



**Intelligent Plans**  
and examinations

# **Report on Chilbolton Neighbourhood Plan 2019 - 2029**

**An Examination undertaken for Test Valley Borough Council with the support of the Chilbolton Parish Council on the December 2019 submission version of the Plan.**

Independent Examiner: Mary O'Rourke BA(Hons) DipTP MRTPI

Date of Report: 12 May 2020

Intelligent Plans and Examinations (IPE) Ltd, 29 Monmouth Street, Bath BA1 2DL

Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84

## Contents

|  | Page |
|--|------|
| <b>Main Findings - Executive Summary</b>   | 4    |
| <b>1. Introduction and Background</b>  | 4    |
| • Chilbolton Neighbourhood Plan 2019–2029  | 4    |
| • The Independent Examiner   | 5    |
| • The Scope of the Examination   | 6    |
| • The Basic Conditions   | 7    |
| <b>2. Approach to the Examination</b>  | 7    |
| • Planning Policy Context  | 7    |
| • Submitted Documents  | 8    |
| • Site Visit   | 8    |
| • Written Representations with or without Public Hearing                         | 8    |
| • Modifications  | 9    |
| <b>3. Procedural Compliance and Human Rights</b>                                 | 9    |
| • Qualifying Body and Neighbourhood Plan Area                                    | 9    |
| • Plan Period  | 9    |
| • Neighbourhood Plan Preparation and Consultation                                | 9    |
| • Development and Use of Land  | 11   |
| • Excluded Development   | 11   |
| • Human Rights   | 11   |
| <b>4. Compliance with the Basic Conditions</b>                                   | 11   |
| • EU Obligations   | 11   |
| • Main Issues  | 12   |
| • Introduction   | 12   |
| • Issue 1: Protection and Enhancement of the Natural and Built Environment       | 13   |
| - Views  | 14   |
| - Trees and Hedgerows  | 16   |
| - Local Green Spaces   | 16   |
| - Flooding   | 18   |
| - Light Pollution  | 18   |
| - Renewable Energy   | 19   |
| - Heritage   | 19   |
| • Issue 2: Housing and Design, Parking, Community Infrastructure and the Economy | 21   |
| - Housing and Design   | 21   |
| - Parking  | 23   |
| - Community Infrastructure   | 24   |
| - Economy  | 25   |
| <b>5. Conclusions</b>  | 26   |
| • Summary  | 26   |

|                                |           |
|--------------------------------|-----------|
| • The Referendum and its Area  | 26        |
| • Overview                     | 27        |
| <b>Appendix: Modifications</b> | <b>28</b> |

## Main Findings - Executive Summary

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

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Chilbolton Parish Council;
- The Plan has been prepared for an area properly designated – the Parish shown on Map 2;
- The Plan specifies the period to which it is to take effect – 2019 to 2029; and
- The policies relate to the development and use of land for a designated neighbourhood area.

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

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

## 1. Introduction and Background

### *Chilbolton Neighbourhood Plan 2019-2029*

1.1 Chilbolton is an attractive rural parish in Hampshire which lies midway between Stockbridge and Andover, Andover being some 3 miles to the north west. The Parish extends to just over 3 miles from the River Test to the north west to Brockley Warren, and Chilbolton Down on chalk uplands to the south east, and stretches around 2 miles from east to west. Whilst the A30 London to Salisbury Road runs through the southern part of the Parish, the main settlement is the village of Chilbolton in the valley of the River Test. The older part of the village, around the Church and extending along Village Street, is designated as a Conservation Area, and includes an eclectic mix of building styles with 39 properties listed. More recent housing development since the 1950s has extended to the south west up the valley side, along and between Station Road and Drove Road. The river meadows of Chilbolton Common<sup>1</sup> are a particularly attractive feature

---

<sup>1</sup> In response to my question, the Chilbolton Parish Council has advised that there is only one common, referred in official documents as Chilbolton Common but known informally by local people as Cow Common. The terms are variously and confusingly used in the Plan (see **PM1**).

of the village and popular with residents and visitors. To the south of the village, the Chilbolton Observatory is prominent in the open landscape, located on what was a Second World War airfield. Beyond that the farmed landscape is open with big skies. In 2016 the Parish had a population of some 989 in 428 households, with around 30% of residents aged over 65<sup>2</sup>.

- 1.2 Early in 2014, and following a public meeting, the decision was made by the Chilbolton Parish Council (CPC) to prepare a neighbourhood plan and to establish a working group to progress the Plan. The formal application to designate the Parish as a neighbourhood plan area was made in August 2014, and was approved by Test Valley Borough Council (TVBC) in December 2014. The Chilbolton Neighbourhood Plan Working Group was formed with a membership of both Parish councillors and local residents. The Consultation Statement and Chapter 4 of the CNP sets out how the community has been involved, detailing the consultation strategy and the various events held to engage with the local community and discussions with key stakeholders.
- 1.3 The Vision and Objectives of the CNP, set out in Chapter 5 alongside a SWOT<sup>3</sup> analysis of the area, reflect public consultation and the Vision for the Parish is of '*a balanced community for all that provides a safe place to live, work and play in our beautiful countryside and outstanding natural environment that will be preserved, respected and enhanced*'. Beginning with Landscape and Environment, the CNP addresses a number of relevant topics, putting forward planning policies. Chapter 11 sets out community projects and aspirations, which go beyond planning policy, but are described as community action priorities that flow from the extensive public consultation carried out whilst preparing the CNP and for the Parish Council and local community groups to pursue. The CNP's policies are designed to help achieve the underlying Vision and Objectives. Generally, the CNP has a clear structure and overall purpose and is easy to read.

#### *The Independent Examiner*

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the CNP by TVBC, with the agreement of the CPC.
- 1.5 I am a chartered town planner and former government Planning Inspector, with some 40 years of experience in the public and private sector, latterly determining major planning appeals and examining development plans and national infrastructure projects. I have recent experience of examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft CNP.

---

<sup>2</sup> 2016 estimate in TVBC Chilbolton Parish Profile.

<sup>3</sup> Strengths, Weaknesses, Opportunities and Threats (SWOT).

## *The Scope of the Examination*

- 1.6 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.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
  - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
    - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the Local Planning Authority;
    - it sets out policies in relation to the development and use of land;
    - it specifies the period during which it has effect;
    - it does not include provisions and policies for 'excluded development';
    - 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; and
  - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 ('the 2012 Regulations').
- 1.8 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*

1.9 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; and
- Meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirements of Chapter 8 Part 6 of the Conservation of Habitats and Species Regulations 2017 (the 2017 Regulations)<sup>4</sup>.

## **2. Approach to the Examination**

### *Planning Policy Context*

2.1 The Development Plan for this part of TVBC, not including documents relating to excluded minerals and waste development, is the Test Valley Borough Revised Local Plan 2011-2029 (TVLP), adopted on 27 January 2016<sup>5</sup>. TVBC is now engaged on preparing its next Local Plan to cover the period to 2036. Consultation on issues and options was carried out between July and September 2018, and it is at a very early stage in the plan preparation process.

