

Wellow Neighbourhood Plan 2016-2036

A report to Test Valley Borough Council

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Executive summary

I was appointed by Test Valley Borough Council on 19 December 2023, with the agreement of the Wellow Parish Council, to carry out the independent examination of the Wellow Neighbourhood Plan 2016-2036.

The examination was completed solely on the basis of the written representations received, no public hearing appearing to me to have been necessary. I made an unaccompanied visit to the area covered by the Plan on 31 January 2024.

Wellow has a population of around 3400 residents and is described as a “large village” in the Test Valley Borough Revised Local Plan 2011-2029, which means that it is expected to accommodate some level of sustainable development commensurate with the range of services and facilities which it enjoys. This approach is retained in the roll-forward of the Local Plan that is currently under way. Part of the southern area of the Parish is in the New Forest National Park, and thus falls within the scope of the New Forest National Park Local Plan.

The Plan seeks to conserve and enhance the many green assets of the Parish; meet the housing needs of its residents; maintain the range of local amenities and facilities; protect and improve the quality of the built environment; minimise the impact of growth on the natural environment; and promote road safety and improved connectivity.

Subject to a number of recommendations (principally for changes to the detailed wording of some policies but including some substantial editing where I consider it necessary), I have concluded that the Wellow Neighbourhood Plan meets all the necessary legal requirements at this stage of its preparation, and consequently am pleased to recommend that it should proceed to referendum.

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Introduction

1. This report sets out the findings of my examination of the Wellow Neighbourhood Plan (the WNP), submitted to Test Valley Borough Council (TVBC) by the Wellow Parish Council in September 2023. The neighbourhood area for these purposes is the same as that of the Parish Council's boundaries.
2. Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to help local communities shape the development and growth of their area, and this intention was given added weight in the National Planning Policy Framework (NPPF), first published in 2012. The current edition of the NPPF is dated December 2023, and it continues to be the principal element of national planning policy. Detailed advice is provided by national Planning Practice Guidance (PPG) on neighbourhood planning, first published in March 2014.
3. The main purpose of the independent examination is to assess whether the Plan satisfies certain "basic conditions" which must be met before it can proceed to a local referendum, and whether it is generally legally compliant. In considering the content of the Plan, recommendations may be made concerning changes to both policies and any supporting text.
4. In the present case, my examination concludes with a recommendation that, subject to a number of amendments, the Plan should proceed to referendum. If this results in a positive outcome, the WNP would ultimately become a part of the statutory development plan and thus a key consideration in the determination of planning applications relating to land lying within the WNP area.
5. I am independent of the Parish Council and do not have any interest in any land that may be affected by the Plan. I have the necessary qualifications and experience to carry out the examination, having had 30 years' experience as a local authority planner (including as Acting Director of Planning and Environmental Health for the City of Manchester), followed by over 20 years' experience providing training in planning to both elected representatives and officers, for most of that time also working as a Planning Inspector. My appointment has been facilitated by the independent examination service provided by Penny O'Shea Consulting.

Procedural matters

6. I am required to recommend that the Wellow Neighbourhood Plan either
 - be submitted to a local referendum; or
 - that it should proceed to referendum, but as modified in the light of my recommendations; or
 - that it not be permitted to proceed to referendum, on the grounds that it does not meet the requirements referred to in paragraph 3 above.
7. In carrying out my assessment, I have had regard to the following principal documents:
 - the submitted WNP (version 2.11 September 2023, together with an erratum relating to Special Character Area 5)
 - the Consultation Statement (version 3.0, August 2023)
 - the Basic Conditions Statement (version 3.0, August 2023)
 - the Screening Statement on the determination of the need for a Strategic Environmental Statement/Habitat Regulations Assessment (July 2022)
 - the representations made to the WNP under Regulation 16
 - selected policies of the adopted development plans for the area

- relevant paragraphs of the NPPF
 - relevant paragraphs of national PPG.
8. I carried out an unaccompanied visit to the plan area on 31 January 2024, when I looked at its overall character and appearance together with its setting in the wider landscape and those areas affected by specific policies or references in the Plan. Where necessary, I refer to my visit in more detail elsewhere in this report.
 9. It is expected that the examination of a draft neighbourhood plan will not include a public hearing, and that the examiner should reach a view by considering written representations¹. In the present case, Gladman, promoting the development of land south of Romsey Road, have suggested that a hearing would be appropriate. I disagree with them on that point, for reasons which are set out when I come to deal with their objections to the Plan.
 10. I have addressed the policies in the order that they appear in the submitted Plan. My recommendations for changes to the policies and any associated or free-standing changes to the text of the Plan are highlighted in ***bold italic print***. Where any minor additional changes to the wording of the text are necessary as a consequence of the implementation of my recommended modifications, such changes can be made if agreed by the borough and parish councils.

A brief picture of the neighbourhood plan area

11. Wellow is a large rural parish within the Borough of Test Valley, about five miles west of Romsey, and having a population estimated at around 3400. Its gently undulating landscape includes wide areas of open heathland, mature woodland, and low-lying land associated with the River Blackwater and its tributaries, sometimes opening out to reveal extensive views. There is some arable farming, and other operations relating to horticulture, poultry farming, pig-rearing etc. In addition, there are several relatively small commercial enterprises scattered throughout the Parish, together with some emphasis on equestrian activity. A major feature is Embley Park, the historic home of Florence Nightingale and her family, listed Grade II in the National Register of Parks and Gardens (the house is now a large independent school for ages 2-18).
12. Housing in the Parish is concentrated in two distinct elements. The larger, West Wellow, generally consists of ribbon development mainly along the principal roads of Maury's Lane, Slab Lane and Lower Common Road/Buttons Lane, in each case with short culs-de-sac leading off them. Ribbon development along School Road forms a separate residential enclave across open land. East Wellow, detached from the centre of West Wellow by almost a mile of open land, is made up entirely of housing fronting Whinwhistle Road, together with some short culs-de-sac leading from its western side. East and West Wellow have their own defined settlement boundaries (set out in the Test Valley Local Plan).
13. An entirely separate urban element, lying south of the A36 and within the New Forest National Park, is Canada: strung out along Canada Road, with no defined settlement boundary in the National Park Local Plan. Throughout the Parish there is also a scattering of more or less isolated properties, though occasionally in very small groupings (such as The Frenches, on the northern border). Some of these are traditional rural dwellings, while others are of considerable scale and set in extensive private grounds. The average house price in the Parish is substantially higher than that for Hampshire as a whole.

¹ Paragraph 9(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

14. The nearest the village has to a defined centre is a small group of five shops (including a pharmacy) and a nearby pub, clustered close to the junction of the A36 and Lower Common Road. The Grade 1-listed Parish Church lies in a rural location around two miles to the north. The village has a centrally located primary school, and there is a range of sports and leisure facilities nearby.
15. These various elements of the Parish are connected by a loose and open network of mostly narrow lanes, in some cases single-track and often with hills and bends along them, and frequently defined by steep banks and dense hedgerows.

