

# ALTON NEIGHBOURHOOD PLAN

Alton Neighbourhood Plan Examination,  
A Report to East Hampshire District Council

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## 1. Introduction

### The Neighbourhood Plan

This Report provides the findings of the examination into the Alton Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”*

(Paragraph 183, National Planning Policy Framework)

Alton Town Council is the *qualifying body*<sup>1</sup> responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by East Hampshire District Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Alton Neighbourhood Area.

### Role of the Independent Examiner

I was appointed by East Hampshire District Council, with the consent of Alton Town Council, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience. I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;

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<sup>1</sup>The qualifying body is responsible for the production of the Plan.

- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Alton Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies 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 Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (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);
- the Neighbourhood 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.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

#### Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The title page of the Neighbourhood Plan states that it covers the period 2011-2028. The plan period is also referred to in the Foreword on page 4 and in the Introduction on page 6.

Taking the above into account, I confirm that the Neighbourhood Plan satisfies the relevant requirement in this regard.

## Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of the written representations submitted, I confirmed to East Hampshire District Council that I was satisfied that the Alton Neighbourhood Plan could be examined without the need for a Public Hearing.

## 2. Basic Conditions and Development Plan Status

### Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*<sup>2</sup> following the Localism Act 2011. In order to meet the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against all of the basic conditions above.

Page 9 of the Basic Conditions Statement, prepared by Alton Town Council and submitted to East Hampshire District Council, sets out the basic conditions in full. It is worth pointing this out, as it is not uncommon for neighbourhood plans to seek to paraphrase the basic conditions. The wording of the basic conditions is the result of careful consideration. Paraphrasing them, almost inevitably, results in their misapplication. In this instance, the plan-makers are to be commended for providing them in their correct form in the Basic Conditions Statement.

However, within the Neighbourhood Plan itself, there are two examples of where the wording used is not quite in keeping with the basic conditions. In the Foreword on page 3, there is reference to the Neighbourhood Plan’s policies according with “*higher level planning policy as required by the Localism Act.*” This is not a requirement of the Localism Act. Also, on page 13, a diagram introduces a different version of the basic conditions. For clarity and to avoid confusion, I recommend:

- **Foreword, page 3, delete the last sentence of the first paragraph**
- **Delete diagram on page 13**

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<sup>2</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

## European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

## European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal<sup>3</sup>. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment. Consequently, it is good practice to assess neighbourhood plan proposals to determine whether the plan is likely to have significant environmental effects. This process is referred to as a “screening” assessment. If the screening assessment identifies likely significant effects, then an environmental report must be prepared.

The Basic Conditions Statement confirms that East Hampshire District Council undertook a screening assessment. The screening assessment considered whether or not the contents of the Neighbourhood Plan required a Strategic Environmental Assessment. It concluded that the Neighbourhood Plan will not result in any likely significant effects on the environment and that consequently, a full Strategic Environmental Assessment is not required.

The Environment Agency, English Heritage (now, with regards to planning matters, Historic England) and Natural England were consulted on the requirement for a Strategic Environmental Assessment for the Neighbourhood Plan. These bodies supported the conclusion that the Neighbourhood Plan will not result in any likely significant effects on the environment and that a Strategic Environmental Assessment is not required.

I note that a Habitats Regulations Assessment (HRA) is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites. The Basic Conditions Statement confirms that there are no European sites within the Neighbourhood Area and that the settlement of Alton “is well over 5km from” the nearest European sites (the Wealden Heaths Phase II Special Protection Area and the Solent European sites).

The Basic Conditions Statement also confirms that East Hampshire District Council carried out a Strategic Environmental Assessment and Habitats Regulations Assessment for the, now adopted, East Hampshire Local Plan Joint Core Strategy, which sets a strategic housing target for Alton of at least 700 dwellings. East

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<sup>3</sup> Paragraph 026, Planning Practice Guidance 2014.

Hampshire District Council is satisfied that the Neighbourhood Plan does not seek to introduce a significantly different housing target.

With regards European obligations, national guidance establishes that the ultimate responsibility of determining whether or not a draft neighbourhood plan meets EU obligations is placed on the local authority,

*“the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.”* (Planning Practice Guidance 11-031)

With regards this latter point, East Hampshire District Council has stated that

*“...it is the opinion of East Hampshire District Council that the Alton Neighbourhood Development Plan is in accordance with the provisions of the European Directive 2001/42/EC as incorporated into UK law by the Environmental Assessment of Plans and Programmes Regulations 2004.”* (Letter from East Hampshire District Council to Alton Town Council, 11 June 2015)

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.



### **3. Background Documents and Alton Neighbourhood Area**

#### Background Documents

In undertaking this examination, I have considered various information in addition to the Alton Neighbourhood Plan. This has included:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- East Hampshire Local Plan Joint Core Strategy (2014) (Joint Core Strategy)
- East Hampshire Local Plan: Second Review (2006) Saved Policies (Saved 2009)
- Basic Conditions Statement
- Consultation Statement

Also:

- Representations received during the publicity period

In addition, I spent an unaccompanied day visiting the Alton Neighbourhood Area.

#### Alton Neighbourhood Area

A plan showing the boundary of the Alton Neighbourhood Area is provided on page 10 of the Neighbourhood Plan.

