

INDEPENDENT EXAMINATION OF THE KING'S SOMBORNE NEIGHBOURHOOD PLAN

EXAMINER: David Hogger BA MSc MRTPI MCIHT

Liz Manship
Clerk to King's Somborne Parish Council

Sarah Hughes
Test Valley Borough Council

Examination Ref: 01/DH KSNP

11 May 2023

Dear Ms Manship and Ms Hughes

THE KING'S SOMBORNE NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the King's Somborne Neighbourhood Plan (KSNP) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for King's Somborne Parish Council (KSPC) as Qualifying Body and a smaller number for Test Valley Borough Council (TVBC). These are attached as an Annex to this letter, and I would like to receive the responses by **Friday 9 June 2023**.

1. Examination Documentation

I can confirm that I have received a complete submission of the Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement, the Sustainability Appraisal (June 2022) incorporating the Strategic Environmental Assessment Scoping Report, the Habitats Regulation Assessment (April 2022), and the Regulation 16 representations. I am satisfied that I have enough relevant evidence to enable me to commence the examination.

Subject to my detailed assessment of the KSNP, I have not identified any very significant flaws that might lead me to advise that the examination should not proceed.

2. Site Visit

I intend to undertake a site visit to the neighbourhood plan area in the week commencing 22 May 2023. This will assist in my assessment of the draft Plan, including the issues identified in the representations.

The site visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

I have a number of questions seeking further information and clarification from both KSPC and TVBC. I have set these questions out in the Annex to this letter. I would be grateful if a written response could be provided by **Friday 9 June 2023**.

5. Examination Timetable

As you will be aware, the intention is to examine the KSNP (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within around 6 weeks of submission of the draft Plan. However, I have raised a number of questions to which I must provide the opportunity for the preparation of a full and considered response (it is also half-term at the end of May). Consequently, the examination timetable will be extended but please be assured that I will seek to mitigate any delay as far as is practicable. The IPE office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter and any subsequent responses, are placed on the websites of the Parish Council and Test Valley Borough Council.

Thank you in advance for your assistance.

Your sincerely

David Hogger

Examiner

ANNEX

From my initial reading of the submission draft of the King's Somborne Neighbourhood Plan (KSNP) and the supporting evidence, I have 7 questions to which I require a joint response from both Councils; a further 6 questions for Test Valley Borough Council (TVBC); and 24 questions for King's Somborne Parish Council (KSPC). I have requested the submission of a response by **Friday 9 June 2023** although an earlier response would be much appreciated. All the points set out below flow from the requirement to satisfy the Basic Conditions.

Question for both Test Valley Borough Council and King's Somborne Parish Council (7)

I would prefer a joint response to these questions but if that cannot be successfully achieved then independent responses should be submitted by the two Councils.

1. Paragraph Reference ID: 41-009-20190509 of the Planning Practice Guidance (PPG) on Neighbourhood Planning, advises that 'where a neighbourhood plan is brought forward before an up-to-date local plan (i.e. the Test Valley Borough Local Plan 2040) is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan. Could the Councils confirm that such discussions have taken place, summarise the conclusions that were drawn, and confirm that there are no issues of concern regarding the compatibility of the King's Somborne Neighbourhood Plan and the Local Plan 2040?

2. In paragraph 1.7 of the Executive Summary of the 'Site Options and Assessment Report' (April 2021) it states that 'the Parish Council should engage with Test Valley Borough Council and the community to select sites for allocations in the King's Somborne Neighbourhood Plan (KSNP) which best meet the objectives of the KSNP and the development needs of the area. Did satisfactory engagement occur?

3. Are both Councils satisfied that the proposed housing mix is justified (policy KS/H2 – page 34)? Is the evidence on which the policy is based current and accurate?

4. Are both Councils satisfied that the public responses, which have contributed to the formulation of the KSNP, can accurately be described as current local opinions and views?

5. Is the detail embodied in policies KS/E5 (Flooding and Water Management – page 25) and KS/E6 (Biodiversity – page 28) justified or are the issues addressed already satisfactorily covered by other planning documentation (e.g. the adopted Local Plan)?

6. Are policies KS/H2 (Housing Mix – page 34) and KS/H8 (Design – page 42) compatible to other similar policies found in other planning documents in Test Valley?

7. The Sustainability Appraisal incorporating the Strategic Environmental Assessment Scoping Report (June 2022), on page 41, concludes that there may be two 'possible significant effects' of the KSNP policies, regarding Water and Cultural Heritage. The Habitats Regulations Assessment (April 2022) includes a number of recommendations to strengthen the policies, thus ensuring there would be no adverse impact, particularly with regard to maintaining the integrity of European sites.

