

# **Hurn Neighbourhood Development Plan**

A report to Bournemouth, Christchurch, and Poole Council of the Independent Examination of the Hurn Neighbourhood Development Plan

Copy to Hurn Parish Council

Independent Examiner Christopher Collison

Christopher Collison

BA (Hons) MBA MRTPI MIED IHBC

Planning and Management Ltd

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## **Summary of Main Findings**

This is the report of the Independent Examination of the Hurn Neighbourhood Development Plan. The plan has been prepared by Hurn Parish Council. The plan relates to the whole parish of Hurn which was designated as a Neighbourhood Area in February 2019. The plan area lies within the Bournemouth, Christchurch, and Poole Council area. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan does not allocate land for development.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area.

## **Neighbourhood Planning**

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. Paragraph 29 of the National Planning Policy Framework (the Framework) states that “neighbourhood planning gives communities the power to develop a shared vision for their area”.
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Hurn Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Hurn Parish Council (the Parish Council). The whole parish of Hurn was designated as a Neighbourhood Area in February 2019 by the then Christchurch Borough Council. The draft plan has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Hurn Neighbourhood Area (the Neighbourhood Area). The Neighbourhood Plan preparation process was led by a Working Group comprised of Parish Councillors and other community volunteers who are residents of the Neighbourhood Area. The Working Group has been supported by Dorset Planning Consultant Ltd.
4. The submission draft of the Neighbourhood Plan and accompanying documents were approved by the Parish Council for submission to Bournemouth, Christchurch, and Poole Council (BCP Council). BCP Council arranged a period of publication between 7 July 2023 and 1 September 2023 and subsequently submitted the Neighbourhood Plan to me for independent examination which commenced on 16 May 2024.

## **Independent Examination**

5. This report sets out the findings of the independent examination of the Neighbourhood Plan. The report makes recommendations to BCP Council including a recommendation as to whether the Neighbourhood Plan should proceed to a local referendum. BCP Council will decide what action to take in response to the recommendations in this report.

6. BCP Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and a decision statement is issued by the local planning authority outlining their intention to hold a neighbourhood plan referendum, it must be considered and can be given significant weight when determining a planning application, in so far as the plan is material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area unless BCP Council subsequently decide the Neighbourhood Plan should not be made. The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. Paragraph 12 of the Framework is very clear that where a planning application conflicts with an up-to-date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted.
8. I have been appointed by BCP Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and BCP Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan.
9. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; and a Member of the Institute of Historic Building Conservation. As a Chartered Town Planner, I have held national positions and have 35 years' experience at Director or Head of Service level in several local planning authorities. I have been a panel member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) since its inception, and have undertaken the independent examination of neighbourhood plans in every region of England, and in the full range of types of urban and rural areas.
10. As independent examiner, I am required to produce this report and must recommend either:
  - that the Neighbourhood Plan is submitted to a referendum, or
  - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or

- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

11. I make my recommendation in this respect and in respect to any extension to the referendum area, in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.

12. The Planning Practice Guidance (the Guidance) states “it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.” The examiner can call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. This requires an exercise of judgement on my part. All parties have had the opportunity to state their case and no party has indicated that they have been disadvantaged by a written procedure. Regulation 16 responses clearly set out any representations relevant to my consideration whether the Neighbourhood Plan meets the Basic Conditions and other requirements. Those representations; the level of detail contained within the submitted Neighbourhood Plan and supporting documents; and the responses to my requests for clarification have provided me with the necessary information required for me to conclude the Independent Examination. As I did not consider a hearing necessary, I proceeded based on examination of the submission and supporting documents; consideration of the written representations; and my visit to the Neighbourhood Area.

13. Having regard to paragraphs 2.15.2 and 2.15.3 of the Neighbourhood Planning Independent Examiner Referral Service - Guidance to service users and examiners, in a letter dated 25 July 2024 I provided BCP Council and the Parish Council with an opportunity to participate in a fact check of my emerging draft report. I emphasised this should not be seen as an opportunity to submit further representations, nor was it an opportunity to challenge the conclusions and recommendations of the draft report. I stated it is important that this should not occur as if I were to consider additional submissions at that stage of the Independent Examination, this could leave the process open to successful challenge. I stated it would be convenient for me if the Parish Council could channel any points of factual error through BCP Council so that Council could ensure the responses are compatible. On 7 August 2024 I received a response from BCP Council, that included a separate response of the Parish Council. I have considered those responses and taken them into consideration only so far as they relate to a fact check of my emerging draft report.

14. This report should be read as a whole, and has been produced in an accessible format.

## **Basic Conditions and other Statutory Requirements**

15. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions.” A neighbourhood plan meets the Basic Conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

16. With respect to the penultimate Basic Condition the European Withdrawal Act 2018 (EUWA) incorporates EU environmental law (directives and regulations) into UK law and provides for a continuation of primary and subordinate legislation, and other enactments in domestic law. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights, which has the same meaning as in the Human Rights Act 1998. All these matters are considered in the later sections of this report titled ‘The Neighbourhood Plan taken as a whole’ and ‘The Neighbourhood Plan Policies.’ Where I am required to consider the whole Neighbourhood Plan, I have borne it all in mind.

17. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (in sections 38A and 38B themselves; in Schedule 4B to the 1990 Act introduced by section 38A (3); and in the 2012 Regulations made under sections 38A (7) and 38B (4)). I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, including in respect to the

Neighbourhood Planning (General) Regulations 2012 as amended (the Regulations) which are made pursuant to the powers given in those sections.

18. The Neighbourhood Plan relates to the area that was designated in February 2019. A map of the Neighbourhood Area is included as Map 1 of the Submission Version Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area, and no other neighbourhood development plan has been made for the neighbourhood area. All requirements relating to the plan area have been met.
19. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area; and the Neighbourhood Plan does not include provision about excluded development (principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment, and nationally significant infrastructure projects). I can confirm that, subject to the modifications I have recommended, I am satisfied that each of these requirements has been met.
20. A neighbourhood plan must also meet the requirement to specify the period to which it has effect. The front cover of the Neighbourhood Plan states the plan period runs from 2022 until 2032. The plan period is confirmed in paragraph 1.4.1 of the Neighbourhood Plan. BCP Council comment "The Hurn Neighbourhood Plan covers the period 2022-2032 but this does not align with the development plan in force to 2028. Whilst we have agreed a housing requirement in the plan area (a minimum of 4) up to 2028, we note that the neighbourhood plan para 4.1.4 picks up on this to justify the plan period not aligning with the development plan, suggesting that a target beyond this in the emerging BCP Local Plan would simply trigger an early review of the plan. However, this does not address the point that as the NP plan is not aligned with the Christchurch Development Plan period, it is not in general conformity with it and therefore does not meet basic condition (e) above." The Parish Council has identified more than 20 made Neighbourhood Plans in Dorset where the plan period extends beyond the plan period of the adopted Local Plan and has referred to case law where it was found the absence of strategic policies does not preclude the making of a neighbourhood plan. I have no knowledge of the circumstances in the Neighbourhood Plan areas referred to nor of the policies proposed in the neighbourhood plans for those areas. It is not within my remit to examine or re-examine neighbourhood plans in other areas.
21. The Neighbourhood Plan has no strategic policy basis for the period 2028 to 2032. Whilst the Neighbourhood Plan can be prepared in advance of the preparation of strategic policies for the period 2028 to 2032 it must set out the



rationale for the Neighbourhood Plan policies to apply during that period, and set out the evidence to justify those policies. The Guidance states “Where strategic policies do not already set out a (housing) requirement figure, the National Planning Policy Framework expects an indicative figure to be provided to neighbourhood planning bodies on request. However, if a local planning authority is unable to do this, then the neighbourhood planning body may exceptionally need to determine a housing requirement figure themselves, taking account of relevant policies, the existing and emerging spatial strategy, and characteristics of the neighbourhood area. The neighbourhood planning toolkit on housing needs assessment may be used for this purpose. Neighbourhood planning bodies will need to work proactively with the local planning authority through this process, and the figure will need to be tested at examination of the neighbourhood plan, as neighbourhood plans must be in general conformity with strategic policies of the development plan to meet the ‘basic conditions’” (Paragraph 105 Reference ID: 41-105-20190509). The Neighbourhood Plan includes policies that are relevant to housing supply but does not address housing need in the period 2028 to 2032. I have recommended the plan period of the Neighbourhood Plan is modified to run to 2028 so that the policies of the Neighbourhood Plan are underpinned by relevant and up-to date evidence that is adequate and proportionate as required by paragraph 31 of the Framework, and so that the Neighbourhood Plan is in general conformity with the strategic policies of the development plan which is necessary to meet the basic conditions.

**Recommended modification 1:**

**Modify the front cover, and paragraph 1.4.1, and the header of each page of the Neighbourhood Plan to state the Plan period runs to 2028**

22. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises because of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.
23. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with all land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.

24. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have meaning and significance to people living and working in the area.
25. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. I refer to the matter of minor modifications and corrections in the Annex to my report.

