

# DOGMERSFIELD NEIGHBOURHOOD PLAN

2016 - 2032

## BASIC CONDITIONS STATEMENT

Published by Dogmersfield Parish Council under the Neighbourhood Planning (General) Regulations 2012 (as amended) and the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

January 2019

## 1. INTRODUCTION

1.1 This statement has been prepared by Dogmersfield Parish Council ("the Parish Council") to accompany its submission of the Dogmersfield Neighbourhood Plan ("the Neighbourhood Plan") to the local planning authority, Hart District Council ("the District Council"), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations").

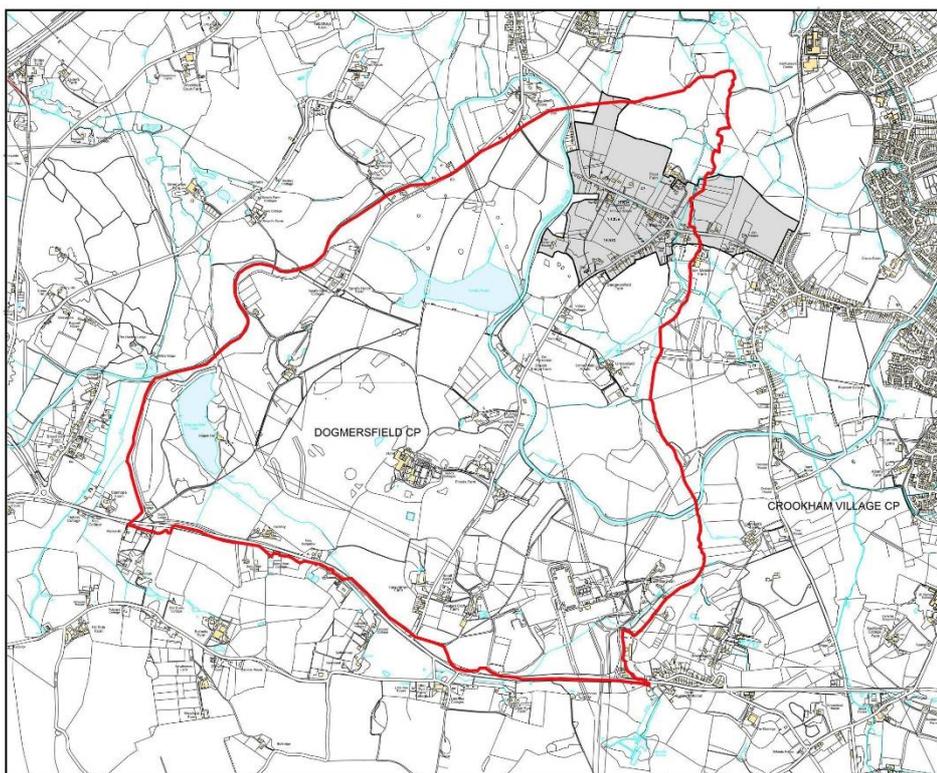
1.2 The Neighbourhood Plan has been prepared by the Parish Council, a qualifying body, for the Neighbourhood Area, which coincides with the boundary of the Parish of Dogmersfield and which was designated by the District Council on 16 June 2015.

1.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area. They do not relate to 'excluded development', as defined by the Regulations. The plan period of the Neighbourhood Plan is from 2016 – 2032, which corresponds with the plan period of the emerging Hart Local Plan Strategy and Sites 2016 – 2032.