Further to an application made by Alton Town Council, East Hampshire District Council approved the designation of Alton as a Neighbourhood Area on 8 May 2014.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## 4. Public Consultation

### Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a successful 'Yes' vote at Referendum.

### Alton Neighbourhood Plan Consultation

Alton Town Council submitted a Consultation Statement to East Hampshire District Council. Further to consideration, I can confirm that this sets out who was consulted and how, together with the outcome of the consultation. In this regard, the Consultation Statement meets the requirements of the neighbourhood planning *regulations*<sup>4</sup>.

Taking into account all of the evidence provided, I am satisfied that the production of the Neighbourhood Plan was supported by robust public consultation. It is clear that the views of the wider community were actively sought and taken into account. It is also clear that Alton Town Council undertook public consultation above and beyond that required by legislation.

Following the decision to produce a Neighbourhood Plan in late 2013, the Town Council established a Neighbourhood Plan Steering Group, comprising a mix of Councillors and volunteers. I note, in particular, that the Steering Group received "*a considerable level of support*" from East Hampshire District Council.

Planning Guidance requires local planning authorities to be proactive in providing information to communities about neighbourhood planning and to constructively engage with the community throughout the process (Para 080, Neighbourhood Planning, Planning Guidance). From consideration of the evidence, it is clear to me that there was positive, collaborative working between Alton Town Council and East Hampshire District Council.

Such an approach has regard to national advice and is to be commended as it enables a neighbourhood plan to benefit from shared knowledge, skills and experience. This can help to provide strong foundations for policy making.

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<sup>4</sup>Neighbourhood Planning (General) Regulations 2012.

A Charter was produced, setting out a timetable and terms of reference. The timetable was then refined by the production of a Management Plan and the appointment of consultants to support the Steering Group. I am mindful that this is all indicative of a well-thought out and professional approach to the plan-making process.

A public launch event in February 2014 attracted 790 attendees. A Community Questionnaire was then produced, widely distributed, and ultimately completed by an impressive total of 894 people. Business and Youth Questionnaires were also completed.

In addition to the dissemination of questionnaires, public engagement events were held and the responses received at these and from the questionnaires were considered and a subsequent analysis published. Detailed objectives for the Neighbourhood Plan were then presented at an event in May 2014, attended by 361 people.

The Steering Group met with a variety of groups and individuals, including the County Council with regard to transport and Children's Services. The site assessment process included taking into account the preferences and views of local interest groups and residents and the preferred policies of the emerging plan were presented to the community in November 2014, at an event that attracted a phenomenal 1,000 people.

The Pre-Submission Plan underwent consultation during February and March 2015. This was supported by a series of events, visits, meetings, presentations, exhibitions and dissemination and collection of information, from a wide variety of individuals, groups and organisations. The information gathered was collated and published on the Alton Town Council website. Each consultation contribution was considered for its potential impact on the draft plan and the potential need for subsequent changes to the plan was recorded and published, and where appropriate, changes made.

In addition to the above, I note that Alton has a rich recent history of public engagement and consultation and that the Neighbourhood Plan consultation followed on from considerable previous work.

It is clear, from the consideration of the Consultation Statement, that plan-makers went well beyond legislative requirements, to actively seek comments on, and involvement in, the neighbourhood planning process.

Consultation was widely communicated and well-publicised in a variety of ways, including via the Alton Town Council website, on which all relevant documents and information were made available; via Alton Town Council meetings and the publication of minutes; via the delivery of leaflets; through notices and posters; via email and social media; and through the Alton Herald and Alton Gazette, as well as in other local publications.

Taking all of the above into account, the Consultation Statement presents an audit trail to demonstrate that consultation was wide-ranging, comprehensive and transparent. Comments were pro-actively sought and comments received were duly considered. There is plentiful evidence to demonstrate that the Neighbourhood Plan reflects the views of local people.

Consultation was carried out in an open manner, and people and organisations were not just provided with a fair chance to have their say, but were actively encouraged to engage in shaping the Neighbourhood Plan.

I am satisfied that the consultation process was significant and robust.

## 5. The Neighbourhood Plan – Introductory Section

**Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.**

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. I have also considered the Introductory Section of the Neighbourhood Plan and make recommendations below which are aimed at making it a clear and user-friendly document.

It is immediately noticeable that the Neighbourhood Plan is well presented. The list of Contents is clearly set out on just one page. There are many interesting and informative photographs throughout the document. The plans are clear and relevant, and Policies are clearly distinguishable from the supporting text. Much time and effort appears to have been spent on presenting the document in a professional manner. This results in an attractive and readable Neighbourhood Plan.

The Neighbourhood Plan is long, comprising some 108 pages. There is no limit on the size of a neighbourhood plan – a plan could be 1 page or 1,000 pages long. However, I note that a significant portion of the Neighbourhood Plan comprises Appendices. For clarity, Appendices do not form part of the Neighbourhood Plan. They comprise background information. I recommend:

- **Remove the Appendices from the Neighbourhood Plan document (and change the Contents page as appropriate)**

The Forewords to the Neighbourhood Plan are informative and relevant. They set the scene well, whilst recognising the commitment and input of all involved in the plan-making process.