## **Documents**

26. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:
- Hurn Neighbourhood Plan 2022 - 2032 Submission Version December 2022 including Appendices 1 to 5
  - Hurn Neighbourhood Plan Basic Conditions Statement December 2022 [In this report referred to as the Basic Conditions Statement]
  - Hurn Neighbourhood Plan Consultation Statement December 2022 [In this report referred to as the Consultation Statement]
  - Hurn Neighbourhood Plan Strategic Environmental Assessment Screening Determination including Screening regarding the Habitats Regulations January 2022
  - Information available on the BCP Council website including the listed supporting evidence documents
  - Information available on the Parish Council website
  - Representations received during the Regulation 16 publicity period
  - Correspondence between the Independent Examiner and BCP Council and the Parish Council including the initial letter of the Independent Examiner dated 16 May 2024; the comments of the Parish Council on the Regulation 16 representations and on changes to national policy since the Neighbourhood Plan was prepared which I received from BCP Council on 8 July 2024; the letter of the Independent Examiner seeking clarification of matters dated 11 July 2024; and the responses of the Parish Council and BCP Council which I received on 24 July 2024; the letter of the Independent Examiner to BCP Council and the Parish Council dated 25 July 2024 offering an opportunity for those Councils to participate in a fact check of my then emerging draft report; and the responses of

BCP Council and the Parish Council which I received on 7 August 2024; and the letter of the Independent Examiner dated 9 August 2024

- National Planning Policy Framework (20 December 2023) [In this report referred to as the Framework]
- Christchurch & East Dorset Local Plan (Part 1 – Core Strategy) 2014
- Saved policies in the Christchurch Local Plan (2001)
- Joint BCP Council and Dorset Council Minerals and Waste Plans [Minerals and waste disposal are excluded development for the purposes of neighbourhood planning]
- Neighbourhood Planning Independent Examiner Referral Service - Guidance to service users and examiners (referred to in my initial letter dated 16 May 2024)
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019)
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [In this report referred to as the Guidance]
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016
- European Union (Withdrawal) Act 2018
- Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- Neighbourhood Planning (General) Regulations 2012 (as amended) [In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations]
- Neighbourhood Planning (General) (Amendment) Regulations 2015
- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016
- Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

## **Consultation**

27. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary

of comments received from local community members, and other consultees, and how these have been addressed in the submission plan. I highlight here several key stages of consultation undertaken to illustrate the approach adopted.

28. In 2019 a Working Group comprising Parish Councillors and other volunteers was established to oversee the development of the Neighbourhood Plan. A household survey and housing needs assessment were undertaken before a pause of plan preparation due to the Covid-19 pandemic. On re-commencement a business/facilities survey was undertaken in late 2020.
29. In accordance with Regulation 14 the Parish Council consulted on the pre-submission version of the draft Neighbourhood Plan between 31 January 2022 and 14 March 2022. The draft plan was published on the Parish Council website. The consultation on the pre-submission draft Plan was publicised in the Parish Council newsletter "The Eyeopener" January 2022 edition. This article included the name and contact details of the Parish Council Chair. Business contacts and local organisations were emailed directly. Hard copies of the plan were made available at two drop-in sessions at Hurn Bridge Sports Club, where Working Group members were present to answer any queries, attendees may have had. A response form was produced to help potential responders to structure their submission. Submissions were received from 10 organisations and 41 residents or households. The Consultation Statement includes, between pages 15 and 31, details of the comments received and a response of the Neighbourhood Plan Working Group. Suggestions have, where considered appropriate, been reflected in changes to the Plan that was submitted by the Parish Council to BCP Council.
30. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publicity between 7 July 2023 and 1 September 2023. Publicity was achieved through the BCP Council website and by making hard copies of the submission documents available for inspection at Christchurch Library. A response form was produced to assist potential responders to structure their comments. Representations were submitted to BCP Council during the Regulation 16 publicity period from a total of 31 different parties. BCP Council has also submitted a representation.
31. Two other representations were received by BCP Council after the period for representations had closed. BCP Council has determined that those representations were not accepted as duly made. The NPIERS Guidance to Service Users and Examiners states: "Late representations - From time to time a representation may be submitted after the consultation period has ended. Late representations should not be accepted unless there are exceptional circumstances for doing so. The circumstances in which this may be acceptable are where there has been a material change in circumstances. These might

include the publication of new legislation or Guidance, a change in the status of a document the representation has relied on or a judgment from a Court case that has been handed down." I have not considered the late representations in preparing my report.

32. The Parish Council is surprised the response from BCP Council is considered duly made. BCP Council confirmed it had prepared a representation during the period of publicity but internal approval processes delayed the release of the representation which I received on 18 April 2024. I have noted the representation has at least in part helpfully been updated in the context of subsequent revision of the Framework. The BCP Council representation includes eleven responses relating to the basic conditions, including comment on Policies 1; 2; 3; 5; 6; and 7 of the Neighbourhood Plan. The representation also includes eighteen "other comments and suggestions for clarification" including comment on Policies 4 and 7 of the Neighbourhood Plan. Where relevant to my remit I have referred to the BCP representation when considering policies of the Neighbourhood Plan and in the Annex to my report.
33. Highways England state "In general terms we are satisfied that the Plan's proposed policies are unlikely to lead to a scale of development that will adversely impact the safe and efficient operation of the SRN and we therefore have no specific comments to make." Highways England also state they look forward to working with BCP Council on the evidence base for the emerging Local Plan. Sport England offered general advice. West Parley Parish Council confirmed its support for the Neighbourhood Plan and its proposals.
34. Dorset CPRE support identified objectives of the Neighbourhood Plan and suggest a policy is included to encourage the transition to sustainable forms of energy. This representation particularly commends Policy 3 of the Neighbourhood Plan. The Cranborne Chase AONB Team has commented that the Neighbourhood Plan has no strategies for reducing or preventing an increase of light pollution and has submitted a Dark Night Skies Proposed Planning Policy for Planning Authorities' Local Plan Reviews and Interim Policy for Development Management purposes document April 2022. This document includes recommendations to the Local Planning Authorities but does not include any recommendations to Qualifying Bodies in respect of Neighbourhood Plans.
35. A representation on behalf of the Malmsbury Estate supports the overall vision of the Neighbourhood Plan but states it should acknowledge the role of people who regularly travel to the area for work, education, or leisure; and that two objectives should be added to recognise the contribution of existing employment, education and leisure facilities and the potential for further renewable energy infrastructure. The representation states paragraphs 4.1 to 4.2.7 of the Neighbourhood Plan should be reworded to be purely factual, and paragraphs 4.2.6 and 4.2.7 of the

Neighbourhood Plan should be deleted on the basis they are premature given future proposals are being prepared by Malmsbury Estate in respect of Hurn Quarry as a mixed-use leisure, tourism, and employment facility. This representation also includes objections in respect of Policies 1, 3 and 6, and comment in respect of Policy 4. This representation includes support for Policy 7.

36. A representation on behalf of Libra Land Ltd, stated to be the owners of Hurnwood Park Avon Causeway, refers to existing uses on the site and planning consents granted. The representation states this site offers the opportunity to accommodate permanent commercial buildings that would have good accessibility to the South East Dorset conurbation and the Bournemouth International Airport. The representation recognises the constraints of its Green Belt location and states the proposed additional opportunities for leisure uses referred to in Table 2 of the Neighbourhood Plan are welcomed and supported stating “They are uses that are considered appropriate for development in this green belt location. The openness of the green belt can be maintained through uses such as caravanning and camping. As noted within the NP, these can be seasonal and suitably spaced / landscaped to ensure that the openness of the green belt is maintained.” The representation also states “in addition to the proposed leisure uses set out under Site 11\_11 in Table 2, the following text should be added: ‘together with uses and buildings described as appropriate exceptions to green belt limitations as set out in Paragraph 149 of the National Planning Policy Framework.’”
37. Seven individuals state strong agreement with each part of the Neighbourhood Plan, one specifically refers to the importance of retaining a gap between Hurn village and the airport, and another states the importance of Policy 3 to make sure Hurn village and the Conservation Area maintain their rural feel. Five further individuals state it is important to protect the identity and character of the area, one of whom states this should be without further development. Two other individuals state a desire to preserve the existing nature of the locality and block unwanted and unsightly development. Another individual states “Hurn is a rural community and should remain so. There should not be encroachment from housing or increased surrounding airport activity – we do not support Bio-mass developments or a water sports park.” One individual expresses a need for improved broadband in the area; improved safe routes for pedestrians and cyclists; and comments on the need for thinning of trees in Ramsdown Forest. Another individual expresses supportive comments including the importance of retaining valued riverside and hilltop walks, and states it is vital to maintain the gap between the industrial business at the airport and the natural environment. I have taken this latter comment and that of another individual regarding the importance of the local gap into consideration when examining Policy 3 of the Neighbourhood Plan. The other individual also states strong agreement with the

other policies of the Neighbourhood Plan. Another individual states “It is essential that Hurn is not further impinged on by the development and or other activities that erode the flora, the fauna and the historical features of the local area.”

38. A further individual refers to bus services in the area and states “the increasing development at Bournemouth Airport is putting huge pressures on the local roads. We need to give access off the Spur Road A338 direct to the north of the Airport to relieve pressure on the roads through Hurn Village. If this is combined with a mass transit system throughout all BCP which could also serve Hurn then Transport and Traffic would be better served within Hurn Village.” This representation included a map to support the comments.
39. Another individual supports the Neighbourhood Plan and comments on bus service improvements in the context of Policy 6, and on pedestrian safety issues on Matchams Lane in the context of Policy 7. Another individual refers to the dangers of crossing Matchams Lane especially for seniors and mobility scooter users. That individual also comments on inadequate street lighting and insufficient bus services. An individual states a range of strategic cycle routes which cross Hurn Parish are needed. That individual also states the term ‘Yellow’ buses should be updated. I refer to this matter and the comment of another individual on the phrase ‘Hurn Court Farm Quarry’ in the annex to my report.
40. I have read each of the Regulation 16 representations. In preparing this report I have taken into consideration all the representations submitted, in so far as they are relevant to my role, even though they may not be referred to in whole in my report. Having regard to *Bewley Homes Plc v Waverley Borough Council* [2017] EWHC 1776 (Admin) Lang J, 18 July 2017 and Parish and Country Planning Act Schedule 4B paragraph 10(6) where representations raise concerns or state comments or objections in relation to specific policies, I refer to these later in my report when considering the policy in question where they are relevant to the reasons for my recommendations. Alternative policy approaches and additional policy content were relevant considerations in earlier stages of the Neighbourhood Plan preparation process. These, and other matters including adjustment of the Plan vision, objectives, and general text, are only relevant to my role if they are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified.
41. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Parish Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. The Parish Council submitted comments on the Regulation 16 representations which I received from BCP Council on 8 July 2024. I have taken those comments into consideration in preparing my report.

42. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:
- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
  - b) explains how they were consulted;
  - c) summarises the main issues and concerns raised by the persons consulted; and
  - d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.
43. The Consultation Statement submitted with the Neighbourhood Plan includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. In addition, sufficient regard has been paid to the advice regarding engagement in plan preparation contained within the Guidance. It is evident the Neighbourhood Plan Working Group have ensured stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

## **The Neighbourhood Plan taken as a whole**

44. This section of my report considers whether the Neighbourhood Plan, taken as a whole, meets EU obligations, habitats, and Human Rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

**Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017**



45. Page 15 of the Basic Conditions Statement states “no issues have been raised in relation to the possible contraventions of Human Rights, and given the conclusions on the plan’s general conformity with strategic policies of the Local Plan and regard to National Planning Policy, it is reasonable to conclude that the making of the plan should not breach human rights.” I have considered the European Convention on Human Rights and in particular Article 6 (fair hearing); Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law. Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Parish Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010. Whilst an Equality Screening Assessment has not been prepared, from my own examination, the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.
46. The objective of EU Directive 2001/42 (transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004) is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’ (Defined in Article 2(a) of Directive 2001/42) as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result (Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012).
47. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to BCP Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
48. Page 4 of the Basic Conditions Statement confirms SEA and HRA Screening assessments were undertaken on behalf of the Parish Council and that it was

determined the Neighbourhood Plan would be unlikely to result in significant environmental impacts and therefore a full SEA and HRA would not be required,

49. I have examined the Strategic Environmental Assessment Screening Determination dated January 2022, which includes screening regarding the Habitats Regulations, and I have no reason to disagree with its conclusion. The SEA screening determination includes consultation responses received from the statutory consultees. I am satisfied the requirements regarding Strategic Environmental Assessment have been met. I am also satisfied that the Neighbourhood Plan meets the requirements of the Basic Condition relating to Habitats Regulations. In this latter respect I have noted Natural England has been consulted.
50. There are several other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.
51. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude 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.
52. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met for the draft neighbourhood plan to progress. BCP Council as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU environmental law obligations (directives and regulations) incorporated into UK domestic law by the European Withdrawal Act 2018 (EUWA):
- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
  - when it takes the decision on whether to make the neighbourhood plan (which brings it into legal force).

**Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development**

53. I refer initially to the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.” The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to.” This is not the same as compliance, nor is it the same as part of the tests of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy.”
54. Lord Goldsmith has provided guidance (Column GC272 of Lords Hansard, 6 February 2006) that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate.” In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
55. The National Planning Policy Framework sets out the Government’s planning policies for England and how these are expected to be applied. On 19 December 2023 Government published a revised National Planning Policy Framework (the Framework) and modified it on 20 December 2023. The latest Framework, which replaces the previous version published in September 2023, does not include any transitional arrangements in respect of the Independent Examination of Neighbourhood Plans. I have therefore examined the Neighbourhood Plan in the context of the latest Framework. As the Neighbourhood Plan preparation and the Regulation 16 period of publication predated the latest Framework I provided all interested parties, including BCP Council and the Parish Council, with an opportunity, to comment whether the Neighbourhood Plan meets the Basic Condition that it is appropriate to make the plan having regard to national policies as set out in the latest Framework. In response to the opportunity provided the Parish Council submitted comments which I received from BCP Council on 8 July 2024. Those comments related to the introduction of Biodiversity Net Gain requirements relating to Policy 5 and paragraphs 3.5.8 and 3.5.9 of the Neighbourhood Plan. I have taken those comments into consideration in preparing my report so far as they are relevant to the opportunity I had provided, that is, to comment whether the neighbourhood plan meets the Basic Condition that it is appropriate to make the plan having regard to national policies as set out in the latest Framework.
56. As a point of clarification, I confirm I have undertaken the Independent Examination in the context of the most recent National Planning Policy Framework published on 20 December 2023 and Planning Practice Guidance. most recently updated, in part, on 14 February 2024.

57. The Table presented on pages 5 to 12 of the Basic Conditions Statement sets out an explanation how each of the policies of the Neighbourhood Plan has regard to the Framework and the Guidance. The Important Local Gap Policy – Background Paper November 2022 provides additional explanation how Policy 3 - Important Local Gap of the Neighbourhood Plan has regard to the Framework and Guidance.
58. Paragraph 1.5 of the Neighbourhood Plan sets out a positive vision statement for Hurn. I do not agree with the representation on behalf of the Malmsbury Estate that the vision should refer to residents and visitors as the suggested wording would imply visitors can live in the area. I am satisfied the reference to “people” does not limit the scope of the vision in seeking the achievement of sustainable development, as referred to in paragraph 7 of the Framework. Four objectives addressing specific themes relating to: the historic environment; Green Belt and identified important gap; natural environment; and community services and facilities, are also set out. It is evident achievement of those objectives will support delivery of the vision. Whilst representations suggest additional objectives those are not necessary to meet the Basic Conditions.
59. The Submission Version Neighbourhood Plan sets out five projects relating to: 1. Parish Council intended liaison with BCP Council relating to Green Belt; 2. Parish Council support for measures to improve mobile phone and broadband coverage; 3. Parish Council intention to work with BCP Council to monitor affordable housing need and possible response through consideration of a rural affordable housing exception site; 4. Parish Council intention to consider nomination of Assets of Community Value; and 5. Parish Council intention to contact BCP Council regarding a possible location for a bike and e-scooter parking ‘Beryl Bay’. It is explained in paragraph 1.2 of the Neighbourhood Plan that the projects are proposals for action involving the Parish Council and others, to help address issues other than matters included as policies of the Neighbourhood Plan and that the projects have been highlighted through the Plan’s preparation. I have noted a representation on behalf of the Malmsbury Estate specifically objects to Project P1 and supports Project P2, and a representation of BCP Council suggests Project P1 and Project P3 should be rephrased.
60. The plan preparation process is a convenient mechanism to surface and test local opinion on ways to improve a neighbourhood, other than through the policies of a Neighbourhood Plan which relate to the development and use of land. It is important that those matters not appropriate to be addressed by a Neighbourhood Plan policy, raised as important by the local community or other stakeholders, should not be lost sight of. The acknowledgement in the Neighbourhood Plan of issues raised in consultation processes that do not have

a direct relevance to non-strategic land use planning policy within a Neighbourhood Plan represents good practice. The Guidance states, “Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan.” The approach adopted to take the projects forward is satisfactory. The text presented below paragraph 1.2.2 of the Neighbourhood Plan explains the terms “Policies” and “Projects.” I am satisfied the nature of the text in the project statements makes the intention clear that they are intended actions of the Parish Council and do not represent statements of planning policy. Whilst the inclusion of the projects in a distinguishing orange colour text, and without the background shading of the policies, differentiates the projects from the policies of the Neighbourhood Plan I have recommended they are deleted from the main body of the text of the Neighbourhood Plan and only presented in Appendix 2 of the Neighbourhood Plan so that it is clear they do not form part of the statutory development plan. I have not included the projects in my Independent Examination as they will not form part of the statutory development plan.

**Recommended modification 2:**

**Delete Projects P1 to P5 from the main body of the text of the Neighbourhood Plan, and include a statement in Appendix 2 clarifying it does not form part of the statutory development plan.**

61. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to ‘have regard to’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that, except for those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”
62. At the heart of the Framework is a presumption in favour of sustainable development which should be applied in both plan-making and decision-taking. The Guidance states, “This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic, and social conditions or that consideration has been given to how any potential adverse

effects arising from the proposals may be prevented, reduced, or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions.”

63. The Framework states there are three dimensions to sustainable development: economic, social, and environmental. The Table included in section 4 of the Basic Conditions Statement sets out an overview of the combined impacts of the policies of the Neighbourhood Plan. It is concluded the plan’s policies should contribute to the achievement of sustainable development. The statement does not highlight any ‘uncertain but potentially negative impacts’ and no ‘likely negative impacts’ of the Neighbourhood Plan policies. I have noted the statement on page 14 of the Basic Conditions Statement that the Neighbourhood Plan policies do not specifically address economic issues and the Neighbourhood Plan needs to be read in conjunction with the Core Strategy which provides for significant employment through the relevant Bournemouth Airport and Strategic Employment area policies. There is no requirement that the Neighbourhood Plan should address economic issues.
64. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.
65. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality to protect, and where possible enhance, important environmental features of the Neighbourhood Area. The Neighbourhood Plan also seeks to support social well-being with respect to supporting community facilities and local services. I consider the Neighbourhood Plan as recommended to be modified seeks to:
- Establish that development should conserve and where appropriate enhance the significance of the area’s heritage;
  - Establish that development should protect and seek to enhance local landscape character retaining and reinforcing identified key characteristics;

- Establish criteria for support of built development in an identified important local gap;
- Establish conditional support for proposals that provide new footpaths or bridleways or open access land and which minimise adverse impact on safe active travel use of rural lanes and trails;
- Establish criteria for support of proposals for car parks within the countryside;
- Establish that development proposals should protect and where appropriate enhance biodiversity including in identified locations;
- Establish support for provision or improvement of community facilities, and guard against unnecessary loss of identified facilities; and
- Establish that any locally determined expenditure arising from developer contributions should address road safety measures.

66. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

**Consideration whether the making of the Neighbourhood 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)**

67. The Framework states neighbourhood plans should “support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.” Plans should make explicit which policies are strategic policies. “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies.”
68. In this independent examination, I am required to consider whether the making of the Neighbourhood 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). BCP Council has confirmed the Development Plan applying in the Hurn Neighbourhood Area comprises the Christchurch & East Dorset Local Plan (Part 1 – Core Strategy) 2014; Saved policies in the Christchurch Local Plan (2001); and Joint BCP Council and Dorset Council Minerals and Waste Plans. Whilst the Minerals and Waste Plans form part of the Development Plan they are not

relevant to the Neighbourhood Plan as those matters are excluded development for the purposes of neighbourhood planning.

69. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.” BCP Council has advised me what are regarded by the Local Planning Authority as Local Plan strategic policies. I have proceeded with my independent examination of the Neighbourhood Plan on the basis that the Development Plan strategic policies are:

- Strategic policies for Christchurch in the Christchurch & East Dorset Local Plan (Part 1 – Core Strategy) (2014) Policies KS1-KS12; CH1-CH7; CN1 and CN2; BA1-BA3; ME1-ME7; HE1– HE4; LN1–LN7; and PC1–PC6.
- Strategic policies in the saved Christchurch Local Plan (2001) – policies with borough wide implications Policies ENV1-ENV6; ENV9; ENV15; ENV18; ENV21; BE2-BE5; BE14-BE16; H11-H14; H16; H18; EI9; EO5; ES10; ET1; T1; T3; T14; T16; P5; L17-18; and CF5.
- Strategic policies of the Joint BCP Council and Dorset Council Minerals and Waste Plans.

70. In considering a now-repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there to introduce a degree of flexibility” (Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31). The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan, rather than the entire development plan.

71. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;



- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”

My approach to the examination of the Neighbourhood Plan Policies has been in accordance with this guidance.

72. Consideration as to whether the making of the Neighbourhood 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) has been addressed through examination of the plan as a whole and each of the plan policies below. I have taken into consideration Table 5 of the Basic Conditions Statement that demonstrates how each of the policies of the Neighbourhood Plan is in general conformity with relevant strategic policies. Subject to the modifications I have recommended, including that relating to the plan period, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

## **The Neighbourhood Plan Policies**

73. The Neighbourhood Plan includes seven policies as follows:

Policy 1: Conserving and Enhancing Hurn’s Historic Character

Policy 2: Local Landscape Character

Policy 3: Important Local Gap

Policy 4: Access to the Countryside

Policy 5: Woodland, Heathland and Farmland

Policy 6: Supporting Community Facilities and Local Services

Policy 7: Creating Safer Roads and Pedestrian / Cycle Routes

74. Paragraph 29 of the Framework states “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.” Footnote 16 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”

75. Paragraph 15 of the Framework states “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the

future of each area; a framework for addressing housing needs and other economic, social, and environmental priorities; and a platform for local people to shape their surroundings.”

76. Paragraph 16 of the Framework states “Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”
77. The Guidance states “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise, and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”
78. “While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan.”
79. A neighbourhood plan should contain policies for the development and use of land. “This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”
80. “Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of

housing need.” “A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.”

81. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’ they will be utilised in the determination of planning applications and appeals, I have examined each policy in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

### **Policy 1: Conserving and Enhancing Hurn’s Historic Character**

82. This policy seeks to establish that development should conserve and where appropriate enhance the significance of the area’s heritage. The policy also identifies characteristics of the Conservation Area that development in that area, and in the setting of the Conservation Area, should conserve and where appropriate enhance. The policy also identifies elements of the rural character of the area, apart from the airport business park, that development should have regard for.
83. The representation of BCP Council recommends use of the terms “preserve or enhance” and “character or appearance” in accordance with quoted legislation, and use of the term “non-designated heritage assets” as in the Framework. BCP Council also suggest Appendix 4 should state the Table may be amended over time. I have noted the comment of the Parish Council expressing a preference to retain the current wording. A representation on behalf of the Malmsbury Estate states the first paragraph of the policy should make it clear it relates to designated heritage assets only, and the second paragraph should refer to the Conservation Area and its setting. The representation also states the final paragraph of the policy cannot be justified, is ambiguous, and should be deleted. The Parish Council has commented on this representation as follows “the policy is clearly worded, matters such as ‘away from the airport’ are not readily defined by a simple metric but can be a matter of planning judgement taking into account the intervisibility and sense of remoteness according to the site in question. Supporting evidence has drawn upon the Listed and locally listed buildings (with descriptions included in Appx 4), the Christchurch Borough-wide Character Assessment (as referenced in Appx 3), and it is appropriate for NPs to set out guidance on the design approach to new buildings in the area in a manner that reinforces local character.”

84. Paragraph 132 of the Framework states “Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.” That paragraph states design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Policies should be clear about design expectations and how these will be tested. Paragraph 135 of the Framework states “Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)”. Paragraph 213 of the Framework states not all elements of a Conservation Area will necessarily contribute to its significance.
85. It is confusing and unnecessary for the first paragraph of the policy to state “within the parish” as all the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a lesser spatial area is specified. The first paragraph of Policy 1 does not have sufficient regard for Paragraph 195 of the Framework which states heritage assets should be conserved in a manner appropriate to their significance. The term “where appropriate,” as used in paragraphs 1 and 2 of the policy, is imprecise and does not provide a basis for the determination of development proposals. Whilst the first and second paragraphs serve the purpose of adding detail to national and strategic policy by identifying the range of heritage assets in the Neighbourhood Area and features of the character of the Conservation Area, they do not serve any purpose by repeating the term “where appropriate” in strategic Policy HE1. Paragraph 16 of the Framework states plans should serve a clear purpose avoiding unnecessary duplication of policies that apply in an area. Paragraph 212 of the Framework, within the context of considering potential impacts of development proposals on heritage assets, states Local Planning Authorities should look for opportunities for new development within Conservation Areas...and within the setting of heritage assets to enhance and better reveal their significance. The requirements of the third paragraph of the policy do not have sufficient regard for national policy and have not been sufficiently justified with respect to land within Bournemouth Airport perimeter, and land used for purposes in connection with the operation of the Quarry at Hurn Court Farm, and the term “away from” is imprecise. I have earlier in my report stated that I must check the Neighbourhood Plan does not include provision about excluded development which includes minerals. I have recommended a modification to clarify the policy does not apply to the land used for purposes in connection with the Quarry at Hurn Court Farm. This will be a matter to be determined at the time of any application for development as parts of the Quarry site will cease to be used for purposes in connection with the

operation of the quarry as reclamation phases proceed. In response to my request for clarification the Parish Council has confirmed the term “airport business park” refers to the land identified as “Northern Business Parks” in the map on page 77 of the Core Strategy. I have recommended a map identifying the land contained within the airport business park is included in the Neighbourhood Plan. BCP Council has confirmed that all the buildings included in the table in Appendix 4 identified by grade ‘Local’ are on the local list and have therefore been identified as non-designated heritage assets. In the interests of clarity, I have recommended use of the term non-designated heritage assets, referred to in paragraph 209 of the Framework, in Policy 1, in the legend to Map 3, and in Appendix 4. I have recommended a modification in all these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

86. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Policy HE1. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
87. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 3:  
In Policy 1**

- in the first paragraph replace the text before “including:” with **“Development proposals should conserve the area’s heritage assets in a manner appropriate to their significance, and enhance the significance of those assets”**
- in the first paragraph after “character” insert **“or appearance”**
- in the first paragraph replace **“Locally Important Buildings”** with **“Non-Designated Heritage Assets”**
- in the second paragraph replace **“where appropriate enhance”** with **“demonstrate consideration of opportunities to enhance the significance of”**
- replace the third paragraph with **“Outside Bournemouth Airport perimeter, the airport business park, and land used for purposes in connection with the operation of the Quarry at Hurn Court Farm,**

**proposals for buildings that reflect the local rural character and history of the Neighbourhood Area will be supported.”**

**Below Policy 1 include a map that identifies the land within the airport business park**

**In the heading to Appendix 4, and in the description of Appendix 4 in the Contents page of the Neighbourhood Plan replace “Listed and Locally Listed Buildings” with “Listed Buildings and Non-Designated Heritage Assets”**

**In the legend to Map 3 replace “Locally Important Historic Buildings” with “Non-Designated Heritage Assets”**

**In Appendix 4 under the heading add “This Table reflects the current Listed Buildings and Non-Designated Heritage Assets in the Neighbourhood Area. This list may be amended over time.”**

## **Policy 2: Local Landscape Character**

88. This policy seeks to establish that development should protect and seek to enhance local landscape character retaining and reinforcing identified key characteristics.
89. BCP Council state “It is not clear how this policy is applied for development types, including for example new cycle, pedestrian or equestrian routes or infrastructure. Not all development may be able to meet all criteria. Adjustment to the wording could make this clearer to meet basic condition (a) – See NPPF (para 16) and PPG (para 41).” I have noted the comment of the Parish Council that the intention of the policy is self-evident however I have recommended a modification in this respect so that the policy is clearly written and it is evident how a decision maker should react to development proposals in accordance with paragraph 16 of the Framework.
90. Commenting on the representation of an individual regarding the retention of dark skies the Parish Council has suggested the final bullet point could include reference to lower levels of noise and light pollution. I have adopted this suggestion so that the policy has sufficient regard for paragraph 191 of the Framework. In the text before the bullet points the term “will” does not provide a basis for the determination of development proposals, and the term “the local landscape type to which it relates” is imprecise. The terms “protect” and “retaining and reinforcing” are not sufficiently justified in their application in the policy to identified key characteristics of the local landscape. It is not clear what is required

of a development to reinforce, for example, a sense of remoteness. The requirement to retain areas of woodland cover and riverside vegetation does not have sufficient regard for national policy as set out in paragraphs 136, 180 and 186 of the Framework. Paragraph 110f) of the Framework states planning policies should “recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time.” I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

