



WEST DEAN & WEST TYTHERLEY JOINT NEIGHBOURHOOD DEVELOPMENT PLAN

BASIC CONDITIONS STATEMENT 2021-2035

30 November 2020

*Our parishes will remain safe and welcoming communities.
We will protect and enhance our exceptional rural, natural and built environment while
promoting a thriving and sustainable future for all generations*

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Section 1: Introduction and background

- 1.1 This statement has been prepared, on behalf of West Dean & West Tytherley Parish Councils, by the Steering Group that they appointed, to accompany their joint submission of the West Dean & West Tytherley Neighbourhood Development Plan (WDWTNDP) to Test Valley and Wiltshire Councils under section 15 of the Neighbourhood Planning Regulations 2012.
- 1.2 The purpose of this statement is to demonstrate that the WDWTNDP meets the legal requirements for a Neighbourhood Development Plan (NDP) including the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town & Country Planning Act 1990 (as amended).
- 1.3 The basic conditions for making the NDP are that it should:
 - have regard to national policies and advice contained in the guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - in general conform with the strategic policies contained in the development plans for Wiltshire and Test Valley Borough, Hampshire.
 - Meet prescribed conditions and comply with prescribed matters such as the requirements of Chapter 8 part 6 of the Conservation of Habitats and species Regulations 2017 (The 2017 Regulations).
- 1.4 This Statement confirms that this NDP:
 - Meets the requirements for legal compliance requirements (section 2);
 - Has due regard to national policies and advice contained in guidance issued by the Secretary of State (section 3);
 - Contributes to sustainable development (section 4);
 - Is in general conformity with the strategic policies contained in Test Valley Borough Council's Adopted Local Plan 2011-2029 and Wiltshire Council's Core Strategy 2015-2026 (section 5).
- 1.5 In 2014, the neighbouring parishes of West Dean in Wiltshire and West Tytherley in Hampshire agreed to collaborate, despite administrative boundaries, to form a single neighbourhood for the purpose of formulating a joint NDP that sets the local priorities for development within the neighbourhood's historical spatial identity deriving from a pattern of land ownership and estate boundaries. The respective Parish Councils delegated a joint Steering Group consisting of local residents and Parish Councillors to take the lead in formulating the Plan.
- 1.6 The key motivation for preparing the NDP was to ensure that, with support from the community, the Parish Councils would retain influence over future development of the Neighbourhood that would reflect the wishes and aspirations of the community, seamlessly across the Hampshire-Wiltshire county boundary that splits the neighbourhood.
- 1.7 The NDP has been prepared in general conformity with the relevant development plan policies. The Test Valley Revised Local Plan (2011-2029) was adopted by Test Valley Borough Council (TVBC) in 2016. The Wiltshire Core Strategy was adopted by Wiltshire Council in 2015. Those two authorities agreed that for administrative purposes, TVBC would be the lead authority.
- 1.8 A screening opinion request was made to TVBC as to whether Strategic Environmental Assessment (SEA)/Sustainability Appraisal (SA) and or Habitats Regulations Assessment (HRA) were required. Following consultation with Natural England, the Environment Agency, Historic England and Wiltshire Council, TVBC confirmed that WD&WT NDP would not be likely to have significant environmental effects.
- 1.9 During the development of the Plan, the parish of West Tytherley with Frenchmoor expanded to include Buckholt (see section 2.1. below). As a consequence, Wiltshire Council sought a further screening assessment that concluded in March 2020.

