

Beech Neighbourhood Development Plan

Basic Conditions Statement

June 2019

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1. Introduction

This Statement has been prepared by Beech Parish Council to accompany its submission of the proposed Beech Neighbourhood Development Plan to East Hampshire District Council (EHDC).

Regulation 15(1)(d) of the Neighbourhood Planning (General) Regulations 2012, states that when a plan proposal is submitted to the local planning authority it must include a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (TCPA).

Schedule 4B is inserted into the TCPA by section 116 of, and Schedule 10 to, the Localism Act 2011. It applies to Neighbourhood Development Orders, but paragraph 8 of Schedule 4B is also applied - with some modifications - to neighbourhood development plans, by section 38A(3) of the Planning and Compulsory Purchase Act 2004 (PCPA). (Sections 38A-38C are inserted into the PCPA by paragraph 7 of Schedule 9 to the Localism Act 2011.)

The relevant parts of paragraph 8 of Schedule 4B are as follows:

Paragraph 8(1): The Examiner carrying out the independent examination of a neighbourhood development plan must consider:

- a) whether the draft neighbourhood development plan meets the basic conditions (see Paragraph 8(2));
- b) whether the draft neighbourhood development plan complies with the provisions of Sections 38A and 38B PCPA; and
- c) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates.

Paragraph 8(2): A draft neighbourhood development plan meets the basic conditions if:

- a) it aligns with national policies and advice contained in guidance issued by the Secretary of State;
- b) the making of the neighbourhood development plan contributes to the achievement of sustainable development;
- c) 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);
- d) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations; and
- e) it meets the prescribed condition, in respect of European sites, added by Regulation 32 and Schedule 2 of the Neighbourhood Planning (General) Regulations 2012.

Following the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 criterion e) has been replaced by the following basic condition" The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

Paragraph 8(6) states that the Examiner is not to consider any matter that does not fall within Paragraph 8(1), apart from considering whether the draft neighbourhood development plan is compatible with the Convention rights, as defined in the Human Rights Act 1998.

The purpose of this statement is to demonstrate to the Examiner that the Beech Neighbourhood Development Plan meets the above requirements and conditions.

Section 2 sets out how the requirements of paragraph 8(1) are met (apart from paragraph 8(1)(a)). Section 3 sets out how the basic conditions (paragraphs 8(1)(a) and 8(2) are met. Section 4 sets out how the Neighbourhood Plan is compatible with the Convention rights.

2. Compliance with Paragraph 8(1)

2.1 Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004

The relevant paragraphs of Sections 38A and 38B PCPA, and how the Beech Neighbourhood Development Plan complies with them, are as set out below.

Section 38A(1): *Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development plan.*

- Beech Parish Council is a qualifying body and therefore authorised to submit the Beech Neighbourhood Development Plan.

Section 38A(2): *A 'neighbourhood development plan' is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.*

- The neighbourhood area consists of the whole of the parish of Beech (and no area of land outside the parish), and was designated by EHDC on 18 April 2017. The Beech Neighbourhood Development Plan contains policies relating to the use and development of land only within the designated neighbourhood area.

Section 38B(1): *A neighbourhood development plan -*

- a) must specify the period for which it is to have effect,*
- b) may not include provision about development that is excluded development, and*
- c) may not relate to more than one neighbourhood area.*

- The Beech Neighbourhood Development Plan states in Section 1.2 that it covers the period from 2019 to 2028. These dates are also on the front cover of the Plan.
- Excluded development includes development defined as a county matter, mainly involving mineral extraction and waste development, and nationally significant infrastructure projects (s.38B(6) / s.61K PCPA, as inserted by Schedule 9 Localism Act 2011). There is no provision for such development in the Beech Neighbourhood Development Plan.
- The Beech Neighbourhood Development Plan relates solely to the designated neighbourhood area.

Section 38B(2): *Only one neighbourhood development plan may be made for each neighbourhood area.*

- There are no other neighbourhood development plans in place for the Beech Neighbourhood Area.

Section 38B(3): *If to any extent a policy set out in a neighbourhood plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.*

- There are no conflicts in the Beech Neighbourhood Development Plan between its policies and other text. In the event that a conflict becomes apparent, it is accepted that the relevant policy will take precedence.

2.2 The referendum area

The Government's Planning Practice Guidance (<https://www.gov.uk/guidance/neighbourhood-planning--2>), paragraph 059, ref ID: 41-059-20140306 states:

It may be appropriate to extend the referendum area beyond the neighbourhood area, for example where the scale or nature of the proposals in the draft neighbourhood plan or Order are such that they will have a substantial, direct and demonstrable impact beyond the neighbourhood area.

Beech Parish Council does not consider extension of the referendum area beyond the Beech Neighbourhood Area to be appropriate or necessary as the Beech Neighbourhood Development Plan does not have a substantial, direct and demonstrable impact beyond the Beech Neighbourhood Area.

3. Meeting the Basic Conditions set out in Paragraph 8(2)

3.1 Alignment with national policies and advice

The Examiner will consider whether it is appropriate to 'make' the Beech Neighbourhood Development Plan, with regard to alignment with national planning policies and advice. National planning policy is set out in the revised National Planning Policy Framework (NPPF), published in February 2019, and advice is provided in the online Planning Practice Guidance (PPG) at <https://www.gov.uk/government/collections/planning-practice-guidance>, first published in March 2014 and updated from time to time.