91. The first bullet point of the policy refers to panoramic views. Paragraph 180a) of the Framework refers to protecting and enhancing valued landscapes. To be valued, a landscape needs to be more than popular with residents but must demonstrate physical attributes beyond “*ordinary*” (Stroud District Council vs. SSCLG [2015] EWHC 488 (Admin) and Forest of Dean DC v. SSCLG [2016] EWHC2429 (Admin)). I am grateful to the Parish Councillor that has climbed Ramsdown and provided photographs illustrating the extensive views across land within Hurn Parish. I have noted the Parish Council reference to the OS leisure map which indicates a panoramic view, and noted the reference to the panoramic views as including the Isle of Wight and Needles on a clear day. I consider the first bullet point of Policy 2 is seeking to identify valued landscapes and is seeking to ensure development proposals are sensitive to significant aspects of the environmental and aesthetic character of the area. I am satisfied the views identified have characteristics that justify the policy approach to avoid significant adverse impact on the views. I am satisfied sustainable development, through careful consideration to siting and design, or other mitigation measures, may be shown to not have significant adverse impact on the identified views.
92. In response to my request for clarification regarding public access to identified viewpoints the Parish Council has stated “Ramsdown is owned by the Forestry Commission and there is open access across it and all the way to the top of the Hill (Grid Ref 413490 96590) where there are viewpoints.” As planning policy must operate in the public interest, I have recommended a modification to clarify the viewpoint locations referred to in the first bullet point of the policy are freely accessible to the public.
93. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Policy HE3. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

94. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 4:  
In Policy 2**

- **replace “will protect” with “should conserve”**
- **after “relates” insert “as identified on the map on page 9 and described in Table 1 of the Neighbourhood Plan”**
- **replace “retaining and reinforcing” with “avoiding significant harm to”**
- **after “characteristics” insert “where they are relevant to the proposal”**
- **continue the first bullet point with “that are freely accessible to the public”**
- **continue the final bullet point with “including the lower levels of noise and light pollution”**

**Policy 3: Important Local Gap**

95. This policy seeks to establish criteria for support of built development in an identified important local gap.

96. BCP Council states paragraph 3.3.1 of the Neighbourhood Plan “correctly refers to National Green Belt policy for Proposals affecting the Green Belt – set out in paras 147 – 151 [ paras 152 – 156 Dec 2023 NPPF]. Inappropriate development can only be justified through “very special circumstances.” The NPPF also clarifies that a Green Belt boundary can be amended in “exceptional circumstances” through the Local Plan process (para 145 Dec 2023 NPPF). This leads to the rationale for the important local gap policy. Para 3.3.1. in the final sentence suggests that the more localised separation of villages and other built-up areas are not given a sufficient level of protection by green belt designation. It is important that the wording of supporting text is consistent with the national Green Belt policy test and the findings of the Strategic Green Belt Assessment 2020. (weblink given). In earlier iterations of the plan reference was made to the assessment of contributions to Green Belt purposes of parcels BA1 and BA2 are set out in Stage 1 Appendix B Bournemouth Airport (weblink given). Any issue connected to coalescence between Hurn and the Airport is not a conclusion of the Green Belt Assessment. Whilst we recognise that the NP supporting text in para 3.3.1- 3.3.4. seeks to provide the context for and justify the reason for the local gap policy, we consider that there are elements that do not accurately



reflect the NPPF as ultimately it seeks to add a layer of protection that goes beyond national policy.”

97. BCP Council also states with respect to Policy 3 “Comment - Delete: The policy refers to land identified as an ‘important local gap’. As stated above the land is Green Belt and as such, the policy effectively seeks an additional layer of protection to the land which is considered not to add any additional local benefit. The NP plan policy states ‘Proposals for built development within the important gap will be resisted unless they comply with Green Belt policy.....’ this demonstrates that it effectively is a duplication of Green Belt policy, albeit without any reference to all development being inappropriate unless it can demonstrate very special circumstances. Just as the national guidance for Local Green Space designation suggests, where land is protected by existing designations, then gaining another environmental designation serves no purpose. Initially, we were concerned that the NP policy was seeking to influence Green Belt policy normally dealt with through a local plan as the wording originally referred to exceptional circumstances. Whilst the policy was amended from earlier drafts, we have questioned the need to duplicate Green Belt policy and continued to express concern in discussions at and after pre-submission, explaining that it would fail basic conditions because of the basic premise that it both duplicates national policy and undermines it because it seeks to attribute a ‘higher bar’ over and above Green Belt policy. Proposals assessed in accordance with national Green Belt policy would assess the effect on openness of the Green Belt and whether any harm by reason of inappropriateness, and with any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal. Whilst officers have suggested that this policy should be deleted due to the difficulties with complying with basic conditions, the PC has instead sought to amend it and justify it with supporting evidence at Reg 16. However, our position remains the same, that the policy fails basic condition (a).” “Comment: It is clear from para 4.2.6. and Table 2 on pages 20 & 21, that the reason for this policy was the potential for leisure and recreation uses on a number of sites which came through the BCP Council Call for Sites. Para 4.2.6 cites that it is unlikely that any significant development would be approved unless very special circumstances can be demonstrated. It states that survey responses showed little support for such schemes and that there was very little need. We appreciate that there was a natural resistance to such schemes and the need to try and get a greater level of protection to safeguard land in the green belt through the Neighbourhood Plan but regrettably, as stated above, this could not and will not be supported given it does not, in our view, meet basic condition (a).”

98. The Parish Council has commented on the BCP Council representation as follows: “BCP comments are not exactly clear themselves – what element of para 3.3.1 do they consider to be inconsistent with the NPPF? Whilst there was a 2020 Strategic Green Belt Assessment by BCP this has not been subject to examination, and there is no need, as far as HPC can see, for it to be referenced here. BCP’s response at Regulation 14 was for HPC to: • Delete “will not be supported” replace with ‘will be resisted’ • Delete ‘exceptional’ circumstances and replace with ‘very special’ circumstances. Further (late) comments were then received suggesting: The wording in the policy refers to exceptional circumstances. The NPPF sets out that ‘very special circumstances’ apply when considering proposals within the Green Belt and if this policy is retained, we would recommend the wording reflects that of the NPPF. Again, if this policy is retained it should be framed more positively for example “Proposals for development within the Important Local Gap will only be supported in very special circumstances.’ Discussions were held with regard to this policy and BCP Council suggested that a paper setting out the reasons for the Gap should be drafted, which has been submitted as part of the supporting evidence. The reference to ‘very special circumstances’ was not used as the policy instead references Green Belt policy and the importance of not urbanizing or reducing the openness and strong rural, green character of the gap.”
99. A representation on behalf of the Malmsbury Estate states much of paragraphs 3.2.1 - 3.3.1 of the Neighbourhood Plan unnecessarily duplicate national policy. The representation also states Policy 3 and supporting text in paragraphs 3.3.1- 3.3.4 of the Neighbourhood Plan are not required as this area is already designated as green belt where national policy restrictions apply. The representation states “despite the revised text and background paper, there is no special case or substantive evidence to justify further protection.” The Parish Council has commented on this representation stating “the case for this gap is set out in the background paper.”
100. Dorset CPRE commend Policy 3 with its objective to protect the gap between Hurn village, the airport, and the hamlets. The Regulation 16 representation of an individual states it is vital to maintain the gap between the industrial business at the airport and the natural environment. Another individual states “I consider that the concerns BCP has raised are immaterial. The Plan merely seeks recognition of the unique importance of the Local Gap. It is essential to the integrity of Hurn Village and the Conservation Area setting. It is not a new circumstance to have a Gap policy in a Neighbourhood Plan, and others in Dorset have policies with Local Gaps which have passed inspection. These are noted in the Green Gap Supporting Evidence” and “There seems to be an overwhelming wish from those who responded to the consultations, for the rural and historic character of Hurn to

be preserved and not subsumed by surrounding development. It is always assumed that Green Belt Policy will protect open space, but experience across Dorset and the BCP area proves otherwise. The green gap to the west (policy 3) is very important in maintaining the clear distinction between Hurn Village, including the Conservation Area, and the Airport/Merritown developments. It is heartening to note that other Dorset Parishes have Local Gap policies in their Neighbourhood Plans which have recently passed Inspection. I agree with the arguments supporting the Gap as set out in the Supporting Evidence Paper.”

101. Policy 3 states “The Important local gap between Hurn Village, West Hurn and the airport, as shown on Map 3, is valued for its green, rural character and the role it plays in providing a setting for, and maintaining the clear distinction between the settlements and the airport.” Policy 3 seeks to resist proposals for built development within the identified gap unless they comply with Green Belt policy and would not urbanise or reduce the openness and strong rural, green character of the gap.
102. Text in section 3.3 of the Neighbourhood Plan supporting Policy 3 sets out an interpretation of national Green Belt policy and includes the statement: “But this means that whilst the separation of towns can be taken into account in decision making the same does not apply to the more localised separation of villages and other built-up-areas (such as the airport and business park). On this basis it is considered important to provide additional protection of the fragile open gap that exists between the edge of Hurn village and the airport and scattering of hamlets to the west, in order to set out the importance of preventing development that would urbanise or otherwise reduce the open, rural nature of this particular gap and its role in providing a setting for the adjoining village, airport and scattered hamlets, where further sprawl would increase the degree of coalescence between them.” There is an inconsistency between the supporting text and the wording of Policy 3 itself which very clearly refers to “maintain the clear distinction between the settlements and the airport.” The Guidance is very clear that if to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. The purpose of Policy 3 is very clearly stated in the first sentence of the policy. The maintenance of a clear distinction between Hurn and West Hurn is not stated as a purpose of the policy in the wording of Policy 3 nor is that purpose sufficiently justified by evidence. The Parish Council has in response to my request for clarification stated West Hurn includes only six residences and it is evident these are not clustered but form a loose association. I have seen no analysis of why the gap between those six dwellings and Hurn Village is of a nature that justifies additional policy protection beyond that provided by Green Belt policy.