Section 2: Legal Compliance Requirements

- 2.1 This NDP has been prepared by the West Dean Parish Council (WDPC) and West Tytherley Parish Council (WTPC), the qualifying bodies for the neighbourhood area covering both parishes, as designated by TVBC and Wiltshire Council in April 2016; subsequently amended in November 2019 to include the incorporation of Buckholt into the parish of West Tytherley. Details of the designations can be found at <https://www.testvalley.gov.uk/planning-and-building/planningpolicy/neighbourhood-planning/west-tytherley-neighbourhood-plan>
- 2.2 The plan proposal relates to planning matters in the designated neighbourhood area and covers the period from 2021 to 2035. It does not contain policies relating to excluded development, such as mineral and waste issues; nationally significant infrastructure projects or other excluded development under the Town and Country Planning Act 1990, section 61K.
- 2.3 Paragraph 4 of Schedule 4B (Process for Making of Neighbourhood Development Orders) of the Town & Country Planning Act 1990 (TCPA 1990), sets out the basic conditions with which a NDP must comply, before proposals may be submitted to a local planning authority. Paragraph 8 of Schedule 4B applies to neighbourhood development plans by virtue of section 38A(3) of the Planning and Compulsory Purchase Act 2004 (c.5).
- 2.4 Paragraph 8.1 of the TCPA 1990 Schedule 4B states that the Examiner must consider whether or not:
- The draft NDP meets the basic conditions (see following paragraph),
 - The draft order complies with the provision made by or under sections 61E(2), 61J and 61L, as amended by Section 38C(5)(b), consistent with the provisions of sections 38A and 38B of the 2004 Compulsory Purchase Act.
 - The area for any referendum should extend beyond the Neighbourhood Area to which the draft NDP relates.
 - Such other matters as may be prescribed.
- Paragraph 8.2 stipulates the conditions that an NDP must satisfy, having regard to National Policies and advice contained in guidance issued by the Secretary of State, in order to meet the basic conditions, namely:
- It is appropriate to make the plan.
 - The making of the order contributes to the achievement of sustainable development;
 - The NDP is in general conformity with the Strategic Policies contained in the Local Development Plans for the relevant areas of the respective authorities.
 - Prescribed conditions are met and prescribed matters have been complied with in connection with the proposal for the NDP.
- 2.5. This NDP does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

Section 3: Conformity with National Planning Policy and Guidance

- 3.1 Current national planning policy is set out in the National Planning Policy Framework 2019. Procedures for making Neighbourhood Development Orders are contained in section 61 and Schedule 4B of the Town and Country Planning Act 1990, as amended by subsequent legislation.
- 3.2 The NDP has been prepared in conformity with the policies set out in the National Planning Policy Framework (NPPF) of July 2019. It also gives regard to the National Planning Practice Guidance published by the Government in April 2014 (updated September 2020) in relation to the formation of Neighbourhood Plans.
- 3.3 The table below sets out a summary of how each policy conforms to the NPPF. The paragraphs referred to, are considered to be the most relevant to the policy and are not intended to be a comprehensive list of every possible relevant paragraph.

Table 1: How the NDP policies conform to the NPPF (February 2019)

WDWTNDP Policy Number and Title	NPPF paragraphs	Comments on conformity
EL1 Rural Landscape	79, 124, 127, 130,170,171, 200-201	This policy: 1. Ensures that development proposals reflect the local settlement pattern of the neighbourhood. Both LPA classify the two parishes as small villages. 2. Makes particular reference to ancient woodland (such as Bentley Wood;) the Roman road and ancient routeways, in retaining important features contributing to local natural and historic environments. 3. Consider rural exception sites in open countryside where there is a specific need.
EL2 Heritage	185, 193-202	This Neighbourhood is rich in heritage assets spanning 2000 years. The NDP reflects the importance that the NPPF gives to such assets but with added emphasis to reflect the inherent value that these assets give to the character of the neighbourhood. Both settlements have ancient history with a number of archaeological sites, designated Conservation Areas and are surrounded by AONB, World Heritage Sites and National Parks. Many listed buildings in an area once part of a single estate.
EL 3 Conservation Areas	127, 170-172, 184, 185-188.	EL 3 seeks to preserve and enhance locally distinctive features of the two Conservation Areas that give the villages their special rural character and appearance. Design of buildings should be in keeping with the CAs and consistent with the Village Design Statement.
EL4 Important Views	79, 96-99, 170 -177, 193.	Policy EL 4 seeks to give added emphasis to the national and local policies. Development must protect and positively contribute to extraordinary rural views, especially where these are from public rights of way and particularly within or adjacent to the conservation and other designated areas.