---

<sup>4</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

<sup>5</sup> Following the Government's amendments to Planning Practice Guidance on 19 May 2016, regarding circumstances where affordable housing contributions should not be sought, the Council agreed an updated approach to applying policy COM7 on 29 June 2016, see the 'TVLP Policy COM7: Affordable Housing – Planning Advice Note'. View at: <https://www.testvalley.gov.uk/planning-and-building/planningpolicy/local-development-framework/dpd>

2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The NPPF of July 2018 replaced the first NPPF published in March 2012<sup>6</sup>, and itself has been replaced by the NPPF published in February 2019 which includes minor clarifications to the 2018 revised version<sup>7</sup>. The policies in the 2019 NPPF apply to this examination<sup>8</sup>. The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

#### *Submitted Documents*

2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:

- the draft Chilbolton Neighbourhood Plan 2019 -2029, December 2019;
- Map 2 of the Plan, which identifies the area to which the proposed Neighbourhood Development Plan relates;
- the Consultation Statement, December 2019;
- the Basic Conditions Statement, December 2019;
- The Strategic Environmental Assessment Screening Opinion prepared by TVBC, October 2019; and
- all the representations that have been made in accordance with the Regulation 16 consultation; and

2.4 I have also had regard to the responses of the CPC to the questions annexed to my procedural letter of 26 March 2020<sup>9</sup>.

#### *Site Visit*

2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 23 March 2020 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

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

2.6 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum.

---

<sup>6</sup> Footnote 1 on page 4 of the NPPF July 2018.

<sup>7</sup> Footnote 1 on page 4 of the NPPF February 2019.

<sup>8</sup> NPPF: paragraph 214. The Plan was submitted under Regulation 15 by Chilbolton Parish Council after 24 January 2019.

<sup>9</sup> All documents available to view at:

<https://www.testvalley.gov.uk/consultations/chilbolton-neighbourhood-plan>



## *Modifications*

- 2.7 Where necessary, I have recommended modifications to the CNP (**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 CNP has been prepared and submitted for examination by CPC, which is a qualifying body for an area that was designated by TVBC on 1 December 2014.
- 3.2 It is the only Neighbourhood Plan for Chilbolton Parish and, subject to the modifications I recommend in **PM5**, does not relate to land outside the designated Neighbourhood Plan Area.

### *Plan Period*

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2019 to 2029.

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 Details of how the community was involved in the preparation of the CNP is set out in the formal Consultation Statement of December 2019 and in Chapter 4 of the CNP. Engagement and consultation with the community was undertaken in a variety of ways; through regular articles in the monthly village magazine, regular reports of the working group to the Parish Council, putting information on the Neighbourhood Plan pages of the Parish website, as well as the distribution of questionnaires to every household in the area and the holding of public meetings at critical times. Table 1 of the Consultation Statement lists the events held in chronological order. Preliminary consultation took place early in 2014 to establish whether there was community support for the production of a neighbourhood plan, leading to the establishment of the working group. Following formal adoption of the Local Plan in January 2016, work progressed on carrying out a housing need survey which was launched in September 2016 at a public meeting. The meeting was widely advertised through the Parish, with posters, information on the web site and articles in the village magazine. Questionnaires were distributed to every household and responses could be made either by post or electronically with a near 50% response rate (216 returned of 450 distributed).

- 3.5 Subsequently it was decided to undertake a further survey to identify local views on the wider future development of the Parish, beyond just housing need, and a Parish Survey was circulated in December 2017. Again, the survey was widely advertised with signs displayed throughout the area, details placed on the village website and articles included in the monthly magazine. The survey questionnaire was delivered with the magazine to every home in Chilbolton and could be completed on-line or by hand, with a number of drop off locations for completed questionnaires. From the 432 homes across the Parish, 108 responded with 55 individual responses. In addition, the working group undertook a more targeted survey in March 2018 of the 50 businesses located in the Parish and carried out a number of face to face interviews with local business people, with 18 responses received. Meetings reporting back on the survey results were held in the village hall on 29 June and 14 July 2018. The key issues raised are summarised in the Plan at Chapter 4, from which the working group prepared an analysis of the area's key strengths and weaknesses and the opportunities and threats and drew up the Vision and Objectives for the emerging CNP. These include protecting the area's attractive landscape and tranquil character, the designation of Local Green Spaces, the need for new development to support local services, the limited availability of smaller homes for younger families and those downsizing and on-street parking.
- 3.6 As work progressed on the Plan, a public meeting was held in February 2019 to report back to local residents and present draft policies for discussion which were positively received. Formal Regulation 14 consultation on the draft CNP took place between 29 June and 12 August 2019. Local residents were informed of this through articles in the village magazine, the use of signs throughout the Parish, and the village website. The working group also manned a stand at the annual village fete on 29 June 2019 and hosted discussion sessions on most Saturdays during the consultation period at the village hall or the local pub, Abbots Mitre. In all 10 responses were received from local people to the draft Plan as well as 5 consultation responses from TVBC, Hampshire County Council<sup>10</sup>, Natural England, Hassocks Parish Council and Highways England. A summary of the Regulation 14 representations and the Chilbolton Parish Council's response, including proposed changes to the draft CNP, is contained in the Consultation Statement at Table 3.
- 3.7 The submitted Plan was subject to a further 6-week consultation between 9 January and 21 February 2020 under Regulation 16. Representations were submitted by Hampshire County Council, TVBC, the Environment Agency, Southern Water and Highways England. I am satisfied that engagement and consultation with the wider community and interested parties has been thorough and robust throughout the Plan making process; that they were kept informed of what was being proposed, were able to make their views known and had opportunities to be actively

---

<sup>10</sup> As landowner, Highways Authority and Lead Local Flood Authority.

involved in shaping the emerging Plan, and would have been aware of how their views had informed the draft CNP. I conclude that a transparent, fair and inclusive consultation process has been followed in the production of the Plan, having due regard to the advice in the PPG on plan preparation and in procedural compliance with the legal requirements.

### *Development and Use of Land*

- 3.8 Subject to the modifications I recommend below in **PM2**, **PM6** and **PM31**, the Plan sets out policies in relation to the development and use of land in accordance with Section 38A of the 2004 Act.

### *Excluded Development*

- 3.9 The Plan does include provisions and policies for 'excluded development'. I have recommended modifications in **PM5** to delete the text and policy in the CNP that purport to deal with matters of excluded development.

### *Human Rights*

- 3.10 I have to consider whether the CNP has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. The Basic Conditions Statement<sup>11</sup> sets out the Chilbolton Parish Council's view that the CNP is fully compatible with the European Convention on Human Rights, transposed into UK law by the Human Rights Act 1998. TVBC has confirmed that it is content that the CNP has been undertaken with regard to Human Rights (within the meaning of the Human Rights Act 1998). I have considered this matter independently and I have found no reason to find that the CNP, including its preparation, breaches or is otherwise incompatible with any of the Convention rights within the meaning of the Human Rights Act 1998.

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

### *EU Obligations*

- 4.1 The CNP was screened for Strategic Environmental Assessment (SEA) by TVBC in October 2019. This is a legal requirement and accords with Regulation 15 (e)(1) of the 2012 Regulations. The Council found that the CNP would not be likely to have significant environmental effects and it was unnecessary to undertake SEA. Neither Natural England, the Environment Agency nor Historic England disagreed. Having read the SEA Screening Opinion and considered the matter independently, I support that conclusion.

---

<sup>11</sup> Paragraph 7.4.

- 4.2 The draft CNP was further screened for Habitats Regulations Assessment (HRA). Natural England made no response on this matter. Given the policies in the Plan and the lack of any sources and pathways proposed, it is the conclusion of TVBC that the CNP is not likely to have any significant effect on any European site and there is no requirement to conduct an Appropriate Assessment. On the basis of the information provided and my independent consideration, I agree that HRA is not necessary.

