

# **Cliddesden Neighbourhood Plan 2022 - 2039**

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

**Janet L Cheesley BA (Hons) DipTP MRTPI**

**CHEC Planning Ltd**

**2 April 2024**

<b>Contents</b>	<b>Page</b>
Summary and Conclusion	4
Introduction	5
Legislative Background	5
EU Obligations, Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA)	6
Policy Background	7
The Neighbourhood Plan Preparation	9
The Cliddesden Neighbourhood Plan	10
POLICY H1 Heritage Assets	11
POLICY HD1 New Housing to meet the requirement of Local Plan Policy SS5	12
POLICY HD2 Housing Mix	13
POLICY HD3 Extensions and Annexes to dwellings	13
POLICY HD4 Replacement of Dwellings	14
POLICY DD1 Design Code	14
POLICY DD2 Design and Development	16
POLICY DD3 Linear Character	17
POLICY DD4 Sustainability and Climate Change	17
POLICY DD5 Flood Risk	19
POLICY LW1 Current Valued Community Facilities	20

POLICY LW2 Additional Community Facilities	21
POLICY TM1 Increased access points and traffic	21
POLICY TM2 Improving Footpath and Cycle Networks	22
POLICY ENV1 Local Gap Policy	22
POLICY ENV2 Protection and enhancement of the natural environment and Local Green Spaces	24
POLICY ENV3 Protection and Enhancement of the Natural Environment	27
POLICY ENV4 Preserving Important Views in the Parish of Cliddesden	30
POLICY ENV5 Valued Landscape Policy	31
Policy ENV6 Dark skies, light pollution and external lighting	33
Referendum & the Cliddesden Neighbourhood Plan Area	33
Appendix 1 Background Documents	35

## Summary and Conclusion

1. The Cliddesden Neighbourhood Plan has a clear vision for the Parish, together with four aims supported by a number of objectives.
2. Basingstoke and Deane Local Plan Policy SS5 supports the identification of housing sites through Neighbourhood Plans. Cliddesden lies within a group of 13 settlements with a defined Settlement Policy Boundary which are required to identify sites for a total of 150 homes between them. Basingstoke and Deane Local Plan (BDLP) Policy SS5 specifies that it will be necessary to identify sites/opportunities to deliver at least 10 homes within and adjacent to each of these settlements. Should the housing requirement not be met, Basingstoke and Deane Local Plan Policy SS5 enables Basingstoke and Deane Borough Council to identify opportunities to address any shortfall through the development plan process.
3. This neighbourhood plan does not allocate sites for housing, although it does recognise the need to identify sites to accord with Local Plan Policy SS5 or with policies that will succeed that policy.
4. I have recommended modification to some of the policies in the Plan. These modifications are predominately in the interest of precision. My reasons with regard to all the suggested modifications are set out in detail below.
5. None of the recommended modifications significantly or substantially alters the intention or nature of the Plan other than my recommended deletion of Policy ENV5, which identifies an area of Valued Landscape. Where a recommendation would significantly or substantially alter the intention or nature of a neighbourhood plan, guidance in the *Neighbourhood Planning Independent Examiner Referral Service Guidance to service users and examiners* advises that the Parish Council is informed and given the opportunity to withdraw the plan from examination. I informed the Parish Council of my intention to delete this policy and they confirmed that they wished for me to continue with the examination. I invited further representations on this matter. For the reasons stated below, none of the representations have altered my conclusion on this matter.
6. **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 Cliddesden Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Cliddesden Neighbourhood Plan, as modified by my recommendations, should proceed to Referendum.**

## Introduction

7. On 5 June 2018 Basingstoke and Deane Borough Council (BDBC) approved that the Cliddesden Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the Parish of Cliddesden.
8. The qualifying body is Cliddesden Parish Council. The Plan has been prepared by a Steering Group on behalf of the Parish Council. The Plan covers the period 2022 to 2039.
9. I was appointed as an independent Examiner for the Cliddesden Neighbourhood Plan in September 2023. 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

10. 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.
11. 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.
12. *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).”*
13. 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.
14. 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),**

15. 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).
16. BDBC prepared the *Neighbourhood Planning Screening Report – Cliddesden Strategic Environmental Impact Assessment and Habitats Regulations Assessment Final version following consideration by consultation bodies* in October 2021.

17. This report considered whether the Plan would require SEA or HRA. As regards SEA it explained that *due to the limited scope of the Plan (without site allocations), and the policy framework within it (with the protection provided by the specific policies), the Plan will not result in a significant effect on the environment.* It goes on to conclude that *hence an SEA is not required.* Natural England and Historic England concurred with this conclusion. BDBC re iterated this conclusion to the Parish Council in a Screening Opinion letter dated 21 October 2021.
18. Based on the screening determination and consultee responses, I consider that it was not necessary for the Plan to require a full SEA Assessment. The SEA screening accords with the provisions of the European Directive 2001/42/EC.
19. As regards Habitat Regulation Assessment, the above report concluded that the Plan would not need to be subject to an HRA. It states: *No SAC European sites are within a 10km radius of the neighbourhood area. The draft plan is not proposing to allocate any development sites and includes policies to protect the natural environment therefore, it is considered that there are not likely to be significant effects on any European sites flowing from the Cliddesden Neighbourhood Plan. Accordingly, an Appropriate Assessment is not required.* Natural England concurred that no HRA was needed. BDBC re iterated this conclusion to the Parish Council in a Screening Opinion letter dated 21 October 2021.
20. 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).
21. 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**

22. The *National Planning Policy Framework* (NPPF) (19 December 2023) 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.
23. I have examined the Plan against policies in this revised NPPF, which was published during the Regulation 16 consultation period. This gave respondents the opportunity to comment on the revised NPPF. In the interest of fairness, I invited the Parish Council to make any comments it felt

necessary with regard to how the Plan has regards to national policy following the publication of the revised NPPF.