The National Planning Policy Framework

The NPPF provides a framework within which local people and their accountable councils can produce their own local development plans (paragraph 1), and the NPPF must be considered in the preparation of local development plans (paragraph 2), including any neighbourhood plans that form part of such development plans (paragraph 12).

The purpose of the planning system is to contribute to achieving sustainable development (paragraphs 7-9). Accordingly, at the heart of the NPPF is a presumption in favour of sustainable development (paragraph 10), which is to be pursued through both plan-making and decision-taking (paragraph 11). This means that neighbourhood plans should support (and be in conformity with) the delivery of strategic policies contained in the relevant local plan (paragraphs 13) – which in the case of Beech is EHDC's Local Plan. Neighbourhood plans should contain only non-strategic policies (paragraph 18).

Paragraphs 28 to 30 contain advice about the purpose and content of neighbourhood plans:

- 28 *Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.*
- 29 *Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by*

influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

30 *Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.*

Planning Practice Guidance

Extensive further guidance on neighbourhood planning is set out in the PPG. This includes advice about the need for Plans to be supported by proportionate robust evidence, for local planning authorities to share relevant evidence (Paragraph 040, Reference ID: 41-040-20140306), and for policies to be clear and unambiguous and drafted with sufficient clarity for a decision maker to apply them consistently and with confidence when determining planning applications. Policies should be concise, precise and supported by robust evidence and reflect the unique characteristics of the neighbourhood area (Paragraph 041, Reference ID: 41-041-20140306).

Alignment of the Beech Neighbourhood Development Plan with the NPPF

The table below shows how Beech Parish Council has taken into account the policy and guidance within the NPPF in preparing its Neighbourhood Development Plan. The table matches the policies in the Plan against the relevant paragraphs in the NPPF.

Beech NDP section	NPPF Paragraphs	Comments
Entire plan	8-11, 16, 28, 29	Beech Parish Council carried out a preliminary survey of parish residents (c.600 at c.200 dwellings) in 2017 from which was developed (i) a vision for the parish, and (ii) a set of non-strategic policies addressing economic, social and environmental objectives for the parish, all of which reflect the wishes of the community as a whole. The policies have been drafted with the advice of a professional planning consultant and input from EHDC, with a view to ensuring that they align with the aim of supporting sustainable development. The resulting draft NDP was put to parish residents in a Regulation 14 public consultation (in Spring 2019) in order to confirm/refine their wishes. EHDC and other statutory consultees also commented further at that time, and the draft NDP was subsequently amended as necessary and appropriate.
	13, 29	The NDP supports the delivery of strategic policies in the adopted local plan – the EHDC Local Plan: Joint Core Strategy (2014) together with the Saved Policies of the EHDC Local Plan: Second Review (2006). The NDP is also designed to accommodate the impending replacement of EHDC’s existing policies by the as yet undetermined policies in the EHDC Local Plan 2017-2036, when it is adopted.
	31	The NDP is supported by evidence principally from the responses to the 2017 NDP Questionnaire, and by the Beech Landscape Character Assessment (2018).

	34 66, 68, 69 78	<p>Development contributions are not addressed in the NDP, as none are currently due and none are anticipated (since EHDC has made no specific housing allocation to Beech).</p> <p>No sites for new development are allocated in the NDP. In its draft Local Plan 2017-2036, EHDC has made no housing allocation to Beech parish for that period, other than assuming a figure for windfall developments that, in the case of Beech, is already covered by existing planning permissions. There is limited space for further (windfall) development within the Settlement Policy Boundary, and the wishes of the community as a whole (as per responses to the 2017 NDP Questionnaire) are to minimise new development outside the Settlement Policy Boundary.</p> <p>The NDP does not explicitly promote the growth of the village in order for it to thrive. There are no local services in Beech and the market town of Alton is less than two miles away. EHDC does not consider Beech to be a village that, in itself, can support significant new development. EHDC rejected all 13 potential sites for significant housing development in Beech parish that were put forward in EHDC's 2018 "call for sites".</p>
Policy BPC01 Green Infrastructure & Biodiversity	91, 96, 98 170, 174, 175, 177	<p>This policy supports the protection of green infrastructure in Beech, which includes in particular the publicly accessible Ackender Wood and Bushy Leaze Wood, ancient woodlands close to the village with their footpaths and bridleways.</p> <p>Beech parish contains six woodlands that are Sites of Importance in Nature Conservation (SINCs). These, together with the wildlife corridors between them, and other green assets such as extensive mature garden trees and indigenous hedgerows, would be protected by this policy.</p>
Policy BPC02 Development outside the Settlement Policy Boundary	79	<p>Beech has a single area, in the centre of the village around Medstead Road and Wellhouse Road, enclosed within a Settlement Policy Boundary, containing 66% of the c.200 dwellings in the parish. The rest of the parish, including clusters of housing (in particular the cluster of more than 50 houses on Kings Hill) is regarded as 'countryside'. This policy reinforces the wish of the community that all land outside the Settlement Policy Boundary be treated as countryside. The NDP proposes no changes to the existing Settlement Policy Boundary.</p>
Policy BPC03 Preventing Coalescence with Alton and Medstead/Wivelrod	170, 174, 175, 177	<p>This policy applies additional criteria to any development on parish land in the countryside between Beech village and the town of Alton (to the east), and between Beech village and Medstead/Wivelrod (to the west), in order to prevent coalescence with those settlements, which is identified as a threat in the Landscape Character Assessment, leading to the loss of Beech's distinct identity. In each case the 'gap' is less than 1 kilometre and, in the case of Alton, is set to shrink under proposals for development up to the Alton/Beech parish border contained in the draft EHDC Local Plan 2017-2036. In addition, the Landscape Character Assessment supports the retention of these gaps as valued landscapes in their own right, and they</p>

