

ANNEX A to Chairman of the WDWTNDP Steering Group letter 26 October 2021

LEGEND:

NPPF = National Planning Policy Framework; **TVBC** = Test Valley Borough Council
WCS = Wiltshire Core Strategy; **WCC** = Wiltshire County Council; **LP** = Local Plan;
WDWTJNDP = West Dean and West Tytherley Joint Neighbourhood Development Plan]

Examiner's Questions (shown in **BOLD/BLACK**)

Examiner's reference to NPPF, TVBC LP and WCS policies as well as **WDWTJNDP draft policies** are expanded when appropriate in **BLUE**

Parish Councils' response to Examiner's Questions shown in **BOLD/RED**

New or changed text proposals by PCs shown in BLACK underlined

Examiner's Question for both TVBC and WTFBPC (1)

I would prefer a joint response to this question but if that cannot be successfully achieved then independent responses should be submitted by the two Councils.

1. A revised version of the NPPF was published by the Government on 20th July 2021, alongside a final version of the National Model Design Code. There are a few references in the WDWTJNP to the NPPF. Could the Council's confirm that these are still valid or if necessary, provide amended wording/referencing that reflects the content of the revised NPPF? I would also be grateful if both Councils could advise me whether or not you consider any modifications to the submission version of the Plan are necessary as a result of the publication of the National Model Design Code and, if so, what these are?

We fully support the TVBC response at Reference D in answer to this question: Propose add the following wording (on page 39): New last sub para at 5.3.11

The National Design Guide/National Model Design Code sets out 10 characteristics that should be given consideration when planning development. These include Context, Movement, Nature, Built Form, Identity, Public Space, Homes and Buildings, Uses, Resources and Lifespan. Some of these characteristics are found in the West Dean VDS and also in the context part of this NDP at sections 1 and 2. Developments with contemporary design appropriate to their location will be supported providing they are accompanied by a Design and Access Statement which meets the criteria in the National Model Design Code and the policies herein.

Also Policy HD4 should read:

Development proposals must demonstrate.....Conservation Areas. Proposals will be expected to meet the criteria in the National Model Design Code and demonstrate the following...

PCs accept the textural changes provided by TVBC to Policy HD4. The definition of the National Design Guide/National Model Design Code should be added to the Glossary at Section 9.

**Questions for Test Valley Borough Council (3)
(see also Q5 to the Parish Council below regarding the Policies Map)**

PCs agree with the answers given by TVBC to the three questions addressed solely to the Local Councils, especially the point about the Policy Map(s). The four maps are one policy map layered in four sections to allow for the joint nature of the NDP covering two distinct villages across two counties.

We agree the new wording at 5.1.6 proposed by TVBC.

We will need to agree with TVBC the additional changes to the legends and perhaps add a paragraph under Section 10 'Appendix A: Area Maps' which explains why there are four maps not one (which would be far too busy). We could change title to Policy Maps.

Questions for West Tytherley, Frenchmoor and Buckholt Parish Council (1 - 51)

1. The Habitats Regulations Assessment (Appropriate Assessment) Report dated May 2021 concludes, in section 4 (page 29), that the submitted WDWTJNP 'will have a likely significant effect on European sites in the absence of avoidance and mitigation measures'. In paragraph 4.3 of that Report it is confirmed that if the Plan is revised, as set out in Table 3 of the Report, then 'it can be concluded that the policies contained within the WDWTJNP would not lead to any adverse effects on the integrity of any European sites, either alone or in combination with other plans'. Does the Parish Council accept this advice and if so could it provide modified and/or additional wording (based on that which is set out in the aforementioned Table 3).

2. Wiltshire Council (in its Regulation 16 response under the title of Ecology) suggests:

- the inclusion of a Bat Conservation Policy (together with explanatory text);
- the inclusion of text regarding the New Forest SPA; and
- the inclusion of text and a policy under the heading of 'Solent Region International Sites and Nitrogen'.

Is there any reason not to include the suggested modifications? If there is no justified reason, could the Parish Council provide the appropriate wording and text on these matters?

Questions one and two are connected, insofar as they both relate to the inclusion of text for the International Designations, therefore this response answers both questions.

Test Valley and Wiltshire Councils have suggested wording for the plan, so that it will not lead to any adverse effects on the integrity of any International sites, either alone or in combination with other plans. The Parish Councils agree that additional wording and policies are required in the Plan.

We have looked at the wording suggested by both councils and propose that the wording below be included in the plan. The text below is taken from the Test Valley HRA Table 3 and from the Wiltshire Council Regulation 16 response.

This could be added to the Policies section after para 5.1.4, and with an additional row of text added to the policy area table. The following proposed policies relating to Internationally designated sites would be placed under Environment and Landscape (EL) and be numbered accordingly.

Internationally designated sites.

The Plan Area sits within the catchment of the internationally designated sites of Mottisfont Bats Special Area of Conservation, the New Forest Special Protection Area, the Solent and Southampton Water Special Protection Area and Solent Maritime Special Area of Conservation. Development in the Plan area will only be supported provided the requirements under the Habitats Regulations are fully adhered to, and impacts on internationally designated sites can be avoided or, where this is not possible, appropriately mitigated at planning application stage. Where the impacts on internationally designated sites are considered likely to occur, such impacts must be fully assessed and appropriately mitigated where required at planning application stage.

