



Intelligent Plans
and examinations

Report on the King's Somborne Neighbourhood Development Plan 2022 - 2037

An Examination undertaken for Test Valley Borough Council with the support of King's Somborne Parish Council on the January 2023 draft submission version of the Plan.

Independent Examiner: David Hogger BA MSc MRTPI MCIHT

Date of Report: 21 July 2023

Intelligent Plans and Examinations (IPE) Ltd, 3 Princes Street, Bath BA1 1HLL
Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84

Contents

Main Findings - Executive Summary	4
1. Introduction and Background	4
King's Somborne Neighbourhood Development Plan 2022 - 2037	4
The Independent Examiner	5
The Scope of the Examination	5
The Basic Conditions.....	6
2. Approach to the Examination.....	6
Modifications	6
Planning Policy Context	7
Submitted Documents.....	7
Site Visit.....	7
Written Representations with or without Public Hearing	8
3. Procedural Compliance and Human Rights.....	8
Qualifying Body and Neighbourhood Plan Area	8
Plan Period.....	8
Neighbourhood Plan Preparation and Consultation	8
Development and Use of Land	8
Excluded Development.....	9
Human Rights.....	9
4. Compliance with the Basic Conditions	9
EU Obligations	9
Main Issues.....	9
General Issues of Compliance of the Plan	9
National Policy, Sustainable Development and the Development Plan	9
Specific Issues of Compliance of the Plan's Policies	10
Chapter 1: Background (page 5)	10
Chapter 2: Community Vision and Objectives (page 8)	10
Chapter 3: The Villages, Landscape and the Environment (page 11)	10
Chapter 4: Development and Design (page 31)	14
Chapter 5: Community Facilities and Infrastructure (page 43)	16
Chapter 6: Neighbourhood Plan Revision (page 47).....	17
Policies Map	17
Appendices (page 48)	17
Minor Amendments	17
5. Conclusions.....	17

Summary.....	17
The Referendum and its Area	18
Overview	18
Appendix: Modifications (25)	19

Main Findings - Executive Summary

From my examination of the King's Somborne Neighbourhood Development Plan (the Plan/KSNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body: King's Somborne Parish Council;
- The Plan has been prepared for an area properly designated – the Designated Area as identified on the Plan on page 6;
- The Plan specifies the period to which it is to take effect – 2022 – 2037; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

King's Somborne Neighbourhood Development Plan 2022 - 2037

- 1.1 The Neighbourhood Plan encompasses the Parish of King's Somborne which lies between Romsey and Stockbridge. To the west of the Parish runs the River Test. As well as King's Somborne, there are a number of smaller hamlets in the Parish, such as Horsebridge and Up Somborne. The combination of gentle hills, waterways, woodland and agricultural land all contribute significantly to the attractive character of the area.
- 1.2 I saw on my visit that there is a range of community facilities and services in the Parish, including a shop, school, churches, pubs, village hall, allotments and play areas.
- 1.3 The task of preparing the Neighbourhood Plan for King's Somborne was commenced in 2016 with a kick-off meeting, after which a Steering Group was set up. However, due to the scale of the responses received to the initial Regulation 14 consultation in 2018, it was decided to start afresh with the process of formulating the Neighbourhood Plan. Hence it was not until August 2022 that the second Regulation 14 stage commenced. Much of the consultation and formulation of policies was undertaken during 2022 and it is clear that significant time and resources were invested in the Plan preparation process at that time.

Intelligent Plans and Examinations (IPE) Ltd, 3 Princes Street, Bath BA1 1HLL

Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84

The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the King's Somborne Neighbourhood Development Plan by Test Valley Borough (TVBC), with the agreement of King's Somborne Parish Council (KSPC).
- 1.5 I am a chartered town planner and former government Planning Inspector, with extensive experience in the preparation, examination and implementation of development plans and other planning policy documents. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.6 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions;
 - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.

- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.9 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations (under retained EU law)¹; and
- Meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirement of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.²

2. Approach to the Examination

Modifications

2.1 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

¹ The existing body of environmental regulation is retained in UK law.

² This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

Planning Policy Context

- 2.2 The Development Plan for this part of Test Valley, not including documents relating to excluded minerals and waste development, is the 2016 Test Valley Borough Revised Local Plan (TVBLP). Work has commenced on a replacement Local Plan for Test Valley, but it is not anticipated that this document will be adopted until 2026.³ There is no compelling reason for delaying the preparation of the KSNP until that time.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published in July 2021 and all references in this report are to the July 2021 NPPF and its accompanying PPG.

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents that I consider relevant to the examination, including those submitted which include:
- the draft submission King's Somborne Neighbourhood Development Plan 2022 -2037 (dated January 2023);
 - the Plan on page 6 of the document which identifies the designated area to which the proposed Neighbourhood Development Plan relates;
 - the undated Consultation Statement;
 - the undated Basic Conditions Statement;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Sustainability Appraisal (incorporating the Strategic Environmental Assessment) Environmental Report (dated June 2022) and the Habitats Regulations Assessment produced by AECOM (dated April 2022); and
 - the responses from both TVBC and KSPC of 9 June 2023 to my questions dated 11 May 2023.⁴

Site Visit

- 2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 23 May 2023, to familiarise myself with the locality, and visit relevant sites and areas referenced in the Plan and evidential documents.

³ TVBC LDS (October 2022).

⁴ View the documents at: [King's Somborne Neighbourhood Plan | Test Valley Borough Council](#)

Written Representations with or without Public Hearing

- 2.6 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The KSNP has been prepared and submitted for examination by KSPC, which is a qualifying body for an area that was designated in December 2015.⁵
- 3.2 It is the only Neighbourhood Plan for the Parish and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2022 to 2037.

Neighbourhood Plan Preparation and Consultation

- 3.4 The Consultation Statement clearly explains the processes and procedures that have been followed during the preparation of the KSNP.
- 3.5 I am able to conclude that opportunities to contribute towards the preparation of the Plan have been available to all interested parties at the relevant stages, including the initial Regulation 14 consultation in May 2018, the second Regulation 14 stage (1 August 2022 to 12 September 2022) and the Regulation 16 stage (23 January 2023 to 7 March 2023). I also consider that, overall, the approach taken towards the preparation of the KSNP has been conducted in a fair, proportionate and inclusive manner. The relevant advice on plan making and community engagement⁶ has been heeded and I consider the legal requirements have been met.

Development and Use of Land

- 3.6 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

⁵ View the letter from TVBC (dated 2 December 2015) confirming designation at: <https://www.testvalley.gov.uk/assets/attach/2777/pp11-151202-Kings-Somborne-NDP-area-gs.pdf>

⁶ For example, PPG Reference ID: 61-030-20180913.

Excluded Development

- 3.7 The Plan does not include provisions and policies for 'excluded development'.⁷

Human Rights

- 3.8 I have seen no evidence that the Plan breaches Human Rights (within the meaning of the Human Rights Act 1998), and it is not a matter that has been raised by any of the respondents, including TVBC.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Sustainability Appraisal (SA) of June 2022 (incorporating Strategic Environmental Assessment) concludes that there may be a 'possible' significant effect with regard to 'Water' and 'Cultural Heritage'. The Habitats Regulation Assessment (HRA) (April 2022), identifies 5 policies that have the potential to cause a likely significant effect.
- 4.2 I asked both Councils (Question 7)⁸ about the SA and HRA and it was confirmed that they are satisfied with the final wording of the policies, and they agree that sustainable development will be achieved. I note that the wording of policies E7, E8 and E10 has been agreed with Natural England. On the basis of the information provided, and my independent consideration of the SA and HRA Reports (and the Plan itself), I am satisfied that the Plan is compatible with EU obligations.

