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# **Report on Over Wallop Neighbourhood Development Plan 2011 - 2029**

**An Examination undertaken for Test Valley Borough Council with the support of Over Wallop Parish Council on the October 2022 Submission Draft of the Plan.**

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Date of Report: 6 October 2023

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## **Main Findings - Executive Summary**

From my examination of the Over Wallop Neighbourhood Plan (the Plan/OWNP) 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: Over Wallop Parish Council;
- The Plan has been prepared for an area properly designated – the designated area as identified on Figure 2.1 on page 7 of the Plan;
- The Plan does not currently specify the period to which it is to take effect. However, I consider it would be appropriate to align the OWP with the Test Valley Local Plan period, which is 2011 to 2029; 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**

### **Over Wallop Neighbourhood Plan 2011–2029**

- 1.1 Although the Parish of Over Wallop lies in rural Hampshire, there are relatively good road links, for example to Salisbury, Andover and Winchester. I also noted on my visit that the railway station at Grateley lies just beyond the Parish boundary to the north. There are three settlements within the Parish at Over Wallop, Palestine and Kentsboro. Over Wallop lies in the valley of the Wallop Brook and nestles attractively in the surrounding downland. There is a wide variety of building styles and ages, and the core of the village was designated a Conservation Area in 1981.
- 1.2 Palestine is a small community close to the village of Grateley. Most of the houses are detached and there are extensive swards of green between the property boundaries and the access lanes, making it very attractive – an attractiveness that is strengthened by the extensive views of surrounding farmland.
- 1.3 Kentsboro lies on the A343, to the north-east of the Parish and includes a relatively small number of dwellings but it does include the Army Aviation

Centre, a training centre for the Army Air Corps. I am told by the Parish Council that many of the dwellings provide housing for service families.

- 1.4 The settlements include a number of important heritage assets and open areas, which I saw on my visit and there are a number of scheduled monuments in the Parish. There is a relatively good range of community facilities and services available in Over Wallop, including a place of worship, a village community shop (and post office), meeting halls, allotments and recreation facilities. The nearest school, Wallop Primary School, lies just beyond the Parish boundary in Nether Wallop.
- 1.5 The Consultation Statement (October 2022) confirms that, the process of preparing this Neighbourhood Plan commenced in September 2020.
- 1.6 The Parish Council (via the Steering Group) employed a number of initiatives, including detailed community surveys, the formation of Working Groups, a local business survey, the inclusion of information in the Parish Magazine and engagement at community events, such as the Over Wallop Fete (once Covid-19 restrictions were relaxed).

### The Independent Examiner

- 1.7 As the Plan has now reached the examination stage, I have been appointed as the examiner of the OWNP by Test Valley Borough Council (TVBC), with the agreement of the Over Wallop Parish Council (OWPC).
- 1.8 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

- 1.9 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.
- 1.10 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').

1.11 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

1.12 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)<sup>1</sup>; and
- Meet prescribed conditions and comply with prescribed matters.

1.13 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the

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<sup>1</sup> The existing body of environmental regulation is retained in UK law.

Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>2</sup>

## 2. Approach to the Examination

### Planning Policy Context

- 2.1 The Development Plan for Test Valley, not including documents relating to excluded minerals and waste development, is the adopted Test Valley Borough Revised Local Plan – 2011 to 2029 (TVBLP). Work has commenced on an updated Local Plan but is at a very early stage, with adoption of the document not expected until 2026. I note that TVBC concludes that the OOWNP and its policies 'are not at odds with either strategy' (i.e. adopted Local Plan or forthcoming Local Plan 2040).<sup>3</sup>
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF).<sup>4</sup> The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

### Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the Submission Draft of the Over Wallop Neighbourhood Development Plan Neighbourhood Plan (October 2022);
  - the Map on page 7 of the Neighbourhood Plan, which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement (October 2022);
  - the Basic Conditions Statement (July 2022);
  - the Strategic Environmental Assessment Report (May 2023) and the Habitat Regulations Assessment (January 2023); and
  - all the representations that have been made in accordance with the Regulation 16 consultation.

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<sup>2</sup> 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.

<sup>3</sup> See response from TVBC to my Question 1 at: <https://www.testvalley.gov.uk/planning-and-building/planningpolicy/neighbourhood-planning/over-wallop-neighbourhood-plan-designation-of-neighbourhood-area?chapter=2> Also see PPG Reference ID: 41-009-20190509.

<sup>4</sup> A new version of the NPPF was published during the examination on 5 September 2023. It sets out focused revisions (to the previously published version of 20 July 2021) to the extent that it updates national planning policy for onshore wind development. As such, all references in this report read across to the latest 5 September 2023 version.

- the responses to my questions dated 9 August 2023, from both Test Valley Borough Council and Over Wallop Parish Council, received on 23 and 24 August 2023 respectively.<sup>5</sup>

## Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 22 August 2023, to familiarise myself with the locality, and visit relevant sites and areas referenced in the Plan and evidential documents.

## Written Representations with or without Public Hearing

- 2.5 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.

## Modifications

- 2.6 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.

