

Report to	Planning Committee
Date	12 December 2024
By	Director of Planning (Interim)
Title of Report	Making of the Bramshott & Liphook Neighbourhood Development Plan.
Purpose of Report	To make the Bramshott & Liphook Neighbourhood Development Plan part of the Development Plan for the South Downs National Park.

Note

The Planning Committee is recommended to:

- 1) Note the outcome of the Bramshott & Liphook Neighbourhood Development Plan (NDP) Referendum; and**
 - 2) Agree to make the Bramshott & Liphook Neighbourhood Development Plan (NDP) part of the Development Plan for that part of the Parish within the South Downs National Park (SDNP).**
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Executive Summary

The South Downs National Park Authority has set out a commitment in its Partnership Management Plan to support the development of high-quality, community-led plans – including Neighbourhood Development Plans (NDPs) - which enhance the towns, villages, and landscapes of the National Park.

Bramshott & Liphook Parish Council (as the qualifying body) has prepared the Bramshott & Liphook NDP and East Hampshire District Council has acted as the lead planning authority. The NDP does not contain any development allocations, but instead contains 21 thematic policies which have been subject to two statutory public consultations. An Independent Examiner concluded in July 2024 that the NDP (subject to their modifications) is legally compliant and in general conformity with the strategic policies in the Development Plan. The Examiner’s modifications have been made and the modified NDP was subject to a referendum in October 2024, with 87% of the turnout voting “yes”. The Bramshott & Liphook NDP is now part of the Development Plan. However, the local planning authorities still have a statutory duty to “make” the NDP within 8 weeks of a successful referendum, unless the “making” of the NDP would breach, or otherwise be incompatible with, any European Union obligations and any of the Convention Rights (within the meaning of the Human Rights Act 1988). Please note, no subsequent information has arisen to suggest a breach or incompatibility.

I. Introduction

- I.1** The South Downs National Park Authority has set out a commitment in its Partnership Management Plan (Outcome 9.2 and Policy 34) to support the development of high-quality community-led plans and initiatives which enhance the towns, villages, and landscapes of the

South Downs National Park. This includes Neighbourhood Development Plans (NDPs), and the subject of this report is the making of the Bramshott & Liphook NDP.

- 1.2 The parish of Bramshott & Liphook is wholly within the district of East Hampshire, with a proportion of its south-western and western areas within the South Downs National Park. The local planning authorities for the areas inside and outside of the National Park are the South Downs National Park Authority and East Hampshire District Council, respectively. As per the Memorandum of Understanding between the two authorities, the authority with the main settlement (or most of the population) within their local planning authority area will be the lead authority for the NDP. In this instance, the district council is the lead authority as the main settlement of Liphook is within its local planning authority area.
- 1.3 The Bramshott & Liphook Parish Council is the “qualifying body” with the responsibility for preparing the Bramshott & Liphook NDP as per the process / requirements set out in the Neighbourhood Planning (General) Regulations 2012 (as amended). The Neighbourhood Area (Appendix 1) is coterminous with the parish boundary and was designated by the National Park Authority and district council on 20 and 23 October 2015, respectively.
- 1.4 The Bramshott & Liphook NDP was subject to public consultation between 28 July and 22 September 2023 (Regulation 14), and between 11 March and 23 April 2024 (Regulation 16), as per the Neighbourhood Planning (General) Regulation 2012 (as amended). The NDP was then examined by Mr Andrew Ashcroft as Independent Examiner. The Examiner’s Final Report was received in July 2024 and the district council agreed to all the Examiner’s modifications in August 2024 (see Background Documents). The NDP (Appendix 2) was subject to a community referendum on 23 October 2024, with 87% of the turnout voting “yes”.
- 1.5 The Bramshott & Liphook NDP (Appendix 2) is now part of the Development Plan. The local planning authorities are required to take a decision to formally “make” the NDP within 8-weeks of a successful referendum, unless to do so would breach, or would otherwise be incompatible with, any European Union obligation or any of the Conventions Rights (within the meaning of the Human Rights Act 1998).

2. Bramshott & Liphook Neighbourhood Development Plan 2020 to 2040

- 2.1 The Bramshott & Liphook NDP has not previously been presented to the South Downs Planning Committee. Instead, all Authority input into the preparation of the NDP has been through officer delegation, and Members have been updated through their biannual updates - most recently 11 April and 10 October 2024. This section of the report endeavours to provide a relevant summary for Authority Members.
- 2.2 The parish is both geographically, and in population, one of the largest rural parishes in the district of East Hampshire. It comprises the principal settlement of Liphook and the seven smaller settlements of Bramshott, Passfield / Passfield Common, Conford, Griggs Green, Hammer Vale, Hewshott and Bramshott Chase, all of which are outside the National Park. The parish also includes several smaller or more scattered areas of settlement both inside and outside the National Park.
- 2.3 The Development Plan comprises the Hampshire Minerals & Waste Plan for the whole parish, and the South Downs Local Plan and the East Hampshire Joint Core Strategy for the parts of the parish inside and outside the National Park, respectively. The Bramshott & Liphook NDP has used relevant research and up-to-date information to set out a vision for the community, along with **21 thematic planning policies** to add value and a local dimension to policies in the Development Plan. These policies address a range of matters, with a focus on safeguarding the built and natural environment (both inside and outside the National Park), consolidating the role of the village centre (outside the National Park), and designating local green spaces (outside the National Park). For the avoidance of doubt, the NDP does not propose any new development allocations.