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, beautiful and safe places, 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 protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
25. Cliddesden 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 strategic policies in this Local Plan include policies regarding housing, the environment and the economy.
26. BDBC is preparing an updated Local Plan. BDBC publicised the draft Local Plan (Regulation 18) for comment during the publicity period between 22 Jan and 4 March 2024. The preparation of the neighbourhood plan has been carried out in the context of the Local Plan update. As such, it has an end date of 2039. However, BDBC has now proposed that the Local Plan will have an end date of 2040 and has suggested that the neighbourhood plan revises its end date accordingly. The Parish Council, in its response to the Regulation 16 representations, has agreed with this end date change. In the context of this particular neighbourhood plan, this has no bearings on whether the Plan meets the Basic Conditions.

## 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 in 2018 and included an open day in November 2018 where the Vision, Aims and Objectives were considered. Further consultation included questionnaires in May 2019, February 2020 and September 2020. The Cliddesden Neighbourhood Plan Website and Facebook were set up in 2019. Update articles were published in the Village Newsletter, on Facebook and on the Website.
29. The consultation period on the pre-submission draft of the Plan ran from 15 February 2022 to 30 March 2022. It was advertised in the village newsletter, webpage, posters and social media. Community consultation letters and forms were delivered to households, businesses, principal landowners and community groups in the Parish. These were mainly delivered by hand. Separate emails and documents were sent to all statutory consultees. Paper copies of the Plan were on display in Basingstoke Library and Cliddesden Village Hall.
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 the local community was able to engage in the production of the Plan. I congratulate them on their efforts, particularly during the challenging time of the pandemic.
31. BDBC publicised the submission Plan for comment during the publicity period between 24 November 2023 and 12 January 2024 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of 35 responses were received. A further consultation period was held from 1 March to 18 March 2024 with regard to the Policy ENV5 Valued Landscape Policy. 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 Cliddesden Neighbourhood Plan

33. Background information is provided throughout the Plan and in supporting background papers. A clear vision for the Parish has been established together with four aims supported by a number of objectives.
34. Policies in a neighbourhood plan can only be for the development and use of land. Where there are community aspirations in the Plan these have been 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 NPPF was revised during the Regulation 16 consultation period on the submission Plan. There are references to the NPPF throughout the Plan. These need to be changed to the relevant sections of the revised NPPF (December 2023). Whilst this is an onerous task, it is necessary to ensure that the Plan has regard to national policy.
40. **Recommendation: to meet the Basic Conditions, I recommend that all references to the NPPF throughout the Plan are revised where necessary to refer to the relevant sections of the revised NPPF (19 December 2023).**
41. The Plan does not include an overall policies map. The Parish Council has stated that it would be supportive of such a map being included, but would request the assistance of BDBC. An overall policies map would be helpful. **I see this as a minor editing matter.**

42. 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 H1 Heritage Assets**

43. 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.
44. The NPPF advises at paragraph 205 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.
45. 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.
46. Policy H1 seeks to protect heritage assets and refers to the Cliddesden Conservation Area Appraisal.
47. Community Aspiration CA3 states that a list of non-designated heritage assets is to be prepared. I have not been made aware of any existing locally listed buildings or positive buildings of townscape merit in the Parish. In the interest of precision, a policy cannot protect assets that are not identified. This does not provide a sound basis for decision making. Therefore, I recommend the deletion of reference to such buildings from Policy H1. Community Aspiration CA3 can remain in the Plan.
48. Paragraph 207 in the NPPF refers to substantial harm or total loss of significance of a designated heritage asset. The last paragraph in Policy H1 does not have regard to all the requirements of that paragraph in the NPPF. To modify the last paragraph in Policy H1 so that it had regard to national policy, it would end up as a repetition of Paragraph 207 in the NPPF, which is not necessary. Thus, in the interest of precision, I recommend the deletion of the last paragraph in Policy H1.
49. In the interest of precision, the full titles of the documents should be included in Policy H1.
50. Subject to the above modifications, Policy H1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy H1 meets the Basic Conditions.

51. **Recommendation: to meet the Basic Conditions I recommend modification to Policy H1 to read as follows:**

**POLICY H1: Heritage Assets**

**Development proposals will be supported within or adjacent to Cliddesden Conservation Area provided they:**

- a) respect the historic fabric of the area; and**
- b) conserve or enhance the character and appearance of the Conservation Area, the buildings within it and its setting; as described in the Cliddesden Conservation Area Appraisal 2003 and any replacement Conservation Area Appraisal; and**
- c) have regard to the design principles set out in the Cliddesden Village Design Statement 2004 and Cliddesden Design Code July 2020; and**
- d) use traditional and vernacular building materials which respect the context of the development concerned.**

**POLICY HD1 New Housing to meet the requirement of Local Plan Policy SS5**

52. Paragraph 60 in the NPPF states: *To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.* This is relevant to all the housing policies in this Plan.
53. BDLP Policy SS5 supports the identification of housing sites through Neighbourhood Plans. Cliddesden lies within a group of 13 settlements with a defined Settlement Policy Boundary which are required to identify sites for a total of 150 homes between them. BDLP Policy SS5 specifies that it will be necessary to identify sites/opportunities to deliver at least 10 homes within and adjacent to each of these settlements. Should the housing requirement not be met, BDLP Policy SS5 enables BDBC to identify opportunities to address any shortfall through the development plan process.
54. Policy HD1 does not allocate sites for housing, although it does recognise the need to identify sites to accord with BDLP Policy SS5 or with policies that will succeed BDLP Policy SS5. BDBC has stated that this is considered to be a suitable approach that ensures that the Plan is in conformity with the strategic policies in the Local Plan, even though it doesn't allocate sites.

