

Dogmersfield Neighbourhood Development Plan 2016-2032

**A report to Hart District Council on the Dogmersfield
Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Hart District Council in January 2019 to carry out the independent examination of the Dogmersfield Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 1 April 2019.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding the character and appearance of the neighbourhood area. It includes a policy to protect existing community facilities and it designates two local green spaces. In general terms it positively addresses the future of the neighbourhood area. It is a very good example of a neighbourhood plan.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Dogmersfield Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
8 May 2018

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Dogmersfield Neighbourhood Development Plan 2016-2032 (the 'Plan').
- 1.2 The Plan has been submitted to Hart District Council (HDC) by Dogmersfield Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses a range of environmental and community issues in a positive fashion.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by HDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both HDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.11 of this report.

- 2.6 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 2.7 In order to comply with this requirement, a screening exercise was commissioned on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The resulting report (August 2018) is both thorough and well-constructed. On the basis of the screening report's findings it was determined that the Dogmersfield Neighbourhood Plan does not require a SEA under the SEA Directive and Environmental Assessment of Plans and Programmes Regulations (2004). This outcome reflects two important factors. The first is that the Plan does not allocate any land or sites for development. The second is that the policies of the Plan when taken as a whole and in combination with other policies in the Hart Local Plan 1996-2006 (Replacement) and First Alterations and proposed policies in the Hart Local Plan 2016-2032 will likely have positive effects.
- 2.8 The screening report also addressed the need or otherwise for habitats regulation assessment work to be undertaken. In particular it considered the potential impact of the implementation of the Plan's policies on the Thames Basin Heaths Special Protection Area (SPA) and on the Thursley, Ash, Pirbright and Cobham Common SPA. It does so in a very comprehensive fashion.
- 2.9 In the light of the information available at the time of assessment the screening report concluded that the Dogmersfield Neighbourhood Plan will not give rise to significant effects on the Thames Basin Heaths SPA or Thursley, Ash, Pirbright and Chobham Common SAC either alone or in-combination with other plans and/or projects. As such it is considered that a full appropriate assessment is not required.
- 2.10 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.11 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.12 In examining the Plan I am also required to check whether:

- the policies relate to the development and use of land for a designated neighbourhood plan area; and
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (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
- the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

2.13 Having addressed the matters identified in paragraph 2.12 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Plan;
 - the Basic Conditions Statement;
 - the Consultation Statement;
 - the SEA and HRA Screening Statement (August 2018);
 - the Parish Council's responses to my Clarification Note;
 - the representations made to the Plan;
 - the Hart District Local Plan (Replacement) 1996-2006;
 - the First Alterations to the Hart District Local Plan (Replacement) 1996-2006;
 - the emerging Hart Local Plan Strategy and Sites 2016-2032;
 - the National Planning Policy Framework (March 2012 and February 2019);
 - Planning Practice Guidance (March 2014 and subsequent updates); and
 - relevant Ministerial Statements.
- 3.2 I carried out an unaccompanied visit to the Plan area on 1 April 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.
- 3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised HDC of this decision early in the examination process.
- 3.4 On 24 July 2018 a revised version of the NPPF was published. Paragraph 214 of the 2018 NPPF identified transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version. The 2018 version of the NPPF was subsequently updated in February 2019. However, those updates do not affect the transitional arrangements which have resulted in the submitted Plan being assessed against the 2012 version of the NPPF.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement is proportionate to the Plan and its policies. Its strength is that the Statement itself is short and concise. It is then underpinned with appropriate detail in its various appendices. It includes an assessment of the consultation exercises undertaken during the various stages of Plan production. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (November to December 2018).
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. It provides details about:
- the launch event at the Annual Parish Assembly in April 2015;
 - the circulation of newsletters;
 - the household questionnaire (November 2015); and
 - the Draft Vision and Objectives consultation exercise (October 2016)
- 4.4 The appendices of the Statement provide details and evidence about the various consultation events. This gives depth and colour to the Statement. It also provides a helpful flavour of the way in which the community became engaged in the plan-making process.
- 4.5 Appendix 18 of the Statement provides specific details on the comments received as part of the consultation process that took place on the pre-submission version of the Plan. It then identifies the principal changes that worked their way through into the submission version. They help to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process.