WDWTNDP Policy Number and Title	NPPF paragraphs	Comments on conformity
<p style="text-align: center;">EL5</p> <p>Trees and Hedgerows</p>	170, 174-177	<p>The most outstanding landscape feature of the neighbourhood is Bentley Wood, forming one of the largest contiguous areas of woodland in the south of England. Hence, the woodland and connecting hedges are an outstanding feature of the landscape and local environment. EL 5 seeks to add emphasis to the conservation of trees and hedgerows of value are conserved; that local planting should, enhance this characteristic of the area, using local species appropriate to the character of the area. Loss of trees and hedges will not be supported in the conservation areas and in open countryside unless there is a clear restocking and management sustainability plan.</p>
<p style="text-align: center;">EL6</p> <p>Ecosystem & Biodiversity</p>	170-175	<p>Notwithstanding the protection given to development within the two CAs, the remainder of the NDP area, given its historic and rural nature, is still subject to careful consideration of the likely impact of any development, on or immediately outside the CA boundary. No development must harm habitat corridors, designated areas for protection, and where vistas and settings need to be maintained or enhanced.</p>
<p style="text-align: center;">EL7</p> <p>SSSI, CWS, and SinCs</p>	170-175,	<p>The NDP area is made up of more than 50% either conservation areas or protected sites and woodland. This policy explicitly extends protection beyond designated areas such as SSSIs, CWSs and SinCs to connecting features.</p>
<p style="text-align: center;">EL8</p> <p>Development in the Open Countryside Conserve Public Rights of Way</p>	79, 170-175,	<p>This policy seeks to protect the important and extraordinary views of the surrounding chalk downland landscape and unique heritage of the Neighbourhood. To ensure that the character and sense of place is retained for the enjoyment of residents and visitors, strict criteria are laid down for any development in the open countryside in line with National and LPA rules.</p>
<p style="text-align: center;">EL9</p> <p>Local Green Spaces</p>	99, 100,101, 175-177	<p>Despite being a rural Neighbourhood, the area has no designated local green spaces for public enjoyment – they are precious and warrant explicit protection.</p> <p>Local Green Spaces designated (3) in the NDP are all within the Conservation Areas. Many other non-designated sites were treasured in the Survey even though they did not qualify for a Local Green space. Parish Councils will work with landowners where appropriate.</p>
<p style="text-align: center;">EL10</p> <p>Light and Noise Pollution</p>	91b, 95b, 180	<p>The Neighbourhood has very little light pollution. Street lighting is kept to a minimum. The dark skies valued by local residents should not be compromised by bright lighting outside new developments except where safety requires it. Noise pollution should be avoided especially with new businesses. Silent hours established.</p>

