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and examinations

# **Report on West Dean and West Tytherley Joint Neighbourhood Development Plan 2021-2035**

**An Examination undertaken for Test Valley Borough Council with the support of Wiltshire Council, West Tytherley, Frenchmoor and Buckholt Parish Council and West Dean Parish Council on the November 2020 submission version of the Plan.**

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Date of Report: 22 December 2021

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## **Main Findings** - Executive Summary

From my examination of the West Dean and West Tytherley Joint Neighbourhood Development Plan (the Plan/JNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a joint qualifying body – West Dean and West Tytherley Parish Councils;
- The Plan has been prepared for an area properly designated – the Designated Area as identified on the plan on page 6;
- The Plan specifies the period to which it is to take effect – 2021-2035; and
- The policies relate to the development and use of land for a designated neighbourhood area.

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

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

## **1. Introduction and Background**

### *West Dean and West Tytherley Joint Neighbourhood Development Plan 2021-2035*

- 1.1 The settlements of West Dean and West Tytherley, which straddle the county boundary between Hampshire and Wiltshire<sup>1</sup>, are both comparatively small and sit very comfortably within an attractive rural landscape, which comprises mainly agricultural land and woodland. There is a range of community facilities/services in the villages, including a railway station at West Dean, a public house at West Tytherley, as well as a primary school, a village community shop and a village hall in each main settlement. I noted on my visit the former Royal Navy Armaments Depot Dean Hill, which has been re-named Dean Hill Park. I did not enter the site (much of it being within the neighbouring Parish of East Dean) but I note that the JNP confirms that the site remains an important source of local employment.
- 1.2 West Dean Parish Council first raised the idea of preparing a neighbourhood plan in 2014. At that time, adjoining parishes expressed

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<sup>1</sup> Part of the village of West Dean is in Wiltshire and Hampshire and West Tytherley is wholly within Hampshire.

an interest in the proposal but it was West Dean and West Tytherley that decided to collaborate on a joint approach towards plan-making. The initial impetus to prepare a neighbourhood plan came with the creation of a Steering Group in Autumn 2015. The original designated area covered by the JNP was extended in 2020 to include Buckholt, which was subsumed within West Tytherley and Frenchmoor Parish Council in 2019.

### *The Independent Examiner*

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the West Dean and West Tytherley Joint Neighbourhood Development Plan by Test Valley Borough Council, with the agreement of Wiltshire Council and the two Parish Councils (the qualifying body).
- 1.4 I am a chartered town planner and former government Planning Inspector, with extensive experience in the preparation, examination and implementation of development plans and other planning policy documents. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

### *The Scope of the Examination*

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

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- it does not include provisions and policies for 'excluded development'; and
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
  - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').
- 1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### *The Basic Conditions*

- 1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - Contribute to the achievement of sustainable development;
  - Be in general conformity with the strategic policies of the development plan for the area;
  - Be compatible with and not breach European Union (EU) obligations (under retained EU law)<sup>2</sup>; and
  - Meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>3</sup>

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<sup>2</sup> The existing body of environmental regulation is retained in UK law.

<sup>3</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

## 2. Approach to the Examination

### *Planning Policy Context*

- 2.1 The Development Plan for this part of Test Valley Borough Council (TVBC), not including documents relating to excluded minerals and waste development, is the Test Valley Borough Local Plan 2016. The Development Plan as it relates to Wiltshire Council (WC), excluding minerals and waste documents, is the Wiltshire Core Strategy 2015; the Saved Policies of the Salisbury District Local Plan (Appendix D of the Core Strategy); and the Wiltshire Housing Sites Allocations Plan (February 2020).
- 2.2 Work is underway on the preparation of the Test Valley Borough Local Plan Review, with pre-submission consultation anticipated in the third quarter of 2022. Similarly, pre-submission consultation on the Wiltshire Local Plan Review is timetabled for the end of this year. I am satisfied that the relationship between the policies in the submitted JNP, the emerging Local Plan reviews and the adopted Development Plans have been given proper consideration by all the Councils involved.<sup>4</sup> Subject to the modifications I recommend, I consider that there are no substantive conflicts between the various documents.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 20 July 2021, and all references in this report are to the July 2021 NPPF and its accompanying PPG. I have further taken into account the National Design Guide and the National Model Design Code that were also published in July 2021.
- 2.4 There are over 60 references to the 2019 version of the NPPF in the JNP. I have been assured by Test Valley Borough Council<sup>5</sup> (with the support of the qualifying body) that these references will be up-dated as a matter of fact.<sup>6</sup>
- 2.5 TVBC submitted a very detailed assessment of the JNP.<sup>7</sup> Many of the suggested changes are presentational or factual up-dates and are not required in order to ensure that the Basic Conditions are met. I have therefore not commented on all the suggested amendments to the supporting text or to the need to ensure that the maps are up-to-date (for example Map A4 should include data for West Dean Parish), but the Parish Councils will be aware of them and where appropriate may like to consider making the necessary minor non-material changes to the document.<sup>8</sup> I

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<sup>4</sup> PPG Reference ID: 41-009-20190509.

<sup>5</sup> See Borough Council response to Examiner's Questions (dated 22 October 2021).

<sup>6</sup> Any modifications required to correct factual errors may be carried out by the relevant local planning authority under Paragraph 12(6)(e) of Schedule 4B to the 1990 Act.

<sup>7</sup> Regulation 16 Response: Track Change document.

<sup>8</sup> PPG Reference ID: 41-106-20190509.

stress that these changes are not required to ensure that the Basic Conditions are met.

- 2.6 The NPPF<sup>9</sup> advises that Plans should avoid unnecessary duplication of policies that apply to an area. In that respect Test Valley Borough Council identified several policies where, in its view, there is an element of overlapping. I have considered all such comments made by the Council and where appropriate I have recommended the deletion/modification of wording. There are, however, a few instances where the repetition is justified in the interests of assisting the decision maker or where the wording has been tailored to reflect locally distinctive circumstances.

### *Submitted Documents*

- 2.7 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft West Dean and West Tytherley Joint Neighbourhood Development Plan 2021-2035, dated 30 November 2020;
  - the Map on page 6 of the Plan, which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement, dated November 2020;
  - the Basic Conditions Statement, dated November 2020;
  - all the representations that have been made in accordance with the Regulation 16 consultation;
  - the Strategic Environmental Assessment Screening Opinion prepared by Test Valley Borough Council (August 2021);
  - the Habitats Regulations Assessment (Appropriate Assessment) Report prepared by Test Valley Borough Council (May 2021); and
  - the request for additional clarification sought in my letter of 4 October 2021 and the responses of 22 October 2021 from Test Valley Borough Council and of 26 October and 18 November 2021 from the Neighbourhood Plan Steering Group.<sup>10</sup>

### *Site Visit*

- 2.8 I made an unaccompanied site visit to the Neighbourhood Plan Area on 13 October 2021 to familiarise myself with the locality, and visit relevant sites and areas referenced in the Plan and evidential documents.

### *Written Representations with or without Public Hearing*

- 2.9 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented

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<sup>9</sup> NPPF paragraph 16 f).

<sup>10</sup> [West Tytherley, West Dean, Frenchmoor and Buckholt Neighbourhood Plan | Test Valley Borough Council](#)

arguments for and against the Plan's suitability to proceed to a referendum.

