

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 OWP, 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 21st 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?

The Local Plan 2040 is in the early stages of formation. Over Wallop Parish Council therefore believes that it is impossible to form any detailed views on compatibility at this stage. However, the draft NDP includes the following language (Section 9.1 / page 115):

"The Over Wallop Parish Council proposes to complete a formal review of the NDP at least once every five years, or sooner if necessary, to reflect changes in the Local Plans or the National Planning Policy Framework and other local factors relevant to the NDP.

In particular, the NDP will be reviewed if:

- The Army Aviation Centre site is no longer owned and used by the MoD or an intention to leave the site within the Plan period is made known. In this circumstance the land would fall under the remit of this NDP and policies relating to development in the Kentsboro settlement will be updated
- The TVBC Local Plan is updated. In this event the NDP will be reviewed and those policies impacted by changes in the Local Plan amended accordingly"

A discussion has been held with TVBC in relation to this question and we understand TVBC have reached a similar conclusion - namely that TVBC is in early stages of formation of the new Local Plan and that, while it cannot be confirmed, no compatibility issues are anticipated.

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):

Over Wallop Parish Council is strongly of the view that the policies contained in the NDP need to be readable and accessible not only to planning experts but the wider group of non-expert stakeholders including residents. Any “overlap” between TVBC Local Plan policies and NDP policies is kept to a minimum to provide context and improve readability. In all cases, we refer specifically to the TVBC Local Plan policy numbers for those who wish additional context.

In addition to the above, we are also very mindful that a new Local Plan 2040 is in the process of development. At this stage, we have no certainty as to which existing Local Plan policies will be contained in the new TVBC Local Plan 2040. With this uncertainty, it seems doubly important that NDP policies are fully described and articulated (even if that causes a degree of repetition with the existing Local Plan).

Further, there are very many examples of other “made” NDPs (in TVBC and elsewhere) which have been through formal examination and which have adopted a similar approach in relation to policy formation/description as the approach adopted in the Over Wallop NDP.

EL P1: Conservation Areas (LP policy E9)

This policy explicitly refers to figures 5-2 and 5-3, which highlight all of the designated heritage assets, non-designated assets, important views etc within the conservation area. This is not available in the TVBC Local Plan and allows residents and officers alike to see at a glance, those elements which are specifically locally important.

For improved clarity in the first paragraph ‘only’ could be deleted and ‘sustain or positively’ could replace positively.

See similar examples from:

Thrupton

Chinnor

Houghton

West Dean & West Tytherley

Culham

EL P2: Listed Buildings and Locally Important Heritage Assets (LP policy E9)

This policy refers back to figures 5-2 and 5-3, which highlights all of the non-designated assets outside of the conservation area (which are locally specific), as well a formal list of designated heritage assets.

For improved clarity ‘locally important’ could be replaced by ‘non-designated heritage assets’ in the policy title.

See similar examples from:

Thrupton

Benson

Houghton

Potentially changing the policy wording (to that similar to the Benson NDP below) could be adopted to overcome the issues:

“Conserving and respecting, in proportion to their importance, the significant character and setting of non-designated heritage assets that are of local note for their heritage value. This shall apply to

buildings included in the Local List of Non-designated Heritage Assets set out in Appendix D and to buildings identified in any adopted Conservation Area Appraisal as having local interest.*

Developers should assess the significance of these buildings prior to application, and should provide a public record of any significance that is lost. Demolition of these buildings, or major alterations that would destroy or obscure their historic interest, will not be supported where it is judged that the significance of the building outweighs the scale of harm or loss.”

**correct OWNDP appendix*

EL P5: Public Rights of Way (LP policy T1)

This is a policy primarily relating to the creation and improvements to PRoWs and permissive paths, rather than a policy which is permitting development subject to impact upon PRoW as per T1.

It refers to the Parish Roads Strategy evidence base document 8, particularly where roads are currently constrained – could be amended to highlight the plan.

See similar examples from:

Chinnor

Shiplake

Shrivenham

West Dean & West Tytherley

EL P6: Trees and Hedgerows (LP policy E2)

This policy adds a specific layer of additional information to be submitted and new replanting ratio. It also lists locally specific TPO information (which could be in supporting text) and these are highlighted within the Character Appraisal for the settlement areas.

<https://www.woodlandtrust.org.uk/publications/2016/07/local-authority-tree-strategies/>

See similar examples from:

Thrupton

Brightwell cum Sotwell

Shiplake

Shrivenham

Joint Henley and Harpsden

West Dean & West Tytherley

EL P7: Settlement Character and Coalescence (LP policies COM2 and ELP4)

This policy focuses on gaps between settlements, these are locally specific and not strategic. A diagram could be added to show the areas of issue. This could be particularly problematic should the MOD land be developed in the future, where there is no Local Plan policy to require the protection of individual historic settlements from being subsumed or lost.

The policy gives details of settlement boundaries* and locally specific character information, with reference to the Character Appraisal and Design Guide/ Code.