Representations Received

4.8 Consultation on the submitted plan was undertaken by the District Council for a six week period that ended on 25 March 2019. This exercise generated comments from a range of organisations and private individuals as follows:

- Thames Water
- Historic England
- Natural England
- Vortal Properties
- Crookham Village Parish Council
- Surrey County Council
- Elizabeth and Chris Waller
- Hart District Council

4.9 Where it is appropriate to do so I make specific reference to certain representations in this report in general terms, and the way in which they have had an effect on my recommended modifications in particular.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The Plan area covers the parish of Dogmersfield. It was designated as a neighbourhood area on 6 August 2015. In 2011 it had a population of 280 persons living in 118 houses. The neighbourhood area is located in the Hart District area. The village of Dogmersfield is located approximately two miles to the west of Fleet and approximately three miles to the east of Odiham. It is irregular in shape and extends from the A287 in the south up to and slightly beyond the village itself to the north.
- 5.2 The majority of built development in the neighbourhood area is concentrated in the village of Dogmersfield itself. The village has developed around the junction of Church Lane and Pilcot Lane/Chatter Alley. All Saints Church is located on slighter higher land off Church Lane. As the Plan describes it includes an eclectic mixture of housing, some commercial garage premises, a school and a public house. The centre of the village is dominated by several historic, attractive and well-maintained properties. Much of the historic core of the village lies within the Dogmersfield Conservation Area.
- 5.3 The remainder of the neighbourhood area is dominated by its natural and historic connections. It contains several SSSI including the nationally significant water features of Tundry Pond, Dogmersfield Lake and the Basingstoke Canal. These features are located between the valleys of the Whitewater and Hart rivers which lie to the west and east of the parish respectively. The Dogmersfield Historic Park occupies a significant part of the neighbourhood area. It is a late eighteenth century garden and pleasure ground set within a park of mediaeval origins.

Development Plan Context

- 5.4 The Hart District Local Plan (Replacement) 1996-2006 was adopted in December 2002. The First Alterations to the Hart District Local Plan (Replacement) 1996-2006 was adopted in June 2006. It is this Local Plan against which I am required to examine the submitted Neighbourhood Plan. A significant element of these policies remain saved until the adoption of the emerging Local Plan. For completeness the development plan consists of the following documents:
- Hart Local Plan 1996 - 2006 (Saved Policies);
 - Policy NRM6: Thames Basin Heaths Special Protection Area of the South East Plan; and
 - Hampshire Minerals and Waste Plan 2013
- 5.5 The Basic Conditions Statement has very helpfully listed the policies in the adopted local plan. Within this context it highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice.
- 5.6 The following policies in the existing local plan are particularly relevant to the submitted neighbourhood plan:

GEN1	General Policy for development
GEN4	General Design Policy
CON13	Conservation Areas
CON22	Setting of settlements and recreation
RUR1	Definition of areas covered by RUR policies
RUR2	Development in the open countryside
RUR12	Businesses in rural settlements
RUR17	Protection of rural shops and post offices
RUR20	Housing in rural settlements

5.7 The District Council is well-advanced within the process of preparing a new Local Plan. Once adopted it will replace a number of policies in the existing Local Plan. The Hart Local Plan Strategy and Sites 2016-2032 was submitted for examination in June 2018. The hearing sessions have now taken place and the Council is working towards the publication of a schedule of Main Modifications. Other local plan documents will follow in due course for development management purposes. Insofar as it was able to do so the submitted neighbourhood plan has sought to take account of this emerging strategic planning context.

5.8 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is clear that the submitted Plan seeks to add value to the Core Strategy and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Unaccompanied Visit

5.9 I carried out an unaccompanied visit to the neighbourhood area on 1 April 2019.

5.10 I drove into the neighbourhood area along Chalky Lane/Church Lane to the south off the A287. This gave me an initial impression of the setting and the character of the neighbourhood area and its relationship to the main road network. I also saw the Four Seasons Hotel and the Basingstoke Canal.

5.11 I parked by All Saints Church and was able to walk around the remainder of the village. I looked at the well-maintained church yard. I also saw the faces on the side door of the church itself.

5.12 Thereafter I walked along Church Lane into the village centre. I saw an attractive range of traditional vernacular buildings either in brick or painted brick and with either clay tile or thatch roofs.

5.13 I then looked at the village centre based around The Queens Head. I paid particular attention to the two proposed local green spaces. The one off Pilcot Road around the

River Hart was particularly distinctive to the neighbourhood area. I walked along Pilcot Road into Crookham Village.