WDWTNDP Policy Number and Title	NPPF paragraphs	Comments on conformity
<p align="center">HD1</p> <p align="center">Community Led Housing Mix including Affordable Homes</p>	<p>61, 68, 71, 77, 78</p> <p>122,123,124 through 132,</p> <p>108-111</p>	<p>As a result of contrasting policies to “small villages” in Wiltshire and Test Valley, West Tytherley has a settlement boundary, West Dean does not.</p> <p>As a general rule, development in small villages is resisted. However, both villages lack adequate provision of 1-3 bedroom houses. There is strong local support for provision in this smaller-size category to satisfy local needs, enabling local families or those with strong local connections, to remain in the neighbourhood. Affordable Homes (Housing Need Register) could provide some need but there is a greater need for modest community led development with more affordable homes on the open market.</p>
<p align="center">HD2</p> <p align="center">Infill Sites</p>	<p>124, 127</p>	<p>There are occasions when, and opportunities for, owners of large properties to reduce their own responsibilities and provide opportunities for new homes to be built within their curtilage, without detriment to the locality, if carefully managed.</p> <p>This policy is supported by case law: Dartford Borough Council v. The Secretary of State for Communities and Local Government (EWCA 2017). Braintree District Council v Secretary of State for Communities and Local Government (EWCA Civil 610 2018)</p>
<p align="center">HD3:</p> <p align="center">Replacement or additions to existing building/garden including Heritage Assets</p>	<p>124 – 128</p> <p>189-202</p>	<p>There are circumstances in which, for a variety of reasons, owners of large properties may wish to ‘downsize’ and enable part of their curtilage to be used for an additional, smaller dwelling. Such applications overcome the problem of building houses in open countryside and provide a means of satisfying the evidence-based need for smaller properties in the Neighbourhood area. Any development must respect the architectural character of the area.</p>
<p align="center">HD4:</p> <p align="center">Design</p>	<p>124-128, 108 - 111</p> <p>185</p>	<p>This policy ensure that new development proposals are of high quality design, The policy incorporates the principles set out in the WD Village Design Statement as applied across the whole neighbourhood area.</p>
<p align="center">HD5:</p> <p align="center">Landscaping</p>	<p>127, 170</p>	<p>This policy attempts to avoid ‘sub-urbanisation’ of settlements resulting from new residential development. It is especially important that landscaping is in keeping with the location.</p>
<p align="center">HD6:</p> <p align="center">Blue Infrastructure Flood Avoidance</p>	<p>124, 148-150,155-157</p>	<p>There are numerous flooding issues in the Neighbourhood area (River Dun and surface flood water). This has important implications for the density of development in areas susceptible to drainage or flooding issues. This policy ensures the appropriate flood management measures are covered where development proposals are made within the area and in particular in the Conservation Areas.</p>

WDWTNDP Policy Number and Title	NPPF paragraphs	Comments on conformity
IC1: Wider Infrastructure in support of development S106/CIL	20, 104, 108 -112	A complicated local issue. There is little support for certain improvements (e.g. street lighting) that 'suburbanise' the area. There is support for greater pedestrian and road-user safety and traffic calming; and improved provision of essential services (power, water, drainage, telecoms etc). Improvement: Yes; suburbanisation: No. S106 and CIL are encouraged to support local infrastructure and facilities.
IC2: Safety for pedestrians and other forms of transport Public Rights of Way within CAs and across the open countryside	20, 102, 108-111,117	Development proposals that result in improvements to pedestrian, cycling and vehicular safety in the Parish will be supported. Developments should not diminish but enhance public access to the open countryside.
IC3: Parking	105, 106, 107, 110	The narrow lanes throughout the settlements cannot accommodate extra road parking. Daytime parking in both villages is a problem. Any new development must not add to it. Criteria laid down for parking standards in support of new development.
IC4: Community Transport	102, 103,	The railway service to and from Dean station is greatly valued and warrants support. Local bus services are infrequent, and usage is low. Community transport exists and is encouraged. A majority of residents rely on private cars for their day-to-day transport.
IC5: Traffic Calming And Management	91, 92, 98,	Traffic volume (heavy agricultural and commercial vehicles) continues to increase through the villages and surrounding area. A SID is in operation in West Tytherley. Neither of the highway authorities is proactive or shows much interest in the issue. Every opportunity must be taken by PCs to maintain pressure on them.
IC6: Utilities and Services	91, 110e, 112,113, 151-154, 189 – 202	This policy stresses the importance of maintaining and improving the utilities and services. Introduction of green improvements and up to date and forward looking communication connections are fully supported.
IC7: Local Economy	118-121, 83,	IC 7 places emphasis on the sustainability of economic development in the context of small rural communities that are ill-equipped for substantial increases in businesses and employment, particularly if this is at the expense of significant impact on the natural environment that characterises the neighbourhood.
IC8: Community Assets	83, 92, 94, 96 - 101	IC8 emphasises the importance of finding tangible opportunities to support the few essential assets and facilities that the neighbourhood values. Strong case for protecting our treasured assets such as the pub, shop and school