2.4 The Examiner concluded that the NDP delivers a local dimension to, and supplements the detail already included in, the Development Plan. Moreover, the Examiner concluded that the NDP, subject to their modifications, is legally compliant and in general conformity with the strategic policies in the Development Plan and is distinctive and proportionate to the designated Neighbourhood Area. The Examiner’s modifications mostly relate to matters of clarity and precision. The thematic policies and modifications likely to be of particular interest to Authority Members are set out below:

- The parish council, through the Examiner, agreed to Authority Officers’ suggested additional references to policies in the South Downs Local Plan.
- **Policy BL1** is effectively a “holding policy” whilst the emerging East Hampshire and South Downs Local Plans are prepared, but otherwise supports development which is within the settlement boundary, and which makes use of previously developed land.
- **Policy BL3** encourages proposals to have a landscape-led approach and demonstrate a high-quality of design which avoids or minimises any adverse impacts on the National Park and its setting, and to demonstrate how it has sought to address the guidance contained in, amongst other documents, the South Downs Design Guide. The Examiner’s modifications included amendments to Criterion A so that its structure is clearer and accommodates Authority Officers’ comments at Regulation 16 consultation.
- **Policy BL4** supports measures and standards to adapt to, and mitigate, the impacts of predicted climate change, **Policy BL12** encourages publicly available electric vehicle (EV) charging points, and **Policy BL5** encourages proposals to improve connectivity between wildlife areas and green spaces and prioritise offsite biodiversity net gain (BNG) units within the parish.
- **Policy BL6** encourages proposals to be informed by, and where possible seek to deliver the aims of, the South Downs Landscape Character Assessment 2020. The Examiner’s modifications for this policy broadly followed the advice from Authority Officers’ comments at Regulation 16 consultation.
- **Policy BL8** identifies locally significant views across the National Park from Station Road to Weavers Down, and from the bottom of the Weavers Down entrance area and across the fields of Foley Manor.
- **Policy BL9** aims to ensure that development does not encroach on the dark night skies. Authority Officers raised concerns at Regulation 16 consultation and the Examiner acknowledged that the policy may detract from the strategic nature of Policy SD8 in the South Downs Local Plan. In resolving the matter, the Examiner’s modifications to Paragraph 5.44 explain that the policy only applies to the area outside of the National Park, leaving Policy SD8 for use in the National Park area.
- **Policy BL21** recognises the parish as a gateway to the National Park and acknowledges the character and nature of the parish and its relationship with the National Park in relation to sustainable rural tourism.

3. Referendum & Result

3.1 The Bramshott & Liphook NDP was amended as per the Examiner’s modifications (see Appendix 2 for Referendum Version) and was subject to a community referendum on 23 October 2024. The question asked at the referendum was: *Do you want East Hampshire District Council and the South Downs National Park Authority to use the Neighbourhood Plan for Bramshott & Liphook to help it decide planning applications in the neighbourhood area?*

3.2 The turnout was 14.7% with 87% (994 votes) voting “yes” and 13% (145 votes) voting “no”.

4. Making the Bramshott & Liphook Neighbourhood Development Plan 2020-2040

4.1 The enactment of the Neighbourhood Planning Act 2017 means that an NDP automatically becomes part of the Development Plan following a successful referendum. However, the local planning authorities still have a statutory duty to “make” an NDP within 8-weeks of a

referendum, if more than half of the turnout has voted “yes”. The local planning authorities are not subject to this duty if (and only if) the making of an NDP would breach, or otherwise be incompatible with, any European Union obligations or any of the Convention Rights (within the meaning of the Human Rights Act 1998).

4.2 The Examiner concluded in their final report in July 2024 (see Background Documents) that the Bramshott & Liphook NDP (with their modifications as per Appendix 2) is legally compliant and meets the basic conditions for an NDP. The basic conditions are set out in Paragraph 8(2) of Schedule 4B of the Town and County Planning Act 1990. The Examiner confirmed in their final report that they were satisfied that the NDP had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. Moreover, the Examiner concluded that the NDP does not breach, nor is in any way incompatible with, the ECHR. Please note, no subsequent information has arisen since July 2024 to suggest that the making of the Bramshott & Liphook NDP (Appendix 2) would not meet the basic conditions or be in breach of, or incompatible with, legislation.

4.3 The Bramshott & Liphook NDP (Appendix 2) is now part of the Development Plan for the part of the Parish within the South Downs National Park, alongside the Hampshire Minerals & Waste Plan and the South Downs Local Plan. Please note, East Hampshire District Council “made” the NDP on 28 November 2024 for the part of the Parish outside of the National Park.