		comprise important wildlife corridors, with the gap between Beech and Alton also containing extensive woodland SINCs.
Policy BPC04 Preservation of Amenity of Historic Parkland	170, 174, 175, 177, 185, 189-192, 202	This policy applies additional criteria to any development in a specified area around Thedden Grange and its historic parkland (a heritage asset), which is a landscape valued by the community (in responses to the 2017 NDP Questionnaire). The specified area also forms part of the wildlife corridor from Thedden Copse to Bushy Leaze Wood (both SINCs).
Policy BPC05 Recreation Space – Local Green Spaces	91, 92, 96, 97, 99, 100	This policy supports the protection and enhancement of the two open spaces in the village, surrounded by housing, owned by the Beech Village Hall and Recreation Ground Trust, by designating them as ‘Local Green Space’. These are, in effect, the only community-owned open spaces in the parish.
Policy BPC06 Development Setting and Scale	122, 123	<p>This policy as a whole is intended to preserve the village’s prevailing character and setting, including the current density of settlement in all parts of the village (as recommended by the Landscape Character Assessment). Beech has a predominantly linear character of settlement within its valleys, with extensive mature green infrastructure. Encroachment of development up the sides of the valleys and/or breaching the green skyline is to be avoided.</p> <p>In EHDC’s adopted local plan, a significant area of land within the Settlement Policy Boundary is designated a Special Housing Area, in which a 0.2 hectare minimum plot size is specified for new dwellings so as to preserve the special character of low density housing set in well-wooded plots. This policy retains this minimum plot size stipulation (which is not present in draft EHDC Local Plan 2017-2036), as supported by the Landscape Character Assessment and responses to the 2017 NDP Questionnaire.</p>
Policy BPC07 Building Design and Character	124-127, 130, 131 180	<p>This policy as a whole is intended to preserve the predominant design and character of the village’s buildings (as recommended by the Landscape character Assessment), whilst accommodating appropriate innovative design and encouraging initiatives to promote energy efficiency and resource recycling. The policy is a development of the Village Deign Statement (2002), which has served the village well.</p> <p>This policy also seeks to protect the living conditions of residents from any significantly adverse consequences arising from new development, including light pollution (Beech, being close to the South Downs National Park, has a near “dark skies” environment).</p>
Policy BPC08 Housing Mix	60, 61	The average size of houses in Beech has gradually increased over time as the older housing stock (originally mainly ‘colonial-style’ bungalows) has been replaced by large detached houses. The responses to the 2017 NDP Questionnaire showed, on balance, support for more two or three bedroom houses for younger families or downsizers. This policy supports that aspiration in the event that a new development materialises.

Policy BPC09 Site of Departure Lounge and Village Businesses	83, 84 108	This policy supports business creation or expansion (i) within the Settlement Policy Boundary, (ii) at the single established non-farm commercial site in the parish (the Departure Lounge), and (iii) in redundant farm buildings. Access to the site of the Departure Lounge is at a point of restricted sight lines on the busy A339. Any new development here, or any other business development, should not have an adverse effect on the highway.
Policy BPC10 Managing the Impact of New Development on Traffic	102, 108	The roads in Beech, particularly in the village itself, are characterised by: a narrow paved road width, no pavements; steep banks with narrow or no verges, and overhanging hedges and trees. All of these factors are detrimental to the safety of pedestrians and cyclists in particular. The main road through the village is a 1.75 mile long hill, which encourages excessive traffic speed in both directions. Consequently the impact of incremental road traffic arising from any new development is an important factor to be considered, as is the nature of the road access to the development.
Policy BPC11 Footpaths, Bridleways and Cycle Paths	91, 98, 102, 104	This policy supports (i) the existing network of footpaths and bridleways across the parish, (ii) the establishment of an improved cycle route to Alton, and (iii) new footpaths alongside roads in the village itself, where practical. There are virtually no footpaths alongside the village roads, and road safety is the number one concern of the community as a whole.
Policy BPC12 Planning for Parking	102, 105	The nature of the village's roads (see BPC10 above) means that on-street parking is a significant additional road safety hazard. There is also minimal public transport serving the village; the car ownership level is high. Therefore this policy lays down higher minimum within-plot parking requirements than the current EHDC district-wide standard.
Policy BPC13 High Speed Broadband and Mobile Communications	112, 113	This policy supports the provision of fibre-to-the-premises broadband (to the bulk of the parish that does not already have access to it, and to new developments) and the infrastructure or other measures required to improve mobile phone reception (3G and 4G), which is poor throughout the parish because of its topography.
Policy BPC14 Drainage Infrastructure Requirements	127, 130	The roads in Beech village suffer from significant surface water flow downhill, in some cases minor flash flooding, after heavy rainfall. This is caused by the funnelling effect of the valleys. This policy mandates that new development should include measures to dispose of surface water within the plot, so as not exacerbate the problem.