### *Main Issues*

- 4.3 Having regard for the CNP, the consultation responses and other evidence, and the site visit, I consider that there are 2 main issues relating to the Basic Conditions for this examination. These are:
- Whether the CNP appropriately provides for the protection and enhancement of the natural and built environment, having regard to national policy and guidance and the need to be consistent with the local planning of sustainable development; and
  - Whether the CNP's policies for housing and design, parking, community infrastructure and wellbeing, and the economy provide an appropriate framework to shape and direct sustainable development, having regard to national policy and guidance, and are in general conformity with the strategic policies of the Local Plan.

### *Introduction*

- 4.4 The Foreword and the Introduction to the CNP give an explanation of the role of neighbourhood plans and the plan making process, before setting out the national and local planning context. Chapter 3 provides a history and background of the Parish, its location, environment, history, character and local facilities. How the community was involved in the preparation of the CNP is described in Chapter 4 of the Plan, augmenting the Consultation Statement. Whilst TVBC has suggested, in its track change version of the Plan, that this chapter could be moved to the evidence base or to an appendix, this is not a matter that goes to the Basic Conditions and is one that I leave to the CPC and TVBC to resolve. However, as I describe in footnote 1, there is a need in the interest of clarity for the CNP to be consistent in its naming of and references to Chilbolton Cow Common (**PM1**).
- 4.5 Chapter 5 of the Plan sets out the Vision for the Parish; that it will be '*a balanced community for all that provides a safe place to live, work and play in our beautiful countryside and outstanding natural environment that will be preserved, respected and enhanced*'. It includes a SWOT analysis of the Parish and I agree with TVBC that this would better sit in an appendix to the Plan or in its evidence base. The Plan identifies 35 objectives to increase the area's strengths, overcome its weaknesses, realise opportunities and avoid or mitigate perceived threats. However,

TVBC has commented that many of these, and particularly the community and infrastructure objectives, are not directed to land use planning matters and would be better suited to the community aspirations chapter of the Plan. I agree that the removal of those objectives that do not relate to land use planning matters and the rewording of others is necessary, in the interests of clarity. I am proposing modifications to the wording of objectives LE01, LE03, LE07, HE01, HO01, HO02, HO03, and EO01 and the deletion of objectives LE02, LE04, HE02, HE03, HO04, HO05, EO02 and EO03 and CIO01 to CIO016 (**PM2**). In respect of the deleted objectives, it is for the CPC to decide if these should be moved to Chapter 11 of the Plan which deals with community projects and aspirations and sits outside the statutory Plan.

- 4.6 The policies, developed from the objectives, are set out in Chapters 6 to 10 of the Plan. Although the policies can be clearly identified in coloured boxes, to improve the Plan's readability and usability I urge that consideration is given to the use of paragraph numbers in the final Plan, albeit I recognise that it goes beyond my remit to recommend a modification in this respect. Similarly, some of the maps are blurry and the CPC may wish to take up TVBC's offer to help with the final mapping.
- 4.7 There are 24 policies that fall to be considered against the Basic Conditions. When made, the CNP will form part of the statutory development plan and the PPG advises that neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence, and should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared<sup>12</sup>. Policies should relate to the development and use of land<sup>13</sup>. With this in mind, I now turn in the following paragraphs to address each of my main issues.

#### *Issue 1: Protection and Enhancement of the Natural and Built Environment*

- 4.8 It is national policy in the NPPF<sup>14</sup> that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. Whilst the CNP area does not include any designated landscape, the SWOT analysis identifies one of the area's strengths as being its '*extraordinary landscape with enchanting views*' and the community clearly value the Parish's landscape and the surrounding countryside. An overview of the Parish's landscape and environment is provided in Chapter 6 of the CNP and the community's wish to conserve and enhance its sensitive nature.

---

<sup>12</sup> PPG Reference ID: 41-041-20140306.

<sup>13</sup> Section 38A(2) of the 2004 Act.

<sup>14</sup> Paragraph 170.

Map 4 describes three landscape character types in the CNP area, identified in the 2018 review of the Test Valley Borough Landscape Character Assessment, which refers to the strong sense of seclusion and tranquillity of the Upper River Test valley floor, dominated by pastoral agriculture; the elevated rolling landscape of the Chilbolton Downs with big skies and long views; and the scarp face and rolling landform of the chalk downland landscape of the Chilbolton Wooded Downs.

- 4.9 Within the Plan area there are also 3 Sites of Special Scientific Interest (SSSIs); Chilbolton Common, the River Test, and Brockley Warren; whilst the nature reserve at West Down is a locally designated Site of Importance for Nature Conservation (SINC). Modification is needed to page 22 of the CNP to correct the title and date of the Test Valley Borough Landscape Character Assessment (**PM3**). But, as a simple record of fact, there is no need to change the reference on page 24 to Chilbolton Common being an Environmental Sensitive Area, despite the former Ministry of Agriculture, Fisheries and Food scheme being superseded in 2005 by DEFRA's Environmental Stewardship Scheme.

#### Views

- 4.10 The TVLP describes the landscape as the most readily appreciated feature of Test Valley's built and natural environment and the River Test and its tributaries as a prominent feature in that landscape. It requires that any new development should be in keeping with the character of the local landscape in terms of its location, siting and design, and strategic TVLP policy E2 sets out criteria for the protection, conservation and enhancement of the Borough's landscape character. The CNP seeks to provide further safeguards to ensure that the environment is a key criterion when determining applications for development in the Parish. To this end, policy EN1b) lists 15 '*notable*' views around the Parish, which are identified in the CNP by means of photographs and arrows on Maps 6 and 7. However, I am concerned that, as drafted, part a) of the policy seeks to impose a blanket policy of restraint on development. By not limiting itself to the listed views, to which special attention should be made, in effect it requires that all development proposals must protect all '*views and vistas, within, to and from the Parish and open countryside*'. Such an inflexible and restrictive policy is not justified in terms of national policy, or in terms of general conformity with TVLP policy E2 and would not contribute towards the achievement of sustainable development. Modification is required to the first part of policy EN1 to clarify that it applies only to the listed views.
- 4.11 The 15 views listed in part b) are indicated on Maps 6 and 7 by thick arrows which show the direction but not the extent of the view, nor is it easy to identify where these views are seen from. In response to my question, revised maps have been provided by CPC, which include

corrections to the numbering, location and direction of the views<sup>15</sup>. However, there is little detail in the CNP, other than the photographs on page 27, as to what features in the views are seen as making them important. In response to my question asking for evidence justifying their selection, I was referred to the 2018 Test Valley Landscape Character Assessment. However, that is a district level assessment and does not provide the detail of a parish level landscape assessment that I would expect to see to justify a specific views policy in a neighbourhood plan.

