

## **EHDC comments on Regulation 16 submission of the Bentley Parish Modified Neighbourhood Plan 2021-2040**

The following comments on the Regulation 16 submission of the Bentley Parish Modified Neighbourhood Plan 2021-2040 have been compiled by the EHDC Planning Policy team, with contributions from other relevant teams of the local planning authority.

### Abbreviations

NP = Neighbourhood Plan

HCC = Hampshire County Council

JCS = EHDC Joint Core Strategy (adopted Local Plan)

PC = Parish Council

NPSG = Neighbourhood Plan Steering Group

BNG = Biodiversity Net Gain

SDNP = South Downs National Park

SDNPA = South Downs National Park Authority

<b>Bentley NP Page / Para / Policy Ref</b>	<b>EHDC Comment</b>
General	<ul style="list-style-type: none"> <li>• Numbering needs to be applied to all paragraphs on the following pages: 18; 32; 40; and 41.</li> <li>• Para 4.22 – full stop required for last sentence.</li> <li>• Para 4.37 - full stop required at the end of the first sentence.</li> <li>• Para 4.47 - full stop required for last sentence.</li> <li>• Para 5.8 - typo of 'directly' in first sentence needs correcting.</li> </ul>
Relation to NPPF 2024	<p>The Regulation 16 submission of the Bentley Parish Modified Neighbourhood Plan 2021-2040 was submitted when the previous version of the NPPF (2023) was applicable. Since the submission of the modified NP, a new version of the NPPF (Dec 2024) has been released and supersedes the 2023 version. The NPPF (Dec 2024) contains large amounts of modified text and paragraph numbering. It is necessary to ensure that all references to the NPPF relate to the latest Dec 2024 version and that all references to specific NPPF paragraphs are still relevant and corrected where necessary throughout the Bentley Modified Neighbourhood Plan.</p> <p><a href="#">National Planning Policy Framework</a></p>
Para 2.26	No reference made to how the Covid pandemic has impacted and altered working from home trends. This is a key difference when comparing 2011 and 2021 travel to work census data and a large contribution to change in trends.
Para 2.27	<p>Suggest use of more up-to-date traffic counts than 2018. 2018 is now 6 years old and pre-Covid traffic trends, data will hold limited validity.</p> <p>Suggest re-writing to aid clarity that the original survey was undertaken in 2012 and this was updated in 2018.</p>
Para 2.33	Paragraph numbering needs to be added – see 'General' comment.

	<p>Third part of para 2.33 should refer to Regulation 18 (part 2), not Regulation 14.</p> <p>Second part of Para 2.33 – would benefit from having the list of completions presented in a table to aid clarity.</p>
Para 2.44	<p>Reference could be made to more recent community views sought via Regulation 14 consultation. It is suggested that the Regulation 14 consultation should be included in para 2.44 and a link to the consultation statement and relevant appendices also included. Relevant responses received during the Reg 14 consultation could be incorporated into para 2.45 and associated bullet points.</p>
Para 3.10	<p>Consider inserting a sub-heading – ‘East Hampshire District Local Plan: Second Review,’ to allow consistency with surrounding paragraphs.</p>
Para 3.11 – 3.18	<p>Para 3.11 – 3.18 - what is the status of the Bentley Plan 2014?</p> <p>Suggest this section is updated to refer to the made NP rather than the Bentley Plan 2014.</p>
Para 4.4	<p>Only Bentley PC will monitor the NP, not EHDC. Please change para 4.4. to remove reference to the local planning authority monitoring the NP.</p>
Para 4.10	<p>Do not believe this appeal is still current. Is this relevant to the made NP of the modified NP? Appeal reference should be included if to remain in the document.</p>
Policy BEN1	<p>This policy could benefit from slightly more clarity.</p> <p>Part A) states ‘...will be permitted provided it complies with the provisions of relevant policies.’ Specific reference to relevant policies would enhance robustness.</p> <p>Please ensure all NPPF references are correct and relevant to Dec 2024 version.</p>
Policy BEN1 – Para 4.14	<p>Para 4.14 contradicts with the EHDC draft Local Plan (as consulted on at Regulation 18). The draft Local Plan encourages residents to live locally and primarily utilise the provision of local services, when feasible. The NP period is to 2040, and taking new EHDC housing targets into consideration, growth will be required. It is inappropriate to make a statement relating to the future implications of new housing on a settlements service provision.</p> <p>‘Given trends in the provision of such local services, it is considered that new housing will not lead to their return to a village of this size, type and location,’ should be removed.</p>
Policy BEN2 iv)	<p>BEN 2 iv) is not considered compliant with the NPPF. In particular, it appears to contradict the support for the development of small and medium-sized development offered through paragraph 73 of the NPPF (2024).</p> <p>NPPF Para 73 e) (2024) requires EHDC - as a planning authority - to work with developers to encourage the subdivision of large sites where this could help to speed up the delivery of homes. The NP should not therefore discourage the sub-division of larger sites through the threat of a more exacting consideration, i.e. one relating to a larger area, for purposes of decision-making. Furthermore, this part of the policy doesn't seem</p>