Section 5: General conformity with the strategic policies of local development plans

- 5.1 This neighbourhood area sits on the administrative boundary between the counties of Hampshire and Wiltshire. The relevant borough council area of Hampshire is Test Valley Borough Council (TVBC). Wiltshire is a unitary authority. The responsible local development plan authorities are, TVBC and Wiltshire Council. The NDP has been prepared in conformity with the development plans for the area.
- 1.2 The tables below sets out how each policy is in general conformity with Test Valley Local Plan and Wiltshire Core Strategy. There is a clear distinction between the two local plans. Not only are there inconsistencies within and between them, particularly in their policies for rural areas. For example, because Wiltshire Core Strategy classifies West Dean as a Small Village, it denies the village a Settlement Boundary, thereby depriving it of any opportunity for strategic development that would enable the settlement to maintain its vitality.
- 1.3 The concept of Sustainable Development, a core theme at every level of planning is interpreted quite distinctively in the respective local plans. It becomes particularly important at the neighbourhood level, therefore, that locally appropriate interpretations are made as explicit as possible.

**Table 2: How the NDP policies conform to Test Valley Local Plan and Wiltshire Core Strategy
See Policy Evidence table in the Reg 16 draft at Appendix C for expanded conformity.**

WD&WT NDP Policy Number (wording in table 1)	TVBC Local Plan 2011-29	Wiltshire Core Policy 2011-29
EL1: Rural Landscape	Objectives 2,6 and 9; COM8, E1, E2	CP 1,51, 52 and 57
EL 2: Heritage	Objective 6, E2,E4, E9	CP58
EL 3: Conservation Areas	E1, E2, E5,E9	CP57, CP58
EL 4: Important Views	LHW!, E2	CP51
EL 5: Trees and Hedgerows	E5, E6	CP51, CP52
EL 6: Eco system and Biodiversity	E5, E6	CP50, CP52, CP57
EL 7: SSSIs, CWSs SinCs	E2, E5, E6	CP50, CP52
EL 8: Open Countryside	LE16, E1	CP51
EL 9: Local Green Spaces	LHW1 E2, E3, E5, E6	CP52, CP57
EL 10:Light, Noise Pollution	E8	CP57
HD 1: Housing Mix	COM9, COM	CP43, CP48
HD 2: Infill	COM 11, E1,	CP57
HD 3: Replacement	COM9, COM 11 COM12, E1, (LHW4)	CP57
HD 4 :Design	E1, LHW4	CP57
HD 5: Landscaping	E1, E2	CP51, CP57
HD 6: Blue and Flood Risk	E7, E9,	CP44, CP67
IC 1: S106/CIL	E1, COM 14,COM 15	
IC 2: Rights of Way	T1, CS1 C14, C15	CP61, CP62
IC 3: Parking	T1, T2, CS1	CP62
IC 4: Community Transport	T1	CP60
IC 5: Traffic Management	T1, T2, CS1	CP62
IC 6: Utilities, Services	E1, E9 COM 14, 15	CP62
IC 7: Local Economy	E1, LE 10,17	
IC 8: Community Assets	LE16, ST1,	

Commentary on compliance with the Test Valley Borough Council Adopted Local Plan 2011-29 and Wiltshire Core Strategy 2011-29

- 5.4 The Neighbourhood Area straddles the county boundary of Hampshire and Wiltshire and the corresponding planning districts of Test Valley and Wiltshire. It contains two principal villages, namely West Tytherley, in Test Valley Borough, and West Dean in Wiltshire. By area and economic value, the

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greater part of the neighbourhood lies in Test Valley Borough where spatial development is determined by the Test Valley Borough Local Plan. The Wiltshire Local Development Framework is based on the Wiltshire Core Strategy (WCS). The WCS, adopted in January 2015, replaces the South Wiltshire Core Strategy although it includes a Spatial Strategy for South Wiltshire. If and when adopted, the West Dean and West Tytherley joint NDP will become an integral part of the local plans of the respective district planning authorities.