- 4.12 I appreciate that local people place a high value on the countryside that they see every day and can walk and ride through on public footpaths and byways. However, for a landscape to be valued in NPPF terms, it is not enough for a landscape to have some valued elements, it should have something that lifts it above the ordinary. In that respect, there are some views that warrant particular consideration; in particular, views 1, 2, 3, 4 and 5 are very attractive and expansive views of Chilbolton Common and the river meadows of the River Test, with the rising land of Wherwell behind. View 6 offers an attractive view northward from the eastern end of the Village Street across to the Church with open fields behind, whilst views 14 and 15 are contained views of the historic heart of the village and Conservation Area. View 9, now correctly located on the revised Map 6, includes the Observatory, which is a particular feature in the local area.
- 4.13 However, whilst there may be long views of distant higher ground from various places in the West Down Nature Reserve, from what I saw on site and the photographs, I remain concerned as to whether views 7 and 8 are correctly located on the revised Map 6. Thus, to include them in what will become part of the statutory development plan, would not be helpful. Nor do views 10, 11 and 12, along Martins Lane, include any obvious noteworthy features, other than that they may be valued by villagers as being close to 'home'. As to view 13 of open farmland taken in 4 directions from Brockley Warren, they are not in themselves very different from countryside views that might be found elsewhere in the Parish, Borough or County.
- 4.14 I am satisfied from what I saw on my site visit that views, 1, 2, 3, 4, 5, 6, 9, 14 and 15 are special to the area and justify policy protection. Subject to this revised list and the modified policy wording (**PM4**), I conclude that policy EN1 has regard to national policy and guidance, would be in general conformity with the strategic policy of the TVLP, and would contribute to the achievement of sustainable development, thus meeting the Basic Conditions.
- 4.15 There is a comment on page 25, 8<sup>th</sup> bullet point, in respect of onshore oil and gas exploration and part m) of policy HD6 of the CNP seeks to address the design of any structures associated with the exploration or

---

<sup>15</sup> Subsequently the CPC sent a new photograph for View 5.

extraction of oil or gas. In answer to my question, the CPC clarified that there is an extraction site in the adjoining parish. Thus, neither the comment nor the policy address development within the Plan area. In any event, such development is determined by the relevant Mineral Planning Authority, in this case Hampshire County Council, and would be 'excluded development' in terms of any neighbourhood plan. I recommend modifying the CNP to delete the bullet point and part m) of policy HD6 (PM5).

### Trees and Hedgerows

4.16 Trees and hedgerows are an important part of the character of the village of Chilbolton and policy EN2 seeks to ensure that existing trees and hedgerows of value are conserved and enhanced and integrated into any new development and that any new planting comprises native species appropriate to the area. It is in general conformity with TVLP policy E2, which resists development that would result in the loss of important local features like trees and hedges, and policy E6 which protects the Borough's green infrastructure network. However, I recommend modifying part b) to refer to an arboricultural survey rather than a site survey and deleting the policy requirement for an 'Ecological Impact Assessment', the reason for which is not explained or justified in the supporting text. The requirement for an upfront payment to be made to the CPC for maintenance works is not appropriate in a land use planning document and I am deleting that part of c) accordingly. I also recommend modifying part e) to clarify that it only applies where permission is required, as many fences and walls can be erected without the need for planning permission by virtue of '*permitted development*' rights<sup>16</sup>. Subject to these modifications (PM6), I am satisfied that policy EN2 meets the Basic Conditions.

### Local Green Spaces

4.17 Section 8 of the NPPF addresses the way planning can promote healthy communities and the TVLP, through strategic policies E2, E6 and LWH1, provides for the achievement of sustainable development and balanced communities by conserving and enhancing the environment and promoting health and wellbeing. Paragraph 99 of the NPPF enables local communities through local and neighbourhood plans to identify for special protection areas of particular importance to them. By designating land as Local Green Space (LGS), local communities are able to rule out new development other than in very special circumstances. Thus, policies identifying LGSs must be consistent with planning for sustainable development and must complement investment in sufficient homes, jobs and other essential services. They should be capable of enduring beyond the Plan period.

---

<sup>16</sup> Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.



- 4.18 Stringent criteria on LGSs are set out in the NPPF at paragraph 100 and there is further advice in the PPG<sup>17</sup>. Policy EN3 identifies 15 sites as LGSs, indicated by stars on Map 8. In response to my question, CPC has provided two further maps, 8A and 8B, showing the boundaries and extent of each of the LGSs, which should replace the original map if the policy is to be properly applied (**PM7**). They vary in character and include the churchyard, allotments, playing fields, and greens as well as the West Down Nature Reserve and Chilbolton Common and adjoining water meadows. Whilst LGSs do not need to be in public ownership<sup>18</sup>, I note from the 3<sup>rd</sup> bullet point on page 32 that all of the areas listed are currently owned or held on long leases by CPC. Justification for their inclusion in policy EN3 is provided at pages 63-65 of the Plan. Having regard to this evidence, and what I saw on my site visit, I am satisfied that the following spaces are local in character, but not extensive tracts of land, are demonstrably special and hold a particular local significance and are in close proximity to the community they serve. They should therefore be listed in policy EN3. They are: Coronation Green (2), Stocks Green (3), Rectory Green (4), Pond Green (5), Grindstone Green (6), the allotments (8), the Churchyard (10), the open land at the junction of River View Close and Coley Lane (11), the open space off Branksome Avenue (12), and the War Memorial playing fields (13).
- 4.19 The PPG advises that whether to designate land (as a LGS) is a matter for local discretion and I have carefully considered the case made for the inclusion in policy EN3 of the other proposed LGSs, more particularly Chilbolton Common and adjoining land (LGS1, LGS9 and LGS14), West Down (LGS7) and the land surrounding the Old School House (LGS15). Advice in the NPPF is that the LGS designation should only be used where the green space is '*local in character and is not an extensive tract of land*'. CPC has not been able to provide me with the sizes of each of the LGSs. Nonetheless, I do note Chilbolton Common (LGS1) is described as a '*48-acre SSSI*' (19.4 hectares), which is relatively sizeable in its extent, as are the adjoining fields (LGS 9 and LGS14). However, advice in the PPG is that there are no hard and fast rules as to how big a LGS can be<sup>19</sup> and therefore, to my mind, the assessment of whether a site is considered to be an extensive tract of land for the purposes of NPPF paragraph 100 is a matter of judgement to be made within the local landscape context and character. It is not the case here that the LGS designation is seen as a backdoor way to prevent development. The land is already subject to other designations, (SSSI and Flood Risk Zones), that do that. However, those designations are intended to achieve different purposes and I am satisfied from what I have read and seen that additional local benefit would be gained by the designation of these water meadows as LGSs. They adjoin the village, are criss-crossed by well used paths and are

---

<sup>17</sup> PPG Reference ID: 37-005-20140306 to ID: 37-022-20140306

<sup>18</sup> PPG ID reference: 37-019-20140306.

<sup>19</sup> PPG ID reference: 37-015-20140306.

demonstrably special and hold a particular local significance to the community for their beauty, tranquillity, recreational value and richness of wildlife. Considering these very particular local factors, which in part derive from the large-scale nature of the spaces, I am satisfied that LGS1, along with LGS9 and LGS14, meet the intent of the LGS designation criteria.