3.2 Contribution to the achievement of Sustainable Development

The achievement of sustainable development, through the planning system, is dealt with in paragraphs 7 and 8 of the NPPF:

- 7 *The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.*
- 8 *Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*
 - a) ***an economic objective*** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - b) ***a social objective*** – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
 - c) ***an environmental objective*** – *to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

Paragraph 9 of the NPPF goes on to say that the policies in the remainder of the NPPF should be used to help deliver the economic, social and environmental objectives. The table above in 3.1 sets out how the Beech Neighbourhood Development Plan takes account of the NPPF and therefore contributes toward the achievement of sustainable development.

To meet the **economic** objective, the Beech Neighbourhood Development Plan:

- supports new or enhanced business activity in locations where it already exists (on farms, and at the site of the Departure Lounge) or within the Settlement Policy Boundary (Policies BPC02 and BPC09). Beech is overwhelmingly a residential village (although with many home-based businesses) with no service infrastructure, and neither EHDC nor Beech Parish Council consider it to be a suitable location for significant commercial development; and
- supports improved communications infrastructure (Policy BPC13).

To meet the **social** objective, the Beech Neighbourhood Development Plan:

- respects the desire of the community as a whole to broadly maintain the current village footprint, not intruding further into the surrounding countryside; but supports the provision of smaller homes (for which there may be some local demand) if and when any significant housing development is proposed in line with EHDC's Local Plan, as it evolves (Policies BPC02 and BPC08);
- preserves the "sense of place" of the village, and the quality of the built environment, through appropriate requirements for the setting, scale, density and design of new

development, including with respect to road safety implications (Policies BPC06 , BPC07, BPC10, BPC12 and BPC14);

- preserves the separate identity of the village and community by establishing formal gaps between itself and nearby towns and villages (Policy BPC03);
- protects the community's recreation and leisure open spaces and facilities (Policy BPC05); and
- seeks to protect, enhance and introduce new footpaths, bridleways and cycle paths (Policy BPC11).

To meet the **environmental** objective, the Beech Neighbourhood Development Plan:

- seeks to protect and enhance the parish's extensive green infrastructure, with its wildlife habitats and Sites of Importance for Nature Conservation, and the wildlife corridors both within the village and in the gaps between the village and nearby settlements (Policies BPC01 and BPC03);
- provides all of the protections against new development afforded to 'countryside' to all parts of the parish outside the Settlement Policy Boundary (Policy BPC02); and
- protects the amenity of a historic country house and its associated parkland (Policy BPC04).

3.3 General conformity with the Local Development Plan

The Beech Neighbourhood Development Plan must be in general conformity with the strategic policies contained in the development plan for the area. Strategic policies are those that set out how the local authority will deliver the homes, facilities and infrastructure for the area (NPPF, paragraphs 20-23). To be in general conformity, the Beech Neighbourhood Development Plan's policies must support and uphold the general principles represented by the strategic policies. They may provide an additional level of detail or local approach but should not undermine strategic policies (PPG Paragraph: 074 Reference ID: 41-074-20140306, NPPF paragraph 29).

East Hampshire District Local Plan

The **adopted** local development plan is the East Hampshire District Local Plan: Joint Core Strategy 2014, adopted by EHDC on 8 May 2014. The adopted local development plan also incorporates some Saved Policies from EHDC's Local Plan: Second Review, which was adopted in March 2006. The NPPF takes precedence over the EHDC Local Plan where there is a conflict.

In line with the NPPF (paragraph 33) EHDC is currently reviewing and revising its local development plan. Its draft Local Plan 2017-2036, including a new set of strategic policies, was put out to public consultation in February/March 2019. When adopted at some future date, EHDC's Local Plan 2017-2036 will replace in its entirety the Local Plan: Joint Core Strategy 2014 (together with the Saved Policies of the Local Plan: Second Review 2006). However, the current draft plan is emerging policy, and the basic conditions test requires general conformity with the strategic policies of the **adopted** local development plan.

Note: The initial adopted version of the Beech Neighbourhood Development Plan will span EHDC's replacement of its adopted Local Plan: Joint Core Strategy 2014, in which the policies are known, by its Local Plan 2017-2036, in which the policies are currently in draft with their final form unknown. There will be a time lag between EHDC adopting its Local Plan 2017-2036 and Beech Parish Council completing their subsequent revision of the Beech Neighbourhood Development Plan. Therefore, in order to protect the interests of Beech, the policies in the Beech Neighbourhood Development Plan

include provisions that may duplicate those in the policies in EHDC's Local Plan: Joint Core Strategy 2014.

The table below shows how each Beech Neighbourhood Development Plan policy is in general conformity with the policies of the East Hampshire District Local Plan: Joint Core Strategy 2014 (and, where appropriate, with the Saved Policies of the Local Plan: Second Review 2006).