Main Issues

- 4.3 I have approached the assessment of compliance with the Basic Conditions of the KSNP as two main matters:
- General issues of compliance of the Plan, as a whole; and
 - Specific issues of compliance of the Plan policies.

General Issues of Compliance of the Plan

[National Policy, Sustainable Development and the Development Plan](#)

- 4.4 There are six chapters in the KSNP, which are the Background; Community Vision and Objectives; The Villages, Landscape and Environment; Development and Design; Community Facilities and Infrastructure; and Neighbourhood Plan Revision. There are also four Appendices regarding Community Aspirations; Local Green Space

⁷ See section 61K of the 1990 Act.

⁸ See my letter dated 11 May 2023.

Assessment; King's Somborne Conservation Policy; and King's Somborne Design Guidance. The Basic Conditions Statement explains how the KSNP has met the legal requirements; taken into account national policies; achieved sustainable development; and not breached EU obligations.

- 4.5 Subject to the detailed comments (and consequent proposed modifications) that I set out below, I conclude that the KSNP has had proper regard to national policy and guidance. I also conclude that subject to the recommendations that I make:
- The KSNP is in general conformity with the strategic policies of the adopted Development Plan for the area, and that overall, the document provides an appropriate framework that will ensure that the Objectives of the Parish Council (as set out on page 8) will be achieved; and
 - That the policies, as modified, are supported by appropriate evidence, are sufficiently clear and unambiguous and that they can be applied with confidence.⁹

Specific Issues of Compliance of the Plan's Policies

[Chapter 1: Background \(page 5\)](#)

- 4.6 Chapter 1 summarises the relationship between national planning policy; the TVBLP; and the KSNP. A brief profile of the Parish is included. In the interests of equality, I recommend in **PM1**, the deletion of the words 'predominantly white' from paragraph 1.9.

[Chapter 2: Community Vision and Objectives \(page 8\)](#)

- 4.7 The Vision for the Parish is clear but there is no need to repeat (in paragraph 2.2) the Objectives that are set out in paragraph 2.3. In the interests of clarity, I therefore recommend the deletion of paragraph 2.2 in **PM2**. Similarly, it would be clearer to specifically refer to the Vision in paragraph 2.3 and therefore **PM3** is recommended.
- 4.8 The Objectives for the Parish are categorised under the headings: 'The Villages, Landscape and Environment'; 'Development and Design'; and 'Community Facilities and Infrastructure'. They clearly and succinctly establish the direction, in planning policy terms, which the Parish wishes to travel.

[Chapter 3: The Villages, Landscape and the Environment \(page 11\)](#)

- 4.9 Chapter 3 describes the characteristics of the Parish and identifies the principal features of the area, including the chalk downland; the valley of the River Test; the arable fields; and the linear character of King's Somborne village.

⁹ PPG Reference ID: 41-041-20140306.

- 4.10 I agree with TVBC that the introductory sentence under 'landscape' (page 11) should more accurately reflect the wording of NPPF paragraph 174 and recommend accordingly in **PM4**.
- 4.11 Policy KS/E1 – Preserving Landscape Features, Views and Surrounding Farmland (page 14) establishes some of the requirements to ensure that the character of the countryside within the Parish is protected. However, both the title and the first clause lack clarity and therefore, primarily for the benefit of decision makers, I recommend the modifications as set out in **PM5** and **PM6**.
- 4.12 In the interests of clarity, the last sentence of clause 4 should be an independent clause and I recommend accordingly in **PM7**.
- 4.13 The wording of Policy KS/E2 – Horsebridge to King's Somborne Local Gap (page 15) should be made clearer for the decision-maker. To that end, **PM8** is recommended. In the interests of consistency, it would also be beneficial to place the policy immediately after paragraph 3.9 but that is a presentational matter for the Councils to determine (see paragraph 4.49).