- 4.20 I have come to a similar conclusion in respect of West Down (LGS7), which again is relatively sizeable in its extent and is subject to a local nature conservation designation. The nature reserve is open to the public with a large car park from which many paths radiate. It is clearly appreciated by the local community for its recreational value, beauty, tranquillity and wildlife and I am satisfied it meets the LGS criteria. Finally, I have carefully considered the case for including in policy EN3, the land surrounding the Old School House on the corner of Winchester Road (LGS15). It is a scrubby neglected open piece of land behind the Old School House. Whilst it is close to the village and local in character, it appears to have no particular recreational value or any local significance for wildlife or beauty in its own right. The justification refers to it helping *'to create (the) rural nature of the village'*, but it seemed to me when coming from the east that is achieved more by the extensive views to the west over the fields of LGS14, and then once round the corner, the views of the Old School House and up to the church. I am not persuaded on the evidence that LGS15 meets the NPPF criteria and I recommend it should be removed from policy EN3 (**PM8**).
- 4.21 As the NPPF sets out policy for managing development within a LGS, which should be consistent with policy for Green Belts, there is no need for this to be reinterpreted in the CNP (**PM9**). Providing these modifications are made, I conclude that policy EN3 will appropriately provide for the designation and protection of LGSs, in accordance with national policy and guidance and the need to be consistent with the local planning of sustainable development, and is in general conformity with the strategic policies of the TVLP. Accordingly, the Basic Conditions will be met.

### Flooding

- 4.22 The River Test bounds the Parish but the CNP on page 34 describes the village as being fortunate in suffering little from surface water flooding and being connected to the Environment Agency's flood warning system, following groundwater flooding events in 2002/3 and 2014. Advice in the PPG<sup>20</sup> is that the overall approach in the NPPF in respect of flood risk, at paragraph 155, should apply to neighbourhood planning. The Environment Agency has advised that, as drafted, it could not support the CNP policy EN4 on flooding and has suggested alternative wording. In that, the Agency's amended wording sets out what is national policy in the

---

<sup>20</sup> PPG Reference ID: 7-061-20140306.

NPPF and PPG and is required by policy E7 b) of the TVLP on Water Management. I do not consider that the tests of national policy need to be repeated here and, as I am not persuaded that policy EN4 adds anything of local significance, I am recommending its deletion from the Plan, subject to some minor amendments to the wording of the text (**PM10**).

### Light Pollution

4.23 The Parish Residents' Survey indicated strong support for a dark skies policy in the CNP and local guidelines on lighting. It is national policy in the NPPF at paragraph 180 c), that planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, and paragraph 7.69 of the TVLP notes that the distinction between urban and rural Test Valley, defined by the amount of lighting, is important to local residents. Through TVLP policy E8 on pollution, the local planning authority will consider the impact of any lighting scheme on local residents, highway users, the character of the area and the visibility in the night sky. Policy EN5 of the CNP is titled noise and light pollution. However, it only deals with the promotion of '*dark skies*', proposing a curfew on lighting between midnight and 6am other than sensor activated security lights. Whilst it might be reasonable in certain circumstances to limit hours of use by planning condition, many residential and commercial lighting installations do not require planning permission and street lighting is the responsibility of the statutory authorities. But in any event, it appears to me that the impact of light pollution is effectively addressed in policy HD6 h) on the design of new development and there is no need for a second policy EN5 on light pollution. Accordingly, in the interests of clarity, I recommend modifying the Plan to delete policy EN5 and its supporting text (**PM11**).

### Renewable Energy

4.24 In supporting the transition to a low carbon future in a changing climate, it is national policy to help increase the use and supply of renewable and low carbon energy and heat<sup>21</sup>. Paragraphs 151 to 154 of the NPPF provide guidance to local planning authorities on the determination of planning applications for renewable and low carbon development. CNP policy EN6 purports to deal with utilities and infrastructure but it is clear from the brief supporting text and the policy wording that its purpose is to set out planning criteria for renewable energy projects, and I propose to modify the Plan to make this clear (**PM12**). Subject to some reordering of the policy text, to clarify that large-scale wind farms will not be supported (**PM13**), I am satisfied that modified policy EN6 would meet the Basic Conditions.

### Heritage

---

<sup>21</sup> NPPF paragraphs 151-154.

- 4.25 Chapter 7 of the CNP deals with heritage matters. It refers at page 40 to the archaeology of the Parish and the presence of various remains of importance. However, no specific policy is included in the Plan, and the text refers to the archaeology policies in the NPPF and TVLP. It is for the CPC to decide if it wishes to take up TVBC's suggestion of including an archaeological map in the CNP.
- 4.26 The village of Chilbolton was designated as a Conservation Area in 1984, and the boundary was amended in 2008. The Conservation Area, listed buildings, and the village settlement boundary are shown on Map 9 of the CNP. The Map includes a note indicating that CPC is seeking an urgent review of the settlement boundary. That is a matter for the Local Plan review and lies outside the CNP, and a modification is proposed to delete the note (**PM14**). Subject to a minor wording change from 'and' to 'or', I am satisfied that policy H1 a) accords with national law and policy and TVLP policy E9, in requiring that development within the Conservation Area should preserve or enhance its historic character or appearance. Part b) of the policy seeks to protect its important open spaces, many of which are identified as LGSs, and part c) directs applicants to the '*Conservation Area Appraisal and Village Design Statement (2003)*'. In the absence of any information in the CNP about these documents, it would be difficult for an applicant to know what they needed to do to comply with the policy, contrary to advice in the PPG. I am therefore recommending modifying the Plan to require that text is added to the Plan to include details of both these documents with their full title, date, status in terms of adoption by CPC and/or TVBC, and information as to where they can be found to be read. The Conservation Area Character Appraisal prepared by TVBC in 2009 should also be referenced as the source of Map 10. Subject to these modifications (**PM15 and PM16**), policy H1 would meet the Basic Conditions.
- 4.27 Photographs of various buildings in the Parish are included on page 41 of the Plan. However, the page has no title and there is nothing in the text to say where they are, what they are showing and why they are included in the Plan. This needs to be addressed and I recommend making a modification accordingly (**PM17**).
- 4.28 The Chilbolton stores and post office, church, pub and village hall are described in the CNP as Parish Assets of Community Value, where policy H2 requires any development proposals affecting them to be supported by an assessment of their significance as an asset of community value. As drafted, the first part of policy H2 lacks clarity as to what it is seeking to achieve and appears to conflate a garbled heritage significance policy with the protection of community facilities. In any event, I understand that only the Village Hall has been formally registered as an Asset of

Community Value<sup>22</sup>, and TVBC has made representations that this section and the policy would be better named as Community Facilities. I agree but as Chapter 9 of the Plan already deals with community infrastructure and wellbeing, I consider a modified policy H2 would be more appropriately located there. In the interests of clarity and consistency, I am recommending the Plan is modified by deleting the first part of policy H2, and renaming and moving it and its supporting text, photographs and Map 11, to Chapter 9 of the Plan (**PM18**). Subject to these modifications, the Basic Conditions would be met.

- 4.29 Providing that the modifications set out above are made, I conclude that the CNP's policies on landscape and the environment and on heritage will appropriately provide for the protection and enhancement of the natural and built environment, having regard to national policy and guidance and the need to be consistent with the achievement of sustainable development, and are in general conformity with the strategic policies of the TVLP. Accordingly, the Basic Conditions will be met.

## *Issue 2: Housing and Design, Parking, Community Infrastructure and the Economy*

### Housing and Design

- 4.30 Chilbolton is a rural Parish and most of its population live in the village where substantial housing development, including some affordable housing, took place in the latter half of the last century. Chilbolton has few facilities and is classified in the TVLP as a rural settlement with a defined settlement boundary. The CNP refers to consultation with local residents and their concerns that large scale growth would not be appropriate and would be unsustainable, the main housing need being seen as for smaller 1 to 3 bedroom homes, to rebalance the housing stock, to create more affordable homes for first time buyers and those downsizing.
- 4.31 Table 7 of the Local Plan identifies that within rural villages like Chilbolton generally development will be limited in scale, such as windfall sites, rural affordable housing sites and replacement dwellings. Nonetheless, Chilbolton has a defined settlement boundary within which there is a presumption in favour of the principle of development, regardless of the number of houses proposed<sup>23</sup>. To limit the number of new homes built in Chilbolton to no more than 20 over the Plan period, as proposed in CNP policy HD1, without the necessary evidence could undermine the achievement of sustainable housing development and would not be in general conformity with the strategic policies of the Local Plan or with the

---

<sup>22</sup> Localism Act 2011 Chapter 3 Part 5 and The Assets of Community Value (England) Regulations 2012.