The Context section represents a snapshot in time. As such, it will quickly become out-dated. As such, I consider that, rather than add any clarity or enhance the Neighbourhood Plan, it simply increases the scope for confusion. I recommend:

- **Delete the Context section on page 7**

The “Local Planning Context” section focuses on “Alton 2020.” Whilst I acknowledge that this document provided background information, as well as some context, for the Neighbourhood Plan, so too did a wide variety of other information. I find that dedicating a page to Alton 2020 reduces the focus of the Neighbourhood Plan itself, detracting from the document. For example, the reference to the 2020 Vision appears, to me, as the Neighbourhood Plan vision, which it is not. As with page 7, I consider that page 8 adds little but confusion to the Neighbourhood Plan. I recommend:

- **Delete the “Previous work” section (all of page 8)**

Page 9 of the Neighbourhood Plan provides a clearly presented and relevant overview of the Joint Core Strategy and the subsequent housing allocation for Alton. This is a neat summary of the Neighbourhood Area’s housing land requirement and consequently, introduces the background to the Neighbourhood Plan’s allocation of land for a minimum of 700 houses over the plan period.

The first paragraph on page 10 refers to something that has not yet happened. I recommend:

- **Delete first paragraph on page 10**

The Plan Development section effectively repeats large chunks of the Consultation Statement. This is unnecessary and adds reams of text that, I find, serve to reduce the emphasis on the most important part of the Neighbourhood Plan – its policies. I note that there is reference to the extent of consultation and the effort put into the plan-making process in the Forewords.

I recommend:

- **Delete all of the text on pages 11, 12 and the first three paragraphs of page 13**
- **Introduce a new paragraph above the remaining text on page 13, stating “*In line with legislative requirements, the Neighbourhood Plan was supported by the submission of the following documents:*”**
- **I recommend above that the diagram on page 13 is deleted**
- **Page 13, final sentence, delete “...are procedurally sound in their preparation and...”**

The Overview of Alton section is excellent and is enhanced by the provision of interesting and attractive photographs. It helps distinguish the Neighbourhood Plan. No changes are recommended.

The Plan Scope and Objectives section provides a strong introduction to the Policies that follow. No changes are recommended.

## 6. The Neighbourhood Plan – Neighbourhood Plan Policies

The introduction to the Policy Section is helpful and presentation of the Policy Section has been carefully considered. Each topic area is introduced by supporting text, setting out a Justification and Intent for the subsequent Policy

I note the reference to Action Points. These do not comprise land use planning matters, but have emerged as important community issues during the plan-making process. Their inclusion within the Neighbourhood Plan, as Action Points, is an excellent way of ensuring that sight is not lost of important non-land use planning matters that Alton Town Council will seek to progress alongside the Neighbourhood Plan.

After each Policy, the Neighbourhood Plan includes a “Conformity” paragraph. Whilst a useful reference point for draft plans, it is unnecessary to include various references to national and local planning policy, which, in any case, are not entirely comprehensive. I recommend:

- **Delete all “Conformity” paragraphs after each Policy**

## Design

### **Policy DE1 – Town setting and natural assets**

Good design is recognised by national policy as comprising a key aspect of sustainable development. It is indivisible from good planning. National policy requires good design to contribute positively to making places better for people (Para 56, the Framework).

Policy DE1 seeks to ensure that design considerations are integral to development in the Neighbourhood Area. In this way, the Policy has regard to national policy and contributes towards the achievement of sustainable development. It is in general conformity with Joint Core Strategy policy CP20, which protects local character.

However, there are elements within the detail of Policy DE1 that give cause for concern. The opening sentence of the Policy requires all development to maintain the town's setting. This may not be relevant or appropriate for all kinds of reasons. For example, it is not clear how, say, a small household extension in Alton, or a change to a building elsewhere in the Neighbourhood Area, could ensure that it maintains the setting of the town.

Further confusion is added in the second paragraph. Whilst the first sentence, subject to the recommendation below, effectively serves to protect the distinctively discreet setting of Alton, the second sentence requires development to "*maintain the green skyline.*" It is not clear how development that is not actually located on the neighbouring hills can physically maintain "*the green skyline*" afforded by them. Consequently, this part of the Policy fails to provide decision makers with a clear indication of how to react to a development proposal, contrary to paragraph 154 of the Framework.

The third paragraph of Policy DE1 refers to key views into and out of Alton. Whilst the general extent of these is shown on the plan on page 22, the scale and nature of that plan is such that there is insufficient fine detail to provide anything other than a general indication of where important views are located. Whilst I note that the supporting text refers to the Alton Town Design Statement, that document does not form part of the Neighbourhood Plan and in this regard, Policy DE1 does not "*give statutory weight*" to that document.

Taking the above into account, it is difficult to understand how developers can "*preserve*" views when those views are not defined in fine detail. Furthermore, there is no evidence to demonstrate that it is appropriate for all development, including small development proposals, for example, household extensions, to need to demonstrate how they have taken views into account, or how they have reacted positively to gateways. This would comprise an unduly onerous requirement. However, there is sufficient information to enable relevant future development



proposals to take important views and gateways into account – and such an approach can serve to protect local character. I consider this in the recommendations below.

