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## **Response to the Charlton Neighbourhood Plan Submission Document, February 2020 (Regulation 16 Consultation)**

### **Introduction**

These comments set out the Council's response to the 'Regulation 16 consultation on the Charlton Neighbourhood Plan ('CNP'), which was submitted to the Council on 7 January 2020.

The Charlton Neighbourhood Area was officially designated on 8 August 2014. Comments were provided on a draft plan during the Regulation 14 consultation, which took place from 2 September to 14 October 2018.

The comments that follow are made in the interests of ensuring that the CNP is in general conformity with the strategic policies set out in the Test Valley Local Plan and can be effectively interpreted by the Council in determining planning applications.

These comments should be read in conjunction with the Regulation 16 track changes document that the Council has produced, showing all the comments made on the document.

The Council recognises the efforts that have gone into the Charlton Neighbourhood Plan and the community consultation that has taken place to shape the plan into its current form.

### **The Basic Conditions**

The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Development Plans by section 38A of the Planning and Compulsory Purchase Act 2004. They state that a draft Neighbourhood Plan meets the basic conditions if it:

- (a) has regard to national policies and advice contained in guidance issued by the Secretary of State.
- (b) has special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses.
- (c) has special regard to the desirability of preserving or enhancing the character or appearance of any conservation area.
- (d) contributes to the achievement of sustainable development,
- (e) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- (f) does not breach, and is otherwise compatible with, EU obligations,

The Council considers that some changes are needed to ensure that the Neighbourhood Plan meets the Basic Conditions as required by regulations. These changes will ensure that the draft plan is in general conformity with the strategic policies of the Test Valley Local Plan (Condition e), that it has regard to national policy and guidance (Condition a), and that it will contribute to the achievement of sustainable development (Condition d).

The Council considers that the plan in its current form does meet part f) of the Basic Conditions which require that it does not breach, and is otherwise compatible with EU obligations.

It is considered that the suggested changes can be made to the plan without additional consultation being needed as they retain the general direction of the policies in the plan, but make changes, primarily to ensure clarity for the decision maker and make the document easier to use.

### **Submission of the Draft Neighbourhood Plan**

The draft neighbourhood plan was submitted to the Council on 19<sup>th</sup> January 2019 and commenced its 6 week public consultation from 6<sup>th</sup> February to 20<sup>th</sup> March 2020.

Test Valley Borough Council, as local planning authority, has considered the submitted plan and is satisfied that it complies with all of the relevant statutory requirements set out in paragraph 6 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The submitted plan is accompanied by a Basic Conditions Statement and a Consultation Statement. The supporting evidence base documents can be found at

<http://www.charltonvillage.org.uk/community/charlton-parish-council-12680/neighbourhood-plan>

### **Strategic Environmental Assessment (SEA)**

Natural England, Environment Agency and Historic England, as statutory consultation bodies under Regulation 9 of the SEA Regulations, were consulted by the Council on an SEA screening determination between 29<sup>th</sup> April and 3<sup>rd</sup> June 2019. Natural England and the Environment agency agreed with the screening determination of the Council that the CNP is not likely to have significant environmental effects and therefore an SEA is not required.

### **Habitats Regulations Assessment (HRA)**

Test Valley Borough Council concluded that the CNP would have no likely significant effects upon European designations alone or in combination and no appropriate assessment is currently required. This is supported by the response from Natural England.

### **Test Valley Local Plan.**

The Test Valley Local Plan was formally adopted by the Council in January 2016, and provides a positive and flexible overarching planning policy framework for the Borough the period up to 2029. A number of the policies in the Core Strategy are particularly relevant to the Charlton area and draft CNP.

Policy COM2, 'Settlement Hierarchy' identifies the settlements where sustainable development will take place in the Borough. Charlton is within the 'Key Service Centre' designation. The scale of development in this tier includes strategic allocations, windfalls, replacement dwellings, strategic employment sites and small scale employment development and community led development, which could be delivered through a Neighbourhood Plan.