### *Modifications*

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

## **3. Procedural Compliance and Human Rights**

### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The JNP has been prepared and submitted for examination by the two Parish Councils which are acting jointly as the qualifying body for an area that was originally designated by TVBC and WC in April 2016. This Neighbourhood Plan Area was redesignated on 3 April 2020 to incorporate Buckholt into the Parish of West Tytherley, as a result of the 2018 Parish boundary review.<sup>11</sup> I am satisfied that the extension of the Parish boundary had no significant consequences in terms of the consultation undertaken and that there is no evidence that the residents of Buckholt were unaware of the Plan's preparation or were in any way disadvantaged.
- 3.2 It is the only Neighbourhood Plan for the two Parishes and does not relate to land outside the designated Neighbourhood Plan Area.

### *Plan Period*

- 3.3 The draft Plan (as submitted) specifies clearly the period to which it is to take effect, which is from 2021 to 2035.<sup>12</sup>

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 The Consultation Statement (November 2020) explains the consultation that has taken place and in Table 1 includes a detailed 'Timeline' from 2014 to 2020. A Communications Strategy was formulated in 2016 and a range of consultation methods was employed, including the establishment of working groups, the circulation of surveys to every house, one-to-one meetings with individual residents and personal letters sent to 72 local stakeholders. It was particularly pleasing to note that an 'Information Stall' was set up at both the village fetes.

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<sup>11</sup> [West Tytherley and West Dean Neighbourhood Plan | Test Valley Borough Council](#)

<sup>12</sup> TVBC, WC and the Steering Group intend to update the relevant period to run from 2022 to 2035 in the next iteration of the Plan, following examination.

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- 3.5 The consultation process has been thorough, transparent and clearly documented. I am confident that the opportunity to contribute to the plan preparation process has been available to all interested parties at the relevant stages, including at both the Regulation 14 stage (16 May 2019 to 28 June 2019) and the Regulation 16 stage (21 June 2021 to 10 August 2021). I can confirm that the consultation process has met the legal requirements and has had regard to the advice on plan preparation in the PPG.

#### *Development and Use of Land*

- 3.6 Subject to the modifications I recommend in relation to Policies EL5, IC1, IC4 and IC8, the Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

#### *Excluded Development*

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

#### *Human Rights*

- 3.8 I have seen no evidence that the Plan breaches Human Rights (within the meaning of the Human Rights Act 1998), and it is not a matter that has been raised by any of the respondents. From my independent assessment I am satisfied that the Plan does not breach human rights (within the meaning of the Human Rights Act 1998).

### **4. Compliance with the Basic Conditions**

#### *EU Obligations*

- 4.1 The JNP was first screened for Habitats Regulations Assessment (HRA) and Strategic Environmental Assessment (SEA) in 2018 (referred to as a Stage 1 screening) and the appropriate statutory bodies were consulted. On the basis of the responses received at that time it was concluded that an SEA and HRA would not be required. However, further assessment was undertaken in 2021<sup>13</sup> and it states (in the Conclusion on page 29) that only if modified wording is used can it be concluded that 'the policies in the JNP would not lead to any adverse effects on the integrity of any European sites, either alone or in-combination with other plans'. Having read the document I support this conclusion and recommend consequential modifications to policies EL2, EL10, HD1, HD2, HD3 and IC7 (as well as 'new' policies EL11, EL12 and EL13) that more accurately reflect this advice.

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<sup>13</sup> Habitats Regulations Assessment (Appropriate Assessment Report), May 2021.  
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## *Main Issues*

- 4.2 I have approached the assessment of compliance with the Basic Conditions of the West Dean and West Tytherley Joint Neighbourhood Development Plan as two main matters:
- General issues of compliance of the Plan, as a whole; and
  - Specific issues of compliance of the Plan policies.

## *General Issues of Compliance of the Plan*

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

- 4.3 The policies of the JNP are set out under three main headings. These are Environment and Landscape (policies EL1 to EL10); Housing and Design (policies HD1 to HD6); and Infrastructure and Community (policies IC1 to IC8). The policies are followed by sections relating to Community Projects and Aspirations and the Delivery of the policies. The Basic Conditions Statement (November 2020) summarises how the JNP has had regard to national policies (Table 1) and existing Development Plan policies (Table 2). The Statement demonstrates how the JNP has addressed the need to achieve the economic, social and environmental strands of sustainability and meet the other Basic Conditions.
- 4.4 I have assessed all the policies against the Basic Conditions, but it is worth confirming firstly, that the PPG advises that all the policies in a neighbourhood plan should be clear and unambiguous in order that a decision-maker can apply the policy with consistency and confidence. In this respect I have felt it necessary, in order to meet the Basic Conditions, to recommend numerous modifications in the interests of clarity, including changes to the policy titles. And secondly, that the policies should be distinct and reflect the unique characteristics of the neighbourhood area.<sup>14</sup>
- 4.5 Subject to the detailed comments and PMs that I set out below, I conclude that the JNP has had proper regard to national policy and guidance. I also conclude that subject to the modifications that I recommend:
- the JNP is in general conformity with the strategic policies of the Test Valley Borough Local Plan and the Wiltshire Core Strategy and that overall, the document provides an appropriate framework that will ensure the satisfactory achievement of the Vision for West Dean and West Tytherley (as set out in paragraph 4.2 of the JNP); and
  - the policies as modified, are supported by appropriate evidence, are sufficiently clear and unambiguous and that they can be applied with confidence.<sup>15</sup>

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<sup>14</sup> PPG Reference ID: 41-041-20140306.

<sup>15</sup> PPG Reference ID: 41-041-20140306.

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

### Introductory Sections

- 4.6 Information is given regarding the function of a neighbourhood plan, the process for preparing such a document and the existing policy framework as it applies to West Dean and West Tytherley. This is followed by a description of the area, a summary of the community involvement undertaken, and a section entitled 'Vision and Objectives'. I consider that these paragraphs adequately explain the processes that have been followed and successfully set the scene. There is, however, one exception and that relates to the environmental impact of the proposed policies, where the current wording in the JNP does not reflect the advice of Natural England.
- 4.7 The up-to-date situation needs to be reflected in the JNP and therefore I recommend, in **PM1**, that modified text be inserted that confirms the concerns of Natural England but explains that those concerns can be adequately addressed by the use of modified wording regarding mitigation. In that way, it can be concluded that the JNP will not have significant environmental effects.
- 4.8 It is important that the relationship between the JNP and the existing Development Plan is made clear, particularly as change in relative terms is fairly imminent. Therefore, reference to the existing Local Plans that cover the Parishes, and their current reviews should be included in the Introductory section, and this is recommended in **PM2**.
- 4.9 In the interests of clarity and consistency, in the Table of Objectives on page 20, the word 'business' should be replaced by 'ancillary' as recommended in **PM3** (see also paragraph 4.43 of this Report).

### Policies (page 22)

- 4.10 Chapter 5 is entitled 'Policies' but there is no reference to the Policies Map, which is an important component of the Development Plan. In order to address this matter I recommend **PM4**.

### Environment and Landscape (page 22)

- 4.11 This section of the JNP, which includes policies on Nature Conservation and Biodiversity, currently makes no substantive reference to Internationally Designated Sites and in particular the Mottisfont Bats Special Area of Conservation, the New Forest Special Protection Area, the Solent and Southampton Water Special Protection Area, and the Solent Maritime Special Area of Conservation – all of which are relevant to the Plan area. It is therefore recommended in **PM5** that a new sub-section, which summarises this important background information, be included on page 22.

4.12 Also included in this section are policies relating, for example, to the historic character of the villages, landscape protection, Local Green Spaces and light and noise pollution. I am satisfied that through the implementation of these policies the environment and landscape objectives of the local community (as set out on page 19) will be achieved.