The final paragraph of Policy DE1 is confusing. Inappropriate development is precisely that, and consequently, there is really no need for the Policy to state that inappropriate development for areas of flood risk should not take place on flood plains. Furthermore, I note that designated wildlife areas are already protected and the Policy does not define what “*areas with any geological or sensitivity*” actually are.

Taking all of the above into account, I recommend:

- **Policy DE1, delete first sentence**
- **Change second sentence to “*Development proposals that impact on the discreet setting of Alton within the surrounding landscape must demonstrate that this setting is maintained.*”**
- **Delete third sentence “Development on...hills”**
- **Change third paragraph to “*Development proposals that impact on key views and gateways into and out of the town, in particular from the National Park to the south, and as shown on the plan on page 22, must demonstrate how they have responded positively to these views and gateways.*”**
- **Delete last paragraph**
- **Delete the first paragraph of the Intent on page 23**

Subject to the above, Policy DE1 meets the basic conditions.

### **Policy DE2 – Building Design and Town Character**

It is not the role of neighbourhood planning to afford “*statutory weight*” to other documents. I note this above, in relation to Policy DE1, and note that the Neighbourhood Plan makes a similar reference in Policy DE2 and its supporting text.

Notwithstanding this point, which is dealt with in my recommendations below, as well as protecting promoting good design and protecting local character, national policy recognises the country’s heritage assets as being irreplaceable (Para 126, the Framework) and Chapter 12 of the Framework sets out a detailed approach to conserving and enhancing the historic environment. In considering building design and town character, Policy DE2 has regard to national policy and advice, and in

addition, it is in general conformity with Joint Core Strategy Policy CP29, which also, amongst other things, protects local character.

The first part of Policy DE2 is exemplary. It is clearly expressed and achieves the objectives set out in the supporting text. However, the fourth bullet point introduces a heritage-related requirement that goes well beyond the provisions of the Framework, by requiring development to “*sustain and enhance*” heritage assets, including non-designated heritage assets. This may not be viable, relevant or possible in all cases and could result in sustainable development being prevented, to the detriment of the conservation of heritage assets. Also, national policy is concerned with the site *and* setting of heritage assets, not either or. I make recommendations in this regard below.

The requirement for development to provide landscaped open space “*where appropriate*” is unclear, as no indication is provided as to when this would, or would not be appropriate. The final paragraph of Policy DE2 refers to another document.

I recommend:

- **Policy DE2, fourth bullet point, change first line to “...seek to *conserve the significance of heritage assets and their setting.*”**
- **Delete fifth and sixth bullet points**
- **Delete Intent on page 25 and page 26**

Subject to the above, Policy DE2 contributes to the achievement of sustainable development and meets the basic conditions.

## Housing

### **Policy HO1: Housing mix on development sites**

Chapter 6 of the Framework promotes the delivery of a wide choice of high quality homes. In seeking to ensure that housing development in Alton provides for a housing mix, Policy HO1 has regard to national policy.

The first bullet point of Policy HO1 fails to provide decision makers with a clear indication of how to react to a development proposal. There is no indication of what “*maximising the delivery of affordable housing*” means in practice. Joint Core Strategy Policy CP13 sets a target of 40% affordable housing, with some flexibility to take into account different circumstances. Policy HO1 does not add any detail to this.

As worded, Policy HO1 would require all housing development, even of one house, to provide a mix of tenures and types. This is not physically possible. Policy HO1 goes even further than this and requires all housing development to provide housing that meets a range of community requirements, including retirement, extra care and other types of housing. This is simply poor wording, as the intent of the Policy is effectively to support a range of housing types. The recommendations below seek to rectify this.

The final part of Policy HO1 is entirely unclear. It refers to something that does not exist and provides no indication of who will provide it.

Taking all of the above into account, I recommend:

- **Policy HO1, change first line to “*Housing development on allocated sites or other major (as defined by national policy) housing development, must provide a range of dwelling types, tenures and sizes to meet housing needs. On these sites, subject to being part of a wider mix, the provision of housing that meets a range of community requirements, including retirement, extra care housing and other housing for the elderly, those with special or supported needs and those wishing to build their own home, will be supported.*”**
- **Delete final paragraph**
- **Delete final sentence of Intent on page 29. I note that this does not prevent Alton Town Council from providing a local register – but this is not something specifically enabled by Policy HO1**

Subject to the above, Policy HO1 meets the basic conditions.

## **Policy HO2 – Storage facilities for household waste**

Policy HO2 seeks to provide adequate facilities for the storage of household refuse, away from direct view. This has regard to the Framework, which protects local character and which requires the provision of attractive and comfortable places to live (Para 58).

The Policy uses the phrase “*hidden from public view.*” This may not always be achievable and I note that “*public view*” is not defined. I recommend:

- **Policy HO2, change line two to “...refuse storage *hidden from direct view from the street.*”**

Subject to the above, Policy HO2 meets the basic conditions.

## **Policy HO3 – New housing site allocations**

Policy HO3 is a positive policy that supports residential development on allocated sites. It has regard to the Framework, which supports sustainable housing growth.