The housing requirement for the Borough is split into two parts, with Charlton in Northern Test Valley along with Andover. This is further split into a housing requirement for Andover for which the minimum annual requirement is 358 new homes per year.

Policy COM9 is also of relevance as it concerns Community Led Development. This policy allows for community led development with or without a Neighbourhood Plan, and the supporting text acknowledges that where Neighbourhood Plans are produced, that they should be referred to evidencing the community support for a scheme.

The following policies are the relevant Strategic Local Plan Policies that the Neighbourhood Plan needs to be in conformity with:

- Policy COM1: Housing Provision 2011 – 2029
- Policy COM2: Settlement Hierarchy
- Policy COM7: Affordable Housing
- Policy COM14: Community Services
- Policy COM15: Infrastructure
- Policy LE10: Retention of employment land and strategic employment sites
- Policy E1: High Quality Development in the Borough
- Policy E2: Protect, Conserve and Enhance the Landscape Character of the Borough
- Policy E3: Local Gaps
- Policy E5: Biodiversity
- Policy E6: Green Infrastructure
- Policy E7: Water Management
- Policy E9: Heritage
- Policy LHW1: Public Open Space
- Policy T1: Managing Movement
- Policy T2: Parking Standards

The Local Plan also contains other non strategic policies which may be relevant to the CNP.

These include:

- Policy COM9: Community Led Development
- Policy COM12: Replacement Dwellings in the Countryside
- Policy COM13: Gypsies, Travellers and Travelling Showpeople
- Policy LE16: Re-Use of Buildings in the Countryside
- Policy LE17: Employment Sites in the Countryside
- Policy LE18: Tourism
- Policy E8: Pollution
- Policy LHW4: Amenity
- Policy CS1: Community Safety

- Policy ST1: Skills and Training

## **CHARLTON NEIGHBOURHOOD PLAN**

### **Section 2 and 3 –Introduction and Background, and Statutory Statement.**

This section gives an overview of the how the plan came to be prepared and includes the map showing the designated area that the plan covers, and confirms that an SEA is not required.

### **Section 4 - About the Parish**

This section gives an overview of the Parish to give the reader a better understanding of the area and what gives its sense of place. Figures 5 and 6 need amending in this section. The Council can assist the steering group with the production of maps for the final document.

### **Section 5 and 6 – Context of the Plans Policies and Key findings..**

This section highlights the policy framework of the Adopted Local Plan and sets out the strategic plan policies that the CNP needs to conform to. The key findings from the parish survey have identifies 9 key points and this has led to the identification of 8 key themes for the NP, which has then led onto the vision and objectives of the Plan. These sections could be slimmed or removed in the final document, but has been appropriate in the consultation documents so that the community are aware of the evolution of the Plan.

### **Section 7 – Vision and Objectives.**

The CNP contains a vision and 8 objectives. The policies and recommendations in the plan all relate to the 8 objectives that follow the vision statement. Please see the track changes document for comments on the objectives.

### **Section 8 – Land Use Policies**

This section contains the twenty policies and supporting text. This includes sections on Housing. Natural Environment, Built Environment, Community and Transport and Highways. It would be beneficial for the reader if this is split down into individual chapters.

**Policy CNP1** deals with the Settlement boundary / Built up area. This policy repeats Local Plan Policy COM2 and is not required in this plan.

Figure 7. There is no purpose to the revised settlement area as shown by the dotted line. This approach is not supported by the Borough Council as it serves no purpose and is

confusing. The settlement boundary is established in the Local Plan, and the mechanism for separating the boundary would be through the Local Plan review.

**Policy CNP2** allocated land to the north of Goch Way for approximately 50 new homes. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

Criteria a) This is covered in policy CNP14 on design, and does not need repeating in the policy. Wording could be added to the supporting text to refer to the design policy.

Criteria b) This could be moved to the supporting text and further references to the policies that would apply, eg, CNP14

Criteria c) d) e) and f) Any new development would need to satisfy these criteria, and therefore do not need repeating in the policy.