Mottisfont Bats Special Area of Conservation

New explanatory Text (new para 5.2.11)

The NDP area holds high potential for all species of bats due to its rural nature with interconnected woodlands and hedgerows. Of particular note is the potential for the area to support Barbastelle bats. This rare species breeds in woodlands near Mottisfont which are protected through the designation of the Mottisfont Bats Special Area of Conservation. The bats make use of a much wider area around the designated site and could potentially be foraging and breeding at satellite sites in the Plan area. Consequently new development will need to demonstrate that it has taken bats and this species in particular into account, identifying whether these bats may be using the development site and if so, the measures that will be put in place to protect and enhance their habitat.

New Policy (EL 11) Mottisfont Bats Special Area of Conservation

Where direct or indirect impacts on suitable roosting, foraging and commuting habitats for barbastelle bats are considered likely to occur, such impacts must be fully assessed, avoided and, where required, appropriately mitigated to prevent any adverse impacts on this internationally protected site at the planning application stage. This should be in full accordance with relevant best practice guidelines, and must fully adhere to any updates to the guidance issued following the approval of this Plan.

Planning applications for development shall be supported by an appropriate level of ecological survey undertaken in accordance with best practice survey guidelines. This will establish the ecological baseline in respect of bats and thereby determine the need for, and inform the formulation of any avoidance, mitigation and where required as a last resort, compensation measures necessary as part of the project design, to ensure no adverse effect on the integrity of the Mottisfont Bats Special Area of Conservation (SAC) over the lifetime of the proposed development and to promote the conservation of bats generally.

Exterior lighting affecting roosting, foraging and/or commuting habitat for bats will need to conform with the latest best practice guidelines outlined by the Bat Conservation Trust and the Institute of Lighting Professionals (current guidelines being Guidance note 08/18 Bats and artificial lighting in the UK) due to the proximity to the Mottisfont Bats SAC.

The above information will be required to enable the planning authority to assess planning applications under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (or any subsequent amendments) and confirm there is no reasonable scientific doubt of any adverse effects to the SAC.

New Forest Special Area of Conservation

New explanatory text (Para 5.2.12)

The New Forest Special Protection Area has been designated to protect certain bird species which occur frequently in the New Forest area but are otherwise rare or declining. Several of these species are however susceptible to recreational pressure. Consequently, the National Park Authority is working with authorities on its boundaries to address the impacts from walkers and dog walkers who arrive as day visitors and staying tourists. All development coming forward in the Plan area has the potential to increase the number of day visitors to the New Forest. Wiltshire Council and Test Valley Borough Council are therefore addressing this through their own recreation mitigation strategies. Residential and tourism developments will therefore be required to contribute to the relevant authority's strategy through the Community Infrastructure Levy or Section 106 Agreements

New Policy EL12 New Forest Special Area of Conservation

New residential development and overnight accommodation within the New Forest SPA recreation buffer zone will need to mitigate against the recreation pressure on the New Forest Special Protection Area. This could be in the form of a financial contribution or provision of alternative natural green space for recreational use to the standard in force at the time of the application. Such mitigation measures must be secured for the duration of the development's effects and must fully adhere to any updates to the guidance issued following the approval of this Plan

Solent and Southampton Water Special Protection Area and Solent Maritime Special Area of Conservation

New explanatory text (para 5.2.13)

The whole of the NDP area lies within the catchment of the River Test which flows into the Solent where wildlife of marine, tidal and intertidal areas is protected by a number of international designations. Natural England has advised these designations are being adversely affected by the nutrients associated with sewage and agricultural runoff and that the restoration of these sites partly depends on ensuring new development does not generate any additional nutrient inputs. Natural England is placing particular emphasis on nitrogen as this is considered to have an overriding impact in these saltwater habitats. Hence all development proposals in the Plan area will need to demonstrate they are nitrogen neutral in accordance with Natural England guidance. Test Valley Borough Council and Wiltshire Council who will carry out the necessary assessment of developments under the Habitats Regulations, may require developers to demonstrate that Natural England has assessed and agreed their calculations and mitigation proposals prior to an application being submitted and/or determined. In due course strategic mitigation schemes may become available which enable developers to purchase nitrogen credits to the value of the increased nitrogen levels their developments are calculated to generate.

New Policy EL13 Solent and Southampton Water SPA and Solent Maritime SAC.

Applications for development that will result in a net increase in nitrogen reaching the Solent Region International Sites through e.g. additional units of overnight accommodation or increased intensity of farming 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 the relevant Council, Test Valley Borough Council or Wiltshire 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.

3. In the section of the Plan entitled ‘Context’ (page 7), why is there no reference to the need for the Appropriate Assessment stage of the HRA? Could appropriate wording be formulated?