55. Whilst missing the opportunity to allocate sites, a neighbourhood plan is not required to allocate sites for housing development, whilst at the same time it must ensure that it is in general conformity with strategic policy.
56. By acknowledging that appropriate proposals for new housing that meet the requirements of BDLP Policy SS5 will be supported, Policy HD1 is in general conformity with strategic policy, has regard to national policy and contributes towards sustainable development. Policy HD1 meets the Basic Conditions.

### **POLICY HD2 Housing Mix**

57. BDLP Policy CN3 seeks a housing mix for market housing.
58. Policy HD2 seeks a mix of dwelling types and sizes, including smaller dwellings. Background evidence is found in the Housing Development Background Paper and BDBC Housing Supplementary Planning Document (July 2018).
59. Policy HD2 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy HD2 meets the Basic Conditions.

### **POLICY HD3 Extensions and Annexes to dwellings**

60. BDLP Policy EM10 seeks high quality development, which, amongst other matters, should respect the local environment and provide a high quality of amenity for neighbours. This is relevant to Policies HD3, HD4, DD1, DD2, DD3 and DD4.
61. Policy HD3 seeks to ensure that residential extensions and annexes are appropriate. BDBC has suggested that the design of annexes should ensure they are not capable of being made into separate dwellings. I have not been made aware of a strategic policy that specifically covers this matter. Policy HD3 refers to ensuring that annexes do not compromise the character and pattern of an area or amenity of residents. These, together with restrictions on developments in the countryside, are strong policy requirements that can enforce such separate dwelling restrictions where necessary.
62. BDBC has suggested that after the word 'pattern' in criterion b) the words 'of development' could be inserted. **I see this as a minor editing matter.**
63. BDBC has stated that the considerations of this policy would also be relevant for other detached buildings within the curtilage of residential properties. It is not for me to recommend widening the considerations in this policy in this way, even if it would be relevant.
64. Design is referred to twice in the Policy. In the interest of precision, I suggest that the first reference to design is deleted. Subject to this

modification, Policy HD3 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy HD3 meets the Basic Conditions.

65. **Recommendation: to meet the Basic Conditions I recommend modification to Policy HD3 a) to read as follows:**

**a) appropriate in scale to the original building.**

#### **POLICY HD4 Replacement of Dwellings**

66. BDLP Policy SS6(d) permits replacement dwellings in the countryside outside Settlement Policy Boundaries where the size is appropriate to the plot and not visually intrusive in the landscape.
67. Policy HD4 supports the replacement of dwellings outside the Settlement Policy Boundary subject to a list of criteria, with emphasis on conserving local character and ensuring sufficient garden space.
68. BDBC has suggested that this policy is relevant to all replacement dwellings, and not just those in the countryside. It is not for me to recommend widening the considerations in this policy in this way, even if it would be relevant.
69. Policy HD4 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy HD4 meets the Basic Conditions.
70. Paragraph 111 cross refers to BDLP Policy SS6(d). The reference should explain that this policy only applies to new housing in the countryside outside Settlement Policy Boundaries. **I see this as a minor editing matter.**

#### **POLICY DD1 Design Code**

71. Paragraph 131 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.*
72. Paragraph 132 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.*

73. The above paragraphs are relevant to Policies DD1, DD2 and DD3.
74. The *Cliddesden Design Code 2020* provides robust evidence to guide the design of future development. This document identifies distinct character areas in the Parish and includes nine Design Codes. Policy DD1 requires regard to be had to the design codes.
75. Policy DD1 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Policy DD1 meets the Basic Conditions.
76. The *Cliddesden Design Code 2020* Design Code 01e restricts densities to no more than 24 dwellings per hectare. I see no robust evidence to justify this approach. I note that BDBC has referred to it being conceivable, for example, that a well-designed terrace or a small block of flats could be proposed which are entirely in keeping with the character of the area, but which could have a higher density. Therefore, in the interest of precision, I suggest deletion of this restriction.
77. The *Cliddesden Design Code 2020* Design Code 06g requires new developments to provide communal open space. The definition of development in planning policy encompasses a wide range, including change of use and there may be many instances where it would not be appropriate for small scale development to be required to provide communal open space. Therefore, in the interest of precision, I have suggested revised wording.
78. The *Cliddesden Design Code 2020* Design Code 07b refers to new developments needing to comply with the BDBC Parking Supplementary Planning Document July 2018. As that document is guidance, rather than policy, new developments should have regard to the document rather than being required to comply with it. Therefore, in the interest of precision, I have suggested revised wording.
79. **Recommendation: to meet the Basic Conditions I recommend:**
- 1) modification to The *Cliddesden Design Code 2020* Design Code 01e by the deletion of the restriction on density to 24dph.**
- 2) modification to The *Cliddesden Design Code 2020* Design Code 06g to read as follows:**

**New developments should consider providing communal open space to ensure that sufficient space is allowed for trees and other vegetation.**

**3) modification to The *Cliddesden Design Code 2020* Design Code 07b to read as follows:**

**New developments should have regard to the Basingstoke and Deane Parking SPD (2018). The number of parking spaces allocated per dwelling should, wherever possible, exceed the minimum standard set out in the SPD, given Cliddesden's rural location.**

