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**Your ref:**  
**Our ref:** WTWD NP  
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## **Response to the West Tytherley and West Dean Neighbourhood Plan Submission Document, February 2020 (Regulation 16 Consultation)**

### **Introduction**

These comments set out the Council's response to the 'Regulation 16 consultation on the West Tytherley and West Dean Neighbourhood Plan ('WTWDNP'), which was submitted to the Council on 1 December 2020.

The West Tytherley and West Dean Neighbourhood Area was first designated on 29 June 2016. Due to a boundary review in 2018 a further joint application for the designation of a Neighbourhood Area to cover the whole of the amended parish boundary was submitted. This was subject to public consultation which ran for six weeks from Thursday 13 February Friday 27 March 2020. The Council approved the designation on 1 April 2020 and the designated area covers the whole of the parishes of West Tytherley, Frenchmoor, Buckholt and West Dean.

Comments were provided on a draft plan during the Regulation 14 consultation, which took place from 16 May 2019 and 28 June 2019.

The comments that follow are made in the interests of ensuring that the WTWDNP is in general conformity with the strategic policies set out in the Test Valley Local Plan and can be

effectively interpreted by the Council in determining planning applications. Please also see the separate Regulation 16 comments from Wiltshire Council attached at the end of this document.

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

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

### **The Basic Conditions**

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

(a) has regard to national policies and advice contained in guidance issued by the Secretary of State.

(b) has special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses.

(c) has special regard to the desirability of preserving or enhancing the character or appearance of any conservation area.

(d) contributes to the achievement of sustainable development,

(e) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),

(f) does not breach, and is otherwise compatible with, EU obligations,

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

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

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

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

The draft neighbourhood plan was submitted to the Council on 1 December 2020 and commenced a 7 week public consultation from 21 June 21 and 10 August 2021.

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

The submitted plan is accompanied by a Basic Conditions Statement and a Consultation Statement. The supporting evidence base documents can be found at [Consultation \(Reg 14\) \(wdwtplan.org.uk\)](http://wdwtplan.org.uk)

### **First screening of the Plan for Habitats Regulations Assessment (HRA) And Strategic Environmental Assessment (SEA)**

Natural England, Environment Agency and Historic England, as the statutory consultation bodies for the Regulations, were consulted on the HRA / SEA screening request. The consultation started on 29 March 2018 for a five-week period, ending on 3 May 2018.

### **SEA**

Having reviewed the letter and associated documents provided, the consultation responses from Natural England, Environment Agency and Historic England indicated that having regard to the matters within their remit, the proposed Neighbourhood Plan would not be likely to have significant environmental effects. Therefore, based on the summary of the proposed Neighbourhood Plan (as provided), it was the Council's opinion that the Plan would not be likely to have significant environmental effects. On this basis, it was concluded that a Strategic Environmental Assessment would not be required for the proposed West Dean & West Tytherley Neighbourhood Plan.

## HRA

With regards to the Habitats Regulations Assessment and whether an Appropriate Assessment is required, the Councils concluded that the proposed Neighbourhood Plan was not likely to have a significant effect on European designations, and this was supported by the response from Natural England.

### **Second screening of the Plan for Habitats Regulations Assessment (HRA) And Strategic Environmental Assessment (SEA)**

A Habitats Regulations Assessment has been screened in, in accordance with the provisions of the Habitats Regulations. Natural England, as the statutory consultation body were consulted again on the Regulation 16 Plan for HRA and Natural England, Environment Agency and Historic England on the SEA screening. The consultation with the Consultees in the South West started on 1 June 2021 for a five-week period, ending on 6 July 2021 and the South East started on 9 July 2021 for a five-week period, ending on 13 August 2021.

## HRA

Appropriate Assessment has been undertaken for Mottisfont Bats Special Area of Conservation, New Forest Special Protection Area and the Solent Region International Sites (SAC, SPA and Ramsar). The full conclusions and recommendations can be found in the Appropriate Assessment report.

In summary, the Regulation 16 plan as submitted **will have a likely significant effect on European sites in the absence of avoidance and mitigation measures**. Therefore, further wording is advised for relevant policies within the NP to address the impacts as shown in Table 3 of the Appropriate Assessment.