Please see the wording below proposed for substitution in the plan in response to this issue (new numbering for 1.3.4 onwards to 1.3.13):

- 1.3.5 In the Councils’ opinion, the submitted Plan would not be likely to have ~~immediate~~ significant environmental effects. On this basis, a Strategic Environmental Assessment was not required for the proposed West Dean and West Tytherley Neighbourhood Plan. This is was supported by the response from Natural England. This decision was made on 16th May 2018 (See Appendix C for the Neighbourhood Analysis Study). ~~Further screening was considered by the LPAs at the request of WCC following the change in designated area – March 2020.~~
- 1.3.6 Natural England, as the statutory consultation body were consulted again on the Regulation 16 Plan for Habitats Regulations Assessment and Natural England, Environment Agency and Historic England on the Strategic Environmental Assessment screening.
- 1.3.7 An Appropriate Assessment was undertaken for Mottisfont Bats Special Area of Conservation, New Forest Special Protection Area and the Solent Region International Sites (Special Area of Conservation, Special Protection Area and Ramsar).
- 1.3.8 In summary, the Regulation 16 plan as submitted was likely to have a significant effect on European sites in the absence of avoidance and mitigation measures. Therefore, further wording was advised for relevant policies within the NP to address the impacts on the international sites.
- 1.3.9 The consultation response from Natural England, has indicated that providing the Plan is updated to include the advised mitigation wording as set out in Table 2 of the Appropriate Assessment, it can be concluded that the policies contained within the West Tytherley and West Dean Neighbourhood Plan would not lead to any adverse effects on integrity of any European sites, either alone or in-combination with other plans. The proposed Neighbourhood Plan would not be likely to have significant environmental effects.
- 1.3.10 Natural England, Environment Agency and Historic England, were consulted by the Council on the Strategic Environmental Assessment screening determination. Natural England, Historic England and the Environment Agency agreed with the screening determination of the Councils that the Plan is not likely to have significant environmental effects and therefore an SEA is not required.
- 1.3.11 (old 1.3.6) The West Dean Village Design Statement (WDVDS) is a supplementaryas before and include reference to the National Model Design Code.
- 1.3.12 (old 1.3.7) Both villages have designated Conservation Areasas before.
- 1.3.13 (old 1.3.8) This Regulation 16 draft plan is submitted to both the LPAs for consultation and independent examination (steps 6 and 7 at paragraph 1.2.3 above).

4. Why does the WDWTJNP not include any references to the relationship between the Neighbourhood Plan and the Local Plan Reviews which are currently underway in both Test Valley and Wiltshire? Could appropriate wording be formulated?

TVBC response to their Q3 at page 4 of Ref D (At present there are no published) is strongly supported. The PCs strongly agree that, while they are fully aware of the pending reviews, it is vital that we have our NDP adopted ahead of those reviews so that the local position is established clearly. Obviously the NDP will need to be reviewed in the light of the emerging higher level policies (NPPF and Local Plans and Core Strategies).

Add new sub para:

1.3, 14 The Neighbourhood plan has been considered in light of the review of Local Plans There are no conflicts between the relationship of emerging spatial strategy, the adopted Development Plan and the Neighbourhood Plan. When the local plans are renewed then this plan will need to be reviewed to ensure no conflicts occur.

5. The WDWTJNP will, if made, become part of the Development Plan and as such its policies and proposals should, where appropriate, be identified on the Policies Map (for example the identified Local Green Spaces in policy EL9 Retain and protect open spaces and designate Local Green Spaces). I could find no reference in the Plan to the Policies Map. There are a series of plans in Appendix A but no single map that identifies the land to which the policies apply. Could such a Map be prepared, together with any explanatory text, for insertion into the document? I am sure TVBC will assist if necessary.

See response above (page 2) concerning Policy Maps. The maps that reflect the argument for establishing the village green space in West Dean (sent separately) need to be seen as part of the Appendix B1 and should be incorporated with a textual explanation. See answer below to Q6 and 7 about designated green space.

6. In the supporting document entitled 'West Dean Village Green', why is the footbridge identified as public greenspace?

Initially to indicate continuity both sides of the River Dun. However it is agreed that the footbridge should not be coloured Green. East of the footbridge, the river bed is privately owned. Emphasis in words need to be added to show that the established right of way (footpath 22 shown in BLACK dotted line) across the river joins the east part of the green space to the west part. The footbridge has its own protection as part of footpath 22 and the green marking on the footbridge in the map should be removed.

7. It is not clear to me, from the aforementioned document, whether or not any information is available regarding the ownership of the land identified as public greenspace – some appears to be common land, some a registered village green and a very small part appears to be riverbank. Is the Parish Council satisfied that the designation of the Village Green greenspace follows the advice on greenspace designation in paragraph 102 of the NPPF (July 2021) (*The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness*

of its wildlife; and c) local in character and is not an extensive tract of land.) and in particular that, if necessary, any owners of the land have been advised of the proposal, as set out in the PPG.

The PCs are satisfied the green space designation follows the guidance in the NPPF. The fully researched maps showing the history and rationale for the green space might need explanatory words to support the argument and avoid confusion. The owner of adjacent land was consulted. His comments are under Mr Morgan.

8. Although it is largely a matter of presentation, I consider that the use of exactly the same wording for the both the objectives and the subsequent policy is unclear and does not provide clarity to the decision-maker. Could the Parish Council consider abbreviating the title of all the policies. For example, on page 23 the title could read: Policy EL1: The character and setting of the villages (see objective EL1).