5. Next Steps

5.1 The Neighbourhood Planning (General) Regulations 2012 (as amended) require local planning authorities to publish a statement setting out their decision to “make” an NDP and the reasons for making that decision. This statement should be published as soon as practical after the decision is taken to “make” an NDP. This report forms the South Downs National Park Authority’s Regulation 19 “Decision Statement” for the Bramshott & Liphook NDP.

5.2 Following the “making” of the Bramshott & Liphook NDP (Appendix 2), copies of the NDP will be made available to the Development Management Teams at the South Downs National Park Authority and East Hampshire District Council, and the Policies Map will be entered onto the relevant electronic mapping system(s).

6. Other Implications

6.1 There are not considered to be any other implications associated with this report or proposed decision – see **Table I** below.

Implication	Yes*/No
Will further decisions be required by another committee / full authority?	No.
Does the proposal raise any Resource implications?	No. As East Hampshire District Council is the lead authority for the Bramshott & Liphook NDP, the National Park Authority has not incurred any direct costs, other than officer time.

Implication	Yes*/No
How does the proposal represent Value for Money?	The National Park Authority seeks to achieve best value in all the work it undertakes on community planning across the National Park. Working in partnership with parish and district councils is an effective way to share costs and reduce the burden on plan-making. In this instance, as East Hampshire District Council is the lead authority for the Bramshott & Liphook NDP, the National Park Authority has not incurred any direct costs, other than officer time. In terms of Community Infrastructure Levy (CIL), a parish council is entitled to 25% of CIL – as opposed to the capped 15% - collected from development within the designated Neighbourhood Area once an NDP is “made”. The parish council can choose how it wishes to spend these funds on a wide range of matters which support development in the Neighbourhood Area.
Which Partnership Management Plan (PMP) Outcomes / Corporate Plan Objectives does this deliver against?	PMP Outcome 9.2 and Policy 34. In addition, an NDP has the potential to contribute to the three corporate plan objectives in relation to climate change, nature recovery, and a National Park for all.
Links to other projects or partner organisations?	The Bramshott & Liphook NDP will form part of the Development Plan for the parish. In doing so, it will form part of the Development Plan for both the South Downs National Park and East Hampshire District Council for the parts of the parish inside and outside of the National Park, respectively.
How does this decision contribute to the Authority’s climate change objectives	The Bramshott & Liphook NDP includes Policy BL4 in relation to climate change and design.
Are there any Social Value implications arising from the proposal?	The requirements of the Public Services (Social Value) Act 2012 is considered for appropriate expenditure and programmes undertaken by the Authority.
Have you taken regard of the South Downs National Park Authority’s equality duty as contained within the Equality Act 2010?	Yes. The parish council – as the “qualifying body” - prepared a Consultation Statement to support the Submission version of the Bramshott & Liphook NDP – see Background Documents. This set out how all sections of the local community (people who live, work, or carry out business in the Neighbourhood Area) have been engaged in the NDP’s preparation.
Are there any Human Rights implications arising from the proposal?	No.
Are there any Crime & Disorder implications arising from the proposal?	No.
Are there any Health & Safety implications arising from the proposal?	No.

Implication	Yes*/No
Are there any Data Protection implications?	No.

Table 1: The implications associated with the “making” of the Bramshott & Liphook NDP.

7. Risks

7.1 The risks associated with this report or proposed decision are set out in **Table 2** below.

Risk	Likelihood	Impact	Mitigation
A legal challenge to a Neighbourhood Development Plan (NDP) can be launched by way of Judicial Review (JR) within six weeks of the local planning authority publishing a decision to “make” an NDP.	Low	Medium	National Park Authority Officers are satisfied that the Bramshott & Liphook NDP meets the legal requirements. Given that it has been through the correct statutory process - including Examination and Referendum - the Authority is obliged to “make” the NDP, unless making the NDP would breach, or would otherwise be incompatible with, any European Union obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).

Table 2: The risks associated with the “making” of the Bramshott & Liphook NDP.

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Appendices:

Appendix 1 – Bramshott & Liphook Neighbourhood Area [designated 20 October 2015].

Appendix 2 – Bramshott & Liphook Neighbourhood Development Plan (Referendum Version) [dated September 2024].

SDNPA Consultees:

Chief Finance Officer; Monitoring Officer; Legal Services; and Director of Planning (Interim).

External Consultees:

None.

Background Documents: [Bramshott & Liphook Neighbourhood Development Plan \(NDP\) SDNPA Webpage.](#)

This includes:

- NDP Appendix A - Design Guidance and Codes
- NDP Appendix B - Local Green Spaces
- Decision Statement - dated 07 August 2024.
- Examiner's Final Report - dated 02 July 2024.

[Bramshott & Liphook Neighbourhood Development Plan \(NDP\) EHDC Webpage.](#)

This includes:

- Referendum Information Statement.
- Referendum Information for Voters.
- Examination Arrangements.
- Examiner Clarification Note and district and Parish Councils responses.
- Summary of Regulation 16 consultation representations.
- Evidence base documents, including Basic Conditions Statement, Consultation Statement (and Appendix), SEA/HRA Screening Assessment, and SEA/HRA Scoping Report.