Beech NDP section	EHDC Local Plan: Joint Core Strategy 2014 (JCS) - section	Draft Beech NDP – Conformity with EHDC Local Plan (JCS)
Entire plan	<p>Entire plan</p> <p>Policy CP2 - Spatial Strategy</p> <p>Policy CP10 - Spatial Strategy for Housing</p> <p>Policy CP15 – Gypsies, Travellers and Travelling Showpeople</p>	<p>The Beech NDP has been drafted so as to conform generally with the JCS (and the Saved Policies of the Local Plan: Second Review 2006). The policies have been drafted with the advice of a professional planning consultant and input from EHDC.</p> <p>Beech's position in the JCS hierarchy of settlements is an "other settlement with a settlement policy boundary", not a village categorised as a large or small "local service centre" (4.11). As such, Beech "may be appropriate for some further small scale development" (4.9), with the "majority of development focused in or adjoining the most sustainable towns and larger villages" (4.11). Development in Beech "will be limited to minor infilling and redevelopment, or that which is necessary to meet local needs" (4.20). No specific housing (or other) land allocation has been made to Beech by EHDC. EHDC rejected all 13 potential sites for significant housing development in Beech parish that were put forward in EHDC's 2018 "call for sites". Therefore the fact that the NDP does not allocate any sites for new development (but acknowledges that windfall new housing sites within the Settlement Policy Boundary may crop up) is in conformity with the JCS.</p>
Policy BPC01 Green Infrastructure & Biodiversity	<p>Policy CP 18 – Provision of Open Space, Sport and Recreation and Built Facilities</p> <p>Policy CP20 – Landscape</p>	<p>CP18(f) encourages informal recreation by the implementation of green infrastructure opportunities. Beech is fortunate in having publicly-accessible woodlands (Ackender Wood and Bushy Leaze Wood), both owned by Forestry England, adjacent to the village. The NDP policy supports the retention of green infrastructure, and the provision of more of it, and so conforms with CP18(f). (The rest of CP18 concerns major new residential development, which is not anticipated by the NDP.)</p> <p>CP20(d) and (e) state that "new development will be required to:</p> <ul style="list-style-type: none"> - Protect and enhance natural features which contribute to the distinctive character of the district's landscape, such as trees, woodlands, hedgerows ditches, ponds.....; and - Incorporate appropriate new planting to enhance the landscape setting of the new development which uses local materials, native species and enhances biodiversity". <p>The NDP policy supports the protection and enhancement of all green infrastructure and wildlife habitats and corridors, and promotes the planting of indigenous hedgerows and</p>

	<p>Policy CP21 – Biodiversity</p> <p>Policy CP28 – Green Infrastructure</p>	<p>similar as part of developments. The NDP policy conforms with CP20(d) and (e).</p> <p>CP21 requires new development to protect, maintain and enhance biodiversity, and to protect all local wildlife sites within and around the development area, contributing where possible to wildlife corridors between the sites. The NDP policy conforms entirely with CP21. A particular concern for Beech is the protection of the six woodland SINC's in the parish and the corridors between them.</p> <p>CP28 states that “development will be permitted provided that it maintains, manages and enhances the network of new and existing green infrastructure”. The NDP policy conforms entirely with CP28, again with a particular reference to Beech’s woodlands.</p>
<p>Policy BPC02 Development outside the Settlement Policy Boundary</p>	<p>Policy CP6 - Rural Economy & Enterprise</p> <p>Policy CP10 - Spatial Strategy for Housing</p> <p>Policy CP14 – Affordable Housing for Rural Communities</p> <p>Policy CP19 – Development in the countryside</p>	<p>The NDP policy conforms with CP6(a) – permission for farm diversification; and (b) – permission for the conversion of redundant rural buildings.</p> <p>CP10 permits housing development outside a Settlement Policy Boundary only where it meets a community need or aspiration; reinforces a settlement’s role and function; and cannot be accommodated within the built-up area. The wishes of the community as a whole (as per the 2017 NDP Questionnaire) are to minimise new development outside the Settlement Policy Boundary. The NDP policy is drafted accordingly and so conforms with CP10.</p> <p>Clause (b) of the NDP policy acknowledges that rural affordable housing may be developed outside the Settlement Policy Boundary in accordance with EHDC’s Local Plan (i.e. CP14). The NDP policy therefore conforms with CP14.</p> <p>CP19 defines the “countryside” as “the area outside Settlement Policy Boundaries”. It states that “the only development allowed in the countryside will be that with a genuine and proven need for a countryside location, such as that necessary for farming, forestry or other rural enterprises”. The NDP policy conforms fully with CP19.</p>
<p>Policy BPC03 Preventing Coalescence with Alton and Medstead/Wivelrod</p>	<p>Policy CP20 – Landscape</p> <p>Policy CP23 – Gaps between Settlements</p>	<p>CP20(c) states that “new development will be required to protect and enhance settlements in the wider landscape, land at the urban edge and green corridors extending into settlements”. The NDP policy seeks to maintain the separate identity of Beech within its landscape by making provisions about development in the existing narrow countryside gaps to housing in the town of Alton (in the east) and to the village of Medstead and the hamlet of Wivelrod (in the west). The gaps are valued as landscapes in their own right (in the Beech Landscape Character Assessment 2018) and also form wildlife corridors. Therefore the NDP policy conforms with CP20(c).</p> <p>CP23 lists the gaps between settlements to which EHDC applies this policy, which only permits development where “it would not undermine the physical and/or visual separation of</p>