## **POLICY DD2 Design and Development**

80. Policy DD2 is a broad design policy supported by detailed robust evidence in the *Cliddesden Design Code 2020*. The cross referencing to the design Codes provides a clear reference to promote successful design. However, to avoid internal conflict in the Plan, Policy DD2 should refer to having 'regard' to the Design Code as this is the wording used in Policy DD1.
81. Criterion K in Policy DD2 is repeated in Policy DD3 and thus should be deleted from Policy DD2. **I see this as a minor editing matter.**
82. Paragraph 136 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. I recommend the inclusion of such a requirement in Policy DD2. I have suggested additional wording. Whilst Design Code 06 does refer to the need for vegetated boundaries, it does not specifically require all new streets to include trees.
83. Subject to the above modifications, Policy DD2 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy DD2 meets the Basic Conditions.
84. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) modification to Policy DD2 criterion a to read as follows:**
- Development proposals must show how they would conserve or enhance the character of the plan area, having regard to the Cliddesden Design Code.**

**2) the inclusion of the following in Policy DD2:**

**All new development should include tree-lined streets unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate.**

### **POLICY DD3 Linear Character**

85. The *Cliddesden Design Code* Design Code 01a emphasises the importance of the linear character of the village with a ‘one-plot-deep’ character that makes a positive contribution to the rural character of the area. Policy DD3 seeks to retain this linear character. From my observations, not all of the village has a linear character. Therefore, in the interest of precision, I have suggested revised wording for Policy DD3, Design Code 01a and supporting paragraph 130 in the Plan. Subject to these modifications, Policy DD3 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy DD3 meets the Basic Conditions.
86. **Recommendation: to meet the Basic Conditions, I recommend:**
87. **1) modification to Policy DD3 to read as follows:**

#### **POLICY DD3: Linear Character**

**Where the *Cliddesden Design Code* (July 2020) identifies a linear character, development proposals should reflect the predominately linear character of the area. Any development which erodes the linear character of the area, including irregular, back land and garden development, should be resisted.**

**2) modification to The *Cliddesden Design Code 2020* Design Code 01a to read as follows:**

**New developments are to reflect the linear ‘one-plot-deep’ character of character areas where this is a predominant characteristic, enabling views of the countryside across the area.**

**3) modification to paragraph 130 to accord with the above.**

### **POLICY DD4 Sustainability and Climate Change**

88. Paragraph 157 in the NPPF states: *the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise*

*vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.* This paragraph is relevant to Policies DD4 and DD5.

89. Paragraph 161 in the NPPF supports community led initiatives for renewable and low carbon energy.
90. Paragraph 164 in the NPPF states: *In determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in chapter 16 of this Framework.*
91. BDLP Policy EM10 supports new development that minimises energy consumption through sustainable approaches to design. Whilst BDLP Policy EM8 supports commercial renewable/low carbon energy generation, it does not mention domestic energy generating infrastructure.
92. Policy DD4 supports the provision of domestic energy generating infrastructure subject to a list of criteria including that it does not detract from the rural and historic character. I have not been provided with any robust evidence as to why energy generating infrastructure should comply with the Micro-generation Certification Scheme. Thus, I recommend deletion of criterion d in Policy DD4 in this respect.
93. The title of Policy DD4 is somewhat misleading. In the interest of clarity, I recommend that the title is altered to 'Domestic Energy Generating Infrastructure' as suggested by the Parish Council in its response to the regulation 16 representations.
94. Subject to the above modifications, Policy DD4 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy DD4 meets the Basic Conditions.
95. **Recommendation: to meet the Basic Conditions, I recommend:**
  - 1) modification to the title of Policy DD4 to read as follows:**  
**Policy DD4 - Domestic Energy Generating Infrastructure.**
  - 2) the deletion of criterion d in Policy DD4.**

## **POLICY DD5 Flood Risk**

96. Paragraph 165 in the NPPF states: *Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*
97. Paragraph 175 in the NPPF requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
98. BDLP Policy EM7 seeks to manage flood risk. It requires major developments to use sustainable drainage systems unless demonstrated to be inappropriate. BDLP Policy CN6 requires new development to provide and contribute towards the provision of necessary infrastructure.
99. Policy DD5 requires a Drainage Strategy for new developments of ten or more houses to ensure there is adequate drainage provision. BDBC requires a Foul Sewage and Utilities Assessment for all new housing applications as part of its planning application requirements. In addition, BDBC requires a Flood Risk Assessment in areas at risk of flooding. Whilst I recognise the flooding problems in the village, I have no robust evidence before me to explain why a further assessment in the form of a Drainage Strategy would be required for sites of ten or more houses. In these circumstances, I suggest that the policy is modified to support the provision of sustainable drainage systems and possible need for off-site upgrades.
100. Whilst Policy DD5 supports the use of sustainable drainage systems, it does not include the national and BDLP provision of 'unless demonstrated to be inappropriate'. To have regard to national policy and be in general conformity with strategic policy, I suggest the inclusion of this exception. I have suggested revised wording.
101. Subject to the above modifications, Policy DD5 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy DD5 meets the Basic Conditions.
102. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy DD5 to read as follows:**
103. **POLICY DD5 Flood Risk**
- 1. Development proposals for sites of 10 or more houses should incorporate sustainable drainage systems (SUDS) to address all surface water run-off from the development site unless demonstrated to be inappropriate. Where possible, existing watercourses on or adjacent to development sites should be enhanced and integrated with the SUDS.**

**2. Where appropriate, planning permission for developments which result in the need for off-site upgrades, will be subject to conditions to ensure the occupation is aligned with the delivery of necessary infrastructure upgrades.**