The basic conditions and the Basic Conditions Statement

16. I am not required to come to a view about the ‘soundness’ of the Plan (in the way which applies to the examination of local plans). Instead, I must principally address whether or not it is appropriate to make it, having regard to certain “basic conditions”, as listed at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The requirements are also set out in paragraph 065 of the relevant PPG. In brief, all neighbourhood plans must:
 - have regard to national policy and guidance (Condition a);
 - contribute to the achievement of sustainable development (Condition d);
 - be in general conformity with the strategic policies in the development plan for the local area (Condition e);
 - not breach, and otherwise be compatible with, EU obligations, including human rights requirements (Condition f);
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017; and
 - comply with any other prescribed matters.
17. The Basic Conditions Statement (BCS) first explains its role in the suite of documents which need to accompany a draft neighbourhood plan, before summarising the statutory background to the basic conditions themselves. In Section 3, Table 1 sets out how each WNP policy is said to conform with relevant policies in the NPPF and/or paragraphs in the PPG. Section 4 describes how the Plan relates to the three elements of sustainable development (NPPF paragraph 8), broken down (at the end of the section) by Plan policy. Section 5 is a detailed examination of the extent to which each policy can demonstrate “general conformity” with the strategic policies of the development plan for the area (which has two principal elements: the Test Valley Borough Revised Local Plan and the New Forest National Park Local Plan). The BCS concludes, in Section 6, with a summary of the WNP’s compatibility with EU obligations and legislation concerning human rights and equality provisions.
18. The BCS is a very comprehensive and easily accessed account of how the Plan has set out to satisfy the various conditions and requirements governing its preparation.

Other statutory requirements

19. A number of other statutory requirements apply to the preparation of neighbourhood plans, all of which I consider have been met in this case. These are:
 - that the Parish Council is the appropriate qualifying body (Localism Act 2011) able to lead preparation of a neighbourhood plan;
 - that what has been prepared is a Neighbourhood Development Plan, as formally defined by the Localism Act; that the plan area does not relate to more than one neighbourhood

area; and that there are no other neighbourhood plans in place within the area covered by the plan;

- that the plan period must be stated. In the case of the WNP is 2016 to 2036²;
- that no “excluded development” is involved (this primarily relates to development involving minerals and waste and nationally significant infrastructure projects).

20. A screening report is required in order to determine whether a neighbourhood plan needs to be accompanied by a Strategic Environmental Assessment (SEA), under the terms of the Environmental Assessment of Plans and Programmes Regulations 2004. It is the qualifying body’s responsibility to undertake any necessary environmental assessments, but it is the local planning authority’s responsibility to engage with the statutory consultees.
21. A Screening Statement on the determination of the need for an SEA was published by TVBC in July 2022. In the formal determination, they conclude that an SEA and a Habitats Regulations Assessment are required for the emerging WNP, something which reflects the range of environmental designations within the plan area, and the fact that it includes policies which provide for development. This conclusion is consistent with that reached in relation to the New Forest National Park Local Plan: the NFNPA also considered that an SEA was needed.
22. The assessment was carried out by AECOM on behalf of the Parish Council, and they concluded in their report dated December 2022 that no significant effects were considered likely in implementing the WNP. Full details of the considerations which support the assessment are set out in the report, and I have been given no reasons to question any of the conclusions reached. The conclusions are also supported by Natural England, Historic England and the Environment Agency, as statutory consultees in the process.
23. It is a requirement under the Planning Acts that policies in neighbourhood plans must relate to “the development and use of land”, whether within the plan area as a whole or in some specified part(s) of it. I am satisfied that that requirement is met.

National policy

24. National policy is set out primarily in the NPPF, a key theme being the need to achieve sustainable development. The NPPF is supported by PPG on neighbourhood planning, an online resource which is continually updated by Government. I have borne particularly in mind the advice in paragraph 041 of the PPG that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence. In addition, and of particular significance in this case, is the requirement set out in the NPPF itself, at paragraph 16f), that “plans should ... serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area” [for example, those already in place in the relevant local plan].

The existing development plan for the area

25. The development plan for the larger part of the Parish is the Test Valley Borough Revised Local Plan 2011-2029 (which I will usually refer to as the TVLP) adopted in 2016. A review of this Plan was completed in 2021 and concluded that it remained up to date and consistent

² TVBC has commented that the “the Plan will commence in 2024, subject to a positive referendum [and] the start date should be amended accordingly”. As far as I am aware, there is no national norm for this, and it is common for neighbourhood plans to have start dates which reflect the evidence base. I have found no direct reference to the issue in the WNP itself, but paragraph 2.4.2 records the fact that the Neighbourhood Planning Area was confirmed by TVBC in June 2016. I have concluded that there is no need to recommend amending the Plan period in the title.

with national planning policy as it then stood. A further review of the Local Plan to 2040 is currently under way, with a public consultation on a full draft commencing on 6 February 2024.

26. Policy COM2 of the TVLP describes the settlement hierarchy for the Borough, which consists of four tiers: the two major centres of Andover and Romsey; six key service centres; a large number of “rural villages”, of which West Wellow is one; and finally all other villages within the wider countryside. Paragraph 5.45 of the Plan explains that the rural villages category relates to settlements with a smaller range and number of facilities, or a lower level of accessibility, than those in the first two tiers, but where “some additional development may be appropriate”. Further detail of what this might mean in practice is given in Table 7, but no figures (for example housing numbers) are provided.
27. The 2040 Local Plan would simplify the way the hierarchy is described by placing the Borough’s settlements into one of three tiers rather than four³, the criteria for selection remaining the levels of services and facilities currently available. Under Spatial Strategy Policy 1, Wellow would be placed in tier 3: these are villages which may be described as “more sustainable rural settlements”. Neither the adopted nor the emerging local plans allocate any specific sites within Wellow for development.
28. The southernmost part of the Parish, lying south of the A36, falls within the New Forest National Park, and so is covered by the NFNP Local Plan 2019. Wellow as a whole is also within the scope of the Hampshire Minerals and Waste Plan 2013.
29. I will make further references to development plan policies in the body of the report, as necessary.

The consultation exercise (Regulation 14)

30. Regulation 14 requires the Parish Council to publicise details of their proposals “in a way that is likely to bring [them] to the attention of people who live, work or carry on business in the area”, and to provide details of how representations about them can be made. Regulation 15 requires the submission to the local planning authority of a statement setting out the details of what was done in this respect, and how the qualifying body responded to any matters which arose as a result of the consultation process.
31. The Consultation Statement⁴ begins by explaining its statutory status and what local consultation on the Plan was seeking to achieve. It is followed by a description of the various events and processes involved, from an inaugural meeting of residents and others in December 2016, and the establishment of a Steering Committee the following year. The arrangements which followed included the setting up of a dedicated website, and among the Parish-wide surveys conducted was one relating to housing need in 2019-20 (carried out by an external agency).
32. The pre-submission version of the Plan was the subject of consultation with the full range of local stakeholders and the statutory consultees in January-February 2023. The results of this process, together with the Steering Committee’s responses to the comments received, are fully documented in Tables 2 and 3 of the Consultation Statement.

³ I have noted that the table on pages 41-42 of the draft plan includes four tiers, no. 4 being described as “open countryside/all other settlements”.

⁴ Version 3.0 August 2023

33. The Consultation Statement is a comprehensive and easily accessible account of the way relevant interests have been encouraged to be involved in the preparation of the WNP, and I am satisfied that the requirements of Regulations 14 and 15 have been fully met.

General observations about the Plan

34. After introducing the role and scope of neighbourhood plans, the key statutory provisions and the national and local planning context for the WNP itself, the Plan sets out a description of the physical and demographic characteristics of the Parish. In Section 4, there follows a clear statement of the vision which provides the context for the Plan's policies:

"In 2036 Wellow Parish will be a thriving, safe, sustainable and friendly community, retaining a village feel. The close relationship with the New Forest National Park will be respected and cherished.

