

CHARLTON NEIGHBOURHOOD PLAN 2019-2029

SUBMISSION VERSION Jan 2020

A Report to Test Valley Borough Council of the Examination into the Charlton Neighbourhood Plan

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Summary and Overall Recommendation

0.1 Following my examination of the Charlton Neighbourhood Plan (CNP), including a site visit to the Neighbourhood Area on 5 June 2020, it is my view that, subject to modifications, the CNP reflects the views of the community and sets out a clear vision and suite of policies and proposals for the neighbourhood area.

0.2 A particular issue arose during the examination regarding possible significant environmental effects as a result of the proposed housing allocation in the plan. This only came to light at the Regulation 16 stage and necessitated carrying out both Strategic Environmental Assessment and Habitats Regulations Assessment (Appropriate Assessment) at a later stage than would normally be the case and during the examination. This resulted in a change being recommended to the allocation policy (CNP2) that I have accepted to ensure that any development on the site could be implemented in a nutrient neutral way to avoid adverse environmental impacts on European sites in the Solent, and so that the plan could meet Basic Conditions (f and g).

0.3 My report also highlights a number of other areas where I consider the wording of the plan as submitted is not in accordance with one or more of the Basic Conditions. In particular, whilst I understand the community's view that Charlton is a village separate to Andover, the plan's proposal to create a separate settlement boundary for Charlton undermines the strategic policies of the Test Valley Borough Revised Local Plan (TVBRLP). I have recommended that this proposal is modified, although I have accepted that a revision to the settlement boundary should be made to include the allocated site within it.

0.4 Other recommended modifications to the plan more often arise from circumstances where the policy does not comply with the National Planning Policy Framework at paragraph 16 that:

“Plans should:

- *include policies that are clearly written and unambiguous so it is evident how a decision maker should react to development proposals and*
- *serve a clear purpose avoiding unnecessary duplication of policies that apply to a particular area.”*

0.5 There are, therefore, a considerable number of recommended modifications to the plan, including the deletion of one policy (CNP19), that need to be made to ensure the plan policies meet these objectives and can proceed to referendum. These are intended to ensure that, first and foremost, the plan can meet the Basic Conditions.

0.6 In proposing the modifications, I have tried to ensure that the integrity and value of the CNP and its vision is retained and that the intention of neighbourhood planning, where the community's wishes should be central to the plan, is honoured.

0.7 By its nature, the examination has to be rigorous. Any criticism of the plan is not at all to undermine the significant community effort that has gone into the plan. Rather, the

purpose of the examination is to ensure that the neighbourhood plan meets the Basic Conditions and is as robust as possible and that it can play its part in planning decisions and managing change in Charlton in the future in an effective way.

0.8 In addition to the recommended modifications, it should also be noted that there may be a number of consequential changes, for example to referencing and numbering, that will be needed as a result of making the modifications. It will also be necessary to ensure all references to the plan-making procedure are up-to-date. I have not necessarily covered all such minor consequential changes, but it is important these are made in preparing the plan for the referendum stage.

0.9 Subject to the recommended modifications in the report being completed, I am satisfied that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood 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
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations, and
- prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

0.10 The CNP also complies with the legal requirements set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

0.11 With the modifications in place the CNP will meet the Basic Conditions and can proceed to a referendum.

0.12 When that referendum takes place, I also recommend that the Charlton Neighbourhood Area, which is synonymous with the administrative boundary of the parish, is taken as the area for the referendum.

Peter Biggers
10 February 2021
Argyle Planning Consultancy Ltd

1. Introduction

1.1 Background Context

1.1.1 This Report provides the findings of the examination into the Charlton Neighbourhood Plan (referred to as the CNP throughout this report).

1.1.2 The CNP was produced by Charlton Parish Council (CPC) in consultation with the local planning authority, Test Valley Borough Council (TVBC), and interested parties and local stakeholders.

1.1.3 The Charlton Neighbourhood Area equates to the administrative area of Charlton Parish.

1.1.4 Charlton lies in the northern Test Valley just to the north west of Andover and the village is approximately 1.5 miles from the centre of the town. The original form of Charlton was as a linear village extending north-south along Hatherden Road but since the 1960s it has seen considerable growth and development along with Andover. It is now almost contiguous with the town, separated only by the greenspace around Charlton Lakes and Charlie's Lake. Most of the parish's population of 1901 residents and c 850 dwellings at 2015 are concentrated in the village itself. The only other settlement is the small hamlet of Foxcotte just west of Charlton. The wider parish covering an area of 236 hectares is a rural area of farmland characterised by large arable fields. Shelter belt woodlands and mature hedgerows are a strong feature of the landscape.

1.1.5 This examiner's report provides a recommendation as to whether the CNP should go forward to a referendum. Were it to go to referendum and achieve more than 50% of votes cast in favour of it, then the CNP would be '**made**' by TVBC. In the event of a successful referendum result the CNP would immediately carry full weight in the determination of planning applications in the neighbourhood area.

1.2 Appointment of the Independent Examiner

1.2.1 I was appointed as a retained independent examiner by TVBC, with the consent of CPC, following a competitive procurement process, to conduct the examination and provide this report. My appointment was facilitated by the examination service provided by Trevor Roberts Associates and then (following TRA's closure) by Penny O'Shea Consulting. I am independent of the qualifying body and the local planning authority. I do not have any interest in any land that may be affected by the CNP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I have planning and development experience, gained over 39 years across the public and private planning sectors and am a Member of the Royal Town Planning Institute. I have been an independent examiner for 6 years.

1.3 Role of the Independent Examiner

1.3.1 It is the role of the independent examiner to consider whether a neighbourhood plan meets the “Basic Conditions.” The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (TCPA) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA). They are that *:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- d) The making of the neighbourhood plan contributes to the achievement of sustainable development;
- e) 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;
- f) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations;
- g) Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

** NB Two other matters relating to the desirability of preserving or enhancing listed buildings and conservation areas are also included in the Basic Conditions b) and c) but as these only concern neighbourhood development orders and not neighbourhood plans they are not included in this report.*

1.3.2 Pursuant to Basic Condition g) above, Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the *Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* effective from 28 December 2018) prescribes the following Basic Condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the TCPA 1990:

“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”.

Regulation 106 (1) of Chapter 8 states that : *“a qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 (that assessment is necessary where the neighbourhood plan is likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects) or to enable it to determine whether that assessment is required”.*

1.3.3 In examining the plan, I have also considered whether the legislative requirements are met namely:

- The neighbourhood plan has been prepared and submitted for examination by a qualifying body as defined in section 61F of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.

- The neighbourhood plan has been prepared for an area that has been designated under section 61G of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.
- The neighbourhood plan meets the requirements of Section 38B of the PCPA (the Plan must specify the period to which it has effect, must not include provisions relating to 'excluded development', and must not relate to more than one Neighbourhood Area) and
- The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the PCPA section 38A.

1.3.4 I have examined the CNP against the Basic Conditions and legislative requirements above and, as independent examiner, I must make one of the following recommendations:

- a) that the Plan should proceed to referendum, on the basis that it meets all legal requirements;
- b) that the Plan, once modified to meet all relevant legal requirements, should proceed to referendum;
- c) that the Plan does not proceed to referendum, on the basis that it does not meet the relevant legal requirements.

1.3.5 If recommending that the Plan should go forward to referendum, I am also then required to consider whether the Referendum Area should extend beyond the Charlton Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this Report in Section 8.

1.3.6 The role of the independent examiner is not to comment on whether the plan is sound or how the plan could be improved generally but rather to focus on the compliance with the Basic Conditions.

2. The Examination Process

2.1 It is a general rule that neighbourhood plan examinations should be held without a public hearing ie by written representations only. However, according to the legislation, when the examiner considers it necessary to ensure adequate examination of an issue, or to ensure a person has a fair chance to put a case, a public hearing may be held.

2.2 One of the representations received at the Regulation 16 publicity stages from Gladman Developments Ltd requested that a hearing be convened. However, having assessed the representations and the responses to my clarifying questions arising from these representations put to CPC and TVBC by email (see Appendix 1 below), including the request for and subsequent submission of an Appropriate Assessment (AA) and Strategic Environmental Assessment (SEA), and on consideration of all the evidence before me, I decided that there was not a need for a public hearing on any of the matters. The examination has therefore proceeded by written representations only. I am grateful to the two Councils for responding to the clarifying questions and carrying out and submitting

the AA and SEA for further consultation. In the interests of a fair and open examination, the questions and responses and AA and SEA have all been uploaded to TVBC's neighbourhood plan webpages.

2.3 I confirm that **all** representations on the Neighbourhood Plan received at the Regulation 16 stages have been considered and responded to in undertaking this examination. Where appropriate, I have made specific reference to the person's or organisation's comments in Section 6 of this report.

2.4 I undertook an unaccompanied site visit around the Neighbourhood Area on 5 June 2020 during which I looked at its overall nature, form, character and appearance, and at those areas affected by policies and proposals in the plan.

2.5 In undertaking this examination, I have considered each of the following documents in addition to the Submission Version of the CNP:

- National Planning Policy Framework (Feb 2019)
- National Planning Practice Guidance 2014 (as amended)
- Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning Act 2017
- The Neighbourhood Planning (General) Regulations (2012) (as amended)
- The Environmental Assessment of Plans and Programmes Regulations 2004
- The Test Valley Borough Revised Local Plan 2016
- Charlton Neighbourhood Plan Basic Conditions Statement Dec 2019
- Charlton Neighbourhood Plan Consultation Statement Jan 2020
- Charlton Neighbourhood Plan Strategic Environmental Assessment Screening Opinion and Determination Statement Oct 2019
- Charlton Neighbourhood Plan Strategic Environmental Assessment Screening Opinion and Determination Statement Addendum June 2020
- Charlton Neighbourhood Plan Appropriate Assessment - LUC 2020
- Charlton Neighbourhood Plan Strategic Environmental Assessment - AECOM 2020
- Charlton Neighbourhood Area Designation Report
- Charlton Parish Character Appraisal - Bluestone Planning Aug 2019
- Charlton Parish Viewpoints Assessment Aug 2019
- Charlton Neighbourhood Plan Local Green Spaces Assessment June 2019
- Charlton Housing Needs Assessment - AECOM July 2019
- Charlton Neighbourhood Plan Evidence Base Review - Bluestone Planning April 2019
- Representations received during the Regulation 16 publicity period post submission 06/02/20 to 20/3/20.
- Representations received during the second Regulation 16 publicity period post submission incorporating SEA and AA 17/11/20 to 04/01/21.
- Response to Examiner's Questions – See Appendix 1 to this report

3. Public Consultation

3.1 Background

3.1.1 An accessible and comprehensive approach to public consultation is the best way to ensure that a neighbourhood plan reflects the needs, views and priorities of the local community.

3.1.2 CPC submitted a Consultation Statement, as required by Regulation 15 of the Neighbourhood Planning (General) Regulations, to TVBC in January 2020.

3.1.3 Public consultation on the CNP commenced with an inception stage in 2014. The start-up consultation was followed by various consultation stages, including:

- Survey stages, consultation on vision and objectives and on an early draft plan 2015 to 2019.
- The pre-submission consultation under Regulation 14 from 2/9/19 to 14/10/19.
- The formal, publicity stage, as required by Regulation 16, (the consultation period post submission of the plan) initially took place from 06/02/20 to 20/3/20. (This initial Regulation 16 stage resulted in consultation responses from eight respondents. Some of these made no specific comments but a number, including the Borough Council, raised detailed matters which will be addressed as part of the examination in section 6 below).
- A second Regulation 16 stage was carried out between 17/11/20 and 04/01/21 following submission of the Appropriate Assessment and SEA (carried out in response to representations made during the first Regulation 16 stage) when both the CNP and the two assessments were published for comment. (This second Regulation 16 consultation resulted in representations from three respondents and, following an examiner's question, subsequent clarifications from the three statutory consultees, TVBC and AECOM on behalf of CPC.)

3.2 Charlton Neighbourhood Plan Consultation

3.2.1 The CNP Neighbourhood Planning Steering Group has carried out consultation with the community and stakeholders throughout the process of plan preparation. The communication methods involved use of the CPC neighbourhood planning webpages, flyer drops, newsletters, notices, social media and email drops, as well as a presence at community events such as summer fetes and public meetings and questionnaires. Copies of the Pre-Submission Draft and Submission Draft Plan were uploaded to the website and links provided via email as well as being available locally in hard copy.

3.2.2 The decision to proceed with a neighbourhood plan was taken in late 2014 at a public meeting. The steering group was set up in early 2015 and a scoping survey and targeted surveys in the community carried out in autumn 2015. The key concerns arising from this survey stage were used to develop a vision and objectives and consulted on in February 2016. After a period of dormancy, a residents' forum was formed in early 2018 and in September a further public meeting reviewed issues and options. In January 2019 and during the spring, business and housing surveys were carried out and a preliminary

draft CNP consulted on.

3.2.3 The Consultation Statement sets out the form and content of these early consultations. It is clear that full opportunities were available to the community to be involved and that the consultations gave a good basis for the preparation of the plan.

3.2.4 The Pre-Submission Draft consultation on the plan, as required by Regulation 14, involved a 6-week period from 2/9/19 to 14/10/19. The CNP was made available online on the Charlton Neighbourhood Plan webpage and links to the plan provided via email. Hard copies of the full plan and summary versions were made available in the local area, and articles were published in the local press. Statutory consultees and other key stakeholders were consulted by email with a link to the plan or by letter. 22 responses were received including 18 from residents and four from statutory consultees.

3.2.5 Following the pre-submission stage and the analysis of results, the plan was finalised for submission.

3.2.6 The Neighbourhood Planning Regulations are part and parcel of Basic Condition a) and Regulation 15 (2) sets out clearly what the Consultation Statement should include. Having reviewed the Consultation Statement and its appendices, I am satisfied that the Consultation Statement is compliant with Regulation 15 in demonstrating who was consulted, how they were consulted, what the main issues and concerns were, and what action has been taken in response to these to arrive at the Submission Draft Plan. The interest and participation by residents in the plan have been facilitated throughout the process at the various stages and I am satisfied from the evidence that the communication and consultation which took place provided sufficient opportunity for the community's participation.

4. Preparation of the Plan and Legislative Requirements

In terms of the procedural tests set out in paragraph 1.3.3 of this report my findings are:

4.1 Qualifying Body

4.1.1 CPC, as the duly elected lower tier council, is the qualifying body for preparation of the plan.

4.1.2 One of the Regulation 16 representations has challenged the fact that there appeared to be no record of the Parish Council formally agreeing for the plan to be submitted to the Borough Council. As it is important that the plan is officially signed off by the qualifying body, particularly at the submission stage, I requested that CPC provide the minute adopting the plan for submission. This has been provided (see Appendix 1) and, although the minute postdates the actual submission, it confirms that the Parish Council has formally adopted the CNP for submission.

4.1.3 I am satisfied that the requirements set out in the Localism Act (2011) and in

section 61F(1) and (2) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) have been met.

4.2 Plan Area

4.2.1 The Charlton Neighbourhood Area, as designated, coincides with the administrative boundaries of Charlton Parish.

4.2.2 An application was made by CPC in March 2014 to designate the Charlton Neighbourhood Area. This was approved by TVBC on 8 August 2014 following a period of consultation. Subsequently, a review of parish boundaries in May 2019 resulted in a minor amendment to the neighbourhood area and the designated area was formally amended on 3 February 2020.

4.2.3 This satisfied the requirement in line with the purposes of preparing a neighbourhood development plan under section 61G (1) (2) and (3) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) and Regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations as amended.

4.3 Plan Period

4.3.1 A neighbourhood plan must specify the period during which it is to have effect. The CNP clearly states in the text and on the title page that it covers 2019-2029.

4.3.2 The plan period coincides with the end point of the Test Valley Borough Revised Local Plan (TVBRLP) which sets out the strategic policies for the neighbourhood plan. The intended time period satisfies the requirements of Section 38B of the PCPA as amended. However, in view of the short period remaining to 2029 and, as referenced in Appendix 4 of the plan, it is likely that a review will be necessary within a relatively short timescale, particularly to reflect what are likely to be changing circumstances following adoption of the emerging Local Plan.

4.4 Excluded Development

4.4.1 The Plan does not include policies or proposals that relate to any of the categories of excluded development - county matters (mineral extraction and waste development), nationally significant infrastructure, or any matters set out in Section 61K of the TCPA 1990. The CNP, as proposed to be modified in section 6 below, relates solely to the neighbourhood area and no other neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area. This satisfies requirements of Section 38B of the PCPA as amended.

4.5 Development and Use of Land

4.5.1 The neighbourhood plan should only contain policies relating to development and

use of land. The plan refers to some community aspirations which the Parish wish to see implemented in tandem with the neighbourhood plan but, in line with established practice, these are set out in an appendix to the plan (Appendix 2) and it is made clear they are not part of the plan. The CNP policies would be compliant with this requirement of Section 38B of the PCPA as amended and all relate to development and the use of land.

4.6 Plan Publication Following Submission

4.6.1 TVBC undertook a final validation check of the CNP following submission and confirmed that it was satisfied that the plan could proceed to this independent examination.

5. The Basic Conditions

5.1 National Policy and Advice

5.1.1 The main document that sets out national policy is the *National Planning Policy Framework* (the NPPF). A revised version of the NPPF was published on 24 July 2018, with a further version including minor clarifications in February 2019. I have based my consideration of the extent to which the CNP meets Basic Condition a) in section 6 below against the revised NPPF including the 2019 clarifications.

5.1.2 The NPPF explains that neighbourhood plans should support the delivery of strategic policies and set out non-strategic policies and plan positively to shape, direct and help to deliver sustainable development that is outside the strategic elements of the Local Plan.

5.1.3 The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words, neighbourhood plans must be in general conformity with the strategic policies of the development plan. They should not promote less development than that set out in the strategic policies of the development plan or undermine those strategic policies.

5.1.4 The NPPF indicates that plans should contain policies that are clearly written and unambiguous so that it is clear how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area.

5.1.5 National advice on planning is set out in the *Planning Practice Guidance* (PPG), which includes specific advice regarding neighbourhood plans, and I have considered the advice of the PPG as at the time of submission.

5.2 Sustainable Development

5.2.1 A qualifying body must demonstrate how a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole

constitutes the Government's view of what sustainable development means in practice for planning. The NPPF explains that there are three overarching objectives to sustainable development: economic, social and environmental.

5.2.2 There is no legal requirement for a formal Sustainability Appraisal (SA) to be carried out in respect of neighbourhood plans. However, a SA is an established method of demonstrating how a neighbourhood plan will contribute to achieving sustainable development.