	reasonable: the constraints and opportunities for development will often relate specifically to the land in question, so it would be irrational to refuse development on the basis of the potential 'impacts' for an area of land that would remain unaffected by the proposal.
Policy BEN2 – Para 4.21	Add hyperlinks to Conservation Area Character Appraisal and Management Plan for Bentley.
Policy BEN3 i)	Support for this principle, which provides more specific direction about how the Conservation Area Appraisal should influence the design of new proposals. However, the wording is unnecessarily long and cumbersome. A shorter alternative that would achieve the same is as follows: 'Within the Bentley Conservation Area, new development shall conserve and enhance this heritage asset through demonstrating a positive response to the design guidance of the Conservation Area Appraisal.'
Policy BEN3 ii)	Support for the idea that development within the setting of the Conservation Area should seek to conserve and enhance its heritage value, but the wording of this principle is convoluted and unclear. For example, it does not make sense to speak of a visual relationship between a site (i.e. a physically defined entity) and the significance of the conservation area as a heritage asset (i.e. an abstract idea). For simplicity and to ensure a common understanding, this principle could be re-worded as follows: 'Within the setting of the Conservation Area, new development shall conserve and enhance the heritage significance of visual and/or functional relationships between the development site and the Conservation Area'.
Policy BEN3 iii)	Support for the intention of protecting and enhancing local character, however the requirement for development to reflect the rural character and landscape features of the parish is unclear. Taking it literally, this principle appears unduly restrictive as it fails to acknowledge paragraph 139, part b) of the NPPF (the acceptability of outstanding and innovative designs that promote high levels of sustainability). On this reading, the principle would also exceed the requirements of JCS Policy CP29, criterion d) and the advice of the National Design Guide (under the characteristic: 'context'), which could undermine the achievement of other aspects of good design. However, if the principle is read as requiring that development reflects a sound understanding of rural character and landscape features, this would be in agreement with national and local design policies and guidance. Therefore, the phrase 'a sound understanding of' should be inserted between 'reflects' and 'the rural character'.
Policy BEN3 iv)	This principle is unclear: a distinction between 'echoing' but not 'copying' certain design parameters and features is assumed as appropriate guidance; but the meaning of this is likely to be arguable in many cases. E.g. would a two-and-a-half storey dwelling echo-but-not-copy a neighbouring two storey dwelling? Or would it fail to echo the scale of the dwelling? Would vertically proportioned windows, symmetrically arranged around the main entrance in a principal facade constitute an appropriate echo of Georgian fenestration; or should the actual dimensions of window openings be considered? What variation in roof pitch could be acceptable between neighbouring dwellings? In short: the principle does not make clear how a decision-maker is to act when it is possible to distinguish between a proposal and neighbouring properties. The requirements of this principle are more appropriate within a design code, where measurements

