

## **Cliddesden Neighbourhood Plan**

### **Open Letter to Cliddesden Parish Council**

**28 February 2024**

As part of a neighbourhood plan examination, an Examiner can recommend modifications to Policies to ensure the plan meets the Basic Conditions. With regard to the examiner's approach to recommending modifications to policies in a neighbourhood plan, the *Neighbourhood Planning Independent Examiner Referral Service Guidance to service users and examiners* explains at paragraph 2.12.6 that Examiners will not generally refer back to parties on these detailed revisions. But where the modification may necessitate a change which in the opinion of an examiner would be significant, there is a reasonable expectation that a description of the intended modification will be publicised on the local planning authority's website, seeking comments, prior to recommending the change.

Paragraph 2.12.7 in the Guidance to examiners states that what constitutes a significant change will be for the Examiner *to determine in the context of the particular plan being examined. Significant changes can lead to concerns over community ownership of the plan, as extensive modifications may mean it effectively becomes a very different plan to the draft submitted for examination and may not necessarily represent the intentions of the community. As well as the plan's preparation process being undermined, the qualifying body may take a view that it does not wish to support the plan when it proceeds to referendum. So, in making significant changes, the Examiner should ensure that the Examiner is not rewriting the plan.*

### **Policy ENV5**

Policy ENV5 identifies an area of Valued Landscape. Justification for the designation of this area is found in the *Valued Landscape background paper (July 2023)*. This states that the landscape of the Parish area has been assessed in accordance with the Landscape Institute's guidance for assessing landscape value and includes consideration of input from multiple sources.

Policy ENV5 does not preclude development within the Valued Landscape area. It seeks to ensure that development is sympathetic to the local character and conserves and enhances the unique identity and scenic beauty.

PPG states: *While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no 'tick box' list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices*

*made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order. A local planning authority should share relevant evidence, including that gathered to support its own plan-making, with a qualifying body.* (Extract from PPG Paragraph: 040 Reference ID: 41-040-20160211).

Basingstoke and Deane Borough Council (BDBC) has raised concern about the evidence base that has been collected, and as a result of this, the extent of land proposed to be allocated as Valued Landscape.

Since the publication of the draft Regulation 14 neighbourhood plan, BDBC, has undertaken its own Valued Landscapes study assessing the suitability of landscapes in different parts of the borough for this designation (Basingstoke and Deane Valued Landscape Study February 2023). As a result of this work, it is proposed to identify a number of Valued Landscapes in the draft Local Plan Update (Regulation 18), but this does not include any land within Cliddesden Parish.

The BDBC's evidence base study was published alongside the Regulation 18 Local Plan consultation on 22 January 2024. I do appreciate that this evidence base was published after the submission of the neighbourhood plan for examination and after the Regulation 16 consultation period. Nevertheless, whilst the designation of areas of Valued Landscape at a Borough level will be subject to a future Local Plan examination, this evidence base study is an example of best practice methodology. The Parish Council has been made aware of this evidence base study and was able to make comment as part of their response to the Regulation 16 comments on this neighbourhood plan. In addition, the Parish Council had the opportunity to make comment on the BDBC's evidence base study as part of the Regulation 18 Local Plan consultation.

The *Valued Landscape background paper (July 2023)* does not identify which areas are more or less valuable, and almost the whole Parish is included (with the exception of Cliddesden village and the Local Gap). It provides a blanket assessment of the whole Parish, rather than a finer grain assessment of the relative value of different areas. Whilst evidence should be proportionate, it should also be robust. In this particular instance, especially with the recent publication of the BDBC's evidence base study, I am not satisfied that the methodology used provides robust evidence to justify the designation of the area of Valued Landscape. Thus, I recommend the deletion of Policy ENV5.

I have considered whether to hold an exploratory meeting or a hearing before reaching this conclusion. As outlined above, I do not consider there to be robust evidence to justify the designation of the area of Valued Landscape. I have taken into consideration the *Valued Landscape background paper (July 2023)* and responses from the Parish Council to the Regulation 16 representations on this issue. I see no benefit to any party for a meeting or hearing to be held.

As the proposed area of Valued Landscape covers a significantly large area of the Parish, I consider the deletion of Policy ENV5 to be a significant change to the Plan. In the light of the above, I would like to give the Parish Council the opportunity to consider whether it wishes to withdraw the Plan from examination or whether I continue with the examination with the understanding that I will recommend the deletion of Policy ENV5.

I am not seeking, and will not accept, any representations from other parties regarding this matter at this stage.

I realise that this is an important consideration for the local community. I would like to give the Parish Council 7 days from receipt of this letter to respond. If further time is required, for example to coincide with a Parish meeting, please let me know.

Should the Parish Council decide not to withdraw the plan from examination, the next step will be for the intended policy deletion to be publicised on BDBC's website, seeking comments, prior to the publication of my report. There is no requirement for any further publicity, but I would be happy for both BDBC and the Parish Council to publicise this matter further. However, this should not mean a delay in publicity. I would allow 2 weeks for comments. During that consultation period, I will only accept comment on these significant modifications and will accept no other correspondence on any other aspects of the Neighbourhood Plan. During this consultation period, both BDBC and the Parish Council are welcome to make comments on this proposed significant modification if they wish to do so.

Please can this open letter be placed on the Basingstoke and Deane Borough Council's webpage for the Plan.

Kind Regards

Janet Cheesley