103. Appendix 5 of the Neighbourhood Plan, through presentation of photographs and text, identifies key characteristics of the important open gap referred to in Policy 3. The evidence paper 'Important Local Gap Policy - Background Paper November 2022' supports and seeks to justify Policy 3. A case is presented that whilst Green Belt policy has a strategic nature "there is clearly justification for a local policy to be warranted which deals with the local importance of green spaces." Reference is made in the Background Paper to national policy regarding Local Green Space designation within Green Belt land. The Background Paper includes reference to Local Gap Policy examples although this does not refer to Green Belt land. Attention is drawn to Lochailort Investments Limited and Mendip District Council and Norton St Philip Parish Council Case No C1/2020/0812 where it was held that if a neighbourhood plan departs from the Framework, it must be a reasoned departure. In answer to my request for clarification which of the local gaps referred to in the Background Paper (Two local gaps in the Pimperne Neighbourhood Plan; Four important gaps in the Stinsford Neighbourhood Plan; One important open gap in the Yetminster and Ryme Intrinseca Neighbourhood Plan; one important local gap in the Broadwindsor Neighbourhood Plan; one important local gap in the Gillingham Neighbourhood Plan; one important local gap in the Hazelbury Bryan Neighbourhood Plan; one important local gap in the Loders Neighbourhood Plan; and one important local gap in the Piddle Valley Neighbourhood Plan the Parish Council has confirmed none of these are in Green Belt. Whilst the Parish Council has referred to the Ivers Neighbourhood Plan that plan has not been presented in the published evidence base supporting the Neighbourhood Plan, and I have no knowledge of the circumstances in that area. It is not within my role to re-examine any Neighbourhood Plan that has been prepared in another area. As I have explained in my report my role is to determine whether the Neighbourhood Plan meets the Basic Conditions and other requirements I have identified.

104. Paragraphs 142 to 156 of the Framework relate to protecting Green Belt land. The fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belt is stated to serve five purposes. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt however seven types of development are identified as exceptions. Six other forms of

development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

105. The Green Belt Guidance (Paragraph: 001 Reference ID: 64-001-20190722 Revision date: 22 07 2019) states “Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

106. The Guidance also includes paragraphs relating to compensatory improvements offsetting the impact of removing land from the Green Belt, and when development can take place on brownfield land in the Green Belt. I have noted Annex 2 to the Framework excludes from the definition of previously developed land “land that has been developed for mineral extraction where provision for restoration has been made for restoration through development management procedures”. I have earlier in my report stated mineral extraction is excluded development for the purposes of neighbourhood planning.

107. Paragraph 17 of the Framework states “The development plan must include strategic policies to address each local planning authority’s priorities for the development and use of land in its area.” Paragraphs 20 to 23 of the Framework clarify the intended nature of strategic policies. Annex 2 Glossary to the Framework defines strategic policies as “Policies and site allocations which address strategic priorities in line with the requirements of section 19 (1B-E) of the Planning and Compulsory Purchase Act 2004.” The PCPA Act requires each Local Planning Authority to set out, in development plan documents, policies to address the strategic priorities it has identified. Strategic Policy KS3 made limited changes to the South East Dorset Green Belt, including taking land at the airport out of Green Belt. Strategic Policy KS3 states the most important purposes of the Green Belt in the area are to protect the separate physical identity of individual settlements in the area by maintaining wedges and corridors of open land between them and to maintain an area of open land around the conurbation. I have noted the use of the term “settlements” in local strategic policy which is a

broader term than “towns” used in paragraph 143b of the Framework as referred to by the Parish Council.

108. Strategic Policy BA3 removed land forming the operational airport from the Green Belt to facilitate growth of airport facilities which can be achieved within environmental limits. Exceptional circumstances were identified for changes to the Green Belt at the Airport. Paragraph 7.28 of the text supporting Policy BA3 states “Within the area to be removed from the Green Belt a zoning approach has been applied to limit the extent of built development at the operational airport to specific areas, with other areas identified for uses that will preserve a sense of openness from adjoining Green Belt. The purpose of this approach is to avoid any adverse impact on the adjoining Green Belt and the character of Hurn Village and to retain a buffer between the airport and the Moors River SSSI. Through this approach development will be concentrated in the existing built core of the South East Sector. The removal of the Green Belt within the existing boundary of the operational airport will not result in an encroachment into the countryside.” The Important Local Gap identified by Policy 3 immediately adjoins the land removed from the Green Belt by Strategic Policy BA3, but remains within the Green Belt and is therefore subject to Green Belt policy.
109. For a neighbourhood plan to be in general conformity with the strategic policies for the area it should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. The Neighbourhood Plan does not, and is not obliged to, contain policies relating to the allocation of land for development. I have, however, considered the relevance of Policy 3 to the issues of meeting of housing need and meeting employment land needs. Whilst spatial extent is not the only factor that can make a policy strategic in nature, it is an important consideration in terms of meeting housing and employment land needs. The area of land to which Policy 3 relates represents a small proportion of land within the Neighbourhood Area which in turn represents only a very small proportion of land within the Local Planning Authority, BCP Council, administrative area. Strategic policies do not propose development in the identified important local gap. Policy 3 does not result in the Neighbourhood Plan promoting less development than set out in the Development Plan.
110. With respect to the question of undermining strategic policy the additional requirement of Policy 3 beyond compliance with Green Belt policy that development should “not urbanise or reduce the openness and strong rural, green character of the gap” does, without adequate justification, not have sufficient regard for national policy with respect to exceptions for new buildings identified in paragraph 154 of the Framework and the identification of other forms

of development that are also not inappropriate in Green Belt identified in paragraph 155 of the Framework. The term “unless they comply with Green Belt policy” does not have sufficient regard for paragraph 16 of the Framework which requires plans to serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant). The requirements of Policy 3 in any case duplicate national Green Belt policy with respect to openness, and the terms “urbanise” and “strong rural green character” are imprecise and do not provide sufficient guidance in the determination of development proposals. The further requirement beyond Green Belt policy creates a potential internal inconsistency within Policy 3. As an example, “limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)” is one of the six exceptions of new development that should not be regarded as inappropriate in the Green Belt, but such development is likely to urbanise the gap, in that it will become more urban on an urban rural continuum, and is likely to reduce the openness of the gap. In this context the element of Policy 3 referring to “urbanise or reduce the openness” in so far as it relates to the undermining of physical separation is inappropriate. The term “will be resisted” as used in Policy 3 is inappropriate. Paragraph 2 of the Framework states “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.” Material considerations will not be known until the time of decision making. In these respects, Policy 3 does not have sufficient regard for national policy and is not “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. As proposed Policy 3 does not meet the Basic Conditions. I have considered whether with modification Policy 3 would meet the Basic Conditions.

111. Paragraph 18 of the Framework states neighbourhood plans contain “just non-strategic policies”. Paragraph 29 of the Framework states 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.
112. The Guidance includes an example of a potential additional designation being applied to land that is already protected by Green Belt designation. This is in respect of designation of land as Local Green Space where policies for managing development should be consistent with those for Green Belts. The Guidance states “If land is already protected by Green Belt policy, or in London, policy on Metropolitan Open Land, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.

One potential benefit in areas where protection from development is the norm (eg villages included in the green belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community” (Paragraph: 010 Reference ID: 37-010-20140306 Revision date: 06 03 2014). The important local gap identified in Policy 3 is not proposed for designation as Local Green Space, and would not be eligible for such designation which should not be applied to extensive tracts of land. It is evident though that national planning policy recognises there may be circumstances where an additional designation may be applied in an area of Green Belt to identify areas that are of particular importance to the local community.

113. I have visited, and viewed from all directions possible from public places, the important gap identified in the Neighbourhood Plan as of particular importance to the local community. I have drawn a distinction between the parts of the important local gap that are north and south of Parley Lane. The part of the important local gap north of Parley Lane, which includes part of the designated Hurn Conservation Area, acts as a narrow open break between the airport site boundary and the significant grouping of approximately 60 existing residential properties north of Hurn Stores/Post Office, including homes adjacent to Matchams Lane and on Moors Close. As a matter of professional judgement, informed by my visit to the area in question, I conclude there is a set of particular local circumstances, including the nearness of the airport to a significant residential area, that justify the policy approach. Seeking to maintain the built areas of the airport and this part of Hurn Village as distinct, is not the same as preventing any development between. Paragraph 135 of the Framework states planning policies should ensure developments are sympathetic to the surrounding built environment and landscape setting. With careful attention to details of siting, massing, design and landscaping, sustainable development, that is not regarded as inappropriate in terms of national Green Belt policy, could occur in the identified important local gap that does not undermine the visual separation of, and distinction between the identified part of Hurn village and the airport. Whilst the resistance of all forms of development in a defined area of open countryside would not have sufficient regard for national policy, the maintenance of a distinction between built areas in visual terms can be a legitimate objective of a neighbourhood plan policy that would have sufficient regard for national policy. I have concluded the inclusion of land north of Parley Lane in the important local gap where a designation additional to that of Green Belt is sufficiently justified as identifying an area of particular importance to the local community.



114. The part of the important local gap south of Parley Lane does not include any part of the designated Hurn Conservation Area; does not share a boundary with the airport site; and does not act as an open break between the airport site and any significant grouping of existing residential properties. I have noted the part of the important local gap south of Parley Lane does come close to the airport site for a length of approximately 50 metres in the vicinity of the traffic light-controlled junction that provides access to the airport site. Even at that point the important local gap south of Parley Lane does not share a boundary with the airport site. In response to my request for clarification the Parish Council has informed me West Hurn includes six residential properties. I have noted the important local gap does not lie between four of those properties and the nearest part of the airport site. The intention of Policy 3 to maintain “a clear distinction between the settlements and the airport” has in the case of West Hurn not been sufficiently justified. I have considered the issue of coalescence between Hurn and West Hurn and concluded Green Belt policy provides a sufficient policy context for that matter to be considered in the determination of any relevant development proposals. I have also noted part of the important local gap south of Parley Lane is subject to temporary sand and gravel extraction which paragraph 3.3.4 of the Neighbourhood Plan states is expected to be fully restored to agriculture by 2031 which is beyond the plan period of the Neighbourhood Plan as recommended to be modified. As I have previously stated in my report mineral extraction is excluded development for the purposes of neighbourhood planning. I have concluded the inclusion of land south of Parley Lane in the important local gap has not been sufficiently justified and that its current designation as Green Belt is sufficient to provide an appropriate policy context for the determination of any development proposals. I am also satisfied that national and strategic policies relating to the protection of the historic environment provide an adequate basis for conservation of the setting of the adjacent Hurn Conservation Area. I have recommended the land south of Parley Lane is deleted from the important local gap identified on Map 3 referred to in Policy 3.