5.2.3 In this case, CPC has included in the Basic Conditions Statement a commentary on how the plan meets the three main sustainability objectives in the NPPF. It has also scored the policies in terms of whether they will have positive, neutral or negative impacts on the three objectives. Although this has not been done against a suite of sustainability objectives (reflecting the environmental, social and economic dimensions of sustainability), which would have been the more usual procedure, there is sufficient detail to support the Parish's position that the plan will contribute to the achievement of sustainable development. Moreover, the carrying out, albeit at a late stage during the examination, of a Strategic Environmental Assessment and Appropriate Assessment confirms that in terms of the environmental dimension of sustainability the plan will have broadly positive or neutral effects.

5.2.4 I consider the contribution of specific policies to sustainable development below in section 6.

5.3 General Conformity with the Development Plan

5.3.1 Throughout the preparation of the CNP, the adopted development plan for the neighbourhood area was the TVBRLP, adopted in 2016. The CNP has been assessed against this plan in the Basic Conditions Statement which concluded that the CNP was in general conformity with strategic policies.

5.3.2 Although TVBC has embarked on the production of a replacement local plan to the TVBRLP this has not progressed to the stage where it would carry weight in my determination.

5.3.3 I consider in Section 6 the extent to which the policies and proposals of the CNP are in general conformity with the strategic policies of the TVBRLP.

5.4 European Union (EU) Obligations

5.4.1 A neighbourhood plan must be compatible with EU obligations, as incorporated into UK law, in order to be legally compliant. Notwithstanding the United Kingdom's departure from the EU, these obligations continue to apply unless and until repealed or replaced in an Act of Parliament.

Directive 2001/42/EC Strategic Environmental Assessment

5.4.2 Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment has a bearing on neighbourhood plans. This Directive is often referred to as the Strategic Environmental Assessment (SEA) Directive and is brought into effect in UK law through the *Environmental Assessment of Plans and Programmes Regulations 2004* (EAPPR 2004).

5.4.3 Regulation 15 of the Neighbourhood Planning Regulations, as amended, requires either that a SEA is submitted with a neighbourhood plan proposal or a determination obtained from the responsible authority (TVBC) that the plan is not likely to have 'significant effects'.

5.4.4 A screening opinion was prepared by TVBC in consultation with the statutory bodies in summer 2019. The screening opinion and determination report determined that, notwithstanding the fact that development was proposed in Charlton, the development allowed for through the CNP would be unlikely to have significant environmental effects.

5.4.5 This conclusion was based on the fact that the proposed development in Charlton would be in accordance with the district-wide scale of development planned for in the TVBRLP, which was itself subject to full SEA. Moreover, the site proposed to be allocated for housing north of Goch Way was screened as part of the planning proposal for the Peake Way housing development (Application 13/01034/SCRN refers). The result of the screening was that, although it was confirmed the proposal would be Schedule 2 development, there were unlikely to be significant environmental effects and environmental assessment was not required. Given the above, and the limited scale and nature of development proposed in the plan, the effects of the neighbourhood plan were considered to be local and limited and offset by the positive benefits of the policies within the neighbourhood plan.

5.4.6 Gladman Developments Ltd, however at the initial Regulation 16 stage, challenged the screening conclusions relating to SEA, stating that the fact that a site is allocated for development in the CNP should have triggered a full SEA. It is argued that the views of the consultees cannot be relied on as Historic England did not comment and the Environment Agency had clearly misread the plan in thinking that there were no allocated sites.

5.4.7 In the course of my considering the matter of whether a full SEA should have been required and asking clarifying questions of TVBC, Natural England again raised its own concerns (already raised at the Regulation 16 stage) regarding the potential impacts of future housing development on the allocated site (or indeed any site in Charlton) on the Solent European Sites due to elevated nitrate levels that such development could bring. The subsequent rescreening of the CNP to determine whether AA was required (discussed below) and the resulting decision to carry out an AA on the plan automatically also requires carrying out of a full SEA. (Regulation 5 (3) of the EAPPR 2004 states that a SEA should be carried out if a plan is determined to require an AA).

5.4.8 A full SEA was therefore carried out and consulted on. As, ordinarily, SEA and plan would be consulted on together I requested that, in addition to consulting with the statutory consultees, TVBC rerun the Regulation 16 stage of the plan so that all those who had an interest in the plan, and particularly those who made representation at the initial Regulation 16 stage, would have the specific opportunity to make representations in respect of the SEA and its implications for the plan. The council organised a second, focused Regulation 16 consultation specifically affording all those consulted at Regulation 14 and 16 stages the opportunity to consider the SEA along with the Submission Draft Plan. This was carried out between 16 November 2020 and 4 January 2021 and I am satisfied that the requirements of Regulation 13 of the EAPPR 2004 have therefore been met.

5.4.9 In response to the second Regulation 16 consultation, Gladman Developments have made further representations criticising the SEA, both in terms of the late timing of the SEA and the fact that it has been done retrospectively, as well as the content of the SEA. In respect of the content, Gladman consider the SEA does not properly consider 'reasonable alternatives' to the strategy in the plan, particularly in respect of the level of housing growth provided for, nor does it adequately and consistently assess the pros and cons of the alternative sites in the site assessment before concluding that the allocated site performs best of those selected.

5.4.10 In respect of timing, I am aware that the advice in the PPG is that the SEA should be integrated with the emerging plan and take place at an early stage. However, in this particular case the qualifying body (CPC) was in receipt of TVBC's screening opinion during summer 2019, concluding that SEA was not required, and therefore continued work progressing the neighbourhood plan first to pre-submission stage and then to the point of submission. On submission, the plan was therefore deemed to meet the Basic Conditions and TVBC considered it could proceed to examination albeit they had a number of detailed concerns. The Basic Condition under Neighbourhood Planning Regulation 15 (as amended) requires that a plan either be accompanied by a SEA or a determination that one is not required and, in this case, the qualifying body had such a determination and was proceeding on the strength of it. Thus, it was understandable for the plan to have been submitted without a SEA on the strength of the local planning authority's determination. In that situation, it would be unreasonable on the community, whose plan it is, to declare that the examination cannot proceed and the Plan must be withdrawn, as Gladman propose, simply because the SEA was not available on submission.

5.4.11 I am aware from the Gladman representation that there has been a case where, at an early stage in the examination of the Newbold Verdon Neighbourhood Plan, the examiner requested that the plan be withdrawn from examination and go back to the Pre-Submission stage due to the absence of a SEA. However, I can find no legislative or regulatory requirement that states withdrawal to be the only option in these circumstances. Indeed, Regulation 5 of the EAPPR 2004 only requires that "*the responsible authority shall carry out, or secure the carrying out of, an environmental assessment, in accordance with Part 3 of these Regulations, during the preparation of that plan or programme and before*

its adoption or submission to the legislative procedure". The words '*legislative procedure*' are not specifically defined either in the EAPPR 2004 or in the EU Directive itself, however, they can only mean the Regulation 16 publicity stage, the independent examination, Regulation 18 Decision Statement and modification stage, the referendum and the Regulation 19 resolution to 'make' the plan being the legislative procedure in place for neighbourhood plans. In this case, the Regulation 16 stage was rerun so that the plan and SEA were consulted on again and the results fed into the examination. The SEA has been considered along with other documentation and all representations during this examination before making my final determination as to whether the plan should go forward. Notwithstanding the Newbold Verdon case, I am equally aware of a number of neighbourhood plans where SEA and/or Habitats Regulations Assessment (HRA) has been carried out late, around submission, because of changes in circumstances, and these plans have progressed without being withdrawn. As with Charlton, these SEA have only had the benefit of consultation at the Regulation 16 stage.

5.4.12 I accept that in normal circumstances the advice in the PPG at paragraph 040 (Ref ID: 11-040-20140306) that "*The environmental report, including the non-technical summary, must be made available alongside the draft neighbourhood plan*" would normally mean that the SEA would be available sooner but in this case, for the reasons above, it was carried out later. Crucially, however, the advice in the PPG that "*The consultation bodies and the interested parties should have an opportunity to express their opinion and be given sufficient time to do so*" has been followed.

5.4.13 In the light of what is now known as a possible significant environmental impact, the important issue is that the plan does not proceed to be made without being informed by a SEA including what may be identified as the mitigation measures necessary to offset any significant adverse environmental effect. This has now been done and, as such, I am satisfied that carrying out the SEA late does not, of itself, invalidate the plan-making process.

5.4.14 Whilst I accept it was clearly the case that the plan should not proceed to be 'made' without a SEA, and in that respect Gladman was correct in its initial objection, this has now been secured. Gladman has failed to demonstrate what real harm may be caused by accepting a SEA which is produced late. The plan has not been brought into effect and, crucially, the SEA and HRA along with the plan has been made available for comment through a second 6-week Regulation 16 publicity stage. This was a genuine opportunity for respondents to influence the plan and, for example, enabled the opportunity to ensure the issue of nitrates from development is mitigated as proposed by Natural England. (See the discussion at section 6.8.3 of the neighbourhood plan assessment below).

5.4.15 Moreover, the community, if it considers that significant environmental effects will still exist should the plan be brought into effect, has the right at the local referendum to vote against the plan. I am therefore satisfied that the community and stakeholders have not been disenfranchised by a decision to accept the SEA and its findings at this later stage.

5.4.16 Turning to the matter of the content of the SEA, this is set out in Regulation 12 and Schedule 2 of the EAPPR 2004. Regulation 12 states that the environmental report shall include the information in Schedule 2 as may reasonably be required taking account of (amongst other things) the stage of the plan or programme in the decision-making process. The PPG also advises at paragraph 30 (Ref ID 11-030-20150209) that the SEA should only focus on what is needed to assess the likely significant effects of the neighbourhood plan. In other words, there is some flexibility in the level of detail which the SEA is required to go into.

5.4.17 Regarding the matter of assessing reasonable alternatives to the preferred strategy within the SEA, I acknowledge that this is part of the requirements of Regulation 12 of the EAPPR 2004. However, that Regulation at (2)(b) makes it clear that identifying reasonable alternatives should take into account the objectives and geographical scope of the plan or programme. Moreover, case law (particularly *Friends of the Earth v The Welsh Ministers*, 2015 EWHC 776 (Admin)) has established that planning authorities may apply discretion and planning judgement when determining what should reasonably be the focus of an alternatives appraisal, recognising the need to apply a proportionate approach and ensure a SEA process and report that is focused and accessible.

5.4.18 Gladman specifically criticise the fact that CPC decided not to adopt the housing requirement of 292 homes which came out of the AECOM Housing Needs Assessment. They argue that this development scenario should have been one of the 'reasonable alternatives' tested against the preferred strategy of only providing a further allocation of 50 homes plus windfall which, together with completions in the plan period would mean providing for 142 homes. However, for two reasons I am not persuaded that this is a valid criticism.

5.4.19 First, the CPC's review of the AECOM findings and the decision to settle on a further allocation of only 50 units plus windfall over and above existing commitments was a result of community consultation and agreed in discussion with TVBC. It reflected the community's aspiration that the scale of development should be in keeping with the semi-rural character of the village and to be sustainable in a village context which is in accordance with the objectives of the neighbourhood plan at 7.1 particularly Nos 4) and 6). Returning to the case cited above (EWHC 776), the judge in that case stated that: *"An option which does not achieve the objectives, even if it can properly be called an 'alternative' to the preferred plan, is not a 'reasonable alternative'." An option which will, or sensibly may, achieve the objectives is a 'reasonable alternative'.* The CPC were justified in not considering a housing requirement of 292 (which would result in an expansion of housing in the parish by over a third in the plan period) because it would not have been in accordance with these objectives and therefore would not have been a 'reasonable alternative'. This matter of the housing requirement and provision is discussed further in section 6.8.2 below.

5.4.20 Secondly, given the stage reached in the plan where the development strategy and housing requirement had been consulted on extensively with the community and stakeholders it would have been unreasonable to retrace steps and treat a development

strategy to produce 292 dwellings over the plan period as a 'reasonable alternative' in the SEA.

5.4.21 Given the above, it was a reasonable decision for the SEA consultants and CPC to limit the assessment of 'reasonable alternatives' to looking at the alternative site options that might provide the scale of development which the plan proposed.

5.4.22 Four alternative site options were assessed which had been shortlisted from those identified in TVBC's Strategic Housing Land Availability Assessment as available and deliverable and for which CPC had already carried out site assessments. Gladman criticise the SEA's assessment of these as being inadequate and inconsistent. However, I can find no specific evidence that supports this and, as required, the environmental evaluation of those alternatives appears to have been carried out on a comparable basis to the evaluation of the preferred option in summary form in section 5 of the SEA with a fuller detailed assessment in Appendix B to the SEA, assessing the pros and cons of each option against the sustainability objectives.

5.4.23 Following this assessment of the alternative options and confirmation of Option A (Land North of Goch Way) as the preferred site overall, the SEA then looks at the plan as a whole, including this proposed site, against the sustainability objectives. This analysis concludes that, overall, the plan and its policies are either neutral or positive, with only one objective (land, soil and water resources) likely to see a minor negative impact because of development north of Goch Way. However, it is important to realise that this negative effect would have been the same in respect of all the alternative sites because of the loss of greenfield and generally higher quality agricultural land and the impact of the waste water from development flowing into the Solent Catchment, potentially raising nitrate levels in European sites. Therefore, this particular 'negative' impact is neutral when it comes to weighing relative impact from the alternative sites, and moreover it is proposed to be mitigated through a policy adjustment to the plan.

5.4.24 I am satisfied that having examined the submitted SEA against the requirements of Schedule 2 of the EAPPR 2004, the report does meet all ten of the requirements for an environmental report, establishing a baseline, assessing impacts of alternatives against the baseline and sustainability objectives and presenting measures to offset the single identified significant adverse effect which might arise from the CNP. Provided those mitigation measures recommended are incorporated into the plan, the CNP and its SEA meet Basic Condition f) and g) and I am not persuaded that the SEA is so flawed procedurally or in terms of content that the examination cannot proceed. I therefore do not agree with Gladman Developments request that the plan should be withdrawn and, given my assessment above and the fact that all stakeholders have had the opportunity to comment on the SEA and plan together, I do not consider that a public hearing needs to be convened in this instance to consider the matter.

5.4.25 In addition to the Gladman representation, one further representation on the SEA was received late from Historic England that raises the matter of the potential for archaeological remains on the housing sites assessed. Historic England make it clear that

this would not prevent development on the site allocated as CHA1 but would require archaeological investigation as part of development proposals. This can be resolved by additional wording in policy CNP2 which I return to in section 6.8.3 below.

Directives 92/43/EEC and 2009/147/EC - Habitat Regulations Assessment

5.4.26 Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe's most important habitats and species and can have a bearing on neighbourhood plans.

5.4.27 Regarding HRA, the test in the additional Basic Condition now essentially mirrors that in respect of SEA and requires that either an AA is carried out where a plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) or a determination is obtained from the responsible authority (TVBC) that the plan is not likely to have a 'significant effect'.

5.4.28 There are no European sites within the plan area nor within 10 kilometres; the closest being Salisbury Plain Special Protection Area (SPA) and Special Area for Conservation (SAC) at 12 kilometres and Porton Down SPA at c15 kms. As a result, TVBC concluded that there would not be any significant effects on European sites either alone or in combination with other plans and programmes.

5.4.29 The conclusions of the screening and determination statement were considered by the consultees and no formal objection was raised to them. However, Natural England did caveat their initial response on screening and at the Regulation 16 stage by stating that, if drainage from the allocated housing site eventually drained into the Solent Catchment there would be concerns regarding the impact of raised nutrient (particularly nitrate) levels on water quality within the Solent European sites and in that case an AA under the Habitat Regulations would be required. I therefore sought confirmation via the examiner's questions (see Appendix 1 – EQ9) as to whether this matter had been pursued. During the time that TVBC were considering the examiner's questions, Natural England came back to TVBC reiterating the point regarding foul drainage from the allocated housing site and the potential for raised nutrient levels in the Solent Catchment.

5.4.30 As a result, CPC was asked by TVBC to confirm the intentions regarding drainage from the site. CPC has confirmed that the site would drain to the Fullerton Waste Water Treatment Works which outflows to the River Test and ultimately drains into the Solent.

5.4.31 Given this information TVBC appointed LUC Consulting to carry out further HRA screening of the plan. The result of this confirmed that there would be a potential impact on water quality in the Solent Catchment as a result of the development allocation in the CNP.

5.4.32 LUC therefore went on to carry out an AA in Summer 2020 focusing on the allocated site in the CNP and the impact of its development on nitrogen levels and water

quality in the Solent. The impact on water quality was confirmed to be the only impact on the Solent European Sites as a result of the development and, subject to an addition being made to Policy CNP2 and its supporting text (discussed below in Section 6.8.3 of this report) to ensure the development was nutrient neutral, the plan would not have a significant effect on the European sites either alone or in combination with other plans and proposals. As a result of statutory consultation during late 2020 with the statutory bodies (notably Natural England), this conclusion of the AA was accepted. Furthermore, during the formal repeated Regulation 16 consultation between November 2020 and early January 2021 to allow others to consider and comment on the AA and its implications, no objections were raised either to the AA or to the proposed mitigation.

European Convention on Human Rights (ECHR)

5.4.33 The Human Rights Act 1998 encapsulates the Convention and its articles into UK law.

5.4.34 In respect of Article 1 of the first protocol of the Convention - the right of everyone to the peaceful enjoyment of possessions - although the CNP includes policies that would restrict development rights, this does not have a greater impact than the general restrictions on development rights provided for in national law. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

5.4.35 In respect of Article 6 of the Convention's Rights and Freedoms - the right to a fair and public hearing in determination of an individual's rights and obligations - the process for preparing the CNP is fully compatible with this Article, allowing for consultation on its proposals at various stages, and incorporating this independent examination process.

5.4.36 In respect of Article 14 of the Convention's Rights and Freedoms - the enjoyment of rights and freedoms without discrimination on any ground - the policies and proposals of the CNP have been developed in consultation with the community and wider stakeholders to produce as inclusive a document as possible.

5.4.37 An Equalities Impact Assessment, to assess the potential impacts of the neighbourhood plan against the protected characteristics identified in the Equalities Act 2010, was carried out for the CNP as part of the Basic Conditions Statement and shows that the plan is not likely to lead to increased inequalities or discrimination for protected groups and, indeed, has positive effects.

5.4.38 No concerns or objections on the grounds of human rights or equalities have been raised during the Regulation 16 publicity stage of the plan. I am satisfied on the basis of the above that, across the plan as a whole, no sectors of the community are likely to be discriminated against. The policies together would generally have public benefits and encourage the social sustainability of the neighbourhood.

5.4.39 I am satisfied therefore that the plan does not breach, and is otherwise compatible with, the ECHR.

5.4.40 I am not aware of any other European Directives which apply to this particular neighbourhood plan and no representations at post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the **CNP as proposed to be modified (see section 6)** is compatible with EU obligations and therefore with Basic Conditions f) and g).