- 5.14 I retraced my steps back into the village centre and walked along Chatter Alley to the Primary School. I saw that the character and appearance of Chatter Alley was very different to that of Church Lane and was dominated by the car repair and car sales garages.
- 5.15 I then took the opportunity to walk along the very pleasant lane to Pilcot Farm running to the north out of the village centre. It highlighted the traditional agricultural background of the neighbourhood area.
- 5.16 I finished my visit by looking at the more outlying parts of the neighbourhood area.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.11 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 version of the NPPF.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Dogmersfield Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Hart Local Plan;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area within the context of its position in the settlement hierarchy. It includes a

series of policies that seek to safeguard the quality and nature of its natural environment and designates local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes a policy for infrastructure and employment development at Dogmersfield Park (Policy DNP5). In the social role, it includes policies on community facilities (Policy DNP 13), on dark skies (Policy DNP11), and on connecting the Parish (Policy DNP14). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on development and design principles (Policies DNP 2 and 3), on important views (Policy DNP4) and on local green spaces (Policy DNP10). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider Hart District area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It includes a series of Infrastructure Projects which the Plan recognises cannot be delivered directly through the planning process. These Projects are appropriately identified in a separate part of the Plan to the land use policies.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies. The Projects are addressed after the land use policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-4)

- 7.8 These introductory sections of the Plan set the scene for the range of policies. They do so in a concise and proportionate way. The Plan is presented in a very professional way. It is colourful and makes a very effective use of tables and maps. The photographs are well-chosen. They highlight key elements of the neighbourhood area. The Plan as a whole makes a very clear distinction between its policies and the supporting text. The Plan also draws a very clear connection between its objectives and the resultant policies.
- 7.9 The Foreword sets out how the Plan was prepared. In particular it comments about the financial pressures arising from the limited number of residents within the neighbourhood area. It ends by commenting that ‘although the Plan may lack the glossy professional appearance achieved by others this does not detract from the quality and value of its policies and proposals’. From an examiner’s perspective I can confirm that the policies and proposals in the Plan are carefully-considered and well-developed. The Plan also performs well in terms of its appearance and layout. In any

event the ultimate test of any neighbourhood plan is the way in which its policies are capable of effective, meaningful and consistent application throughout the Plan period. In this context the Parish Council should be very proud of the way that the Plan has been presented for examination. The focus of this report is on fine-tuning of the submitted policies rather than seeking to remedy any fundamental issues that have arisen in the plan-making process.

- 7.10 Section 1 provides a very clear context to the neighbourhood area and when it was designated. It identifies key elements relating to the SEA and HRA process and the pre-submission Plan. It is a very effective introduction to a neighbourhood plan.
- 7.11 Section 2 describes the neighbourhood area. It does so to good effect. It provides specific information on the Dogmersfield Conservation Area and the Basingstoke Canal Conservation Area.
- 7.12 Section 3 comments on the planning policy context within which the Plan has been prepared. It helpfully describes key policies both in the saved elements of the Hart Local Plan 1996-2006 and in the emerging Local Plan.
- 7.13 Section 4 provides information about the community engagement that underpinned the production of the Plan. It provides a helpful high-level summary of the more detailed Consultation Statement.
- 7.14 Section 5 includes a Vision and a series of Objectives for the Plan. The Vision is underpinned by the fifteen objectives. The objectives are listed under two principal headings – Housing and Environment. A key feature of the Plan is the way in which the supporting text associated with each policy identifies the way in which the policy concerned responds to the identified objectives. The bulk of section 5 then incorporates the Plan’s policies.
- 7.15 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy DNP1 A Spatial Policy for the Parish

- 7.16 This policy sets the scene for the wider Plan. It does so to good effect. It defines a settlement boundary. This boundary continues the long-standing settlement boundary. The policy establishes a general principle that development within the settlement boundary will be supported subject to a series of design and appearance issues. It continues by commenting that development outside the settlement boundary will not be supported unless it relates to a defined series of rural enterprise and agricultural uses.
- 7.17 The policy has two very specific details. The first is that development should not result in a development of more than five houses. The second is that new development should contribute to local distinctiveness. This is seen as being particularly appropriate within the context of a small parish and with a very attractive and distinctive built environment.

- 7.18 The policy is a very good example of an overarching spatial policy. It properly reflects the scale and nature of the neighbourhood area in general, and the way in which its built environment is heavily-concentrated within the village itself. Nevertheless, I recommend a series of technical modifications to the policy so that it has the clarity required by the NPPF as follows

First paragraph – the reference to the retention of the settlement boundary is a matter of supporting text. The policy element is the definition of the Settlement Boundary (albeit unchanged) for the Plan period.