		<p>settlements” and “it would not compromise the integrity of the gap, either individually or cumulatively with other ... development”. The NDP policy conforms with CP23 in qualitative terms; these gaps will “prevent settlements merging into one and losing their identity” (7.28), and “help to maintain a sense of place for residents” and “establish in travellers’ minds that they have left one settlement before they arrive somewhere else” (7.29).</p> <p>The NDP seeks to add Beech-Alton and Beech-Medstead/Wivelrod to the list of gaps formally recognised by EHDC for planning purposes, due to their narrowness (and the threat to become even narrower in the case of EHDC’s plans to extend Alton’s housing in its draft local Plan 2017-2036). Presumably gaps can only be recognised by EHDC after towns or parishes propose them, and this is what Beech is doing in the NDP – establishing a recognised gap that will have “long term importance” as otherwise “merging....comes about through a gradual process” (7.31).</p> <p>In addition, the NDP policy specifies “the precise boundaries for the gaps”, as promised in 7.33 for future EHDC Local Plans. The gaps consist of the countryside between:</p> <ul style="list-style-type: none"> (i) Those parts of Beech village that have the character of settlement, as set out in the Beech Landscape Character Assessment 2018; and (ii) The parish boundary with Alton, Medstead and Bentworth at which there is existing housing or (in the case of Alton) where housing is proposed in the draft EHDC Local Plan 2017-2036.
Policy BPC04 Preservation of Amenity of Historic Parkland	<p>Policy CP20 – Landscape</p> <p>Policy CP30 – Historic Environment</p>	<p>CP20(d) states that “new development will be required to protect and enhance natural and historic features which contribute to the distinctive character of the district’s landscape....”. The NDP policy includes specific measures to protect and enhance the historic house Thedden Grange and its parkland, by making provisions about development in the immediately surrounding countryside as well as within the grounds of the house. The NDP policy conforms with CP20(d).</p> <p>CP30(c) states that “all new development will be required to conserve, enhance, maintain and manage the district’s heritage assets and their setting including.....Historic Parks and Gardens”. The NDP policy conforms to CP30(c) in respect of Thedden Grange and its historic parkland.</p>
Policy BPC05 Recreation Space – Local Green Spaces	<p>Policy CP16 – Protection and Provision of Social Infrastructure</p> <p>Policy CP17 –</p>	<p>Beech has one piece of social infrastructure, the village hall owned by the Beech Village Hall and Recreation Ground Trust. All of the other facilities and services listed in CP16 are provided in nearby Alton. The NDP policy permits the enhancement of social infrastructure on land owned by the Trust (and the Trust’s objects are to provide those community facilities) other than on the open spaces designated as Local Green Space. Therefore the NDP conforms with CP16.</p> <p>The NDP policy also protects the two open spaces owned by the Trust – the green next to the village hall and the</p>

	Protection of Open Space, Sport and Recreation and Built Facilities	recreation ground, from development (other than by the Trust to enhance recreational facilities). Therefore the NDP policy conforms with CP17.
Policy BPC06 Development Setting and Scale	<p>CP12 – Housing and Extra Care Provision for the Elderly</p> <p>Saved Policy H10 of EHDC Local Plan: Second Review 2006</p> <p>Policy CP20 – Landscape</p>	<p>CP12 para 6.25 states: “Within the District there are certain streets and areas which have been developed at a low density and provide substantial homes set in large plots, often with mature trees around them. They have a special character which should be protected from further intensification of development or change of use in order to retain the important contribution which they make both to the variety of the housing stock and the street scene. The designation and the consideration of additional areas will be implemented through Local or Neighbourhood Plans.”</p> <p>Saved Policy H10 states: “Within the Special Housing Areas of ... Beech planning permission will be granted for residential development provided that:</p> <ul style="list-style-type: none"> - There is no harm to the character and appearance of the area; - As many trees and landscape features as possible are retained and identified; - The size of a new dwelling is in keeping with its plot size; and - Within the Beech Special Housing Area plot sizes are more than 0.2 hectares excluding land in the highway.” <p>Accompanying para 5.144 states that, following an EHDC review, the area in Beech was identified as suitable for policy H10 in order to make “a more efficient use of land Whilst retaining the special character which makes a significant contribution to the environment of the settlements.</p> <p>Clauses (g) and (h) of the NDP policy conform directly with CP12 and Saved Policy H10, and are explicitly designed to carry through the objectively-awarded protections currently provided by H10, by designating the same Special Housing Area at NDP level (as per CP12), irrespective of unknown future EHDC Local Plan policies.</p> <p>CP20(b) states that “new development will be required to protect and enhance local distinctiveness, sense of place and tranquillity by applying the principles set out in the district’s Landscape Character Assessments, including the community/parish Landscape Character Assessments”. The NDP policy as a whole implements recommendations of the Beech Landscape Character Assessment 2018, in terms of:</p> <ul style="list-style-type: none"> - Retaining the linear character of the village within its valleys, by avoiding development encroaching further up hillsides; - Avoiding development breaching the skylines of mature green infrastructure within the valleys; and - Retaining the current densities of settlement throughout the village, <p>which, together with the extensive mature green infrastructure, give Beech its “sense of place”. The NDP policy conforms with CP20(b).</p>