Local Plan policy is generic, does not prevent coalescence or refer to specific character information.

See similar examples from:

Thrupton

Shiplake
East Challow
Kidmore End
Shrivenham
Benson
Great Coxwell
Brightwell cum Sotwell
East Hagbourne
Pyrton
Sydenham
The Baldons
Tiddington with Albury
West Hanney

*Where any future Local Plan changes the boundary, this would trigger a review of this policy to update the maps accordingly.

EL P12: Air and Noise Pollution (LP policy E8)

This policy refers to specific village streets and the A343 and, if acceptable to the examiner, we would propose to specifically include in the policy reference the DEFRA noise map at figure 5-15. The Local Plan policy is generic and does not have any locally specific information to show the extent of the current issues.

See similar examples from:

Thrupton
Goring
Drayton
Chilton
Joint Henley and Harpsden NDP
West Dean & West Tytherley

DD P1: New Housing Development (LP policy COM2)

This policy links into the Character Appraisal and Design Guide/ Code and to meet local housing needs. It also attempts to restrict the loss of small dwellings in this area (as per technically described space standards of approx. 100sq m for a 3-bed property and as set out as a 'smaller dwelling' in the GPDO Class Q). None of these matters are covered in the Local Plan

<https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard/technical-housing-standards-nationally-described-space-standard>

DD P2: Affordable and Community-led Housing (LP policies COM7, 8 and 9)

This policy links into the Character Appraisal and Design Guide/ Code and be appropriate to the size of settlement and integrate with the pattern of development. None of these matters is covered in the Local Plan.

See similar examples from:

Thame
Wallingford
Chinnor
Cholsey
Dorchester
Goring

DD P4: Flood Management (LP policy E7)

This policy refers to surface water flood maps which are locally specific. If acceptable to the examiner we would propose including new maps which would be drawn at a more appropriate scale to improve readability.

This policy also refers back to the Wallop Brook and its source, where there has been previously development which has had adverse impact.

See similar examples from:
Joint Henley and Harpsden NDP
West Dean & West Tytherley

IC P1: Highways – Sustainable Travel (LP policy T1)

This policy refers to the Parish Roads Strategy and issues and requirements. This is not in the Local Plan.

IC P2: Highways and Traffic (LP policy T2)

This policy refers to locally specific junctions and roads, backed by Department of Transport accident data and figures (mapped within the Parish Online or crashmap.co.uk) to highlight local problem areas. This is not in the Local Plan.

IC P3: Quiet Lanes (LP policy T1)

This policy refers to the rural lanes in the Parish other than those highlighted. Quiet Lanes are a common NP policy and do not replicate the Local Plan. It is a key characteristic of the area.

See similar examples from:
Joint Henley and Harpsden
West Dean & West Tytherley

IC P4: Community Infrastructure and Services (LP policy COM15)

This policy refers to the list of community projects and aspirations, which are not in the Local Plan.

IC P6: Local Business (LP policies LE16 and LE17)

This policy links into the Character Appraisal and Design Guide/ Code, which is not in the Local Plan.

IC P7: Community Facilities (LP policy COM14)

This policy refers to the list of community facilities which are considered worthy of protection. This is a locally specific policy, which is a common NP policy and does not replicate the Local Plan.

See similar examples from:
Thruxton

Houghton
Chinnor
Cuddsedon
East Challow
West Dean & West Tytherley

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

This section sets the scene, particularly with regard to the MOD land and future review as well as issues with coalescence, which again are common matters dealt with in NDPs. Particularly as the current TVBC Local Plan is dated and significant development has taken place since it was adopted and the Local Gaps policy amended.

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 OOWNP, or inside the document, to the time period which is covered by the OOWNP. 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 OOWNP will cover?

The date of the TVBC Local Plan review changed during the course of preparation. The NDP plan date will be added to the NDP and related documents. For consistency the plan date should align with the Local plan period, assumed to be 2035, TVBC to advise on the correct plan period.

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?

A key consideration of the Over Wallop Parish Council during the preparation of the NDP was ensuring the readability and accessibility of the plan to non-expert stakeholders, particularly residents.

As it relates specifically to community engagement and consultation we believe this section, in a prominent position in the NDP document itself, is more reader friendly and accessible than the Consultation Statement which could easily be "lost" by the casual reader in an appendix. We believe that demonstrating the extensive consultation process is key to gaining support for the NDP at referendum.

It is the intention of the Over Wallop Parish Council to provide a short executive summary or two-page overview of the NDP policies, as part of its pre-referendum residents' consultation/communication plan.

Finally, it is considered that body text sets the scene for those unfamiliar with the planning process and only repeats matters for clarity purposes rather than in full. This is similar to the way in which Local Plans reference the NPPF in detail.

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;

It could be clarified that at present, the Local Plan allows for both rural exception sites under COM8 and Community led schemes under COM9. This Plan continues to support such policies which can deliver standalone affordable housing as required. The fact that a need has been identified, is evidence to show that a small 100% affordable housing scheme could be delivered in the Parish, in accordance with Local Plan policy, however this would be for a developer to bring forward on a site which would accord with NP policies.