Criteria g) What does 'Lower Density' mean?

Criteria h) Any new development would need to satisfy this criteria, through the design and access statement, and therefore does not need repeating in the policy.

Criteria j) This is covered in Policy CNP3 and therefore doesn't need repeating in the policy.

Criteria k) As written Policy CNP7 would not apply to this development, as it would be within the settlement boundary and CNP7 concerns development outside the settlement boundary. See suggested changes to CNP7. If these changes are accepted, that this text will not need to be repeated in the policy, as the plan is read as a whole.

Criteria l) This criteria will require applicants to 'consider' renewable energy etc. This will be easy for applicants to demonstrate, but will not necessarily ensure that they will be implemented. This could be moved to the supporting text with signposting to the other relevant Plan policies. There could also be a tension between siting and orienting development to optimise solar gain and policy CNP14 on design, which states that development should be 'in keeping with the character of the area' Building Regulations now address the issue of passive solar gain, which they refer to as 'limiting the effects of solar gain in summer'. Appendix P of the regulations includes methods for calculating solar gain, and indicates some of the solutions we can use to minimise some of the less welcome effects. Therefore this is covered by building regulations and does not need to be repeated in the policy.

Criteria m) This could be moved to the supporting text as it is signposting to CNP10.

**Policy CNP3** concerns Housing Mix. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

5 or more dwellings' What is the justification for 5 or more dwellings – if smaller homes are needed then in order to rebalance the housing stock, all new homes should be for 3 bedrooms or less. Criteria b) The policy should be more specific than this, so that it is clear what is expected from new development. Paragraph 8.4.8 At least 80%' What is the evidence for this percentage?

**Policy CNP4** on retirement and Nursing Homes. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

There is not locally distinctive element to this policy. Development within the settlement boundary, including for residential care and nursing homes would be covered by COM2, therefore this policy could be deleted. The policy title refers to 'retirement' homes, but the policy only refers to residential care.

Criteria a) Given the level of care that individuals require in a residential care or nursing home, they will not be able to access these facilities, therefore this shouldn't be a requirement of the policy

Criteria b) If this type of development is within the settlement boundary, then it should be accessible by these modes, and does not require repeating

Criteria c and d) These would be addressed through CNP14 on Design and do not need to be repeated here.

Criteria e) Nursing homes need to comply with part M of the building regulations on accessible dwellings and therefore does not need to be repeated in the policy.

Criteria f) Energy efficiency is covered by building regulations and does not need to be repeated in the policy.

**Policy CNP5** addresses Landscape Character and Setting. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

Para 8.6.1 A map showing the landscape character appraisal areas would be helpful here. Figure 10 This map appears to be showing the land use of the land and the quality of the agricultural land in the plan area, and not the Landscape character not a landscape assessment. The map is not referred to in the text. In the key, there is no colour showing if there is any priority habitat. This could be removed and replaced with the map showing the Landscape Character Area. TVBC can help with the mapping in the final document if required.

CNP5 This policy is not locally distinctive and repeats Local Plan policy E2, therefore this policy could be deleted. Criteria 2a) and b) do not need repeating here as the issues are addressed in CNP5 and CNP12. Criteria 2 c) and d) This repeats policy E2, and is therefore

not needed. in the justification of the policy the text would benefit from being in the supporting text to signpost the reader to the LCA.

**Policy CNP6** covers the setting of the Local Gap. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:  
This policy repeats Local Plan policy E3 and therefore does not need repeating in this plan.

**Policy CNP7** deals with Important Views. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:  
Amendments suggested to the wording of the policy - please see track changes document for detail. Second paragraph is not required to be repeated in the policy. Third paragraph 'outside the settlement boundary' The policy should also apply to development inside the settlement boundary as these could have an impact on some of the views. Photographs showing the views would be helpful here.