	or tolerances can be specified and illustrated. BEN3 iv) should be deleted from the general policy.
Policy BEN3 v)	The intention of this policy is supported, however, the principle is thought unduly restrictive. It is suggested for the following wording to instead be used, 'New dwellings should respond positively to the distinctive character of Bentley ensuring they are appropriate to the scale and massing of the surrounding character.'
Policy BEN3 vii)	<p>Support for the intention of providing design guidance for extensions and alterations to existing buildings, but some modifications to the detailed criteria are required to align with national and local design policies/guidance and to provide a clear basis for decision-making:</p> <p>a) delete the phrase 'and the local area'. These design features are likely to vary between buildings (so it is likely to be unclear what a designer should be seeking to reflect when considering an extensive area), whilst the restriction lacks justification (see comments on principle iii)).</p> <p>b) rephrase 'and the existing street scene' to read 'taking account of the existing street scene'. See comments made in relation to criterion a).</p> <p>c) delete or entirely re-phrase the criterion. The metaphor of sitting comfortably is unexplained and would be unclear to decision-makers, whilst the modifier 'awkward' is similarly unexplained and unclear. If 'sit comfortably' is interpreted to be synonymous with 'be subservient', this criterion would be superfluous.</p> <p>d) consider replacing the phrase 'of the local area' with 'of the street scene'. A side extension is likely to be visible from the street (for it would be to the side of a principal elevation, which typically addresses the street for access and legibility reasons) and it is the visual relationships that would be experienced that are of concern. Different streets often have different visual characteristics, so 'the local area' may capture a wider variety of physical relationships than are intended.</p>
Policy BEN3 viii)	Support for the principle of requiring sympathetic boundary treatments within new development, particularly with respect to the street scene. The policy does not specify the materials and finishes that are considered to be appropriate, though supporting text at Para 4.33 provides some helpful clarification. The NPSG should consider whether additional information for non-thoroughfare routes would be helpful. There is, of course, a risk with the current policy that if boundary treatments are altered by householders under permitted development rights, the meaning of 'materials and details that reflect the street scene or local area' could change and affect the policy outcomes.
Policy BEN3 ix)	This principle should be clarified to ensure that 'rural vernacular' is appropriately understood. Because of the different functional requirements applying to industrial development compared to residential and many non-residential uses, the design and layout of new industrial buildings may often have to depart from the architectural characteristics and layout of buildings for other uses. This should not be considered a problem and should not appear as such via part ix of this policy. Rather than concentrating on matters affecting the functional suitability of a building for

	<p>industrial activities, this policy should focus on the acceptable integration of the development as a whole with its surroundings. The requirement could therefore be rephrased to ‘require that new buildings respect their built or rural context in terms of their design and relationships to adjoining or nearby buildings and/or landscape features.’</p>
Policy BEN3 – Para 4.22	<p>Need to make reference to Bentley Village character Assessment (2023) more obvious and that it is an evidence base and listed in Appendix A – suggest using a hyperlink and reference to Appendix A.</p> <p>Please ensure all NPPF references are correct and relevant to Dec 2024 version.</p>
Policy BEN4	<p>Recommend that Appendix C includes the rationale for choosing the local heritage assets. Currently only details photos and brief description. Following Historic England guidance, what selection criteria has been used and what method of identification has been used?</p> <p><a href="https://historicengland.org.uk">Local Heritage Listing: Identifying and Conserving Local Heritage (historicengland.org.uk)</a></p> <p><a href="https://historicengland.org.uk">HEAN 11: Neighbourhood Planning and the Historic Environment (historicengland.org.uk)</a></p>
Policy BEN5 – Para 4.39	<p>There's no reference that Bentley Archers Cricket and Sports Club have a 15 year lease for the recreation ground. This could be included in Para 4.39.</p>
Policy BEN6	<p>Would suggest including any correspondence with HCC (as an appendix) about this matter. Would show that the landowner, (HCC), have been engaged with and that the policy relating to the potential expansion of the school has merit for inclusion.</p> <p>Please ensure all NPPF references are correct and relevant to Dec 2024 version.</p>
Policy BEN7 – Para 4.48 - 49	<p>Para 4.48 states that the Memorial Hall is in need of upgrading. However, this community facility is not highlighted in the infrastructure projects in Section 5. It would be good for EHDC to understand why this important community facility is not being prioritised in future investment projects. Why is this?</p> <p>Para 4.49 refers to the possibility of a cricket club, however there is a cricket club in existence, as listed in Para 2.21. This needs to be corrected.</p> <p>In Para 4.49 it needs to be clear if the pavilion is to be replaced as Bentley Archers Cricket and Sports Club is now in existence, the current wording alludes to it but is not definitive. EHDC believe that the club also have right to access the pavilion for ancillary purposes.</p>
Policy BEN8 – Para 4.53-54	<p>Para 4.54 states that Policy BEN8 wishes to exceed the requirements of the JCS. NP policies are to be consistent and conform with the adopted development plan, as well as national guidance.</p> <p>‘...any loss of shop would be subject to a planning obligation to mitigate any loss of employment or economic impact on the parish’ needs to be deleted from the Policy and instead reference made to the JCS.</p> <p>This policy needs to be consistent and conform with the JCS.</p>