- 5.5 In the context of the two local plans that apply to this Neighbourhood, the interpretation of sustainable development places principal emphasis on functional sustainability, meaning that priority is given to the sustainability of community facilities, services and infrastructure. Both authorities prioritise development according to their respective Settlement Strategies (in Test Valley Local Plan at COM2; in Wiltshire Core Strategy at CP1).
- 5.6 The Test Valley Borough settlement hierarchy (COM 2), Table 7, places West Tytherley in the “Rural Villages” category, the rest of the parish being defined as ‘countryside’. Paragraph 5.45 states: “settlements within the ‘Rural Villages’ category do not contain the range and number of facilities and services or have the accessibility of the first two categories to support strategic development allocations. However, because of the level of facilities available to help support and sustain communities either individually or shared, some additional development may be appropriate.” Table 7 identifies the “associated scale of development” for Rural Villages as:
- Windfalls;
 - Rural Affordable Housing sites;
 - Replacement dwellings;
 - Community-led development;
 - Small business uses;
 - Re-use of Buildings.
- 5.7 The (Wiltshire) Settlement Strategy (at paragraph 4.7) identifies four tiers of settlement, namely:
- Principal Settlements
 - Market Towns
 - Local Service Centres
 - Large and Small Villages.
- 5.8 West Dean is defined as a ‘small village’ and the corresponding strategy is outlined at paragraph 4.6 as follows:
Any existing settlement boundaries for Small Villages and other small settlements ... will be removed, and there is a general presumption against development outside the defined limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages. However, some very modest development may be appropriate at Small Villages, to respond to local needs and to contribute to the vitality of rural communities. Any development at Small Villages will be carefully managed by Core Policy 2 and the other relevant policies of this plan.
- 5.9 Thus, West Dean plays an insignificant role in Wiltshire’s strategy for residential and commercial development. Its Core Policies 1 and 2 deny any prospect of development other than the minimum required to comply with the NPPF. However, it does play a significant role in Wiltshire’s environmental strategy. This arises, in part, from specific environmental designations located in the parish but also from the proximity of the parish to the New Forest National Park area and the special environmental protection associated with it.
- 5.10 As a result of these strategic policies, there is insufficient granularity to create clear correspondence of purpose. For example, the preservation of dark night skies is important to the residents of the neighbourhood but is not mentioned in the environmental strategies in either of the relevant local plans; pedestrian safety is a particular issue of concern because of the lack of pavements, even in the main villages of West Tytherley and West Dean, but is scarcely mentioned in the respective local plans. The general approach to development is also paradoxical: the general presumption against new development, other than under exceptional circumstances, contrasts with the apparent relative ease with which existing householders can obtain permission to extend their homes. As a result, the NPPF objective of maintaining the vitality of small settlements is undermined by the difficulty experienced by new, young families joining the community and older residents wishing to downsize without leaving their community. Most of these issues are a matter of emphasis and interpretation of words in policies.
- 5.11 Nowhere is this truer than in the case of ‘sustainable development’, a term capable of very wide interpretation. The interpretation that prevails in both planning authorities relevant to this neighbourhood is an emphasis on functional sustainability, meaning accessibility of communities to facilities and services and efficiency of provision of those services. In this neighbourhood, social sustainability is equally, if not more important in sustaining the small rural communities in this neighbourhood.

Section 6: Contribution to the achievement of sustainable development

6.1 A NDP must incorporate the need to achieve sustainable development, working to address the economic, social and environmental strands of sustainability.

ECONOMIC STRAND: building and maintaining a strong, responsive and competitive local economy, by:

- ensuring that sufficient land of the right type is available in the right places, at the right time, to support growth and innovation; and
- identifying and coordinating development requirements, including the provision of infrastructure.

SOCIAL STRAND: supporting strong, vibrant and healthy communities by:

- providing the supply of housing required to meet the needs of present and future generations; and
- creating a high quality built environment;
- providing accessible local services reflecting the community's needs and support its health, social and cultural well-being.