**Policy CNP8** addresses maintaining and enhancing green spaces and green corridors. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

Para 8.9.1 Not all development will need to demonstrate a net gain. 'Where required' would be more appropriate wording

**Policy CNP8** The supporting text could signpost to the Local Plan Policies rather than repeating them in this policy. Bullet 1 - This is partially covered in CNP14 on design in 2, bullet 2. This text could be incorporated into that bullet. Bullet 2 - repeats Local Plan Policy E6 and is therefore not required. Bullet 4 - This is covered in CNP9. Bullet 5 - repeats Local Plan Policy E5 and is therefore not required.

**Policy CNP9** covers Public rights of way. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

The second paragraph of the policy is covered in Policy T1d) of the Local Plan and does not need repeating here. The text in the justification section should be moved to the supporting text for clarity

**Policy CNP10** deals with Biodiversity and Enhancement of The Natural Environment.

Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

The opening sentence of the policy states that 'all development shall deliver a biodiversity net gain'. Not all development will need to demonstrate a net gain, and 'where required' would be more appropriate wording.

Paragraph 1. What is the evidence to support the 'one or more' approach? Paragraph 1i)  
This is addressed in Local Plan Policy E5 and does not need repeating here. Paragraph 1 iii)



Is there scrubland in the plan area? iv) What is the evidence for this? Also if an applicant put up an owl box and a bat box, but these species were not present, it would meet the tests of this policy, but would not necessarily deliver any net gain. v) Are there any culverted watercourses in the plan area? vi) Surface water grainage hierarchy. Is this explained in the plan? This could be included in a Glossary of terms. Paragraph 2. 'replaced at a ratio of at least 2:1' What is the evidence for this requirement?

**Policy CNP11** relates to Charlton Lakes. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

What is the actual boundary of this area? Bullet 1 What is the evidence for this, and how is 'quiet' defined? Bullet 2 - Most development could lead to an intensification of use – how would this be measured? Bullet 3 - This might not be in the gift of the applicant. Bullet 4 - This is addressed in CPN9 and does not need repeating here. Bullet 6 - This is covered in Local Plan policy E2 and therefore does not need repeating here. Bullet 7 - A flood risk assessment will need to be submitted with any applications within FZ 2 or 3, and so does not need repeating here. This is also addressed in Local Plan policy E7. Bullet 8 - This repeats policy CNP7. Bullet 9 - This repeats the local Plan policy E5 and policy CNP10. Policy implementation - This is not a land use planning matter, but would be better suited in a community aspirations section of the plan.

**Policy CNP12** allocates Local Green Spaces in the plan. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

The text in the opening and final paragraphs is covered in the NPPF and does not need to be repeated here. The supporting text includes signposting to the NPPF and this is sufficient.

**Policy CNP13** covers Flooding and Drainage. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

Figure 20 the detailed mapping should be in this document, as it is allocating the sites. Figure 21 - Is there any land in FZ3 benefiting from flood defences? The text in Para 8.15.2 and 8.15.3 is dealt with in the NPPF and does not need repeating here.

**Policy CNP14** deals with Design. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

Para 8.16.5 mentions 'major housing sites' How is this defined? Sites of 10 or more dwellings? Para 8.16.8 states that density of development in Charlton should be appropriate to a village environment and reflective of that in each Character Area' What does this mean in practice?

Paragraph 1 of the policy sets out what type of development the policy will apply to. This policy should apply to all development in the area. 'In keeping with' is a nebulous term and 'to reflect or in sympathy with' would be more appropriate. 'Charlton Character Appraisal' It would be helpful if this was appended to the document as an annex. Paragraph 4 - This may not require consent and therefore this element of the policy would not apply.

**Policy CNP15** deals with Sustainable Construction and Future Infrastructure Provision. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

8.17.3 and 8.17.4. This is covered in building regulations and the planning system can not require that developments achieve 'excellent' Bullet 1 of the policy is addressed in Local Plan Policy E7 and therefore does not need to be repeated here. Bullet 2 - '5 new dwellings must secure at least 10%' What is the evidence to support this? Planning policies are unable to insist on this without the evidence to support the policy. Bullet 3 - This is addressed in Local Plan Policy COM15 and therefore does not need to be repeated here.