The objectives were agreed formally by both PCs in the NDP process. When TVBC, at Regulation 14, requested the SG to reorder and better present the objectives (without degrading or deleting them) the new wording for each objective was repeated verbatim alongside the title No to ensure the policy met the the corresponding objective. Now we agree the titles should be shortened to those used elsewhere in the document and in the Consultation Statement. See the titles in the Policy Evidence Table at Appendix C pages 70 to 72 of the draft NDP and the Conformity Table 1 in the accompanying Basics Conditions Statement (page 4).

9. Why does objective HD3 (page 20) (*Determine the policy for the use of garden and adjacent land within an existing house boundary for the construction of additional dwelling or business buildings*) refer to 'business' use when this section of the Plan relates to housing?

See the comment in answer to Q8 where the two distinct objectives (HD2 and HD3) were agreed by PC. (see 4.5 on page 20)

We are increasingly encouraged to work from home and we actively encourage increasing the local economy. Two examples of "business" buildings are 1) Annex for use as AirB&B accommodation (not against it in principle and some inhabitants provide this service now) and 2) artisan workshop with noisy machinery and additional waste. NDP must define the criteria (access, parking, waste, etc)

TVBC commented that there should be a separate policy for businesses. We understand the sentiment but TVBC also think HD2 and 3 should be combined. We do not agree. Infill (HD2) development could be use of a large garden between the main house and adjoining property or a separate plot altogether to build a separate dwelling. HD3 provides policy for large garden or adjacent land for construction of a separate dwelling e.g. granny annex or structure for business use but still within the curtilage of the main dwelling.

PC would be happy to reconstruct HD2 and 3 to better separate the two situations more clearly but we do not wish to compromise on the individual objectives.

10. TVBC confirms that objective HD6 (page 20) (*No development on flood zones 2 and 3 where risk of natural flooding is likely and where water flora and fauna are to be protected. Ensure the water drainage, sewage and water run-off does not increase but rather reduces the overall risk of flooding or foul water*) is addressed in TVBC LP Policy E7. Is there any justification for this repetition?

Yes: TVBC LP policy E7 outlines a presumption in favour of development subject to national guidelines. Flooding is a particular problem in this rural neighbourhood and, when it occurs, the natural infrastructure is slow to adjust. See the full context set out in 5.3.13 where recent examples of severe flooding are identified. Both villages feel very strongly about this issue and while the local plan may have policies addressing building on flood zones, they may need to be tightened given climate change. Also there is a growing need to protect habitats (SEA and HA). We do not yet know where the new national and local policies are going but if this policy (reflected in the West Dean VDS guidelines: *Development should take account of relevant constraints (e.g. floodplains) and be avoided in inappropriate locations.*) did not remain in our NDP, consistent with LA and EA advice, then the parishioners will lose faith in all the work done over the past 4 to 5 years.

11. In Objective IC1 *New development must not adversely affect but enhance the wider infrastructure in the area and provide mitigation to any issues identified. Financial contributions to be used directly for local needs.* how would any 'adverse effect' be measured?

There are quite a few criteria and policies at NPPF, local Plans and NDP which require subjective judgement. The PCs see the infrastructure in both villages and the open countryside as fragile. New development of large houses or a cluster of small houses can have far reaching impact on access, blue infrastructure, safe pathways for adults and children alike, parking is at a premium, public transport is patchy (the train station at West Dean is a tremendous asset but access to the station is less than satisfactory). The drain system in West Tytherley (see B2 in the NDP) is close to its limit in taking away excess water. The broadband and communications infrastructure despite recent upgrades are patchy. These could all be impacted upon by new development and the design must be in sympathy with current parishioners' needs. See answers to Policies IC 2, and 4.

12. How would Objective IC2 (access improvements) be implemented?

A good example is at Glebe Farm in West Dean see Map A3. Planning permission has been granted, against the recommendations of both PCs and a number of residents objected, to build a large mansion, out of keeping and out of reach of most pockets, in place of the existing derelict farm buildings. The NDP steering Group have purposely distanced itself from individual cases, although this one is a severe disappointment given that it would have been a good site for a small number of modest and achievable houses to meet local needs and sustainable growth. Regarding Objective IC2, footpath (WTYT 12) directly links the two villages and is used regularly by people wishing to walk from West Tytherley/Frenchmoor across country to get to the Dean railway station without going down the main highway. It is also enjoyed recreationally for its magnificent views (see Policy EL4 important view OC3). The footpath transits the back of Glebe Farm property for some 100 yards. It was maintained by the previously owner although the stiles were difficult for a dog walker or someone with reduced mobility. Now it is overgrown and impassable. It should be maintained by the current owners. Fitting a field gate at each end of the Glebe Farm transit would be an improvement.

13. Policy EL1 (*Maintain and, if possible, enhance the character of the two villages and their setting in a beautiful rural landscape*) refers to ancient woodland, historic features (such as field boundaries), medieval features and historic route ways. How would a decision-maker know where these various features are located?