Policy EL1 (page 23)

4.13 Policy EL1 relates to the protection of the character of the locality and having visited the villages I agree that this is an important objective. However, in the interests of clarity I recommend that the title of the policy (which is set out as an objective) be changed to 'Rural Landscape'. **(PM6)**.

4.14 The policy itself necessitates added clarity and in particular the type of development proposals envisaged in the introductory paragraph should be made clearer. Clause (v), regarding Rural Exception Sites, does not directly relate to enhancing the character of the area and should be deleted. There are also further modifications to the detailed wording in the interests of clarity which are recommended in **PM7**.

Policy EL2 (page 25)

4.15 Policy EL2 relates to preserving the historic environment. In the interests of clarity, I recommend that the title of the policy (which is set out as an objective) be changed to 'Heritage' **(PM8)**. In the interests of consistency, the reference to retaining character in clause (i), should be modified to make reference to preserving character and it would be clearer if the reference at the end of the clause was to 'non-designated heritage assets' **(PM9)**.

4.16 In the interests of clarity the start of clause (ii) regarding proposals affecting non-designated heritage assets should be modified, and this is recommended in **PM10**.

Policy EL3 (page 26)

4.17 Policy EL3 relates to preserving and enhancing the two Conservation Areas. In the interests of clarity, I recommend that the title of the policy (which is set out as an objective) be changed to 'Conservation Areas' **(PM11)**.

4.18 The introductory sentence in policy EL3, regarding development in Conservation Areas, is too dogmatic and lacks clarity. **PM12** is therefore recommended.

Policy EL4 (page 27)

- 4.19 The protection and enhancement of the countryside is addressed in Policy EL4. In the interests of clarity, I recommend that the title of the policy (which is set out as an objective) be changed to 'Important Views' (**PM13**).
- 4.20 Policy EL4 includes reference to housing, commercial or agricultural development but there may be other forms of development to which this policy should apply. I therefore recommend the deletion of the specific land use references. There is also reference to the 'fringes' of the villages but it is not clear to me how this is defined. To address these matters, I therefore recommend **PM14**.

Policy EL5 (page 28)

- 4.21 Policy EL5 relates to the protection of natural features. In the interests of clarity, I recommend that the title of the policy (which is set out as an objective) be changed to 'Trees and Hedgerows' (**PM15**). In clause (i) there is reference to enhancing trees, but it is not clear what this means and therefore I recommend deletion of that reference (**PM16**).
- 4.22 Clause (ii) refers to 'trees and hedgerows of good arboriculture' but it is not clear what this means and therefore I have recommended, in **PM17**, the replacement of the word 'arboriculture' by 'quality'. In clause (iv) there is reference to a 'financial burden' to the Parish Council, but this is not a land use planning matter and therefore I recommend that the reference be deleted (**PM18**).
- 4.23 The presentation of policy EL5 is not clear. The number 'v' should be deleted, and a colon placed after 'then'. The subsequent numbers should be changed. This modification is recommended in **PM19**.

Policy EL6 (page 29)

- 4.24 The issue of biodiversity is covered in policy EL6. In the interests of clarity, I recommend that the title of the policy (which is set out as an objective) be changed to 'Ecosystem and Biodiversity' (**PM20**).
- 4.25 In the interests of consistency of wording throughout the document, I recommend a change to the wording at the start of policy EL6 (**PM21**).

Policy EL7 (page 29)

- 4.26 Policy EL7 addresses the approach to be taken towards designated areas in the countryside and meets the Basic Conditions. In the interests of clarity, I recommend that the title of the policy (which is set out as an objective) be changed to 'SSSI, CWS and SINCs' (**PM22**).

Policy EL8 (page 30)

- 4.27 Open Countryside and Public Rights of Way are addressed in policy EL8. In the interests of clarity, I recommend that the title of the policy (which is set out as an objective) be changed to 'Open Countryside and Public Rights of Way' (**PM23**).
- 4.28 It is not clear what constitutes 'Historic rights of way' in clause (v) of the policy and therefore deletion of this reference is recommended in **PM24**.
- 4.29 Paragraph 5.2.9 refers to TVBC's Green Infrastructure Strategy, but I am told by the Borough Council<sup>16</sup> that this does not relate to the Local Green Space designation and therefore I recommend in **PM25** that the reference be deleted.

Policy EL9 (page 31)

- 4.30 Policy EL9 addresses the approach to be taken towards Local Green Spaces. Firstly, in the interests of clarity, I recommend that the title of the policy (which is set out as an objective) be changed accordingly to 'Local Green Spaces' (**PM26**).
- 4.31 Secondly, I consider that the wording of the policy does not have sufficient regard to national policy and should make reference to the advice in NPPF paragraph 103, which confirms that policies for Local Green Space should be consistent with those for Green Belts. I therefore recommend **PM27**.
- 4.32 Having visited the proposed areas of Local Green Space I am satisfied that they meet the requirements for designation as set out NPPF paragraph 102 and are, in my view, capable of enduring beyond the end period of the Plan.<sup>17</sup>

Policy EL10 (page 32)

- 4.33 Light and noise pollution are addressed in policy EL10. In the interests of clarity, I recommend that the title of the policy (which is set out as an objective) be changed to 'Light and Noise Pollution' (**PM28**).
- 4.34 It is not clear to me how to interpret what is meant by the 'highest standard of light pollution restrictions'. I therefore recommend the replacement of the word 'highest' by 'appropriate' in the first sentence of the policy (**PM29**).
- 4.35 In order to ensure that the environmental consequences of any development on sites of international nature conservation interest are properly addressed (and if necessary appropriate mitigation measures are

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<sup>16</sup> See response to Regulation 16 consultation.

<sup>17</sup> NPPF paragraph 101.

formulated) it is necessary to ensure that the situation is clearly established in the JNP. Therefore, I am recommending, in **PM30, PM31, PM32** and **PM33** that additional paragraphs and policies are inserted into the document to address: Mottisfont Bats Special Area of Conservation; New Forest Special Area of Conservation; Solent and Southampton Water Special Protection Areas and Solent Maritime Special Area of Conservation. In this way the JNP will have regard to national policies and advice.

#### Conclusions on Environment and Landscape Policies

- 4.36 I am satisfied that all the Environment and Landscape policies (as modified) have proper regard to the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, have regard to national policies and advice and meet all the other Basic Conditions.

#### Housing and Design (page 33)

- 4.37 The built environment characteristics of West Dean and West Tytherley, Frenchmoor and Buckholt are summarised at the start of section 5.3. This provides an appropriate introduction to the character of the area. The subsequent policies, which address, for example, issues of design, living conditions and flood risk will all contribute to the achievement of the Vision for the area as set out on page 18 of the JNP. However, the photographs included on pages 33 and 34 are described as 'views' (in the heading to the keys). I consider that this could cause confusion with the 'open views' that are referred to in policy EL4. Therefore, I recommend that in both of the keys the word 'views' is replaced by 'photographs' (**PM34**).

#### Policy HD1 (page 36)

- 4.38 The supporting text to policy HD1 (paragraphs 5.3.3 to 5.3.6 on page 35) relates to issues of housing provision but the differences in approach to the matter, between Test Valley and Wiltshire, are not clear. At my request WDPC, in consultation with the two Councils, reconsidered the wording of this section and modified wording (that was agreed by all the relevant parties) has been formulated.<sup>18</sup>
- 4.39 Having read the revised text I agree that it provides valuable clarification on the matter which will be of assistance to decision makers and will ensure the Basic Conditions are met. In particular, it includes a summary of the approaches taken towards affordable housing provision in both Test Valley and Wiltshire. Similarly, the consequential changes to policy HD1 itself also add clarity and therefore I recommend **PM35** and **PM36**.