# 3. Procedural Compliance and Human Rights

## Qualifying Body and Neighbourhood Plan Area

- 3.1 The OWNP has been prepared and submitted for examination by OWPC as the qualifying body for an area that was originally designated by TVBC on 4 March 2021.
- 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 does not specify the period to which it is to take effect. In response to my questions to the Parish Council<sup>6</sup> I was told that 'the Plan should align with the Local Plan period'. I agree that the OWNP should align with the extant Test Valley Borough Local Plan. Therefore, I

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<sup>5</sup> View at: <https://www.testvalley.gov.uk/planning-and-building/planningpolicy/neighbourhood-planning/over-wallop-neighbourhood-plan-designation-of-neighbourhood-area?chapter=2> Further evidential documents, including the Local Green Spaces Assessment, can be viewed at: [Secure Documents - Over Wallop Parish Neighbourhood Development Plan \(owparishndp.uk\)](#)

<sup>6</sup> See response to my Question 4 from the Parish Council.



recommend, in **PM1**, that the dates 2011 – 2029 be added to the cover of the document. I have considered whether a longer time period would be justified but I note that the Parish Council (page 115) is committed to a formal review of the Plan 'at least once every five years (or sooner)' so such a review would be expected in 2028. Also by this time, TVBC Local Plan 2040 is scheduled to have been adopted (2026).

### Neighbourhood Plan Preparation and Consultation

- 3.4 The Consultation Statement summarises the approach to consultation undertaken by the Parish Council.
- 3.5 Opportunities to contribute towards the preparation of the OOWNP have been available to all interested parties at the relevant stages, including at both the Regulation 14 stage (21 February 2022 to 4 April 2022) and the Regulation 16 stage (30 May 2023 to 12 July 2023). The Consultation Statement provides, amongst other things, a table under the heading 'Programme of Consultation, Engagement and Key Stages'<sup>7</sup> setting out sequentially the principal community engagement that has taken place.
- 3.6 I consider that, overall, the approach towards the preparation of the OOWNP has been conducted in a fair and inclusive manner, especially bearing in mind the limitations imposed by the Covid-19 pandemic. Therefore, I am satisfied sufficient regard has been had to advice in the PPG on plan preparation and engagement and the process has been procedurally compliant in accordance with the legal requirements.

### Development and Use of Land

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

### Excluded Development

- 3.8 The Plan does not include provisions and policies for 'excluded development'.<sup>8</sup>

### Human Rights

- 3.9 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.

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<sup>7</sup> See pages 10-11 of the Consultation Statement.

<sup>8</sup> See section 61K of the 1990 Act.

## 4. Compliance with the Basic Conditions

### EU Obligations

- 4.1 Screenings for Strategic Environmental Assessment (SEA)(May 2023) and Habitats Regulations Assessment (HRA)(January 2023) were undertaken by AECOM. The conclusion reached was that the OOWNP does not require a full SEA or HRA to be undertaken because the Plan would not have any significant adverse environmental effects. I am aware of no adverse comments by the statutory agencies and, having read the documentation, I am satisfied that the Plan is compatible with EU obligations under retained EU law.

### Main Issues

- 4.2 I have approached the assessment of compliance with the Basic Conditions of the OOWNP as two main matters:

- General issues of compliance of the Plan, as a whole; and
- Specific issues of compliance of the Plan policies.

It should be noted that there is an issue that reoccurs in this examination in terms of assessing compliance with the Basic Conditions. The Over Wallop Neighbourhood Plan should be seen in the context of the wider planning system. This includes the TVLP as well as the NPPF and PPG. It is therefore not necessary to repeat in the OOWNP matters that are quite adequately dealt with elsewhere<sup>9</sup>, and I comment on this matter throughout my report. Having said that, there may be scope to give emphasis to matters particularly relevant in the context of Over Wallop and I assess this as part of my consideration of the relevant OOWNP policies where it arises.

### General Issues of Compliance of the Plan

#### National Policy, Sustainable Development and the Development Plan

- 4.3 There are nine chapters in the OOWNP, which are the Forward<sup>10</sup>; Introduction; Overview of the Parish; Vision, Objectives, Policies and Evidence; Environment and Landscape; Development and Design; Infrastructure and Community; Community Projects and Aspirations; and Delivery.
- 4.4 It is clear to me that TVBC and OWPC have co-operated in the preparation of the OOWNP<sup>11</sup> and, subject to the detailed comments and modifications

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<sup>9</sup> See NPPF, Paragraph 16 f): "*Plans should... serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).*"

<sup>10</sup> An introductory section is usually described as a 'Foreword'.

<sup>11</sup> Reflecting, for example, the advice in PPG IDs 41-040-20160211 and 41-009-20190509 and Paragraph 3(1) of Schedule 4B to the 1990 Act.

that I set out below, I conclude that the OWNP has had proper regard to national policy and guidance. I also conclude that subject to the recommendations that I make:

- the OWNP 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 enable the Parish of Over Wallop to continue to evolve as a community whilst ensuring that the quality of life, particularly for residents, will be retained and enhanced; and
- that the policies, as modified, are supported by appropriate evidence, are sufficiently clear and unambiguous and that they can be applied with confidence.<sup>12</sup>

## Specific Issues of Compliance of the Plan's Policies

### [Forward \(page 6\)](#)

- 4.5 The Foreword succinctly summarises how the Neighbourhood Plan has been formulated and the processes that its preparation has followed.

### [Overview of the Parish \(page 19\)](#)

- 4.6 The character and history of the Parish is described in Chapter 3, together with background information regarding, for example, archaeology; the characteristics of the local community; the economy and local facilities. This provides a helpful summary of the evolution of the village and the current services and facilities that it provides.

### [Vision, Objectives, Policies and Evidence \(page 27\)](#)

- 4.7 The process of formulating the Vision, the Objectives and the Policies is clearly set out in chapter 4 and the primary evidence base is appropriately summarised in paragraph 4.6. I am satisfied that the 'foundations' of the Plan, as set out in chapter 4, are based on a thorough analysis of the situation and are supported by local residents.

### [Environment and Landscape \(page 32\)](#)

- 4.8 The value placed by local residents on the retention and improvement of the local environment is clearly high and the introductory paragraphs of chapter 5 explain the factors that contribute to the attractive character of the Parish.