14. How would ‘the productivity of fields’, as referred to in EL1iii, be measured?

These two questions conflate two sub-paras (ii and iii). Historic features cited in para ii are identified in the West Dean History Trail. Para iii is rather esoteric but TVBC recommended change in wording is okay. The PC thinks there should be reference to an Environment Impact Assessment in all cases.

Amend as follows:

Development proposals for new dwellings or structures on sites that form part of an existing residential garden, or group of gardens should:

- i. Include an Environmental Impact Assessment (EIA)
- ii. Respect and complement the character of the surrounding area
- iii. Provide garden space around buildings and where appropriate include trees that are identified in Policy EL5.
- iv. Retain existing feature such as trees, hedgerows and walls that are characteristic of the streetscape and the local area.
- v. Provide vehicular access and onsite parking for the new development on the site.

Second half of Policy addressing ‘business’ usage should remain but see comment at Q9.

Productivity of a field can be measured in a number of ways according to its declared use e.g. arable (yield), grass for feed (yield), pasture (livestock use), bio diversity or wilding depending on Government guidance under the Environment Land Measurement Scheme (ELMS).

15. It is not clear to me what constitutes a ‘Treasured Asset’ as referenced in paragraph 5.2.3. The list in Appendix B4 does not make it clear. Could the Parish Council consider how best to provide clarity on this issue.

A Treasured asset is a non designated site which does not have specific protection but according to the results of the NDP survey is treasured by the community. The table at B4 is designed to list all sites that merit protection with their status. This is described at the introduction of Table B4 (delete **and). There have been comments on the table e.g. Why not add Bentley Wood (PC agrees) and others. PCs agree the table needs to better distinguish between heritage sites, designated sites and other treasured assets. Also definitions should be added to the glossary.**

This is another case of TVBC saying that designated and heritage sites are protected by national or local plans (therefore no need to repeat). The PC want to list ALL treasured sites/assets to distinguish between their status and to allow parishioners to see the total picture of protecting the assets they treasure. Propose the table be reviewed and updated. See the answer to Q16 below:

16. In the response from TVBC regarding policy EL2 (EL2: Preserve the historic environment) , a number of issues are raised, for example with regard to consistency with TVBC LP (Policy E9: Heritage: Development and/or works affecting a heritage assets) and the NPPF (Section 16: Conserving and enhancing the historic environment).

Consistency of policies is an important requirement, so could the Parish Council reconsider the wording of this policy on that basis? This will also mean that the wording in paragraph 5.4.7 (for example at top of page 52) may need to be revised.

The Assets of Community Value (England) Regulations 2012 aims to protect specific assets in the community. The NDP survey showed a significant majority valued a number of community assets of varying importance. The Heritage section (Policy EL2) lists Heritage and Treasured Assets to be suitably protected depending on their function [see Appendix B4]. Of those tabled, the following merit singling out because of possible direct planning implications:

- Pub (WT) (see ACVs at policy IC8 below)
- Village Halls (WD and WT) (see table of assets)
- Dining Hall (WT) – alongside WT village hall(see table of assets)
- Community Shop (see table of assets)
- Recreation Grounds [see EL9 Local Green Spaces]
- West Dean Village Green [see EL9 Local Green Spaces]

This question highlights a fundamental distinction between the TVBC LP policy – strongly in favour of development unless ... and WCS which places much greater emphasis / value on protection of the historic and environmental context and impact of any development.

PC agrees that the paragraphs 5.4.6 and 5.4.7 need revision alongside a review of the Table at B4.

17. Policy EL3 concerns Conservation Areas but they are also covered by TVBC LP policy E9. Is there any reason why policy EL3 should not be deleted?

Yes: to reflect the preference for WCS policy in contrast to TVBC policy (see arguments above).

18. Policy EL5i refers to the requirement to ‘enhance trees’. How would this be achieved?

Delete “enhance”

19. Policy EL5ii refers to ‘specifically identified trees’. Where are these trees identified?

Refer to the table of trees in the draft Reg 16 after policy EL5, page 28.

20. Policy EL5ii refers to ‘hedgerows of good arboriculture’. What are these and where have they been identified?

Delete arboriculture and add good quality as amended by TVBC.

21. In policy EL5iv there is a reference to there being no ‘financial burden to the Parish Council’ (regarding long-term management of trees). What is the justification for this statement, bearing in mind the Parish will only be responsible for trees and hedgerows on its own land?

Delete “without providing added financial burden to the Parish Council”. The Parish Council will take a view on the approach taken by development proposals to ensure trees are protected where appropriate (particularly inside the Conservation Area).

22. Policy EL5v (Where replacement trees and hedgerows are proposed then....) appears to be an introductory sentence and not a requirement. Could the Parish Council confirm that there is no missing text in this policy.

The policy EL5v statement “Where replacement trees and hedgerows are proposed then” should end with a colon: the following three points (vi; vii; viii) should be bullet points to 5v. EL5ix becomes EL5vi.

23. Policy EL5viii refers to succession planting ‘for the long term’. How will this be achieved?

By re-planting trees and hedgerows with known attributes of longevity and ease of management. Developers are able to describe the planned growing of trees or hedgerows but do not consider their long term sustainability and management.

