



Wellow Neighbourhood Plan – NPA Decision Statement (21 May 2024)

1. Introduction

- 1.1 The New Forest National Park Authority has a statutory duty to assist local communities in the preparation of Neighbourhood Development Plans and Orders. As the planning authority for the National Park area, the Authority is also required to support draft Neighbourhood Plans through the Examination process towards local referendum.
- 1.2 The draft Wellow Neighbourhood Plan was submitted for independent Examination in December 2023 and the final Examiner's Report was issued on 8 April 2024. Under the requirements of the Neighbourhood Planning (General) Regulations 2012 (as amended), the National Park Authority must: (i) decide what action to take in response to each recommendation made in the Examiner's Report; and (ii) publish their decision and the reasons for it in a 'Decision Statement'.
- 1.3 This statement confirms that the modifications proposed in the Examiner's report have been accepted, the draft Wellow Neighbourhood Plan has been altered as a result of it; and that this plan may now proceed to referendum.

2. Background

- 2.1 The Wellow Neighbourhood Plan relates to the area that was designated by the National Park Authority and Test Valley Borough Council in June 2016. This 'Neighbourhood Area' corresponds with the Wellow Parish Council boundary and includes land within the planning remit of both the New Forest National Park Authority and Test Valley Borough Council.
- 2.2 Following the submission of the draft Wellow Neighbourhood Plan to the National Park Authority and Test Valley Borough Council in October 2023, the Plan was publicised and representations invited for a 6-week period, closing on 18 December 2023. As the majority of the Neighbourhood Area falls within Test Valley, the Borough Council led on this consultation.

- 2.3 David Kaiserman BA DipTP MRTPI was appointed by the New Forest National Park Authority and Test Valley Borough Council – with the agreement of Wellow Parish Council - to undertake the examination of the draft Neighbourhood Plan and to prepare a report of the independent examination.
- 2.4 The Examiner’s Report (8 April 2024) concludes that provided the recommendations set out in the report are followed, the Wellow Neighbourhood Plan would meet the basic conditions, and therefore recommends that, as modified, it should proceed to a referendum. The Examiner also concluded that the Referendum area does not need to be extended beyond the designated area to which the Plan relates.

3. Decision

- 3.1 As outlined above, the Neighbourhood Planning (General) Regulations 2012 (as amended) require the National Park Authority to outline what action to take in response to the recommendations made in the Examiner’s Report.
- 3.2 Having considered each of the recommendations made by the Examiner’s report (and the reasons for them), the New Forest National Park Authority has decided to accept in full the modifications to the draft Wellow Neighbourhood Plan. Table 1 on the following pages outline the alterations made to the draft Plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to each of the Examiner’s recommendations.

Table 1

Ref.	Examiner's recommended modification	Examiner's Justification	NPA Decision
GENERAL			
1	Substantial editing is required in order to improve the Plan and consequently recommend the removal from the Plan of material which is not necessary to provide a crisp context for, or explanation of, the policies. Content to leave the precise implementation of this recommendation to the Parish Council and planning authorities, with specific references also included.	At 131 pages in length, the Plan is a very comprehensive document. However, its 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	Accept modification to improve the overall readability of the Plan.
2	Add page numbers to list of policies on page 9.	To improve the readability of the Plan	Accept modification
3	Amend the table of contents to improve the readability of the Plan.	The inconsistencies in the table of contents should be rectified - content to leave the precise way in which this is achieved to the discretion of the parish council and LPAs.	Accept modification
4	Delete Table 1 (Sustainability Matrix) and paragraph 5.14.	The information in Table 1 and paragraph 5.14 is already available in the supporting evidence base and so can be deleted.	Accept modification
5	Update the references in the Plan to the most up to date version of the NPPF (December 2023) .	There are several references in the Plan to specific paragraphs of the National Planning Policy Framework as it was in 2021.	Accept modification
THE POLICIES			
6	Recommend only paragraphs 5.2.10 - 5.2.13 be retained as the introduction to Policy WP-S1 (Renewable Energy Development)	The introduction to the policy is lengthy, covering a wide range of issues, with only a limited reference to energy generation itself.	Accept modification to improve the clarity of the Plan.