Local Green Space (page 17)

- 4.14 Policy KS/E3 – Local Green Space (page 18) lists 10 areas of Local Green Space (LGS), which I saw on my visit.¹⁰ The last bullet point is not an area of LGS, and it would assist the reader if the actual bullet was deleted and a gap placed between the last area of LGS and the clause relating to 'management consistent with the Green Belt'. This is a matter of presentation for the Councils to decide (see paragraph 4.49).
- 4.15 I agree with TVBC that it would be clearer to decision makers, if the reference numbers attached to each individual LGS, came at the start of each bullet point and this is recommended in **PM9**.
- 4.16 Of more significance is the identification of site LGS5: Furzedown Allotments as LGS. These allotments, which are proposed as a replacement to existing adjacent allotments, do not currently exist. Whilst I acknowledge that the existing allotments have planning permission for 18 dwellings (see policy KS/ALL3), and that no development shall commence until the 'new' allotments are available, I am not satisfied that the identification of the proposed allotments meets the requirements of Government guidance on the matter.¹¹
- 4.17 In summary, Paragraph 102 of the NPPF confirms that proposed local green space is (my underlining) close to the community; is demonstrably

¹⁰ See also Appendix 2 Local Green Space Assessment (KSNP).

¹¹ NPPF, Paragraph 102 and Guidance on Open space, sports and recreation facilities, public rights of way and local green space (PPG Reference ID: 37-005-20140306 to ID: 37-022-20140306).

special and is local in character.¹² Whilst there is no reason to doubt that the proposed allotments, once fully operational, may meet the requirements for LGS designation, I am not satisfied that the land is currently 'demonstrably special' or of 'particular local significance'. Indeed, the character of the area will change once the replacement allotments are operational. In these circumstances I consider that the proposed allotments should, at this stage, be deleted from the LGS list, Whilst this may be disappointing to the Parish Council, there is no reason to conclude that the character of the proposed allotments (once established and operational) would be under any immediate threat. In addition, a future review of the Plan may well facilitate their designation.

- 4.18 Concerns were expressed regarding the designation of LGS on land behind Manor Farm House (LGS11). Appendix 2, the Local Green Space Assessment, states briefly that the land is identified for 'its beauty and historical significance'. The landowner has engaged at both Regulations 14 and 16 stages, fulsomely challenging the proposed designation. On my site visit I viewed land from the footpath which runs through the land and I agree that, under the circumstances, convincing evidence has not been presented that the criteria in NPPF paragraph 102 has been met. Therefore, subject to the deletion of the Area directly behind Manor Farm House up to the 40m Contour Line and the Furzedown Allotments site (**PM10**), I consider that the remaining sites listed in Policy KS/E3 should be designated as Local Green Spaces.

Conservation Area, Heritage Buildings and Heritage Sites (page 20)

- 4.19 Policy KS/E4, regarding King's Somborne Conservation Area, was deleted at Regulation 14 stage. It would therefore be helpful if the following policies were re-numbered accordingly but again that is a presentational matter for the Councils to decide. Although there are no policies in the KSNP regarding conservation and heritage, there is a reference to the Test Valley Local Plan policy E9 – Heritage. I am satisfied that sufficient guidance on the issue exists in other planning documentation and that there is no justification for repeating extant guidance in the KSNP.¹³

Flooding and Water Management (page 22)

- 4.20 Located as it is on the Somborne stream, the village has witnessed flooding in the past – the worst having been recorded in 2014. Policy KS/E5 (page 25) addresses the issue of flooding and water management. It is a comprehensive policy, but I consider it would be unreasonable to expect all development to meet the requirements of clauses 5 and 6. Therefore I recommend, in **PM11**, that clauses 5 and 6 should not be applied to minor development. I also recommend (in **PM12**) that clause (4) be modified to refer to 'fully separated systems', as suggested by

¹² NPPF, Paragraph 101 also advises that LGS designation should be capable of enduring beyond the end of the Plan period.

¹³ NPPF, Paragraph 16 (f).

Southern Water. Although this matter may be covered by Building Regulations, I consider it would assist decision makers to include such a reference here.