**Policy CNP16** addresses the Historic Environment. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

The text in para 8.18.1 does not need to be repeated in the plan . Figure 33. This map would benefit from being clearer. TVBC can help with the maps in the final document if required. The text in para 8.19.1 repeats part of paragraph 8.18.2 and the NPPF, and does not need to be repeated in the plan. Bullet 4 of the policy is addressed in Local Plan Policy E9 and therefore does not need to be repeated here. Bullet 5 - This is addressed in Local supporting text in paragraph 7.75 and therefore does not need to be repeated here.

**Policy CNP17** deals with the retention and enhancement of Community and Sports facilities. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

The text in para 8.20.3 states that there is 'slightly below the required amount of public open space' - What is the evidence for this? Para 8.20.4 Amendments to the wording of the text for clarity - please see track changes document for detail. Para 8.20.5. This should be reworded into a policy and added to CNP18 identifying the facilities in the plan area. This will assist TVBC implement policy COM14

The policy supports proposals for a new community hall. Where is the evidence of the need for a new community hall? Second Paragraph - This is addressed in Local Plan Policy COM15 and therefore does not need to be repeated here. Contributions towards these facilities would normally be through the community infrastructure levy that all new residential development has to pay.

**Policy CNP18** deals with the Retention of local shops and businesses. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

The policy should be rewritten to identify the community facilities, shops and local businesses that Local Plan policies LE10 and COM15 would cover. Matters in the first paragraph are addressed in Local Plan Policy COM14 and therefore do not need to be repeated here. Second Paragraph of the policy covers Assets of Community Value – are there any in the Plan area? Being on the ACV register only delays the sale of the property. If the asset is also a shop or community facility listed in the policy, then Local Plan Policy COM14 will apply and therefore this text does not need repeating.

**Policy CNP19** relates to Employment. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

This policy as written is in conflict with Local Plan policies COM2, LE17 and LE17. COM2 allows for development within the settlement boundary, and Charlton is identified as a Key service centre in the hierarchy. This allows for Strategic Employment sites and small scale employment development. Paragraph 5.48 of the supporting text also states that 'The Council will adopt a flexible approach to the development of new employment sites or the expansion of existing employment uses in settlements provided that the impact on the area and nearby residents is acceptable when judged against the relevant planning policies' Applications for development on existing employment sites would have to satisfy policy LE17, and for the reuse of buildings in the countryside, Policy LE16 would be to be complied with. Policy E8 deals with pollution in the Borough and the supporting text includes guidance on Noise and vibration, light and air pollution. Policy T1 also deals with traffic issues and does not need repeating in the policy. Therefore this policy is in conflict with the Local Plan and does not add any locally distinctive criteria, and should therefore be deleted from the plan.

**Policy CNP20** deals with Access and Road Safety. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

The issues raised in Criteria 1, 2, 4 and 5 are already addressed in Local Plan Policy T1 and does not need to be repeated in this plan. Bullet 2 change appropriate to required. In bullet 3 it would not be reasonable for all development requiring planning permission, eg for a conservatory or a fence, therefore the word 'appropriate' would be better suited.

## **Section 9 - Development Delivery policies**

This section contains one policy and its supporting text.

**Policy CNP21** covers delivery and pre application engagement on major development. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

This is covered in the Councils Statement of Community Involvement and the pre application advice note and is a matter for the council to lead. Therefore this does not need repeating in this plan.

## **Section 10 – Appendices**

This section contains five appendices. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

**Appendix 3** deals with Infrastructure Requirements. This is addressed in the Local plan in policy COM15 and does not need repeating in this plan

**Appendix 5** covers Pre application protocol guidance notes. This issue is covered in the Councils Statement of Community Involvement and the pre application advice note and is a matter for the council to lead. Therefore this does not need repeating in this plan.

Yours sincerely,

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