115. Policy 3 as recommended to be modified is consistent with the ability of Neighbourhood Plans to set out more detailed policies than the strategic policies for specific areas (paragraph 28 of the Framework) and to shape, direct and help to deliver sustainable development (paragraph 29 of the Framework). Policy 3 as recommended to be modified would not result in the Neighbourhood Plan promoting less development than set out in strategic policies for the area, or undermine those policies, but would add an additional level of detail and distinct local approach to that set out in the strategic policies.

116. As recommended to be modified the policy would not prevent sustainable development and has regard for those elements of the Framework that

specifically recognise the importance of economic growth in rural areas; and the special circumstances where isolated homes in the countryside will be acceptable, and the possibility of rural exception sites and first home exception sites. As recommended to be modified the policy would not prevent the development of essential utility infrastructure that is appropriately sited and designed. As recommended to be modified I am satisfied Policy 3 has sufficient regard for national policy; will not prevent sustainable development; and is in general conformity with the strategic policies. I have recommended a modification so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

117. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Policies HE3; KS3; BA1; BA2 and BA3. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

118. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 5:**

**Replace Policy 3 with “In the consideration whether very special circumstances exist to approve development proposals within the area of Green Belt, referred to as the ‘important local gap’, defined on Map 3 of the Neighbourhood Plan, the maintenance of a visual separation of Hurn Village and Bournemouth Airport through siting, design and landscaping of the proposals should be demonstrated to have been addressed.”**

**On Map 3 of the Neighbourhood Plan delete the land south of Parley Lane (B3073) from the identified important local gap.**

**Policy 4: Access to the Countryside**

119. This policy seeks to establish conditional support for proposals that provide new footpaths or bridleways or open access land and which minimise adverse impact on safe active travel use of rural lanes and trails. The policy also seeks to establish criteria for support of proposals for car parks within the countryside.

120. A representation on behalf of the Malmsbury Estate supports the ambition of the Neighbourhood Plan to improve access to the countryside but has suggested amendments to the third paragraph of Policy 4 so that it is clearer. The Parish Council consider the term “within the countryside” is necessary as the policy would not appear to be appropriately applied within the airport/ business park etc and with respect to the other suggested amendments that the original wording is suitably clear. I do not consider the suggested amendments are necessary to meet the basic conditions.
121. BCP Council state “The main objectives of Policy 4 are to minimise the likelihood of greenfield sites being lost to car parking, diverting users away from sensitive sites and to ensure that any associated traffic growth on the narrow rural lanes is limited so that these lanes can still be safely used by non-motorised users. Although there is a suggestion of support for new footpaths/bridleways, this is heavily caveated. The submitted policy misses an opportunity to promote such links as a means of improving access to the area by non-car transport, which would reduce the need for additional car parking. Improved public transport services from the conurbation would further assist in this regard. Could be resolved by including, “maximise accessibility to public transport and sustainable travel choices,”
122. Paragraph 180 of the Framework states planning policies should contribute to and enhance the natural and local environment. Paragraph 108 of the Framework states transport issues should be considered at the earliest stages of plan-making so that opportunities for walking and cycling and public transport use are identified and pursued and the environmental impacts of traffic and transport infrastructure can be identified, assessed, and considered. Paragraph 110d) of the Framework states planning policies should provide for attractive and well-designed walking and cycling networks.
123. The term “quiet” used in the first sentence and the final bullet point is imprecise to the extent it does not provide a basis for the determination of development proposals, and is not supported by evidence. The reference to provision of new footpaths/bridleways “and” open access land in the first sentence has not been sufficiently justified. In the absence of justification, it would be sufficient for proposals to provide new footpaths/bridleways or open access land to be conditionally supported. The second paragraph of the policy does not have sufficient regard for paragraph 115 of the Framework. The second paragraph of the policy includes the term “will be resisted.” Paragraph 2 of the Framework states planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. It is inappropriate to state “will be resisted”

before material considerations are known. The term “sites should” in the third paragraph is imprecise. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

124. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Policies HE3, KS3, KS11 and ME1. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

125. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, subject to the recommended modification, is appropriate to be included in a ‘made’ neighbourhood plan and will meet the Basic Conditions.

#### **Recommended modification 6:**

##### **In Policy 4**

- **in the first sentence and the final bullet point delete “quiet”**
- **in the first sentence replace “and open” with “or open”**
- **in the second paragraph replace the text before “impact” with “To be supported development proposals must demonstrate that they maximise accessibility to public transport and sustainable travel choices, and minimise adverse” and delete “will be resisted”**
- **in the third paragraph replace “Sites should” with “Car parks should”**

#### **Policy 5: Woodland, Heathland and Farmland**

126. This policy seeks to establish that development proposals should protect and where appropriate enhance biodiversity including in identified locations.

127. BCP Council state “The second paragraph contains separate issues around integrity of European sites, biodiversity net gain and ecological corridors. The policy would be clearer and concise if these were separated so that a decision maker can apply it consistently and with confidence when determining planning applications and meet basic condition (a). Some adjustment to the wording would achieve this.” The Parish Council has commented on this representation as follows: “Presumably this is referencing the first sentence of the second paragraph of Policy 5. Should the Examiner consider that this sentence is not required (as it is simply reinforcing the need to adhere to national policy on these

matters) or considers it could be more clearly worded, then HPC would not object to its deletion / amendment.”

128. Paragraph 180 of the Framework states planning policies should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan). Paragraph 180 of the Framework also states planning policies should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

129. The first sentence of the second paragraph of the policy should be deleted as it adds nothing to national policy and separation of the second and third sentences of that paragraph will improve clarity. The term “avoid harm to” in the final sentence of Policy 5 does not have sufficient regard for the more balanced approach of national policy. The term “the network of ecological sites in the parish” is imprecise and does not provide a basis for the determination of development proposals. BCP Council and the Parish Council agree with my recommended modification to achieve clarity in this respect. The Parish Council has suggested modification of the final sentence of the policy and of supporting text to have sufficient regard for changes to national policy in respect of biodiversity net gain that have occurred since the Neighbourhood Plan was prepared. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. Further modification of the policy is not necessary to meet the basic conditions. I refer to proposed changes to supporting text paragraphs 3.5.8 and 3.5.9 in the Annex to my report.

130. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Policy ME1. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

131. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 7: In Policy 5**

- delete the first sentence of the second paragraph
- replace the final sentence of the second paragraph with a separate third paragraph stating “Any development that is expected to include a biodiversity gain through on-site or off-site measures should where practical seek to strengthen the network of ecological sites identified on Map 4 on page 18 of the Neighbourhood Plan, through the provision of wildlife corridors and habitat enhancement.”

## **Policy 6: Supporting Community Facilities and Local Services**

132. This policy seeks to establish support for provision or improvement of community facilities, and guards against unnecessary loss of identified facilities.

133. BCP Council state “While it is useful to identify important community facilities there are already adopted policies to protect community facilities and open spaces in the Christchurch Core Strategy and the policy should be assessed to determine whether it is in general conformity with the following strategic policies:

- Core Strategy Policy LN7 Community Facilities and Services states- The loss of existing community facilities and services will be resisted unless it is clearly demonstrated there is insufficient demand and it is not feasible and viable to support their continued existence and the loss would not result in a substantial decline in the range and quality of facilities and services for local people. ➤
- Policy PC5 Shops and Community Facilities in Local Centres and Villages states - The loss of existing retail premises, leisure and other local facilities will be resisted unless it is clearly demonstrated there is insufficient demand and it is not feasible and viable to support their continued existence and the loss would not result in a substantial decline in the range and quality of services for local people.
- Policy HE4 Existing open spaces and leisure facilities identified on the Proposals Map will be protected and their loss will not be permitted unless their whole or partial redevelopment would result in greater benefits to the community than retaining that facility. On such occasions the replacement must be provided in close proximity, unless it can be shown that the open space, sport or recreational facility was not required.
- Policy PC4 The Rural Economy which allows for proposals that support the vitality and viability of rural service centres and villages and existing facilities.

Clarification: The third bullet point of the policy refers to applicant being expected to provide evidence of genuine engagement with the community and other potential service providers for at least 12 months prior to making the application. Whilst we welcome proactive and effective engagement with the community at pre-application stages, this should be proportionate to the proposal being

assessed. Clarification: The fourth bullet point refers to extensive and continuous marketing for at least 12 months prior to making the application. The NPPF (para 44) is clear that LPAs should only request supporting information that is relevant, necessary, and material to the application in question. Therefore, we consider a blanket requirement for all applications to provide 12 months of engagement and 12 months of extensive marketing would be excessive and would fail basic condition (a). There is also no requirement for such an extensive marketing requirement in the Core Strategy (basic condition e).