<p>Policy BEN9</p>	<p>Traffic survey documents listed in Appendix A, need to have hyperlinks associated with them:</p> <ul style="list-style-type: none"> <li>• The Bentley Traffic Survey (2018) - <a href="http://bentleyparishcouncil.gov.uk">G (bentleyparishcouncil.gov.uk)</a></li> </ul> <p>As previously stated, reference of 2018 to 2012 traffic counts has limited validity now that it is 2024 and post-Covid. Recommend more up to date traffic surveys being utilised.</p> <p>Valid evidence needs to be provided for statements made in this policy i.e. proof of congestion, queue lengths, proof of accidents etc. All evidence should be provided as relevant appendices. For example, full justification in the form of evidence, should be provided if claiming that congestion is directly related to an increase in traffic generated from development i.e. is there proof that it is instead not from other sources such as increased through traffic, increased car ownership, diversions etc.</p> <p>Incident data can be accessed for the last 5 years from HCC. It is recommended that this is sourced and shown in an appendix.</p> <p>Reference should be made to HCC Local Transport Plan 4 (LTP4), the existing EHDC LCWIP, (which is to be superseded in 2025) and EHDC Vehicle Parking Standards Supplementary Planning Document (SPD) when discussing parking, encouraging less dependency on the car and increased cycling and walking.</p> <p><a href="#">Local Transport Plan   Transport and roads   Hampshire County Council Supplementary planning documents   East Hampshire District Council Local cycling and walking infrastructure plan (LCWIP)   East Hampshire District Council</a></p> <p>Para 4.55 states that the PC are working with HCC to improve safety. Para 5.6 mentions a number of transport related schemes that relate to safety. It would be wise to link these infrastructure schemes to text in Para 4.55 if applicable.</p>
<p>Policy BEN10</p>	<p>Title of policy remains as Green Infrastructure but policy still has a focus on biodiversity net gain. Recommend altering title to include biodiversity.</p> <p>Part B of the policy, relating to, ‘...including a minimum 10% Biodiversity Net Gain’ - if a green space was adjacent to a development it is not possible to insist on delivery of 10% BNG, unless the NPSG want a separate system outside the legislation, but this would be too confusing. BNG can only apply to the red line boundary. Recommend change wording to ‘...including enhancing biodiversity.’</p> <p>Part B of the policy, relating to, ‘...sequestering carbon through woodland planting...’ - woodland planting wouldn't always be appropriate due to landscape and non-woodland habitat priorities.</p>
<p>Policy BEN11</p>	<p>Bentley Local Green Spaces Report (2023) is included in Appendix A list of evidence, but not as a hyperlink – hyperlink should be used.</p> <p>The content of the Bentley Local Green Spaces Report is limited to photos of the identified green spaces with short descriptions and details of</p>