- 4.21 I agree with TVBC that a Map showing the course of the Somborne Stream would assist decision makers and so I recommend such an inclusion in **PM13**.

[Biodiversity \(page 26\)](#)

- 4.22 The protection and enhancement of biodiversity is a key national objective and policy [KS/E6](#) (page 26) sets out ways of enhancing biodiversity. For example, in relation to tree and hedgerow planting. However, I am aware that policy E5 of the TVBLP addresses issues of biodiversity in some detail and I therefore consider that there is no justification for repeating that advice in policy KS/E6. Therefore, I recommend, in **PM14**, the deletion of policy KS/E6. I note that neither TVBC nor KSPC object to such a deletion.¹⁴
- 4.23 Policy [KS/E7](#) (page 27) relates to the Mottisfont Bats Special Area of Conservation and is justified in the interests of protecting Barbastelle bats.
- 4.24 Policy [KS/E8](#) (page 28) seeks to ensure that the pressure of visitors to the New Forest Special Protection Area (SPA) is mitigated against. This could take the form of a financial contribution. However, there is no indication of the extent of the SPA in relation to King's Somborne. Therefore, I recommend that a plan be included within the KSNP which identifies the extent of the New Forest SPA (**PM15**).
- 4.25 Policy [KS/E9](#) (page 28) affords protection to the river network in the Parish and policy [KS/E10](#) (page 29) seeks to ensure that development does not result in a net increase in nitrogen reaching the Solent Region International Sites. Both policies are justified in the interests of biodiversity and nature conservation.

[Conclusion on Chapter 3](#)

- 4.26 I am satisfied that, as proposed to be modified, the policies in Chapter 3 on 'The Villages, Landscape and the Environment' are in general conformity with the strategic policies of the Development Plan and that they meet all the other Basic Conditions.

¹⁴ See response to my Question 5.

[Chapter 4: Development and Design \(page 31\)](#)

[Quantity and Size of New Homes \(page 31\)](#)

- 4.27 The quantity of new homes needed is addressed in policy [KS/H1](#) (page 32). The figure given is 41 new homes over the next 15 years. The number is justified in the Housing Need and Sites Background Paper. Having considered the evidence I am satisfied that this figure is justified, and I note that TVBC confirm that the assessment is 'robust and fit for purpose'.¹⁵
- 4.28 I questioned the reference to 'at least 10 houses or more' in clause 1 of the policy. The Parish Council confirmed that, in its view, this requirement is necessary in order to ensure affordable housing provision. I understand the aspirations of the Parish Council in his regard but in principle, any suitable site within the settlement boundary (whether for a single dwelling or ten dwellings), is likely to be considered favourably. Such an approach is neither in general conformity with the strategic policies of the TVBLP, nor does it have regard to the NPPF. Therefore the reference to '10 or more' should be deleted (**PM16**).

[Housing Mix \(page 33\)](#)

- 4.29 It is clear from the submitted evidence that there is a need for smaller properties, in particular 2-3 bedroom dwellings. Currently only about 12% of properties within the Parish are 2 bedroom. In order to address this issue, policy [KS/H2](#) (page 34) establishes the percentage requirements for each number of bedrooms between 2 and 4. The Parish Council acknowledges that there may have been changes to the level of need, since the 2017 Housing Needs Surveys and consequently the policy does make allowance for an alternative approach, if it can be satisfactorily demonstrated that the proposal addresses a more up-to-date assessment of Parish needs. This approach appears to me to be reasonable and justified.
- 4.30 The policy includes reference to 'a general guideline'. This may be confusing to a decision maker because it is a guideline rather than a policy. The reference should therefore be deleted, and this is recommended in **PM17**.

[Site Allocations \(page 34\)](#)

- 4.31 Consideration has been given to a number of site options for new housing but in such a constrained environment it is difficult for the Parish Council to identify sites that might be suitable. Consequently, only three sites (which I have visited) have been allocated for housing. The sites are shown on the aerial photograph on page 35 but there is a lack of clarity in

¹⁵ See answer to my Question 11.

the picture. This is a matter that the Councils might address when re-considering presentational aspects of the document.