6. The Neighbourhood Plan - Assessment

The neighbourhood plan is considered against the Basic Conditions in this section of the report, following the structure and headings in the plan. Given the fact that (subject to a modification to Policy CNP2 and its text to insert mitigation for the potential impact of development on European sites) the plan meets the European obligations and therefore Basic Conditions f) and g), this section therefore focuses mainly on Basic Conditions a) (Having regard to National Policy), d) (Contributing to the achievement of Sustainable Development) and e) (General conformity with strategic policies of the Development Plan). Where modifications are recommended, they are clearly marked as such and highlighted in bold print.

6.1 The General Form of the Plan

6.1.1 The structure of the CNP is generally logical and clear with early sections setting the background context, key findings, vision and objectives, and then policy sections.

6.1.2 The plan distinguishes between the policies themselves and their justification by boxing and emboldening the policies. Each policy is accompanied by supporting text setting out the policy intent, context and reasoned justification. The policy boxes signpost the justification from the evidence base, the national and local policy supported, and the objectives served by the policy.

6.1.3 It is common practice amongst qualifying bodies, as CPC has done, to take the concerns of residents raised through the consultation and develop community projects to address these. Where these are not related to development and the use of land they would typically be dealt with in an appendix to the plan and this is the approach adopted in this case where the community aspirations are set out in Appendix 2 to the plan.

6.1.4 TVBC, in its Regulation 16 representations, raise two general points regarding the plan. First, that in all instances where the CNP refers to the 'parish' it should instead refer to the 'plan area'. Second, that mapping showing the parish boundary should be updated to show the recent parish boundary amendment, mapping generally should ensure all key blocks are legible and relevant, and OS licence details need to be legible. Regarding the first point, although technically the words 'plan area' or 'neighbourhood area' would be more precise, in this case the Parish is synonymous with the plan area. The use of the word 'parish' in the context in which it is given is in most cases not inaccurate and I

consider the references only need be changed where it is critical to the sense of the sentence. With respect to the second point, both the NPPF and the PPG require the plan to provide a clear and unambiguous guide to developers and, in that respect, I agree that it is important that all mapping in the plan is up-to-date, accurate, clear and legible.

Recommendation 1

- 1A Update all mapping to accurately show the recent parish boundary change, to ensure key blocks and text are legible and relevant and that OS licensing details are shown and legible on all maps.**
- 1B Revise reference to 'Parish' to read 'Plan Area' where this is strictly necessary to the sense and understanding of the sentence.**

6.2 Introduction and Background

6.2.1 This section of the CNP describes the purpose and intent of the neighbourhood plan, and the method and procedure followed in its preparation. This is a largely factual introduction and raises no issues in respect of the Basic Conditions.

6.2.2 However, there are two factual corrections that need to be made. First, the date given in paragraph 2.2 for the designation of the neighbourhood area is incorrect and should be the 8th of August 2014. Secondly, in paragraph 2.5, the plan states it has a life over the next 15 years. This is not correct as the title page and elsewhere in the plan makes it clear that the end date is 2029 ie a 10-year life from the point of initial publication. This needs to be corrected to avoid confusion.

6.2.3 TVBC also suggest that the section on consultation and the referendum is not needed and should be removed. Whilst I agree it is not strictly necessary to the operation of the plan it, does not conflict with the Basic Conditions and providing the text is updated for the final stage of the plan it can remain.

Recommendation 2

- 2A Paragraph 2.2 Line 3 – change the date to “8 August 2014”**
- 2B Paragraph 2.5 Line 1 – change the figure “15” to “10”**
- 2C Ensure all procedural references in the plan are updated for the final version of the plan.**

6.3 Statutory Statement

6.3.1 It is not immediately apparent from the title what the third section of the plan is about, but it sets out the position regarding the SEA Regulations.

6.3.2 The section reports the outcome of the SEA screening referred to in section 5 of my report and at the time it was written was factually correct and did not raise any issues relating to the Basic Conditions. However, it now requires substantial updating to meet the Basic Conditions given the decision during the examination, in response to representations at the Regulation 16 stage including from Natural England, to carry out both HRA and

SEA. Also, in the interest of the plan being clear and unambiguous, the main title should be deleted and the subtitle switched to be the main title.

Recommendation 3

3A Delete title to section 3 and replace with the current subheading “Strategic Environmental Assessment and Habitats Regulation Assessment”.

3B Add to the end of paragraph 3.1 the following:

“TVBC considered that, given the nature of the plan and the fact that there were no European sites either within the plan area or within 10 kilometres of it the plan would be unlikely to have any significant effects on European sites either alone or in combination with other plans and programmes.”

3C Delete paragraph 3.2 in its entirety and replace with updated paragraphs 3.2 to 3.4 to read as follows:

“3.2 During consultation on the screening opinion and determination statements relating to SEA and HRA, Natural England made representations that raised concerns over the potential impact of raised nitrate levels in treated foul water from the allocated housing site on water quality in the River Solent Catchment which could impact on European sites in the Solent.

3.3 As a result of this, TVBC requested detail from CPC as to where foul drainage from the housing allocation would be treated. As the drainage would be treated at Fullerton Waste Water Treatment Works which discharges into the River Test and ultimately the Solent, and this could lead to increased nitrate levels in the Solent, it was decided during the CNP examination stage that the plan should be subject to HRA (Appropriate Assessment) and SEA before being completed.

3.4 The result of the AA and SEA of the plan was that, provided the policy relating to the allocation of land north of Goch/Peake Way for housing was modified to require the development to be nutrient or nitrogen neutral, there would be no significant adverse effect on the European sites in the Solent Catchment. This would be the case both in respect of the CNP alone and in combination with other plans and programmes.”

6.3.3 With these modifications to the text the CNP would meet the Basic Conditions.

6.4 About the Parish

6.4.1 This section of the CNP describes the parish, its growth and development and its demographics and socio-economic make up. This is largely factual background and raises no issues in respect of the Basic Conditions. Other than updating mapping as per Recommendation 1 there is no need for modifications.

6.5 The Context of this Plan’s Policies

6.5.1 Section 5 sets out the policy context within which the CNP has been prepared and, in respect of the TVBRLP, specifies the strategic policies for the purposes of the plan.

6.5.2 Paragraph 5.2 paraphrases the first Basic Condition but refers to the CNP demonstrating it is consistent with the NPPF. This is not the test. The CNP must 'have regard to' national policy and advice. It may seem a pedantic point, but the reference should not be changed from that in Basic Condition a).

Recommendation 4

Paragraph 5.2 Line 3 - delete the words 'is consistent with' and replace with the words "has regard to".

6.6 Key Findings

6.6.1 Section 6 sets out the issues and key findings from the various community surveys. It provides a link to the section on vision and objectives and raises no concerns in respect of the Basic Conditions.

6.7 Vision and Objectives

6.7.1 The seventh section of the plan sets out the community's vision and the objectives for the plan to deliver the vision and provide the basis for the policies.

6.7.2 Being able to demonstrate the thread from issues to vision and objectives to policies is an important part of evidencing the neighbourhood plan as required in the PPG. Section 7 of the plan achieves this and creates the basis for the policies in section 8.

6.7.3 The vision and objectives look to preserve the rural character of the community whilst meeting the development needs of its residents. The plan has regard to the PPG advice in respect of neighbourhood planning that it *"provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next 10, 15, 20 years in ways that meet identified local need and make sense for local people."*

6.7.4 The vision and objectives also encapsulate and generally reflect the objectives set out in the TVBRLP at section 3 and in particular objectives 1-3, 6, 9, 10, 12 and 13. Moreover, the impact of pursuing the vision and objectives of the CNP would contribute to the achievement of sustainable development and a more sustainable settlement.

6.7.5 The vision and objectives of the CNP therefore generally meet Basic Conditions a), d) and e). However, there is a factual inaccuracy in respect of objective 5. By including more detail to explain the objective it becomes no longer clear and unambiguous. The reference to 'English Heritage' is now incorrect and, in referring to sites of **national** importance, Grade II and II* assets are unintentionally excluded. The objective should simply state: 'Preserving the heritage assets in the plan area'.

6.7.6 TVBC, in its Regulation 16 representations, considers that objective 6 deals with two different matters and should be split into objectives 6 and 7. However, the community

signed off the objectives in 2018 and, other than correcting factual inaccuracies as above, I do not consider it is appropriate to add objectives. If the Parish and TVBC agree amendment is appropriate it could be done but I make no recommendation in this respect.

6.7.7 The CNP includes, after the box entitled objectives, a section entitled Environment and Sustainability Objectives. The NPPF and PPG as already stated require plans to be clear and unambiguous and to have what appears to be a second set objectives is confusing. I suspect, reading the text of this section, that it is the subtitle that is inaccurate, and it should actually be entitled something like 'Implementing the objectives to improve sustainable living'.

6.7.8 A number of references in this section also contribute to a lack of clarity and the potential for misunderstanding as follows:

- Paragraph 7.3 is reporting on past consultation and the second sentence should make clear that the community have already been asked, and support, measures for a cleaner environment.
- In paragraph 7.8 on Air Quality, Hampshire County Council (HCC) in their Regulation 16 representation have stated that the term for traffic calming at the entrance to villages is 'Gateways' and that these do not directly reduce traffic emissions as the paragraph suggests, although this might be an indirect benefit by slowing traffic. I agree this should be clarified.
- HCC conclude from paragraph 7.11 that the Parish do not support the provision of public charging points and that in view of both HCC and TVBC's position in declaring a climate emergency this should be revisited. It is not possible at this stage of the plan to now make provision within the plan but a more positive statement that undertakes to review provision could be inserted as a community aspiration.

Recommendation 5

5A **Reword Objective 5 to read: "Preserving the heritage assets of the Plan Area"**

5B **Reword the subtitle following the objectives box as: "Implementing the objectives to improve sustainable living"**

5C **Reword paragraph 7.3 line 2/3 to read: "It is considered from ...feedback that most support measures for a cleaner..."**

5D **Reword paragraph 7.8 lines 2-4 as follows:**

Line 2 – replace the words 'white gates' with the word 'gateways'

Line 3 – delete the words 'reducing emissions and'

Line 4 – add to end of line the words "and potentially improving air quality".

5E **Delete paragraph 7.11 and replace with the following:**

"The Parish Council will, as part of the community aspirations in Appendix 2, review the need for and provision of public charging points for electric vehicles."

6.7.9 With these modifications implemented the CNP objectives and supporting text will be clear and unambiguous as required in the NPPF and PPG and therefore will meet Basic

Condition a).

6.8 Land Use Policies

Section 8 of the plan sets out the policies of the plan and I consider each in turn against the Basic Conditions following the order of the plan.

6.8.1 Spatial Strategy (Policy CNP1)

- i) Section 8.1 of the CNP sets out the spatial strategy for Charlton. The plan, based on community consultation, wishes to maintain the identity of Charlton as a village and identify a separate settlement boundary from Andover and Fig 7 defines that boundary. Whilst I accept that from a practical point of view it makes sense to extend the boundary around the recent development off Goch Way at Peake Way and include the housing allocation proposed in the CNP, there are two issues with establishing an inner boundary to the settlement area along the northern edge of Andover.
- ii) Most importantly, Policy COM2 of the TVBRLP establishes a single boundary for the whole of Andover which includes Charlton village. The Local Plan uses this as the basis of its spatial strategy setting out the development it proposes for this area. Whilst I understand the community's concern that it wishes to retain the semi-rural qualities of Charlton as a village, seeking to establish a separate settlement boundary at this stage would undermine the strategic policies of the TVBRLP and therefore conflict with Basic Conditions a) and e). The appropriate way for CPC to establish a change is to seek to do so through participation in the emerging Local Plan and pursuing an independent settlement boundary by that route. If that were successful, a subsequent review of the CNP could reflect that change.
- iii) In any event, seeking to establish a complete boundary for Charlton in the manner drawn makes no practical difference to the current situation as the two boundaries as proposed in Fig 7 directly conjoin each other. The text of this section therefore needs to be amended and the plan at Fig 7 adjusted to remove the proposed southern settlement boundary where Charlton Parish adjoins Andover.
- iv) TVBC appear to accept the sense of including the new development area at Peake Way and the housing allocation within an amended settlement boundary but pursue their Regulation 16 objection further arguing that Policy CNP1 should be deleted as it merely repeats TVBRLP Policy COM2. However, for three reasons I do not agree that this is appropriate. First, section 1 of Policy CNP1 requires development to be tested against the policies of 'the development plan' thus including the policies of both the neighbourhood plan and the Local Plan. TVBRLP Policy COM2 by contrast merely refers to development being tested against the policies of 'the Local Plan'. Secondly, the policy needs to apply to future development within the extended settlement area. Policy COM2 would not apply to the development at Peake Way and the new CNP allocation, effectively treating this area as countryside and restricting development thereby creating confusion. Thirdly, Policy CNP1, in referring in section 2 to development outside the boundary being permitted if it is

allocated in the Local Plan, provides some flexibility as sought by Gladman Developments Ltd. (see below). Therefore, on balance, although the policy may be repetitious in part, it is necessary that it is retained.

v) The matter of the principle of drawing development limits has been challenged at the Regulation 16 stage by Gladman Developments Ltd who argue the concept is inappropriate as it would restrict otherwise sustainable development on the edge of Charlton from coming forward and therefore the policy approach is contrary to Basic Condition a). The policy is, however, following the strategic policy set out in the adopted TVBRLP. The CNP, in using settlement boundaries and protecting the countryside around Charlton, is in general conformity with the strategic policies of the development plan. Settlement boundaries are defined in the TVBRLP and a locational strategy that restricts development outside of the settlement boundary to classes of development acceptable in the countryside. For the CNP not to use settlement boundaries set out in the adopted development plan would undermine the strategic policies which neighbourhood plans must not do.

vi) Gladman has not substantiated its claim by referring to any part of national policy which precludes the use of development limits per se and nor could I find any in the NPPF. Rather, the NPPF at paragraph 68c), talking about the contribution of small and medium sized sites, states that support should be given to *“the development of windfall sitesgiving great weight to the benefits of using suitable sites within existing settlements for homes.”* This is essentially what Policy CNP1 is seeking to do. In any event, as discussed above, clause 2 of the Policy expressly allows for development outside the settlement boundary if it is allocated in the Local Plan. There is therefore already flexibility to allow development outside of development limits and, other than incorporating a reference to any future local plan, for the avoidance of doubt, I am not persuaded that any further modification is necessary.

vii) Notwithstanding my findings above that the principle of the spatial strategy set out in Policy CNP1 meets Basic Conditions a), d) and e), there are matters of detail in the policy and supporting text which need to be addressed to comply with the need for clear and unambiguous policies and a clear evidence base. First, reference to the ‘settlement boundary’ should be used throughout for consistency rather than alternative terms such as ‘built-up area’ etc. Second, the repeated reference to allocated sites at the end of clause 2 of the policy should be removed for clarity.

Recommendation 6

- 6A Delete paragraphs 8.1.1 to 8.1.3 and replace with the following (or similar):**
“8.1.1 The parish is adjacent to Andover. The residents feel strongly that the identity of Charlton as a village has been eroded over the years due to its proximity to Andover. There is concern that Charlton will be subsumed in the future and the village character will be lost. The neighbourhood plan therefore requires that the approach to development within Charlton respects the rural village character.

8.1.2 Notwithstanding this, the plan recognises that at present Charlton sits within the settlement boundary of Andover and as a strategic policy of the TVBRLP this will continue to apply for the time being. There is however a need to propose a change to the settlement boundary to reflect recent development granted on appeal at Peake Way (off Goch Way) and to incorporate the CNP housing allocation north of Peake Way (CHA1). Such significant development should logically be included within the settlement boundary.

8.1.3 A revised settlement boundary has therefore been shown overlaid on the proposal map below (Fig 7) with the Peake Way development and housing allocation washed over in yellow to indicate the new settlement area.”

6B Amend start of paragraph 8.1.4 to read: “The settlement boundary as revised and related policies....”

6C Amend the map at Fig 7 to better define the proposed extension to the settlement boundary on the east side of Charlton identifying the Peake Way development and the allocated site. Delete the proposed southern settlement boundary to Charlton in Fig 7.

6D Revise Policy CNP1 clause 2 a) to read: “it is allocated within the Adopted Local Plan or its replacement”

6E Delete the words in clause 2b) after the words ‘development plan’

6F In ‘Justification from Evidence Base’ following policy CNP1, delete first sentence and begin second sentence as follows: “The settlement boundary has been revised....”

Link last sentence of the paragraph to the preceding sentence to make grammatical sense.

viii) With these modifications in place, Policy CNP1 and its supporting text meets Basic Conditions a) and e). The proposed approach to development in the CNP will contribute to the achievement of sustainable development and accordingly, Basic Condition d) would also be met.

6.8.2 Housing Requirements

i) Section 8.2 sets out the position regarding the housing requirement and what the CNP proposes in response. The section sets out that a need was established in the AECOM Housing Needs Assessment for 16 dwellings per annum – a figure of around 290 over the life of the TVBRLP. Subsequent review of this figure in consultation with the community and TVBC, however, resulted in the plan proposing a lower figure reflecting the community’s aspiration that the scale of development should be in keeping with the semi-rural character of the village and to be sustainable in a village context.

ii) There has been objection at the Regulation 16 stage from Gladman Developments Ltd that the plan sets out an unacceptable position in not meeting in full what has been identified as the requirement. However, for several reasons I am not persuaded of the Gladman case.

iii) First, the TVBRLP does not set any specific requirement for Charlton, nor does it allocate any site there for development in the plan period. As such, whilst the village is treated as part of the Andover area, the absence of any specific proposals does suggest that the expectation of Charlton is that it would not accommodate significant development in this plan period. Second, the CNP makes clear that the provision over the plan period, including completions and the allocated site, compared to the existing number of houses in the parish equates to a 17% increase in homes over the Local Plan period which is a reasonable increase even for a village with the status of a 'key service centre'. TVBC has confirmed, in response to a clarifying question in the examiner's questions, that it is content with the provision proposed in the CNP and considers that the spatial strategy and strategic policies of the TVBRLP are not undermined by the level of provision proposed. This is not surprising in a context where currently Test Valley, based on the recently published 2020 Housing Delivery Test, has provided 173% of its requirement over the past 3 years and the Housing Land Supply in 2019 is sitting at 7.24 years. In any event, as discussed above, the inclusion of the clause in Policy CNP1 allowing sites outside the settlement boundary to be developed if allocated in the Local Plan, allows flexibility for further development if this was deemed to be necessary and provided for in Charlton Parish in the emerging Local Plan.

iv) In that respect, therefore, there is sufficient flexibility in the CNP to respond to change as required by the NPPF at paragraph 11. I am therefore satisfied that the CNP makes appropriate provision for future housing development in the parish as required by the NPPF and that Gladman Developments' concerns are unfounded.

v) Notwithstanding that the principle of the housing provision is acceptable, section 8.2 does not present a clear and unambiguous context for housing provision in the plan. In particular, the section finishes at paragraph 8.2.6 with no clear statement of the intended provision which is subsequently returned to in the next section at paragraphs 8.3.7 and 8.3.10. There are also unclear and incorrect references to 'plans' and 'plan periods' which make it difficult for the user of the plan to properly understand the context. At paragraph 8.2.5 there is the statement that the community does not wish to be part of Andover. As discussed above, in terms of the development plan, the village is part of the Andover area for planning purposes and the statement at 8.2.5 is therefore misleading. Finally, the footnote to the section on page 20 is incorrect. The TVBRLP, in the settlement hierarchy table in Section 5 and the key diagram in section 3, makes no reference to Charlton as a rural village and inclusion of the footnote is misleading. These flaws in the supporting text need to be clarified in modifications as follows:

Recommendation 7

7A Reword paragraph 8.2.6 and the start of 8.3.1 as follows:

"8.2.6 In community consultation events and the Parish Survey, residents generally support positive development at a level that is sustainable within the parish. The original survey concluded that 100 to 250 new homes should be the maximum over the CNP period. Taking the Goch Way development and completions to date into account, in excess of 90 homes have been

completed already. The plan proposes that an allocation of a further 50 homes plus ongoing windfall development would take the total provision in the plan period to around 150 dwellings or approximately a 17% growth rate over the existing housing stock in the parish. TVBC has confirmed that this housing provision rate is acceptable and in general conformity with the strategic housing provision set out in the TVBRLP.