The consultation response from Natural England, has indicated that having regard to the matters within their remit, that providing the Plan is updated to include the advised mitigation wording as set out in Table 2, it can be concluded that the policies contained within the West Tytherley and West Dean Neighbourhood Plan **would not lead to any adverse effects on integrity of any European sites, either alone or in-combination with other plans**. The

**proposed Neighbourhood Plan would not be likely to have significant environmental effects.**

Therefore, providing the West Tytherley and West Dean Neighbourhood Plan is updated to include the advised mitigation wording as set out in Table 3, the Council concludes that the policies contained within the West Tytherley and West Dean Neighbourhood Plan **would not lead to any adverse effects on integrity of any European sites, either alone or in combination with other plans.**

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

Natural England, Environment Agency and Historic England, as statutory consultation bodies under Regulation 9 of the SEA Regulations, were consulted by the Council on an SEA screening determination. Natural England, Historic England and the Environment Agency agreed with the screening determination of the Councils that the WTWDNP is not likely to have significant environmental effects and therefore **an SEA is not required**. The details of this can be found in the Councils SEA Screening Report.

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

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

Policy COM2, 'Settlement Hierarchy identifies the settlements where sustainable development will take place in the Borough. West Tytherley is within the 'Rural Villages' designation. The scale of development in this tier includes windfalls, small business uses, replacement dwellings, and community led development, which could be delivered through a Neighbourhood Plan.

The housing requirement for the Borough is split into two parts, with West Tytherley in the Rural area of Northern Test Valley.

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

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

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

The Local Plan also contains other non-strategic policies which may be relevant to the WTWDNP. These include:

- Policy COM9: Community Led Development
- Policy COM12: Replacement Dwellings in the Countryside
- Policy COM13: Gypsies, Travellers and Travelling Showpeople
- Policy LE16: Re-Use of Buildings in the Countryside
- Policy LE17: Employment Sites in the Countryside
- Policy LE18: Tourism
- Policy E8: Pollution
- Policy LHW4: Amenity
- Policy CS1: Community Safety
- Policy ST1: Skills and Training

## **WEST TYTHERLEY AND WEST DEAN NEIGHBOURHOOD PLAN**

### **Section 1 – What is a Neighbourhood Plan**

This section gives an overview of the how the plan came to be prepared and includes the map showing the designated area that the plan covers, and confirms that an SEA is not required. This will need to be updated to include text explaining the need for an AA, and that an SEA is not required on the plan.

### **Section 2 - Portrait of a Neighbourhood and Section 3 – Community involvement. .**

This section gives an overview of the Parish to give the reader a better understanding of the area and what gives its sense of place. Section 3 gives an understanding of the community consultation and involvement on the plan.

### **Section 4 – Vision and Objectives.**

The WTWDNP contains a vision and 24 objectives. The policies and recommendations in the plan all relate to the 24 objectives that follow the vision statement. Please see the track changes document for comments on the objectives.

### **Section 5 –Policies**

This section contains the 24 policies and supporting text. This includes sections on Environment and Landscape, Housing and Design and Infrastructure and Community. It would be beneficial for the reader if this is split down into individual chapters. The policy titles are the same as the objectives, which can cause confusion and have overly long titles. It is recommended that they are all shortened to reflect the purpose of the policy.

### **Environment and Landscape policies**

**Policy EL1** deals with landscape character of the area. Please see the track changes document for all comments on this policy and its supporting text.

**Policy EL2** addresses the Historic Environment. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

The policy could identify and list the non-designated heritage assets that the policy will refer i.e. those that are listed in the CA Appraisal and shown on the maps as buildings of local interest.

Criteria ii) and iii) are addressed in the TVBC LP Policy E9 on Heritage and do not need repeating here

Criteria iv) Archaeological sites are designated heritage assets, therefore are covered in TVBC LP Policy E9 on Heritage and therefore do not need repeating here.

**Policy EL3** concerns the Conservation Areas. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

Conservation Areas are covered in TVBC LP Policy E9, and as designated heritage assets is also addressed in policy EL2 above. This does not need repeating here and the policy should be deleted.

**Policy EL4** on important views. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

**Policy EL5** addresses Trees and Hedgerows. Please see the track changes document for all comments on this policy and its supporting text.

**Policy EL6** covers Biodiversity. Please see the track changes document for all comments on this policy and its supporting text.