	Policy CP29 – Design	CP29(d) states that “new development will be required to ensure that the layout and design of development contributes to local distinctiveness and sense of place, and is appropriate and sympathetic to its setting in terms of its scale, height, massing and density, and its relationship to adjoining buildings, spaces around buildings and landscape features”. The NDP policy conforms with CP29(d), providing more detail as to how CP29(d) is to be achieved in the context of Beech.
Policy BPC07 Building Design and Character	Policy CP20 – Landscape	CP20(d) and (e) state that “new development will be required to: <ul style="list-style-type: none"> - Protect and enhance natural features which contribute to the distinctive character of the district’s landscape, such as trees, woodlands, hedgerows ditches, ponds.....; and - Incorporate appropriate new planting to enhance the landscape setting of the new development which uses local materials, native species and enhances biodiversity”. <p>Clause (c) of the NDP policy supports the retention of existing green infrastructure and landscape features on new developments and promotes the enclosing of plots with hedges rather than fences. The NDP policy conforms with CP20(d) and (e).</p>
	Policy CP24 – Sustainable Construction	CP24 specifies standards for sustainability in development design, materials and function. Clause (e) of the NDP policy supports and conforms with CP24.
	Policy CP27 – Pollution	The relevant parts of CP27 require development (i) to minimise light pollution and its effect on local residents, passing vehicles (and other road users) and visibility of the night sky; and (ii) to avoid having “an unacceptable effect on the amenity of the occupiers of the neighbouring properties through loss of privacy or overshadowing” (para 7.59 also refers to noise pollution in this context). The NDP policy clauses (d) and (b) respectively conform with these parts of CP27.
	Policy CP29 – Design	CP29(a) states that “new development will be required to seek exemplary standards of design and architecture with a high quality external appearance that respect the area’s particular characteristics”. CP29(d) states that “new development will be required to ensure that the layout and design of development contributes to local distinctiveness and sense of place, and is appropriate and sympathetic to its setting in terms of its scale, height, massing and density, and its relationship to adjoining buildings, spaces around buildings and landscape features”. The NDP policy clause (a) conforms with CP29(a) and (d).
Policy BPC08 Housing Mix	Policy CP11 - Housing Tenure, Type and Mix	CP11 states that new housing development should maximise affordable housing, provide a range of dwelling types and sizes, and meet a range of community requirements. As neither EHDC nor the NDP has made a housing allocation to Beech, and so only a trickle of windfall housing is anticipated,

	CP12 – Housing and Extra Care Provision for the Elderly	<p>CP11 will become applicable to Beech only if a housing allocation is made (or an affordable rural housing project is undertaken) in the future. In such an event, the NDP policy aims to provide a wider range of house sizes, reflecting a desire expressed by the community (in the 2017 NDP Questionnaire) for more two or three bedroom houses in the village to meet a perceived need of younger families or downsizers who might wish to stay in the village. Beech has too few facilities (e.g. no shop and minimal public transport) to support more specialist housing for the elderly or those with special needs. The NDP policy therefore conforms with CP11.</p> <p>The NDP policy also conforms with CP12, which seeks to provide accommodation to meet the needs of an ageing population. In 6.23 it states that “when assessing development proposals within the smaller villages, attention will be paid to the need for the provision of smaller homes”.</p>
Policy BPC09 Site of Departure Lounge and Village Businesses	Policy CP6 - Rural Economy & Enterprise	The NDP policy conforms to CP6(b) – permission for the conversion of redundant rural buildings. CP6 (c) permits “new small scale employment uses within Settlement Policy Boundaries” – the NDP conforms to this with the reasonable proviso that this does not have an unacceptable impact on residential amenity. CP6 (c) also permits “reasonable expansion of existing firms in the countryside” – the NDP supports new or expanded businesses at its single non-farm commercial site outside the Settlement Policy Boundary, but does not allocate any new employment land (see comment on CP2 earlier). Overall this policy generally conforms to CP6.
Policy BPC10 Managing the Impact of New Development on Traffic	Policy CP29 – Design Policy CP31 – Transport	<p>CP29(k) states that new development will be required to provide car parking that secures a high quality environment...”. Clauses (b) and (c) of the NDP policy address this matter in the context of the design of access from the highway to new developments and the parking therein, taking into account the nature of the roads in Beech. The NDP policy clauses (b) and (c) therefore conform with CP29(k).</p> <p>CP31(g) looks to “ensure that the type and volume of traffic generated [by development] would not harm the countryside or the rural character of local roads” and CP31(k) looks to “ensure the continued safe and efficient operation of the....local road networks”. CP31 also states that “development that is likely to generate a significant number of additional vehicular movements will normally be expected to be located near existing centres and supportive infrastructure” (i.e. not in a small village such as Beech).The NDP policy clause (a) has the same aims as these, particularly with respect to the road safety of pedestrians and cyclists, and so conforms with CP31(g) and (k).</p>
Policy BPC11 Footpaths, Bridleways and Cycle Paths	Policy CP31 – Transport	CP31(b) looks to “protect and provide safe and convenient cycle and pedestrian links that integrate with existing cycle and pedestrian networks....and reflect the amenity and rural character of the area”. The NDP policy entirely conforms with

		CP31(b).
Policy BPC12 Planning for Parking	Policy CP29 – Design Vehicle Parking Standards SPD July 2018	CP29(k) states that “new development will be required to provide car parking in a way that secures a high quality environment and is conveniently located, within curtilage wherever possible, taking account of relatively high levels of car ownership where necessary”. The NDP policy conforms with CP29(k), but tailors the requirements to Beech in that new parking provision must be off-street given the nature of the roads. This, together with the fact that car reliance and car ownership levels are high (because public transport in Beech is poor), necessitates the NDP policy increasing the minimum number of off-street parking spaces above that contained in EHDC’s parking standards.
Policy BPC13 High Speed Broadband and Mobile Communications		The JCS includes no policy on communications, but, in 3.8, Sustainable Communities Objective 8 is “to improve access to all facilities and services particularly in rural areas”. And in 5.6 the JCS states that its strategy is to “create a local framework for business success and investment, to include.... Electronic communications and infrastructure...”. The NDP policy conforms with the JCS in this respect.
Policy BPC14 Drainage Infrastructure Requirements	Policy CP25 – Flood Risk	In the parts of CP25 that deal with surface water drainage, the policy states that “all development will be required to ensure that there is no net increase in surface water run off”. The NDP conforms with this aspect of CP25, albeit that the NDP policy is more precise about the village’s particular flooding issues (owing to Beech’s hilly topography) and how they should be avoided.