### [Policy EL P1: Conservation Areas \(page 38\)](#)

- 4.9 This policy affords protection to the two Conservation Areas in the Parish – namely Over Wallop and Middle Wallop (part). TVBC considers that Local

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<sup>12</sup> PPG Reference ID: 41-041020140306.

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Plan policy E9: Heritage provides sufficient guidance on the matter and that policy EL P1 is unnecessary. However, I consider that policy EL P1 provides the decision-maker with valuable additional information against which to determine a planning application. In particular the policy specifically refers to the two Conservation Areas in the Parish and provides a plan of the boundaries. The policy also makes reference to preserving and enhancing open spaces and features of importance in the Conservation Areas. I am satisfied that the policy is justified. However, in the interests of greater clarity I recommend the deletion of the reference to Local Plan policy E9 at the start of the policy as this is already referred to in the title section (coloured green) of the policy box. The Parish Council suggests a revision to the wording which I agree will add clarity.<sup>13</sup> These two modifications are recommended in **PM2**.

#### *Policy EL P2: Listed Buildings and locally important Heritage Assets (page 38)*

- 4.10 In a location such as Over Wallop the protection of listed buildings is clearly of concern to local residents. Although Local Plan policy E9 does address all heritage assets, it is within OWNP policy EL P2 that more detail can be found, including a schedule of listed buildings in the Parish.<sup>14</sup> I consider this to be of value to local decision makers and I recommend no change in this respect. However, I agree with the Parish Council<sup>15</sup> that the title of the policy should be changed in the interests of clarity and that the reference to Local Plan policy E9 (in the first sentence) be deleted. I recommend accordingly in **PM3**. In the third section of the policy, in the interests of clarity, the word 'identified' should be deleted and reference made to the buildings being located in the Parish. **PM4** is therefore recommended.

#### *Policy EL P3: Archaeology and Scheduled Ancient Monuments (page 39)*

- 4.11 The policy lists the Scheduled Ancient Monuments within the Parish and requires a Heritage Impact Assessment to be prepared and submitted as part of any relevant planning application. This approach accords with national advice in the NPPF.<sup>16</sup> In the interests of consistency I recommend the deletion of the first part of the first paragraph of the policy (**PM5**).
- 4.12 In the interests of clarity for the decision maker it is also recommended that the last sentence of the second paragraph in policy EL P3 be modified to more closely reflect the advice in paragraph 194 of the NPPF (**PM6**).

#### *Policy EL P4: Important Views (page 42)*

- 4.13 Much of the Parish is undulating downland and consequently there are a number of attractive public views to be enjoyed. However, the plan of

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<sup>13</sup> See response to my Question 2 from the Parish Council.

<sup>14</sup> TVBC considers that the proposed policy duplicates Local Plan policy E9.

<sup>15</sup> See response to my Question 2 from the Parish Council.

<sup>16</sup> See Chapter 16.

Important Views on page 41 (Figure 5.5), includes views that either extend partly or wholly beyond the boundary of the Parish, on land that is not covered by this Neighbourhood Plan.<sup>17</sup> I therefore recommend, in **PM7**, the deletion, from the aforementioned plan (and list in policy EL P4 on page 42), of those identified views that extend entirely beyond the OOWNP boundary – namely Views (a), (q) and (r). In addition the views that extend partly beyond the boundary, being Views (o) and (k), should be deleted to the extent they are shown to extend beyond the Neighbourhood Plan Area on Figure 5.5. In the interests of clarity, I also recommend the insertion of the word ‘public’ in front of ‘Important Views’ where it arises in paragraph 5.5 and on the accompanying plan (**PM8**). I am satisfied that should there be a threat to the retention of those parts of the public views that are recommended for deletion, the issue would be considered against policy E2 of the Local Plan which seeks to protect, conserve and enhance the landscape character of the Borough.

- 4.14 In the penultimate paragraph on page 40 there is a reference to ‘safeguarding’ the public views. It is not clear to me how that could be achieved and therefore I recommend the word ‘safeguarded’ is replaced by ‘taken into account’. I also recommend, for reasons of clarity, that the word ‘public’ replace ‘candidate’ in the fourth paragraph (**PM9**). The deletion of the reference to Local Plan policy E2 at the start of policy EL P4 is recommended in the interests of consistency (**PM10**).

#### *Policy EL P5: Public Rights of Way (page 45)*

- 4.15 Policy EL P5 supports improvements to the rights of way network and, where appropriate, requires mitigation measures to be provided if proposed development would have an adverse effect on the existing network. TVBC considers that this policy repeats advice in Local Plan policy T1. However, the Neighbourhood Plan policy refers to the need to ‘respect the character of the Parish’ and ‘to provide appropriate mitigation measures’ (where necessary). I conclude that policy EL P5 adds locally distinctive advice to Local Plan policy T1.
- 4.16 In the interests of clarity and consistency I recommend the deletion of the reference to Local Plan policy T1 at the start of the first clause (**PM11**).

#### *Policy EL P6: Trees and Hedgerows (page 47)*

- 4.17 The protection of trees and woodland is an important national objective (see PPG entitled Natural Environment). Local Plan policy E2 refers primarily to the landscape character of the Borough, whereas OOWNP policy EL P6 is more focussed specifically on trees, woodland and hedgerows. I consider that there is sufficient difference between the two policies. In particular the Neighbourhood Plan refers to, for example, the preparation of a tree survey and a landscaping scheme (where appropriate) and the

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<sup>17</sup> Section 38A(2) of the 2004 Act.

policy also lists all the current tree preservation orders in the Parish. In my view, there is sufficient distinctiveness.