<sup>23</sup> TVLP policy COM2.

Government's objective to significantly boost the supply of homes<sup>24</sup>. Other than referring to the results of the Housing Needs Survey, which come from a question to residents about preference not need, the CNP does not offer any further justification for the imposition of a ceiling on housing numbers.

- 4.32 The second part of policy HD1 requires that any individual housing development should provide a mix of 1, 2 and 3 bedroom units, in apartments, semi-detached and terraced homes and bungalows. Evidence in the Parish and housing needs surveys is of a housing need for smaller dwellings, both for older residents wanting to downsize and for younger first-time buyers who want to stay living in the area. The NPPF requires that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Subject to recommending modifying part a) to remove the words '*not exceed*' and some minor rewording of part b), I am satisfied that policy HD1 would meet the Basic Conditions (**PM19**).
- 4.33 The paragraph below policy HD1 proposes the use of planning conditions to remove permitted development rights from new development. This is contrary to guidance in the PPG that '*blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity*<sup>25</sup>'. No particular local need has been demonstrated here and this sentence should be deleted (**PM20**).
- 4.34 Policy HD2 seeks to limit new residential development within the settlement boundary to a group of 5 or fewer dwellings. No local evidence has been produced to justify this policy. Development within the settlement boundary is acceptable in principle in accord with TVLP policy COM2. Any applicant for development will have to demonstrate that the proposal, whatever its size, complies with the policies of the TVLP and CNP to be acceptable. I am not persuaded that there is any justification to place an arbitrary limit on the size of new residential development, which could undermine the effective use of land. As the second sentence of policy HD2 repeats what is in policy HD1 b), I am recommending deleting the whole of policy HD2 (**PM21**).
- 4.35 Policy HD3 supports proposals for sheltered housing and developments that promote independent living for older or dependent members of the community, recognising the Parish's ageing population and the desire of older people to stay living locally. However, there is also a need nationally to plan for a mix of housing, and disability and the need for sheltered housing is not age restricted. I recommend modifying part b) of the policy to clarify that it is inclusive of all, not limited in scale as this could impact on viability, and to delete the reference to local connections,

---

<sup>24</sup> NPPF paragraph 59.

<sup>25</sup> PPG Reference ID: 21a-017-20190723.

which is only expressed in the policy as a preference, as it will be for any developer to establish their own occupancy criteria. Subject to these modifications (**PM22**), policy HD3 would meet the Basic Conditions.

- 4.36 Through policy HD4, the Plan sets out criteria for extensions and alterations to existing dwellings and for new and replacement dwellings. But in that they deal with the same issues of character and appearance, amenity space, car parking, landscaping, and infrastructure, they duplicate policy HD6 on the design of new development. I am not satisfied that policy HD4 adds anything extra to the Plan. Its supporting text repeats what has been said elsewhere about small dwellings. Indeed, by having two policies addressing the same design matters, but with slightly different wording, it could potentially confuse prospective applicants, contrary to advice in the PPG on the need for clarity and unambiguity<sup>26</sup>. I recommend modifying the CNP by the deletion of policy HD4 and its supporting text (**PM23**).
- 4.37 The Plan recognises that new dwellings may come forward through the sub-division of an existing residential plot or plots and policy HD5, by setting out criteria for such infill development, will ensure that the character of Chilbolton is not adversely affected. It accords with the objectives of TVLP policies E1 and E2 which promote high quality in development and the protection of landscape character.
- 4.38 National policy describes good design as a key aspect of sustainable development, creating better places in which to live and work and helping make development acceptable to communities<sup>27</sup>. *'Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in new development'*<sup>28</sup>. Policy HD6 deals with the design of all new development. TVBC has suggested that the policy might benefit from being split into three separate policies. However, I am satisfied, subject to some re-ordering and a less cramped and improved layout on the page, that it will provide a framework for creating distinctive places, with a consistent and high quality of design, whilst allowing for a suitable degree of variety, where justified. I have already recommended the deletion of criterion m)<sup>29</sup>, and there is no need for iv. which repeats policy EN2, as proposed to be modified. I am amending criterion j) to require that new development is supported by a transport assessment of an appropriate scale to demonstrate that safe access can be achieved and any impact on the local highway network can be mitigated. Subject to these changes and some minor redrafting (**PM24**), in the interests of clarity, the policy would accord with national policy, be in general conformity with policy E1 of the TVLP and would

---

<sup>26</sup> PPG Reference ID: 41-041-20140306.

<sup>27</sup> NPPF paragraph 124.

<sup>28</sup> NPPF paragraph 125.

<sup>29</sup> See PM5.

contribute towards the achievement of sustainable development, thus meeting the Basic Conditions.

## Parking

- 4.39 Roads in Chilbolton are narrow and the Parish survey identified residents' concerns about on-street parking particularly in the Conservation Area but also in places like Branksome Close. Despite there being car parks on the Common, visitor parking was also identified as a problem in the summer months. Policy HD7 deals with residential parking and resists the loss of off-street car parking, and includes criteria for the provision of new parking including setting new parking standards that exceed those in the Local Plan and which the Highway Authority has objected to as being 'excessive'. In response to my question, CPC has set out its evidence in support of these higher standards which I understand are based on standards in Northern Ireland for greenfield sites or in low density areas.
- 4.40 The NPPF at paragraph 105 sets out the factors to be taken into account in setting local parking standards, including accessibility, the availability of and opportunities for public transport and local car ownership levels. Chilbolton is a rural Parish with very limited public transport. Thus, most adult residents are reliant on their cars to get to and from college and work, for shopping and socialising, and for taking children to and from school. Parking standards are set out in the TVLP at Annex G. They are described as minimum car parking requirements. The supporting paragraph 9.13 to policy T2 in the TVLP advises that *'the scale of parking to be provided in association with new development needs to take account of local circumstances, the demand that is likely to be generated by the proposed use, the location of the development, site specific constraints and the need to prevent an increase in parking pressure elsewhere including the highway network'*. Taking those factors into consideration and having regard to what I saw on my visit, I find that a sufficiently robust case based on local circumstances has been made here for the application of higher parking standards to apply to any new development. Accordingly, subject to a minor modification to remove the reference to electric charging facilities which is already covered by policy HD6 (**PM25**), I am satisfied that policy HD7 has regard to national policy and would be in general conformity with strategic policy T2 of the TVLP.
- 4.41 I agree with TVBC that as there are already criteria on the provision of garden and amenity space in the overarching policy HD6 on the design of new development, there is no need for policy HD8 on outdoor space and I recommend deleting it from the Plan (**PM26**).
- 4.42 Providing that the modifications set out above are made, I conclude that that both the housing and design policies and the parking policies in the CNP will provide an appropriate framework to shape and direct sustainable development, having regard to national policy and guidance and are in general conformity with the strategic policies of the TVLP. Accordingly, the Basic Conditions will be met.