First paragraph – the reference to brownfield development in preference to greenfield sites is unnecessary. Plainly planning applications are determined on their merit rather than in comparison with alternative schemes.

Second paragraph – the use of the word ‘resisted’ is very prescriptive. I recommend that it is replaced with ‘will not be supported’

Second/third paragraphs – the use of ‘inappropriate’ is not defined. I recommend a modification to remedy this matter.

- 7.19 The fourth paragraph of the policy relates to the existing scale of the village. It comments that development must not result in new development of more than five dwellings. I sought advice from the Parish Council on the reasoning behind the identification of the five dwellings threshold. I was advised that the following six factors had influenced its selection:

- the limited number of dwellings in the neighbourhood area (118 in total and 54 in the village);
- the limited capacity to accommodate a development of multiple units;
- the low density and linear character of the village;
- the limited number of multiple unit developments in the village;
- the approach taken in other similar neighbourhood plans in the District; and
- the approach taken by HDC towards infill development in its Refined Options for Delivering New Homes document.

- 7.20 I have considered this matter very carefully given its ability to restrict the delivery of new housing in the neighbourhood area. I am satisfied that the figure of 5 dwellings is appropriate to the neighbourhood area in general terms, and its existing number of dwellings in particular. Moreover, it is underpinned by an analysis of available evidence.

- 7.21 Nevertheless I recommend that the fourth paragraph is modified so that the single sentence (which addresses both the existing scale of the village and the five dwellings figure) are captured in two separate sentences. This will reinforce the approach that proposals for dwellings of less than five dwellings will still be required to respect the existing scale of the village. I also recommend modifications to the supporting text to ensure that there is an appropriate explanation to the identification of the limit of five dwellings in the fourth part of the policy.

- 7.22 The fifth paragraph comments on local distinctiveness. It does so with a combination of thoroughness and clarity. This part of the policy meets the basic conditions
- 7.23 I also recommend consequential modifications to the supporting text where it directly relates to the recommended modifications to the policy.

In the first paragraph:

- **replace ‘retains’ with ‘identifies’**
- **delete ‘in preference to greenfield sites’**

In the second paragraph:

- **replace ‘be resisted’ with ‘not be supported’**
- **delete ‘inappropriate’**
- **after ‘garden land’ add ‘which would not relate to the design, density, layout and character of the village’**

In the third paragraph

- **replace ‘or which relate...be resisted’ with ‘or for the development of residential garden land which would not relate to the design, density, layout and character of the village will not be supported’**
- **in the final sentence replace ‘must’ with ‘should’**

In the fourth paragraph

- **Add a full stop after ‘village’**
- **In what would become the new first sentence replace ‘must’ with ‘should’**
- **Replace ‘and must not’ with ‘In any event development proposals should not’**

At the end of paragraph 5.9 add: ‘The approach adopted will ensure that future development in the neighbourhood area is in a sustainable location close to existing services and facilities. To this extent the Plan supports the redevelopment of brownfield sites in sustainable locations rather than the development of greenfield sites elsewhere’

At the end of paragraph 5.10 add: ‘The fourth part of the policy identifies that any new development should not exceed five dwellings. This figure takes account of the scale and nature of the village and its inability to accommodate larger developments in a satisfactory way that would respect its character and layout. This approach would not necessarily prevent the residential redevelopment of the existing commercial premises in Chatter Alley.’

Policy DNP2 Design in the Conservation Area

- 7.24 This policy provides an appropriate and detailed context within which new development proposals can be accommodated within the designated Dogmersfield Conservation Area. It is properly underpinned by supporting text (paragraphs 5.13 – 5.18).

- 7.25 The policy has attracted specific representations from HDC and from Vortal Properties. Where it is appropriate for me to do so I have incorporated these comments into my recommended modifications. In general terms they simply tighten up the policy to ensure that it meets the basic conditions. The general integrity of its approach remains unchanged. In the round the policy will contribute significantly to safeguarding the character and appearance of this very attractive conservation area which is properly celebrated in this policy.
- 7.26 The recommended modifications are as follows:
- in the initial part of the policy applying the language used for conservation areas in the Planning (Listed Buildings and Conservation Areas) Act 1990.
 - replacing various references to ‘must’ with ‘should’. This will give HDC the ability to balance all material planning considerations in determining planning applications and applications for conservation area consent.
 - detailed changes to certain elements of the policy including those based on comments from HDC – in their different ways I can see that they will bring the clarity required by the NPPF and therefore assist with the development management process.
 - clarifying the significance of gaps in the frontages within the conservation area. As submitted the policies implies that ‘important’ gaps have been defined. The text in paragraph 5.16 clarifies that the importance of gaps is a more general issue.