- 4.18 For reasons of clarity and consistency I recommend the deletion of the reference to Local Plan policy E2 at the start of policy EL P6 (**PM12**).

*Policy EL P7: Settlement Character and Coalescence (page 49)*

- 4.19 The policy establishes the types of development that may be acceptable in both the open countryside and within the existing settlements. However, it also makes reference to the maintenance of three local gaps. Local Plan policy E3 identifies the local gaps within the Borough, and it does not include the three gaps in Over Wallop Parish identified in sub-section (d) of OWINP policy EL P7. I agree with TVBC that, in this instance, the identification of Local Gaps is a strategic matter beyond the remit of the OWINP.
- 4.20 Consequently, I recommend that the title of the policy be amended to remove reference to 'Coalescence'; the first sentence be modified for clarity; and clause (d) be deleted. These changes are included under **PM13**. In all other respects I consider the policy to be sufficiently local in character and that it can stand together successfully with Local Plan policies COM2 and E4. TVBC expressed concern regarding the need to include the supporting text in section 5.8 on page 48, regarding settlement character and coalescence. This is clearly an issue of concern to the Parish Council and the aforementioned text reflects that concern and is therefore of relevance. I conclude that it should be retained.

*Policy EL P8: Local Green Spaces (page 54)*

- 4.21 The NPPF (Paragraph 102) confirms that LGS should be in reasonably close proximity to the community it serves; demonstrably special to the community and holds a particular local significance; and local in character and is not an extensive tract of land. Designating land as LGS should also be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services and be capable of enduring beyond the end of the Plan period (Paragraph 101). I visited all the proposed Local Green Spaces and, in particular, I considered whether or not site 6 (Daltons Field) could be considered to be an 'extensive tract of land'. I conclude that site 6 in my assessment could not and was pleased to see that, at the time of my visit, the field was being enjoyed by several dog walkers. I am satisfied that the owners of the proposed LGS have been made aware of the proposed designation and conclude that the six sites meet the criteria set out in the NPPF.<sup>18</sup>
- 4.22 In the interests of clarity I agree with TVBC that the title of the policy should be changed, and I recommend accordingly in **PM14**. Similarly, in

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<sup>18</sup> PPG Reference ID: 37-015-20140306.

the interests of consistency, the reference to Local Plan Policy LHW1 should be deleted (**PM15**).

*Policy EL P9: Biodiversity (page 59)*

- 4.23 Improving biodiversity is a key national objective (see NPPF paragraph 15) and it is clear that the Parish Council is keen to ensure that the biodiversity of the Parish is maintained and improved. However, the first sentence of the policy unnecessarily refers to the TVBC policy and in the interests of clarity should be deleted. Similarly, in the interests of clarity, the word 'aim' should be replaced by 'seek' and the last part of the introductory sentence to the listed measures should be deleted. These modifications are recommended in **PM16**.

*Policy EL P10: Water Courses (page 60)*

- 4.24 The Wallop Brook and its feeder streams are important components in the character and biodiversity of the Parish, and it is important that their visual and biodiversity qualities are protected and, where possible, improved. Policy EL P10 seeks to ensure that the value of the water courses is improved, and that development should not increase the likelihood of flooding. This approach is compatible with existing planning guidance but in the interests of clarity and consistency, the reference in the first sentence to the Local Plan policy, should be deleted and a small number of words should be added to the text to aid clarity (**PM17**).

*Policy EL P11: Dark Night Skies (page 62)*

- 4.25 TVBC considers that the hierarchy set out under (1) in policy EL P11 is too vague and, to my mind, the policy as a whole lacks clarity. I therefore recommend that the policy should be modified and recommend accordingly in **PM18**.

*Policy EL P12: Air and Noise Pollution (page 63)*

- 4.26 TVBC considers that this policy repeats Local Plan policy E8 and I agree. The only significant difference is the inclusion of references to residential and village streets and the A343. However, I am confident that any such concerns would be considered under Local Plan policy E8 which includes the requirement that there would be no adverse impact on human health, the natural environment or general amenity. I therefore recommend the deletion of policy EL P12, its supporting text and Figure 5.15 in **PM19**.

*Policy EL P13: Water Pollution (page 64)*

- 4.27 The Parish lies within the catchment area of the River Test, which flows through several protective designations *en route* to the sea. Of particular concern are the nitrogen levels. The inclusion of a policy regarding this issue is therefore justified. In the interests of clarity, the reference in the



third line to the 'request' from TVBC should be deleted (**PM20**) and the start of the policy should be deleted (**PM21**). In the interests of accuracy, the title of the policy should be modified to reflect the specific issues of concern and I recommend accordingly in **PM22**.

#### *Conclusions on Environment and Landscape Policies (EL P1 to EL P13)*

- 4.28 The policies dealing with the environment and landscape (as modified) have regard to national policy and advice and meet all the other Basic Conditions. The implementation of these policies will ensure that the objectives of the Parish Council in this regard will be satisfactorily achieved.

#### *Development and Design (page 65)*

- 4.29 Chapter 6 summarises the character of the settlements. I am told by TVBC that a few of the properties at Palestine are not detached and therefore I recommend the replacement of 'all' (in the third paragraph on page 69) by 'Most' (**PM23**).

#### *Policy DD P1: New Housing Development (page 77)*

- 4.30 There is a significant amount of supporting text to policy DD P1 (set out in paragraph 6.6). On balance I consider the text to be of value to the decision maker because it provides the background to the issue – an issue that is of particular concern to local residents. However, in the interests of accuracy, I recommend modifications to the second paragraph on page 76 and these are set out in **PM24**.
- 4.31 I agree with TVBC that clauses 1 and 3 of the policy repeat advice in the TVBLP and should therefore be deleted. Clause 2 should be clarified, and the last sentence of clause 4 should be deleted because the evidence for the stated housing need for 2-3 bedroom dwellings is not clear to me. The evidence on which clause 5 is based is also not clear to me (or to the Borough Council) and on that basis I conclude that it should also be deleted. In the interests of consistency, the reference to Local Plan policies in the introductory sentence of the policy should be deleted. These changes are set out in **PM25**.