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<sup>18</sup> Response to Examiner's Questions, 18 November 2021.

Policy HD2 (page 37)

- 4.40 In the interests of clarity, I recommend that the title of the policy (which is set out as an objective) be changed to 'Infill Sites' (**PM37**).
- 4.41 Policy HD2 relates to infill sites but it is too prescriptive and includes requirements that are not well defined. For example, how would a decision maker know what is meant, for example, by 'aggravating boundaries', 'restricted access' or 'conflicting utility provision'? I therefore recommend the deletion of the specific matters referred to in the policy and the inclusion of a reference to the 'living conditions of neighbours' (**PM38**).

Policy HD3 (page 38)

- 4.42 In the interests of clarity, I recommend that the title of the policy (which is set out as an objective) be changed to 'Replacement or Additions to Existing Buildings/Gardens and Heritage Assets' (**PM39**).
- 4.43 Remembering that this policy is in the section on Housing, there would appear to be little justification for the reference to 'business use'. I notice that under the second clause (v) there is reference to 'ancillary' accommodation and in the interests of consistency I recommend, in **PM40**, the use of that word in preference to 'business'.
- 4.44 The final clause of the policy refers to the option of entering into a legal agreement with the local planning authority (LPA), with regard to the use of any ancillary accommodation. This would normally be achieved through the use of a planning condition and therefore, in **PM41**, I recommend that the reference to a legal agreement is removed.
- 4.45 Since the publication of the JNP, the National Design Guide and the National Model Design Code have been published and these set out advice on an extensive range of matters relating to design. In order that the JNP is up-to-date and has regard to national guidance, I recommend the inclusion of a paragraph about the Design Guide after paragraph 5.3.11 (**PM42**).

Policy HD4 (page 40)

- 4.46 In the interests of clarity, I recommend that the title of the policy (which is set out as an objective) be changed to 'Design' (**PM43**).
- 4.47 It would assist the decision-maker if policy HD4 made specific reference to the National Model Design Code and therefore I recommend **PM44**. The policy refers to re-used roof tiles being in 'A1 condition'. It is not clear what would constitute 'A1 condition' and therefore I recommend its replacement by 'suitable' (**PM45**).
- 4.48 The first criteria of policy HD4 refers to 'low roof lines' but there is no explanation of what a 'low roof line' is. It would therefore be appropriate

to include a cross-reference to the West Dean Village Design Statement, where further advice can be found (**PM46**).

Policy HD5 (page 41)

- 4.49 In the interests of clarity, I recommend that the title of the policy (which is set out as an objective) be changed to 'Landscaping' (**PM47**).
- 4.50 The last sentence of policy HD5 could be interpreted as meaning a landscaping scheme may not be required in non-sensitive locations. Firstly, it is not clear what constitutes a sensitive location and secondly the matter of landscaping should be a consideration in most development proposals. On that basis I recommend, in **PM48**, the deletion of the reference to 'sensitive locations'.

Policy HD6 (page 43)

- 4.51 In the interests of clarity, I recommend that the title of the policy (which is set out as an objective) be changed to 'Blue Infrastructure and Flood Avoidance' (**PM49**).
- 4.52 There may be circumstances where a statutory undertaker may need to locate plant and equipment in a flood zone. I therefore recommend that a new sentence be added to policy HD6 which addresses such a situation (**PM50**).
- 4.53 Policy HD6 on flood risk, includes matters that are covered by advice in the NPPF, and I note that the paragraph above the policy makes reference to the requirements of the NPPF. There is no justification for repeating those requirements or, in this case, to attempt unsuccessfully to interpret them in a locally distinctive manner. The deletion of the second and third clauses of policy HD6 are therefore recommended in **PM51**.

Conclusions on Housing and Design Policies

- 4.54 All the Housing and Design policies (as modified) have regard to national policies and advice and meet the other Basic Conditions.

Infrastructure and Community (page 44)

- 4.55 This section of the JNP relates to a number of issues based around movement, utilities and community wellbeing. It is clear that although the local community enjoys a range of facilities and services there is room for improvements to be made and, in that way, a thriving and sustainable future can be achieved.

Policy IC1 (page 44)

- 4.56 In the interests of clarity, I recommend that the title of the policy (which is set out as an objective) be changed to 'Infrastructure' (**PM52**).

- 4.57 The last sentence of the policy relates to financial contributions which is not a land use planning matter. I recommend the deletion of this sentence in **PM53**.

Policy IC2 (page 46)

- 4.58 In the interests of clarity, I recommend that the title of the policy (which is set out as an objective) be changed to 'Public Rights of Way' (**PM54**).
- 4.59 The second clause of policy IC2 refers only to housing but other forms of development may be required to address the issue of pedestrian safety. Therefore, **PM55** is recommended.
- 4.60 The third clause of the policy uses the word 'diminish' which could be open to interpretation. Therefore, I recommend it be replaced by the word 'reduce' (**PM56**).

Policy IC3 (page 47)

- 4.61 In the interests of clarity, I recommend that the title of the policy (which is set out as an objective) be changed to 'Parking' (**PM57**).
- 4.62 Policy IC3 relates to parking but the policy refers only to residential development. The policy should be modified to embrace all forms of development. Secondly the policy includes parking standards that I am told are at variance to the adopted standard of Test Valley Borough Council and Wiltshire Council. There is no substantive evidence that would lead me to conclude that different standards should be applied in the Neighbourhood Area. Therefore, I recommend the deletion of the word 'residential', the deletion of the stated standards and the inclusion of text relating to the use of the standards set out in the relevant Local Plan (**PM58**).
- 4.63 The policy includes a reference to electric vehicle charging points. I am told by TVBC that different charging points are available and that a more generic approach would be appropriate. I agree that a reference to charging infrastructure would be more appropriate and recommend accordingly in **PM59**.
- 4.64 The last paragraph of policy IC3 would benefit from added clarity with regard to the provision of access points and therefore **PM60** is recommended.

Policy IC4 (page 47)

- 4.65 Policy IC4 relates to issues around public or community transport but is not an issue of land use planning. I therefore recommend the deletion of policy IC4 (**PM61**).

Policy IC5 (page 47)

- 4.66 The theme of policy IC5 (traffic management/pedestrian safety) is adequately addressed in policy IC2, and I consider that policy IC5 adds nothing and in any event would be an unreasonable requirement for all development proposals. I therefore recommend the deletion of policy IC5 (**PM62**).
- 4.67 The last paragraph under 5.4.4 (page 48) refers to policy formulation and other advice in the NPPF. I consider it would be sufficient just to include a sign-post to the NPPF, otherwise there is the risk of causing confusion to the decision-maker. This is therefore recommended in **PM63**.

Policy IC6 (page 49)

- 4.68 In the interests of clarity, I recommend that the title of the policy (which is set out as an objective) be changed to 'Utilities and Services' (**PM64**).
- 4.69 Clause (v) of policy IC6 refers to the relationship between renewable projects and their impact on power lines, pylons and sub stations. I consider the clause lacks clarity of purpose and therefore I recommend it is deleted (**PM65**).

Policy IC7 (page 49)

- 4.70 I am satisfied that the contents of policy IC7, regarding local employment opportunities, are adequately covered in existing Local Plan policies<sup>19</sup> and that there is no justification of which I am aware for the inclusion of this policy in the JNP. In any event, it is not clear how some of the requirements would be implemented (for example support for farming and woodland management). On that basis I recommend the deletion of policy IC7 (**PM66**).