It will have maintained and enhanced its rural character whilst absorbing some further housing development. These small sustainable developments will have been designed to be sympathetic to the surrounding countryside and provide for a balance of dwelling types specifically designed to meet local needs. Green spaces will have been preserved between developments.

The local economy will be supported through the facilitation of modest business growth where appropriate to the rural setting. Community facilities will have expanded and become more varied to meet changing local needs.

The sense of community will be strengthened through improved interconnectivity between its main areas of settlement. This will have been achieved primarily through the development of a network of safe pedestrian, cycle and equestrian routes."

35. This broad vision is given more detail in five groups of objectives, set out in Section 4.2. The total number of stated objectives for the Plan is 32, which I would summarise as conserving and enhancing green assets; meeting the housing needs of the whole community, while maintaining amenities and facilities; enabling suitable sustainable development; improving the built environment and minimising the impact on the natural environment; and promoting road safety and improving connectivity.
36. Section 5 of the Plan includes the 28 policies, divided into seven groupings: sustainable development; landscape character and value; flooding and drainage; design and heritage; housing; highways and infrastructure; and community and employment. Each grouping begins with reference to the relevant objectives, and each policy is preceded by supporting material. Section 6 contains a number of "community aspirations", appropriately separated out from the planning policies themselves. The Plan concludes with a brief section on delivery, review and monitoring and a helpful and comprehensive glossary and list of abbreviations.
37. At 131 pages in length, the Plan is a very comprehensive document, accompanied by a considerable number of maps⁵, as well as photographs and other illustrative material. However, in my view, its very comprehensiveness unfortunately makes it unwieldy for users, since it is often difficult to get to the heart of the matter, which is the policies themselves.

⁵ I agree with TVBC that some of these, (such as fig.5-8 and 5-14) could be somewhat clearer, and the Parish Council will have noted their offer of help in drafting.

38. Bearing in mind the advice at paragraph 041 of the PPG in particular, ***I have concluded that substantial editing is required in order to improve the Plan’s overall utility, and consequently recommend the removal from the plan document of material which is not necessary to provide a crisp context for, or explanation of, the policies. This information/comment should be moved to the evidence base (to the extent that it is not already included there or in the Basic Conditions Statement). I am content to leave the precise implementation of this recommendation to the Parish and Borough Council’s discretion, but examples of where robust editing would be beneficial include the following:***
- a) lists of relevant NPPF and Local Plan policies (pages 24, 32, 63, 72, 90, 111, 116 and 122)***
 - b) the introductory background to Policy WP-L7***
 - c) much of the descriptive material in Section 5.11***
 - d) the lengthy preamble to Policy WP-H1 dealing with housing need on pages 91 to 93***
 - e) the extensive description of existing employment provision found between paragraphs 5.22.1 and 5.22.12.***
39. There is a useful list of the 28 policies on page 9, divided into the same seven groupings used in the body of the Plan. To aid the reader, ***I recommend that corresponding page numbers be added to this list.***
40. The Plan’s table of contents also includes a section headed “Planning policies”, which appears to have been generated using the numbered subsections in the body of the Plan. As a result, it contains 21 subheadings, compared with the 28 policies. Some of these subheadings relate to policy “areas” (such as “Future housing provision”) rather than to individual policies and some individual policies (such as “Dwelling extensions”) are not referenced at all in the table of contents. Having these two differently structured lists is potentially confusing for users of the Plan. ***I therefore recommend that these inconsistencies be rectified. Again, I am content to leave the precise way in which this is achieved to the Parish Council’s discretion, but one option would be to use the seven policy groupings (used in the body of the Plan and the list on page 9) as subheadings for the “Planning policies” section of the table of contents.*** This would reinforce a consistent method of grouping policies throughout the Plan.
41. The sustainability matrix (Table 1) on page 21 shows eight “topics”⁶ listed against the Plan’s five main objectives. These topics are very similar to the seven policy groupings used elsewhere in the Plan, and this is potentially confusing. Since the matrix can be found in the evidence base (alongside its full context) and does not appear to be referenced again in the Plan, I consider that it could be removed without impacting on the user’s understanding. ***I therefore recommend that Table 1 and paragraph 5.14 be deleted. If there is a strong argument for retaining them, they should be relocated to Section 4 (Vision and objectives).***
42. There are several references in the Plan to specific paragraphs of the NPPF as it was in 2021. ***I recommend that these all be updated to relate to the current version, which was published in December 2023. In that respect, introductory paragraphs 2.5.1 and 2.5.2 should also be revised.***

Representations received (Regulation 16)

43. Of the statutory consultees, no relevant comments were made by Historic England, Natural England, National Gas, National Grid Electricity Transmission or Southern Water. National Highways had some observations about proposed Local Green Space LG11, on the A36, and in

⁶ described as “themes” in paragraph 5.1.1

relation to the two proposed housing allocations. Neither of these requires any comment from me. Two small points are made about the wording of policies WP-T1 and WP-E1, to which I will return when dealing with them.

44. Gladman have made a number of objections and other observations in addition to their views about the value of a hearing, including a suggestion that Wellow might be required to plan for an additional level of need beyond that provided for in the WNP. Mr I Elkins and Mrs M Francis object to the proposed Local Green Space LG4. Wilson Homes support the proposed allocation of site WP1 for housing under Policy WP-H2, but they ask for some alteration to the wording and to the Design Code (about which they also have a more general concern). I will also deal with these under the relevant policy headings.
45. TVBC and the NFNPA have made a number of detailed observations. Where a response from me is necessary in the context of satisfying the basic conditions, I refer to them in the body of my report. I am content to leave the Parish Council to decide how to deal with the remainder as they see fit.

The policies

Policy WP-S1: Renewable energy development

46. This opening policy gives general support for renewable energy projects on suitable land, subject to their visual and amenity impact being assessed in visual terms, as well as the effect on the rural road network. The introduction to the policy (paragraphs 5.2.1 to 5.2.13) is a lengthy explanation of the various ways the Parish can move towards a more sustainable future (Section 5.2 being headed “sustainable development objectives”). This covers a wide range of issues, with only a limited reference to energy generation itself. ***As an example of the need for editing to which I have referred above, I recommend that only paragraphs 5.2.10 - 5.2.13 be retained as the introduction to Policy WP-S1.***

Policy WP-L1A: Landscape character within the National Park

Policy WP-L1B: Landscape character outside of the National Park

47. Part 5.3 of the Plan deals with the landscape within the Parish, both within and outside of the National Park, and it is convenient to take these two policies together.
48. Policy WP-L1A relates to development in that part of the WNP area which lies within the National Park. TVBC says it should be deleted because the ground is covered in the NFNP Local Plan. I have some sympathy with that point in principle, given what is said in NPPF paragraph 16f) about the need to avoid unnecessary duplication. However, I consider that in this case it is in the broader public interest for the WNP to be complete in itself, and for that reason do not recommend the removal of the policy. ***I nevertheless recommend that a brief reference to its relationship with relevant policies in the NFNP Local Plan be included in the introductory material to Policy WP-L1A.***
49. Paragraphs 5.3.1 to 5.3.9 describe the key landscape characteristics of the Parish and are an appropriate context for the two policies. However, paragraphs 5.3.10 to 5.3.21 recount historic arguments for the inclusion of certain areas of the Parish within the National Park, or for the reinstatement of the former New Forest Heritage Area, which extended across much of the Parish north of the A36. The section includes a table which summarises the effects of recent development on the landscape, providing support for the principal element of Policy WP-L1B, namely the reintroduction of that part of the former New Forest Heritage Area lying

within the Parish - albeit under a different name (the Wellow Landscape Heritage Area valued landscape, which as far as I am aware would be a wholly new term).