1.4 The statement addresses each of the four 'Basic Conditions' required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

1.5 The Regulations state that a Neighbourhood Plan will be considered to have met the conditions if:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Development Plan,
- The making of the Neighbourhood Development Plan contributes to the achievement of sustainable development,
- The making of the Neighbourhood Development Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- The making of the Neighbourhood Development Plan does not breach, and is otherwise compatible with EU obligations



**Dogmersfield Neighbourhood Plan**  
Vision Boundary Map: April 2017



*Plan A: Dogmersfield Designated Neighbourhood Area*

## **2. BACKGROUND**

2.1 The decision to proceed with a Neighbourhood Plan was made by the Parish Council in 2015. The key driver of this decision was a sense of wanting to plan positively for the future of the Parish while setting a positive approach to the conservation and enjoyment of the Parish's historic environment. Although identified as a main village in combination with Crookham Village to the east, it has few services and facilities, and consequently the Parish Council considered having a Plan would improve the way in which future development proposals are managed.

2.2 A steering group was formed comprising the residents and Parish Council representatives. The group has been delegated authority by the Parish Council to make day-to-day decisions on the preparation of the Neighbourhood Plan. However, as the qualifying body, the Parish Council approved the publication of the Pre-Submission plan for consultation in November 2018 and the Submission Plan in January 2019.

2.3 The Parish Council has consulted the local community extensively over the duration of the project. It has also worked closely with the District Council since the start of the project to collate and examine the evidence base, to design and iterate

policy proposals and to define the proper relationship between the Neighbourhood Plan, the adopted Local Plan and the emerging Local Plan strategy, and to give effect to the Dogmersfield and the Basingstoke Canal SSSI Conservation Area Appraisals. The outcome of this work is the submission version of the Neighbourhood Plan which is to be submitted to Hart District Council prior to the end of the NPPF 2012 transitional period and is therefore assessed for general conformity against the 2012 Framework.

2.4 The Neighbourhood Plan contains sixteen land use policies (in Section 5), some of which are defined on the Policies Maps, and non-statutory proposals (in Section 6) that are included for completeness. The Parish Council has deliberately sought to focus policies on the key issues that matter to the local community and to avoid proposing policies that may duplicate national planning guidance and/or development plan policies that are already material considerations in determining future planning applications. The policies are therefore a combination of some site-specific proposals and of development management and design matters that seek to refine Local Plan policies.

2.5 In making a clear distinction between land use planning policies and non-statutory proposals relevant to land use planning, the Neighbourhood Plan allows for the examination to focus on the requirement of the policies to meet the Basic Conditions but also allows the local community to see the Neighbourhood Plan in the round. In any event, the non-statutory proposals will each have a land use effect at some later point but cannot do so as part of the Neighbourhood Plan as they fall outside its scope.

### **3. CONFORMITY WITH NATIONAL PLANNING POLICY**

3.1 The Neighbourhood Plan has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) of 2012 and is mindful of the Planning Practice Guidance (PPG) in respect of formulating Neighbourhood Plans. The changes in the NPPF (2018) do not fundamentally alter the national planning policy context of this Plan, although the new NPPF reinforces the importance of achieving well-designed places as a central tenet of sustainable development and fundamental to what the planning and development process should achieve.

3.2 In overall terms, there are four NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:

#### Paragraphs 16 and 183

3.3 The Parish Council believes the Neighbourhood Plan is planning positively for future development in the parish given its historic character. The Parish is very rural in character and retains a sense of remoteness from the larger populations of the district, including the town of Fleet. The village is designated a Conservation Area, and there are 33 listed buildings in the parish, in addition to Dogmersfield Park, a registered 'Historic Park and Garden', which covers an extensive area of the Parish.

3.4 The Submission version of the Hart Local plan Strategy and Sites (HLPSS) which was submitted for examination in June 2018 did not allocate any new homes to Dogmersfield. Given the wealth of special heritage assets and its location within two designated Conservation Areas and wholly in the Thames Basin Heath Landscape Character Area, the Parish Council has chosen to guide any potential growth during this plan period by setting criteria for development to be positively integrated into the village. This approach has been adopted to manage the design of new development to reflect the special character and qualities of the parish. It balances the need for the Neighbourhood Plan to plan positively for development on the one hand, and to carry the support of the local community on the other.