In the opening sentence replace ‘protect, conserve and where possible enhance’ with ‘preserve or enhance’.

Throughout the policy replace ‘must’ with ‘should’

In the second paragraph (section b) insert ‘character, appearance and’ between ‘the’ and ‘architectural detail’ and ‘and/or appearance’ between ‘character’ and ‘of’

In the third paragraph delete ‘traditional buildings in’

In the fourth paragraph replace ‘Applicants’ with ‘Proposals for development’. Replace ‘typical’ with ‘appropriate’ and insert ‘the’ between ‘of’ and ‘appearance’.

In the final paragraph replace ‘an important’ with ‘a’

Policy DNP3 Design in the Setting of the Conservation Areas

- 7.27 This is an important policy within the context of the neighbourhood area. Its focus is on the design of new development which may affect the setting of the two conservation areas.
- 7.28 It has four connected parts. The first provides general commentary on the need for such development to take account of the two conservation areas. The second identifies the details required to be included within planning applications. The third comments

about the relationship of development proposals to the Basingstoke Canal. The final part of the policy refers to the 'one sided linear development character' of the conservation areas.

- 7.29 The policy has attracted a detailed representation from HDC. In general terms it comments that the first sentence of the policy is too stringent and that the third paragraph (on the Basingstoke Canal) is unclear.
- 7.30 I have considered the different approaches to this policy very carefully. In doing so I have taken account of the Parish Council's response to my clarification note on the 'one sided linear development' matter and its commentary on HDC's suggested changes to the policy. I recommend a package of modifications which address these various issues. In particular I recommend that the first paragraph is modified so that it has a more positive tone and with a focus on outcomes rather than processes. I also recommend modifications to the third paragraph on the Basingstoke Canal so that its approach is simpler. Finally, I recommend the inclusion of additional supporting text on the linear development issue. This reflects the compelling response from the Parish Council on this matter.

Replace the first paragraph with: 'Development proposals that would affect the setting of either the Dogmersfield Conservation Area or the Basingstoke Canal Conservation Area will be supported where they can demonstrate that they have been designed to conserve or enhance the character or appearance of the conservation area concerned.'

At the beginning of the second paragraph insert: 'Development proposals that would affect the setting of either the Dogmersfield Conservation Area or the Basingstoke Canal Conservation Area should be accompanied by proportionate information assessing the contribution of the application site to the setting of the conservation area concerned, including its enjoyment.'

In the second paragraph of the policy (as submitted) replace 'All' with 'Planning'

In the third paragraph of the policy:

- **replace 'Proposals' with 'Where appropriate development proposals'**
- **replace 'will' with 'would'**
- **insert a comma after 'Canal'**
- **replace 'in maintaining and enhancing' with 'maintain and where possible enhance'**

At the beginning of paragraph 5.20 insert:

'As set out in paragraph 5.16, the linear progression of buildings along the lanes has been a core feature of the village settlement, and an essential characteristic of the DCA. The village has evolved primarily by spreading from its centre to the south down Church Lane and to the west along Chatter Alley. The progression has been predominantly one-sided, so that dwellings stand one deep along the lanes on one or the other side. The one-sided progression has been key to the character and pattern of the DCA – the openness of views into the countryside surrounding the lanes; the

preservation of important areas of open land and gaps in frontage; safe and direct access into the lanes, and acceptable residential traffic; the survival of longstanding boundaries, verges, hedgerows and footpaths; and the open space gateways on the approaches to the DCA. The resultant street pattern is identified in the DCACA as a major reason for the award of conservation area status. It is important to retain this historic character, scale and sense of place by adherence to the one-sided linear development policy which has created it, and which has been observed since the origins of the village. The same factors apply to the BCCA.'

