly within the AONB, of a significant Dark Skies resource and has a responsibility to safeguard this both in guiding future development and in educating Parish residents to improve the quality of existing lighting.*
172. Policy ESBG15 seeks to minimise light pollution. It refers to development proposal needing to comply with current guidelines. As these are guidelines, not policy, I suggest modification to the wording to require development proposals to 'have regard' to the guidance.
173. Subject to the above modification, Policy ESBG15 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy ESBG15 meets the Basic Conditions.
174. **Recommendation: to meet the Basic Conditions I recommend modification to the first paragraph in Policy ESBG15 to read as follows:**
- A. All development proposals should be designed to minimise the occurrence of light pollution. Development will be permitted where such schemes employ energy-efficient forms of lighting that also reduce light scatter, and have regard to the current guidelines**

established for rural areas by the Institute of Lighting Professionals (ILP).

Policy ESG16: Zero Carbon Buildings

175. Paragraph 152 in the NPPF explains that the planning system should support the transition to a low carbon future in a changing climate. Paragraph 154 b) states that new development should be planned for in ways that: *can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.*
176. PPG, (at Paragraph: 001 Reference ID: 56-001-20150327), makes it clear through a link to a Written Ministerial Statement of 25 March 2015 that it is not appropriate to refer to any additional local technical standards or requirements relating to the construction or performance of new dwellings in neighbourhood plans.
177. BDLP Policy EM10 seeks to ensure that new development minimises energy consumption through sustainable approaches to design.
178. Policy ESG16 seeks to ensure that all buildings are 'zero carbon ready' and where feasible are certified to a PassivHaus or equivalent standard. I understand that Policy ESG16 is almost identical to a policy in the Ivers Neighbourhood Plan. Nevertheless, Policy ESG16 introduces technical standards for residential development that should not be in a neighbourhood plan, as explained in the Written Ministerial Statement and in any case they do not fully reflect national technical standards. In addition, it has not been made clear whether such a proposal for certification to PassivHaus standard or equivalent would be feasible and would not compromise the viability of sustainable development in the Parish.
179. Supporting Evidence Report R provides some background evidence to this policy. The local community clearly wants to make a difference and supports the introduction of PassivHaus standards through *The Ecchinswell, Sydmonton and Bishops Green Design Guidance and Codes (October 2022)* in Design Codes 08.a and 08.b and in the General Design Guidelines for New Development. That report explains that such standards are 'strongly encouraged' to future proof buildings.
180. Policies in a neighbourhood plan can encourage zero carbon homes and high levels of energy efficiency in new development. I recommend that Policy ESG16 is modified to encourage zero carbon development and encourage certification to PassivHaus standard or equivalent where feasible and viable. I have suggested revised wording. This ensures that the Policy contributes towards meeting climate change targets, whilst having regard to

national policy and ensuring that the Plan contributes towards sustainable development.

181. It is not for me to re-write the Plan. Much of paragraph 5.85 should be deleted to reflect modified Policy ESG16.
182. Subject to the above modifications, Policy ESG16 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy ESG16 meets the Basic Conditions.
183. **Recommendation: to meet the Basic Conditions I recommend:**

1) modification to Policy ESG16 to read as follows:

Zero Carbon Buildings

All development is encouraged to be ‘zero carbon ready’ by design to minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping. Consideration should be given to resource efficiency at the outset and whether existing buildings can be re-used as part of the scheme to capture their embodied carbon. Wherever feasible and viable, developers are encouraged to design all buildings to be certified to a PassivHaus or equivalent standard.

2) modification to paragraph 5.85 to reflect the modification to Policy ESG16.

Policy ESG17: Encouraging Active & Sustainable Travel

184. Section 9 of the NPPF promotes sustainable travel. Paragraph 110 d) explains that development proposals need to ensure *that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
185. Paragraph 111 in the NPPF states: *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
186. BDLP Policy CN9 seeks to promote a safe, efficient and convenient transport system. An extract from BDLP Policy CN6 states: *new development will be required to provide and contribute towards the provision of additional services, facilities and infrastructure at a rate, scale and pace to*

meet the needs and requirements that are expected to arise from that development. Infrastructure includes transport matters.