50. TVBC considers that any decision to create a new designation in this way should be a strategic one which is beyond the scope of a neighbourhood plan. Whether or not this is the case is perhaps moot; what is clear, however, is the fact that TVLP E2 (heading - "Protect, conserve and enhance the landscape character of the Borough") deals adequately with the issues covered by WP-L1B, without the need for the introduction of a separate geographical designation. Decisions on planning applications are also expected to have regard to the Wellow Character Appraisal and Design Code and the Test Valley Landscape Character Assessment, both of which form part of the evidence base for the neighbourhood plan.
51. ***I therefore recommend that the supporting text to Policy WP-L1B be deleted and that the policy itself be amended to read "In line with Test Valley Local Plan Policy E2, development will be required to protect, conserve and, where appropriate, enhance the landscape character of the Parish. Proposals will be required to demonstrate that they also have had regard to relevant guidance contained in the Wellow Character Appraisal and Design Code and the Test Valley Landscape Character Assessment".***
52. I note here that the NFNPA effectively defers to TVBC's position on this issue.

Policy WP-L2: Equestrian facilities

53. The Plan notes the steady increase in equestrian activities in Wellow, for which it says the Parish is ideally situated. There has, however, been a consequential impact on the character and appearance of the landscape, something which Policy WP-L2 seeks to address. Equestrian facilities are therefore supported, but subject to appropriate environmental and other safeguards.
54. As TVBC points out, not all equestrian activities would require planning permission. In addition, most of the considerations listed here are already dealt with in other policies, both in the WNP itself and in the two local plans; and point vii (requiring land to revert to its original use if an equestrian development or use ceases) is not enforceable.
55. With these factors in mind, ***I recommend that Policy WP-L2 be amended to read: "Where planning permission is required for new or additional equestrian-related development, this will be supported provided that it can be shown to satisfy other relevant policies in this plan, in the Test Valley Local Plan and in the New Forest National Park Local Plan, including (but not restricted to) those relating to the impact on nature conservation, the character of the landscape and highway safety and convenience".*** It may be helpful if the introductory material to the policy noted the local plan policies which would be of relevance to any decision.

Policy WP-L3: Local Green Spaces

56. Policy WP-L3 gives effect to NPPF paragraphs 105-106. ***I recommend that WNP paragraph 5.4.3, which refers to NPPF 99-101, be amended to reference paragraphs in the current version of the NPPF.*** National policy states that: "The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them ... The Local Green Space designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;

- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.”

57. NPPF paragraph 107 states that policies for managing development within a Local Green Space should be “consistent with those for Green Belts”. As it stands, Policy WP-L3 repeats the point, but adds that development of the sites identified in the Plan would not be permitted “except in very special circumstances”. This last phrase is a quotation from an earlier version of the NPPF. ***I recommend that the policy be amended to quote NPPF paragraph 107 verbatim, and that to aid public understanding the following explanation be included in the supporting material to the policy:***

“The National Planning Policy Framework states that (a) “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances” (para 152); and (b) that “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations” (para 153)”.

58. The policy and accompanying maps identify a total of 14 areas of undeveloped land within the Parish for protection, with the assessment of their value in the terms of NPPF paragraph 105 being found in the evidence base (Appendix G to the Plan). One of the open spaces, LGS4, has been the subject of strong objection by local residents, Mrs Francis and Mr Elkins, who I understand from their representations to be the joint owners of the land. Mrs Francis, in particular, raises a wide range of issues which are either not relevant to my examination or do not directly address the findings of the assessment exercises (including several suggestions of a lack of propriety or openness during the process). In addition to having similar criticisms, Mr Elkins questions the fact that I was appointed by the Parish Council and TVBC (this being a matter which is set out in the relevant Regulations). Neither objector has provided compelling arguments for removing the land from protection as local green spaces.

59. Gladman consider that Appendix G as a whole “does not provide proportionate or robust evidence as required by the PPG”, rendering it “inconsistent with basic condition (a)”. While I accept that the published assessment is concise and to the point, I do not see this as a shortcoming - and in this respect it is similar to many other neighbourhood plans that I have seen.

60. More specifically, Gladman consider that LGS4 (1.8 ha) and LGS5 (1.9 ha), “though drawn as separate parcels, do become one large tract of land” and should therefore both be removed from the Plan. They give examples of how other examiners have interpreted NPPF 106c) in other locations, which I find of little assistance to their case. There are two public viewpoints into the land, from the north at a bend in Maury’s Lane, and from the south-east on Slab Lane, in each case partially obscured by mature hedgerows. The land rises gently from south to north and there are hedges and paddocks which break up the whole. Although this is necessarily a subjective judgement, I consider few people would describe this as “a large tract of land”. What is important, however, is the role it plays in separating different parts of West Wellow, something which is specifically mentioned as being of value in the site assessment table at Appendix G.

61. Having no reasons of my own to question the inclusion of any of the open spaces on the list, I make no recommendations for altering the scope of Policy WP-L3.

62. I have noted that the NFNP has suggested a revision to paragraph 5.4.8, which highlights ways in which the impacts of recreational activities on sensitive sites within the National Park might be mitigated. I have no difficulty in recognising the value of creating alternative recreational facilities in locations close to NFNP sites which are under pressure; however, the potential for this is not directly related to the NPPF criteria for the designation of local green spaces, and so to avoid any confusion about the policy context, ***I recommend that paragraph 5.4.8 be deleted.***

Policy WP-L4: Important views

63. This policy seeks to ensure that development would not harm public views which it is considered important to protect. 12 individual viewpoints are identified (along with multiple viewpoints relating to the Common), and are shown on figure 5-11, with accompanying photographs in figure 5-10. Appendix L to the Plan, part of the evidence base, names and describes the key attributes of the various views.
64. Gladman object to the inclusion of viewpoint 8, from School Road looking north-west across to Buttons Lane, which they say provides little more than “a nice view of the surrounding fields”. In their opinion, development could come forward on land in which they have an interest east of Buttons Lane (see WP-H1 and H2 below) without causing significant adverse impact on the setting of West Wellow, and there is insufficient evidence to support the protection of the viewpoint.
65. This again is a matter of subjective judgement; however, I saw from my visit that Buttons Lane currently provides a strong and coherent edge to the eastern boundary of West Wellow, both along the road itself (where there is a dense and mature hedgerow) and from the end of the public part of School Road, which coincides with the last of the ribbon development which lines it. The vista opens up at viewpoint 8, to reveal fields going down to a stream on both sides, defining very clearly the urban edge. Given my conclusion (later in the report) that there is no need for the land east of Buttons Lane to be released for housing, I make no recommendation to remove viewpoint 8 from the scope of Policy WP-L4. I have no reason to question the value of any of the other locations in the list.

Policy WP-L5: Green and blue infrastructure

66. Figure 5-12 shows the extent of woodland, commons and watercourses, as well as the rural lanes and footpaths which link them with the settlement areas. The policy is designed to encourage the strengthening of this network, and provides guidelines for achieving it.

Policy WP-L6: Dark night skies

67. The Parish as a whole is said to have low levels of light pollution and so enjoys relatively dark skies at night. Policy WP-L6 seeks to protect this characteristic by setting out the approach to lighting that will be taken when planning applications are determined.