### **POLICY LW1 Current Valued Community Facilities**

104. The NPPF promotes healthy communities. Paragraph 97 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.
105. 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.
106. The above policies are relevant to policies LW1 and LW2.
107. Policy LW1 identifies Valued Community Facilities, where their loss is resisted. It includes the Village Pond which is identified as a Local Green Space in Policy ENV2, where restrictions on development are more onerous than Policy LW1. Therefore, to avoid an internal conflict within the Plan the Village Pond should be deleted from the list of Valued Community Facilities and Policy Map LW1.
108. Policy LW1 includes the telephone box which also lies within the Village Pond Local Green Space. I have suggested under Policy ENV2 that the telephone box is excluded from the Local Green Space designation. Thus, it will remain as an identified Valued Community Facility.
109. The Village Millennium Hall grounds and the gardens of the Jolly Farmer Public House are recognised as both community facilities and Local Green Spaces. In the interest of precision, these should be excluded from Policy LW1 and Policy Map LW1.
110. Subject to the above modifications, Policy LW1 has regard to national policy, contributes towards sustainable development, particularly the social objective and is in general conformity with strategic policy. Modified Policy LW1 meets the Basic Conditions.
111. The accompanying text in paragraphs 146 and 147 should be amended accordingly and can explain why the Village Pond, Village Millennium Hall grassed area and pub gardens are not included in the list of Valued Community Facilities. **I see that as a minor editing matter.**
112. **Recommendation: to meet the Basic Conditions, I recommend the deletion of the Village Pond and its surrounds; the grassed area to the rear of the Village Millennium Hall; and the gardens of the Jolly Farmer**

**Public House from the list of Valued Community Facilities in Policy LW1 and on Policy Maps LW1a and LW1b.**

**POLICY LW2 Additional Community Facilities**

113. Developer contributions can only be sought where they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and paragraph 57 in the NPPF.
114. BDLP Policy CN6 requires new development to provide and contribute towards the provision of necessary facilities, including community facilities.
115. Policy LW2 requires development proposals to provide new community facilities or improvements as appropriate to their scale, nature and location. This does not have regard to the tests outlined above. In the interest of precision, I have suggested revised wording.
116. Paragraph 152 is written as policy, but this has not been included in the policy requirements in Policy LW2. In the interest of precision, paragraph 152 should be deleted.
117. Subject to the above modifications, Policy LW2 has regard to national policy, contributes towards sustainable development, particularly the social objective and is in general conformity with strategic policy. Modified Policy LW2 meets the Basic Conditions.
118. **Recommendation: to meet the Basic Conditions, I recommend:**

**1) modification to Policy LW2 to read as follows:**

**POLICY LW2 – Additional Community Facilities**

**Where appropriate, development proposals should provide new community facilities or improvement to existing facilities, to meet the needs and requirements that are expected to arise from the development, in consultation with the Parish Council.**

**2) the deletion of Paragraph 152.**

**POLICY TM1 Increased access points and traffic**

119. Section 9 in the NPPF promotes sustainable transport. This includes providing safe and suitable access to sites and providing attractive and well-designed walking and cycling networks.

120. BDLP Policy CN9 promotes a safe, efficient and convenient transport system. It includes the need to ensure that new development does not compromise highway safety and seeks to protect and where possible enhance access to public rights of way.
121. Policy TM1 and Policy TM2 are supported by background evidence in the Traffic and Movement Background Paper (September 2023).
122. The above are relevant to Policies TM1 and TM2.
123. Policy TM1 seeks to ensure that new development does not further increase risk to cyclists or pedestrians or exacerbate parking stress. I have seen the nature of the narrow roads in the Parish and understand these concerns. Policy TM1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy TM1 meets the Basic Conditions.

### **POLICY TM2 Improving Footpath and Cycle Networks**

124. Policy TM2 seeks to ensure that developments improve footpaths and cycle networks, where appropriate to their scale, nature and location. As such, Policy TM2 has regard to national policy, particularly where it seeks to provide attractive and well-designed walking and cycling networks, contributes towards sustainable development and is in general conformity with strategic policy. Policy TM2 meets the Basic Conditions.

### **POLICY ENV1 Local Gap Policy**

125. Section 11 in the NPPF seeks to make effective use of land. It recognises that some undeveloped land can perform many functions.
126. BDLP Policy EM1 states that development proposals must respect, enhance and not be detrimental to the character or visual amenity of the landscape likely to be affected. Development proposals will not be accepted unless they maintain the integrity of existing settlements and prevent coalescence.
127. Policy ENV1 identifies a Local Gap adjacent to the M3 to prevent coalescence with Basingstoke.
128. Policy ENV1 is supported by the Local Gap Background Paper (August 2023). This states: *the Gap is designed to prevent the larger settlement subsuming the smaller local settlement and avoid the risk of coalescence with the town to prevent Cliddesden becoming another suburb of Basingstoke.* It goes on to state: *Since its opening in 1972 the M3 motorway has traditionally been a barrier between Basingstoke and the open countryside to the south. It has had the effect of limiting development and*

*this has had a positive result in preserving the unique village separate identity.*

129. The vision for Cliddesden includes that the Parish will continue to be secure in its identity as a small and thriving rural community physically and distinctly separate from Basingstoke.
130. Policy ENV1 restricts development in the Local Gap to agriculture or utility related development in criteria a) and b), but then states in the last paragraph that proposals will be supported within the identified gap provided development does not reduce the physical separation/visual separation of Basingstoke and Cliddesden, or compromise the integrity of the gap, individually or cumulatively with other existing or proposed developments. I have no robust evidence to justify that the requirements in the last paragraph cannot be achieved by developments other than agriculture or utility related development. Indeed, there may be some developments, such as community/recreation developments, that are suitable for such a rural area. Therefore, I recommend the deletion of criteria a) and b).
131. Subject to the above modification and similar modification to the explanatory paragraphs 194 and 195, Policy ENV1 contributes towards achieving the vision for the Parish.
132. Following responses from the Parish Council to the Regulation 16 consultation responses, The Parish Council has provided previously considered wording for Policy ENV1. The only main difference between the modified policy I have recommended and that draft policy is reference to demonstration that there is an essential need for the development in the Gap and development cannot be located elsewhere. As that requirement had been removed from the submitted policy, and as I have no robust evidence to justify the requirement, I do not consider it necessary to include it.
133. There has been objection to the identification of the Local Gap. I note that the emerging Local Plan does not allocate land for development within this area. Even so, the borough wide housing provision is currently being considered as part of the update of the Local Plan. The Neighbourhood Plan examination process does not require a rigorous examination of borough wide housing land requirements. This is the role of the forthcoming examination of the emerging Local Plan.
134. Subject to the above modifications, Policy ENV1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy ENV1 meets the Basic Conditions.
135. **Recommendation: to meet the Basic Conditions, I recommend:**  
**1). the deletion of criteria a) and b) in Policy ENV1**

