

# INDEPENDENT EXAMINATION OF THE UPPER CLATFORD NEIGHBOURHOOD PLAN

EXAMINER: David Hogger

Charles Emmet  
Clerk to Upper Clatford Parish Council

Sarah Hughes  
Test Valley Borough Council

Examination Ref: 01/DH/UCNP

25 September 2020

Dear Mr Emmet and Ms Hughes

## UPPER CLATFORD NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Upper Clatford Neighbourhood Plan (UCNP) for examination, I would like to clarify several initial procedural matters. I also have a number of preliminary questions for the Upper Clatford Parish Council (UCPC) as Qualifying Body and a smaller number for Test Valley Borough Council (TVBC). These are attached as an Annex to this letter.

### 1. Examination Documentation

I can confirm that I have access to a complete copy of the submission UCNP and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement, the Screening Opinion for Strategic Environmental Assessment and Habitats Regulations Assessment, and the Regulation 16 representations. I am satisfied that I have the relevant evidence to enable me to undertake the examination.

Subject to my detailed assessment of the submission UCNP, I have not identified any very significant and obvious flaws that might lead me to advise that the examination should not proceed.

### 2. Site Visit

I intend to undertake a site visit to the neighbourhood plan area in the week commencing Monday 28 September, subject to such a visit being in accordance with Government advice on travel, regarding the COVID-19 pandemic. This will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process (and further respecting the current COVID-19 distancing arrangements).

### 3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

#### 4. Further Clarification

I have a number of initial questions seeking further clarification from both UCPC and TVBC. I have set these questions out in the Annex to this letter. I would be grateful if a written response could be provided within **three weeks** of receipt of this letter.

#### 5. Examination Timetable

As you will be aware, the intention is to examine the UCNP (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within 4-6 weeks of submission of the draft Plan. However, as I have raised a number of questions to which I must provide the opportunity for the preparation of an appropriate response to be prepared, the examination timetable will be extended. Please be assured that I will seek mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter and any subsequent response, are placed on the websites of the Parish Council and the Borough Council.

Thank you in advance for your assistance.

Your sincerely

*David Hogger*

Examiner

## ANNEX

From my initial reading of the submission draft Upper Clatford Neighbourhood Plan (UCNP) and the supporting evidence, I have 2 questions for Test Valley Borough Council (TVBC) and 20 questions for Upper Clatford Parish Council (PC). I have requested the submission of a response within **three weeks** of receipt of this letter.

### Questions for Test Valley Borough Council - (2)

1. My first question concerns the relationship between Policy UC10: Andover – Anna Valley/Upper Clatford Local Gap and Policy UC11 Local Green Spaces (LGS), in particular LGS4: flood plain and meadow, Upper Clatford.

Bearing in mind the advice on LGS in paragraph 100 of the NPPF and in the Planning Practice Guidance (for example paragraph 011 Ref. ID: 37-011-20140306); firstly could TVBC confirm that in its view there would be 'additional local benefit' in designating LGS4 as LGS and that there is no reason why the two designations (i.e. local gap and LGS) cannot both be applied to the land in question? And secondly would TVBC agree with the PC that in these circumstances the area of LGS4 (12 hectares) is not extensive and is local in character? (See also my question 15 to the PC).

2. Paragraph 6.8 (page 21) refers to solar farms that have been developed in the wider area. Can TVBC confirm that a consistent approach is being adopted towards such development throughout the Borough and in particular with regard to neighbouring Parishes to Upper Clatford?

### Questions for Upper Clatford Parish Council - (20)

1. Paragraph 1.9 (page 2) refers to the Environment Bill<sup>1</sup> and paragraph 1.10 (page 3) refers to the Agriculture Bill<sup>2</sup> but there is no indication of their current status or of the timetable for them becoming law. In the interests of clarity, could the PC consider the inclusion of some appropriate wording?

2. Policy UC1 (page 11) relates to sustainable development but I could find no explicit reference to achieving 'sustainable development' or 'sustainability' in the chapter on Vision and Objectives (page 9). Is there a reason for this?