3.5 The HLPSS (paragraphs 31 to 34) confirms the role and relationship of the Local Plan to Neighbourhood Plans. Paragraph 33 states that aside from Plans that may plan for more growth that "for all other policies in the Local Plan there is an opportunity for Neighbourhood Plans to identify a specific local approach". The Parish Council has taken this opportunity to provide a local design led approach (principally through policies DNP2 to DNP6) given the landscape and heritage sensitivity of the Parish to assist in development management.

#### Paragraph 184

3.6 This approach is considered to be in conformity with the Basic Conditions given the District is currently able to demonstrate a housing land supply position at 1 April 2018<sup>1</sup> which established that the District Council had a surplus supply of 1,536 dwellings, or 9.92 years in total. This was reviewed in December 2018<sup>2</sup>, and an updated housing land supply of 9.53 years published.

3.7 The Parish Council believes the Neighbourhood Plan is planning positively to support the strategic development needs of the District, as framed by the HLPSS, and the Plan represents a vision, objectives and policies for the Parish that reflect the desires of the majority of the local community and shapes the kind of place that the village and the wider Parish should remain and how it may change for the better in coming years.

#### Paragraph 185

3.8 The Parish Council believes the policies of the Neighbourhood Plan are in general conformity with the relevant, saved policies of the development plan and effectively anticipates the policies of the HLPSS. It is considered to strike a positive balance with the physical and policy constraints of the village and those of the Parish as a whole. The Neighbourhood Plan avoids duplicating development plan policies by focusing on policies that translate the general requirements of the development plan into a Dogmersfield Parish context. Once made, the Neighbourhood Plan should be easily considered alongside the development plan and any other material considerations in determining planning applications.

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<sup>1</sup> Five Year Housing Land Supply: Position Statement at 1<sup>st</sup> April 2018 based on the standard method for calculating local housing need. (HDC: 2018)

<sup>2</sup> Modification 69: [Schedule](#) of Proposed Main Modifications to the Hart Proposed Submission Local Plan (HDC: 3 Dec 2018)

3.9 Set out in Table A below, is a brief summary of how each policy conforms to the NPPF. The particular paragraphs referred to in the table are those considered the most relevant to each policy but are not intended to be an exhaustive list of all possible relevant paragraphs.

**Table A: Neighbourhood Plan & NPPF Conformity Summary**

No.	Policy Title	Commentary
DNP1	A Spatial Plan for the Parish	The policy establishes a key spatial strategy for directing future growth development proposals in the parish towards the Dogmersfield Settlement Boundary from those elsewhere. It directs growth to a sustainable location (§55) while also seeking to protect and enhance the natural (§109) and historic environment (§126). No developments are planned for the parish, other than those already approved, and there remains brownfield sites within the settlement boundary that the Neighbourhood Plan encourages (§111). It seeks to establish a framework where development responds to the local rural character of the area and its historic development (§58).
DNP2	Design in Dogmersfield Conservation Area	These policies seek to ensure high quality design solutions by identifying common design features derived from the Dogmersfield Conservation Area Appraisal (§58, §126).
DNP3	Design in the Setting of the Conservation Areas	
DNP4	Local Views	The policy defines local views which contribute to defining the character of the village and its setting (§58, §126).
DNP5	Dogmersfield Park	The policy seeks to support proposals that create opportunities to encourage and manage visitors, and supports and safeguards established employment uses, so that the parish may secure greater economic value while sustaining and enhancing the Park's national heritage status. (§131).
DNP6	Landscape	This policy seeks to protect the landscape from harmful development that may otherwise be suited or necessary to a countryside location. It requires proposals to take account of the different roles and character of different areas, acknowledging the intrinsic character and beauty of the countryside (§109).
DNP7	Biodiversity	The policy defines the biodiversity value recorded in the Parish requiring this to be assessed and mitigated with the aim of delivering a biodiversity net gain (§118).
DNP8	Trees and Hedgerows	This policy responds to known local issues and requires these to be addressed and to contribute biodiversity value in the Parish (§118). The policy also requires any unavoidable loss of trees to be replaced with trees of an equivalent species as part of a successful landscape design scheme (§58).