#### *Policy DD P2: Affordable and Community-led Housing (page 78)*

- 4.32 Local Plan policies COM7, COM8 and COM9 establish the approach to be taken towards Affordable Housing provision, Rural Exception Affordable Housing and Community Led Development and I am not satisfied that policy DD P2 adds any significant additional advice to that set out in the Local Plan and therefore I recommend that the policy be deleted (**PM26**).



#### *Policy DD P3 a, b, c and d: Design Principles (page 80)*

- 4.33 Policy DD P3 establishes the need for development to achieve a high standard of design. The Borough Council considers that the National Design Model Guidance provides sufficient advice. Firstly, this guidance is not referred to in the OWNP and the Parish Council has acknowledged that such a reference would be beneficial<sup>19</sup>, and I recommend accordingly in **PM27**.
- 4.34 Secondly, I agree with TVBC that clause (ix) should include references to overlooking and visual dominance (in the interests of completeness) and I again recommend accordingly in **PM28**. For consistency the reference to the Local Plan policy in the introductory sentence should be deleted (**PM29**). I am satisfied that, as modified, the policy is sufficiently tailored to address local aspirations and that its inclusion will be of assistance to decision makers.

#### *Policy DD P4: Flood Management (page 93)*

- 4.35 TVBC consider that policy E7 of the TVBLP provides sufficient advice on Flood Management and that policy DD P4 should be deleted. Whilst I acknowledge that the Local Plan policy covers many water management issues I consider that policy DD P4 provides locally nuanced advice, for example with regard to the Wallop Brook. I am satisfied that policy DD P4 is justified. For consistency the first part of the introductory sentence to the policy should be deleted (**PM30**).

#### *Conclusions on Development and Design Policies (DD P1 to DD P4)*

- 4.36 In a location such as Over Wallop, it is important the design, function and appearance of new development is appropriate to the setting. I am satisfied that the policies, as proposed to be modified, are in general conformity with the strategic policies of the Development Plan and meet the other Basic Conditions.

#### *Infrastructure and Community (page 94)*

- 4.37 There are a number of facilities which are available for local use, such as the Parish Hall, and there is a reasonable range of activities available for the local community to enjoy. Key issues include, for example, roads and traffic and broadband coverage.

#### *Policy IC P1: Highways – Sustainable Travel (page 104)*

- 4.38 Policy IC P1 is locally distinctive and makes specific references to potential sustainable travel initiatives in the Parish. I consider that it provides advice from a local perspective, and I conclude that it should not all be deleted as suggested by TVBC.

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<sup>19</sup> See response to my Question 18 from the Parish Council.

- 4.39 Notwithstanding this, in the interests of clarity, the first part of the first sentence of the policy (regarding Local Plan policies) should be deleted (**PM31**).
- 4.40 The second part of the policy seeks to secure the mitigation of the effects of development on the road network and makes reference to, for example, improved cycle tracks and pedestrian access from Over Wallop to Grateley railway station. It is not clear to me exactly what improvements are being specifically proposed (if any) or how they are being justified. TVBC consider that the reference (in the second sub-section ii) to making 'contributions' to network improvements could be deleted because such mitigation would only apply to larger schemes. The Plan is not proposing any 'larger' schemes and, on that basis, I agree with TVBC and conclude that the reference should be deleted. I therefore recommend, in **PM32**, the clarification of the second introductory sentence in the policy and the deletion of the second clauses numbered (i) and (ii).

*Policy IC P2: Highways and Traffic (page 104)*

- 4.41 I consider that policy IC P2 reflects local aspirations and should be retained (TVBC consider it should be deleted). However, for clarity I recommend the deletion of the reference to Local Plan policy T1 in the introductory sentence (**PM33**).

*Policy IC P3: Quiet Lanes (page 105)*

- 4.42 TVBC considers that policy IC P3 repeats advice in Local Plan policy T1. However, I disagree and consider that the OWNP policy is 'local' in nature and provides the decision maker with additional detail on which to base a decision, for example with regard to the 'protection' of the rural lanes. I do, however, recommend the deletion of the reference in the policy to Local Plan policy T1 (**PM34**).

*Policy IC P4: Community Infrastructure and Services (page 106)*

- 4.43 Policy IC P4 relates firstly to the provision of community infrastructure and secondly to the improvement of that infrastructure. TVBC considers that the issues are addressed in Local Plan policy COM15. However, I consider that the policy distils the Local Plan advice to a local level. I do agree, however, that the introductory sentence should be made clearer with regard to minor householder proposals and that the reference to the Local Plan policies in the first line of the policy should be deleted in the interests of consistency. I recommend accordingly in **PM35**.

*Policy IC P5: Renewable Energy (page 106)*

- 4.44 Policy IC P5 clearly establishes the Parish Council's approach to renewable energy projects and is fully justified. However, in the interests of

consistency and clarity the reference in the first sentence to Local Plan policy T1 should be deleted (**PM36**).

#### *Policy IC P6: Local Business (page 108)*

- 4.45 I consider that the requirements of policy IC P6 are adequately covered by Local Plan policies LE16 (Re-use of Buildings in the Countryside) and LE17 (Employment Sites in the Countryside), together with policies on design (E1) and Amenity (LHW4). I conclude that there is no justification for supporting the inclusion of proposed policy IC P6 and therefore, in **PM37**, I recommend its deletion.