187. A further extract from BDLP Policy CN6 states: *Where off-site measures are proposed they should meet identified needs, and the Community Infrastructure Levy (CIL) will be the primary mechanism to secure the necessary financial or equivalent contribution from development.*
188. Policy ESG17 seeks to ensure safety on the highway network and the provision of local sustainable transport measures. This policy is supported by Supporting Evidence Report L.
189. Policy ESG17 criterion B refers to a 'likely adverse impact' on highway safety. To have regard to national policy, this should be a 'significant adverse impact'. Whilst not usually necessary to repeat Local Plan Policy, in this instance, in the interest of precision I recommend the inclusion of reference to BDLP Policy CN6 with regard to off-site contributions.
190. BDBC has stated: *the requirement to provide a financial contribution towards a 'package of sustainable transport measures' in criterion C could be best met through the neighbourhood portion of CIL.* This would be in general conformity with BDLP Policy CN6. Therefore, I recommend deletion of that part of criterion C in Policy ESG17.
191. The Policies Map, whilst showing footpaths, bus routes etc does not refer to them as part of the Sustainable Travel Network referred to in Policy ESG17. In the interest of precision, to align with Policy ESG17, the Policies Map should identify them as part of the Sustainable Travel Network.
192. Subject to the above modifications, Policy ESG17 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy ESG17 meets the Basic Conditions.
193. **Recommendation: to meet the Basic Conditions I recommend:**
- 1) modification to criteria B and C in Policy ESG17 to read as follows:**
- B. All new residential development should seek to provide access to the local road network in a way that mitigates potential adverse transport impacts. Development proposals that will generate an increase in traffic on the C155 road between Enborne Bridge and Hyde Lane in Bishops Green and Brock's Green and Well Street in Ecchinswell and on the C155 lane out of Ecchinswell towards Kingsclere, should review the location of the 'slow the pace' locations and demonstrate through their Transport Statement and, where necessary, a Road Safety Audit that there will be no further detriment to the community's safety concerns in these locations. Where the Statement indicates a significant adverse impact, then a scheme of**

mitigation should be proposed for consideration by the Local Highway Authority having regard to the 'Slow the Pace' projects outlined in paragraph 6.4. Where off-site measures are proposed they should meet identified needs, and the Community Infrastructure Levy (CIL) will be the primary mechanism to secure the necessary financial or equivalent contribution from development.

C. Proposals for new residential development should take full account of the needs of pedestrians and cyclists. As appropriate to their scale and location proposals should provide safe, direct and well-defined pedestrian and cycle routes to local facilities, services and amenities.

2) modification to the Key on the Policies Map to refer to the Sustainable Travel Network.

Referendum and the Ecchinswell, Sydmonton and Bishops Green Neighbourhood Plan Area

194. I am required to make one of the following recommendations:
- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
 - the Plan as modified by my recommendations should proceed to Referendum; or
 - the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
195. **I am pleased to recommend that the Ecchinswell, Sydmonton and Bishops Green Neighbourhood Plan as modified by my recommendations should proceed to Referendum.**
196. I am required to consider whether or not the Referendum Area should extend beyond the Ecchinswell, Sydmonton and Bishops Green Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

Minor Modifications

197. The Plan is a well-written document, which is easy to read. Where I have found errors, I have identified them above. It is not for me to re-write the Plan. If other minor amendments are required as a result of my proposed

modifications, I see these as minor editing matters which can be dealt with as minor modifications to the Plan.

Janet Cheesley

Date 6 February 2023

Ecchinswell, Sydmonton and Bishops Green Neighbourhood Plan 2021 - 2039 Examiner's Report
CHEC Planning Ltd

Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (The Framework) (2019)
The Planning and Compulsory Purchase Act 2004
The Localism Act (2011)
The Neighbourhood Planning (General) Regulations (2012)
The Neighbourhood Planning (General) (Amendment) Regulations (2015)
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2016)
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2017)
The Neighbourhood Planning Act (2017)
The Planning Practice Guidance (2014)
The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
Basingstoke and Deane Local Plan (2011 to 2029) (May 2016)
BDBC Housing Supplementary Planning Document (July 2018).
Regulation 16 Representations
All Supporting Evidence Documents submitted with the Neighbourhood Plan Examination Correspondence (on the BDBC web site)