7	Policy WP-L1A (Landscape character within the National Park): A brief reference to the relationship with relevant policies in the New Forest National Park Local Plan (2019) should be included in the introductory wording to the policy.	Support the retention of the policy, but need to signpost the National Park Local Plan (2019) as a key part of the statutory development plan for this part of Wellow parish.	Accept modification and a helpful cross-reference.
8	Policy WP-L1B (Landscape character outside the National Park): 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.”	The adopted Test Valley Local Plan policy E2 (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.	Accept modification to remove reference to the previous New Forest Heritage Area in the supporting text and to signpost the relevant Test Valley Local Plan policy.
9	Policy WP-L2 (Equestrian facilities): 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.”	Not all equestrian activities require planning permission. In addition, most of the considerations listed are already dealt with in other policies, both in the Wellow Neighbourhood Plan 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.	Accept modification – the cross reference to the New Forest National Park Local Plan (2019) policies is useful.
10	Policy WP-LP3 (Local Green Spaces): Paragraph 5.4.3, which refers to NPPF paras 99 - 101, should be amended to reference paragraphs in the current version of the NPPF (December 2023)	The NPPF (December 2023) sets out the key considerations when assessing sites for designation as ‘local green spaces’.	Accept modification for consistency with national policy.

<p>11</p>	<p>Policy WP-LP3 (Local Green Spaces): 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:</p> <p>“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)”.</p>	<p>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.</p> <p>The additional explanation in the supporting text to the policy will aid understanding and ensure consistency with national policy.</p>	<p>Accept modification for consistency with national policy.</p>
<p>12</p>	<p>Paragraph 5.4.8: To avoid any confusion around the national policy context for Local Green Spaces, this paragraph should be deleted.</p>	<p>Paragraph 5.4.8 highlights ways in which the impacts of recreational activities on sensitive sites within the National Park might be mitigated. However, the potential for this is not directly related to the NPPF criteria for the designation of local green spaces.</p>	<p>Accept modification for consistency with national policy</p>
<p>13</p>	<p>Policy WP-L7 (Biodiversity): Policy WP-L7 be amended to read:</p> <p>“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”.</p>	<p>Some of the ground covered by WP-L7 would duplicate national policy (as well as some legal requirements), and Test Valley Local Plan Policy E5 (Biodiversity) fully addresses this subject.</p>	<p>Accept modification</p>

14	<p>Policy WP-L7 (Biodiversity): Recommend the following be added to the introductory text to the policy:</p> <p>“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”.</p> <p>Also recommend that attention be drawn to relevant policies in the New Forest National Park Local Plan.</p>	The legal requirement for Biodiversity Net Gain (BNG) is now mandatory for qualifying developments.	Accept modification. Provides clarity with national policy and legislation.
15	The Wildlife Corridors map on page 56 is incorrectly labelled as Figure 5-5. Recommend this be amended to “Figure 5-18”, as shown in the table of figures.	Error in the cross-referencing.	Accept modification to improve clarity.
16	<p>Policy WP-L8 (Bats): Recommend that the policy be retitled “Mottisfont Bats Special Area of Conservation”, and that the first paragraph be amended to read:</p> <p>“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.”</p>	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 Wellow Neighbourhood Plan area, but the Plan explains that there is potential for Wellow to support them for foraging and breeding. The re-wording of the first paragraph of Policy WP-L8 has been agreed with Natural England to reflect this.	Accept modification. For greater clarity and to ensure legal compliance with the requirements of the Habitats Regulations.

17	<p>Policy WP-L9: New Forest Special Protection Area: Recommend that the policy be amended to read:</p> <p>“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.”</p>	<p>Modifications recommended to clarify the forms of development where mitigation for recreational impacts on the New Forest Special Protection Area (SPA) are required; and to provide details on the options available.</p>	<p>Accept modification, which accords with the representations made by the National Park Authority on the draft Plan in December 2023.</p>
18	<p>Figures 5-16 and 5-30: Recommend that no attempt be made to explain the planning implications of the 400 metre zone around the New Forest SPA 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 the supporting material.</p>	<p>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.</p>	<p>Accept modification, which accords with the Authority’s representations.</p>
19	<p>Policy WP-L10: The River Blackwater: Recommend the justification for the extent of the River Blackwater buffer zone be set out. 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.</p>	<p>Policy WP-L10 seeks to ensure that new development protects or enhances the River Blackwater and associated wildlife corridors 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”)</p>	<p>Accept modification.</p>