- 4.32 Policy KS/ALL1 (page 38) allocates Land at Spencer's Farm (South) for at least 14 dwellings. The identified site is 0.47ha but development would be supported only on an area of 0.31ha. In this way, a level of flexibility is introduced in terms of layout. The policy includes a number of requirements which I am satisfied are justified. Concern was expressed regarding the length of access required from the A3057, but with appropriate planting and use of materials, I am satisfied that the visual impact of such a road can be adequately minimised.
- 4.33 The first sentence of paragraph 4.23 is not required because the land in question is not allocated. I therefore recommend the deletion of that sentence in **PM18**.
- 4.34 Land east of Eldon Road (policy KS/ALL2 on page 39) lies to the south of the village and is allocated for at least 10 dwellings. On the plan, the site does appear to have a slightly random boundary but taking into account the developable area would be only 0.22ha; development would be below the 48m contour line; the design of the development should reflect a transition from built-up to more rural; and significant landscaping would be required; then I am satisfied that this is a suitable site for limited new housing.
- 4.35 In the interests of clarity I am recommending changes to clauses 3 and 4 of the policy (**PM19**).
- 4.36 The third site allocation is the Allotments site (policy KS/ALL3 on page 40). This land has the benefit of planning permission, and this should be referred to in the supporting text rather than in the policy. Hence **PM20** is recommended. In the interests of clarity, I recommend some changes to the first sentence of the policy, in **PM21**.
- 4.37 Overall I am satisfied that the site selection process adopted by KSPC has been sufficiently robust and that appropriate alternative sites for housing have been adequately considered. I note that TVBC agrees with this conclusion.¹⁶

Building Design (page 40)

- 4.38 Policy KS/H8 on design¹⁷ (page 42) establishes the need for proposals to be appropriately designed, including in terms of water efficiency. Such an approach is reasonable and in accordance with national and local advice. However, the first bullet point should be clearer, and I recommend

¹⁶ See answer to my Question 13.

¹⁷ The King Somborne Design Guidance (July 2022) forms an appendix (no. 4) to the Plan, which accords with the approach advised in PPG Reference ID: ID: 26-005-20191001.

accordingly in **PM22**. TVBC suggests some re-formatting of the policy but that is a presentational matter for the Councils to decide.

[Conclusions on Chapter 4](#)

- 4.39 The policies (as modified) in Chapter 4 Development and Design, will contribute to the achievement of sustainable development and meet all the other Basic Conditions

[Chapter 5: Community Facilities and Infrastructure \(page 43\)](#)

- 4.40 The Parish Council is keen to support and improve the existing community facilities and the key community facilities are listed on page 44. Policy [KS/F1](#) (page 45) seeks to provide support for these facilities but, in the interests of clarity, they should be identified on the Policies Map and I recommend accordingly in **PM23**.

[Village Hall \(page 45\)](#)

- 4.41 An explanation regarding the role and ownership of the Village Hall is given on page 45. Whilst there is no accompanying policy, I consider that the explanation is helpful in establishing the importance of the new community building, which has been designed to be a multi-purpose asset.

[Transport and Traffic \(page 45\)](#)

- 4.42 The issue of transport and traffic is clearly of significance to local residents, and I saw that, at the time of my visit, traffic levels on the A3057 were relatively high. Paragraph 5.13 (page 45) clearly establishes the aspirations of the local community, particularly with regard to traffic calming and public transport provision, and provides guidance that may be of assistance to decision makers.

[Utilities \(page 46\)](#)

- 4.43 Policy [KS/F2](#) seeks to ensure that utility provision should not have a detrimental impact on the street-scene and that new development should be compatible with superfast broadband provision. Such requirements accord with national advice and policy COM15: Infrastructure of the TVBC Local Plan. In the interests of clarity, I recommend, in **PM24**, the insertion in the policy of the word 'adverse' before 'impact'.