#### *Policy IC P7: Community Facilities (page 111)*

- 4.46 The first section of policy IC P7 largely reflects the advice given in Local Plan policy COM14 but it does identify a list of community facilities and therefore the policy has been appropriately tailored to the local situation. The first part of the first sentence in the policy should be deleted for reasons of clarity and consistency and I recommend accordingly in **PM38**. I also consider that reference should be made in the policy to the community facilities being identified on a Map and therefore recommend a modification to the sentence that introduces the list (**PM39**).

#### *Conclusions on Infrastructure and Community Policies (IC P1 to IC P7)*

- 4.47 In the interests of sustainability it is important that the Parish retains and, where possible, improves the community and commercial facilities available to residents and visitors. The policies (as modified) will contribute to the achievement of sustainable development and meet all the other Basic Conditions.

#### *Community Projects and Aspirations (page 112)*

- 4.48 Chapter 8 sets out a number of community projects which will be pursued by the Parish Council. They are not a 'formal' part of the OOWNP but reflect the aspirations of the local community. They all appear to me to be valid and justified objectives which do not conflict with the policies set out in the Plan.

#### *Delivery (page 115)*

- 4.49 The Implementation, Monitoring and Review of the OOWNP are very important components of the plan-making process but the first paragraph of this chapter lacks clarity and includes unnecessary duplication. I therefore recommend **PM40**.
- 4.50 The chapter confirms that the Parish Council will complete a formal review of the OOWNP at least once every five years. In the interests of retaining an up-to-date Plan, this commitment is to be applauded and will provide a

further opportunity for the OWP to take into account the updated local plan as adopted.<sup>20</sup>

## Other Matters

- 4.51 I acknowledge that on the front cover of the document it is confirmed that the OWP will be professionally formatted ahead of the Parish Referendum. In its current iteration I consider that the document does lack clarity in some of the plans. Also, TVBC identify a small number of factual errors and it makes suggestions which would, for example, improve clarity, provide up-dates, make reference to supporting documents; refer to additional web-links; and arrange the text in a more logical way. Whilst these minor changes are not required to meet the Basic Conditions, I consider that they would improve the interpretation of the document. I note that TVBC have offered to assist in improving the presentation of the document and I hope the Parish Council will avail themselves of this offer in order that the final version of the Plan can be interpreted with ease by decision makers and local residents alike.
- 4.52 I am recommending the deletion of policies E 12, DD P2 and IC P6 and their supporting text. I note that TVBC<sup>21</sup> suggests that a cross-reference to the relevant Local Plan policies (that address the issues raised in the 'deleted' policies) could be included. I do not consider this to be essential to meet the Basic Conditions since the Development Plan is to be read as a whole, but if both parties can agree appropriate wording, then such minor changes could be made (see paragraph 4.54 below).

## Maps and Plans

- 4.53 It is not always clear which plans will form part of the Policies Map when the Plan is 'made' and which plans are purely included for information or to present evidence. I therefore recommend that the status of each of the plans in the document is made clear (**PM41**).

## Minor Amendments

- 4.54 Amendments to the text can be made consequential to the recommended modifications, alongside any other minor non-material changes<sup>22</sup>, factual up-dates, or corrections in agreement between the Parish and Borough Councils.

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<sup>20</sup> See paragraph 2.1 above.

<sup>21</sup> In the summary of its representations.

<sup>22</sup> PPG Reference ID:41-106-20190509.

## 5. Conclusions

### Summary

- 5.1 The Over Wallop Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether or not the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify (and delete) a number of policies, thus ensuring that the Plan meets the Basic Conditions and other legal requirements. I recommend that the Over Wallop Neighbourhood 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, and I conclude that the Over Wallop Neighbourhood Development 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 that 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

- 5.4 The Parish of Over Wallop enjoys an attractive setting and displays a range of valued features. There is a reasonable number of community facilities and services, either within the Parish or very close by and I am confident that the local community will continue to support appropriate local initiatives to improve the quality of life.
- 5.5 Among the objectives of the Parish Council is the desire to conserve and maintain the character of the settlements within the Parish; to ensure that new development is of an appropriate design; and to enhance the community spirit. I consider that the implementation of the policies within the OWNP (when 'made'), will ensure that those objectives are successfully achieved.

*David Hogger*

Examiner

## Appendix: Modifications (41)

### Notes:

Additions are shown in **bold** and deletions denoted with ~~striketrough~~.

Page references are those in the submitted draft Over Wallop Neighbourhood Development Plan.

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

Proposed modification number (PM)	Page no./other reference	Modification
PM1	Front Cover	Add the Plan Period: <b>2011 - 2029</b>
PM2	Page 38 Policy EL P1	Modify the first sentence of the first paragraph of the policy to read: <del>Consistent with TVBC Local Plan Policy E9, only d</del> <b>Development proposals which positively have a neutral or positive effect on</b> the Over Wallop and Middle Wallop Conservation Areas (see conservation areas maps 5.2 and 5.3) and their setting will be supported.
PM3	Page 38 Policy EL P2	Modify the title of the policy to read: <del>Listed Buildings and Locally Important</del> <b>non-designated</b> Heritage Assets  Delete the first part of the first sentence to read:  <del>Consistent with TVBC Local Plan Policy E9, d</del> <b>Development proposals which contribute to the conservation of listed buildings and their setting (see conservation area maps Figures 5.2 and 5.3) will be supported where such proposals preserve or enhance its archaeological or historic interest.</b>