ENVIRONMENTAL STRAND: contributing to protecting and enhancing our natural, built and historic environment. As part of this ambition:

- supporting improvements in biodiversity;
- using natural resources prudently, minimising waste;
- minimising environmental pollution;
- mitigating and adapting to climate change including moving to a low carbon economy.

Economic

6.2. The area to which this NDP applies, contains a variety of agricultural, forestry, equestrian, industrial, and business, with agricultural activity predominating. These uses and associated secondary uses, are important to the local economy and provide the opportunity for people to work in the local area. The West Dean & West Tytherley Neighbourhood Development Plan has the economic objective of promoting a strong economy by maintaining and enhancing, where possible, existing employment uses.

6.3. The key employment areas are Dean Hill Park, East Brothers and Norman Court Farm. There are also homeworkers, working from home or running small businesses from their home. The Test Valley Local Plan contains a range of policies relating to the use and re-use of employment premises. The NDP aims to recognise the importance of small businesses to the Neighbourhood at a local level and contains specific policies.

Social

6.4 The vilages of West Dean and West Tytherley each has a strong community spirit with many community events running throughout the year. However, the Neighbourhood has a relatively limited range of community facilities. The risk of losing these is therefore a key consideration of the WD&WT NDP.

6.5 The social objectives include: supporting small scale residential development, including windfall sites, where it meets the need for smaller homes; ensuring that new development provides an appropriate mix of housing which meet the needs of the community, including the ageing population and young families; seeking improvements to infrastructure; protecting and where possible enhancing existing community and recreational facilities; and pursuing improvements to public/pedestrian safety, especially highways.

6.6 By placing an emphasis on maintaining the distinctive rural character of the Parish, the NDP attempts to aiding a sense of place, fostering community identity. In addition, designating and protecting public rights of way, public access to Local Green Spaces, providing visual amenity and recreational value, also contributes to health and well-being

Environmental

6.7 It is evident from this NDP that the principal feature of this neighbourhood is the quality of its environmental setting. The Vision of the WD&WT NDP expects that by 2035 the diverse landscape and heritage of the Neighbourhood will have been conserved and enhanced. Its rural feel and character will remain. Key objectives include: conserving a sense of remoteness and tranquility; retaining the distinctive settlement pattern; protecting flora, wildlife habitats and biodiversity,

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especially the River Dun and its tributaries; protecting important areas of open space and designating Local Green Spaces and important views; protecting trees and hedgerows and promoting native planting; and mitigating the impacts of air, light, noise and water pollution; providing for the conservation and enhancement of heritage assets and Ancient Monuments and requiring proposals to be of a high quality design.

6.8 Other NDP policies support the environmental role indirectly. Policies addressing the social role help to protect important open spaces for formal and informal recreation. Policies addressing the economic role support

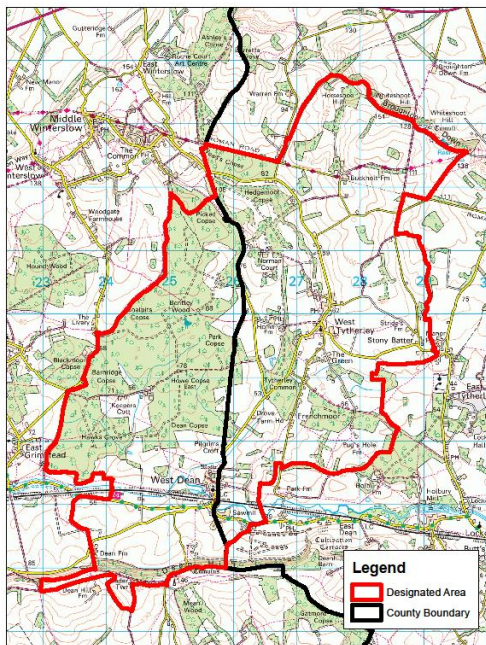
Section 7: Conclusion

7.1 Section 4B 8 (2)(g) of the Town and Country Planning Act 1990 (as amended), states that a draft Neighbourhood Plan will meet the basic conditions if prescribed conditions are met in relation to the Neighbourhood Plan and prescribed matters have been complied with.