## Community Infrastructure

- 4.43 Chapter 9 deals with community infrastructure and wellbeing. Chilbolton has a number of clubs and groups and regular events are held in the village hall. Public consultation showed residents' support for retaining existing community facilities in the Parish and the provision of further facilities. It is national planning policy that to provide the social, recreational and cultural facilities and services the community needs, planning policies should, inter alia, plan positively for the provision and use of community facilities and guard against the unnecessary loss of valued facilities and services<sup>30</sup>. There is a raft of policies in the TVLP that address the needs of Local Communities, the provisions of which do not need repeating in the CNP unless adding something that is locally distinctive to the area<sup>31</sup>. As set out in **PM18** above, I recommend modifying policy H2 to include a list of community facilities and to move it to Chapter 9 as a new policy<sup>32</sup>.
- 4.44 Part a) of policy CI1 seeks to protect existing community facilities and supports proposals to enhance their viability and/or community value whilst part b) sets out those circumstances where the loss of key community buildings or facilities might be supported. In that policy CI1, as a repeat of TVLP policy COM14, adds nothing that is locally distinctive to the CNP, I am recommending its deletion from the Plan (**PM27**). Similarly, policy CI2 supports the provision of new recreational or community facilities, but it adds nothing that is a response to any unique characteristics or the particular planning context of the Parish of Chilbolton. As any proposal for a new community facility would be assessed against the detailed provisions of TVLP policies COM2, COM9 and LWH4, there is no need for the inclusion of general policy like CI2 in the CNP and I am recommending its deletion (**PM28**).
- 4.45 Recent improvements to the fixed telecommunications network have addressed issues of limited broadband access and speeds in this rural area. As to mobile telecommunications, whilst most new infrastructure is provided under permitted development rights, where planning permission is required policy CI3 is generally supportive. In having regard to national policy to support high quality communications, it contributes towards the achievement of sustainable development and fulfils the Basic Conditions.
- 4.46 Traffic and road safety are issues in the Parish. Many of the lanes in the Parish are narrow and without footways. Whilst traffic flows are light, this presents risks for all road users but particularly pedestrians and cyclists. Policy CI4 addresses travel and safety, supporting development proposals that would improve pedestrian, cycling and vehicular safety. Policy CI5

---

<sup>30</sup> NPPF paragraph 92.

<sup>31</sup> NPPF, paragraph 16 f).

<sup>32</sup> PM18.

also seeks enhancements to the public footpath and cycle network to provide safe access to village facilities and promote an accessible countryside. Both policies meet the Basic Conditions, according with the objectives of TVLP policy T1 on Managing Movement and having regard to the guidance in the NPPF at paragraphs 102 and 103 to identify and pursue opportunities to promote walking and cycling, to provide for high quality walking and cycling networks, and to avoid and mitigate any adverse effects of traffic.

## Economy

- 4.47 Chapter 10 of the Plan deals with the economy, the main business areas of Chilbolton being outside the village at Stonefield Park and Chilbolton Down Farm. TVBC has questioned the use of the term '*Business Areas*' in policy EC1 and I agree that the alternative '*existing employment sites*' would be more readily understood and useful for development management purposes. As a rural Parish, agriculture is a main land use in Chilbolton and policy EC2 encourages development that supports local farming and employment and improvements to agricultural buildings, where they are well designed and fit in with the landscape. Subject to some minor wording changes (**PM29 and PM30**), I am satisfied that policies EC1 and EC2 would have appropriate regard to national policy to support a prosperous rural economy<sup>33</sup>, are in general conformity with Local Economy policies in the TVLP (in particular policies LE10, LE16, and LE17), and would contribute to the achievement of sustainable development, thus meeting the Basic Conditions.
- 4.48 Stonefield Park was developed on part of Chilbolton's Second World War airfield, and an adjacent field is used as a microlight airfield. The supporting text is vague as to the form of the agreement in respect of the continued use of the airfield and a restriction on overflying of the village. As drafted, policy EC3 does not appear to directly relate to the development and use of land and as such, should be deleted from the CNP and I agree with TVBC would be better placed in the community projects and aspirations chapter (**PM31**).
- 4.49 I conclude that subject to the recommended modifications set out in the Appendix to this report being made, the CNP's policies for community infrastructure and for the economy would provide an appropriate framework to shape and direct sustainable development, having regard to national policy and guidance, and are in general conformity with the strategic policies of the TVLP, thus meeting the Basic Conditions.

## **5. Conclusions**

### *Summary*

---

<sup>33</sup> NPPF paragraph 83.

- 5.1 The Chilbolton Neighbourhood 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 CNP 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 I appreciate the significant amount of hard work put in by the Working Group and the Parish Council over a considerable period of time to prepare a Neighbourhood Plan that reflects local opinion. Although I have recommended a number of modifications to the CNP, I commend its authors for their work, the output being a Plan which should help guide the area's future development in a positive way with the support of the local community.

*Mary O'Rourke*

Examiner

## Appendix: Modifications

Note: Any necessary minor (non-material) updates and clarifications may be made by Chilbolton Parish Council and Test Valley Borough Council (TVBC). The correction of factual errors can be carried out under the powers given to TVBC by paragraph 12(6)(e) of Schedule 4B to the Town and Country Planning Act 1990.

| <b>Proposed modification number (PM)</b> | <b>Page no./ other reference</b> | <b>Modification</b>  |
|--|----------------------------------|--|
| PM1                                      | Through the Plan                 | Modify all references throughout the Plan to Cow Common and Chilbolton Common to refer to Chilbolton Cow Common.   |
| PM2                                      | Pages 20-21                      | <p>Modify these Objectives as follows:</p> <p>LE01 – delete and replace with ‘conserve and enhance the landscape and its tranquillity’;</p> <p>LE03 – delete from ‘in accord ...’;</p> <p>LE07 – delete from ‘manage ...’;</p> <p>HE01 – delete and replace with ‘identify, conserve and enhance designated and non-designated heritage assets’;</p> <p>HO01 – after ‘development’ add ‘providing a mix of’;</p> <p>HO02 – after ‘environment’ add ‘through high quality design’;</p> <p>HO03 – delete from ‘forward exit of vehicles ...’ to the end and replace with ‘access and egress from new development’; and</p> <p>EO01 – after ‘business’ add ‘including agriculture and farming’.</p> <p>Delete the following Objectives:</p> <p>LE02, LE04, HE02, HE03, HO04, HO05, EO02 and EO03 and CIO01 to CIO016.</p> |
| PM3                                      | Page 22                          | Delete ‘TVBC LCA (adopted in 2019)’ and replace with ‘Test Valley Borough LCA 2018’.   |