	ownership and management –justification for protecting these areas is lacking. No mention of conforming with NPPF (2024) Para 103 requirements and assessments of need. Suggest evidence is enhanced.
Policy BEN13	<p>No evidence has been produced for this policy, instead only reference to SDNPA policy and NPPF (2023) Para 191.</p> <p>EHDC support the intention of Policy BEN13 and agree that it is a relevant policy, considering the proximity of the SDNP as a Dark Night Sky Reserve; but the requirements exceed the evidence base as well as the expertise available for assessing the compliance of development with the policy. BEN13 Part B) requires proposals to 'ensure that the measured and observed sky quality in the surrounding area is not negatively affected' This would require:</p> <ol style="list-style-type: none"> <li>1) an agreed baseline of sky quality within Bentley parish; and</li> <li>2) an accepted approach for modelling and/or monitoring impacts against that baseline.</li> </ol> <p>Neither 1) nor 2) are available to EHDC as the planning authority. The planning area - unlike the SDNP - is not a Dark Night Sky Reserve and so EHDC does not have an equivalent evidence base, nor dedicated staff resource. BEN13 Part B) should therefore be deleted as it will not be effectively implemented.</p>
Para 5.6	<p>Funding for the projects could be obtained from both CIL and S106, therefore recommend altering wording to '...and/or S106 contributions.'</p> <p>Regarding, 'Replacement sports pavilion at the Recreation Ground to provide improved facilities scouts and sports. This facility would be sited to allow an extension to the existing c park.' It is recommended that the wording 'multi use pavilion' is used to allow for sports usage as well as other community groups. This will safeguard the facility in the future. It should also reference that the replacement sports pavilion will meet Sport England guidance.</p> <p>Regarding, 'Upgrade the playing surface at the Recreation Ground, including the installation new cricket square.' – This should include the artificial wicket as this is currently not compliant, however it must be replaced if installing a new cricket square. There is no mention of upgrading the cricket nets, this is surprising as this has been highlighted to EHDC due to the current condition being unusable.</p>
Policies Map	<p>It is acknowledged that Policy BEN1 is entitled Spatial strategy but it is advised that the legend on Plan H: Policies Map inset is altered to Policy BEN1: Bentley Settlement Boundary (BSB), as this is integral to the Plan and referenced in BEN1 and Appendix B.</p> <p>It is also recommended that the dates stated in Plan G and H policies map is updated to the same date and the same date used for the document i.e. currently August, as currently appears inconsistent.</p>
Appendices General	<p>It is unclear why some appendices are within the main NP document and others are separate documents on the website.</p> <p>To aid clarity and ease usability it is recommended that all appendices, where possible, are included in the main NP document. If thought</p>

	necessary all appendices can be repeated on PC website, however it is not easy to know where some appendices are and to flick between webpages / documents.
Appendix A	<p>The following documents listed in Appendix A, page 52, need to have hyperlinks associated with them:</p> <ul style="list-style-type: none"> <li>• Bentley Parish Plan (2012) - <a href="#">Bentley-Parish-Plan-2012.pdf (bentleyparishcouncil.gov.uk)</a></li> <li>• Bentley Local Green Spaces Report (2023) - <a href="#">Bentley-Local-Green-Spaces-Report-May-2023.pdf (bentleyparishcouncil.gov.uk)</a></li> <li>• The Bentley Traffic Survey (2018) - <a href="#">G (bentleyparishcouncil.gov.uk)</a></li> </ul> <p>The following links do not work and need correcting in Appendix A page 52:</p> <ul style="list-style-type: none"> <li>• East Hampshire District Council Parish Profiles – Bentley (2006/2007) – unsure that website still exists.</li> <li>• The Whitehill-Bordon Eco Town Transport Assessment (2012) – unsure that website still exists.</li> </ul>
Appendix B	It appears that a settlement policy boundary (SPB) review has taken place to include existing commitments. There appears to be two commitments omitted relating to planning applications 55795/002 for land on Rectory Lane, and 28021/004 on land at School Lane. For consistency, land associated with these permissions should also be added to the SPB.
Appendix D	It may be sensible, but not essential, to incorporate Appendix D (rationale for undertaking modifications) into the Modification Statement.