DNP9	Footpaths	The policy encourages the creation of new pedestrian routes (§69), whilst seeking to protect current routes from urbanisation (§70).
DNP10	Local Green Spaces	The policy seeks to designate two spaces as Local Green Spaces in order to protect these demonstrably valuable spaces from development (§76-§78).
DNP11	Dark Skies	The policy requires designs to avoid the use of external lighting or street lighting and encourages the use of guidelines for rural areas by the Institute of Lighting Professionals to limit the impact of light pollution (§125).
DNP12	Transport and Car Parking	This policy encourages proposals to promote the use of sustainable transport methods requiring severe impacts to be mitigated (§30). It also sets out the standards required of planning applications for providing off street car parking (§39) and defines design criteria for boundary treatments that require planning permission (§58).
DNP13	Community Facilities	The policy defines community facilities that are valued locally and supports proposals that will result in its retention and enhancement. The policy also resists proposals that will result in the loss of these facilities (§70).
DNP14	Connecting the Parish	The policy requires the expansion of electronic communications networks across the Parish to improve accessibility to superfast broadband services for local residents and businesses (§43).
DNP15	Sustainable Drainage	The policy acknowledges the absence of a comprehensive piped surface water drainage system in the parish and therefore relies on other methods of surface water drainage. The policy therefore requires that attention is paid to this matter in development proposals to avoid increasing sewer flooding (§103).
DNP16	Utilities Infrastructure	The policy is intended to ensure that the necessary Utilities Infrastructure is provided, in light of the existing need for updated sewerage infrastructure and underground pipe work that is necessary in the parish (§162).

## 4. CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

4.1 The Parish Council requested a screening opinion from Hart District Council in respect of the need to prepare a SEA under EU directive 42/2001 and the 2004 Environmental Assessment of Plans and Programmes Regulations. The screening opinion concluded (8<sup>th</sup> August 2018) that the provisions of the Plan are not likely to have any significant environmental effects and therefore a Strategic Environmental Assessment is not required.

4.2 To demonstrate that the Plan will contribute to the achievement of sustainable development, this basic condition is addressed in Table B below. The potential of the Plan to have social, economic and environmental effects – positive (+), neutral (0) and negative (-) – is assessed for each of its policies, together with a summary commentary.

<b>Table B: Neighbourhood Plan &amp; Sustainable Development</b>					
<b>Policy</b>		<b>Social</b>	<b>Economic</b>	<b>Environ</b>	<b>Commentary</b>
DNP1	A Spatial Plan for the Parish	+	+	+	The policy will have positive social, economic and environmental effects by containing and managing the sustainable growth of the village in the period to 2032. The policy acknowledges the significance of local heritage assets and landscape in this rural location, while supporting limited growth and rural enterprise that reflects the status of the Parish.
DNP2	Design in Dogmersfield Conservation Area	0	0	+	The policy is intended to secure positive environmental effects by identifying positive features within the Conservation Area to which development proposals should respond.
DNP3	Design in the Setting of the Conservation Areas	0	0	+	The policy is intended to secure positive environmental effects by identifying positive features within the setting of the Conservation Area to which development proposals should respond.
DNP4	Local Views	0	0	+	The policy will have a positive environmental effect in helping to ensure that schemes consider the specific characteristics of the area, namely important local views, that contribute to local heritage and landscape character