**Policy EL7** deals with Ecological designations. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

This is addressed in TVBC local plan policy E5 and does not need repeating here.  
The supporting text could signpost to the relevant policies in the local plans.

**Policy EL8** covers lad uses in the open countryside. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

This is more onerous than either of the Local Plans. Development in the countryside is covered by the existing Local Plan policies of COM2 and CP2, and so does not need to be repeated here.

**Policy EL9** Designates Local Greenspaces. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:



The test what is permitted in a local green space designation are set out in the NPPF under the Green Belt paragraphs 143 to 147 and don't need to be repeated in policy, but the additional wording suggested at the end of the policy would address this matter.

**Policy EL10** deals with Dark skies and light and noise pollution. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

Noise Pollution. Much of this is not a land use planning matter, as they can either be carried out under permitted development (eg air source heat pumps) or are not development (eg combine harvesters) There are other measures available to individuals if there is a noise nuisance, through the environmental health legislation. What is the evidence for the considerations to reduce noise pollution bullets?

These considerations would be addressed as part of a planning application, if it were to be deemed that these issued would arise. This would be supported from consultation with the Councils Environmental Health officers, and does not need repeating here.

### **Housing and Design policies.**

**Policy HD1** relates to Community Led development, including affordable homes. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

The wording of the objective in the regulation 14 document is preferred to this wording. Suggest reverting to the original wording of: *Provide a mix of housing types, including affordable homes that sustains the current and future needs of the community.*

The allocation of affordable homes will be determined in accordance with each council's allocation policy at the time of letting.

West Tytherley, Frenchmoor and Buckholt are all within the designated rural area. This ensures an AH is secured in perpetuity, and that owners of shared ownership homes cannot staircase their proportion of ownership up to 100%, therefore maintaining the AH stock.

The text on self build could be added to the supporting text signposting to the relevant acts.

**Policy HD2** relates to infill development. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

Policies HD2 and 3 should be combined, as they cover the same issues. Most infill will be on land that is currently used as garden. Infill is not permitted in Frenchmoor, as there is not settlement boundary and therefore is considered as countryside, where there is a presumption against development, other than for specific purposes as identified in TVBC LP policy COM 2.

*'sites within a continuously developed road frontage, with direct but safe access to the road'* What is the evidence for this definition. The local plan does not define this but in COM2 states: *'within the boundaries of the settlements .... The principle of development and redevelopment will be permitted provided its appropriate to the other policies of the local plan.'*

The criteria in the bullets of the policy - This is addressed in TVBC LP policy LHW4 on Amenity, and as this does not add any additional locally distinctive criteria, does not need repeating in this plan.

**Policy HD3** covers the use of garden land. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

Policies HD2 and 3 should be combined, as they cover the same issues. Most infill will be on land that is currently used as garden.

Parking standards are addressed in both Local Plans - please see comments on Policy IC3.

Impacts on amenity is covered in TVBC LP policy LHW4 on Amenity, and as this does not add any additional locally distinctive criteria, does not need repeating in this plan.

**Policy HD4** deals with Design. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

It is recommended that the relevant parts of the WDVDS are included into the NP so that it is clear which elements of the plan are being incorporated into the document. In particular, the 'General Design of Buildings' on Page 14 would benefit from being added. This would add clarity to the text in the policy about the materials and types of features that are valued.

Criteria ii) Reused tiles are not always appropriate to use and how would A1 condition be assessed?

Criteria iii) The plan in read as a whole and this does not need repeating here.

'make use of renewable energy and water saving technologies' This is a separate issue to criterion v) and would benefit from being split out.

**Policy HD5** deals with Landscaping. Please see the track changes document for all comments on this policy and its supporting text.

**Policy HD6** covers Flooding. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

*'No development will be accepted in Flood Zones 2 and 3'* This is dealt with in The NPPF and does not need repeating in the plan.

The Environment agency up to date flood zone maps, or data from a SFRA is used to determine what is within the Flood Zones. This would not include land adjacent to the Flood Zones 2 and 3. The council cannot require the submission of fully costed management measures. . We can seek flood mitigation measures where it is required but the cost is not a planning matter.