Site Assessment

8.3.1 In order to identify a site for the housing allocation an assessment has been.....”

Delete paragraphs 8.3.7 and 8.3.10 in their entirety as these are now encapsulated in new paragraph 8.2.6.

7B In Paragraph 8.2.2 last line delete the words “Neighbourhood Plan” and substitute the words “Local Plan”

In paragraph 8.2.3 line 3 insert the word “Local” before the word “Plan”

Reword the second sentence of 8.2.3 to read: “However, as a settlement with only 853 dwellings, a 34% increase in housing would be a significant change over a relatively short Local Plan period.”

7C In paragraph 8.2.5 line 1 delete the words “and not be part of” and replace with the words “and be distinct from”.

Reword the second sentence of paragraph 8.2.5 to read:

“However, the settlementin the village centre to support large growth in population”.

7D Delete the footnote on Page 20.

vi) With these modifications completed the explanatory text will provide a clear and unambiguous basis to the plan as required by the NPPF and will therefore meet Basic Condition a) as well as Basic Conditions d) and e).

6.8.3 Site Assessment (Policy CNP2)

i) Section 8.3 of the CNP explains the site assessment process carried out in preparing the plan that concluded that site CHA1 should be allocated. Policy CNP2 sets out the site-specific requirements of development on that site.

ii) Gladman Developments Ltd., in their Regulation 16 representations, object that the evidence to support the selection of the allocated site CHA1 is not present and it is therefore impossible to conclude that site CHA1 is the most appropriate. In the light of this representation, I requested CPC to provide the site assessment. This has now been uploaded as a document on the TVBC website. It is clear to me from the document that the housing sites assessment was carried out according to a robust methodology considering a wide range of criteria and that the conclusion regarding the allocation of site CHA1 was justified given the information available to CPC at the time.

iii) However, as set out above at sections 5.4 and 6.3, during the consultation on the SEA screening and determination report and subsequently at the Regulation 16 stage,

Natural England raised concerns regarding the potential for the development to adversely impact on water quality by increasing nitrate levels in the Solent Catchment and in turn leading to harm to the Solent SPA and SAC. As a result, a screening and determination under the Habitats Directive and an AA were carried out. The AA concluded that an additional 150.35 Kilograms of nitrogen per year is expected to arise from the development and could ultimately find its way into European sites on the Solent and therefore needs to be neutralised. Given the uncertainty regarding the exact layout of the development at this stage and likely levels of nitrogen arising, the AA recommended a new criterion to be added to Policy CNP2 requiring the nitrogen budget to be calculated and neutralised. If this was a requirement of the policy, the development would not have any significantly adverse effect on the environment or on European sites. The assessment also recommended an addition to the supporting text to the policy to explain the requirement. I therefore recommend that in order to meet Basic Conditions f) and g) a modification is made to insert the additional criterion in the policy and related justification in supporting text to section 8.

iv) In addition to the matter of nitrogen neutrality, one further representation in response to the second Regulation 16 consultation received late from Historic England also raises the matter of the potential for archaeological remains on the housing sites assessed. Historic England make it clear that this would not prevent development on the site allocated as CHA1 but would necessitate archaeological investigation as part of development proposals. Historic England recommend that additional wording be added to Policy CNP2 which manages the development. Inasmuch as policy advice regarding situations where there may be archaeological potential would have regard to the policy advice in Section 16 of the NPPF and would be in general conformity with TVBRLP Policy E9 and would not duplicate it, an addition would be acceptable in principle. However, Policy CNP16 already broadly covers Historic England's addition and with an addition to that policy (see section 6.8.18 and 19 below) to include the allocated site it does not need to be added to Policy CNP2.

v) Turning to the rest of the policy, TVBC has raised concerns, as it has with several policies, regarding the fact that the criteria duplicate other policies of the neighbourhood plan. I agree that doing this is at best unnecessary and at worst confusing and likely to create a policy network that is not clear and unambiguous. TVBC are also concerned that the reference in criteria g) to providing a lower density of development is unclear as to what is intended. I agree with this concern and also consider that the current wording may directly impact on the community's wish to provide a larger number of smaller dwellings. It would be more clearly expressed to simply state the density should be appropriate to this edge-of-settlement location. TVBC also state that some of the criteria c)-f) are stating the obvious, for example f) regarding infrastructure. As these do not raise issues regarding the Basic Conditions there is no need to delete them. In any event, HCC has requested additions to three of these at c), d), and e), relating to transport infrastructure. These are generally sensible additions to help make the policy clearer and I agree to their inclusion. Finally, with regard to a), the way in which this criterion is expressed is open to misinterpretation by use of the term 'minimise the visual impact'. It would be clearer and more precise if the criterion referred to 'ensuring there was no impact on outlook and

privacy for residents of existing dwellings’.

vi) As with the policy, there is a need to make sure the supporting text is clear and unambiguous. First, as set out in section 6.8.2 above paragraphs 8.3.7 and 8.3.10 would be more clearly expressed as part of the Housing Requirement section at 8.2.6 as they complete the discussion on the quantity of housing and how it is to be met (See Recommendation 7A above). Second, at paragraph 8.3.8 line 1, at this stage in the plan, it is not a case where ‘the Steering Group recommends the allocation’ – it is a case where ‘the neighbourhood plan allocates’ and the text should reflect this. Finally, there is a need for a lead-in paragraph to Policy CNP2, cross-referring to other policies of the neighbourhood plan given that I am recommending these references are removed from the policy to avoid repetition.

vii) Accordingly, I recommend that the following detailed amendments are made to the Policy CNP2 and supporting text.

Recommendation 8

8A Delete the following clauses in Policy CNP2 to remove repetition:

h – repeats Policy CNP14

j – repeats Policy CNP3

k – repeats Policy CNP7

l – (First section) - repeats Policy CNP15 – Retain “Siting and orientation to optimise passive solar gain”

m – Repeats Policy CNP10.

8B Add after the word “parking” in c) the words “with electric charging points”

Add after the word “safe” in d) the words “pedestrian/cycle”

Add at the end of e) the words “as demonstrated through a transport statement and travel plan”.

8C Reword g) to read: “Ensure the density of development is appropriate ... location.”

8D Add new clause at end of revised Policy CNP2 to read as follows:

“Development proposals will be required to confirm the nitrogen budget and set out specific and appropriately located mitigation measures that will be implemented in order to ensure development is nutrient neutral from the start of its operational phase. Such mitigation measures must be secured for the duration of the development's effects. A financial contribution to strategic mitigation measures may be an appropriate alternative to direct provision of mitigation. In this case it will be necessary to liaise with Test Valley Borough Council and Natural England to confirm an appropriate mitigation scheme to which the contributions will be directed and to ensure any contributions are sufficient to fully mitigate the impacts of the development on the Solent internationally designated sites.”

8E Add new replacement text at 8.3.7 regarding the mitigation of nutrient effects

as follows: “8.3.7 Site CHA1, along with all the identified sites, has the potential for treated wastewater from the new residential development to adversely affect the Solent and Southampton Water SPA and Ramsar and the Solent Maritime SAC as a result of nitrates discharged into the River Test, and any development therefore needs to demonstrate nitrate neutrality. Mitigation to achieve nutrient neutrality include direct measures, through upgrading sewage treatment works, or alternatives such as interceptor wetlands, which can remove some nitrogen through sedimentation and denitrification. Alternatively, indirect mitigation could be put in place by taking land out of high-nitrogen uses. This could include taking land out of agricultural use, either on-site or off-site and using it instead as open space, a wildlife site or woodland, providing these have low nitrogen inputs. The developer could carry out such measures on land they already own, purchase land for this purpose, or work with other landowners in the River Test catchment and/or TVBC to take land they own out of nitrogen-intensive uses. The Natural England Guidance* also states that strategic solutions are being investigated, which could provide an opportunity, particularly for smaller developments, such as Land North of Goch Way, to provide financial contributions to strategic mitigation, as an alternative to direct mitigation. Irrespective of which mitigation method is proposed, the developer of the Land North of Goch Way site will need to demonstrate that the type, extent and location of the mitigation measures are sufficient to offset the additional nitrogen load from the development (calculated using the Nutrient Budget Calculations in the Natural England Guidance), and therefore avoid adverse effects on integrity of the Solent and Southampton Water SPA and Ramsar and the Solent Maritime SAC. The mitigation measures need to be appropriately located, i.e. if direct mitigation is implemented, this should be at Fullerton Wastewater Treatment Works (WwTW) or along the River Test between Fullerton WwTW and the Solent. Indirect mitigation, i.e. taking land out of high-nitrogen uses, will only be acceptable where this is undertaken on land within the River Test or River Itchen catchment areas and on land with appropriate geology to ensure mitigation is effective and timely. The mitigation measures need to be secured for the lifetime of the development's effects, generally 80-125 years.

* Natural England Guidance on Achieving Nutrient Neutrality in the Solent Region (June 2020)

8F Reword the start of paragraph 8.3.8 to read: “The plan allocates Site CHA1...”

8G Add new paragraph 8.3.10 to read:

“Policy CNP2 sets out the principles for the development of the site and it is important that these are applied in conjunction with policies CNP3, CNP7, CNP10, CNP14 and CNP15”

8H Renumber policy criteria and paragraph referencing in the supporting text as necessary.

viii) The modifications proposed to CNP2 and the supporting text ensure that it meets European obligations and is now clear and unambiguous as to what is intended through

the policy. The modifications do not affect the plan's general conformity with the TVBRLP, and the policy will help to ensure that the detailed design of the housing proposals will deliver sustainable development. The policy as modified therefore meets Basic Conditions a), d), e), f) and g).

6.8.4 Local Housing Needs (Policies CNP3 and CNP4)

- i) Policy CNP3 seeks to secure a mix of housing within the parish where the housing stock is currently dominated by larger dwellings and ensure appropriate provision for affordable housing. The policy draws on evidence from the Test Valley SHMA 2014, the AECOM Housing Needs Assessment, and the subsequent Parish Housing Survey.
- ii) The NPPF at paragraph 61 encourages planning for a mix of housing based on the assessment of housing need from different groups in the community and reflecting this in planning policies. Essentially, that is what the CNP has done and, to that end, the principle of the policy has regard to the NPPF and is not inappropriate in terms of Basic Condition a).
- iii) However, the PPG requires proportionate, robust evidence to 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. To a degree, the supporting text to Policy CNP3 does this, but not entirely. There is no reference specifically to why the supporting text to the policy states that 80% of new housing should be 2 and 3 bedroom stock. This should be added, although the policy itself is currently worded more flexibly.
- iv) However, there is a disconnect between the supporting text, which highlights the imbalance in the housing stock where there is a need for smaller and adaptable housing, and the policy itself, which is less precise and where the policy intent is not clearly expressed. TVBC suggest in its Regulation 16 representations that the first and second paragraphs of the policy should be amalgamated and the policy intent to favour houses of three bedrooms or less clarified. However, if this is the case, to comply with national guidance around flexibility there would need to be a caveat in the policy allowing larger dwellings where need can be evidenced. The other problem with this as a modification is that currently the policy in Part 2 encourages a mix to meet requirements beyond those simply relating to the size of unit but including for example affordability as referred to in paragraphs 8.4.9 and 8.4.10. This section of the supporting text should sit above Policy CNP3 and a reference should be retained in the policy to meeting these needs in addition to size.
- v) The supporting text to the policy similarly needs to be clarified. At paragraph 8.4.3 line 7, the text refers to 'an appropriate level of future development', however the quantum of development has already been dealt with in section 8.2 and in the context of Policy CNP3 it would be clearer to say 'the nature and type of future development'. Finally, with regard to paragraph 8.4.4, TVBC expressed concern that the reference to starter homes was misleading, as it has a very precise definition which was arguably not what the plan

intended. I therefore took the opportunity through examiner's questions to establish from CPC whether it was specifically 'starter homes' they wished to refer to or whether it was, in fact, simply smaller, more affordable homes. CPC has confirmed in its response that it is the latter.

Recommendation 9

- 9A Amend paragraph 1 of Policy CNP3 to read as follows: "To respond to the local need for smaller dwellings and to achieve a balanced community new housing development should provide a mix of dwellings predominantly of 2 and 3 bedrooms to help address the current imbalance of stock."**
- 9B Insert at the end of paragraph 1 of the Policy the following: "Exceptionally, development of larger homes will be supported where there is up-to-date evidence of a need for such homes."**
- 9C Delete the first part of paragraph 2 of the Policy and part a). Adapt part b) to read as a stand-alone paragraph following paragraph 1 to read as follows: "The housing mix proposed should also be of a type that reflects the requirements set out in the Charlton Parish Housing Needs Assessment (2019) or other up-to-date evidence of local need."**
- 9D In paragraph 8.4.3 line 7 of the supporting text delete the words "an appropriate level of future" and replace with the words "the nature and type of future".**
- 9E In paragraph 8.4.4 line 2 replace the word "starter" with the word "smaller".**
- 9F Relocate paragraphs 8.4.9 and 8.4.10 to precede Policy CNP3.**

vi) With these modifications, Policy CNP3 and its supporting text would be clear and unambiguous. The TVBRLP does not include any specific policy requirement in respect of housing mix but the principle of Policy CNP3 is in general conformity with the TVBRLP. Inasmuch as the policy would provide a mix of housing to suit the community, the policy is likely to contribute to achieving sustainable development. Accordingly, the policy would meet Basic Conditions a), d) and e)

vii) With respect to Policy CNP4, it is assumed that this intends to cater for the ageing population, but it is not entirely clear from the policy what it is seeking to achieve. The supporting text at paragraph 8.4.11 is confused in talking about a younger middle-aged group rather than the older population. It is surely the over 65s that are the relevant group in the context of the policy.

viii) Policy CNP4 is entitled 'Retirement and Nursing Homes' and this and the clauses of the policy would suggest that it was intended to cover both Use Class C3 housing for the elderly and Use Class C2 residential care. However, the introductory paragraph in the policy deals only with Use Class C2. As a result, TVBC has raised concerns in its Regulation 16 representation that several the clauses are either unnecessary or unworkable or replicate policy cover in CNP14. As already stated, the NPPF and PPG require plan policies to be clear and unambiguous and so without being modified the policy is in conflict with Basic Condition a). However, these problems can be largely resolved by retitling the policy and amending the introductory paragraph to make clear that it applies to

all classes of housing or care for the older population.

ix) In respect of TVBC's concerns regarding the clauses, I agree that clause d) is covered by Policy CNP14 which deals, amongst other design issues, with character and landscape. Clause f) is adequately covered under Building Regulations and is not directly related to requirements in developments for elderly accommodation any more than it is in any other development.

x) Accordingly, I recommend the following modifications.

Recommendation 10

10A Retitle Policy CNP4 as "Retirement Living, Residential Care and Extra Care Homes".

10B Reword Policy CNP4 introductory paragraph to read: "Development for new build, redevelopment or change of use providing retirement living, residential care or extra care homes will be permitted ...".

10C Delete clauses d) and f) and renumber remaining clauses.

10D Reword supporting text at paragraph 8.4.11 line 1 to read:

"...Charlton's population is ageing with the proportion of adults over 65 expected to rise over the plan period from 25.6% of the population in 2015 to 28.7% of the population by 2020 and to over one third by the end of the plan period. The...."

xi) With these modifications the Basic Conditions would be met.

6.8.5 Natural Environment

Section 8.5 of the plan acts as an introduction to the policies concerning the natural environment in the plan area and raises no issues regarding the Basic Conditions.

6.8.6 Landscape Character – (Policy CNP5)

i) It is apparent from the plan and background documents that the community attaches great importance to the landscape setting of Charlton and the rural settlement character. Policy CNP5 seeks to ensure that development is sensitive to the landscape character.

ii) Section 12 of the NPPF sets out at paragraph 125 that "*neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development*". This is exactly the intention behind this section of the plan. Paragraph 127 of the NPPF states that "*planning policies should ensure that developmentsc) are sympathetic to local character and history including the surrounding built environment and landscape setting....*". Paragraph 170 goes on to state that planning policies should protect and enhance valued landscapes commensurate with their identified quality and recognise the intrinsic character and beauty of the countryside. Thus, whilst Gladman Developments Ltd object to the principle of Policy CNP5 in their

Regulation 16 representations, I am satisfied that the principle of the policy has regard to national policy.

iii) Policy E2 of the TVBRLP requires development to protect, conserve and enhance the landscape of the Borough and sets out criteria that development should meet to achieve this. Whilst Policy CNP5 is therefore in general conformity with the TVBRLP, TVBC has objected to the policy in its Regulation 16 representation arguing that it merely replicates Policy E2 and duplicates matters covered elsewhere in the CNP, notably in clauses 2 a) and b). Whilst I agree there is a degree of overlap, policy CNP5, modified as below, does detail what is important locally in Charlton and can be retained in part.

iv) The protection of the landscape character and setting to settlements also contributes to achieving sustainable development.

v) However, as with some of the other policies, the policy and supporting text are not clear and unambiguous. First, it is not clear in the first section of the policy how *'inappropriate development'* would be assessed and it would be clearer if this was expressed as *'development with an adverse impact on landscape character'*. Second, clauses 1 and 2 overlap each other and the objective of 1 would be met by clause 2 once modified. Third, clause 2c is not clear in terms of what are the *'other relevant documents as set out in the Local Plan'*. The main documents of importance in applying this clause appear to be those already referred to in clause 2c.

vi) In addition, in the supporting text, TVBC has asked that it be clarified that it is the Test Valley Landscape Character Assessment (TVLCA) that sets out full details regarding landscape character and not the Charlton Character Appraisal. It also proposes that the plan at Fig 10 should be replaced with the map from the TVLCA that shows the landscape character areas as that is what is being talked about in the supporting text. TVBC also suggests that the supporting text would be strengthened by relocating the text from the 'Justification Section' of the policy box to follow paragraph 8.6.1. I agree that these three adjustments would help to clarify the supporting text and therefore the policy itself, and should be implemented.