|     |                 |   |
|-----|-----------------|---|
| PM4 | Page 26         | <p>Delete part a) of policy EN1 and redraft as follows:</p> <p><b><i>Development proposals should protect, and where possible, positively contribute to the following views, indicated on Maps 6 and 7:</i></b></p> <p>List and renumber sequentially views 1, 2, 3, 4, 5, 6, 9, 14 and 15.</p> <p>Amend the description for view 5 as follows:</p> <p><b><i>North of Village Street towards the Manor</i></b></p> <p>Replace Maps 6 and 7 with the revised maps provided by the CPC in its response dated 7 April 2020.</p> <p>Replace Photograph 5 with the correct view.</p>       |
| PM5 | Pages 25 and 48 | <p>Delete 8<sup>th</sup> bullet point on page 25.</p> <p>Delete part m) of policy HD6.</p>  |
| PM6 | Page 30         | <p>In policy EN2:</p> <p>b) in the 3<sup>rd</sup> line delete the words '<i>full site survey, including Ecological Impact Assessment</i>' and replace with '<b><i>arboricultural survey</i></b>'.</p> <p>c) in the 3<sup>rd</sup> line delete from the word '<i>which</i>' to the end.</p> <p>e) redraft to read '<b><i>Where permission is required, new high close boarded timber fences or walls will not be supported unless there is an overriding reason (such as security). In such cases their visual impact on the street scene should be softened by planting.</i></b>'</p> |
| PM7 | Page 31         | <p>Replace Map 8 with Maps 8A and 8B but excluding site 15.</p>   |
| PM8 | Page 32         | <p>In policy EN3 line 1 amend to read '<b><i>The sites shown on Maps 8A and 8B and listed below are designated as Local Green Spaces:</i></b>'</p> <p>Delete site 15. from the list of Local Green</p>  |

|      |         |   |
|------|---------|---|
|      |         | Spaces.   |
| PM9  | Page 32 | Delete the final part of policy EN3 from ' <i>Development proposals ...</i> ' to the end.   |
| PM10 | Page 34 | Delete policy EN4.<br>Amend the text on page 34 as follows:<br>1 <sup>st</sup> bullet point line 1 replace 'surface flooding' with 'surface water flooding'.<br>1 <sup>st</sup> bullet point line 11 replace 'laterals' with 'pipes'.<br>5 <sup>th</sup> bullet point line 9 amend to read 'EA ground water flood warning system'.  |
| PM11 | Page 35 | Delete policy EN5 and its supporting text.  |
| PM12 | Page 35 | Delete the heading Utilities Infrastructure and replace with Renewable Energy.  |
| PM13 | Page 35 | Rename policy EN6 as Renewable Energy.<br>In c) insert ' <b>best and most versatile</b> ' before ' <i>agricultural land</i> '.<br>Re-order the policy into 3 separate parts as follows:<br><br><b>1. The text starting 'Solar renewable energy projects will be.....' and continue as drafted to include criteria a) to d).</b><br><b>2. Large scale wind farms will not be supported (former e)).</b><br><b>3. The final part of the policy beginning 'Particular care ...'.</b> |
| PM14 | Page 37 | Delete the Note on Map 9.   |
| PM15 | Page 38 | In policy H1 a) replace ' <i>and</i> ' with ' <b>or</b> '.<br>In policy H1 c) after ' <i>Area</i> ' add ' <b>Character</b> '.   |
| PM16 | Page 38 | Add text to the supporting justification for policy H1 to include details of the Conservation Area Character Appraisal and the Village Design Statement.<br><br>Include a note on Map 10 to refer to it being taken from the TVBC 2009 Chilbolton   |

|      |                        |   |
|------|------------------------|---|
|      |                        | Conservation Area Character Appraisal.  |
| PM17 | Page 41                | Include a title for the page and descriptions for each of the photos.   |
| PM18 | Pages 42 and 43 and 51 | <p>Delete the supporting text to policy H2 on page 42.</p> <p>Delete the first part of the policy H2.</p> <p>Rewrite the second part of policy H2 as follows:</p> <p><b><i>The following have been identified as community facilities and are shown on Map 11:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Chilbolton Stores and Post Office</i></b></li> <li><b><i>2. St Mary-the-Less Church</i></b></li> <li><b><i>3. Abbots Mitre public house</i></b></li> <li><b><i>4. The Village Hall</i></b></li> </ol> <p>Rename policy H2 as Policy C11 Community Facilities and move to Chapter 9 to replace the existing policy C11 (see PM27).</p> <p>Move the photographs on page 42 and Map 11 on page 43 to Chapter 9 of the Plan and renumber the pages accordingly.</p> <p>In Chapter 9 Overview 1<sup>st</sup> bullet point line 2 after Village Hall, add 'registered as an Asset of Community Value'.</p> |
| PM19 | Page 45                | <p>In policy HD1 a) second line delete the words 'not exceed' and replace with '<b><i>be about</i></b>'.</p> <p>In policy HD1 b) 2<sup>nd</sup> line delete the word 'units' and replace with '<b><i>homes, including</i></b>'.</p>   |
| PM20 | Page 45                | In the paragraph headed New Residential Development delete the 4 <sup>th</sup> sentence starting 'To protect ...' to 'development.'   |
| PM21 | Page 45                | Delete policy HD2.  |
| PM22 | Page 46                | <p>Rewrite policy HD3 b) as follows:</p> <p><b><i>Sheltered or purpose-built housing for the elderly or those with disabilities</i></b></p>   |

|      |         |   |
|------|---------|---|
|      |         | <b><i>will be supported.</i></b>  |
| PM23 | Page 46 | Delete policy HD4 and its supporting text on page 46.   |
| PM24 | Page 48 | <p>Redraft policy HD6 as follows:</p> <p>Amend the original criterion j to read:</p> <p><b><i>j) Are supported by a transport assessment of an appropriate scale to demonstrate that appropriate sight lines and safe access and egress can be achieved for vehicles to enter and exit in forward gear and that any impact on the local highway network can be mitigated.</i></b></p> <p>After the first two sentences of the policy, renumber criteria a), c), e), f), g), h), i), j), k), l), n), o) as a sequence a) to l).</p> <p>Then add new main text as follows:</p> <p><b><i>In addition, proposals for new residential development should also demonstrate that:</i></b></p> <p><b><i>m) as a minimum, that they meet Building Regulations requirements M4(2) for accessible and adaptable dwellings; and</i></b></p> <p><b><i>n) provide appropriate garden or amenity space and make appropriate provision for planting, comprising species which respond positively to the local area.</i></b></p> <p><b><i>Within the Conservation Area, all development proposals should:</i></b></p> <ul style="list-style-type: none"> <li><b><i>i. Be designed in context with their surroundings, including existing buildings, street pattern, open spaces, trees and other historic characteristic features;</i></b></li> <li><b><i>ii. Use traditional materials such as chalk (cob), flint, brick, or rendered walls with thatch,</i></b></li> </ul> |



|      |         |  |
|------|---------|--|
|      |         | <p><i>clay tile or slate roofs and traditional boundary features such as thatched or tiled topped Hampshire walls; and</i></p> <p><b>iii. For extensions and alterations, be subservient in size and sympathetic in scale and character with the existing building and surroundings.</b></p> |
| PM25 | Page 49 | Delete the last sentence of policy HD7 a).   |
| PM26 | Page 50 | Delete policy HD8.   |
| PM27 | Page 51 | Delete policy CI1.   |
| PM28 | Page 52 | Delete policy CI2.   |
| PM29 | Page 55 | <p>Rename policy EC1 Existing Employment Sites.</p> <p>Redraft the first part of policy EC1 as follows:</p> <p><b><i>Small scale development proposals within the boundaries of existing employment sites will be supported if they:</i></b></p> <p>In a) change 'our' to '<b>the</b>'.</p>  |
| PM30 | Page 55 | <p>Redraft part b) of policy EC2 as follows:</p> <p><b><i>b) improve agricultural buildings and they are well designed, well insulated and are coloured to fit in with the surrounding landscape.</i></b></p>  |
| PM31 | Page 56 | Delete policy EC3.   |