134. The Parish Council has commented on the BCP Council representation as follows: “The point of the policy is to identify the important local, community facilities to be protected for the avoidance of doubt. HPC does consider the policy to be in general conformity with the policies referenced. With regard to the period of marketing, HPC note the emerging BCP Local Plan refers to ‘at least 6 months’ and would accept an amendment to this effect.”
135. A representation on behalf of the Malmsbury Estate supports the objective of the Neighbourhood Plan to protect and enhance local community facilities but states the requirements of Policy 6 are unnecessarily onerous and not justified. The representation proposes amended policy wording. The Parish Council state the proposed changes reduce the clarity and scope of the tests and would not be a beneficial change,
136. Paragraph 97 of the Framework states planning policies should “plan positively” for the provision of community facilities and other local services. Paragraph 97 of the Framework also states planning policies should “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.”
137. It is unnecessary and confusing for a policy to state “subject to complying with the other policies in this Neighbourhood Plan” as the Neighbourhood Plan should be read as a whole and all the policies apply throughout the Neighbourhood Area unless a lesser area is specified. The term “supported in principle” does not provide a basis for the determination of development proposals. The term “will be strongly resisted” conflicts with the more balanced approach set out in the second paragraph of the policy and does not have sufficient regard for paragraph 2 of the Framework which states planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Policy 4 relates to access to the countryside. It is inappropriate and confusing for Plan users for Policy 6 to also refer to those matters. There are statutory procedures for the stopping up or diversion of public rights of way which the Neighbourhood Plan is unable to

modify. The reference to “the business” in the fifth bullet point is inappropriate in respect of the range of services and facilities that the policy relates to, especially in respect of a play area. The requirement to meet an identified local need has not been sufficiently justified and the term “small-scale” is imprecise. Whilst the requirements of the second paragraph of the policy relating to engagement and marketing over a 12-month period, referred to in the seventh and eight bullet points of the policy, would assist in determining whether a proposed loss of valued services and facilities is unnecessary they have not been sufficiently justified. The fifth bullet point refers to management matters that are beyond the scope of land use policy. The second paragraph of the policy unnecessarily duplicates policies that apply to the area, in particular Policies LN7, PC5 and HE4 referred to by BCP Council, contrary to paragraph 16 of the Framework. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

138. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Policies LN7, PC5 and HE4. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
139. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 8:  
In Policy 6**

- **in the first paragraph replace the text before the colon with “Development proposals to improve the following community facilities will be supported”**
- **in the first paragraph delete the fourth bullet point**
- **delete the second paragraph including the bullet points**
- **in the final paragraph replace “meet an identified local need, be small-scale and” with “be”**



## **Policy 7: Creating Safer Roads and Pedestrian / Cycle Routes**

140. This policy seeks to establish that developer contributions may be sought, where reasonable and necessary, to address road safety measures, including identified road crossing points which will be supported when their design is appropriate to the rural character of the area.
141. BCP Council state “We previously advised that policy 7 would work well with policy 4 where it refers to rural lanes, character/safety aspects (i.e. the first two paras) and the suggestion was that one comprehensive policy on rural character/lanes/crossing places would be stronger and clearer in terms of its aim, with the car parking element being dealt with separately in policy 4. If amended accordingly, both policies would be clearer, more precise as they are considered to be distinctly separate issues in terms of their purpose. This would enable decision makers to apply them consistently and with confidence. The NPPF (para 16) and PPG (para 41) are clear that planning policies should be drafted with sufficient clarity for decision makers to apply them. We consider that adjustments should be made to the wording of each policy title and text to meet basic condition (a).” The Parish Council has commented it sees “no need to combine the two policies (which would also require substantial further amendments to the supporting text).”
142. I am satisfied the requirements set out in Policy 7 have sufficient regard for paragraph 57 of the Framework which sets out the tests for planning obligations. Paragraph 34 of the Framework states plans should set out the contributions expected from development for measures including transport infrastructure. Paragraph 110 of the Framework states planning policies should provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking. The vehicle crossing points identified on Map 5 would enhance the road safety of walking routes. I have recommended a modification to clarify the policy relates to locally determined expenditure arising from development as well as planning obligations. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
143. BCP Council has also suggested several additions to extend the scope of Policy 7. Whilst I would have no objection to those additions, I am unable to recommend a modification in those respects as they are not necessary to meet the Basic Conditions.

144. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Policies KS9 and KS11. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
145. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 9:**

**Replace Policy 7 with "Measures to improve road safety, including the crossing points identified on Map 5 of the Neighbourhood Plan, will be supported where they are designed in a manner appropriate to the rural character of the area, and will be a priority for locally determined expenditure arising from developments. Developer contributions may be sought for these purposes where they are necessary, reasonable, and directly related to the proposal."**

## **Conclusion and Referendum**

I have recommended 9 modifications to the Submission Version Plan. I recommend an additional modification in the Annex to my report. The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them. I am satisfied that the Neighbourhood Plan is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Parish and Country Planning Act 1990, and meets the Basic Conditions:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;

- the making of the neighbourhood 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);
- does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

**I recommend to BCP Council that the Hurn Neighbourhood Development Plan for the plan period (as recommended to be modified) up to 2028 should, subject to the other modifications I have put forward, be submitted to referendum.**

I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension. I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area.” I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

**I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by the then Christchurch Borough Council as a Neighbourhood Area in February 2019.**

## **Annex: Minor Modifications and Corrections to the Neighbourhood Plan**

I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. I must not consider other matters (Planning and Compulsory Purchase Act 2004 Schedule A2 11 (3)). If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. **I recommend supporting text must be adjusted to achieve consistency with the modified policies.**

Considering the Regulation 16 representations and the comments of the Parish Council on those representations, **I recommend the following modifications** so

that the Neighbourhood Plan has sufficient regard for national policy and guidance in accordance with paragraph 16 of the Framework, or to make minor corrections:

- Paragraph 1.2.2 replace “BCP Local Plan will be used to determine” with “other parts of the current Development Plan will be carefully considered in the determination of” and delete the second sentence.
- Paragraph 3.1.3 replace “any more noise, light and disturbance should be accepted” with “issues of noise, light and disturbance will not be material considerations in the determination of any future development proposals”
- Paragraph 4.2.4 update references to planning applications at the Aviation Park West
- Paragraph 6.1.1 replace “Yellow Buses” with “Morebus”

A representation on behalf of the Malmsbury Estate states the commentary on strategic sites in paragraphs 4.1 to 4.2.7 of the Neighbourhood Plan is prejudicial to the emerging Local Plan. BCP Council state paragraph 4.2.6 and 4.2.7 “include commentary on the lack of support for the sites promoted to use for leisure in the Green Belt in the Hurn area, whilst we have sympathy with the Parish Council that local residents do not support the proposals, the neighbourhood plan should not be seeking to actively influence the outcome of these proposals via neighbourhood plan policies. It is premature of the neighbourhood plan to include sites that were initially promoted at previous stages of the BCP Local Plan, and these should be removed. At that time, we had not assessed the suitability and deliverability of the promoted sites as part of the local plan process.” I have earlier in my report referred to a representation on behalf of Libra Land suggesting additional text is included with respect to Hurnwood Park, Avon Causeway. The Parish Council states Table 2 is factually correct and does not endorse or otherwise judge the leisure uses but suggest it should be made clear the interests listed were recorded in 2019. Whilst I consider modification of paragraphs 4.1 to 4.2.5 is not necessary to meet the Basic Conditions, I agree with the representation of BCP Council. **I recommend that paragraphs 4.2.6 and 4.2.7, and Table 2 between them, are deleted** as they cause confusion as to the purpose of the Neighbourhood Plan.

The Parish Council suggests the paragraphs 3.5.8 and 3.5.9 of the Neighbourhood Plan should be updated to have sufficient regard for changes to national policy relating to biodiversity net gain as follows: “3.5.8 The Environment Act (2021) introduced biodiversity net gain for all but the most minor applications [footnote 1] as a statutory requirement. This came into force in full in April 2024. As a result, most planning applications will include a standard condition to achieve a minimum 10% increase in overall biodiversity value. This is based on a calculation of the biodiversity value of the site prior to its development (and applicants will need to provide a surveyed plan showing the on-site habitats), checks that the site’s value has not been degraded prior to the application, and a calculation of the existing

biodiversity value of the site using the biodiversity metric tools available on the Government website [footnote 2]. It is recommended that applicants use a professional ecologist for this aspect of their application, and consider to what extent they are able to achieve the BNG as part of the site's layout (to avoid the need for off-site measures). Further information requirements may be set by BCP Council, who may still require a preliminary ecological assessment where biodiversity features existing within or close to the site (in accordance with their published guidance).

Footnote 1: see <https://www.gov.uk/guidance/biodiversity-net-gain> for further information on exemptions, which include householder developments, self-build / custom build developments, and development that does not impact on a priority habitat and impacts less than 25m<sup>2</sup> of onsite habitat, or 5 metres of linear habitats such as hedgerows.

Footnote 2: <https://www.gov.uk/guidance/biodiversity-metric-calculate-the-biodiversity-net-gain-of-a-project-or-development>."

3.5.9 Where a BNG is required, a Biodiversity Gain Plan must be submitted and approved prior to the commencement of development. Should off-site gains be required either through the BNG or in relation to the broader requirements for biodiversity enhancements in the Local Plan, this Plan encourages applicants to consider projects that will reinforce and enhance the existing wildlife habitats within the parish."

**I recommend these modifications are made** so that the Neighbourhood Plan has sufficient regard for national policy and guidance being "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.

**Recommended modification 10:**

**Modify policy explanation sections, general text, figures, and images, and supporting documents to achieve consistency with the modified policies; to avoid confusion and achieve clarity; and to achieve updates and correct identified errors, so that the Neighbourhood Plan meets the basic conditions**

BCP Council has suggested modifications to paragraphs 3.4.2; 3.4.4; 3.5.7; 4.2.1; 4.3.3 and 6.1.2 and to Section 4 (in respect of strategic assessment of housing and employment needs) and to Section 6 (in respect to improved bus services) and to Map 5 and accompanying text (in respect to active travel routes) of the Neighbourhood Plan. Whilst I would have no objection to those modifications, I am unable to recommend a modification in those respects as they are not necessary to meet the Basic Conditions.

The representation of an individual states “the use of the phrase ‘Hurn Court Farm Quarry’ is misleading. This is agricultural land upon which quarrying is being carried out and then returned to agricultural land. The term used in the text implies that the quarry is a permanent fixture which it is not.” Whilst the Parish Council has stated it agrees to an amendment to simply refer to Hurn Court farm I am satisfied the current description serves the purpose of identification of the land and that no modification is necessary to meet the Basic Conditions.

Chris Collison  
Planning and Management Ltd  
[collisonchris@aol.com](mailto:collisonchris@aol.com)  
9 August 2024  
REPORT END