Recommendation 11

11A In Policy CNP5 Line 2 delete the words *'inappropriate development'* and revise text to read: *"...against development with an adverse impact on landscape character"*.

11B Revise rest of the Policy following to delete current sections 1 and 2 and replace with the following to read:

"Development will only be permitted where it protects, conserves or enhances:

a) The landscape setting ... the Charlton Character Appraisal and Test Valley Landscape Character Assessment and

b) Local landscape features such as ... historical value."

11C Paragraph 8.6.1 line 1 – revise start to read: *"The Test Valley Landscape Character Assessment sets out full details...."*

11D Relocate text from CNP5 Policy Box under ‘Justification from Evidence Base’ starting ‘Specific to Charlton’ into new paragraphs following paragraph 8.6.1 of supporting text.

11E Replace Fig 10 with an illustration showing the Landscape Character Areas from the TVLCA.

vii) With these modifications, the policy is clear and unambiguous and meets Basic Condition a) as well as Basic Conditions d) and e).

6.8.7 Setting of the Local Gap (Policy CNP6)

i) Policy CNP6 seeks to ensure that the open character of the landscape between Charlton and Penton Mewsey is retained. The NPPF at section 12 (seeking to achieve well-designed places) makes it clear at paragraph 127d) that it is important to establish and maintain a clear sense of place. Charlton’s sense of place would not be well served by allowing the coalescence of neighbouring settlements. In that respect, the policy has regard to the NPPF.

ii) However, there have been two major representations in respect of this policy at the Regulation 16 stage. One is from TVBC stating that, as the ‘local gap’ is already protected in Policy E3 of the TVBRLP, Policy CNP6 is not necessary. The other is from Gladman Developments Ltd stating that the CNP seeks to extend the area to which the local gap policy of restraint on development will apply.

iii) In view of the fact that the concerns were raised at the Regulation 16 stage and the Parish Council has had no formal opportunity to respond, I gave CPC the opportunity to submit their views in response to the TVBC and Gladman representations in Examiner Question EQ15 (See Appendix 1). The CPC response is set out at Appendix 1 and this has been considered in this determination.

iv) CPC argue that the policy does not oppose development, only development that would have an adverse effect on the aim of retaining the separation between the settlements, but in effect this would impose a restrictive policy over a wider area adjacent to the local gap.

v) Thus, regarding the Gladman point and looking at the policy title, policy wording and wording of the supporting text, the CNP does appear to seek to extend the control applicable in the Local Gap as defined in the TVBRLP across a wider area to protect the setting of the Local Gap.

vi) The topic paper supporting the concept of introducing the Local Gaps in Hampshire Local Plans makes it clear that the gap should *‘include no more land than is necessary to prevent the coalescence of settlements having regard to maintaining their physical and visual separation’*. In that respect, I am not persuaded that there is a case for Policy CNP6, **as currently worded**, to apply to the wider setting of the local gap which the supporting text appears to indicate is the intention. Indeed, to do so could be viewed as undermining the strategic policies of the Local Plan. The correct approach, if CPC is concerned about

the landscape over a wider area adjacent to the Local Gap, would be to pursue the extension of the gap through the replacement local plan.

vii) Notwithstanding this in principle objection, there are aspects of Policy CNP6 that can justifiably be retained (if modified) given the evidence in the TVLCA and Charlton Character Appraisal regarding the importance of enhancing the urban edge around the gap. In that case, the policy would add locally specific guidance to the policy control through Policy E3 of the TVBRLP.

viii) Regarding TVBC's point, I accept that section 1 merely repeats TVBRLP Policy E3 at clauses a) and b), albeit applying it to a wider area. However, it appears to be the intention of Policy CNP6 to try and add locally specific guidance. If this was more clearly achieved, the policy could be retained as, self-evidently, it is in general conformity with the TVBRLP as the Local Plan's strategic intention is to maintain separation between settlements.

ix) In addition to the changes necessary to Policy CNP6 and supporting text to ensure it is supporting and complementary to Policy E3, TVBC also suggest that the text at the start of paragraph 8.7.2 regarding the former South East Plan 2009 is removed as the reference is now irrelevant in that the Local Gap is justified and secured through Policy E3 of the more recently adopted TVBRLP.

Recommendation 12

12A Reword Part 1 of Policy CNP6 to read:

“The village lies adjacent to the ‘Local Gap’ between Andover and the Pentons which is subject to adopted Local Plan Policy E3. Development on the western and south western edges of Charlton village particularly major housing development and taller or larger buildings and structures will only be permitted where:

- 1) A landscape and visual impact appraisal demonstrates that the development would not be detrimental to the openness of or views to and from the Local Gap between Charlton and Penton Mewsey.**
- 2) The edge of the built-up area is reinforced through good design and appropriate landscape planting and intrusive development is avoided.”**

Retain current section 3 as an unnumbered paragraph following 2) with wording amended as follows: “Proposals in and adjoining the Local Gap for agriculture and forestry-related development, playing fields, allotments and other open land uses that might benefit local communities and help preserve the separation between settlements and the retention of their individual identities will be supported.”

12B Change the subheading to the section and the title to the policy to “Supporting the Local Gap” or similar

12C Delete paragraph 8.7.2 and revise to read:

“The CNP evidence base containing the character appraisal and the viewpoint assessment both highlight the quality of the landscape and views around the Local Gap on the west side of Charlton and it is important that

development on the western edges of the village supports the purposes of the Local Gap and strengthens its role in preserving the separation of Charlton from Penton Mewsey and retaining individual identities.”

x) With these modifications, the intention of Policy CNP6 is clear and unambiguous whilst complementing Policy E3 of the TVBRLP. The policy would meet Basic Conditions a) and e) and, inasmuch as maintaining local distinctiveness and a sense of place are important attributes of a sustainable settlement, the policy contributes to sustainability and so Basic Condition d) is also met.

6.8.8 Important Views – (Policy CNP7)

i) Policy CNP7 seeks to protect and enhance local views which are important to the community and which define the character and setting of Charlton and its rural areas. Inasmuch as the NPPF at paragraph 170 states that planning policies should protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside, Policy CNP7 has regard to national policy. The TVBRLP at Policy D1 - Place Shaping - seeks to ensure development reflects distinctive local character including landscape character. In seeking to protect local landscape character and local views of importance, the CNP is in general conformity with the TVBRLP and adds local detail to its policies.

ii) TVBC and HCC raise concerns in their Regulation 16 representations that the 2nd paragraph of the policy is unnecessarily restrictive in that paragraph 3 already states that development proposals will be expected to demonstrate no adverse impact. TVBC also argues that paragraph 3 as currently worded applies only to development outside the settlement boundary, when in fact development within the settlement eg close to the settlement edge may be just as likely to impact on important views. I agree with both points and the policy should be modified accordingly to be in general conformity with the TVBRLP.

iii) Gladman Developments Ltd, in their Regulation 16 representations, take issue however with the whole intent of Policy CNP7 and consider that the policy is subjective, inadequately evidenced and should be removed. Gladman submit that development can often be accommodated without eroding key views and this flexibility is not allowed for in the policy. As set out below, however, the wording of the policy as modified is not an outright block on development and would allow development where it can be demonstrated that there will be no adverse impacts on views. It is perfectly possible with a sensitive design, based on an assessment of landscape and visual impacts that development could be allowed. The policy is not therefore inflexible. Gladman object to the long list of views and argue that in each case to be protected there need to be attributes that take it out of the ordinary.

iv) Whilst Policy CNP7 is supported by a Viewpoint Assessment in which views are named and to a degree described and ranked according to their significance, there is no description as to why they are important or what the characteristic is that is important to

retain. It is therefore difficult for a decision maker to operate the policy and protect the views. As such, the policy is in conflict with national advice to be clear and unambiguous and therefore Basic Condition a). I have given the Parish Council the opportunity to provide additional information and amend the Viewpoint Assessment in order that the policy can be implemented. This has been provided in response to Examiner's Question EQ16 and it is attached at Appendix 2 to this report. With this, I am satisfied that the protection of the views is appropriately evidenced and justified.

v) Developing the Gladman point that not all views are worthy of protection, the policy wording should make it clear at paragraph 1 that it is those of moderate and significant value, as set out in the Viewpoint Assessment, that are being preserved.

vi) Finally, given the above changes and the modifications proposed to Policy CNP6, the wording in paragraph 8.8.3 is potentially misleading and should be modified to simply protecting the high quality landscape setting and sense of place of the village.

Recommendation 13

13A In Policy CNP7 Paragraph 1 lines1-2 – delete the words “following notable” and insert after the word “views” in line 2 the words “of moderate and significant value”.

13B Delete second paragraph to Policy CNP7

13C In Policy CNP7 Paragraph 3 line 1 – delete the words “outside the settlement boundary” and in line 3 the words “identified” and “as”.

13D Incorporate the Viewpoint Assessment, including the additional justification at Appendix 2 below, into the CNP as Appendix 1A (as it is part of the evidence base listed in Appendix 1 to the CNP). (A summary of the Viewpoint Assessment eg the map indicating the views and the description and significance of each view would suffice).

Reference the new Appendix in the Contents of the CNP.

13E Reword the first line of paragraph 8.8.3 to read:

“The policy seeks to protect the high quality landscape setting and sense of place of the village.”

vii) With these modifications, the policy will meet the Basic Conditions.

6.8.9 Biodiversity and Green Infrastructure - (Policy CNP8)

i) This section of the plan is aimed at requiring new developments to maintain and enhance the green infrastructure network of Charlton. As such, the policy has regard to section 8 of the NPPF which, at paragraph 91, requires planning policies to provide safe and accessible green infrastructure because of the benefits that this brings for local health and wellbeing. The principle of the policy therefore has regard to this part of the NPPF.

ii) Policy E6 of the TVBRLP similarly looks to conserve green infrastructure and Policy E5 seeks to protect the biodiversity importance of green infrastructure. As such, policy CNP8 is in general conformity with the TVBRLP.

- iii) However, as referred to previously, the NPPF at paragraph 16 states that: “*Plans should: - serve a clear purpose avoiding unnecessary duplication of policies that apply to a particular area*”. TVBC has expressed concern in its Regulation 16 representations that Policy CNP8 unnecessarily duplicates the TVBRLP at Policies E5 and E6 and duplicates policies elsewhere in the CNP and that CNP8 should be deleted.
- iv) Whilst I accept that there is some duplication and repetition in clauses of the policy, I am not persuaded that the whole policy should be deleted. Some of it adds local value to the TVBRLP policies and should be retained.
- v) Regarding the first bullet point, TVBC argues this is in part covered by Policy CNP14 and could be added to that policy. Whilst I accept that this might be a better location for this clause, it is not in conflict with the Basic Conditions and there is no reason to amend it.
- vi) Regarding the second bullet point, I accept that the concept of conserving green corridors is adequately and appropriately covered in TVBRLP Policy E6 and the first part of the bullet point could be deleted. However, the second part deals with the creation of new natural green corridors and adds local value to what is in Policy E6 and should be retained.
- vii) Bullet point 3 just needs a minor adjustment in tense so that it reads correctly with the rest of the policy.
- viii) In respect of bullet point 4, TVBC argues it duplicates Policy CNP9 dealing with Public Rights of Way (PROW). However, the bullet point is suggesting that green corridors should be linked to the natural areas which may not necessarily involve PROW. It therefore is a different point and the bullet point can be retained.
- ix) Regarding bullet point 5, TVBC argues that it repeats Policy E5 of the TVBRLP. I agree with this. There is no need for this bullet, and it should be deleted.
- x) Assessing this policy raises the matter of whether it is reasonable and realistic for all new development to achieve the maintenance and enhancement of green space which is what the policy currently requires. Bullets 1-4 are highly unlikely to be delivered through, for example, the development of an individual house or a small commercial development. The policy should be revised to apply to major development ie 10 or more houses and more than 1000m² of commercial floorspace.

Recommendation 14

- 14A** Revise the wording at the start of Policy CNP8 to read: “Major development proposals will be required to :....”
- 14B** Revise start of second bullet to read: “Create new natural green corridors using landscape features.....”
- 14C** Revise start of bullet point 3 to read: “Improve the green environment by adding trees...”
- 14D** Delete bullet point 5 in its entirety.

xi) With these modifications, the policy would meet the Basic Conditions and would remove repetition so that the content complements and adds to existing TVBRLP policy content.

6.8.10 Public Rights of Way – (Policy CNP9)

i) This section of the plan is aimed at preserving and extending the PROW network of Charlton. The policy has regard to section 9 of the NPPF inasmuch as it will facilitate sustainable modes of transport, particularly walking. Policy T1 of the TVBRLP deals with managing movement including via PROW and seeks to protect this network. Whilst CNP9 is in general conformity with it, TVBC in its Regulation 16 representations argues that parts of Policy CNP9, in particular the second paragraph, merely repeat policy T1d). I do not accept that this is entirely the case. Policy CNP9 requires developers to demonstrate how development will impact PROW and to describe mitigation measures to address any adverse impacts. This goes beyond the controls in TVBRLP Policy T1 and adds appropriate local control. I am satisfied that the second paragraph of the policy should be retained.

ii) As with several other policies in the plan, CNP9 does not meet the NPPF and PPG requirements for a clear and unambiguous policy. Paragraph 1 of the policy relates to the creation of new paths and goes on to caveat this by stating in particular those set out in the supporting text to the policy. There are two problems with this. First, the supporting text does not seem to be dealing with the creation of new paths, but rather with enhancement of existing paths. Second, the policy leaves it unclear as to what the position will be regarding other paths not mentioned in the supporting text. The policy needs to be modified to clarify. In addition, HCC is concerned that the reference to ‘enjoyment of PROW’ in paragraph 1 in the context of Public Rights of Way legislation is ambiguous terminology which should be removed. I agree that in the context of the legislation the reference should be removed.

iii) Finally, in respect of this section, TVBC suggests that the supporting text would be strengthened by relocating the text from the ‘Justification Section’ of the policy box to follow paragraph 8.10.41. I agree that this adjustment would help to clarify the supporting text and should be implemented.

Recommendation 15

15A Policy CNP9 paragraph 1 lines 1-2 reword as follows:

“The creation of new and enhancement of existing permissive paths and Public Rights of Way will be supported. Development proposals will be supported...”

15B Policy CNP9 paragraph 1 line 4 delete the words “or enjoyment of it”.

15C Relocate text from CNP9 Policy Box under ‘Justification from Evidence Base’ starting ‘Permissive or Public Rights of Way’ into new paragraph following paragraph 8.10.4 of supporting text.

iv) With these minor modifications to policy and supporting text, Basic Condition a) is

met. As already stated, Basic Condition e) is also met and, given that the policy will strengthen the links to enable sustainable modes of transport, it will contribute to the achievement of sustainable development and therefore Basic Condition d) is also met.

6.8.11 Nature Conservation

i) Policy CNP10 seeks to ensure that development proposals provide net gains by creating or enhancing habitats. The policy sets out the measures expected of development. Section 15 of the NPPF, and in particular paragraph 170, requires planning policies to contribute to enhancing the natural environment and, at 170d), to minimise impacts on and provide net gains for biodiversity. The policy therefore has regard to the NPPF. Policy E5 of the TVBRLP requires development proposals to protect biodiversity and to provide appropriate mitigation and to maximise opportunities for creating and enhancing natural habitats. Policy CNP10 is in general conformity with Policy E5 and sets out how biodiversity will be enhanced at the local level.

ii) TVBC, in its Regulation 16 representations, raises concerns that Policy CNP10 duplicates existing policy, is not in all cases adequately evidenced, and is not in all respects clear and unambiguous. Regarding the first point, TVBC argues that clause 1i) repeats Policy E5 and should be deleted. Whilst it is true that there is some overlap, the clause also sets out in detail what will be expected in terms of mitigation which Policy E5 does not do. It therefore adds local policy control to Policy E5. However, clause 1vi) duplicates the requirement in policy CNP13 and should be removed.

iii) In respect of evidence, it is not clear in clause 1iv) why two or more of the types of habitat provision are required and in clause 2 it is unclear what the rationale is for a tree replanting ratio of 2:1. I agree in both respects that there does not appear to be direct evidence as required in the PPG to support these requirements. In both cases, a more generic requirement would retain the policy intent without being overly specific.

iv) Regarding the need for clarity in the policy, several points need to be clarified to meet the requirement of the NPPF for policies to be clear and unambiguous.

v) First, in clause 1, the reference to 'achieving' is confusing and there is no reason why the requirement should be limited to one or more. The intent should be that as many as possible of the principles should be achieved. Second, in clause 1iii, the Parish were asked to clarify whether scrubland was a specific habitat that they wished to protect or whether the intention was more generally to protect habitat. CPC has confirmed that the word 'habitat' would be more accurate as it enables protection of all habitats and not just scrubland. Third, it is far from clear given the wording of clause 3 of the policy what is the intention particularly by inclusion of the words 'which where appropriate'. It would be impossible for a developer or decision maker to know when this clause should apply.

Recommendation 16

16A Revise the 1st paragraph of clause 1 in Policy CNP10 to read:

“In pursuit of this requirement development proposals which comply with the following principles will be supported:”

- 16B** in clause 1i) – delete the first sentence and reword the clause to read: “Where loss of biodiversity is unavoidable any loss shall be mitigated on site.....in accordance with a scheme which shall.....” (Note the word ‘planting’ in the penultimate line of the policy is superfluous and should be deleted as planting may not be required)
- 16C** In clause 1 iii) line 1 replace the word “scrubland” with the word “habitat”
- 16D** reword clause 1iv) to read: “Habitat provision such as hedgehog corridors, bat boxes and bird boxes (particularly those suited to use by owls, swifts, swallows and house martins) should be installed....”
- 16E** Delete clause 1vi)
- 16F** Revise clause 2 line 3-4 to read: “...are to be replaced, generally at a ratio of 2:1”.
- 16G** Reword clause 3 to read: “Development proposals in the area covered by the River Anton Strategy will be supported where they demonstrate how they have taken account of the issues raised in the strategy and where....”

vi) With these modifications, the policy would meet Basic Conditions a) and e). A policy that seeks to protect and enhance biodiversity is likely to contribute to the achievement of sustainable development. As such, Policy CNP10, as modified, also meets Basic Condition d).