As such, the NP could be clarified to show that this is supported in this context. Otherwise large scale development would be required to deliver affordable units as set out. In this regard, the Plan area has had a number of such schemes within the last ten years, contrary to the comments suggested.

- Section 6.7;

It is not felt that an opportunity has been missed since the Local Plan policies are sufficiently permissive to meet identified need. Refer to 6.6 above.

- Policy DP P3a;

The Character Appraisal and Design Code were originally produced prior to the publication of the National Model design Code.

This could be updated to add some further detail.

- Section 6.9;

Coalescence is a key topic in the NDP and an important issue raised by the Parish.

A map will be added indicating the gaps (see below and as identified in Policy EL P7)) and referenced to policy EL P7

1. between Over Wallop and Middle Wallop
2. between Over Wallop / Middle Wallop and Kentsboro
3. between Palestine and Grateley and Palestine and Over Wallop.

- Section 6.10;

See community survey aspiration to protect and retain smaller housing stock.

An application for modification or discharge of s106 agreement can be made to the local planning authority after the expiry of the 'relevant period', and the "relevant period" is defined as five years since the beginning with the date that the s106 agreement is entered. Whereas a condition can be removed or varied immediately after consent. A legal agreement therefore shows a clear long-term commitment to the reason the annexe is required (due to the length of time prior to variation).

A s106 is also more apparent to a new purchaser during the sale process.

The wording issue can be rectified by inserting 'where planning permission is required' at the start of the policy.

- Section 6.13

These are areas where further biodiversity improvements should be promoted and encouraged, particularly in such close proximity to international designations.

Natural England promote an integrated approach in the Nature Recovery Network and NP groups are encouraged to work together, so that although the policies in one area may finish at the Plan Area boundary, the adjacent groups can continue such designations in their own Plan Area in wildlife corridor designations.

The plan is to be clarified to highlight the Parish boundary, but also to show the HBIC plan and the fact that wildlife corridors are intended to be cross boundary, as a community aspiration.

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?

The Printers Place Green Space is owned by TVBC. As at the date of this letter, no acknowledgement has been 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?

The viewpoint is within the Parish and not outside of the Parish for the purposes of the Plan. The extent of the view shows how far ranging the view is. This is commonplace in many NDPs. If acceptable to the examiner, a note could be added to clarify this.

We also believe that while the Over Wallop Parish NDP has no jurisdiction beyond the parish boundary, it is nonetheless helpful to retain these Important Views as it allows Over Wallop Parish Council to work closely with neighbouring parishes (specifically Grateley and Nether Wallop) as they progress their emerging NDPs.

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?

We could add to the text that this should be as per the NPPF definition in paragraph 194.

'The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.'

We could add that the decision maker should have such knowledge or consult with their Conservation Officer colleagues as appropriate.

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?

A map will be added indicating the gaps (see below as identified in Policy EL P7) and referenced to policy EL P7:

1. between Over Wallop and Middle Wallop
2. between Over Wallop / Middle Wallop and Kentsboro
3. between Palestine and Grateley and Palestine and Over Wallop.

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

Yes these are different, text could be amended to highlight that these are different and the photos in the plan are there to highlight the character of the area rather than a 'view'.

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?

All Evidence Base documents are freely available on the Over Wallop NDP website (see link below) – on the same page as the NDP document itself. A list of the Evidence Base Documents is also included in the NDP at section 4.6 (page 31). If acceptable to the examiner, we will include hyperlinks to aid accessibility.

For information the website link is <https://owparishndp.uk/secure-documents/>

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

We accept this is unclear. If acceptable to the examiner, we will revise the text such that it is consistent with the language used in the TVBC Local Plan COM2 ie. "it is essential for the proposal to be located in the countryside"

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'?

This is a defined term as per the NPPF paragraph 8. If acceptable to the examiner, we will make reference to NPPF paragraph 8 in the text of the NDP.

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

If acceptable to the examiner, we can clarify that the intention is that any proposed affordable and/or community-led housing development will need to be accompanied by a survey which evidences the local need for such a development.

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

A map showing the location of the community facilities will be added.

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

There is no one single Policies Map, but each plan which is linked to a policy forms part of the Policies Map.

Each policy which requires a map should include in that policy a specific reference to the appropriate map. This is the intention but we will check and confirm that this is the case.

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?

The Character Appraisal and Design Code were originally produced prior to the publication of the Model Design Code, but if agreeable to the examiner, will be updated to add some further detail.

19. Additional examiner question as requested by mail on the 21/08/2023

What is the 'purpose' of the blue circle that is identified on Figure 6.10 (page 85)? I could find no reference to it in the supporting text and it is not listed in the Legend to Figure 6.10?

The blue circle highlights the remaining gap between Over Wallop and Middle Wallop which ideally should be preserved. It is the intention to provide a map which shows the gaps identified in Policy EL P7 (see question 10). This will remove the need for the blue circle on figure 6.10.