2) replacing paragraphs 194 and 195 with the following:

**Proposals for development within the Local Gap will only be acceptable where development does not reduce the physical separation/visual separation of Basingstoke and Cliddesden, or compromise the integrity of the gap, individually or cumulatively with other existing or proposed developments.**

## **POLICY ENV2 Protection and enhancement of the natural environment and Local Green Spaces**

136. The NPPF in paragraphs 105 - 107 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.*

137. Whilst the BDLP does not specifically refer to Local Green Space (LGS), Policy EM5 seeks to protect and enhance the quality of public open space and resists the redevelopment of both public and private open space.

138. I have visited the Parish and seen the LGS identified in Policy ENV2. The justification for the designation of the LGS is found in supporting evidence in the *Local Green Space Background Paper* (August 2023) and Appendix B in the Plan. I have no evidence to suggest that these proposed LGS are not capable of enduring beyond the end of the plan period. All these sites are in reasonable proximity to the local community, are local in character and are not extensive tracts of land. I am satisfied that the proposed LGS meet the criteria for designation unless stated below.

139. My comments on each of the proposed LGS sites are set out below.

140. *LGS 1: Village Pond and Surrounds.* The pond and surrounding grassland and vegetation are demonstrably special to the local community because of the historic importance, informal recreation provision and biodiversity. As the telephone box is identified as a community facility in Policy LW1, where less stringent policy restrictions apply, the telephone box should be deleted from the area identified as a LGS on Policy Map ENV2.
141. *LGS 2: Wildflower Bank.* This chalk grassland bank which includes native flowers is demonstrably special to the local community because of its visual amenity and biodiversity.
142. *LGS 3: Pony Paddocks opposite the Church.* Background evidence explains that these paddocks are demonstrably special to the local community because the sight of grazing horses emphasises the peaceful rural feel of the village, it adds landscape value and is important to wildlife. However, the area has been reduced in size from that previously suggested to allow for future small scale development whilst retaining an area of green space close to the village centre. This does appear to be a contrived reason to allocate the site as LGS.
143. From my site visit, I see no distinct difference between the site and the previously suggested wider site and there is no distinct strong boundary separation. From the supporting evidence and from my site visit, I have no robust evidence to determine that this part of the wider site is demonstrably special to the community. Therefore, it does not meet the criteria for designation as LGS.
144. *LGS 4: Cliddesden Millennium Hall Grounds, Church Lane.* The grassed area is demonstrably special to the local community because of its recreational value. As mentioned under Policy LW1, the grassed area to the rear of the hall should be designated as LGS, with the remainder of the site being identified as a community facility. This is because of differing policy restrictions applying. Therefore, the Millennium Hall and parking area should be deleted from the area identified as LGS on Policy Map ENV2.
145. *LGS 5: Woodland, Farleigh Road.* This area of woodland is demonstrably special to the local community because of its biodiversity value.
146. *LGS 6: 'The Jolly Farmer' Public House Garden.* This garden is demonstrably special to the local community because of its informal recreation provision.
147. *LGS 7 Cleresden Meadow.* This is an arable reversion to a traditional wildflower meadow. This meadow is demonstrably special to the local community because of its tranquillity, biodiversity and beauty. During the course of the examination, I was informed that this site has been designated as a Site of Importance for Nature Conservation (SINC). The Plan can be updated to mention this designation. **I see this as a minor editing matter.**

148. *LGS 8: Southlea Meadow.* This meadow is demonstrably special to the local community because of its tranquillity, biodiversity and beauty.
149. *LGS 9: Grass Areas and Paddocks behind Farleigh Road.* This area is demonstrably special to the local community because of its tranquillity and biodiversity. Whilst this site has been reduced in size from that previously suggested, there is a strong landscaped separation boundary between the site and excluded area.
150. 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 ENV2. 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 ensures that the policy meets the Basic Conditions.
151. Policy Map ENV2 does not sufficiently identify the exact boundaries of the LGS. In the interest of precision, this map should be modified on an ordnance survey base, to a scale that clearly identifies the LGS. It may be appropriate to include inset maps for this purpose. These can be in an appendix.
152. Subject to the above modifications, Policy ENV2 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy ENV2 meets the Basic Conditions.
153. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) the deletion of the last sentence in Policy ENV2.**
  - 2) modification to Policy Map ENV2, on an ordnance survey base, to clearly identify the LGS. It may be appropriate to include inset maps for this purpose.**
  - 3) the deletion of the telephone box from the area identified as LGS1 on Policy Map ENV2.**
  - 4) the deletion of LGS3, pony paddocks opposite the church, from Policy ENV2 and Policy Map ENV2.**
  - 5) the deletion of the Millennium Hall and parking area from the area identified as LGS4 on Policy Map ENV2.**