PM4	Page 38 Policy EL P2	Modify the third paragraph of the policy to read:  The following <del>are identified as</del> listed buildings <b>are located</b> in Over Wallop Parish (see Character Appraisal and Design Code in Appendix 2 for more detail):
PM5	Page 39 Policy EL P3	Modify the first sentence to read:  <del>Consistent with TVBC Local Plan policy E9, the</del> Plan area contains numerous archaeological features and Scheduled Ancient Monuments as listed below and as shown in Figure 3.4.
PM6	Page 39 Policy EL P3	Modify the last sentence of the second paragraph in the policy to read:  Any such Heritage Impact Assessment should be <del>proportionate to the size of the proposed development</del> <b>at a level of detail proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.</b>
PM7	Pages 41 and 42 Policy EL P4 Figure 5.5	Delete from the policy and Figure 5.5 Views (a), (q) and (r) which are wholly outside the Plan area.  Delete from Figure 5.5 those parts of Views (o) and (k) which extend beyond the Plan area.
PM8	Pages 39 and 40 Section 5.5	In the title, the first, second and fifth paragraphs and Figure 5.5 insert <b>public</b> before 'views'.
PM9	Page 40 Fourth paragraph	Modify the fourth paragraph to read:  Through the residents' surveys, a number of <del>candidate</del> <b>public</b> views within and around Over Wallop Parish have been identified as being particularly important. These have been assessed using criteria derived from the Guidelines for Landscape and Visual Impact assessment – Edition 3

		(GLVIA3) and should be <del>safeguarded</del> <b>taken into account</b> when considering any future development.
PM10	Page 42 Policy EL P4	Modify the first sentence of the policy to read:  <del>Consistent with TVBC Local Plan Policy E2,</del> Development proposals which would have an adverse impact on an identified Important View will not be supported.
PM11	Page 45 Policy EL P5	Modify the first sentence of the policy to read:  <del>Consistent with TVBC Local Plan Policy T1,</del> Improvements to and the creation of new Public rights of Way (or permissive routes) that respect the character of the Parish, improve connectivity, continuity and accessibility of the existing rights of way network will be supported.
PM12	Page 47 Policy EL P6	Modify the first sentence of the policy to read:  <del>Consistent with TVBC Local Plan Policy E2,</del> Development proposals which include the loss or harm to healthy ancient or veteran trees (which are considered irreplaceable) will not be supported unless in exceptional circumstances.
PM13	Page 49 Policy EL P7	Modify the title of the policy to read: Settlement Character <del>and Coalescence</del>  Modify the first sentence of the policy to read: <del>Consistent with TVBC Local Plan Policy E2,</del> The NDP Plan area contains the village of Over Wallop, parts of Middle Wallop and the settlements of Palestine and Kentsboro.  Delete <u>all</u> of clause (d).



PM14	Page 54 Policy EL P8	Modify the title of the policy to read: <b>Designated</b> Local Green Spaces
PM15	Page 54 Policy EL P8	Modify the first sentence of the policy to read:  <del>Consistent with TVBC Local Plan Policy E11-11</del> The Neighbourhood Plan designates Local Green Spaces in the following locations as shown on the map in figure 5.11 and as described in Evidence Base Document 3:
PM16	Page 59 Policy EL P9	Modify the first sentence of the policy to read:  <del>Consistent with TVBC Local Plan Policy E5-5a</del> All development proposals in the Plan Area (see Figure 2.1) should aim <b>seek</b> to deliver a biodiversity net gain of at least 10% (*).  Delete the final words of the second sentence: <del>where they include any of the following</del>
PM17	Page 60 Policy EL P10	Modify the first sentence of the policy to read:  <del>Consistent with TVBC Local Plan Policy E7-7d</del> Development proposals that impact on the source of the Wallop Brook, its water course and feeder streams, which ultimately form part of the tributary of the River Test Site of Special Scientific Interest (SSSI), should <b>include</b> evidence that they <b>would</b> cause no increased risk of flooding, water pollution or adverse nutrient loading and that the character and biodiversity of <b>the</b> Wallop Brook will be protected and enhanced.
PM18	Page 62 Policy EL P11	Delete introductory sentence:  <del>Consistent with TVBC Local Plan Policy E8-</del>

		<p>In second line replace <del>permitted</del> by <b>supported</b>.</p> <p>At the end of the first clause delete: <del>and have regard to the following hierarchy:</del></p> <p>Delete the first set of clauses lettered a, b and c and replace it with:</p> <p><b>The installation of lighting will only be supported where evidence clearly demonstrates that any adverse impacts will be successfully avoided or mitigated.</b></p> <p>Modify the start of clause 2 to read: <del>To be appropriate</del> Lighting for development proposals should ensure that:</p>
PM19	Pages 62 and 63 Supporting text and Policy EL P12	<p>Delete <u>all</u> of paragraph 5.13, Figure 5.15 and policy EL P12.</p> <p>(Modify subsequent paragraph and policy numbers as necessary).</p>
PM20	Page 64 Policy EL P13	<p>Delete <u>all</u> of the third 'green' text box above the policy which starts: Supports TVBC – E8</p>
PM21	Page 64 Policy EL P13	<p>Modify the start of the policy to read: <del>Consistent with TVBC Local Plan Policy E8 a</del> Applications for development that will result in a net increase in nitrogen reaching the Solent Region International sites .....</p>
PM22	Page 64 Policy EL P13	<p>Modify the title of the policy to read: <del>Water Pollution</del> <b>Local Watercourses and the Impact upon International Protected Sites</b></p>
PM23	Page 69 Third paragraph	<p>In the third sentence of the third paragraph replace <del>All</del> with <b>Most</b>.</p>
PM24	Page 76	<p>Modify the second paragraph to read:</p>