Policy WP-L7: Biodiversity

68. This policy sets out to conserve and enhance the range of designated sites of ecological value in the Parish, both statutory and non-statutory. It also requires development to provide a net gain of at least 10% in biodiversity, this having recently been made mandatory (under the provisions of the Environment Act 2021), subject to certain exemptions.

69. TVBC points out that some of the ground covered by WP-L7 would duplicate national policy (as well as some legal requirements), and that TVLP Policy E5 (“Biodiversity”) fully addresses this subject. I agree with their comments **and recommend that Policy WP-L7 be amended to read: “In line with statutory requirements, new development will be required where appropriate to provide a biodiversity net gain of at least 10%. In addition, all development proposals will be assessed against the requirements of Test Valley Local Plan Policy E5”.**
70. **By way of explanation for the reader, I further recommend that the following be added to the introductory text to the policy: “The Environment Act 2021 requires certain planning permissions to be subject to a condition requiring details of how a net gain of 10% in biodiversity can be achieved (on the site or elsewhere). More generally, when assessing planning applications which might impact on biodiversity and other natural assets, the local planning authority will have regard to TVLP Policy E5, which seeks to conserve, and where possible restore and/or enhance these features, while setting out the circumstances where loss or harm to them would not be permitted”. I also recommend that attention be drawn to any relevant policies in the New Forest National Park Local Plan.**
71. The Wildlife Corridors map on page 56 is incorrectly labelled as Figure 5-5. **I recommend that this be amended to “Figure 5-18”, as shown in the table of figures.**

Policy WP-L8: Bats

72. Paragraph 5.8.17 explains the importance of two species of bat known to exist locally, and the policy as presently worded describes the steps that need to be taken to understand and protect them. TVBC says that the policy should relate specifically to the rare Barbastelle species, which are found at the Mottisfont Bats Special Area of Conservation. This lies outside the NP area, but the Plan explains that there is potential for Wellow to support them for foraging and breeding. TVBC proposes a rewording of the first paragraph of Policy WP-L8 (which they say has been agreed with Natural England) to reflect this. The policy as a whole sets out the information and other requirements to ensure the bats’ protection.
73. **I recommend that the policy be retitled “Mottisfont Bats Special Area of Conservation”, and that the first paragraph be amended to read: “Where direct or indirect impacts on suitable roosting, foraging and commuting habitats for Barbastelle bats are considered likely to occur, such impacts must be fully assessed, avoided and, where required, appropriately mitigated to prevent any adverse impacts on this internationally protected site at the planning application stage. This should be in full accordance with relevant best practice guidelines and must fully adhere to any updates to the guidance issued following the making [adoption] of this Plan.”**

Policy WP-L9: New Forest Special Protection Area

74. The New Forest SPA is designed to protect certain bird species from the impact of tourism, and Policy WP-L9 suggests how this impact could be mitigated. The NFNPA says that much of the ground it covers is already set out elsewhere, but that if it is to be retained some revisions to its wording would be helpful.
75. **I recommend that the policy be amended to read: “New residential development and overnight accommodation (including seasonal workers accommodation and temporary campsites) within the identified New Forest SPA 13.8km ‘zone of influence’ – which covers the whole of the Wellow Neighbourhood Area – will need to mitigate against the recreation pressure on the New Forest Special Protection Area. This could be in the form of a financial contribution towards an agreed package of mitigation measures within and outside the**

designated sites, including the provision of alternative natural green space for recreational use to the standard in force at the time of the application. Such mitigation measures must be secured for the duration of the development's effects and must fully adhere to any updates to the guidance issued following the approval of this Plan."

76. The NFNPA also point out that the references in Figures 5-16 and 5-30 to a 400m buffer zone being an area "where no greenfield housing will be supported" are not strictly accurate. ***For this reason, I recommend that no attempt be made to explain the planning implications of this zone on the maps themselves, but that if the Parish Council considers it necessary to make reference to the matter this should be set out in appropriate detail in the supporting material.***

Policy WP-L10: The River Blackwater

77. The River Blackwater is a tributary of the Test, running from west to east across the centre of the Parish. Together with a number of associated smaller streams, lakes and ponds, it forms an important series of wildlife corridors. Policy WP-L10 seeks to ensure that new development protects or enhances these assets where they lie within what is described in the policy itself as "buffer areas" (and on the map at figure 5-19 as a "buffer zone"). While paragraph 5.9.7 says that the boundaries of this zone are "based on a number of different factors", no further explanation is given, this being the subject of comment both by TVBC and Gladman.
78. By identifying what is clearly a major physical feature of the Parish, the policy adds detail to TVLP policies such as E2, and I see nothing unreasonable in the NP defining a specific area along and parallel to the river where particular care needs to be taken to respect its landscape character, biodiversity, heritage value and setting. ***I do, however, agree that the justification for the extent of the buffer zone needs to be set out, and I recommend that this be done. Appendix A to the Plan, part of the evidence base, includes the Wellow Parish Character Appraisal, with Area 7 being headed "Blackwater": the relationship between this and Policy WP-L10 should be made clear.***

Policy WP-L11: Solent and Southampton Water SPA and Solent Maritime SAC

79. To summarise it, this policy seeks to ensure that development in Wellow does not result in a net increase in the nitrogen levels at internationally protected sites downstream, in and around the Solent. Gladman say that "while there currently is a policy void around this issue" (which I take to be a reference to recent uncertainty about the Government's legislative intentions concerning nitrogen neutrality), it is inappropriate to include in a neighbourhood plan what is a strategic policy, and it would be better to wait for the review of the Local Plan.
80. This view is not shared by either TVBC or the NFNPA, who have instead suggested rewording the first paragraph of the policy. Since their proposals between them would clarify the position locally, ***I recommend that the first paragraph of Policy WP-L11 be replaced with the following: "Applications for development that will result in a net increase in nitrogen reaching the Solent International Sites through additional units of overnight accommodation will be required to confirm the nitrogen budget and set out specific and appropriately located mitigation measures that will be implemented to ensure development is nutrient neutral from the start of its operational phase. Such mitigation measures must be secured for the duration of the development's effects. The purchasing of off-site nutrient credits from an approved scheme may be an appropriate alternative to direct provision of mitigation. In this case it will be necessary to liaise with Test Valley Borough Council, the New Forest National Park Authority and Natural England as appropriate to confirm the***

suitable mitigation schemes from which credits can be purchased, and to ensure the credits purchased are sufficient to fully mitigate the impacts of the development on the Solent internationally designated sites.”

Policy WP-F1: Flooding and drainage

81. TVBC suggests the deletion of this policy on the grounds that TVLP Policy E7 (“Water Management”) addresses flooding. This is true, although it contains no reference to the need for the adoption of Sustainable Urban Drainage Schemes, which is the subject of the second and third paragraphs of Policy WP-F1. It is also the case, as paragraph 5.10.1 points out, that the NPPF contains much of relevance to this subject.
82. However, the inclusion of two maps showing the areas within the Parish at risk of flooding (figures 5-20 and 5-20A) adds necessary detail to the broader picture, and for that reason I have not thought it necessary to recommend deleting the policy.