Policy DNP4 Local Views

- 7.31 This policy addresses a series of identified views into and from the conservation areas. Several of the identified views are identified in the relevant Conservation Area Appraisals. They are appropriately shown either on the Policies Map or the annex to the Plan. I looked at several of the views when I visited the neighbourhood area.
- 7.32 The policy also requires that all development proposals must preserve the open gateways on the approaches to the village. Again, I looked at the various gateways when I visited the neighbourhood area.
- 7.33 In general terms I am satisfied that the policy meets the basic conditions. In terms of that part of the policy which relates to the important views I recommend a modification to its wording. As submitted, it takes a negative approach rather than one which more positively requires new development to take the identified views into account. In terms of the part of the policy which refers to open gateways I recommend that 'must' is replaced with 'should'. This will give HDC the ability to balance all material planning considerations in determining planning applications.
- 7.34 I also recommend a modification to the coalescence element of the open gateways part of the policy. Whilst I understand the importance of the issue given the proximity of Dogmersfield to Crookham Village the concept of the 'perception of settlement coalescence' as included in the policy would inevitably be open to different and conflicting interpretations.

In the first paragraph of the policy replace 'will only be supported if' with 'will be supported where they take account of the identified important views and where'

In the second part of the policy (first sentence) replace 'must' with 'should'

In the second part of the policy (second sentence) replace 'a perception.... resisted' with 'the loss of the separate identity of Dogmersfield and its coalescence with another settlement will not be supported'

Policy DNP5 Dogmersfield Park

- 7.35 The policy comments in detail on Dogmersfield Park. It is a designated Historic Park and Garden. The designated area includes Dogmersfield House, now used as a hotel. As the supporting text comments the historic parkland, the gardens and the buildings bring income into the neighbourhood area and are valued by the local community.

- 7.36 The policy reflects the context of the wider area in general, and in particular the ongoing need to manage this important resource in a sensitive and proactive way. It offers a positive policy basis for supporting infrastructure to manage visitors and related employment uses. It includes three criteria relating to environmental, design and traffic management issues. The policy is underpinned by extensive supporting text (paragraphs 5.24 to 5.28).
- 7.37 HDC has raised a series of representations to the policy. In summary they would either modify the submitted policy or introduce additional elements into its format. I have considered these representations very carefully. On the one hand they would improve the policy. On the other hand, they are not necessary to ensure that the policy meets the basic conditions. In these circumstances I am satisfied that in general terms the policy meets the basic conditions.
- 7.38 In order to bring the clarity required by the NPPF I recommend that 'and' is inserted after the second criterion. This will ensure that any development needs to comply with all of the three criteria insofar as they are relevant to the proposal concerned.

At the end of criterion b. add 'and'

Policy DNP6 Landscape

- 7.39 As the supporting text at paragraph 5.29 helpfully describes this policy aims to bring into effect the recommendations of the landscape character appraisals. This will both update the contents of saved Policy GEN3 in the adopted Local Plan and to complement Policy NBE3 of the emerging Local Plan.
- 7.40 The policy indicates that development proposals must respect the main distinguishing features and special characteristics of the landscape as contained within HDC and County Council assessments. Its second part then indicates that proposals should demonstrate how this will be achieved as part of a landscape appraisal.
- 7.41 In general terms I am satisfied that the approach taken is distinctive to the neighbourhood area and meets the basic conditions. However, I recommend two related modifications that will take account of the differing nature of development proposals which are likely to come forward within the Plan period. As submitted the policy applies to all development proposals irrespective of their scale and/or impact on landscape setting of the neighbourhood area. The first replaces 'must' with 'should' in the first part of the policy. This will give HDC the ability to balance all material planning considerations in determining planning applications. The second is to introduce an element into the second part of the policy so that it can be applied proportionately to the proposal concerned. This will acknowledge that the majority of development proposals in the plan period will be of a minor or domestic nature. I also recommended consequential and explanatory changes to the supporting text.

In the first part of the policy replace 'must' with 'should'

In the second part of the policy replace 'Proposals' with 'As appropriate to the development concerned proposals'

At the end of paragraph 5.30 add: 'The policy has been designed so that it can be applied in a proportionate way to the development concerned'

Policy DNP7 Biodiversity

- 7.42 This policy sets out the Plan's approach to biodiversity. The supporting text comprehensively identifies the biodiversity and green infrastructure to be safeguarded in the neighbourhood area.
- 7.43 The policy makes reference to the Biodiversity Action Plan for Hart District, and offers support to development which demonstrates that any potential impact on priority species has been assessed and mitigated. It also provides guidance on the incorporation of native species into landscaping schemes.
- 7.44 It is an excellent example of a policy of this type. It meets the basic conditions.