24. In the TVBC Regulation 16 response it is stated that policy EL7 (*EL7: Preserve and if possible enhance designated areas and their immediate surroundings such as SSSIs, CwSs, and SINCS (see map A1)*) is adequately addressed by TVBC LP policy E5 (*Biodiversity*) and that policy EL8 is also addressed elsewhere. Is there any reason why I should support the inclusion of policies EL7 and EL8?

This illustrates the difference in emphasis between TVBC LP and WCS. The WCS Core Policy 50: Biodiversity and geodiversity relates to WCS objective 5: Protecting and enhancing the natural, historic and built environment. It is clear that the emphasis that NDP favours is more in tune with WCS. Boils down to the interpretation of ‘sustainable development’. The PCs feel strongly that these policies should remain. Recent planning applications in the area have been granted, against the wishes of the community, despite the Local Plan policies. EL8 is very much needed because of the differing interpretations of NPPF and Local Plan policies which themselves may get watered down in future reviews.

25. Policy EL8v to historic rights of way. Where are these identified and why does the policy not apply to all rights of way? How would a decision maker know the level of ‘impediment’ to a view that may or may not be acceptable?

Many of the rights of way in the area are historic such as Roman roads and Drovers used over centuries. However propose Delete ‘historic’

Impediment to a view will indeed be subjective but the whole character of the area is highlighted at 5.2.6 (Open Views) context on p 26.

26. What are the ‘highest standard of light restrictions’ referred to in policy EL10? How would a decision-maker know?

Maybe ‘appropriate’ is better than “highest”. Development proposals should take account of proximity to NF National Park + disturbance to environment for Mottisfont bats. Dark skies at night was strong aspiration from the NDP survey.

27. What is the justification for including all the bullet points in policy EL10, bearing in mind they may be covered by Environmental Health legislation or may be carried out under permitted development?

The issue of noise pollution is covered in NPPF and we could add the actual reference in table at Appendix C. We could also refer to Environmental Health Standards. The community feel particularly strongly about this in our quiet and peaceful environment. Another case of “if it does not conflict with current policy then why not leave it in.”

28. Where does the definition of ‘Quiet hours’, as set out in footnote 40 on page 32, come from?

Government guidance (Gov.uk) to Councils regarding noise and how to deal with complaints. Google it and find repeated definition of Quiet Hours.

29. Wiltshire Council (in its Regulation 16 submission) states that paragraph 5.3.3 should make it clear which requirements for rural exception sites relate to which local planning authority. Could the Parish Council devise a form of wording to address this concern?

We want to get agreement to wording that both Local Authorities can sign up to with regard to rural exception sites. Need to discuss with TVBC as they are the lead authority.

30. Policy HD1 refers to housing development ‘within or adjoining the settlement boundary or built up area of the villages’. My understanding is that only West Tytherley has an identified settlement boundary. However, West Dean is also described as a village (paragraph 2.1.1) and Frenchmoor is described as an ‘outlying settlement’ in policy HD2. Therefore, in principle some community supported housing may be acceptable in those locations, adjoining or within the built up area. Firstly, how would a decision maker know what is considered to be the built-up area of West Dean and Frenchmoor? And secondly is policy HD1 in general conformity with the Wiltshire Core Strategy?

The settlement boundary in West Tytherley is a relatively recent defined area by TVBC and is bizarrely inside the larger Conservation Area. Outlying settlements such as Stony Batter, Buckholt and Frenchmoor (the last two were small civil parishes) are formally in open countryside. However they may deserve consideration from a planning point of view as if they were inside the settlement boundary particularly where there is already a form of ribbon development.

If there was a settlement boundary around West Dean then the last few houses at the top of Rectory Hill would certainly merit being included but they are not inside the Conservation Area and thus categorised as open countryside.

Yes. HD1 tries to cover the outlying areas whereby a community led project might apply within or close to a line of outlying houses even though they are in open countryside.

Yes. WCS describes West Dean as a SMALL village. WCS para 4.16 relates to Core Policy 1 (Settlement strategy). “there is a general presumption against development outside the defined limits 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.

WCS core policy 2 addresses development “outside the defined limits of development”. Other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25 (‘exception policies’ which include: Rural exception sites (Core Policy 44); Supporting rural life (Core Policy 48)), development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans.

At the Small Villages development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

- i) Respects the existing character and form of the settlement
- ii) Does not elongate the village or impose development in sensitive landscape areas.
- iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.

In the case of rural exception sites (WCS Core Policy 44), the precise definition of the ‘built up area’ is unimportant because valid rural exception sites only need to be adjacent to a small village such as West Dean. WCS Core Policy 48 does not apply.

31. What is meant by ‘community led housing’ in the title of policy HD1? Is this different to ‘community supported housing’ which is the reference within the policy itself?

in the Glossary of Terms (section 9) where it is called Community Led Development (CLD) (Community Led Development proposals as expressed in TVBC COM9 must demonstrate (evidence and survey) that the community, led by Parish Council (s), has been involved in the preparation of and supports the proposal. The proposals must benefit the community (e.g. infrastructure and facilities) and meet the affordable housing needs.)