6.8.12 Charlton Lakes (Policy CNP11)

- i) Charlton Lakes area is an important recreational and ecological asset in the plan area and Policy CNP11 seeks to guide development to ensure these attributes are protected and enhanced. The policy has regard to the general policy in the NPPF around protecting the natural environment and similar policies within the TVBRLP.
- ii) However, the policy overlaps with other policy within the hierarchy of plans and with other policies in the CNP. The advice from the PPG is that duplication of policies is at best unnecessary and can be confusing and in that respect the following criteria should be deleted:
 - criterion 6 (duplicates Policy CNP5 and TVBRLP Policy E2)
 - criterion 7 (duplicates national policy)
 - criterion 8 (duplicates Policy CNP7)
 - criterion 9 (duplicates Policy CNP10)
- iii) TVBC raises a number of points regarding the other criteria of the policy in its Regulation 16 statement, questioning what is meant by ‘quiet recreation’ in criterion 1; suggesting that any development is likely to mean ‘intensification of use’ in criterion 2; criterion 3 probably cannot be delivered; and criterion 4 duplicates Policy CNP9.
- iv) Regarding criterion 1, most decision makers would have a clear understanding of what was meant by ‘quiet recreation’ and I do not consider the term is unclear. Regarding criterion 2, the term ‘intensification of use’ is qualified by what follows ie that the intensification must not be such as to be detrimental to biodiversity and quiet recreational

enjoyment. I do not consider that it is unclear. In respect of criterion 3, I agree that development in the context of the lakes would be unlikely to give the opportunity to reduce the impact of the A343. As a solution, a more general reference to development mitigating the impact of highway infrastructure would be clearer and more deliverable. In respect of criterion 4, there is some overlap with Policy CNP9 but the criterion in CNP11 is specifically requiring enhancement of the open space network of the lakes and not exclusively about PROW. It should remain. Finally, in respect of the policy being clear and unambiguous, TVBC suggests that Fig 17 should define the area of Charlton Lakes to which Policy CNP11 applies. I agree that this would be a sensible addition, helping to clarify the policy especially as development on the north side and east of Charlton Road closely abuts the lakes.

v) TVBC also suggest that the proposed action in the 'Policy Intention' section of the CNP11 policy box should be relocated to Appendix 2 of the plan as a community aspiration as it is not directly concerned with the development and use of land. I agree the proposal is about governance of the lakes and sits awkwardly with the policy. It should be relocated.

vi) Finally, a representation at the Regulation 16 stage draws attention to inaccuracies in section 8.12 regarding the content of the section. It is hard for me as a non-local examiner to reach a conclusion on these points but if there are inaccuracies they should be corrected.

Recommendation 17

17A In Policy CNP11 delete criteria 6-9.

17B Reword criteria 3 to read: "Mitigate the impact of highway infrastructure".

17C Renumber the criteria accordingly.

17D Identify on Fig 17 the area around the lakes which will be subject to Policy CNP11.

17E Relocate the text from the 'Policy Intention' section of the CNP11 policy box to Appendix 2 as a community aspiration.

17F Review the accuracy of statements made on the management of the Lakes in paragraph 8.12.1 and of Fig 17 as referred to in Regulation 16 representations and correct as necessary.

vii) With these modifications, the policy would meet the Basic Conditions.

6.8.13 Local Green Space - Policy CNP12

i) The plan at Policy CNP12 takes up the opportunity offered in the NPPF to identify and designate Local Green Space (LGS) in accordance with paragraphs 99-101. Such spaces can only be designated at the time the neighbourhood plan is being prepared and must meet the criteria set out in the NPPF.

ii) The 13 sites considered and proposed to be designated as LGS are defined in Fig 20 based on the results of the assessment in the Charlton Local Green Spaces

Assessment (Nov 2019) which assesses the spaces in terms of the tests set out in the NPPF and local criteria.

iii) The TVBRLP does not identify any open space as LGS but at Policy E6 looks to protect and expand strategic green infrastructure including open spaces. As such, Policy CNPI2 is in general conformity and complements the TVBRLP by identifying which open spaces are important at a local level.

iv) However, the policy is set out in a manner that appears to imply that some development would be possible and explains the sorts of development that might exceptionally be permitted and in what circumstances. This is contrary to the purpose of Local Green Space designation set out in the NPPF which carries the same weight as Green Belt and should only be developed in very special circumstances. Policies E6 and LHW1 of the TVBRLP set out the circumstances in which development of general green spaces and public open space may be considered but it is incorrect and misleading to apply these criteria to LGS. The policy therefore needs to be modified to remove these references.

v) A respondent at the Regulation 16 stage considers that the references to areas d) and e) being historically Charlton's village green are imprecise. The respondent also argues that area c) should be included as part of the village green. I have checked with TVBC and following consultation with HCC they have confirmed that the land is not formally designated village green, although it is true that the areas were formerly part of the village green and inasmuch as they continue to hold that character and historic significance they are appropriately designated LGS. The respondent raises a number of detailed inaccuracies regarding the LGS assessment. These should be corrected if they are inaccurate and I agree that it is important for the LGS assessment, as it defines the sites, to be included in the appendices to the plan even if only in summary tabular form.

vi) Protecting key green areas by designating them as LGS is likely to contribute to the achievement of sustainability and is a justified activity for the CNP. The selected sites have been assessed in accordance with the NPPF tests and are justified, and Policy CNP12 and its supporting text as modified below raises no issues in respect of the Basic Conditions.

Recommendation 18

18A Policy CNP12 Paragraph 1 – delete all except first sentence. Add to line 1 after the words “map below” the words “and in the LGS Assessment at Appendix 1B”.

18B Policy CNP12 last paragraph delete everything after first sentence.

18C Revise footnote to the list of sites in Policy CNP12 to read: “Areas ‘c’, ‘d’, and ‘e’ although not formally designated as village green are what remain of Charlton’s village green and are therefore historically significant LGS”.

18D Delete paragraph 8.13.4 and all of paragraph 8.13.5.

Replace paragraph 8.13.4 with the following wording:

“Once designated the LGS will be managed in a manner consistent with that applicable within designated Green Belt.

18E Add the LGS assessment, including the detailed maps of each site as Appendix 1B to the plan (as it is part of the evidence base listed in Appendix 1). This could be in tabular form. Reference the new Appendix in the Contents of the CNP.

vii) With these modifications, the policy would meet the Basic Conditions.

6.8.14 Charlton Leisure Centre and Sports Ground

Section 8.14 of the CNP briefly references Charlton Leisure Centre and Sports Ground and raises no issues relating to Basic Conditions.

6.8.15 Flooding and Drainage Issues

- i) Although the River Anton and its tributaries are a source of fluvial flooding, the NPPF sets out clearly the policy approach in respect of development and flood risk. Rather than duplicate this detailed policy advice, the CNP focusses on the specific and more widespread local issue for Charlton of surface water flooding from run off and related surcharging of sewerage systems. Policy CNP13 includes locally specific advice targeted at surface water flooding seeking to ensure that this issue is not exacerbated by new development and encouraging the use of Sustainable Drainage Systems. The policy therefore has regard to the NPPF and is in general conformity with and complements the policy advice in Policy E7 of the TVBRLP.
- ii) The policy raises no issues in respect of the Basic Conditions. Although TVBC suggests in its Regulation 16 representations that the supporting text paraphrasing the NPPF approach to development and flood risk should be deleted, the text provides context and I make no recommendation for its removal.

6.8.16 Design (Policy CNP14)

- i) Policy CNP14 requires a high standard of design in developments and requires developers to draw on the findings of the Charlton Character Appraisal (CCA) in designing their schemes.
- ii) The policy has regard to Section 12 of the NPPF and in particular paragraphs 124 to 127, especially the criteria in paragraph 127. Policy E1 of the TVBRLP sets out the overarching requirements of good design for development in the district to adhere to. Policy CNP14 does not seek to replicate this but instead sets out the local requirements of the neighbourhood plan and in particular the need to observe the CCA findings.
- iii) TVBC again has raised concerns at the Regulation 16 stage that the policy and the supporting text are not clear and unambiguous.
- iv) First, in the text at paragraph 8.16.8, it argues that it is not clear what the plan's position on density is when it states density should be appropriate to a village environment

and reflective of character. In my view, both a developer and decision maker in reading this would be clear that they should be looking at the densities in the surrounding area to determine what is appropriate. I do not consider the text is unclear. However, in that paragraph it is the neighbourhood plan and not the Parish Council that needs to set out the approach to density and this reference needs to be amended. In paragraph 8.16.9 the text reads as though Policies CNP14 and 15 are fundamentally to support historic assets. Whilst this might be a benefit, it is not the main purpose which is much more about development being built to sensitive and sustainable designs reflecting the historic context.

v) Second, in the policy itself, TVBC is concerned that in referencing certain types of development it is not sufficiently clear that the policy should apply to **all** development and, further, that the term ‘in keeping with’ is vague and nebulous. It also suggests the requirement of clause 4 would not apply to Permitted Developments (PD).

vi) I agree that the policy should make it clear that it relates to all development, but I am not persuaded by TVBC’s suggested replacement for the phrase ‘in keeping with’. The words ‘reflect’ or ‘in sympathy with’, which they suggest, are not significantly clearer. A possible alternative would be to ‘respect the character’ which would be more precise. Although it is true that clause 4 could not apply to the majority of householder developments, which is PD, the intent in this part of the policy will be important for those developments where planning permission is required.

vii) Finally, as with other policies there is overlap between Policy CNP14 and other policies of the plan. Bullet point 4 of clause 2 in CNP14 duplicates Policy CNP16 and bullet point 5 duplicates Policy CNP7. These do not need to be repeated.

viii) As the policy depends on an understanding of the CCA it is important that at least that part of the appraisal that sets out the key issues and guidelines for the neighbourhood plan should be attached in the CNP as part of Appendix 1. Although TVBC suggest the whole appraisal should be attached this can be summarised to the key guidelines.

Recommendation 19

19A Amend start of paragraph 8.16.8 to read: “The plan sets out....”

19B Amend paragraph 8.16.9 to read:

“Charlton’s historic past is evidenced in the designs, features and materials of its built environment which establishes its village character. The built environment policies are intended to ensure development respects this character developed over time”.

19C Revise wording of CNP14 clause 1 to read:

“Where permission is required all development should be to a high standard of design to respect the character of the area.....”

19D Delete bullets 4 and 5 in clause 2.

19E Add into Appendix 1, as Appendix 1C, the Development Guidelines identified in the Charlton Character Appraisal.

ix) With these minor clarifying modifications, the policy meets the Basic Conditions.

6.8.17 Sustainable Construction and Infrastructure

- i) Policy CNP15 seeks to secure more sustainable construction in new development within the plan area and supports the provision of utility infrastructure. The principle of the policy has regard to the NPPF. However, the policy is problematic in terms of Basic Condition a) in seeking to control matters more appropriately controlled through Building Regulations and again it needlessly duplicates the TVBRLP, in particular in respect of water management at policy E7.
- ii) The supporting text at paragraph 8.17.3 in particular is problematic in suggesting that proposals that **exceed** the Building Regulation standards 'will be looked upon favourably' where in fact, by law, any proposal simply **meeting** the Building Regulation standards will be approved under the Regulations. Designs that exceed Building Regulations standards can only be encouraged. The text following at 8.17.4 also raises issues and is not clear and unambiguous. It reads as policy even though it is part of the supporting text. However, by relocating this into the policy it would provide the basis to redesign part 1 of the policy so that it meets the intent of the plan to encourage sustainable construction without unnecessarily duplicating Local Plan policy.
- iii) TVBC states in its Regulation 16 representation that part 2 of the policy also duplicates the TVBRLP at Policy COM15 regarding infrastructure. However, I disagree. COM15 relates to contributions from development to mitigate the impact on existing infrastructure. Part 2 of Policy CNP15 relates clearly to new and improved infrastructure provision. Part 2 can therefore be retained; it simply needs the word 'infrastructure' or 'facilities' added after the words 'waste water' to be clear.

Recommendation 20

20A Reword part 1 of Policy CNP15 as follows:

"All new developments are encouraged to:

- **Minimise overall carbon impact during construction**
- **Achieve water efficiency standards set out in the Local Plan**
- **Provide for sustainable transport (including electric car charging) and**
- **Use renewable energy technologies for energy supply with developments encouraged to secure at least 10% of their total regulated energy from renewable or low carbon sources."**

20B Insert in CNP15 part 2 line 1 after the word "water" the word "facilities"

20C Reword paragraph 8.17.3 of the supporting text to read:

"Developers are encouraged to demonstrate how they have addressed the principles of minimising energy use and overall carbon impact during construction and in occupation/use and are encouraged to take opportunities to exceed Building Regulation Standards where possible."

Delete Paragraph 8.17.4 which is relocated in part into the policy.

iv) With these modifications the policy will meet the Basic Conditions.

6.8.18 and 19 Heritage – (Policy CNP 16)

i) Sections 8.18 and 19 of the CNP look to protect the heritage assets of the plan area including and in particular the Scheduled Ancient Monument (SAM) at Foxcotte.

ii) TVBC in its Regulation 16 representations again criticises that the CNP needlessly duplicates the NPPF and the Local Plan. Whilst there are references in the supporting text at paragraphs 8.18.2 and 8.19.1 to the NPPF requirements, these are not repeated in Policy CNP16 itself other than in current clause 7. TVBC suggest they should be deleted from the text but, whilst it is not strictly necessary for them to be there, they set the context and there is no need to delete them.

iii) Although TVBC suggests that the bulleted section of Policy CNP16 repeats TVBRLP Policy E9, in fact, it does not, and the criteria are complementary to Policy E9. The only section of Policy CNP16 that repeats policy in the Local Plan or the NPPF is the first sentence of the last paragraph to the policy. TVBC argues that the requirements in terms of archaeological potential are also set out in the TVBRLP but this is only included in the Local Plan as supporting text and not as policy. In view of the importance of the Foxcotte SAM to the Charlton area, it is justified to retain the requirement with regard to archaeological assessment in the last paragraph of the policy. Moreover, in view of the Historic England representation in response to the second Regulation 16 consultation, referred to above in section 6.8.3, it is appropriate to retain the policy reference in CNP16 and adjust it slightly to reflect Historic England's concern regarding archaeological potential in the allocated site CHA1.

iv) There are three corrections that need to be made to Policy CNP16 to ensure it is clear and unambiguous in line with the requirement of the NPPF and PPG. First, the policy subsections are incorrectly numbered and start at '3' which is confusing and needs to be corrected. Second, in new section 3 line 3 the word 'local' should be inserted after the word 'designated'. Also, as I have recommended at section 6.8.13 above that LGS Area C should be included as part of the village green, the letter 'C' should be included in this section of the policy in line 4. Finally, the words 'where relevant' in line 1 of new section 4 are unclear and should be replaced.

Recommendation 21

21A Renumber Policy CNP16 sections 1-5

21B In new section 3 line 3 insert the word "Local" after the word 'designated' and insert the letter 'C' after the word 'areas' in line 4 of the section.

21C In new section 4 reword the start to read: "Proposals affecting a heritage asset should demonstrate..."

21D In new section 5 delete the first sentence.

21E Reword the sentence commencing 'Where the proposed site' as follows:

“Where the proposed site ...particularly the allocated site CHA1 and in close proximity....medieval village the development proposals should be informed by a programme of archaeological investigation including a desk based assessment and, where necessary, a field evaluation. The County...”

v) With these modifications, the policy would meet Basic Conditions a) and e). Preserving and enhancing heritage assets is generally considered to contribute to environmental sustainability and as such Basic Condition d) will also be met.

6.8.20 Community Facilities (Policy CNP17)

i) Policy CNP17 looks to encourage the provision of community facilities. In that respect, the policy has regard to section 8 of the NPPF which similarly supports the provision of community facilities.

ii) The TVBRLP does not include a specific policy regarding provision of new community facilities, although Policy COM14 does seek to protect existing facilities. TVBC in its Regulation 16 representations argues again that Policy CNP17 duplicates TVBRLP Policy COM15 but, as stated above, this policy is about financial contribution to mitigate the impact on existing infrastructure and not on provision of new facilities. In my view, Policy CNP17 is therefore in general conformity, complementing the Local Plan policies.

iii) There is, however, a need to modify Policy CNP17 to meet the NPPF requirement to be clear and unambiguous. It is not at all clear what the outcome of the second paragraph of the policy would be. It implies that all new developments will have to contribute to facilities for formal and informal sport and recreation. However, it is unrealistic and unreasonable that small sites should provide or contribute in the way suggested by CNP17. A Community Infrastructure Levy (CIL) is in place in Test Valley and small sites would contribute financially through the CIL. Reading the Regulation 123 statement on CIL expenditure, **site-specific** sport and recreation facilities required by individual sites would not be covered by the CIL and it is this provision (where there is a need generated by the specific development) which Policy CNP17 should relate to.

iv) In addition to the need to modify the policy in this respect, there are three changes to the supporting text necessary. First, the text needs to acknowledge the existence of the CIL and the fact that Policy CNP17 will relate to site-specific provision/contribution only. Second, the PPG requires neighbourhood plans to provide robust evidence for the policies but the policy proposal in CNP17 to provide a new community hall comes ‘out of the blue’ with no reference to the proposal in the supporting text. A short paragraph justifying this proposal should be added after paragraph 8.20.5. Third, there is a section of text missing at the foot of page 61 paragraph 8.20.1. I asked CPC to provide this as part of my clarifying questions (see Appendix 1 below). This has now been provided and should be included.

Recommendation 22

22A Reword paragraph 2 of policy CNP17 to read:

“Major residential developments must provide or contribute towards formal and informal sport and recreation facilities in relation to the individual site where this is necessary to meet adopted standards for the increased population generated by the development. Contributions must be directly, fairly and reasonably related to the development and will be secured through planning obligations.”

22B Insert two new paragraphs of supporting text after 8.20.5 as follows:

“8.20.6 Test Valley has implemented a Community Infrastructure Levy that applies to all residential development. However, the CIL expenditure excludes the provision of or contribution towards site-specific community facilities, including sport and recreation, necessary to meet the specific needs arising from individual sites. Policy CNP17 seeks to ensure this provision is made through planning obligations.

8.20.7 A clear need identified in the community surveys was for the provision of a new community hall to serve Charlton. In the 2018 survey 80% of residents supported the proposal. Policy CNP17 seeks to encourage its provision.”