## **POLICY ENV3 Protection and Enhancement of the Natural Environment**

154. The NPPF, in paragraph 180 requires the planning system to contribute to and enhance the natural and local environment. This includes minimising impacts on biodiversity and providing net gains in biodiversity.
155. Paragraph 186 c) in the NPPF states: *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.*
156. The Environment Act 2021 makes provision for achieving a minimum 10% biodiversity net gain to be a condition of receiving planning permission. Various parts of this Act are coming into force with the requirement for a minimum of 10% biodiversity net gain on 12 February 2024 for major developments and on 2 April 2024 for small sites.
157. BDLP Policy EM1 is a long detailed policy that primarily seeks to ensure that new development is sympathetic to the character and visual qualities of the landscape.
158. BDLP Policy EM4 is a policy regarding biodiversity, geodiversity and nature conservation. This is a long complex policy setting criteria to ensure that: *development proposals will only be permitted if significant harm to biodiversity and/ or geodiversity resulting from a development can be avoided or, if that is not possible, adequately mitigated* and where it satisfies a list of criteria. As a last resort, compensatory measures will be secured.
159. BDLP Policy EM5 seeks to protect and improve the green infrastructure network.
160. Policy ENV3 supports the conservation or enhancement of important trees, woodland, important hedgerow corridors and wildlife corridors. These are identified on accompanying maps. All these maps would benefit from greater clarity. In the interest of precision, I recommend that these maps are modified on an ordnance survey base, to clearly identify the important vegetation and wildlife corridors. These maps can be in an appendix and/or as an interactive web map. As explained in the *Trees, woodlands, hedgerows and wildlife corridors background paper (August 2023)*, these maps identify any trees considered to be important, on grounds of landscape, cultural or ecological importance. In addition, any hedge greater than 20m in length, or any hedgerow less than 20m that connects to a longer hedgerow is identified. The identified important wildlife corridors, include, but are not limited to, hedgerows, verges, woodlands, areas of vegetation and water courses.
161. The second paragraph in Policy ENV3 refers to mitigation. To have regard to national policy, this should include reference to compensation. I have suggested revised wording.

162. BDBC *Landscape, Biodiversity and Trees Supplementary Planning Document* (SPD) (December 2018) provides guidance on how existing green infrastructure, landscape, biodiversity, and trees should shape development proposals and be considered as part of the planning process. As this is guidance rather than policy, Policy ENV3 should refer to having regard to this guidance. I have suggested revised wording.
163. The third paragraph in Policy ENV3 lists criteria for consideration. Criterion c) contradicts guidance in SPD and I have not been provided with any robust justification for this approach. Therefore, I have suggested revised wording. Criterion d) does not include the provision in SPD that states there should be a hedgerow buffer zone of at least 5 metres *unless it can be demonstrated that adverse impacts on the hedgerow habitat can be satisfactorily addressed if a lesser distance is applied*. In the interest of precision, and to avoid internal conflict within the policy, I have suggested revised wording.
164. There are certain types of development that are exempt from biodiversity gain. In the interest of clarity, I suggest the addition of a footnote to criterion e in Policy ENV3 to explain these exemptions.
165. Supporting paragraph 217 states that important local features should be made accessible to the local community. This is not translated into Policy ENV3, where such accessibility is supported and encouraged, rather than required. In the interest of precision and to avoid internal conflict in the Plan, I have suggested revised wording for paragraph 217.
166. Supporting paragraph 220 goes beyond the policy requirements in Policy ENV3 and BDBC has explained that under the Hedgerow Regulations, hedgerows for more (not less) than 20m should be surveyed. In the interest of precision and to avoid internal conflict in the Plan, I have suggested revised wording for paragraph 220.
167. Subject to the above modifications, Policy ENV3 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy ENV3 meets the Basic Conditions.
168. **Recommendation: to meet the Basic Conditions, I recommend:**

**1). modification to Policy ENV3 to read as follows:**

**POLICY ENV3 Protection and Enhancement of the Natural Environment**

**Development proposals that conserve or enhance the important trees, woodland, important hedgerows or wildlife corridors (as defined in the Policy Maps ENV3a, ENV3b, ENV3c, ENV3d, ENV3e and ENV3f) will be supported.**

**Development proposals should avoid the loss or damage of important trees, woodlands, or wildlife corridors, where loss or damage to tree's cannot be avoided adequate mitigation and/or compensation should be**

provided, having regard to guidance in the B&DBC Landscape Biodiversity and Trees SPD (December 2018).

Appropriate to their scale, nature and locations development proposals should demonstrate how they will conserve and enhance the local environment and take into consideration the following:

- a) The provision of wildlife corridors and buffer areas to protect habitats will be supported.
- b) Development adjacent to important Woodland or Ancient Woodland shall include buffer zones of at least 20m.
- c) Development adjacent to important trees shall ensure that there is adequate space to allow for their future retention and growth.
- d) Development adjacent to important hedgerows or wildlife corridors shall include buffer zones of at least 5m unless it can be demonstrated that adverse impacts on the hedgerow habitat can be satisfactorily addressed if a lesser distance is applied.
- e) development proposals should demonstrate a minimum of 10% net increase in biodiversity.
- f) Proposals for public access to areas of important trees, hedgerows and woodland will be supported and encouraged where they will not cause harm to biodiversity and/or geodiversity.

2). modification to Policy Maps ENV3a, ENV3b, ENV3c, ENV3d, ENV3e and ENV3f , on an ordnance survey base, to clearly identify the important trees, woodland, important hedgerows and wildlife corridors. These maps can be on an interactive web map.

3). the addition of a footnote to criterion e in Policy ENV3 to read as follows:

Certain types of development are exempt from Biodiversity Net Gain, these are: permitted development rights; householder applications; development which only has a 'de minimis' impact on habitats; developments undertaken for the purpose of fulfilling the BNG planning condition for another development; high-speed railway network; and certain self-build and custom build developments.