	Second paragraph	<del>Given the above</del> <b>From the evidence gathered for the Plan,</b> it is anticipated that smaller scale ( <del>less than 10 dwellings or less</del> ) infill housing developments/redevelopments and single dwellings (including plots for self-builders) will be the predominant form of development in the <del>NDP</del> Plan area.
PM25	Page 77 Policy DD P1	<p>Delete the first part of the introductory sentence to read:</p> <p><del>Consistent with TVBC Local Plan Policy COM2 and COM8</del> The existing Parish settlement boundaries (as at 1 January 2022) are shown in Figures 6.10 and 6.11.</p> <p>Delete <u>all</u> of clauses 1, 3 and 5.</p> <p>Clarify clause 2 to read:</p> <p><del>The individual settlements have been analysed in detail within the Parish Settlement Character Appraisal and any n</del>New development must be designed in accordance with the design principles and code as set out in <del>Evidence Base Document 7 and</del> Policy DD P3.</p> <p>Delete last sentence of clause 4:</p> <p><del>In particular, how it reflects on the identified need for 2-3 bedroom dwellings and how it complies with the Nationally Described Space Standards or their successor.</del></p>
PM26	Page 78 Policy DD P2	<p>Delete <u>all</u> of policy DD P2.</p> <p>Modify the introductory sentence before the policy to read:</p> <p>The policy for Affordable and Community-led Housing is <b>addressed in TVBC Local Plan policies COM7, COM8 and COM9.</b></p>

		(Modify subsequent policy and paragraph numbers as necessary).
PM27	Page 79 Paragraph 6.8	Add a new third paragraph on page 79 to read:  <b>The Government published the National Design Guide in 2019 and the National Model Design Code in July 2021. They provide significant advice with regard to, for example, character and design.</b>
PM28	Page 80 Policy DD P3a	Modify clause (ix) to read:  (ix) the amenity of neighbouring properties in terms of level of light, noise, <b>overlooking, visual dominance</b> , air or water pollution;
PM29	Page 80 Policy DD P3a	Modify the start of the introductory sentence to read:  <del>Consistent with TVBC Local Plan Policy E1, E2 a</del> All new development should be of a high quality design which takes account of its individual location and reflects the specific local identity as set out in the Parish Character Appraisal and Design Code document (Appendix B).
PM30	Page 93 Policy DD P4	Modify the start of the policy to read:  <del>Consistent with TVBC Local Plan Policy E7 d</del> Development shall be supported where it is not located on areas at risk of, or which would contribute to, seasonal flooding from springs and ground water.
PM31	Page 104 Policy IC P1	Modify the start of the policy to read:  <del>Consistent with TVBC Local Plan Policy T1 COM15 p</del> Proposals should seek to promote safety measures for public highways between settlements and encourage active travel as set out in the Parish Roads Strategy (Evidence Base Document 8):

PM32	Page 104 Policy IC P1	<p>Modify the second part of policy IC P1 to read:</p> <p>Where appropriate, new development should support the achievement of the Parish Roads Strategy (Evidence Base document 8). <del>and provide financially or in-kind, for the mitigation of the effects of the development road network as follows:</del></p> <p>Delete <u>all</u> of clauses (i) and (ii) at the end of the policy.</p>
PM33	Page 104 Policy IC P2	<p>Modify the first sentence of the policy to read:</p> <p><del>Consistent with TVBC Local Plan Policy T1-n</del>New development will be supported where it <del>complies with other development plan policies and</del> can be satisfactorily accommodated within the existing highways network.</p>
PM34	Page 105 Policy IC P3	<p>Modify the first sentence of the policy to read:</p> <p><del>Consistent with TVBC Local plan Policy T1-d</del>Development proposals should preserve and where practicable, enhance the rural roads and lanes in the Parish.</p>
PM35	Page 106 Policy IC P4	<p>Delete the first sentence of the policy:</p> <p><del>Consistent with TVBC Local Plan Policy T1, LHW4, E5, COM15</del></p> <p>Modify the first sentence of clause 1 to read:</p> <p><del>Any-n</del><b>New development (other than minor householder proposals)</b> must make an appropriate contribution to community infrastructure or services proportionate to the impact that development will have on local services, facilities and the environment.</p>
PM36	Page 106	Modify the first sentence to read:

	Policy IC P5	<del>Consistent with TVBC Local Plan Policy T14</del> The increasing need for the UK to produce renewable low carbon energy in response to the climate change is recognised.
PM37	Page 108 Policy IC P6	Delete the introductory sentence (The policy for Local Business is:) and <u>all</u> of policy IC P6.  (Modify subsequent paragraph and policy numbers as necessary).
PM38	Page 111 Policy IC P7	Modify the introductory sentence of the policy to read:  <del>Consistent with TVBC Local Plan Policy COM14</del> Community development proposals will be supported if they:
PM39	Page 111 Policy IC P7	Modify the introductory sentence to the list:  <del>List of community facilities:</del> <b>The following have been identified as community facilities and are identified on Map --:</b>  (New Map of community facilities to be inserted and the Map reference to be included in the policy when known).
PM40	Page 115 Section 9.1	Modify the first paragraph in this section to read:  The Neighbourhood Development Plan (NDP), when approved by the referendum, will <b>form</b> be made part of the Test Valley Development Plan. <del>Its policies will therefore carry the full weight of the policies of the Development Plan and in Over Wallop Parish they will have precedence over the non-strategic policies of VBC unless material considerations indicate otherwise. Applications will then be determined by TVBC using the policies contained in the final 'made' NDP.</del>

PM41	Throughout the Plan	Specifically identify which of the plans in the document form part of the Policies Map.
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