Policy IC8 (page 51)

- 4.71 In the preamble to policy IC8 (section 5.4.7) the sub-title reads 'Community Assets'. On reading the text I consider that it also includes information about community activities. I therefore recommend the sub-title is modified accordingly (**PM67**).
- 4.72 In the interests of clarity, I recommend that the title of the policy (which is set out as an objective) be changed to 'Community Assets and Activities' (**PM68**).
- 4.73 Clause (i) of policy IC8 relates to funding relating to local education needs. Although it may be a justified aspiration of the local community it is not a land use planning matter and therefore, I recommend deletion of the clause in **PM69**.

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<sup>19</sup> See TVBC Regulation 16 response.

- 4.74 The second clause of policy IC8 relates to the retention of community facilities but it should be clarified that if there is conclusive evidence that such retention would not be viable, then the loss of the facility/service would not be challenged. This is recommended in **PM70**.  
Conclusions on Infrastructure and Community Policies
- 4.75 I am satisfied that all the policies relating to Infrastructure and the Community (as modified) will contribute to the achievement of sustainable development and will meet all the other Basic Conditions.

#### *Delivery and Other Matters*

- 4.76 There is a reference in paragraph 8.3 to the Parish Council's 'judging' the effectiveness of the policies. In the interests of clarity this would be better expressed as 'monitoring'. Accordingly, **PM71** is recommended.
- 4.77 To provide confirmation that West Dean Village Green is a Local Green Space, the title of Map B1 on page 65, should be modified to read 'Local Green Space 1: West Dean Village Green' and the green colouring on the footbridge should be removed, as it is not a green space. These modifications are recommended in **PM72**.
- 4.78 The status of the assets listed in Appendix B4 (page 68) is not clear. It is therefore recommended in **PM73** that the Table is revised to clarify the status of each identified site. It would also be appropriate to include 'Bentley Wood' as an asset and this is recommended in **PM74**.
- 4.79 A number of policies are recommended for deletion because they are non-land use related. The Parish Councils could consider including these as aspirations in the chapter on page 53: Community Projects and Aspirations, albeit this is outside the scope of my examination so I do not make a formal recommendation in this regard.

## **5. Conclusions**

### *Summary*

- 5.1 The West Dean and West Tytherley Joint Neighbourhood Development Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The West Dean and West Tytherley Neighbourhood Development Plan, as modified, has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

### *Overview*

- 5.4 The Parishes of West Dean and West Tytherley display very many attractive attributes and it is clear from the public comments that the rural characteristics of the area are highly valued. I consider that with the implementation of the policies in the JNP (as modified), these features of value to the local community will be retained and improved and that the stated Vision to protect and enhance the rural natural and built environment, whilst promoting a sustainable future for all, will be achieved.

*David Hogger*

Examiner

## Appendix: Modifications (74)

Note: Additions are shown in **bold** and deletions are shown in ~~strikethrough~~.

<b>Proposed modification number (PM)</b>	<b>Page no./ other reference</b>	<b>Modification</b>
PM1	Page 8 Paragraph 1.3.5	<p>Delete paragraph 1.3.5 in its entirety and insert new text to read:</p> <p><b>1.3.5 Natural England, as the statutory consultation body were consulted on the Regulation 16 Plan for Habitats Regulations Assessment and Natural England, the Environment Agency and Historic England were consulted on the Strategic Environmental Assessment screening.</b></p> <p><b>1.3.6 An Appropriate Assessment was undertaken for Mottisfont Bats Special Area of Conservation, New Forest Special Protection Area and the Solent Region International Sites (Special Area of Conservation, Special Protection Area and Ramsar).</b></p> <p><b>1.3.7 In summary, in the opinion of Natural England, the Regulation 16 Plan as originally submitted was likely to have a significant effect on European sites in the absence of avoidance and mitigation measures. Therefore, further wording was advised for relevant policies within the Plan to address the impacts on the international sites.</b></p> <p><b>1.3.8 The consultation response from Natural England, has indicated that providing the Plan is updated to include the advised mitigation wording as set out in Table 2 of the Appropriate Assessment, it can be concluded that the policies contained within the West Dean and West Tytherley Neighbourhood Plan would not lead to any adverse effects on the integrity of any European sites, either</b></p>

		<p><b>alone or in-combination with other plans. The proposed Neighbourhood Plan would not be likely to have significant environmental effects.</b></p> <p><b>1.3.9 Natural England, the Environment Agency and Historic England, were consulted by the Council on the Strategic Environmental Assessment screening determination. Natural England, Historic England and the Environment Agency agreed with the screening determination of the Councils that the Plan is not likely to have significant environmental effects and therefore an SEA is not required.</b></p> <p>Note: The JNP paragraphs 1.3.6, 1.3.7 and 1.3.8 follow on from paragraph 1.3.9 above so will have to be re-numbered.</p>
PM2	Page 8	<p>Insert new paragraph 1.3.13 (following on from those referred to in PM1 above) to read:</p> <p><b>The Neighbourhood Plan has been considered in light of the review of the Local Plans which cover the Parishes. There are no substantive conflicts in the relationship between the emerging spatial strategy, the adopted Development Plan and this Neighbourhood Plan. When the Local Plans are adopted then this Plan will need to be reviewed to ensure that no conflicts occur.</b></p>
PM3	Page 20	<p>In the Table of Objectives, under HD3, replace <del>business</del> with <b>ancillary</b>.</p>
PM4	Page 22	<p>Insert a new sub-heading and paragraph, following paragraph 5.1.4, to read:</p> <p><b>Policies Map</b></p> <p><b>Maps A1, A2 and A3 in chapter 10 identify the views and Local Green Space designations as referred to in policies EL4 and EL9. Once the Plan is made, these designations will form</b></p>

		<b>part of the Wiltshire Council and Test Valley Borough Council Policies Map.</b>
PM5	Page 22	<p>Insert a new sub-heading and paragraph after the new paragraph recommended in PM4 above to read:</p> <p><b>Internationally Designated Sites</b></p> <p><b>The Plan Area sits within the catchment of the internationally designated sites of Mottisfont Bats Special Area of Conservation, the New Forest Special Protection Area, the Solent and Southampton Water Special Protection Area and Solent Maritime Special Area of Conservation. Development in the Plan area will only be supported provided the requirements under the Habitats Regulations are fully adhered to and impacts on internationally designated sites can be avoided or, where this is not possible, appropriately mitigated at the planning application stage. Where impacts on internationally designated sites are considered likely to occur, such impacts must be fully assessed and appropriately mitigated where required at planning application stage.</b></p>
PM6	Page 23 Policy EL1	<p>Replace the policy title with:</p> <p>Policy EL1 <b>Rural Landscape.</b></p>
PM7	Page 23 Policy EL1	<p>Modify the policy to read:</p> <p>Development proposals that conserve <del>and if possible</del> <b>or</b> enhance the character of <del>both parishes and their settings</del> <b>the Plan Area</b> in a <del>beautiful</del> rural landscape will be supported. In particular development proposals <b>for new dwellings or structures on sites that form part of an existing residential garden, or group of gardens,</b> should:</p>