22C Insert missing text at the foot of page 61 – (see the list provided by CPC in Appendix 1 below).

v) With these modifications, Policy CNP17 would meet Basic Conditions a) and e). Inasmuch as maintaining and expanding community facilities within the local area will contribute to a more sustainable community in Charlton, Basic Condition d) will also be met.

6.8.21 Local Shops and Businesses (Policies CNP18 and CNP19)

i) This section of the plan is seeking to retain existing local businesses and encourage increased economic activity appropriate to the rural nature of the parish. Policy CNP18 is specifically directed at the retention of local shops and businesses within the village, whilst Policy CNP19 supports smaller-scale commercial development.

ii) The policies have regard to section 6 of the NPPF seeking to build a strong competitive economy, encouraging sustainable economic growth, and supporting a prosperous rural economy, particularly the policy statements at paragraphs 81 and 83.

iii) Policy COM14 of the TVBRLP seeks to control the loss of local shops and other community facilities, whilst policies LE16 and LE17 set out the circumstances in which commercial development in rural areas will be handled.

iv) TVBC has made representations in its Regulation 16 statement that argue that Policy CNP18 needlessly duplicates Policy COM14 of the TVBRLP, that CNP19 is in conflict with the TVBRLP in respect of what it seeks to support as well as being repetitious, and that both policies are not clear and unambiguous in their intent.

v) Regarding CNP18, there are parts of it that do duplicate Policy COM14 and these should be removed. However, this is not true of all the policy – clauses a) and c) are not

tests in Policy COM14 and can be retained.

vi) In addition, in its second paragraph the policy relates to Assets of Community Value. As far as I could see from the Register of Assets of Community Value in Test Valley, there are none listed in Charlton nor is there currently an intention in the Community Aspirations section of the plan to nominate assets. As such, paragraph 2 of Policy CNP18 is misleading and unclear as to how it would be applied. At best, it is likely to be unused in its present form.

vii) TVBC suggests it would be helpful to the implementation of TVBRLP Policy COM14 if community assets were listed. However, at this stage in the CNP it would only be possible to set out the intention to nominate community assets as a Community Aspiration in Appendix 2 of the plan.

viii) It would appear from the supporting text, that it is principally local shops and local hospitality businesses which the plan considers should be protected. Modifying the policy to relate to these, and particularly any that are subsequently registered as Assets of Community Value, would enable the policy to offer clear and unambiguous advice and in a way that does not duplicate the Local Plan.

ix) Regarding CNP19, the policy restricts support to small-scale enterprise whereas, within the settlement boundary, the TVBRLP strategy in Policy COM2 would allow larger strategic employment developments. Therefore, the premise of the policy is not in general conformity with the strategic policies of the Local Plan. With respect to the clauses, a) is an unnecessary statement of the obvious, b) is confused and not evidenced, c) is not justified by evidence, and d) and e) are already covered by TVBRLP Policies E8 and T1 respectively.

x) In large part, therefore, the policy should simply be deleted. However, it would be possible to reflect the community's intention to support smaller developments in particular through a very general supporting policy. This could state that '*development to provide workspace, particularly for existing and new small-scale businesses within the settlement boundary or outside it in the circumstances set out in policies LE16 and 17 of the Local Plan will be supported*'. However, other than being generally encouraging the policy would achieve little. If this option is followed, then there would also be a need for some supporting text setting out the purpose of the policy. No supporting text relates to the current Policy CNP19.

xi) I recommend the following modifications.

Recommendation 23

23A Reword the first paragraph of Policy CNP18 to read:

“Local shops and hospitality businesses particularly those registered as Assets of Community Value are vital to the economic and social life of the Plan Area. Proposals that would result in their loss will be resisted unless it can be demonstrated that the tests in Policy COM14 of the Local Plan are met or:

- **Satisfactory alternative facilities are provided or**
- **The proposed development would provide sufficient community benefit to outweigh the loss of the existing facility.”**

Delete paragraph 2 on page 67 in its entirety.

23B Include in CNP Appendix 2 - Community Aspirations, the intention to nominate Assets of Community Value.

23C Delete Policy CNP19. If the CPC wish to see a supportive policy retained emphasising support in particular for smaller enterprise developments, the wording set out in paragraph 6.8.21 x) above could be used along with appropriate supporting text.

xii) With these modifications, Policies CNP18 and CNP19 (if retained in a modified form) meet Basic Conditions a) and e). The intent of the two policies in retaining local commercial businesses and encouraging the local economy will contribute to creating a more sustainable settlement and therefore Basic Condition d) is also met.

6.8.22 Transport and Highways (Policy CNP20)

i) Policy CNP20 responds to clear concerns from the community and from traffic survey evidence that, to avoid highway safety issues, future development in Charlton needs to provide for sustainable transport options and greater opportunity for walking and cycling within the village. In that respect, the principle of the policy has regard to section 9 of the NPPF and is complementary to its policy objectives in paragraphs 102 and 104.

ii) However, as with other policies, there are a number of elements in Policy CNP20 where the requirement of the NPPF for policies to be “...*clearly written and unambiguous so it is evident how a decision maker should react to development*” is not met.

iii) Wording in the policy such as “*where appropriate...*” and “*where development requires planning consent...*” is unlikely to have very certain outcomes and does not give clear guidance to developers and decision makers as to what is expected of them as required by the NPPF. Policies are much clearer and less ambiguous when worded as specific requirements. Thus, the policy should be modified to make clear where the requirement will apply, bearing in mind that requirements must be reasonable.

iv) Policy CNP20 is in general conformity with Policy T1 of the TVBRLP which sets out a number of requirements of development to minimise transport impact and promote sustainable transport. However, the policy needlessly duplicates TVBRLP policy and areas of overlap, where there are no added local controls, should be deleted. Clauses 1) and 4) of Policy CNP20 fall into this category. Although TVBC argues that clauses 2 and 5 also duplicate the Local Plan, in fact these clauses dealing with mitigation, particularly if amalgamated to avoid repetition, do not replicate Policy T1 and could be retained. Clause 3 needs to clarify that this cannot apply to all developments requiring permission and at 3a) the reference to ‘and speeds’ is ambiguous. Reference to highway safety would be

much clearer.

v) HCC in its Regulation 16 representations did request that clause 1 of policy CNP20 should refer to improving public transport. However, as I have agreed that clause 1 will be removed, this is not necessary. In any event, provision of public transport in the context of new development is a matter that is fully covered in TVBRLP Policy T1.

Recommendation 24

24A Delete clauses 1 and 4 of Policy CNP20.

24B Renumber existing clause 3) as 1) and reword to read:

“1. Development proposals for new dwellings and new commercial buildings should provide evidence to demonstrate....impact on:

a. Traffic flow and highway safety in the village.

b. LocationsFoxcotte Lane.”

24C Amalgamate clause 2) with clause 5), reword as follows and number as new clause 2):

“2. Development proposals which include mitigation to improve road safety including traffic calming, new junction arrangements and dedicated pedestrian and cycle paths will be supported but should minimise...urbanising features.”

vi) With these modifications, Policy CNP20 will be clearer for users, developers and decision makers without duplicating existing policy and therefore meets Basic Conditions a) and e). Inasmuch as the policy is seeking to promote a safer highway network in Charlton, it is likely to contribute to achieving sustainable development and therefore also meets Basic Condition d).

6.9 Development Delivery

6.9.1 Policy CNP21 at the end of the plan looks to ensure that the local community is engaged in early discussions regarding major development in the plan area and a consultation protocol is set out at Appendix 5.

6.9.2 TVBC has objected in its Regulation 16 representation to this approach, arguing that the Council's Statement of Community Involvement and the Pre-application Advice Note adequately address this matter such that it does not need to be repeated in the CNP and that it is a matter for TVBC to lead on.

6.9.3 However, whilst the Pre-application Advice Note does refer to early community engagement in the planning process, as does the Statement of Community Involvement, neither are particularly detailed. In principle, there is not a problem with the CNP setting out in more detail how early community engagement will be applied. There is though, I accept, scope for confusion with the policy and there is a need to clarify that the policy

relates to early local community consultation and engagement and remove formal references to 'pre-application' in both the policy and Appendix 5. In addition, Appendix 5 should be reviewed to ensure it only deals specifically with consultation with the CPC and local community. There is a tension and ambiguity between the policy and paragraph 4.4 of Appendix 5. The policy applies to all large sites, whereas the Appendix appears to suggest otherwise. Just because a large site is unallocated does not mean it is contrary to the plan. Early community engagement is just as important with respect to these. This needs to be resolved and possibly Section 4 of Appendix 5 simply removed. Finally, in the policy there is no justification for selecting five employees as the sole threshold for commercial sites. The normal definition of 'major development' should be used ie more than 1000 square metres of floorspace as this may have fewer than five employees but have a much greater impact than a small office development employing five employees.

Recommendation 25

- 25A Retitle Policy CNP21 as “Delivery and local community engagement on major development proposals”**
- 25B Reword the first paragraph of the Policy to read:**
“In order to ensure a positive and structured engagement with the local community potential applicantsto follow the Local Community Consultation Protocol (See Appendix 5).”
- 25C Reword the second bullet to read:**
“or any application for
- 10 or more new homes or**
 - A commercial development of more than 1000m² floorspace or a site likely to have five or more employees.”**
- 25D Retitle Appendix 5 “Charlton Local Community Consultation Protocol” and review content to ensure it deals only with consultation with the CPC and local community. Either remove Section 4 of Appendix 5 or ensure it is compatible with the policy.**
- 25E Number the text at the top of page 72 as Paragraph “9.1.2”. Reword line 2 of that paragraph after the words “local community” to read “in early development of planning proposals.”**

6.9.4 With these modifications, Policy CNP21 meets the Basic Conditions and can be retained.

6.10 Plan Appendices

6.10.1 TVBC has stated in its Regulation 16 representations that Appendix 3 on Infrastructure Requirements should be deleted as it is covered in TVBRLP Policy COM15 and does not need to be repeated. However, whilst it is true that the supporting text to Policy COM15 sets out some of the issues relating to infrastructure, Appendix 3 of the CNP has a slightly different slant and, in particular, explains about the local element of the

CIL that can be bid for once the neighbourhood plan is 'made'. This is not mentioned at all in the Local Plan. Inasmuch as the appendix is factual and does not conflict with the Basic Conditions, I am satisfied that it can remain in the plan.

6.10.2 Appendix 4 deals with monitoring and review of the CNP. In the interests of the plan being clear and unambiguous, as required in the NPPF, it is important that the user of the CNP is clear that the process of reviewing a neighbourhood plan is subject to statute and regulation and therefore an additional sentence should be added at the end of Appendix 4.

Recommendation 26

Add after paragraph c of Appendix 4 the following sentence: “d. Any review will follow the neighbourhood planning legislation and regulations applying at that time.”

7. Other Matters

7.1 Proposed Text Changes Presented by TVBC

7.1.1 TVBC provided a comprehensive list of points at the Regulation 16 publicity stage. In addition to the main points relating to the policies and whether they meet the Basic Conditions which I have considered in Section 6 above, it suggested a number of rewordings of text in policies and supporting justifications.

7.1.2 Whilst I see that TVBC may consider that these rewordings may improve the understanding of the plan, I am not persuaded that the changes are essential in ensuring the policies and supporting text passages are clear and unambiguous as required by the NPPF and PPG. I am therefore not satisfied that they are strictly necessary to meet Basic Condition a). It is not my role as examiner to improve the plan or ensure it is sound, although these will be outcomes from many of my recommended modifications above. In respect of the TVBC suggested alterations not covered in Section 6 above or in Appendix 3 (typographical and grammatical amendments), I make no recommended modifications.

7.2 Typographical and Formatting Corrections

7.2.1 There are a number of typographical/grammatical errors in the plan which ought to be corrected. In addition to proposing modifications to ensure the plan meets the Basic Conditions, the only other area of amendment that is open to me as the examiner is to correct such errors. I have identified these in Appendix 3 and, in modifying the plan as set out above and finalising it for the referendum, these typographical amendments should be made.

Recommendation 27

Make typographical and grammatical corrections as set out in Appendix 3 at the end

of this report

8. Referendum

8.1 Subject to the recommended modifications set out above being completed, it is appropriate that the Charlton Neighbourhood Plan should proceed to a referendum.

8.2 I am required to consider whether the Referendum Area should be synonymous with the Charlton Neighbourhood Area or extended beyond it.

8.3 The neighbourhood area as revised in January 2020 mirrors the new administrative boundaries of Charlton Parish. Given the scale and nature of the modified plan and the fact that the policies and proposals would not affect residents in adjoining parishes I do not consider that extension of the area would be warranted.

8.4 Accordingly, I consider that it is unnecessary to recommend any other Referendum Area than the neighbourhood area and no evidence has been submitted to suggest any alternative approach.

Recommendation 28

I recommend to TVBC that the Charlton Neighbourhood Plan, modified as specified above, should proceed to a referendum based on the Charlton Neighbourhood Area as designated by the Borough Council on 8 August 2014 and subsequent amendment on 3 February 2020 to reflect the change in the Parish Council Boundary.

**Peter D Biggers Independent Examiner BSc (Hons) MRTPI
10 February 2021**

Appendix 1 – Examiner’s Clarifying questions to CPC and TVBC

Questions for Charlton Parish Council to answer

EQ1. Dates of designation of the Neighbourhood Area are inconsistent across various documents. It would appear that the application was made on 20/3/14 and the designation of the NA was made by the Borough Council on 8/8/14. Is that correct?

Correct

EQ2. There should be a formal minute of the Parish Council approving the neighbourhood plan for submission. Although the Basic Conditions statement states this was done there is no minute to that effect as far as I could ascertain. It is possible there was a minute from the December 2019 meeting of the Parish Council but I could not find these online. As this is a matter of challenge in a representation at the Regulation 16 stage I need to see the minute that cleared the plan for submission.

The consultation Statement should be amended to state the following:

*“CHARLTON PARISH COUNCIL
MINUTES OF THE MEETING HELD ON 17th MARCH 2020*

Present: Cllr J Smith (Chairman), Cllr C Ward (Vice Chairman), Cllr I Smale, Cllr P Wylde & Cllr M Bonarius.

*In attendance: Mrs H Bourner – Clerk
1 member of public*

15) Neighbourhood Plan Resolution

*Cllr Smale proposed the Parish Council formally resolve the Neighbourhood Plan be submitted to TVBC for the formal regulation 16 procedure to commence. Cllr Bonarius seconded. All in favour.”
Parish Council Minutes are available here:*

<http://www.charltonvillage.org.uk/community/charlton-parish-council-12680/council-minutes/>

EQ3. The site assessment is referred to in the plan but is not available in online documents. I need to see a copy of this to understand the rationale for selecting site CHA1 over any other site.

The link to our evidence base should have been made available on the TVBC website, this has now been rectified.

<https://www.testvalley.gov.uk/consultations/charlton-neighbourhood-plan>

and

<http://www.charltonvillage.org.uk/community/charlton-parish-council-12680/neighbourhood-plan/>

The evidence base documents have been available on the Charlton NP website upon submission of the Reg 16 documents.

EQ4. What is the intention with the phrase ‘starter homes’ in paragraph 8.3.8? Is it simply smaller homes for first time buyers or is it the very specific definition set out in Sections 2 and 3 of the Housing and Planning Act 2016 which is referenced in the NPPF?

This should be amended to ‘smaller homes’ i.e. up to 3 bedroom to allow for first time buyers and for downsizing in line with the HNA findings, this would ensure that there is no confusion with NPPF terms.

EQ5. Looking at the Views Assessment, although the plan supporting text states that only views of moderate and high significance were selected for protection by the policy, it appears that some views of slight significance have been included. This may be a result of the fact that the colouring on the plan in the Views Assessment is very difficult to distinguish. Please confirm that only views of moderate and high significance are actually included in the list in the policy. If this is not the case please indicate which views should be deleted.

The views of slight significance were removed from the list and these related to 17, 18, 19 and 21.

EQ6. In policy CNP10 iii) - is there 'scrubland' in the plan area or should this simply read 'habitat'?

In policy CNP 10v) are there any 'culverted water courses' in the plan area?

iii) there is some scrub vegetation in the parish, but agree that habitat may be more appropriate

v) Culverted watercourses – it is understood that there are some on the edge of the Parish, but this is a minor issue and could be removed

EQ7. In paragraph 8.20.1 – is there a list missing that should be included to make sense of the sentence?

The Parish survey and public consultation events have resulted in a number of clear concerns and requirements for the future needs of Charlton. These include:

- *Lack of superfast broadband*
- *A Community Hall*
- *Enhanced accessibility to Charlton Lakes*
- *Maintain and enhance beauty and habitat of riverbank through Charlton*
- *Maintain and enhance heritage sites – burial ground, Coffin Route*
- *Sympathetically maintain and enhance Charlton Lakeside*
- *Insufficient off-road parking*
- *Speeding and inappropriate traffic through Charlton*
- *Maintain current bus routes*

Questions for Test Valley Borough Council to answer

EQ8. The matter of the SEA screening and the lack of a full SEA has been challenged by a representation at the Regulation 16 stage. In the light of this I would like to see the actual screening opinion following the format set out in the Regulations. I have only been able to locate the determination statement online. This is necessary to understand why SEA was screened out when there is a housing allocation proposed in the plan.

TVBC Please find attached the full screening opinion.

CPC also added The steering group are happy to provide all of the information as sent through to TVBC which included the questionnaire, supporting information regarding previous screening of the site and our Evidence Base review.

EQ9. The Natural England response to the screening opinion refers to the fact that if waste water from the neighbourhood area and its development ultimately drained into the Solent (via the Rivers Anton and Test) this could potentially affect European Sites on the Solent and in these circumstances Natural England would require an Appropriate Assessment to

be carried out. As far as I can ascertain no response is made to this point from TVBC and no HRA screening was carried out presumably because the plan area is more than 10Kms from any European Site. Please set out the Council's position in this respect.

TVBC Please see the HRA SCREENING OPINION at paragraph 3.2 of the attached report which states that :

As a result of the above assessment, it is considered that the policies of the draft Charlton Neighbourhood Plan are in general conformity with those contained in the TVBC Local Plan. With this in mind, alongside the TVBC Local Plan AA and the fact that the draft Charlton Neighbourhood Plan does not allocate more development than the Local Plan, it is concluded that the draft Charlton Neighbourhood Plan is unlikely to have a negative impact on any internationally designated wildlife sites within the locality and as such, the recommendation is made that a full AA is not required.

EQ10. Is the Borough Council generally satisfied with the scale of housing development proposed in the neighbourhood plan?

TVBC Yes.