## **Infrastructure and Community policies**

**Policy IC1** deals with the Infrastructure. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

The Local Plans set out the contributions required. Both councils are CiL charging authorities, and therefore contributions towards infrastructure are dealt with via CiL This policy is not a land use planning issue, as it concerns how the Parish Councils will spend any CiL monies that they receive. Therefore, this would benefit from being moved into the community projects as aspirations section.

Infrastructure is also addressed in both the Local Plans in policies CP3 and COM15

**Policy IC2** deals with transport and highways. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

Criteria 1) This is addressed in TVBC LP policy T1 on Managing movement and WCS CP61 on transport and new development and does not need repeating here. It could be moved to the supporting text to signpost to both Local Plan polices on this issue.

Criteria 2) This could apply to employment as well as housing, therefore 'all' development would be more appropriate.

**Policy IC3** deals with parking standards. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

What is the evidence for these standards? These are higher than the TVBC LP standards and the Wiltshire standards in LTP3, which are:

1 space per 1 bed unit

2 spaces per 2 and 3 bed unit

3 spaces per 4 bed unit.

Not all developments will require a transport assessment. The governments guidance on Travel Plans, Transport Assessments and Statements states that :

*Where the transport impacts of development are not significant, it may be that no Transport Assessment or Statement or Travel Plan is required.*

**Policy IC4** deals with public and community transport. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

This is not a land use planning matter and therefore would sit better in the community aspirations section.

**Policy IC5** deals with traffic calming. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

This is addressed in Policy IC2 and does not need repeating, and can therefore be deleted.

**Policy IC6** deals with Utilities. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

Utility providers have a duty to provide facilities and connections for new and existing premises.

Criteria i) This is addressed in policy HD2 and the Local plan policies and does not need repeating here. How will this be assessed?

Criteria ii) This would be assessed by the relevant policies in each Local Plan on Heritage, and does not need repeating here.

Criteria iii) This could be moved to Policy HD4 which covers design and energy efficiency, and does not need to be repeated here.

Criteria iv) This is a matter for the Mobile Operators, which may be achieved within their permitted development rights. This text could be moved into the supporting text.

Criteria v) There are no criteria for the siting of renewable energy projects, however this covers the power lines and pylons. This would be assessed as part of any

application for a renewable project, and due to the absence of any criteria for the installation itself, I would recommend that this element is deleted.

**Policy IC7** deals with the protection of local businesses. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

All of West Dean and outside the settlement boundary of West Tytherley is considered the countryside. Therefore TVBCLP policy LE17 on existing sites would apply, as would LE16 on the reuse of buildings. As would WCS CP35 on existing employment sites and CP48 on reuse of buildings. As this policy doesn't add any locally distinctive criteria and is covered by existing policies, it is not required and should be deleted. The local plan policies could be signposted in the supporting text.

**Policy IC8** deals with community facilities. Please see the track changes document for all comments on this policy and its supporting text. The key comments are as follows:

The protection or enhancement of community facilities is covered by WCS CP49 and COM14 in the TVBC plan, and so a policy is not required.

Criteria 1). This is a statement of the mechanisms involved in securing Education contributions rather than a policy. This should be added to the supporting text and removed from the policy.

### **Section 7 - Community Projects and Aspirations**

Please see the track changes document for all comments on this section of the plan.

### **Section 8 - Delivery**

Please see the track changes document for all comments on this section of the plan. The key comments are as follows:

This section would benefit from being moved in the document, to before section 6

### **Section 9 Glossary of Terms**

The key comments are as follows:

All references to be checked to ensure they are up to date, especially those that are from the NPPF which has now been updated.

### **Section 10 – Appendices**

This section contains four appendices. Please see the track changes document for all comments on these sections. The key comments are as follows:

## **Appendix A**

### **Map A4**

This map is missing the data for West Dean. TVBC can help with updating the map to show all the data for the whole of the Plan Area.

## **Appendix B**

This contains Maps and Tables supporting specific policies. Please see the track changes document for all comments on this section of the plan. The key comments are as follows:

This table would benefit from being split out into the Heritage Assets and Community Facilities.

## **Appendix C**

This contains the Policy Evidence Table. The key comments are as follows:

All references to the NPPF will need to be updated to reflect the July 2021 version.

## **Appendix D**

This contains photographs of the Important Views. There are no comments on this Appendix.

Yours sincerely,

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Senior Neighbourhood Planning Officer

Planning Policy

Test Valley Borough Council