[Conclusions on Chapter 5](#)

- 4.44 I conclude that the policies (as modified) relating to Community Facilities and Infrastructure have proper regard to national policy and advice and meet all the other Basic Conditions.

[Chapter 6: Neighbourhood Plan Revision \(page 47\)](#)

- 4.45 Chapter 6 confirms that the KSNP will be reviewed at least every 5 years and monitored annually. In this way, I am satisfied that any change in circumstances can be addressed as necessary.

[Policies Map](#)

- 4.46 The policies of the KSNP (as modified) will, if made, form part of the Development Plan for the locality and the Policies Map should, where appropriate, illustrate geographically the policies in the KSNP. To that end, it is important for the decision maker to know which Figures (plans) in the KSNP will become part of the Policies Map and which Figures are only included as a way to present evidence. Therefore, I recommend in **PM25** that it is made clear which Figures (plans) will form part of the Policies Map. In that way, proper regard will be given to national policies and advice and the Basic conditions will be met.

[Appendices \(page 48\)](#)

- 4.47 Appendix 1 lists the aspirations of the local community which fall outside the remit of the KSNP. It is clear that these aspirations do not form part of the Development Plan and therefore the advice in the Neighbourhood planning guidance¹⁸ has been heeded.
- 4.48 Appendix 2 lists the proposed areas of Local Green Space and includes a summary of why each site has been identified as LGS.

[Minor Amendments](#)

- 4.49 Amendments to the text can be made consequential to the recommended modifications, alongside any other minor non-material changes, updates or corrections in discussion between the Parish Council and Test Valley Borough Council.¹⁹ This can include the use of clearer plans and the location of the plans within the document. In some cases, the use of numbers instead of bullet points would aid clarity. TVBC suggests a number of other minor amendments which the Parish Council might consider.

5. Conclusions

Summary

- 5.1 The King's Somborne Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has

¹⁸ PPG Reference ID: 41-004-20190509.

¹⁹ PPG Reference ID: 41-106-20190509.

investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.

- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates but having considered all the evidence I do not consider there is any substantive justification for such an extension.
- 5.4 The King's Somborne Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.5 It is evident to me that significant effort has been invested in the preparation of the KSNP and the resultant document is generally well presented and clear.
- 5.6 The implementation of the policies in the KSNP (as proposed to be modified) will secure the realisation of the Parish Council's Vision and I am confident that King's Somborne will remain a vibrant community, whilst the unique rural environment which defines the character of the area will be protected. There is no reason to doubt that the Parish will retain its identity whilst securing a more sustainable future.

David Hogger

Examiner

Appendix: Modifications (25)

Notes:

Additions are show in **bold** and deletions denoted with ~~strikethrough~~.

Page references are those in the draft submitted KSNP.

In the interests of brevity, where whole sections or paragraphs have been deleted, the modification refers to the deletion of all the text.

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 6 Paragraph 1.9	Modify the start of paragraph 1.9 to read: With a predominantly white population of approximately 1,600
PM2	Page 8 Paragraph 2.2	Delete <u>all</u> the text in paragraph 2.2.
PM3	Page 8 Paragraph 2.3	Modify the introductory sentence of paragraph 2.3 to read: To deliver this the vision , the NDP is structured around three core areas:
PM4	Page 11 First quotation from NPPF	Modify the quotation to read: “ Planning policies and decisions The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils” (NPPF, para 174).
PM5	Page 14 Policy KS/E1	Modify the title of Policy KS/E1 to read: Preserving the Landscape, Features Views and Surrounding Countryside Farmland .