Policy DNP8 Trees and Hedgerows

- 7.45 This policy addresses trees and hedgerows. It takes account of the significance that both features make to the quality of the environment in the neighbourhood area. It provides specific policy commentary on trees in general, trees in the conservation areas and the impact of overhanging trees on the character of the Basingstoke Canal conservation area.
- 7.46 I recommend two modifications to the policy. The first is in relation to the general reference to trees in the policy. There may be circumstances where the removal of poor or insignificant trees may be both appropriate and acceptable. In these circumstances I recommend that the reference to trees is clarified by those which have 'visual and/or amenity value'. The second is in relation to the third paragraph of the policy which comments that properties adjoining the Basingstoke Canal will not be permitted to plant, propagate or maintain trees which are likely to shade the canal. Such an approach is understandable. However, it is beyond the scope of the planning process. In these circumstances I recommend its deletion. Nevertheless, given its potential importance as advice to affected property owners I recommend that the matter is captured in the supporting text.

In the first sentence of the first part of the policy replace 'of trees' with 'of trees which have visual and/or amenity value'

Delete the third paragraph.

Insert the deleted third part of the policy at the end of paragraph 5.42. In doing so replace 'will not usually be permitted' with 'are encouraged not'.

Policy DNP9 Footpaths

- 7.47 This policy indicates that wherever practicable development proposals should enable the provision of new footpaths, bridleways and cycleways. Its second part resists the loss or significant diversion of existing footpaths as a result of new development.

- 7.48 The first part of the policy meets the basic conditions. I recommend a modification to the second part of the policy so that it has a positive approach. Its ultimate aim is to ensure that any acceptable new development which might otherwise affect an existing footpath retains that footpath. As submitted the second part of the policy simply addresses a scenario where this outcome cannot be achieved.

At the beginning of the second part of the policy add: ‘Development proposals which are otherwise acceptable should retain and incorporate existing footpaths into their layouts in an appropriate fashion’

In the second part of the policy replace ‘be resisted’ with ‘not be supported’.

Policy DNP10 Local Green Spaces

- 7.49 The policy designates two local green spaces (LGSs). Its approach is consistent with that identified in the NPPF on this matter. The two sites have been properly assessed in Appendix B against the criteria in the NPPF.
- 7.50 I looked at the two sites when I visited the neighbourhood area. I am satisfied that in their different ways that they meet the tests for LGS designation.
- 7.51 I recommend the inclusion of an additional sentence within the supporting text to clarify the significance of LGS designation. Otherwise the policy meets the basic conditions.

At the end of the second sentence of paragraph 5.49 add: ‘Policies for managing development within a local green space should be consistent with those that apply within Green Belts’

Policy DNP11 Dark Skies

- 7.52 This policy addresses dark skies. The absence of street lighting is valued by local residents. The policy sets out to ensure that any new development is designed in a way that does not require external lighting or the use of street lighting. The second part of the policy requires planning application to submit any appropriate details on the lighting profiles of development proposals.
- 7.53 I recommend two detailed modifications to ensure that the policy has the clarity required by the NPPF. The first replaces ‘must’ with ‘shall’ in the second part of the policy. The second clarifies that the reference to ‘applications’ in this part of the policy is to ‘planning applications’

In the second part of the policy replace ‘must’ with ‘shall’ and add ‘planning’ before ‘applications’.

Policy DNP12 Transport and Car parking

- 7.54 This policy provides a context for the promotion of sustainable forms of transport. It also identifies a policy approach to development where there would be a severe impact on the highway network and the associated need for mitigation measures.

- 7.55 Other elements of the policy comment that new development should provide off-street car parking to development plan standards. Finally, the policy comments about the importance of boundary treatments to the character of the conservation areas.
- 7.56 In overall terms the policy is comprehensive and robust. It also takes account of the environmental sensitivities in the neighbourhood area. I recommend a series of modifications as follows:

The deletion of the second sentence of the second part of the policy. It sets out possible mitigation measures where the impact of any development is significant. This matter is illustrative and is not directly policy. Nevertheless, I also recommend that it is repositioned into the supporting text

The replacement of the various references to ‘must’ throughout the policy with ‘should’.

A detailed clarification about the final part of the policy which refers to the conservation areas. This will ensure that it relates both to national policy and other policies in the submitted Plan.

Delete the second sentence of the second paragraph of the policy.