		<p>i. reflect <b>the</b> settlement pattern of the neighbourhood (nucleated, linear or dispersed).</p> <p>ii. retain ancient woodland, <del>its setting</del> or historic features within it, and where appropriate <del>must</del> contribute to its on-going management.</p> <p>iii. conserve the ecology and <del>productivity</del> of fields, woodland trees and hedgerows, historic field boundaries, <del>and direct development away from medieval or earlier fields, especially where these form coherent field systems with other medieval features such as the Roman Road.</del></p> <p>iv. relate well to historic route ways and not divert them from their original course or damage their rural character by loss of banks, hedgerows, verges or other important features.</p> <p>v. <del>consider Rural Exception Sites in open countryside where there is a specific need. Any such development proposals need to strictly meet all other NDP policies.</del></p>
PM8	Page 25 Policy EL2	Replace the policy title with:  Policy EL2 <b>Heritage</b> .
PM9	Page 25 Policy EL2i	Modify policy EL2i to read:  Development proposals <del>must retain and if possible</del> <b>should preserve or</b> enhance the local distinctiveness and character of designated heritage assets, such as ancient monuments, listed buildings, and <del>buildings of local interest (both the building and its location), whether for residential, community or business purposes</del> <b>non-designated heritage assets</b> .
PM10	Page 25 Policy EL2ii	Modify the start of the clause to read:  <del>Similarly p</del> <b>P</b> roposals for development ...
PM11	Page 26	Replace the policy title with:

	Policy EL3	Policy EL3 <b>Conservation Areas.</b>
PM12	Page 26 Policy EL3	Modify the introductory sentence to read:  Development proposals, including extensions and alterations to listed buildings and structures, located within or adjacent to the designated CAs are <del>required</del> <b>will be supported provided they</b> to preserve and <del>or</del> enhance the CA character and appearance. <b>New development</b> and should:
PM13	Page 27 Policy EL4	Replace the policy title with:  Policy EL4 <b>Important Views.</b>
PM14	Page 27 Policy EL4	Modify the first sentence in the introductory paragraph to read:  <del>Any development proposal (housing, commercial or agricultural</del> <b>Development proposals</b> will need to ensure it protects and if possible enhances the important <del>natural and rural views within and on the fringes of the two villages especially those identified in the designated CAs.</del> <b>the Plan Area.</b>
PM15	Page 28 Policy EL5	Replace the policy title with:  Policy EL5 <b>Trees and Hedgerows.</b>
PM16	Page 28 Policy EL5	Modify policy EL5i to read:  Development proposals should, where possible, conserve and enhance trees and hedgerows ...
PM17	Page 28 Policy EL5	Modify policy EL5ii to read:  Wherever possible, development proposals must be designed to retain trees and hedgerows of good arboriculture <b>quality.</b>
PM18	Page 28 Policy EL5	Modify policy EL5iv by deleting the last section:  ... trees and hedgerows. <del>without providing added financial burden to the Parish Council.</del>

PM19	Page 28 Policy EL5	Modify policy EL5v by deleting the 'v' and put a colon after 'then:'.  Renummer the subsequent clauses accordingly.
PM20	Page 29 Policy EL6	Replace the policy title with:  <b>EL6 Ecosystem and Biodiversity.</b>
PM21	Page 29 Policy EL6	Modify the start of the policy to read:  Development should <del>preserve</del> <b>conserve</b> and if <del>possible</del> enhance well-established features ...
PM22	Page 29 Policy EL7	Replace the policy title with:  <b>EL7 SSSI, CWS and SINCS.</b>
PM23	Page 30 Policy EL8	Replace the policy title with:  <b>EL8 Open Countryside and Public Rights of Way.</b>
PM24	Page 30 Policy EL8	Modify policy EL8v by deleting Historic in clause (v).
PM25	Page 30 Paragraph 5.2.9	Delete the second sentence:  <del>More widely Test Valley Borough Council's Green Infrastructure Strategy July 2014 sets out how to protect and enhance green infrastructure including through the policies in NDPs.</del>
PM26	Page 31 Policy EL9	Replace the policy title with:  <b>EL9 Local Green Spaces.</b>
PM27	Page 31 Policy EL9	Replace the entire policy with:  <b>The areas designated as Local Green Spaces, as shown on Maps A2, A3 and in Appendix B1 are:</b>  <b>LGS1 West Dean Village Green</b>  <b>LGS2 West Dean Recreation Ground</b>  <b>LGS3 West Tytherley Recreation Ground</b>

		<b>Development will be managed in a manner consistent with that applicable to designated Green Belt.</b>
PM28	Page 32 Policy EL10	Replace the policy title with: <b>EL10 Light and Noise Pollution.</b>
PM29	Page 32 Policy EL10	Modify the policy EL10 by deleting highest in the first line and replacing it with <b>appropriate.</b>
PM30	Page 32	Insert a new paragraph 5.2.11 (after policy EL10) under heading of:  <b>Mottisfont Bats Special Area of Conservation</b>  <b>The Plan area holds high potential for all species of bats due to its rural nature with interconnected woodlands and hedgerows. Of particular note is the potential for the area to support Barbastelle bats. This rare species breeds in woodlands near Mottisfont which are protected through the designation of the Mottisfont Bats Special Area of Conservation. The bats make use of a much wider area around the designated site and could potentially be foraging and breeding at satellite sites in the Plan area. Consequently, new development will need to demonstrate that it has taken bats and this species in particular into account, identifying whether these bats may be using the development site and if so, the measures that will be put in place to protect and enhance their habitat.</b>
PM31	Page 32	Insert a new heading and new policy (EL 11)  <b>Policy EL11 Mottisfont Bats Special Area of Conservation</b>  <b>Where direct or indirect impacts on suitable roosting, foraging and commuting habitats for Barbastelle bats are considered likely to occur,</b>

	<p><b>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 approval of this Plan.</b></p> <p><b>Planning applications for development shall be supported by an appropriate level of ecological survey undertaken in accordance with best practice survey guidelines. This will establish the ecological baseline in respect of bats and thereby determine the need for, and inform the formulation of any avoidance, mitigation and where required as a last resort, compensation measures necessary as part of the project design, to ensure no adverse effect on the integrity of the Mottisfont Bats Special Area of Conservation (SAC) over the lifetime of the proposed development and to promote the conservation of bats generally.</b></p> <p><b>Exterior lighting affecting roosting, foraging and/or commuting habitat for bats will need to conform with the latest best practice guidelines outlined by the Bat Conservation Trust and the Institute of Lighting Professionals (current guidelines being Guidance note 08/18 Bats and artificial lighting in the UK) due to the proximity to the Mottisfont Bats SAC.</b></p> <p><b>The above information will be required to enable the planning authority to assess planning applications under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (or any subsequent amendments) and confirm</b></p>
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		<b>there is no reasonable scientific doubt of any adverse effects to the SAC.</b>
PM32	Page 32	<p>Insert new text in new paragraph 5.2.12 and new policy EL12 to read:</p> <p><b>New Forest Special Protection Area</b></p> <p><b>The New Forest Special Protection Area has been designated to protect certain bird species which occur frequently in the New Forest area but are otherwise rare or declining. Several of these species are however susceptible to recreational pressure. Consequently, the National Park Authority is working with authorities on its boundaries to address the impacts from walkers and dog walkers who arrive as day visitors and staying tourists. All development coming forward in the Plan area has the potential to increase the number of day visitors to the New Forest. Wiltshire Council and Test Valley Borough Council are therefore addressing this through their own recreation mitigation strategies. Residential and tourism developments will therefore be required to contribute to the relevant authority's strategy through the Community Infrastructure Levy or Section 106 Agreements.</b></p> <p><b>Policy EL12 New Forest Special Protection Area</b></p> <p><b>New residential development and overnight accommodation within the New Forest SPA recreation buffer zone 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 or 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</b></p>