3.4 European Union obligations and European sites

The Strategic Environmental Assessment (SEA) Directive (2001/42/EC)

This Directive is incorporated into national law by the Environmental Assessment of Programmes and Plans Regulations 2004 and requires environmental assessment of plans where they are likely to have significant environmental effects. The SEA must identify, describe and evaluate the effects of carrying out the Plan, and reasonable alternatives to it.

Under Regulation 9 of the Environmental Assessment of Programmes and Plans Regulations 2004, Beech Parish Council prepared a draft SEA Screening Statement against the draft Beech Neighbourhood Development Plan in order to determine whether an SEA would be required. The draft Screening Statement was sent to the three statutory consultation bodies (The Environment Agency, Natural England and Historic England) for review in November 2018. All three bodies concluded that the Plan is unlikely to have any significant environmental effects, and that therefore no SEA is needed. EHDC confirmed their agreement that no SEA is required by email on 7 December 2018. The SEA Screening Statement is included in Appendix A.

Habitats Directive (92/43/EEC) and Wild Birds Directive (2009/147/EC)

These Directives are incorporated into national law by the Conservation of Habitats and Species Regulations 2017 (the ‘Habitat Regulations’). The Directives aim to protect and improve Europe’s

most important habitats and species. They provide for the designation and protection of European sites. The Plan must be compatible with these Directives. The final basic condition adds the requirement that the Neighbourhood Plan must not have a significant effect on a European site (as defined in the Regulations).

There are extensive wildlife habitats within Beech Parish. There are six Sites of Importance for Nature Conservation (SINCs), all ancient semi-natural or ancient replanted woodlands. The Hampshire Biodiversity Information Centre has confirmed that these SINCs are the only statutory designated sites (i.e. 'European sites') in Beech Parish. On 6 June 2019 Natural England confirmed to EHDC that in its view the Neighbourhood Development Plan is not likely to have a significant effect on any European site. A copy of this correspondence is included in Appendix B. *We have verbal confirmation but await written confirmation that the Regulations have been complied from EHDC as the Competent Authority that has issue that Screening Decision.*

4. Convention Rights

The Examiner is required to consider whether the Neighbourhood Plan is compatible with the Convention Rights, as defined in the Human Rights Act 1998.

Section 6 of the Act states that it is unlawful for a public authority to act in a way which is incompatible with a Convention Right. The Convention Rights are contained in Articles, which are set out in Schedule 1 of the Act.

The preparation of the Beech Neighbourhood Development Plan and its policies may affect a number of the Convention Rights. All of these rights are qualified rights, which means that there is a balance between the rights of the individual and the needs of the wider community.

Article 1 of Protocol 1 states that a person has the right to the peaceful enjoyment of their possessions and cannot be deprived of them except in the public interest. While individual landowners might consider that the Plan prevents them from developing or using their land in the way they wish to, the Plan is made in compliance with national planning law, which requires development to be sustainable, and any restrictions on the use of land are made in accordance with the wider interests of the community. The Plan is therefore compatible with this Article.

Article 6 states that everyone is entitled to a fair and public hearing in the determination of civil rights and obligations. The law establishes the independent examinations process for neighbourhood development plans. Although a hearing is not generally held, the Examiner will consider all representations received at earlier stages of consultation. The process for preparing the Plan is compatible with this Article.

Article 8 states that everyone has the right to respect for their private and family life, and their home and correspondence. Therefore, the Plan requires new development to safeguard the living conditions of adjoining residents, including their privacy (Policy BPC07), and is compatible with this right.

Article 10 states that everyone has the right to freedom of expression. This includes the right to hold opinions and receive and impart information. The consultation process during the preparation of the Plan has provided several opportunities for residents to express their opinions.

Article 14 states that the enjoyment of Convention Rights shall be secured without discrimination on any ground such as sex, race, colour, religion, politics, property or other status. The policies of the Plan apply to all members of the community regardless of any of these grounds, and have been developed following full consultation with residents and wider consultees in order to ensure that they are as inclusive as possible. Any new development will affect existing and potential residents differently according to their financial status. The provision of any affordable housing will benefit those who qualify in terms of their local connection and financial eligibility. These differences are in accordance with national planning law and the Plan is therefore compatible with this Article.

The Plan aims to provide for sustainable development, which preserves and protects the parish's environment while improving the quality of life for residents. It is therefore fully compatible with the Convention Rights.

5. Conclusion

It is submitted that this Basic Conditions Statement demonstrates that the proposed Beech Neighbourhood Development Plan meets the requirements of Paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990.

Appendix A Strategic Environmental Assessment (SEA) – Screening Statement

Appendix B Habitat Regulations Assessment (HRA) – Screening Statement