DNP5	Dogmersfield Park	0	+	+	The policy will have a positive economic effect in promoting proposals that will generate increased visits to the Park while safeguarding this heritage asset. It avoids the potential of negative environmental effects by requiring development proposals to have special regard to the heritage status of the Park.
DNP6	Landscape	0	0	+	The policy will have positive environmental effects in guiding design to ensure that the landscape is not harmed by inappropriate development.
DNP7	Biodiversity	0	0	+	This policy identifies a series of distinctive environmental features in the Parish with the intention of ensuring that development proposals enhance these assets and biodiversity generally.
DNP8	Trees and Hedgerows	0	0	+	The policy will have a positive environmental effect as the presence of trees that harm existing biodiversity value and the essential character of the local area will be removed or manged and/or replaced.
DNP9	Footpaths	+	0	+	The policy will have a positive social effect in promoting health through the expansion of pedestrian and cycling routes. And by encouraging walking and cycling trips, the policy will have a positive environmental effect.
DNP10	Local Green Spaces	+	0	+	The policy provides positive social and environmental benefits by protecting the essential open character of these spaces that are cherished by local residents for their recreational value.
DNP11	Dark Skies	+	0	+	The policy has both social and environmental benefits by improving enjoyment of the night skies while at the same time reducing the impact of artificial light on wildlife.
DNP12	Transport and Car Parking	0	0	+	By promoting sustainable methods of transport, the policy will result in positive environmental effects in reducing the need to travel by car. It will also result in an improvement to the local character.
DNP13	Community Facilities	+	0	0	This policy has a positive social effect in retaining an supporting the continued viability of facilities for the use and enjoyment of the local community.
DNP14	Connecting the Parish	0	+	0	Access to superfast broadband communications enables the provision of a range of opportunities in terms of new businesses opportunities or working from home. The policy will therefore

					have a positive economic effect. It avoids the potential for negative environmental effects by requiring above-ground proposals to have regard to their design in that respect.
DNP15	Sustainable Drainage	0	0	+	The policy has positive environmental benefits by ensuring schemes provide sustainable drainage systems which in turn will contribute to the biodiversity value of the Parish.
DNP16	Utilities Infrastructure	0	0	+	The policy will have positive environmental effects ensuring that new development is matched with corresponding investments in local utilities infrastructure ensuring adequate infrastructure is provided.

## 5. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

5.1 The Neighbourhood Plan has been prepared to ensure its general conformity with the development plan for the District, which is the saved policies of the adopted Hart District Local Plan 1996 – 2006 (HLP). The Proposed Submission version of the HLPSS will replace the saved policies in due course, but the Neighbourhood Plan will be examined before that plan is adopted. However, its policies, reasoning and evidence base have been taken into consideration during the preparation of the Neighbourhood Plan.

5.2 The Proposed Submission version of the HLPSS of November 2017 defines Dogmersfield as a main village in combination with Crookham village to the east but does not allocate any new homes to Dogmersfield, although it does include 275 new homes across the district on 'windfall sites'. It also states that neighbourhood plans that do not propose to allocate additional growth there is an opportunity for Neighbourhood Plans to identify a specific local approach.

5.3 An assessment of the general conformity of each policy, and its relationship with emerging HLPSS policy where relevant, is contained in Table C below.

<b>No.</b>	<b>Policy Title &amp; Refs</b>	<b>Commentary</b>
DNP1	A Spatial Plan for the Parish	<p>The policy retains the Settlement Boundary at Dogmersfield (saved policies GEN1 – General Policy for Development and RUR2 – Development in the open countryside of the HLP). It is consistent with the definition of Dogmersfield, and Crookham Village as a rural area (RUR1 – definition of areas covered by RUR policies). Directing development to brownfield sites within the settlement boundary in the first instance, preserving the historic environment (CON22 – Setting of settlements and recreation), the approach is consistent with that regarded as suitable in such a rural location and of controlling development in the open countryside (RUR3).</p> <p>The emerging HLPSS groups Dogmersfield and Crookham Village together as one main village but does not make any allocations. Instead, it seeks to accommodate new housing within existing settlement boundaries (SS1 – Spatial Strategy and Distribution of Growth), consistent with the Neighbourhood Plan approach, and in controlling development in the open countryside (NBE1 – Development in the Countryside).</p>
DNP2	Design in Dogmersfield Conservation Area	The policy refines GEN1 and GEN4 – General Design Policy in relation to design principles so they can be specifically applied to the Parish. It also refines CON13 – Conservation Areas to reflect the