Paragraph 184 of the Framework states that “*Neighbourhood plans...should not promote less development than set out in the Local Plan...*” The supporting text to the Policy confirms that the Joint Core Strategy allocates a minimum of 700 dwellings to Alton. Policy HO3 allocates a total of 781 houses to six sites. This figure is comfortably above the minimum requirement set out in the Joint Core Strategy. It thus provides a significant buffer and allows for flexibility, having regard to national policy. The recommendations below increase this total, taking into account a recent planning permission.

The Neighbourhood Plan sets out how the housing sites were allocated. As well as taking into account a wide range of relevant information, I note that community engagement was an important part of the process. The supporting text goes on to point out that, due to the shortage of brownfield land, the majority of new allocations need to comprise greenfield sites.

I note that the Neighbourhood Plan does not seek to place a cap, or a maximum figure, on the number of houses that can be built in the Neighbourhood Area. Taking this and all of the above into account, Policy HO3 contributes to the achievement of sustainable development and meets the basic conditions.

It is unnecessary for Policy HO3 to refer to other Policies in the Neighbourhood Plan and it is not the role of neighbourhood planning policies to set out the requirements of policies in other planning documents. I recommend:

- **Policy HO3, end first paragraph on line two, as “...site allocation *plans.*”**

A representation has been made in respect of the Neighbourhood Plan only allocating “*large scale housing sites*” and not allocating land in Holybourne, which is defined in the Joint Core Strategy as a Level 4 Settlement, suitable for smaller scale residential development. However, I note above that Policy HO3 meets the basic conditions and there is no substantive evidence to demonstrate that, in failing to allocate housing land in Holybourne, the Neighbourhood Plan does not meet the basic conditions. Furthermore, I am mindful that the Neighbourhood Plan does not prevent sustainable development from coming forward in locations other than on allocated sites.

Outline planning permission was granted in July 2015 for 529 dwellings at Lord Mayor Treloar and at Borovere Farm. The Neighbourhood Plan should take account of this. I note that the Neighbourhood Plan allocates land at Lord Mayor Treloar in addition to a previous allocation. This is potentially confusing and I take account of it below. I recommend:

- **Change the allocations to “HO3(a) 249 dwellings” and HO3(b) 280 dwellings (NB, for the avoidance of confusion, this amounts to the total allocation at Lord Mayor Treloar and reflects the outline planning permission granted in July 2015).”**
- **Change total allocation for all six sites to take account of the above**

A representation has been received in objection in respect of the Neighbourhood Plan failing to provide a sufficient buffer, over and above the 700 dwellings allocated to Alton by the Joint Core Strategy. Having regard to all of the information above, this is not the case. The same representation refers to an “*unsound evidence base.*” Soundness is not a relevant test. Furthermore, I note above that the housing allocations in the Neighbourhood Plan has emerged from a wide range of information and further to community engagement – a process that I have found to be robust.

Neighbourhood planning is different to district-wide development planning. Together, the Localism Act and the Framework afford local people with the power to plan for the future of their communities. The introduction to the Framework states that “*...people have been put off from getting involved because planning policy itself has become so elaborate and forbidding – the preserve of specialists, rather than people in communities.*”

There is no “tick box” list of evidence required for neighbourhood planning. Planning Guidance requires that the choices made and the approach taken by neighbourhood planners should be supported by:

*“proportionate and robust evidence that...should be drawn upon to explain succinctly the intention and rationale of the policies...”* (Para 41-040, Planning Guidance)

Policy HO3 has regard to this. I acknowledge the fact that the allocation process could have taken place in a different way, or could have had different results. However, these are not matters that, together or individually, mean that Policy HO3 does not meet the basic conditions.

### **Policy HO3(a) Land at Borovere Farm and Policy HO3(b) Land at Lord Mayor Treloar (phase 2)**

I note above that outline planning permission was granted for the above sites in July 2015. Consequently, the Neighbourhood Plan has been overtaken by events and the content of Policies HO3(a) and HO3(b) is significantly out of date. In this regard, I am also mindful that the Policies are long, detailed and to some considerable extent, prescriptive. I note that Paragraph 59 of the Framework states that “*design policies should avoid unnecessary prescription or detail ...*” Notwithstanding this, given the recent planning permission, the Policies are simply wrong.

Taking the above into account, I recommend:

- **Delete Policies HO3(a) and HO3(b)**
- **Create a new Policy HO3(a) (NB, the numbering of subsequent housing policies will need to change), stating “*Land is allocated at Borovere Farm (249 dwellings) and at Lord Mayor Treloar (280 dwellings) for a total of 529 dwellings. This reflects planning permission granted in July 2015. The developable boundaries of these sites are shown on the following two plans.*”**
- **Replace the two plans with site boundaries only**

### **Policy HO3(c) – Land at Cadnam, Upper Anstey Lane**

I note that outline planning permission was granted for 275 homes at this site in May 2015. Policy HO3(c) seeks to protect local character. This is in general conformity with the strategic policies of the Joint Core Strategy and it has regard to the Framework. However, the Policy refers to matters that are outside the control of the Neighbourhood Plan. I recommend:

- **Delete the second bullet point**

Tree Protection Orders protect trees. There is no need to include a requirement to protect trees that are protected by Tree Preservation Orders. I recommend:

- **Delete the fifth bullet point**

The Policy seeks to impose various obligations outside the control of the Neighbourhood Plan. Furthermore, there is no substantive evidence to demonstrate whether these requirements are viable, deliverable and/or necessary. I recommend:

- **Delete the sixth and seventh bullet points**

The final bullet point refers to “adequate drainage and flood management provision” without specifying what this actually comprises. Consequently, it does not provide applicants with clarity, or decision makers with a clear indication of how to react to a development proposal. I note that, together, national and local policy already provide sufficient controls relating to flood management, sewerage and drainage. I recommend:

- **Delete last bullet point**

#### **Policy HO3(d) - Land off Wilsom Road (between numbers 60 and 86)**

Policy HO3(d) provides no indication of what “an acceptable scheme” would comprise, with regards to access. The Policy strays away from land use planning and into the realm of Building Regulations, with regards requiring the protection of “structural integrity” and also refers to the responsibilities of East Hampshire District Council.

I recommend:

- **Delete second, fourth, fifth and sixth bullet points**

#### **Policy HO3(e) – Land at Will Hall Farm**

This site overlays a safeguarded minerals resource. It would be helpful and informative to refer to this important fact. I recommend:

**Add new paragraph of supporting text below Policy HO3(e) stating “The site forms part of a Mineral Consultation Area. Prospective developers are advised to consult with Hampshire County Council at the earliest opportunity in respect of ensuring that any proposals comply with the County’s Minerals and Waste Plan.”**

To avoid repetition and with reference to comments already made above, I recommend:

- **Delete second, sixth and tenth bullet points**

National policy recognises that heritage assets are an irreplaceable resource and establishes a detailed and specific approach to their protection. The wording of Policy HO3(e) fails to have regard to this and I recommend:

- **Change the eighth bullet point to “Conserve the significance of the adjacent Grade II Listed Building and its setting.”**

There is no substantive evidence to demonstrate that it is possible and viable to underground the existing power lines. I recommend:

- **Change last bullet point to “Seek to accommodate...operator, subject to viability.”**

### **Policy HO3(f) – Land adjacent to Alton Convent School, Anstey Lane**

Any access to this site will need to demonstrate that it is safe and appropriate, having regard to national and local planning policy. The second bullet point of Policy HO3(f) is vague, in that it would “prefer” access to be taken from Manor Road, but gives no indication of what would happen if this was not the case. Consequently, it adds little in the way of providing an applicant with certainty, or a decision maker with a clear indication of how to react to a development proposal. I recommend:

- **Delete second bullet point**

The third bullet point is also vague. It is entirely unclear how it can be ensured that “the need to remove any mature trees is kept to a minimum.” This comprises unclear wording. I recommend:

- **Third bullet point, change wording to “Seek to retain or replace mature trees on site.”**

There is no substantive evidence to demonstrate that a contribution to off-site highways infrastructure in the north and east of Alton is necessary or will be directly related to development at site HO3(f). I recommend:

- **Delete last bullet point**

Subject to all of the recommendations above, the Housing Policies contribute to the achievement of sustainable development and meet the basic conditions.



## Transport

### **Policy TR1 – Transport Infrastructure**

The first sentence of Policy TR1 is unclear. There is no indication of what a “*significant traffic impact*” and it is not clear how a road network would be “*capable of fully addressing...traffic demand.*” Furthermore, this first sentence fails to have regard to national policy, which, in paragraph 32 of the Framework establishes that development “*should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*”

The second and third paragraphs of Policy TR1 relate to the responsibilities and controls of the Local Highway Authority and not those of the Neighbourhood Plan.

Policy TR1 does not meet the basic conditions. I recommend:

- **Delete Policy TR1 and supporting text**

### **Policy TR2 – Adoptable roads**

The Local Highway Authority is responsible for adopting roads. Consequently, Policy TR2 concerns itself with matters outside the Neighbourhood Plan’s control.

I recommend:

- **Delete Policy TR2 and supporting text**

### **Policy TR3 – Pedestrian networks**

The Framework supports the creation of safe and accessible environments (Para 58) and promotes sustainable patterns of movement (Chapter 4) and healthy communities (Chapter 8). In addition, Joint Core Strategy Policy CP31 promotes the use of sustainable transport modes.

In supporting the provision and where possible, the expansion, of safe pedestrian links, Policy TR3 meets the basic conditions.

No changes are recommended.

### **Policy TR4 - Cycle routes**

Similarly to Policy TR3, above, in supporting the provision and where possible, the expansion, of safe cycle links, Policy TR4 meets the basic conditions.

No changes are recommended.

### **Policy TR5 – Cycle parking and storage**

The first two paragraphs of Policy TR5 promote the greater use of sustainable, non-motorised transport and consequently, taking national policy (as set out in relation to Policy TR3, above), into account, this part of the Policy meets the basic conditions.

The final paragraph relates to all development. It will not be appropriate, and in some circumstances, will not be possible, for all development to provide cycle parking. For example, the provision of cycle parking would be an onerous and in many cases, entirely unnecessary requirement, for household extensions, or for, say development comprising the changing of glazing in a Listed Building.