EQ11. Para 8.2.4 of the plan would suggest further discussion took place on the housing requirement. Did the Council share a requirement with the Parish Council as part of the plan preparation?

TVBC The Parish Council did not formally request a housing figure. Therefore without this request, no figure was given, in line with NPPF paragraphs 65 and 66.

EQ12. One of the Regulation 16 representations argues that references to Local Green Spaces d) and e) should make clear that they are village green. Can it be confirmed from the Register of Common Land whether this is in fact the case or is it simply that these area were formerly part of a village green in Charlton?

TVBC The Council are awaiting the information from the Register of Common Land from Hampshire County Council, who are aware of the deadline. As soon as the information is received, it will be passed to the Examiner for his consideration.
TVBC subsequently confirmed that there was no formal designation of a village green at Charlton

Examiners Supplementary Clarifying Questions to Charlton Parish Council and Test Valley Borough Council.

EQ13. **TVBC to respond** - Natural England's letter of May 2020 asks again for confirmation that drainage from the allocated site CHA 1 would not flow into the Solent catchment and that if no such confirmation could be given an Appropriate Assessment would need to be carried out. I have received the further information regarding the fact that drainage from the site will flow to the Fullerton ST Works. Please confirm the results of the HRA screening on this basis and whether an appropriate assessment will be carried out as soon as possible.

EQ14. **CPC to respond** - Is it correct that the land now developed at Peakes Way and including the CHA1 site was screened at the time of the application as to whether Environmental Assessment should be carried out. The Parish Council refer in their responses to “previous screening” but I could not find anything on TVBC’s Public Access system relating to a screening at the time of the planning application. Could CPC say what the previous screening was and if and where this can be accessed?

13/01034SCRN was submitted to TVBC on 13 May 2013 and related to the land at Peake Way and also comprised the land to the north, which is now subject to CHA 1. The red line plan accompanying the permission clearly shows the extent of the site considered.

In its delegated report TVBC officers set out in paragraph 3.2 and 3.3 that the red line site plan was used as the basis of the assessment (and this is also confirmed in the recommendation in paragraph 6.0). Whilst it is also pointed out there is a constraints and opportunities plan within the submission, it is not treated as a masterplan and this does not assess all of the land within the red line. Therefore, it is clear that officers considered the whole site as measured as being the 9.85 Ha set out in paragraph 3.3.

The screening request at that time related to approximately 100 dwellings, although it should be noted that a lesser figure of 85 was eventually applied for. Therefore, officers were assessing the site on the basis of a larger figure than the 85 dwellings permitted.

With the allocation of CHA 1, this would bring the total number of dwellings within the considered red line to be 135. It is acknowledged that this is in excess of that number screened, but it is considered that an additional 35 dwellings would not have any significant impact upon those matters considered and could be adequately mitigated in any future planning application.

It should also be noted that the site was considered as an omission site in the 2006 Local Plan Inquiry and there are numerous references to this within the allowed appeal decision APP/C1760/A/14/2222867 in May 2015. These are all helpful comments showing that the site has had a long history of assessment.

The relevant documents have been attached for ease of reference.

EQ15. **CPC to respond** - Re section 8.7 *Setting of the Local Gap* – Given the comments of both the Borough Council and Gladman Developments at the regulation 16 stage and the fact that CPC has not had the opportunity to respond to these I am offering CPC the chance to respond.

In addition to the topic paper to Policy E3 Local Gaps, which has been included as an evidence base document. It should be noted that the updated Test Valley Landscape Character Assessment (TVLCA) was updated in 2018, based on work previously undertaken in 2004, which would have supported the basis of Policy E3.

The relevant updated sections of the TVLCA that relate to Charlton have been reproduced and commented upon within the Charlton Character Appraisal. In this regard, there are a number of findings which are of relevance as proposed in policy CNP6.

The policy does not limit appropriate development, but that which can be considered by planning and landscape officers as representing significant harm as described in the policy. More specifically the circumstances have been drawn from the relevant aspects of the LCA.

In particular, it can be seen from the Viewpoint Analysis that there are number of long range, extensive views to the west of the village and that the line of the Local Gap, whilst following a physical line on a plan, does not represent the true extent of the landscape quality. The intention is that large scale development, which is sited adjacent to the Local Gap within this area of extensive views from Foxcotte Lane westwards and southwards to the edge of the parish, should be assessed for its

impact on the objectives of diminishing the visual and physical separation between settlements.

This may be best served by amending the policy title such as calling the area a landscape or green buffer.

This is supported by the LCA as set out below.

Within LCA 5I, the landscape strategy is to enhance the river character and see opportunities to create new and protect key valued riverside landscapes within this area. This includes:

- Maintaining and further enhancement of the network of open spaces adjacent to the River Anton;*
- Enhance the adjacent urban edge, to these open areas and the river.*

This specifically refers to the land immediately to the south of the current Local Gap, to the west of Charlton Lakes. As such further development as discussed within the policy text within these areas would be contrary to the strategy and guidelines as assessed.

With regard to LCA9A, it is noted that there are important countryside gaps between Andover and other settlements, hence the designation of a local gap between Charlton and Penton Mewsey specifically. However, it is clear from the extensive nature of the views between the two settlements that significant/major development can also cause harm further to the north than currently shown on the local gap. In particular there are key valued characteristics set out in the LCA in this area which are considered locally relevant in this context:

- “Extensive views from the network of public rights of way and lanes running through the area including to undeveloped skylines of ridges and wooded horizons*
- Significant influence from the country houses and associated parklands and woodlands present within this character area*
- Contrasting open areas of arable farmland with shelter belts on higher ground.”*

The relevant key detractors are considered to be:

- “Views to large-scale buildings within business parks on the edge of Andover to the south of A303 (within LCA 10C)*
- Suburban boundary treatments in rural locations*
- Lack of hedgerows in arable landscape”*

These detractors are relevant to development in this area as these are likely to be found in many forms of development which could be sited in this area. Specifically, the LCA states:

The proximity of North Andover Plateau to Andover and the openness of the landscape make this character area particularly vulnerable to visual intrusion from any urban expansion or new urban fringe development.

Within LCA 9A, the landscape strategy is to:

- “Maintain the existing complexity and variety of the landscape*
- Maintain existing levels of tranquillity and minimise the impact of development on the quiet enjoyment of this area*
- Discourage further amalgamation of fields and loss of hedgerows and encourage replanting of hedgerows and hedgerow trees*
- Maintain the close relationship between the settlement pattern, late medieval/early post-medieval landscape and adjacent parkland*
- Reinforce the edge of Andover through careful design and appropriate landscape planting*

- *Avoid deterioration in the settlement fringe landscape arising from poor design and intrusive development*
- *Improve management of the landscape around Settlements”*

And of most relevance to this policy is the objective to:

- *“Protect the distinctive form and character of separate settlements*
- *Avoid the coalescence and loss of separate identity of Andover and nearby settlements which are in places separated by a narrow gap of fields”*

It is considered that major or significant development within the area to the west of Foxcotte Lane would undermine this strategy by narrowing the gap between settlements and adversely impacting upon the adjacent parkland and reducing the quiet enjoyment of the area.

EQ16. **CPC to respond** - Regarding the Viewpoints Assessment in which views are named and to a degree described and ranked according to their significance, there is no description as to why they are important or what the characteristic is that is important to retain. In order that the policy can be retained I am offering CPC the opportunity to provide this justification for each view in Policy CNP7 and provide me with an amended version of the Viewpoints Assessment. This can be done in the form of a simple ‘strapline’ below each view setting out why it is special and why it is important to protect it. I would anticipate that this would be done in conjunction with advice from TVBC.

The Viewpoint Analysis has been updated to clearly show those views considered to be of importance and the reasoning behind their designation. Any views which were mistakenly included have now been removed.

EQ17. **TVBC to respond** - Is it correct that the Test Valley CIL will not be used to provide any site-specific requirements in relation to sport and recreation? I require this information in the context of Policy CNP 17.

Peter Biggers - Independent Examiner - 29 May 2020

Appendix 2

Revised Conclusion of Viewpoint Assessment Submitted by Charlton Parish Council June 2020.

Viewpoint Analysis Conclusion

From the work undertaken, it is considered that views valued by parishioners to be of moderate to significant value are deemed to be important viewpoints to be protected.

These views have been highlighted on the adjacent plan and are considered to be of sufficient value to warrant protection in the Neighbourhood Plan.

Views which are considered to be of moderate value and above are described in more detail. Where these relate to specific findings in the Charlton Character Appraisal (CA) (2019) and the Test Valley Landscape Character Assessment (TVLCA) (2004, revised 2018), these have been noted below.

The key views are set out below:

1. Along Foxcotte Lane looking west into CHA6b (+++)

[Extensive long distance and expansive view in the direction of Penton Park/ Conservation Area which is a key characteristic of LCA 9A the North Andover Plateau (page 11 of CA).

This area is considered to have moderate to high sensitivity to change due to openness.

2. Along Foxcotte Lane looking east into CHA3 (+++)

[A smaller arable field surrounded by a shelter belt and focused upon the listed Foxcotte Tower and Foxcott deserted Medieval village area as described in LCA 9A and the CA page 11]

This area is considered to have moderate to high sensitivity to change due to the setting on the designated heritage asset.

4. Along Foxcotte Lane looking west into CHA6b (++)

[Extensive long distance and expansive view in the direction of Penton Park/ Conservation Area which is a key characteristic of LCA 9A the North Andover Plateau (page 11 of CA).

This area is considered to have moderate to high sensitivity to change due to openness.

5. Along Footpath 742 looking north into CHA6b (++)

[A smaller arable field surrounded by a shelter belt and adjacent to the listed Foxcotte Manor as described in LCA 9A and the CA page 11]

This area is considered to have moderate to change due to the setting on the designated heritage asset.

6. Along Footpath 742 looking south into CHA6b (++)

[Long distance view in the direction of Penton Park, the listed Foxcotte Manor and Foxcott deserted Medieval village area which is a key characteristic of LCA 9A the North Andover Plateau (page 11 of CA). Also within Local Gap.

8. From roundabout south into CHA6b (+++)

[Extensive long distance and expansive open view which is a key characteristic of LCA 9A the North Andover Plateau (page 11 of CA).

This area is considered to have moderate to high sensitivity to change due to openness.

9. From roundabout south into CHA7a (++)

[Although marred by pylons. This extensive long distance and expansive view also clearly highlights the large scale arable field pattern surrounded by wooded shelter belts which is a key characteristic of LCA 9A the North Andover Plateau (page 11 of CA).

This area is considered to have moderate to high sensitivity to change due to openness.

10. Along Hatherden Road looking east into CHA7b (++)

This extensive gently rolling long distance view also clearly highlights the large scale arable field pattern surrounded by wooded shelter belts which is a key characteristic of LCA 9A the North Andover Plateau (page 11 of CA).

This area is considered to have moderate to high sensitivity to change due to openness.

15. Along Footpath 759 looking west into CHA2 (++)

[Although marred by pylons. This view over the expansive and rising land clearly highlights the large scale arable field pattern surrounded by wooded shelter belts which is a key characteristic of LCA 9A the North Andover Plateau (page 11 of CA).

This area is considered to have moderate sensitivity to change due to openness and being on an extensive PRow route network.

16. Along Footpath 758 looking south/east into CHA7b (++)

[Although marred by pylons. This expansive view over sloping land clearly highlights the large scale arable field pattern surrounded by wooded shelter belts which is a key characteristic of LCA 9A the North Andover Plateau (page 11 of CA).

This area is considered to have moderate sensitivity to change due to openness and being on an extensive PRow route network.

22. Along Foxcotte Road looking south into Charlton Leisure Centre (++)

[Although much more sub-urban in nature, this is a wide ranging view over rising topography with a wooded setting on higher ground. This provides a valuable amenity view over the recreation facilities and is key characteristic of LCA5I, The upper River Anton Valley Floor as described in LCA 9A and the CA page 9].

This area is considered to have moderate sensitivity to change due to its location between Andover and Charlton.

23. Looking north from the informal path between Foxcotte Lane and Richborough Drive (+++)

[Smaller schedule ancient monument (Foxcott deserted Medieval village) surrounded by woodland and focused upon the listed Foxcotte Tower as described in LCA 9A and the CA page 11]

This area is considered to have high sensitivity to change due to the setting on the designated heritage asset.

24. Looking north from footpath 726 (++)

[A mixed wetland and edge of settlement view over the watercourses with the viewpoint on higher ground. This provides a valuable amenity view over the Lakes/ wetland and is key characteristic of LCA5I, The Upper River Anton Valley Floor as described in LCA 9A and the CA page 9].

This area is considered to have moderate to high sensitivity to change due to its habitat and landscape character in addition to being on an extensive PRow route network.

25. Looking north along informal lakeside path (++)

[A mixed wetland and edge of settlement view over the watercourses. This provides a valuable amenity view over the Lakes/ wetland and is key characteristic of LCA5I, The Upper River Anton Valley Floor as described in LCA 9A and the CA page 9].

This area is considered to have moderate to high sensitivity to change due to its habitat and landscape character in addition to being on an extensive PRow route network.

26. Looking north from the lakeside footbridge across Charlton Lakes (+++)

[An extensive wooded lakeside view. This provides a valuable amenity view over the Lakes/ wetland and is key characteristic of LCA5I, The Upper River Anton Valley Floor as described in LCA 9A and the CA page 9].

This area is considered to have moderate to high sensitivity to change due to its habitat and landscape character in addition to being on an extensive PRow route network.

This area is considered to have high sensitivity to change.

27. Looking east from the lakeside path across Charlton Lakes (fishing) (++)

[An extensive wooded lakeside view. This provides a valuable amenity view over the Lakes/ wetland and is key characteristic of LCA5I, The Upper River Anton Valley Floor as described in LCA 9A and the CA page 9].

This area is considered to have moderate to high sensitivity to change due to its habitat and landscape character in addition to being on an extensive PRow route network.

28. Looking southwest from the lakeside path across Charlton Lakes (recreation) (++)

An extensive wooded lakeside view of Charlton Lakes. This provides a valuable amenity view over the Lakes/ wetland and is key characteristic of LCA5I, The Upper River Anton Valley Floor as described in LCA 9A and the CA page 9].

This area is considered to have moderate sensitivity to change due to its habitat and landscape character in addition to being on an extensive PRow route network.

29. Looking northwest from the lakeside path across Charlton Lakes (fishing) (++)

A wooded lakeside view Charlton Lakes. This provides a valuable amenity view over the Lakes/ wetland and is key characteristic of LCA5I, The Upper River Anton Valley Floor as described in LCA 9A and the CA page 9].

This area is considered to have moderate sensitivity to change due to its habitat and landscape character in addition to being on an extensive PRow route network.

30. Looking east across the Green (++)

[Important historic viewpoint -site of the original river crossing point and village Green in Charlton. The view retains the original village landscape character with line of thatched cottages overlooking open setting leading down to the river (as identified on page 13 of CA). This area is considered to have moderate to high sensitivity to change due to historic setting and potential to reinforce the historic setting of the village.

Appendix 3 Recommendation 27 – Typographical and Grammatical Corrections

Ref	Page	Location	Correction
27A	5	Foreword Paragraph 5 Line 1	Change the date of '2031' to '2029'. Reason - the stated end date of the CNP on its cover is 2029.
27B	14	Paragraph 5.1 - line 1	Delete the letters DPD.
27C	14	Paragraph 5.4 – line 1	Reword paragraph 5.4 line 1 to read: “ <i>Due regard has been given to all TVBRLP policies. Those strategic....</i> ” Reason – to remove the unnecessary duplication at paragraph 5.4 repeating the date of adoption of the TVBRLP.
27D	21	Paragraph 8.3.3 – line 2	Remove the first occurrence of the word ‘either’. Reason – to make sense of the sentence.
27E	22	Paragraph 8.3.4 - line 1	Reword start of sentence to read: “ <i>The site assessment was therefore undertaken....</i> ”. Reason - to make sense of the sentence in the light of preceding paragraphs.
27F	26	Paragraph 8.4.3 – line 4	Replace the word ‘Charlton’ with the word “ <i>Andover</i> ”. Reason – to make contextual sense in the sentence.
27G	27	Paragraph 8.4.8 – line 12	Delete the word ‘at’ before the word ‘given’ and insert a comma. Reason – to make sense of the sentence.
27H	29	Paragraph 8.6.2 – line 4	Replace the word ‘beds’ with the word ‘ <i>belts</i> ’. Reason – to correct misprint.
27I	30	Paragraph 8.6.4 – line 1	Insert the word ‘ <i>the</i> ’ before the word ‘parish’. Reason – to make grammatical sense in the sentence.
27J	34	Policy CNP6(3) – last line	Insert full stop. Reason- to mark end of policy.
27K	41	Policy CNP9 – ‘Policy Supported’ box	Insert after the reference ‘E6’ the words “ <i>and T1</i> ”. Reason - the policy assists the delivery of local plan policy T1.
27L	46	Paragraph 8.13.1- line 3	Replace the word ‘urban’ with the word “ <i>built-up</i> ”. Reason - to make sense in the context.
27M	51	Policy CNP13 – ‘Justification from Evidence’ box- line 1	Delete the word ‘urban’. Reason - SuDS refers to Sustainable Drainage Systems there is no longer a reference to ‘urban’.
27N	53	Paragraph 8.16.6 – 2 nd bullet line 2	Delete the word ‘be’ after the word ‘often’. Reason - to make sense of the sentence.
27O	56	Policy CNP14 3) - line 4	Add letter ‘s’ to the word ‘zone’. Reason - to make grammatical sense.
27P	57	Paragraph 8.17.8 - line 1	Insert the word “ <i>infrastructure</i> ” after the word ‘current’. Reason - to make contextual sense in the sentence.

27Q	58	Policy CNP15 – ‘Policy Supported’ box	Insert the reference “COM15”. Reason - the policy assists the delivery of local plan policy COM15.
27R	58	Paragraph 8.18.2 - line 4	Delete the words ‘on the plan below’ and replace with the words “in Fig 33” Reason – to accurately reference the source.
27S	59	Paragraph 8.19.1- line 1	Revise line 1 to read: “Regarding the deserted medieval village of Foxcote paragraph 189 of the NPPF is relevant where it states...” Reason - to remove repetition.
27T	62	Paragraph 8.20.4- line 1	Amend the start of the sentence to read “The Public Open Space requirement based on...”. Reason - to clarify that it is the requirement and not the current supply that is being referred to.
27U	68	Policy Box to Policy CNP19 (if retained)	Add into ‘Policy Supported’ section after the words ‘Local Plan Policy References’: COM2, LE16, LE17, E8 and T1. Reason - These are currently missing
27V	79	Appendix 4 – paragraph c) – line 3	Correct spelling of the last word in the line to read “policies”. Reason – incorrect spelling.