Para 2.8 sets the context in which the housing mix should be considered. Propose change the title of HD1 to *Community Led Development: The Housing Mix*. Then CLD should be the term used throughout. Two ingredients of CLD are *Parish leading and/or supporting any proposal*. The third ingredient that of *Affordable Housing* is aimed at the specific needs of persons on the Housing Register who cannot afford their own home but need Council support. What the Parishes want, as expressed in the NDP survey (much broader than a Housing Need Survey) is a mix of smaller 2 to 3 bedroom houses that can be bought or rented at an affordable cost especially for those with local interest. An estate worker who has lived in the village all his life cannot when he retires live in the area with the average cost of a house so high.

TVBC proposed changes decimate the whole purpose of HD1 which is probably one of the most important policies in the whole document. Depending on the Examiner’s view we will need to agree the final wording throughout the document where it addresses the housing needs and mix that parishioners want to sustain their rural but vibrant community.

32. Concerns were expressed in two consultation responses regarding the need to provide affordable housing in the plan area. Is the Parish Council satisfied that policy HD1 is sufficiently robust in that respect?

See the response above at 31. The issue of 'affordable housing' is widely misunderstood. The eligibility criteria for occupants are relatively precise (e.g. already on the council waiting list for housing) but many local families who think that they qualify, do not and may not want to be 'tenants'. Second, who will manage these so called affordable homes.

33. TVBC suggest that policies HD2 and HD3 should be combined because they cover the same issue. What is the justification for including two separate policies?

HD2 concerns 'infill' (implicitly between separate ownerships); HD3 concerns development within the same ownership unit. It is an important distinction in the view of both PCs. We would like to keep them separate.

34. Wiltshire Council consider policy HD3 to be unclear and confused. Should the reference be to 'ancillary residential uses' rather than 'business buildings'? Could clarified wording be provided?

See the argument at Q9 Change "business" to 'commercial' or 'non-residential'?

35. The second *final* requirement (v) of policy HD3 refers to legal agreements but Wiltshire Council has confirmed that it uses planning conditions to tie ancillary accommodation to the main dwelling. Could the Parish Council reconsider this wording in that light?

Yes: ~~strike out "The applicant either enters into a legal agreement with the LPA or"~~

36. Policy HD4 refers to 'features and characteristics included in the WDVDS' (West Dean Village Design Statement). How would a decision maker know what those characteristics are? Why are they not listed in the Plan, if necessary as an Appendix?

See response to joint question 1 above concerning The National Model Design Code The PCs agree that the design aspects of the WD VDS need to be repeated in an Appendix to the main document.

37. How is a 'low roof line' defined (as referred to in policy HD4i)?

Add: as illustrated in WD VDS. Add new Appendix proposed in para 36 above)

38. Is it reasonable, in policy HD5, for a landscape scheme to be submitted with all development proposals? The fact that schemes in 'sensitive locations' have been specifically identified could lead the decision maker to conclude that proposals that are not in sensitive locations may not require a landscape scheme.

Strike through final five words – "particularly those in sensitive locations."

39. Southern Water's Regulation 16 submission (objection) suggests modified wording to policy HD6 which would, in some circumstances, allow for the provision of essential infrastructure in flood zones 2 and 3. Is there any reason not to accept their proposed wording?

Add (after first sentence of HD6): ... subject to the recognition that water infrastructure provided by an appropriate statutory undertaker may, in exceptional circumstances, have particular locational needs for essential engineering works in a flood zone.

40. TVBC comment that the reference in policy HD6 to no development being accepted in flood zones 2 and 3 is adequately dealt with in the NPPF. What are the reasons for the Parish Council including this reference in the policy?

The sensitivity of flood avoidance in both villages means we wish to cover this in full even if repeating NPPF and TVBC policies (refer back to earlier comment on flooding)

Proposed wording for HD6: In view of the susceptibility of the Neighbourhood to historic flooding, a full application of the flood-related provisions of the NPPF, including footnotes and Annex 3 must be fully taken into account.

41. Does the Parish Council accept that the Borough Council/Wiltshire Council cannot require the submission of fully costed management measures as required by policy HD6?

Proposed wording for HD6: Any development in areas adjacent to Flood Zones 2 and 3, should provide full remediation and management measures to prevent harm...

42. In the Test Valley Regulation 16 response it is stated that policies IC1 and IC2 are addressed in both the relevant local plans that cover the neighbourhood. In that light is there any justification for including these two policies?

Yes. Policy IC1 places explicit emphasis on provision of mitigation. IC2: maintenance of footpaths etc is not a borough council responsibility – it is a County responsibility – TVBC is in a weak position in this particular relationship.

43. In the Test Valley Regulation 16 response it is stated that the parking standards set out in policy IC3 are higher than those applied by both Test Valley and Wiltshire Councils. What is the justification for these standards?

There is very little on-street parking in the neighbourhood. The road infrastructure consists of lanes with limited capacity even for two cars to pass. This is a rural community, modern agricultural practice dictates that, throughout the year, this infrastructure has to cope with very large agricultural traffic. In addition heavy haulage traffic associated with East Brothers timber yard and sawmill imposes regular demands. Even the limited on-street parking already causes chaos from time to time. The particular circumstances of the neighbourhood mean that it is not unreasonable to require higher standards than urban and sub-urban areas.