PM6	Page 14 Policy KS/E1	Modify the first clause in the policy to read: All Planning Applications that are likely to have potential for a significant impact on the landscape and views, must include a landscape Appraisal shall to be prepared in accordance with the Guidelines for Landscape and Visual Impact assessment (Landscape Institute and IEMA) or its successors.
PM7	Page 14 Policy KS/E1	Split clause 4 into two separate requirements: 4. Consideration of the settlement pattern shall form part of the Assessment; and 5. Development shall be contained within the settlement boundary and reflect the nature and density of building in the proximity.
PM8	Page 15 Policy KS/E2	± To preserve the separate identities of King's Somborne and Horsebridge, the land between the two communities is identified as a local gap. Development within this area will only be permitted where it would does not lead contribute to the physical or visual coalescence of the communityies, either individually or cumulatively, or where it meets essential needs that cannot be met elsewhere.
PM9	Page 18 Policy KS/E3	Place the site reference number at the start of each area of LGS (e.g. LGS01 – Muss Lane Recreation Ground (KSLGS01)).
PM10	Page 18 Policy KS/E3	Delete: Allotments – Furzedown Road (KSLGS05). Area directly behind Manor Farm House up to 40m Contour Line (KSLGS11).
PM11	Page 25 Policy KS/E5	Insert at the start of <u>both</u> clause 5 and clause 6: For sites other than minor developments,

	Clauses 5 and 6	
PM12	Page 25 Policy KS/E5 Clause 4	Modify clause 4 to read: New development which increases the flow of wastewater into the sewerage system must be accompanied by a detailed drainage strategy for fully separated systems of foul sewerage and surface water disposal and the development must not be occupied until the accepted approved detailed plans for foul and surface water drainage plans are fully constructed.
PM13	Page 26 (or nearest appropriate location)	Insert a plan which identifies the course of the Somborne Stream.
PM14	Page 26` Policy KS/E6	Delete policy KS/E6 in its entirety.
PM15	Page 28 Policy KS/E8	Insert a plan which identifies the extent of the New Forest SPA, as it applies to King's Somborne Parish.
PM16	Page 32 Policy KS/H1	Delete last part of clause 2: with at least 10 houses or more.
PM17	Page 33 Policy KS/H2	Modify the first sentence of clause 1 to read: In order to meet local need, all new residential developments should provide the following mix of properties in these proportions as a general guideline:
PM18	Page 36 Paragraph 4.23	Delete the first sentence: The Northern part of the site is visible in long distance views. Development where practical should be limited to the lower Southern area.
PM19	Page 39 Policy KS/ALL2	Modify clauses 3 and 4 to read: 3. Development should be maintained is restricted , if practicable, when

		<p>considering the site layout to below the 48m contour line to reduce the visual impact from wider views.</p> <p>4. Landscaping is provided throughout including providing the trees and hedging to the Southeast and northeast boundary of the site to screen from Furzedown Road. In order to mitigate landscape and visual impacts, any development should incorporate a soft boundary to demarcate appropriate planting along the edge of the development where it meets the open countryside.</p>
PM20	Page 40	<p>Insert after paragraph 4.25 a new paragraph 4.26 (and accompanying footnote), to read:</p> <p>Test Valley Borough Council has granted outline planning permission on the site for 18 dwellings (with all matters other than access, to be reserved) and full permission for change of use of land from agricultural to allotments, with associated access, erection of a storage/toilet building and a car parking area.*</p> <p>* Application Ref: 22/01359/OUTS.</p>
PM21	Page 40 Policy KS/ALL3	<p>Delete <u>all</u> the first paragraph in the policy.</p> <p>Delete: This site is allocated for 18 dwellings and insert: Land at the Allotments site is allocated for 18 dwellings, including affordable housing. The following will need to be addressed:</p>
PM22	Page 41 Policy KS/H8	<p>Modify the first bullet point to read:</p> <p>New development should demonstrate how it they conforms to with the King's Somborne Design Guidance in Appendix 4, and planning applications will be assessed against including the check list in the Design Guidance.</p>

PM23	Page 43 Policy KS/F1	Insert a plan identifying the community facilities listed under paragraph 5.9.
PM24	Page 45 Policy KS/F2	In the first clause insert the word adverse before impact.
PM25	Throughout the document	Make it clear which Figures (plans) form part of the Policies Map.