4). modification to the penultimate sentence in paragraph 217 to read as follows:

**Many of these important natural features are protected by legislation and landowners should check whether removal of a hedgerow requires permission prior to commencing works, as long as it does not affect their intrinsic character, their accessibility to the local community is supported and encouraged, so that their value can be appreciated.**

**5). modification to paragraph 220 to read as follows:**

**It would be unrealistic to survey every hedgerow in the parish for species. Any proposal to remove a hedgerow more than 20m in length, will need to be accompanied by a professional survey to determine the make up by species. Further information regarding hedgerows and maps highlighting the location of hedgerows is set out in the Parish Council's background evidence paper.**

**POLICY ENV4 Preserving Important Views in the Parish of Cliddesden**

169. The NPPF, in Paragraph 180 requires the planning system to contribute to and enhance the natural and local environment. This includes protecting and enhancing valued landscapes.
170. BDLP Policy EM1 is a long detailed policy that primarily seeks to ensure that new development is sympathetic to the character and visual qualities of the landscape.
171. The above policies are relevant to Policies ENV4 and ENV5.
172. Policy ENV4 identifies Important Views and seeks to preserve and enhance these views. The *Important views and vistas background paper* (July 2023) provides the evidence base for the selection of the Important Views. This report identifies clear criteria for selection. In undertaking the review, use was made of OS mapping, Parish online, photographs and local knowledge. Each view was considered with regard to the extent they contribute positively to the distinctive character of the Parish and the creation of a strong sense of place in its historic environment.
173. There has been some criticism of the methodology for choosing the Important Views. PPG advises that proportionate, robust evidence should support the choices made and the approach taken in any policy in a neighbourhood plan. In this particular instance, in such a small parish, local knowledge of local views is significantly robust evidence.
174. I have seen the important views and understand their significance to the local community. There are identified Important Views that extend beyond the Parish boundary. BDBC has suggested that the Policy Map ENV4 is modified to ensure views remain in the Plan area. This Plan cannot impose

restrictions on development in neighbouring parishes. Therefore, in the interest of precision, Policy Map ENV4 should be amended accordingly.

175. The Important Views Policy Map ENV4 needs to be of a suitable scale for ease and accuracy of identification. In the interest of precision, I recommend the inclusion of inset OS based maps at an appropriate scale that ensures the precise locations and directions of the Important Views are clearly identifiable. These can be in an appendix. As photographs of each view are already available in the background document, I suggest that these are all included in the Plan, possibly in an appendix. **I see the inclusion of these photographs as a minor editing matter.**
176. I realise the Plan has to be read as a whole. However, I am concerned because some of the Important Views are across areas designated as LGS, where restrictions on development are more restrictive than those outlined in Policy ENV4. Therefore, in the interest of precision, I recommend reference in Policy ENV4 to Policy ENV2.
177. Subject to the above modifications, Policy ENV4 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy ENV4 meets the Basic Conditions.
178. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) the addition of the following sentence at the end of Policy ENV4:**
- Where Important Views are across sites designated as Local Green Spaces, Policy ENV2 applies to those sites.**
- 2) modification to Policy Map ENV4, on an ordnance survey base, to clearly identify the precise locations and directions of the Important Views and to retain those views within the Plan area. Inset maps should be included for this purpose.**

## **POLICY ENV5 Valued Landscape Policy**

179. 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.
180. 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.

181. 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).
182. 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.
183. 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.
184. 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.
185. 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, having regard to national policy, I have concluded that the area proposed is unsuitable for designation as an area of Valued Landscape. Therefore, I

recommend the deletion of Policy ENV5. Policy ENV5 does not meet the Basic Conditions in this respect.

186. Where a recommendation would significantly or substantially alter the intention or nature of a neighbourhood plan, guidance in the *Neighbourhood Planning Independent Examiner Referral Service Guidance to service users and examiners* advises that the Parish Council is informed and given the opportunity to withdraw the plan from examination. I informed the Parish Council of my intention to delete this policy and they confirmed that they wished for me to continue with the examination. I invited further responses on this matter. After careful consideration, none of the representations altered my conclusion on this matter.
187. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy ENV5 and supporting text.**

### **POLICY ENV6 Dark skies, light pollution and external lighting**

188. NPPF paragraph 191 seeks to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
189. BDLP Policy EM12 seeks to ensure that new development does not lead to pollution. Pollution includes light pollution.
190. Policy ENV6 seeks to minimise light pollution. Justification is found in the *Dark Skies and Light Pollution Background Paper. Preserve the Dark Skies of the Parish (July 2023)* Policy ENV6 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Policy ENV6 meets the Basic Conditions.

### **Referendum and the Cliddesden Neighbourhood Plan Area**

191. 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.
192. **I am pleased to recommend that the Cliddesden Neighbourhood Plan as modified by my recommendations should proceed to Referendum.**

193. I am required to consider whether or not the Referendum Area should extend beyond the Cliddesden Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

### **Minor Modifications**

194. 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 to both the Plan and Design Codes 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. In particular, paragraphs 7 and 13 will need updating.
195. BDBC has suggested minor amendments to The *Cliddesden Design Code 2020* and to text in the Plan. I will leave it to the Parish Council to modify text as appropriate where they are editing matters.

**Janet Cheesley**

**Date 2 April 2024**

## Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (19 December 2023)  
The Planning and Compulsory Purchase Act 2004  
The Localism Act (2011)  
The Neighbourhood Planning (General) Regulations (As Amended) (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  
The Basingstoke and Deane Local Plan (2011 to 2029) (adopted May 2016)  
Basingstoke and Deane Valued Landscape Study (February 2023)  
Regulation 16 Representations  
All Supporting Documentation submitted with the Plan  
Examination Correspondence (On the BDBC web site)