Policy WP-B1: Non-designated heritage assets and locally important features

Policy WP-B2: Design and character

Policy WP-B3: Special character areas

83. Between them, these three policies and the material which supports them (Section 5.11 of the Plan) cover 18 pages of the Plan document. There is significant overlap between the policies themselves, and the supporting material includes references to a large number of other documents to which an applicant for planning permission is expected to have regard (which many might find somewhat daunting). Some editing and simplification is needed if this part of the Plan is not to prove difficult for users to get to grips with.
84. *In addition to my earlier recommendation about removing detailed background material which is already to be found in the evidence base, I recommend that:*
- a) Policy WP-B1 should be re-titled “Non-designated heritage assets” and limited to include the second paragraph only.*
 - b) Policies WP-B2, WP-B3 [and the first paragraph of Policy WP-B1] be replaced with a single Policy WP-B2 titled “Design and character”, with the text to read as follows: “In line with Test Valley Local Plan Policy E1, new development including redevelopment, conversions, and replacement of or extension to dwellings, should be to a high standard of design which respects the identified characteristics of the area in which it is located (see figure 5-26). In particular, proposals will be required to demonstrate how they have had regard to the Table of Characteristics of each of these areas, as set out in the Wellow Parish Character Appraisal, as well as to guidance contained in the Wellow Parish Design Code”;*
 - c) attention be drawn to any relevant policies in the New Forest National Park Local Plan;*
 - d) there should be a brief, consolidated explanation of the scope and status of all the documents other than the Local Plans and the Neighbourhood Plan to which regard should be had when development is being considered (as opposed to being background information or only of historical significance);*
 - e) the caption of the photograph on page 71 be amended to “Figure 5-25”.*
85. Policy WP-B3 introduces the concept of five “Special Character Areas” (SCA) which are “particularly distinctive to the Neighbourhood Plan area”. Paragraph 5.13.1 and figure 5-28 say that these are identified in the Character Appraisal document.

86. My recommended replacement policy for WP-B1/B2/B3 retains the general requirement for evidence to be provided that development proposals have had proper regard to the particular characteristics of the area in which they are located; nevertheless, I can appreciate the value of drawing attention to some specific locations where especial care needs to be taken. ***I therefore recommend a further paragraph be added to the replacement policy, to read: "In addition to the general requirements of Policy WP-B2, development proposals must take particular care to respect the characteristics of the five special character areas described above and shown on figure 5-28".***
87. The map on page 82, showing the SCAs, is incorrectly labelled as Figure 5-7. ***I recommend that this be amended to "Figure 5-28" to avoid confusion.***

Policy WP-H1: Housing need

Policy WP-H2: Sites allocated for housing development

88. The adopted Local Plan does not identify a specific housing need for Wellow, but as a "rural village" it is expected to accommodate a modest amount of sustainable development. No "share" of the total Test Valley requirement (or of the southern area, which includes Wellow) has been provided, and no specific sites are allocated within the Parish; it can therefore be assumed that most new housing will arise as a result of windfalls, conversions and replacement dwellings. It is not expected that this general approach will change as a result of the emerging Local Plan review; although a minimum of 20 additional dwellings are anticipated over the plan period.
89. No part of Wellow lies within a "defined village" for the purposes of the New Forest National Park Local Plan (NFNPLP), which means that only "rural exception" sites of affordable housing (together with Commoners' dwellings or replacement homes) are permitted within the area concerned.
90. Appendix B to the Plan contains the results of a Housing Needs Assessment (HNA), dated February 2021. Two key conclusions are the need for affordable housing (none having been built since 2011) and smaller dwellings, particularly for older people who wish to downsize. The exercise concluded that, based on a number of assumptions, Wellow would need to provide for 44 new homes in the period 2011-2036: half of this would be supplied by allocations in the Plan, with the other half coming from windfalls (the total windfall potential being assumed, on the basis of past completion rates, to yield a further 30 dwellings). The Plan has therefore proceeded on the basis that projected needs would be met with a sufficient buffer to provide some flexibility.
91. While the WNP is designed to run to 2036, aligning with the NFNPLP, Policy WP-H1 provides for 22 homes to be built to 2029 (which is the end date of the TVLP), in a way which is intended to meet local needs. Policy WP-H2, preceded by an explanation of the way a number of potential sites were assessed (a summary of Appendix B), identifies land at Rowden Close for about nine new open market dwellings (Site WP1), and adjacent to Meadow Close for about 10 affordable and two open market dwellings (Site WP2). Wilson Designer Homes strongly support Site WP1 but consider the wording of the policy to be too prescriptive regarding the mix. ***I accept their point and recommend that their preferred wording be adopted, namely: "Site WP1 – Land at Rowden Close for approximately 9 new open market dwellings to include a mix of properties in line with local housing needs as identified."***

92. I also agree with Wilson’s view of the requirement (which relates to both sites) that development “must adhere” to the Design Code. ***I therefore recommend that this phrase should be replaced with “should have regard to ... ”.*** I should make it clear that this recommendation is designed simply to draw attention to the advisory status of documents of this kind: it does not indicate any view of Wilson’s concerns about the extent of consultation that was involved in its preparation, nor do I have any comments to make on any of their suggested amendments to the Design Code’s content.
93. Gladman have more radical objections to the Plan’s housing policies, which I would summarise as follows:
- the extent of planning reforms currently being canvassed by Government is such that the WNP might need to be reviewed following its adoption;
 - “there is a chance that Wellow will need to plan for an additional level of need beyond that currently set out” in the WNP, and it should therefore either increase the housing allocation or “include sufficient flexibility to allow adjustment for changes in circumstances”;
 - the Parish Council’s HNA “is inadequate, inconsistent and does not align with national planning policy”, and the absence of a published technical support document makes it impossible to understand how the housing need has been determined. Gladman’s own assessment results in between 87 and 296 new homes being required over the period 2020-2040 (depending on which of three scenarios is used). It is not appropriate to look forward only as far as 2029;
 - the HNA’s conclusions are “an opinion survey”, with its results “based on local preference”. The same is true of the site assessment exercise, where “it seems both the evidence base and resultant reports have been manipulated to stop large-scale development coming forward”. The land south of Romsey Road should be considered a reasonable candidate for allocation;
 - “the NPPF expects strategic policy-making authorities to set a housing requirement” for NPs. This should include the area of the National Park.
94. These are clearly substantial objections; however, in my view:
- it is wholly unreasonable to expect a neighbourhood plan to “second guess” the outcome or consequences of possible future changes to the planning system;
 - basic condition e) requires neighbourhood plans to be in general conformity with the strategic policies in the development plan for the local area: this clearly means the *adopted* development plan, and so it is equally unreasonable to require the WNP to attempt to take into account what might emerge from the TVLP review. I consider it entirely appropriate that a key part of the Plan aligns its end date with that of the TVLP;
 - while I note the criticisms of the HNA, Gladman themselves seem to accept that a range of approaches to an exercise of this kind is possible. It is also the case that PPG paragraph 041 states that “*there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan....*”, and “*where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need*”. In my view, these requirements are broadly satisfied, especially given the fact that neighbourhood plan examinations (unlike those for local plans) are expected to adopt a proportionate, “light touch” approach. It does not seem to me, in the light of the above, that Gladman have made a strong case for concluding that the Plan fails to satisfy basic conditions a) and e);
 - similarly, I have no reason to agree with the suggestion that the site assessment exercise

was flawed in the way the land south of Romsey Road was discounted as an option for allocation;

- as a detail, national policy does not simply “expect” strategic authorities to provide a housing figure in the way suggested. NPPF paragraph 68 reads: “Where it is not possible to provide a requirement figure for a neighbourhood area, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body”. These circumstances are not applicable to the WNP.