Throughout the policy replace any use of the word ‘must’ with ‘should’

In the final paragraph of the policy after character add: ‘and/or appearance’

Reposition the (deleted) second sentence of the second paragraph of the policy to the end of paragraph 5.56 with the following between the existing paragraph of text and the repositioned policy wording: ‘Policy DNP12 sets out circumstances where mitigation measures may be needed to accommodate new development in a satisfactory fashion’

Policy DNP13 Community Facilities

- 7.57 This policy celebrates the importance of community facilities in the neighbourhood area. The supporting text indicates that the identified facilities are well-used and valued by the local community. Six facilities are specifically identified. I looked at them as part of my visit. I saw the different ways in which they contribute to community life and well-being.
- 7.58 The different components of the policy are detailed and comprehensive. They support proposals that would enhance existing facilities or which would introduce new facilities. They also identify how planning application would be determined which would result in the potential loss of an existing community facility.
- 7.59 In general terms the policy is very robust. I recommend that the third paragraph is modified so that it is consistent with the first paragraph on the viability issue. Otherwise it meets the basic conditions.

Restructure the third paragraph as follows:

- **Retain the initial part up to ‘supported’ as the initial part.**

- **Add ‘where’ after ‘supported’**
- **Insert two bullet points after ‘where’**
- **The first bullet point would be ‘it is demonstrated.... intended users’ (from the submitted policy**
- **After the first bullet point add ‘or’**
- **The second bullet point would be ‘the existing premises are no longer needed or viable’**

Policy DNP14 Connecting the Parish

- 7.60 This policy aims to ensure that enabling infrastructure is built into any new homes or employment facilities in the neighbourhood area. It does so to good effect and takes appropriate account of its environment.
- 7.61 In the second paragraph I recommend that ‘must’ is replaced with ‘should’. Otherwise the policy meets the basic conditions.

In the second paragraph of the policy replace ‘must’ with ‘should’

Policy DNP15 Sustainable Drainage

- 7.62 This policy addresses drainage issues in the neighbourhood area. It indicates that where it is feasible to do so sustainable drainage design features should be incorporated into new development. It comments that development in areas known to flood will be discouraged. A second part of the policy comments that source control measures should be used wherever possible.
- 7.63 I recommend a series of detailed modifications to the policy so that it has the clarity required by the NPPF. Otherwise the policy meets the basic conditions.

In the first part of the policy:

- **replace ‘must’ with ‘should’**
- **replace ‘be discouraged’ with ‘not be supported’**

In the second part of the policy replace ‘will’ with ‘should’.

Policy DNP16 Utilities Infrastructure

- 7.64 This policy relates to the need for development to be able to demonstrate that any additional capacity in the local utilities infrastructure can be delivered in a timely fashion. It takes account of the limited capacity and age of the existing network.
- 7.65 Thames Water has made representations on the policy. The representations consolidate its earlier comments at the pre-submission stage of the Plan. Whilst the additional text proposed would improve the Plan it is not necessary to ensure that the policy meets the basic conditions.
- 7.66 The policy takes an appropriate and balanced approach to this important matter. It meets the basic conditions.

Infrastructure Projects

7.67 Section 6 of the Plan lists a series of infrastructure projects. They are largely local projects which could be funded through external funding sources including the community infrastructure levy. In summary the projects are as follows:

IP1 Traffic calming and speed reduction measures.

IP2 Foot, cycle and bridle path networks.

IP3 Parking provision at the School and other identified locations.

IP4 New permissive footpaths.

IP5 Enhance bus services.

IP6 Wave 2 superfast broadband access to Church Lane/Chalky Lane.

IP7 The local listing of important buildings.

IP8 Screening of unsightly utilities installation.

7.68 In their different ways these projects are distinctive to the neighbourhood area. National policy recognises that such matters will naturally arise as a direct result of the land use-based plan-making process. In particular I saw first-hand the importance of some of these matters on my visit. They included the difficulties experienced by pedestrians on the stretch of Church Lane between All Saints Church and Double Bridge and the overflow parking associated with the commercial/vehicle uses along Chatter Alley.

Other Matters

7.69 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for HDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. This would include updates as necessary to paragraph 2.29 (settlement boundary) and paragraph 3.5 (the schedule of saved local plan policies). I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2032. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Dogmersfield Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to Hart District Council that subject to the incorporation of the modifications set out in this report that the Dogmersfield Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 6 August 2015.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The responses to my Clarification Note from the Parish Council was very helpful in preparing this report.

Andrew Ashcroft
Independent Examiner
8 May 2019