		<p><b>duration of the development's effects and must fully adhere to any updates to the guidance issued following the approval of this Plan.</b></p>
PM33	Page 32	<p>Insert new text (as paragraph 5.2.13) and a new policy: Solent and Southampton Water Special Protection Area and Solent Maritime Special Area of Conservation.</p> <p>New text to read:</p> <p><b>The whole of the Plan area lies within the catchment of the River Test which flows into the Solent where wildlife of marine, tidal and intertidal areas is protected by a number of international designations. Natural England has advised these designations are being adversely affected by the nutrients associated with sewage and agricultural runoff and that the restoration of these sites partly depends on ensuring new development does not generate any additional nutrient inputs. Natural England is placing particular emphasis on nitrogen as this is considered to have an overriding impact in these saltwater habitats. Hence all development proposals in the Plan area will need to demonstrate they are nitrogen neutral in accordance with Natural England guidance. Test Valley Borough Council and Wiltshire Council who will carry out the necessary assessment of developments under the Habitats Regulations, may require developers to demonstrate that Natural England has assessed and agreed their calculations and mitigation proposals prior to an application being submitted and/or determined. In due course strategic mitigation schemes may become available which enable developers to purchase nitrogen credits to the value of the increased nitrogen levels their developments are calculated to generate.</b></p>

		<p><b>Policy EL13 Solent and Southampton Water SPA and Solent Maritime SAC.</b></p> <p><b>Applications for development that will result in a net increase in nitrogen reaching the Solent Region International Sites through e.g. additional units of overnight accommodation or increased intensity of farming will be required to confirm the nitrogen budget and set out specific and appropriately located mitigation measures that will be implemented in order 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. A financial contribution to strategic mitigation measures may be an appropriate alternative to direct provision of mitigation. In this case it will be necessary to liaise with the relevant Council, Test Valley Borough Council or Wiltshire Council and Natural England to confirm an appropriate mitigation scheme to which the contributions will be directed and to ensure any contributions are sufficient to fully mitigate the impacts of the development on the Solent internationally designated sites.</b></p>
PM34	Pages 33 and 34	In the keys to the photographs replace views with <b>photographs</b> .
PM35	Pages 35 and 36	<p>Delete in their entirety paragraphs 5.3.3, 5.3.4, 5.3.5, 5.3.6 and replace with:</p> <p><b>5.3.3 Development Criteria for the Area</b></p> <p><b>The NPPF (paras 61-63) states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including those who require affordable housing, families with children, older people, students, people with disabilities,</b></p>

		<p><b>people who rent their homes and people wishing to commission or build their own homes. Both villages have limited stock of smaller and affordable properties. Housing needs in the area are multi-faceted (see para 2.8). It is important to distinguish between:</b></p> <ul style="list-style-type: none"> <li><b>• Modest and affordable homes (e.g. for young families and retired persons) which are purchased on the open market but below the average price for the area, and</b></li> <li><b>• Housing that is unaffordable for those people identified from the Housing Need Survey and listed on the LPA's Housing Register.</b></li> </ul> <p><b>Both these requirements will be needed to sustain the neighbourhood but a fair balance has to be struck between them. Community led or supported housing developments should ensure this balance is fully considered by the Parishes.</b></p> <p><b>5.3.4 Housing Scale and Mix</b></p> <p><b>This NDP supports modest development of new, more affordable dwellings while protecting against the loss of existing smaller properties. This NDP provides for some flexibility in the mix by focusing on units of between one and three bedrooms. The supporting evidence is that, in general, the types of sites in the two Parishes which are suitable for development may be in or adjacent to the CAs or constitute infill within a settlement boundary or built-up area. However, any overdevelopment seriously risks materially affecting the character and open nature of the existing settlements in the two Parishes. Extensions to houses in the open countryside to accommodate more persons in a single household do not satisfy the need for smaller separate dwellings to meet the</b></p>
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	<p><b>demographic changes anticipated.</b></p> <p><b>5.3.5 Development Sites</b></p> <p><b>Neither of the rural villages has been identified for strategic housing development (see TVBC policy COM2 and WCS policy 23).</b></p> <p><b>A development at Church Farm West Tytherley within the conservation area and consisting of thirteen houses, four of which are classified as 'affordable', was approved in 2016 (TVBC Reference No. 16/01607/FULLS). Building has not yet commenced (2021) while a dispute over the status of an existing footpath within the plot remains unresolved.</b></p> <p><b>Until recently (2021), in the vicinity of West Dean, albeit in the Parish of West Tytherley, there were two examples of possible sites that might have been supported by the community if all the criteria herein had been met; one at Glebe Farm and the other at Dean Hill Park. The Glebe Farm site has been granted approval (2021) for the construction of a single, large, property despite objection from both Parish councils and without the support of the community. This has removed a valuable site from further consideration. Dean Hill Park remains as a possibility.</b></p> <p><b>Any Self-Build proposal, which is in principle encouraged, must meet the requirements of The Self Build and Custom Housebuilding Act 2015 and Housing and Planning Act 2016.</b></p> <p><b>5.3.6 Affordable Housing on Rural Sites</b></p> <p><b>The Wiltshire Rural Exceptions Policy (WCS Core Policy 44) permits</b></p>
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		<p><b>affordable housing on rural sites provided:</b></p> <ul style="list-style-type: none"> <li>● <b>There is clear support from the local community, and it will meet an identified and genuine local need.</b></li> <li>● <b>It is within, adjoining or well related to the existing settlement.</b></li> <li>● <b>Employment and services will be accessible from the site.</b></li> <li>● <b>It consists of 10 dwellings or fewer.</b></li> <li>● <b>Its scale and type is appropriate to the nature of the settlement and will respect the character and setting of the settlement.</b></li> <li>● <b>The affordable housing will always be available to meet local need.</b></li> </ul> <p><b>The Test Valley Rural Exceptions Policy (TVBC Local Plan policy COM8) permits affordable housing on rural sites provided:</b></p> <ul style="list-style-type: none"> <li>● <b>There is evidence that there is an unmet need within the Parish.</b></li> <li>● <b>The mix of housing meets the identified need.</b></li> <li>● <b>It is restricted in perpetuity to households with a connection to the Parish with a housing need.</b></li> </ul>
PM36	Policy HD1 Page 36	<p>Modify Policy HD1 to read:</p> <p><del>Policy HD1 Development in and adjacent to the villages should be community led and support a mix of housing types including affordable homes that sustains the current and future needs of the</del>  <b>Community Led or Supported Housing Including Affordable Homes</b></p> <p><del>Community led or community supported housing development within or adjoining the settlement boundary or built up area of the villages should include a range of house types (market and affordable) with the majority being one to three bedroom homes. Housing developments will need to comply with the affordable housing thresholds and requirements in force at the time of the application. <b>All housing</b></del></p>

		<p><b>developments should provide accommodation to meet local needs including those downsizing, those employed in the local area and those with disabilities.</b> Residential development should ensure:</p> <p>Delete in their entirety sub-clauses i, ii, iii and iv of the policy.</p>
PM37	Page 37 Policy HD2	<p>Replace the policy title with:</p> <p><b>HD2 Infill Sites.</b></p>
PM38	Page 37 Policy HD2	<p>Modify the second sentence to read:</p> <p>Any proposed infill development should ensure that <b>the living conditions of</b> immediate neighbours are not adversely affected. <del>due to</del></p> <ul style="list-style-type: none"> <li><del>i. Overlooking and overpowering structures</del></li> <li><del>ii. Ill defined or aggravating boundaries including trees and hedges</del></li> <li><del>iii. Light blocking</del></li> <li><del>iv. Restricted access</del></li> <li><del>v. Inadequate drainage or sewage for the additional structure</del></li> <li><del>vi Other conflicting utility provision</del></li> </ul>
PM39	Page 38 Policy HD3	<p>Replace the policy title with:</p> <p><b>HD3 Replacement or additions to existing buildings/gardens and Heritage Assets.</b></p>
PM40	Page 38 Policy HD3	<p>Modify the sentence below (vii) in policy HD3 to read:</p> <p>Proposals to create a separate unit of accommodation for dependent persons or <del>business</del> <b>ancillary</b> use will be supported ...</p>
PM41	Page 38 Policy HD3	<p>Modify the final requirement of policy HD3 to read:</p>