95. For the above reasons, I do not agree with Gladman’s conclusion that the WNP fails to satisfy basic conditions a) and e).
96. Gladman also question Plan objective 3a, which states an intention to accommodate further housing through “a few smaller developments rather than one or more” larger ones. They say that this would limit the potential social yield which larger scale schemes can deliver. While I appreciate the general point here, the strategic context for Wellow is clearly not conducive to large-scale projects; what will matter more in any one case is the detailed assessment of any scheme against the Plan’s development management policies as a whole.

Policy WP-H3: Infill and redevelopment sites

97. Figure 5-35 shows the three separate defined settlement boundaries for the Parish, as set out in the TVLP. Policies COM2, COM8 and COM9 of that Plan allow for appropriate development within and adjacent to these boundaries, and TVBC therefore suggests that Policy WP-H3 is not required. In principle, I agree – but I consider that there is some value in having the full picture in relation to housing, and that the relevance of the Design Code can usefully be repeated.
98. To reflect comments made about the wording of the policy by TVBC, ***I recommend that it be amended to read: “As provided for in the Test Valley Local Plan, infill development, including self-build residential, will be supported in principle on sites within the settlement boundaries shown in figure 5-35. Community-led housing projects and co-operative and affordable housing proposals will also be supported on sites adjacent to the settlement boundaries. All proposals must comply with other policies of this neighbourhood plan, including Policy WP-H1 and the need to have regard to the Parish Design Code”.***
99. Gladman⁷ interpret the policy as “exclusively [supporting] brownfield development opportunities”; whether or not that is a reasonable inference, it would not be the case with the above recommended wording.

Policy WP-H4: Dwelling extensions

Policy WP-H5: Replacement dwellings

100. Policies WP-H4/H5 set out the criteria for considering extensions to, or replacement of, existing dwellings. Most of the factors listed, including the visual impact and the effect on heritage assets, would be taken care of by other policies in the Plan or elsewhere; this includes the general requirement for proposals to have regard to the Design Code.
101. The main exception is a limitation on the resulting increase in floorspace to about 30%, stemming from the general objective to maintain the supply of smaller dwellings. There is some flexibility with this under H4 (relating to residential annexes), but not under H5. Paragraph 5.17.2 notes that a similar 30% provision is already in place within the National

⁷ (mistakenly referring to Policy WP-H2)

Park, although this is dealt with in a more nuanced way.

102. While not doubting or wishing to undermine the strategic arguments for protecting and enhancing the supply of smaller dwellings in the Parish, something which is clearly an important local issue, I note that TVLP Policies COM11 and COM12 (which deal with extensions and replacements) focus entirely on the visual aspects of such developments, and do not seek to make a case for limiting the size of the resulting dwellings on housing needs grounds.
103. I raised this point with the two councils, asking them whether there was any evidence to support a more restrictive view of the matter in Wellow, as compared with the rest of the Borough (outside the National Park).
104. In its response, TVBC commented: "As part of the evidence base for the recently published draft Local Plan, a Strategic Housing Market Assessment has been undertaken. The report focused on the housing figure to be delivered in the Local Plan and on assessing the size, type and tenure of housing needed for different groups. There were no conclusions in the report on limiting the size of extensions or replacement dwellings, so that these properties remain small ...". It concludes that "given this lack of evidence, the emerging draft plan does not have any policies restricting extensions or replacement dwellings". It did not suggest any reasons why Wellow should be treated differently from the rest of the Borough outside the National Park.
105. TVBC also referred me to Policy HOU12 (and others) of the emerging Local Plan review, which deals specifically with replacement dwellings in the countryside. While the WNP is not, in a formal sense, required to have regard to the draft local plan, it is relevant to note that the aim of Policy HOU12 "is to ensure that the impacts of replacement dwellings in the countryside are minimised regarding their impact upon their surroundings, the wider landscape and the character of the countryside", with no reference to the housing need issue. This approach is therefore broadly the same as adopted TVLP Policy COM12 (I note here that paragraph 5.129 of the adopted Plan says that proposals which would increase the volume of the dwelling to be replaced by more than 50% will normally be resisted - but again that is purely for reasons based on visual impact).
106. The Parish Council, in responding to my question, reiterated the general objective of seeking to ensure a supply of smaller dwellings, these conclusions being derived from local surveys and assessments. It also pointed out that, based on the 2011 Census figures, the Parish has a higher proportion of residents aged 60+ (35.5%) than the TVBP area as a whole (28.7%). The Council adds that, for various reasons, the supply of dwellings suitable for "downsizers" and first-time buyers has continued to fall. It also explains that Policies WP-H4 and WP-H5 are based on the approach taken within the National Park (as noted in WNP paragraphs 5.17.11 and 5.17.12).
107. On the basis of these responses, I have concluded that there is insufficient evidence to support a different approach in Wellow from the rest of Test Valley on the issues of extensions to, or replacement of, existing dwellings; and also that the case for adopting the same policies as the National Park has not been adequately demonstrated.
108. Policy WP-H5 paragraph 2b) suggests that the loss of an existing dwelling which makes a positive contribution to the character of the area would not be supported. This is a somewhat vague test; but more importantly, since demolition of a dwelling which has no formal protection cannot be prevented, an important element of the policy is not capable of

implementation.

109. A further issue with these two policies is the over-prescriptive requirement for the new development “to be in accordance” with the Design Code, rather than to “have regard” to its advice.
110. Taking all of the above into account, ***I recommend that Policies WP-H4 and WP-H5 be replaced with the following:***

“Policy WP-H4: Dwelling extensions

Proposals requiring planning permission for extensions to existing dwellings must have regard to the guidance contained within the Design Code in Appendix A. Particular care should be taken to ensure that extensions do not diminish the special historical or architectural qualities of any designated or non-designated heritage assets (as shown on figure 5-22 to 5-24).”

“Policy WP-H5: Replacement dwellings

Planning applications for the replacement of existing dwellings will be determined in accordance with Test Valley Local Plan Policy COM12 and New Forest National Park Local Plan Policy DP35 (as appropriate) and other relevant policies of this Neighbourhood Plan, including the need for regard to be had to guidance contained in the Design Code”.

In addition, appropriate modifications should be made to supporting paragraphs 5.17.11 and 5.17.12 to reflect these changes.

111. As far as the issue of dwelling size is concerned, it is of course open to the Parish Council to discuss with the Borough Council what they see as the differences between Wellow and the rest of the Test Valley area, as potentially a matter to be considered as part of the Local Plan review.

Policy WP-H6: Seasonal workers and other temporary accommodation

112. There is some confusion here: most of the material in Section 5.18 of the Plan, which introduces the policy, does not deal with what is set out in the title, and the policy itself does not discuss “other” temporary accommodation. In addition, paragraph c) includes a reference to permanent dwellings, which is out of place in this context. In any event, as TVBC points out, most housing for seasonal workers benefits from permitted development rights. Paragraph 5.18.5, which reads like a policy, deals with conversions of redundant agricultural and forestry buildings, and is also not relevant to WP-H6 (or H4 and H5).

113. ***I recommend that (a) the title of the policy be amended to read: “Seasonal workers’ accommodation”; (b) the supporting text be edited to confine itself to the topic of the policy, including reference to the relevance of permitted development rights; and (c) that the policy itself be amended to read: “Where planning permission is required for the provision of accommodation for seasonal workers, in addition to complying with other relevant policies of this Plan***

a) the need for it must be demonstrated as being essential to the current or future operation of the business to which it relates; and

b) the accommodation must be secured via a legal obligation to the business concerned for the purposes of staff accommodation.