		special features of this particular Conservation Area.
DNP3	Design in the Setting of the Conservation Areas	The policy refines GEN1 and GEN4 in relation to design principles so they can be specifically applied to the Parish.
DNP4	Local Views	The policy refines GEN1 and GEN4 in relation to key views which contribute to the local character of the area so they can be applied specifically to the Parish.
DNP5	Dogmersfield Park	The policy gives local effect to GEN1 in promoting enhancement of the historic heritage of the Park.
DNP6	Landscape	The policy updates saved policy GEN3 – General policy for landscape character areas in giving the landscape and character assessments effect.
DNP7	Biodiversity	The policy is consistent with, and refines in places, a number of saved Local Plan policies on the natural environment, notably GEN1, CON1 – European Designations, CON2 – National Designations and CON3 – Local Designations (all relating to nature conservation).
DNP8	Trees and Hedgerows	The policy is consistent with, and refines GEN1, in terms of local character and enhancing natural resources and CON8 – Trees, Woodland & Hedgerows which also seeks the retention of trees and hedgerows.
DNP9	Footpaths	The policy is consistent with T10 – Safeguarding land for cycleway & footpath networks in seeking to enable the creation, and unnecessary loss, of cycleways and pedestrian networks as part of the strategy for Hart and CON23 – Development affecting Public Rights of Way in protecting the rural character of Public Rights of Way.
DNP10	Local Green Spaces	The policy is consistent with URB21 – Loss of amenity and recreation open space in protecting important open spaces from harmful development.
DNP11	Dark Skies	The policy refines GEN1 in limiting light pollution and the contribution dark skies make to the local character of the area.
DNP12	Transport and Car Parking	The policy is consistent with Policies GEN 1 and T14 – Transport and Development and reaffirms the standards required of planning applications for providing adequate, safe residential car parking.
DNP13	Community Facilities	The policy is consistent with RUR35 – Social Infrastructure and services which seek to protect rural based social infrastructure from unnecessary loss.
DNP14	Connecting the Parish	The saved policies of the Local Plan contain no formal framework for proposals to contribute to broadband infrastructure, and the neighbourhood plan therefore requires proposals to contribute.  The policy also aligns with emerging HLPSS policy I6.
DNP15	Sustainable Drainage	The policy refines saved HLP policy GEN11 – Areas affected by flooding or poor drainage in identifying the circumstances which would increase the risk of flood elsewhere locally.
DNP16	Utilities Infrastructure	The policy is consistent with GEN1 and reaffirms the provision for necessary improvements to infrastructure.

## 6. COMPATABILITY WITH EU LEGISLATIONS

6.1 The Parish Council requested a screening opinion from Hart District Council in respect of the need to prepare a SEA under EU directives 42/2001 and the 2004 Environmental Assessment of Plans and Programmes Regulations. It also sought an opinion on the need to prepare a HRA under the European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Conservation of Habitats and Species Regulations 2010.

6.2 The screening opinion concluded (8<sup>th</sup> August 2018) that the provisions of the Plan are not likely to have any significant environmental effects and therefore a Strategic Environmental Assessment is not required. The opinion also confirms that the 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, and that a full appropriate assessment is not required.

### **Further statement in relation to Case 323/1/Court of Justice of the European Union “People over Wind and Peter Sweetman v Coillte”**

6.3 The Parish Council (the qualifying body) is aware of the recent judgement referred to above and the consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018<sup>3</sup>. These changes came into force on 28 December 2018. The regulations allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an ‘Appropriate Assessment’ to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application. For the avoidance of doubt, the terms of this judgement have had no effect on the conclusions of the screening opinion.

6.4 The Plan has also had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.

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<sup>3</sup> Letter from Chief Planning Officer: Habitat Regulations Assessments – 15 January 2019