<p>20</p>	<p>Policy WP-L11: Solent and Southampton Water SPA and Solent Maritime SAC:</p> <p>Recommend that the first paragraph of Policy WP-L11 be replaced with the following:</p> <p>“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.”</p>	<p>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.</p>	<p>Accept modification, which provides greater clarity and to ensure legal compliance with the requirements of the Habitats Regulations. It also accords with the representations made by the National Park Authority on the draft Plan.</p>
<p>21</p>	<p>Policy WP-B1: Non-designated heritage assets and locally important features; Policy WP-B2: Design and character; Policy WP-B3: Special character areas</p> <p>Recommend that:</p> <p>a) Policy WP-B1 is re-titled “Non-designated heritage assets” and limited to include the second paragraph only.</p>	<p>Between them, these three policies and the material which supports them (Section 5.11 of the Plan) cover 18 pages. 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</p>	<p>Accept modification, which improves the clarity of the Plan.</p>

	<p>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”;</p> <p>c) attention be drawn to any relevant policies in the New Forest National Park Local Plan;</p> <p>d) there is 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);</p> <p>e) the caption of the photograph on page 71 be amended to “Figure 5-25”.</p>	<p>somewhat daunting). Some editing and simplification is needed if this part of the Neighbourhood Plan is not to prove difficult for users to get to grips with.</p>	
<p>22</p>	<p>Policy WP-B2: Design and character: 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”.</p>	<p>There is value in drawing attention to some specific locations where special care needs to be taken.</p>	<p>Accept modification, which highlights the importance of the Special Character Areas identified.</p>

23	Special Character Areas map, page 82: The map is incorrectly labelled as Figure 5-7 and this should be amended to “Figure 5-28” to avoid confusion	To avoid confusion.	Accept modification to improve clarity.
24	Policy WP-H1: Housing need: The policy wording be amended to state: “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.”	The draft policy wording is considered too prescriptive regarding the housing mix.	Accept modification
25	Policy WP-H1: Housing need: Recommend the wording “must adhere to” the Design Code is replaced with “should have regard to...”	The Wellow Design Code is an advisory document and this should be reflected in the policy wording.	Accept modification
26	Policy WP-H3: Infill and redevelopment sites Recommend the wording of the policy be amended to: “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”.	It is useful to repeat the relevance of the Design Code. The amended wording provides a cross-reference to the relevant policies in the Test Valley Borough Local Plan that set out the defined settlement boundaries in the parish.	Accept modification, which signposts the relevant development plan document containing the settlement boundaries for the parish.
27	Policy WP-H4: Dwelling extensions: Recommend policy WP-H4 be replaced with: “Policy WP-H4: Dwelling extensions	There is insufficient evidence to support a different approach in Wellow from the rest of Test Valley on the issues of extensions to existing dwellings; and also that the case for	Accept modification

	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)."	adopting the same policies as the National Park has not been adequately demonstrated.	
28	<p>Policy WP-H5: Replacement dwellings: Recommend that the policy wording be replaced with:</p> <p>"Policy WP-H5: Replacement dwellings</p> <p>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".</p> <p>In addition, appropriate modifications should be made to supporting paragraphs 5.17.11 and 5.17.12 to reflect these changes.</p>	There is insufficient evidence to support a different approach in Wellow from the rest of Test Valley on the replacement of existing dwellings; and also that the case for adopting the same policies as the National Park has not been adequately demonstrated.	Accept modification, which cross-references the existing development plan policies on extensions to dwellings and replacement dwellings.
29	<p>Policy WP-H6: Seasonal workers and other temporary accommodation</p> <p>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</p>	This part of the draft Neighbourhood Plan causes some confusion. 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.	Accept modification, which helps to improve the clarity of the Plan.

	<p>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</p> <p>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</p> <p>b) the accommodation must be secured via a legal obligation to the business concerned for the purposes of staff accommodation.</p>	<p>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).</p>	
30	<p>Policy WP-T1: Accessibility, road safety and sustainable transport - Recommend that Policy WP-T1 be amended to read:</p> <p>“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, recommend that the supporting material to the policy includes a summary of what those policies deal with and how they can be accessed.</p>	<p>This policy contains a long list of generalised 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.</p>	<p>Accept modification to improve the readability of the Plan.</p>
31	<p>Policy WP-T2: Quiet Lanes</p> <p>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”.</p>	<p>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.</p>	<p>Accept modification</p>

32	Policy WP-C2: Infrastructure provision – recommend that this policy is deleted.	The general requirement for development to have regard to the capacity of related infrastructure is broadly covered in policies at national and local level. The policy is too vague to be of any practical value in development management terms.	Accept modification
----	---	--	---------------------