3. In Policy UC2 point 1 (page 12) there is a reference to a facility being 'surplus to requirements'. How would such a position be assessed by a decision-maker?

4. Policy UC3 (page 15) and paragraph 5.10 refer to the removal of permitted development rights to extend dwellings. What is the justification for this measure? Is there any evidence that the implementation of such a measure would contribute significantly to achieving a satisfactory 'housing mix'?

5. Paragraph 6.4 (page 19) refers to small businesses being those with under 10 employees. What is the justification for this figure, and does it accord with the advice in paragraph 83 of the NPPF with regard to supporting a prosperous rural economy?

6. In Policy UC5 (4) on page 20, what is meant by 'environmentally acceptable' in relation to a proposed access?

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<sup>1</sup> The Environment Bill is currently at Committee stage in the Commons, due to report by 29 September 2020. See: <https://services.parliament.uk/Bills/2019-21/environment.html>

<sup>2</sup> The Agriculture Bill appears further progressed, scheduled for Third reading in the Lords on 1 October 2020. See: <https://services.parliament.uk/Bills/2019-21/agriculture.html>

7. In Policy UC6 (page 24) how will requirement 5, regarding maintaining and increasing the number of trees, be achieved?

8. Bearing in mind that it is anticipated that the Neighbourhood Plan will become part of the Development Plan, did the PC consider including more detail in the UCNP itself about the character of the various settlement areas as listed in paragraph 7.3 on page 25 (perhaps as an Appendix)? Does the PC agree that such detail would be of assistance to the 'decision-maker' and if so, could some appropriate wording be devised?

9. Policy UC7 (page 27) seeks, in sub-section 2, to prevent the sub-division of plots and sub-section 5 seeks to prevent the addition of rooms above the ground floor of outbuildings. What is the justification for these two requirements and why would such development be harmful?

10. At the end of the first bullet point of paragraph 8.7 (page 36), there is reference to resisting plot subdivision. What is the justification for this?

11. In the last bullet point on page 36 there is a reference to 'deciduous and other woodland priority habitats'. For what reason are they priority habitats?

12. Paragraph 8.13 (page 40) refers to the views identified on Plan 7 as 'typical examples'. That implies to me that there may be other views that have not been identified on the Plan. Could the PC confirm the status of the views identified on Plans 7 and 8? What criteria have been used to assess the value of the views? What is the justification for Settlement View 12 and is it a public view?

13. It is clear from the Evidence Document on Policy UC10 – The Local Gap, that there is strong community support for the local gap. Could the PC summarise why, in its view, Policy UC10 – Local Gap (page 46) adds to Policy E3 (Local Gaps) of the Test Valley Borough Review Local Plan (TVBRLP)?

14. Can the PC confirm that, on page 56, the text under 'Demonstrably special and of local significance' is the same for both LGS2 and LGS3?

15. The Evidence Document relating to Policy UC11 – Local Green Spaces (on page 6) refers to '8ha of considerable ecological importance' (in relation to site LGS4). The assessment of the site on page 57 of the UCNP, refers to the site being 12ha in area. Could the PC confirm the total area of site LGS4 and summarise which parts of the site (if not all of it) are demonstrably special to the local community, including which parts (if not all of it) hold local significance because of beauty, historic significance, recreational value, tranquillity and richness of wildlife.

16. Could the PC summarise why, in its view, Policy UC12 on Sites of Importance for Nature Conservation (SINCs) (page 59) adds to Policy E5 (Biodiversity) of the TVBRLP?

17. What is the current status of the proposed Church Meadow South SINC?

18. Can the PC confirm that the Pillhill Brook SINC (Plan 12, page 61) effectively 'joins' SINCs TV0275 and TV0299?

19. Revised Use Classes came into effect from 1st September 2020. Are there any references in the UCNP which would require consequent up-dating?

20. The monitoring and review of Plans is an important component in the plan-making process, in order to ascertain whether or not the policies are effective. I could find no reference in the UCNP to the monitoring of the policies or to the future role of the PC (working with TVBC) in this process. I would welcome the views of the PC as to why this issue has not been addressed in the UCNP.