		The applicant either enters into a legal agreement with the LPA or a <b>A</b> condition is applied ...
PM42	Page 39	<p>Delete the second and third paragraphs under 'Design Materials' on page 39 and insert a new sub-paragraph under the first paragraph of 5.3.11:</p> <p><del>Further guidance on quality of development required, especially design of buildings is provided by Test Valley Local Plan and Wiltshire Core Strategy. The design guidelines in the document cover materials, roofs and eaves, walls and boundaries, windows and other associated issues such as avoiding uniform rows, adequate access, off street parking, space and gardens, open landscape and protecting views. Design guidelines as illustrated in the WDVDS, are adopted in this NDP to cover both parishes.</del></p> <p><del>Developments with contemporary design appropriate to their location in or outside the conservation area and with access appropriate to their rural setting will be supported providing they are accompanied by an acceptable design and Access Statement.</del></p> <p><b>The National Design Guide sets out 10 characteristics that should be given consideration when planning development. These include Context, Movement, Nature, Built Form, Identity, Public Space, Homes and Buildings, Uses, Resources and Lifespan. Further advice is found in the National Model Design Code. Some of these characteristics are found in the West Dean VDS and also in the context part of this Plan at sections 1 and 2. Developments with contemporary design appropriate to their location will be supported providing they are accompanied by a Design and Access Statement which meets the criteria in the National</b></p>

		<b>Model Design Code and the policies herein.</b>
PM43	Page 40 Policy HD4	Replace the policy title with: HD4 <b>Design.</b>
PM44	Page 40 Policy HD4	Modify the last sentence of introductory paragraph of policy HD4 to read: Proposals will be expected to <b>reflect the advice in the National Model Design Code and the WDVDS and</b> demonstrate the following:
PM45	Page 40 Policy HD4ii	Modify the end of last sentence to read: ... including <b>suitable</b> reused tiles <del>in A1 condition</del> would be acceptable.
PM46	Page 40 Policy HD4i	Insert <b>(as illustrated in the WDVDS)</b> after 'low roof lines'.
PM47	Page 41 Policy HD5	Replace the policy title with: HD5 <b>Landscaping.</b>
PM48	Page 41 Policy HD5	Modify the end of policy HD5 to read: Developers will be required to submit a landscape scheme to accompany all development proposals, <del>particularly those in sensitive locations.</del>
PM49	Page 43 Policy HD6	Replace the policy title with: HD6 <b>Blue Infrastructure and Flood Avoidance.</b>
PM50	Page 43 Policy HD6	Insert a new sentence after the end of the first sentence in policy HD6 to read: ... and drainage issues. <b>Water infrastructure provided by an appropriate statutory undertaker may, in exceptional circumstances, be supported where particular locational needs for essential engineering works in a flood zone have been clearly demonstrated.</b>

PM51	Page 43 Policy HD6	Delete the second and third clauses of the policy:  <del>No development will be accepted in Flood Zones 2 and 3.</del>  <del>Any development in areas adjacent to Flood Zones 2 and 3, whether from the River Dun or high groundwater levels throughout the NDP area should provide fully costed flood management measures to prevent harm to the blue infrastructure generally and avoid an increased risk of flooding throughout the two Parishes and in particular the two CAs.</del>
PM52	Page 44 Policy IC1	Replace the policy title with:  IC1 <b>Infrastructure.</b>
PM53	Page 44 Policy IC1	Delete the last sentence:  <del>Ensure all financial contributions received by the Parish Council from developments (S106 and/or CIL) are used on projects and initiatives that benefit the community directly in particular the settlement in which the development is situated.</del>
PM54	Page 46 Policy IC2	Replace the policy title with:  IC2 <b>Public Rights of Way.</b>
PM55	Page 46 Policy IC2	Modify the start of the second clause to read:  <del>All future housing</del> <b>New</b> developments must take full account ...
PM56	Page 46 Policy IC2	Modify clause 3 to read:  <del>Development proposals that would diminish</del> <b>reduce</b> public access to the countryside will not be supported.
PM57	Page 47 Policy IC3	Replace the policy title with:  IC3 <b>Parking.</b>

PM58	Page 47 Policy IC3	Modify the first sentence to read:  <del>All n</del> <b>New residential development including alterations and extensions which provide extra bedrooms must <b>will be required to</b> provide resident and visitor car parking spaces on site and avoid on street parking especially that restricts free flow of traffic. <b>in accordance with the standards set out in the relevant Local Plan.</b>  Consequently, delete from the policy:  <del>The following parking standards apply:</del>  <del>1 to 2 bed: 2 spaces per unit</del>  <del>3 to 4 bed: 3 spaces per unit</del></b>
PM59	Page 47 Policy IC3	Modify the third sentence to read:  <del>Electric vehicle</del> <b>Infrastructure for electric</b> charging points <b>is</b> are mandatory on site.
PM60	Page 47 Policy IC3	Modify the start of the last paragraph to read:  Development proposals <del>will</del> <b>that</b> increase the number of access points and involve an increase in traffic generation <del>and therefore</del> must demonstrate .....
PM61	Page 47 Policy IC4	Delete the entire policy.
PM62	Page 47 Policy IC5	Delete the entire policy.
PM63	Page 48 Paragraph 5.4.4	Delete all the last section of paragraph 5.4.4 with the exception of the first sentence which starts 'The NPPF' and ends with 'social well-being'.
PM64	Page 49 Policy IC6	Replace the policy title with:  <b>IC6 Utilities and Services.</b>
PM65	Page 49 Policy IC6	Modify policy IC6 by deleting all of clause v:

		<del>Particular care should be taken in any renewable project to mitigate the impact of power lines and pylons and sub-stations on surrounding countryside and views.</del>
PM66	Page 49 Policy IC7	Delete all of policy IC7.
PM67	Page 50 Paragraph 5.4.7	Modify the sub-heading above paragraph 5.4.7 to Community Assets <b>and Activities</b> .
PM68	Page 51 Policy IC8	Replace the policy title with: <b>IC8 Community Assets and Activities.</b>
PM69	Page 51 Policy IC8	Delete clause i from the policy: <del>The Plan promotes provision for education places for every child in the parishes. Developer contributions (Community Infrastructure Levy, Section 106 payments or any mechanism) may be used to help fund appropriate modifications and/or extensions to education or other facilities if required.</del>
PM70	Page 51 Policy IC8	Modify the last sentence of clause ii to read:  However, any proposals that will result in either the loss of an Asset of Community Value or in significant harm to the integrity of an Asset of Community Value will not be supported, <b>unless there is conclusive evidence that the retention of the Asset would not be viable.</b>
PM71	Page 55 Paragraph 8.3	Modify the last sentence of paragraph 8.3 to read:  The Parish Councils will be particularly concerned to judge <b>monitor</b> whether its policies are being effectively applied in the planning decision process.
PM72	Page 65 Map B1	Modify the title of the Map to read: <b>Local Green Space 1: West Dean Village Green.</b>

		Remove the green colouring from the footbridge.
PM73	Page 68	Review Table B4 to make it clear which are designated assets, which are non-designated assets and which are Treasured Assets.
PM74	Page 68	Include <b>Bentley Wood</b> in the Table of assets.