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INDEPENDENT EXAMINATION OF THE OVER WALLOP NEIGHBOURHOOD DEVELOPMENT PLAN

EXAMINER: David Hogger BA MSc MRTPI MCIHT

Councillor Kate Dixon
Chair Over Wallop Parish Council

Sarah Hughes
Test Valley Borough Council

Via email

Examination Ref: 01/DH/OWNP

9 August 2023

Dear Councillor Dixon and Ms Hughes

THE OVER WALLOP NEIGHBOURHOOD DEVELOPMENT PLAN EXAMINATION

Following the submission of the Over Wallop Neighbourhood Development Plan (OWNP) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for Over Wallop Parish Council (OWPC) as Qualifying Body and a smaller number for Test Valley Borough Council (TVBC). These are attached as an Annex to this letter, and I would like to receive the responses by **Tuesday 5 September 2023**.

1. Examination Documentation

I can confirm that I have received a complete submission of the Plan and accompanying documentation, including the Basic Conditions Statement (July 2022), the Consultation Statement (October 2022), the HRA Screening Request (March 2023), the SEA Environmental Report (May 2023), the Habitat Regulations Assessment (January 2023) and the Regulation 16 representations (including a helpful Summary Sheet prepared by TVBC). I am satisfied that I have enough relevant evidence to enable me to commence the examination.

Subject to my detailed assessment of the OWNP, I have not at this initial stage identified any very significant and obvious flaws in it 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 21^{t} August 2023. This will assist in my assessment of the draft Plan, including the issues identified in the representations.

The site 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.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

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 information and clarification from both OWPC 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 by **Tuesday 5 September 2023**.

5. Examination Timetable

As you will be aware, the intention is normally to conduct the examination (including the site visit) with a view to providing a draft report (for 'fact checking') within 6-8 weeks of submission of the draft Plan. However, I have raised a number of questions to which I must provide the opportunity for the preparation of a full and considered response. Consequently, the examination timetable will be extended but please be assured that I will seek to 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 responses, are placed on the websites of the Parish Council and Test Valley Borough Council.

Thank you in advance for your assistance.

Your sincerely

David Hogger

Examiner

ANNEX

From my initial reading of the submission draft of the Over Wallop Neighbourhood Development Plan (OWNP) and the supporting evidence, I have 2 questions to which I require a joint response from both Councils; a further question for Test Valley Borough Council; and 15 questions for Over Wallop Parish Council. I have requested the submission of a response by **Tuesday 5 September 2023**. All the points set out below flow from the requirement to satisfy the Basic Conditions.

Questions for both Test Valley Borough Council and Over Wallop Parish Council (2)

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

1. Paragraph 009 ID: 41-009-20190509 of the Planning Practice Guidance on Neighbourhood Planning, advises that 'where a neighbourhood plan is brought forward before an up-to-date local plan is in place (i.e. Local Plan 2040), the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan. Could the Councils confirm whether or not such discussions have taken place at this early stage in the preparation of the Local Plan 2040, summarise the conclusions that were drawn, and confirm that at this stage there are no issues of concern regarding the compatibility of the Over Wallop Neighbourhood Plan and the Local Plan 2040?

2. The Borough Council considers that a significant number of the proposed policies repeat existing policies in the adopted Test Valley Borough Revised Local Plan (2016). The NPPF (paragraph 16 f) states that Plans should avoid 'unnecessary duplication of policies that apply to a particular area'. On that basis is there any justification for including the following policies in the OWNP (the reference in the brackets is to the Local Plan policy number):

EL P1: Conservation Areas (LP policy E9)
EL P2: Listed Buildings and Locally Important Heritage Assets (LP policy E9)
EL P5: Public Rights of Way (LP policy T1)
EL P6: Trees and Hedgerows (LP policy E2)
EL P7: Settlement Character and Coalescence (LP policies COM2 and ELP4)
EL P12: Air and Noise Pollution (LP policy E8)
DD P1: New Housing Development (LP policy COM2)
DD P2: Affordable and Community-led Housing (LP policies COM7, 8 and 9)
DD P4: Flood Management (LP policy E7)
IC P1: Highways – Sustainable Travel (LP policy T1)
IC P2: Highways and Traffic (LP policy T2)
IC P3: Quiet Lanes (LP policy T1)
IC P4: Community Infrastructure and Services (LP policy COM15)
IC P6: Local Business (LP policies LE16 and LE17)
IC P7: Community Facilities (LP policy COM14)

Also is there any justification for the inclusion of section 5.8 on page 48, regarding settlement character and coalescence (see response from TVBC)?

Question for Test Valley Borough Council (1)

3. Paragraph 13 of the NPPF confirms that Neighbourhood Plans 'should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies'. Is the Borough Council satisfied that this advice has been followed?

Questions for Over Wallop Parish Council (15)

4. There appears to be no reference on the cover of the OWNP, or inside the document, to the time period which is covered by the OWNP. On page 3 of the Basic Conditions Statement there is a reference in paragraph 1 to 2011-2035 and a reference near the top of page 6 to 2011-2029. Could the Parish Council confirm the correct period that the OWNP will cover?

5. Plan Making Guidance (Ref ID: 61-027-20180913) advises that 'all plans need to be as focussed, concise, and accessible as possible'. The submission draft Plan (excluding the Character Appraisal and Design Code) is 122 pages long. Are there any opportunities to reduce the length of the document? For example, is it necessary to include a section on Community engagement and Communication (pages 12 to 18), when a single cross-reference to the Consultation Statement may suffice?

6. Can the Parish Council provide a brief response to the comments made by TVBC (see TVBC summary sheet) with regard to:

- Section 6.6;
- Section 6.7;
- Policy DP P3a;
- Section 6.9;
- Section 6.10; and
- Section 6.13

7. The Local Green Space Assessment (Version 10) confirms that owners of the proposed Green Space have been made aware of the proposed designation – with the exception of the Printers Place Green Space, where it is recorded that, at that time, no acknowledgement from the owner had been received. Has any acknowledgement been subsequently received?

8. Would the Parish Council confirm that views (a), (o), (q) and (r) (as identified on Figure 5 in the Plan on page 41) extend beyond the boundary of the OWNP and therefore cannot be 'protected' as they fall outside the 'jurisdiction' of the Plan area?

9. In Policy EL P3 on page 39 (Archaeology) how would the decision maker know what is meant by 'proportionate' at the end of the second paragraph?

10. Policy EL P7 (page 49) refers (in sub-section d) to the maintenance of three gaps. Where are these gaps identified on a plan/the policies map?

11. Are the character views in Figure 6.4 (page 70) different to the important views listed in policy EL P4?

12. In Policy DD P1 (page 77) how will a decision maker know what 'Evidence Base Document 7' is, and where it can be found? Indeed, there are several references to Evidence Base Documents. Could these be listed at an appropriate location in the Plan?

13. In Policy DD P1 (page 77) in sub-section 3, how will a decision maker know what is categorised as 'absolutely necessary'?

14. In Policy DD P2: Affordable and Community-led housing (page 78), how would a decision maker assess whether or not a location was 'sustainable'?

15. In the third line of Policy DD P2 (page 78) what is meant by 'evidenced by survey'. Whose survey – existing or proposed?

16. Is there any reason why the community facilities listed in Policy IC P7 (page 111) are not identified on the Policies Map?

17. It is not always clear to me which of the Maps within the OWNP are included solely for information and which form part of the Policies Map. Could clarity on this matter be provided?

18. I could find no reference to the National Model Design Code (2021) in chapter 6 on Development and Design (page 65 onwards). Is this intentional?

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