44. What is meant by 'easy access' in policy IC4 and is it reasonable to apply this requirement to 'any new development'?

Any new development, including affordable housing, must allow for easy access of occupants to local services (e.g. social care and medical).

45. Does policy IC4 relate to a land use matter or is it a community aspiration?

This is more than an aspiration it goes to the day-to-day functioning of the neighbourhood. It is designed to encourage change in the prevalence of private transport in order to pay more than lip-service to climate change initiatives.

46. In policy IC6(v) it is not clear to me what the relationship is between a 'renewable project' and the 'impact of power lines, pylons and sub-stations'. How would a decision maker know how to interpret this requirement?

Agree delete

~~v. Particular care should be taken in any renewable project to mitigate the impact of power lines and pylons and sub-stations on surrounding countryside and views.~~

47: Policy IC7 (*To sustain employment for the community, protect existing local businesses and develop new business premises which are appropriate to the rural setting without adversely affecting safety and infrastructure*) relates to local businesses but in the TVBC Regulation 16 response it is stated that policy IC7 is adequately addressed by TVBC LP policies LE16 and LE17 and WCS policies CP35 and CP48. Is there any reason why I should support the inclusion of policy IC7?

Question 47 queries the relevance of NDP Policy IC7 compared with similar policies in the TVBC local plan and WCS. However, the 'relevant' policies cited (TVBC LP LE16, LE 17; WCS CP35, CP48) are inconsistent.

WDWTNDP policy IC7 is concerned with sustaining the local economy; TVBC LP LE16 is concerned with "buildings in the countryside"; LE 17 is concerned with "employment sites in the countryside": the implicit emphasis is on existing buildings. The WCS policy statements are more comprehensive and more attuned to local character. Retention of NDP policy IC7 is important to provide the appropriate emphasis to the sense and intended consequence of the TVBC LP and WCS policies. Note the WCS emphasis on sustaining the use rather than sustain the building - to sustain the local economy, including working from home.

48. In the Test Valley Regulation 16 response it is suggested that policy IC8 is covered by TVBC LP policy COM14 and by policy CP49 of the WCS. In that light is there any justification for policy IC8?

There is a clear difference of emphasis. WDWTNDP places emphasis on the retention and support of community facilities that are locally valued or considered to be part of the local fabric: Policy IC8: Protect or enhance community facilities in both villages including the village halls, recreation spaces, playgrounds, school and other education facilities, the pub and the village shop in West Tytherley.

The question queries the relevance of WDWTNDP policy IC8 compared with TVBC local plan and WCS policies. However, the 'relevant' policies cited (TVBC LP policy COM14, WCS CP49) are inconsistent. TVBC LP COM14 places emphasis on redevelopment. WCS CP49 is closer to the intent of WDWTNDP but the emphasis remains on economic viability. There is a clear difference of emphasis. WDWTNDP policy IC8, emphasises the retention and support of community facilities that are locally valued or considered to be part of the local fabric. Increasingly, criteria such as environmental value are likely to gain prominence, even the environmental quality sought by the relevant landowner.

49. Is there any reason not to make reference to Bentley Wood (as an independent site/asset) in the list of Heritage Sites and Treasured Assets set out in Appendix B4?

No reason. We will include when we update the whole table at B4. See earlier comments.

50. TVBC comment that Map A4 (page 64) is missing data for West Dean. Is that correct and if so, can an up-dated Map be prepared?

Yes . The updated page is complete and both TVBC and the SG have copies to be included.

51. Are there any brownfield sites within the neighbourhood plan area that might be suitable for development and if so what consideration has been given to the allocation of such sites for housing?

This depends on the interpretation of 'brownfield'. A small number of sites in the designated area have industrial/commercial uses that in other circumstances might be considered as appropriate sites for housing.

One important site in West Dean is Dean Hill Park, a former MOD munitions storage facility, now owned by Mr Parry who has been consulted at Reg 14 and Reg 16. The PCs note his proposals at Reg 16. The majority of the site is located in East Dean Parish; however, the former staff quarters (16 houses) located wholly inside the NDP area are split by the boundary between both parishes. They have been sold off and became a wonderful windfall for private or housing association ownership. They have enhanced the sustainability of West Dean considerably. PC note Mr Parry's comment on the need for housing potential for further modest development close to Hillside Close. Also the PCs have noted the third point made by Mr Parry about the needs for affordable housing for employees at Dean Hill Park.

The PCs are fully aware of the 4 sites registered with SHELAA (TVBC). See footnote under paras 2.8.7 to 2.8.9 in the NDP draft. One site in West Dean (Glebe Farm) has already had planning approval but that will not meet any of the local requirements. The other two have not been offered up as potential sites and would not meet many of the criteria in the Reg 16 draft. The greatest regret is that a community led development, 13 homes including 4 'Affordable Homes' located in West Tytherley at Church Farm (see footnote 18 on page 15), went through all the correct planning hoops back in 2016 and gained approval. Five years later the development has not been completed because of a misguided dispute over a public footpath (Currently being considered for Public Inquiry)