The final paragraph goes on to require all employment use to provide shower and changing facilities. This places an onerous burden on employment related development. There is no evidence to demonstrate that such a requirement would not serve to prevent development that is otherwise sustainable from coming forward, or that it would be viable, or desirable, in all cases. I am also mindful that the requirement could discourage employment related development and prevent jobs from being created. I recommend:

- **Policy TR5, delete final sentence**

### **Policy TR6 - Bus provision**

The first part of Policy TR6 seeks to ensure that new development is well located in relation to bus services. This approach can help to sustain and support the provision of public transport and promotes sustainable patterns of movement. It has regard to national policy, as set out in Chapters 6 and 8 of the Framework.

The second paragraph of Policy TR6 requires the provision of an “*internal distributor road*” capable of providing for re-routed buses on all “*significant residential developments*”. No indication is given as to what a “*significant residential development*” is. If this part of the Policy related to major development, as set out in the Town and Country Planning Act, then it would apply to developments of more than ten dwellings. However, it would seem entirely unnecessary for a development of, say, eleven houses, to provide an internal distributor road capable of providing for rerouted buses. Firstly, the site may not be large enough and secondly, I find it unlikely that a bus service provider would reroute a bus more than 400 metres from

its existing route in order to serve eleven houses, and there is no evidence before me to the contrary. This is notwithstanding matters of viability.

Consequently, the second paragraph of Policy TR6 fails to provide prospective applicants with any clarity and does not provide decision makers with a clear indication of how to react to a development proposal. It does not meet the basic conditions.

The last two paragraphs of Policy TR6 also relate to “*significant residential development*” without providing any indication of what this comprises.

I recommend:

- **Policy TR6, delete second, third and last paragraphs**
- **Delete Intent on page 60**

#### **Policy TR7: Parking provision and standards**

The Framework requires the creation of safe and secure layouts which minimise conflicts between road users (Para 35) and goes on to require parking standards to take into account factors including accessibility, the availability of public transport and local car ownership levels.

Policy TR7 sets locally relevant car parking standards, taking into account information gained during the plan-making process, including the views of the local community. I note that there are no objections to the Policy.

Policy TR7 has regard to national policy. It is in general conformity with Joint Core Strategy Policy 29, which amongst other things, requires development to provide for car parking, taking into account relatively high levels of car ownership. It is also in general conformity with Joint Core Strategy Policy 31, which requires the provision of adequate, convenient and secure vehicle parking in accordance with adopted standards.

No changes are recommended.

## Community

### **Policy CH1 – Community centre**

It is the intent of Policy CH1 to support the provision of a new community centre. This has regard to the Framework, which requires positive planning for the provision of community facilities.

However, the wording of the Policy is unwieldy and the final paragraph is unnecessary, in that it states that something that is already a material consideration, is a material consideration. Also, no indication is provided as to how the Neighbourhood Plan will “encourage” the provision of a new community centre.

I recommend:

- **Policy CH1, replace first and second sentence with “*The provision of a new easily accessible multi-purpose community centre or community facilities within Alton will be supported.*”**
- **Delete last sentence**

Subject to the above, Policy CH1 contributes to the achievement of sustainable development and meets the basic conditions.

### **Policy CH2 - Sports Centre**

Policy CH2 is a positive and creative Policy aimed at enabling the provision of new, enhanced sports facilities for Alton. It has regard to Chapter 8 of the Framework, which promotes healthy communities and is in general conformity with Joint Core Strategy Policy CP18, which promotes sports and recreation provision.

The final sentence is confusing and unclear. It promotes the provision of a sports centre of similar quality to one that “*is nearing the end of its design life and is becoming hard to maintain*” and like Policy CH1, it includes an unnecessary reference to material weight. It refers to “*an alternative suitable location*” without providing any indication as to where this might be.

I recommend:

- **Policy CH2, delete final paragraph**

Subject to the above, Policy CH2 contributes to the achievement of sustainable development and meets the basic conditions

### **Policy CH3 – Health Facilities**

Policy CH3, especially on existing sites and has regard to national policy, which promotes healthy communities.

No changes are recommended.

### **Policy CH4 – Community hospital**

Policy CH4 protects a community facility and supports the expansion of health facilities to meet the needs of Alton. It has regard to national policy.

No changes are recommended.

### **Policy CH5 – Local Green Space**

The Framework enables local communities to identify, for special protection, green areas of particular importance to them. Paragraph 76 states that

*“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”*

Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. Effectively, Local Green Spaces, once designated, provide protection that is comparable to that for Green Belt land. Notably, the Framework is explicit in stating that

*“The Local Green Space designation will not be appropriate for most green areas or open space.” (Para 77)*

Consequently, when designating Local Green Space, plan-makers must clearly demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land.

Policy CH5 seeks to designate thirteen areas of Local Green Space. The supporting text to the Policy, including a table on page 72 demonstrates that each of the Local Green Spaces proposed meets the tests set out in paragraphs 76 and 77 of the Framework.

Two objections have been received in relation to Policy CH5. One objects to the designation of Holybourne Play Area on the grounds that some protection for the

site already exists and that a Local Green Space designation would be too restrictive. However, the Neighbourhood Plan demonstrates that Holybourne Play Area meets the appropriate national policy tests and there is no substantive evidence before me to the contrary. I note that the very purpose of Local Green Space is to be restrictive – as in this way, it serves to protect land from development that might otherwise detract from the special qualities of the site.