7.2 The Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended), and the prescribed conditions and matters are considered to be met by the WDWT NDP. It is therefore submitted that the WDWT NDP complies with Paragraph 8(1)(a) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

APPENDICES

Appendix 1: Area designation map (See Appendices in the draft Plan.)



Designated Area



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Appendix 2: Screening response

The full response can be found on the Test Valley Website



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Our ref: pp11.7
Date: 18.05.18

Dear Alan,

**West Dean & West Tytherley Neighbourhood Plan
Request for Screening Opinion for Strategic Environmental Assessment (SEA) and
Habitats Regulations Assessment (HRA)**

I write in response to your request for a screening opinion for Strategic Environmental Assessment in relation to the proposed West Dean & West Tytherley Neighbourhood Plan. This request was received by the Councils on the 27th March 2018.

Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 requires that the responsible authorities (Test Valley Borough Council and Wiltshire Council) shall determine whether or not a plan is likely to have significant environmental effects. As part of making this assessment, the responsible authorities shall —
(a) take into account the criteria specified in Schedule 1 to these Regulations; and
(b) consult the consultation bodies.

The Regulations advise that where the responsible authorities determine that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), they shall prepare a statement of their reasons for the determination. This statement will be published on our websites in due course.

Natural England, Environment Agency and Historic England, as the statutory consultation bodies for the Regulations, were consulted on this SEA screening request. The consultation started on 29th March 2018 for a five-week period, ending on 3rd May 2018.

Having reviewed the letter and associated documents that you provided, the consultation responses from Natural England, Environment Agency and Historic England indicated that having regard to the matters within their remit, the proposed Neighbourhood Plan would not be likely to have significant environmental effects.



**West Dean & West Tytherley Neighbourhood Plan
Request for Screening Opinion for Strategic Environmental Assessment (SEA) and
Habitats Regulations Assessment (HRA)**

Introduction

This statement has been prepared by Test Valley Borough Council and Wiltshire Council (as responsible authorities) to determine whether or not a Strategic Environmental Assessment (SEA) and/or a Habitats Regulations Assessment are required for the draft West Dean & West Tytherley Neighbourhood Plan following the submission of a screening opinion.

The Regulations advise that where the responsible authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it shall prepare a statement of its reasons for the determination. This statement fulfils that requirement.

Context

The preparation of a Neighbourhood Plan involves a series of stages as required by legislation before it can be 'made'. To be 'made', a Neighbourhood Plan must meet certain Basic Conditions. These include that the making of the plan *"does not breach, and is otherwise compatible with, EU obligations"*.

One of these obligations is Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the environment'. This is often referred to as the strategic environmental assessment (or SEA) Directive. The SEA Directive seeks *"to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes."* The SEA Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') and it is these Regulations that the neighbourhood plan will need to be compatible with.

Another key obligation is Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora', often referred to as the Habitats Directive. This has been translated into UK law via The Conservation of Habitats and Species Regulations 2017. Under the 'Habitats Regulations' an assessment referred to as an Appropriate Assessment must be undertaken if a Neighbourhood Plan is likely to have a significant effect on a European protected wildlife site.

Under both the SEA and Habitats Regulations it is the Council's role to advise whether further work is required once the first stage, a screening assessment, has been undertaken by the Parish Council on its Neighbourhood Plan.

Process

A screening report has been produced by West Dean & West Tytherley Parish Council (Annex A). This was submitted to the Councils on the 27th March 2018. The report concluded that a full SEA would not be required. In accordance with the regulations, Natural England, Historic England and the Environment Agency were consulted on the findings of the screening report. The consultation started on the 29th March for a five week period (deadline of 3rd May 2018). A summary of the responses received and the Council's response is outlined in Table A. Copies of the responses are included at Annex B.