Policy WP-T1: Accessibility, road safety and sustainable transport

114. This policy contains a long list of generalized requirements from development proposals, without any reference to scale or location. Given the limited size of new developments, including housing, which the Plan would support, it is difficult to understand exactly what applicants would be expected to demonstrate if they hope to be successful in gaining planning permission. Overall, there is little in the policy which adds any detail to TVLP Policies T1 and T2/NFNPLP Policy SP55, or NPPF paragraphs 114-117. I nevertheless recognise the need for the Plan to acknowledge the range of concerns around these issues expressed during the consultation stages.

115. ***I recommend that Policy WP-T1 be amended to read: “As appropriate to their scale and location, development proposals will be required to consider their impact on road safety and accessibility (including parking requirements) for all users, as provided for in relevant national and local planning policy”. In addition, I recommend that the supporting material to the policy include a summary of what those policies deal with and how they can be accessed.***

Policy WP-T2: Quiet lanes

116. Figure 5-36 shows a number of “narrow rural lanes” where any significant traffic generation could have a harmful effect for a number of reasons. TVBC points out that the removal of banks, verges, trees etc could be carried out without planning permission, and that there is a difficulty in preventing an increase in vehicle movements per se. Much of the scope of the policy is in any event covered in other policies in the Plan. This being the case, ***I recommend that the policy be amended to read: “The character of the narrow rural lanes identified in figure 5-36 is considered especially vulnerable to any significant increase in vehicular traffic. Where planning permission is required for any development, the Local Planning Authority will take whatever steps are available to ensure that the impact of the use of these lanes by motor vehicles is kept to a minimum”.***

Policy WP-C1: West Wellow village centre improvements

117. Figure 5-38 includes an inset map showing the extent of the village centre. The policy encourages appropriate physical improvements where appropriate.

Policy WP-C2: Infrastructure provision

118. The first part of this policy offers support in principle to development which “secures the provision or funding of infrastructure that directly mitigates the effects of the development”. However, the general requirement for development to have regard to the capacity of related infrastructure is broadly covered in policies at national and local level (as well in the WNP itself), and this element of the policy, given the absence of any specific references, therefore seems to me to be redundant. I have a similar view of the second part of the policy, which simply encourages new and improved utility infrastructure which meets the community’s needs. This is too vague to be of any practical value in development management terms, and most (if not all) of it is the subject of Tables 7-8, under “community aspirations”, with further details in Appendix H. For these reasons, ***I recommend that the policy be deleted.***

Policy WP-E1: Employment development

119. This policy offers support for new employment opportunities in the Parish, subject to a range of appropriate provisions. TVBC sees it as repeating LP Policy LE17 and other policies in the

WNP itself: I have some sympathy with that view but have concluded that the degree of overlap is not so comprehensive that WP-E1 should be deleted.

Other matters

120. The Plan concludes by setting out in Part 6 a list of community aspirations and infrastructure projects, properly separated out from those matters with direct land-use implications. Part 7 then summarises the Parish Council's approach to monitoring the effectiveness of the Plan, which is to be based on an annual review taking into account a range of potentially relevant factors. TVBC suggests that this could be strengthened somewhat by including a commitment to a formal review of the Plan at least every five years, depending on circumstances.
121. It is the practice in many neighbourhood plans for clear guidance to be given on the circumstances where (or when) a review might be undertaken. However, this is not a statutory requirement, nor is it the subject of Government policy beyond guidance that communities are encouraged to keep plans up to date. This being the case, I am content to leave the Parish Council to consider the advice on the matter from TVBC, and to act as they think fit.

Conclusions on the basic conditions

122. I am satisfied that the Wellow Neighbourhood Plan makes appropriate provision for sustainable development. I conclude that in this and in all other material respects, subject to my recommended modifications, it has appropriate regard to national policy. Similarly, and again subject to my recommended modifications, I conclude that the Plan is in general conformity with the strategic policies in the development plan for the local area. There is no evidence before me to suggest that the Plan is not compatible with EU obligations, including human rights requirements.
123. However, for the reasons set out in detail in the body of this report, I conclude that steps should be taken to modify the Plan in order to secure compliance with certain aspects of national Planning Practice Guidance before it proceeds to referendum.

Formal recommendation

124. I have concluded that, provided that the recommendations set out above are followed, the Wellow Neighbourhood Plan would meet the basic conditions, and therefore recommend that, as modified, it should proceed to a referendum. Finally, I am required to consider whether the referendum area should be extended beyond the neighbourhood plan area, but I have been given no reason to think this is necessary.

David Kaiserman

David Kaiserman BA DipTP MRTPI
Independent Examiner

8 April 2024

APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	NP reference	Recommendation
38	General	<ul style="list-style-type: none"> need for substantial editing of plan to take account of PPG para 041
39	List of policies	<ul style="list-style-type: none"> add page numbers to list of policies on page 9
40	Table of contents	<ul style="list-style-type: none"> clarify to improve ease of access
41	Table 1 and para 5.14	<ul style="list-style-type: none"> delete or relocate to Section 4
42	Throughout	<ul style="list-style-type: none"> update plan to refer to current NPPF para numbers
46	WP-S1	<ul style="list-style-type: none"> edit introductory text
48	WP-L1A	<ul style="list-style-type: none"> include reference to NFNPLP in introductory material
51	WP-L1B	<ul style="list-style-type: none"> amend policy wording and delete supporting text
55	WP-L2	<ul style="list-style-type: none"> amend policy wording
56	WP-L3	<ul style="list-style-type: none"> amend NPPF references
57	WP-L3	<ul style="list-style-type: none"> amend policy wording include explanation of "very special circumstances" in supporting material
62	Para 5.4.8	<ul style="list-style-type: none"> delete paragraph
69–71	WP-L7	<ul style="list-style-type: none"> amend policy wording add explanatory text amend caption for map on page 56
73	WP-L8	<ul style="list-style-type: none"> retitle and amend policy wording
75	WP-L9	<ul style="list-style-type: none"> amend policy wording
76	WP-L9	<ul style="list-style-type: none"> consider approach to NFNP "buffer zone"
78	WP-L10	<ul style="list-style-type: none"> clarify River Blackwater "buffer zone"
80	WP-L11	<ul style="list-style-type: none"> amend wording to clarify references to nitrogen budget
84–87	WP-B1 WP-B2 WP-B3	<ul style="list-style-type: none"> retitle policy WP-B1 and remove the first paragraph amalgamate policies WP-B2, WP-B3 and the first paragraph of WP-B1 clarify relationship with other relevant documents amend caption of photo on page 71

		<ul style="list-style-type: none"> • add a paragraph on special character areas to the replacement policy • amend caption of map of page 82
91–92	WP-H2	<ul style="list-style-type: none"> • amend policy wording
98	WP-H3	<ul style="list-style-type: none"> • amend policy wording
110	WP-H4 and WP-H5	<ul style="list-style-type: none"> • amend wording of policies • modify paras 5.17.11 and 5.17.12
113	WP-H6	<ul style="list-style-type: none"> • amend policy title and wording • edit supporting text
115	WP-T1	<ul style="list-style-type: none"> • amend policy wording and add supporting material
116	WP-L3	<ul style="list-style-type: none"> • amend policy wording
118	WP-C2	<ul style="list-style-type: none"> • delete policy