The second objection states that the wording of the Policy does not allow flexibility to allow education-related development. I consider the wording of the Policy below. I note that the Local Green Space designation allows for development in very special circumstances.

Paragraph 76 of the Framework is specific in stating that, on land designated as local Green Space, development will be ruled out “*other than in very special circumstances.*” As worded, Policy CH5 does not have regard to this, but seeks to create its own version of Local Green Space policy. Such an approach does not meet the basic conditions.

The first paragraph seeks to retain all open spaces “*with a community function.*” This is unclear as these spaces are not defined. Furthermore, I am mindful that many open spaces are already protected. I also note that a general reference to undefined open spaces and a vague reference to “*considering*” them for “*retention*” does not provide decision makers with a clear indication of how to respond to a development proposal.

Local Green Space is an important designation. Whilst the plan on page 73 provides a general indication of where each Local Green Space is, its scale means that it does not provide sufficient detail in relation to specific site boundaries. This is inappropriate.

Taking the above into account, I recommend:

- **Policy CH5, delete first paragraph**
- **Change second paragraph to “*The areas below, identified on the maps, are designated as Local Green Space, where development will not be permitted other than in very special circumstances:*”**
- **Delete all text following the list of sites**
- **In addition to the plan on page 73, further plans, at a sufficient scale to clearly see the precise boundaries of each Local Green Space must be provided. These need not comprise an individual plan for each site – ie, where Local Green Spaces are close together, they may be shown on the same plan.**

Subject to the above, Policy CH5 contributes to the achievement of sustainable development and meets the basic conditions.

### **Policy CH6 – Playing fields**

The overall intent of Policy CH6 has regard to national policy, which promotes healthy communities. No indication is provided as to how Policy CH6 will “*actively encourage*” the provision of junior football pitches. The final paragraph is unnecessary.

I recommend:

- **Policy CH6, change first sentence to “...field space, especially junior football pitches, and associated facilities will be supported.”**
- **Delete second sentence and second paragraph**

### **Policy CH7 - Allotments**

The first part of Policy CH7 includes unnecessary reference to another Policy in the Neighbourhood Plan and the last sentence of the Policy is unnecessary. There is no indication of how the Policy will “*actively encourage*” the provision of allotments.

I recommend:

- **Policy CH7, delete first and last sentences**
- **Change second sentence to “...will be supported.”**

Subject to the above, Policies CH6 has regard to national policy, which promotes healthy communities. It meets the basic conditions.

## Education

### **Policy ED1 – Schools expansion**

This Policy supports the expansion of local schools, subject to their still providing playing fields and open classroom space. It has regard to national policy, which affords great weight to the need to expand schools.

No changes are recommended.



## Economy

### **Policy ES1 – Access to allocated employment land**

Policy ES1 refers to something that does not yet exist. This is premature. I recommend:

- **Delete Policy ES1 and supporting text**

### **Policy ES2 – Reuse of commercial brownfield land**

There is no indication of how Policy ES2 will “*strongly encourage*” the reuse of employment land.

The second part of Policy ES2 is unclear. No indication is provided as to what a “*varied supply of employment opportunities and commercial premises*” comprises. Consequently, the Policy does not provide decision makers with a clear indication of how to react to a development proposal. This part of Policy ES2 does not meet the basic conditions.

I recommend:

- **Policy ES2, change first sentence to “...uses *will be supported.*”**
- **Delete the second paragraph**

Subject to the above, Policy ES2 supports the reuse of previously developed employment land for employment uses and does not preclude alternative uses. This encourages the effective use of land and has regard to national policy. It is in general conformity with Joint Core Strategy Policy CP4, which supports the reuse of employment land.

### **Policy ES3 – Regeneration of the brewery site**

Policy ES3 relies on assessment against Policy CP4 of the Joint Core Strategy. It is not the role of neighbourhood plans to include policies that are outside the control of the plan, or which rely on other policies in other plans.

I recommend:

- **Delete Policy ES3 and all supporting text**

I am conscious that the brewery site is an important brownfield site in the Neighbourhood Area. Consequently, I also recommend:

- **Add new Action Point, “ESAP9: We will work with East Hampshire District Council to achieve the appropriate mixed use development of the brewery site, shown on the plan.”**

## Neighbourhood Plan – Other Matters

The Going Forward section of the Neighbourhood Plan provides relevant references to matters that will impact on planning in the Neighbourhood Area in the future.

It also establishes that it is intended to monitor the impacts of the Neighbourhood Plan to see whether it has a positive impact on planning and whether its objectives are being realised. This is to be welcomed and will help inform any future Neighbourhood Plans.

No changes are recommended to this section.

## 8. Summary

I have recommended a number of modifications further to consideration of the Alton Neighbourhood Plan against the basic conditions.

Subject to these modifications, the Alton Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Alton Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

## **9. Referendum**

I recommend to East Hampshire District Council that, subject to the modifications proposed, the **Alton Neighbourhood Plan should proceed to a Referendum.**

### **Referendum Area**

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Alton Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Alton Neighbourhood Area as approved by East Hampshire District Council on 8 May 2014.

**Nigel McGurk, October 2015**  
**Erimax – Land, Planning and Communities**

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