Are both Councils satisfied that the implementation of the policies, as currently set out in the KSNP, will ensure that sustainable development is achieved?

Questions for Test Valley Borough Council (6)

8. According to the Appendix 1 of the TVBC Local Development Scheme (October 2022), the Examination of the Test Valley Borough Local Plan 2040 is programmed to start in the third quarter of 2025, with adoption of the Plan in the second quarter of 2026. Could the Council confirm that this remains the current situation?

9. Paragraph 13 of the National Planning Policy Framework (NPPF) confirms that Neighbourhood Plans 'should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies'.

Is the Borough Council satisfied that this advice has been followed?

10. Can the Borough Council confirm that it is satisfied that the Basic Conditions, as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and in the amended Regulation 32 of the Neighbourhood Plan (General) Regulation 2012, have, in its opinion, been met?

11. The KSNP seeks to deliver 41 new homes over the next 15 years. Is the Borough Council satisfied that the Housing Need and Sites background paper, which justified the figure, is sufficiently robust?

12. Are the housing allocations in the KSNP compatible with policy COM2: Settlement Hierarchy in the TVBC Revised Local Plan (2016)?

13. From the evidence available to me (including on the Parish Council web site) regarding the housing site selection process during the preparation of the KSNP, my preliminary view is that a sufficiently thorough and robust assessment of alternative housing sites has been undertaken. Do the Borough Council agree?

Questions for King's Somborne Parish Council (24)

14. Objective 6 (page 8) expresses the desire to deliver safer and quieter roads. Through the implementation of which policy/policies will this objective be achieved?

15. The first reference to the allocation of sites for housing is on page 9, under 'Development and Design'. The reference is to 41 new homes over the next 15 years (a figure repeated elsewhere in the KSNP, for example in policy KS/H1 (page 32)). Is the Parish Council satisfied that the figure of 41 dwellings is adequately justified (see also Question 11 above)? Has recent development been taken into account (see Regulation 16 Representation from Mr and Mrs Frampton)?

16. Policy KS/E1 (page 14) refers to the 40m contour, above which a landscape assessment would be required. Policy KS/ALL2 (page 39), in sub-section 3, refers to the 48m contour. What is the justification for the difference in approach to the two allocations?

17. Policy KS/E1 (page 14) includes reference to 'surrounding farmland' in the title but the policy itself makes no specific reference to farmland. Is there a justification for this apparent anomaly?

18 What is meant by 'either individually or cumulatively' in policy KS/E2 (page 15)?

19. Policy KS/E3 (page 18) lists 10 areas of proposed Local Green Space (shown on Figure 3). Is it correct that there is no area numbered 8?

20. Could the Parish Council confirm that all the owners of the proposed Local Green Space (policy KS/E3 – page 18) have been advised of the proposed designations and that no objections were

received (having regard to the advice in the PPG on Open space, sports and recreation facilities, public rights of way and local green space: Paragraph Reference ID: 37-019-20140306).

21. In policy KS/E5 (page 25), do criteria 5, 6 and 7 apply to all new development and if so, is that reasonable?

22. Where is the New Forest Special Protection Area (SPA) recreation buffer zone as referred to in policy KS/E8 (page 28)? Does it cover the whole Parish? Can wording in the supporting text (and if necessary a plan) be provided to clarify this matter?

23. In sub-section 1 of policy KS/H1 (page 32) what is the justification for 'at least 10 houses or more'?

24. In sub-section 2 of policy KS/H1 (page 32) who will undertake the review and what form will it take?

25. Paragraph 4.11 (page 33) briefly refers to self and custom building. Is the Parish Council satisfied that this matter is addressed more comprehensively in other planning documentation?

26. With regard to policy KS/ALL1 (page 38):

- the first bullet point is unclear. I assume that the site identified as ALL 1 on page 36, is the 'developable area' (i.e. the allocated site). Am I correct? If so, what is the purpose of sub-section 1?
- Is the Parish Council satisfied that access to the site from the A3057 can be satisfactorily achieved without significant harm to the landscape character of the area?
- It has been suggested that because the allocation site is part of a 'larger area' it will be difficult to contain new development. How do the Parish Council respond to this concern?

27. The first bullet point in policy KS/ALL2 (page 39) is unclear. Again, I assume that the site identified as KS/ALL 2 on page 36, is the 'developable area' (i.e. the allocated site). Am I correct? If so, what is the purpose of sub-section 1?

28. How do the Parish Council respond to the concerns that have been expressed that site ALL2 has no logical boundary and is part of a larger site?

29. How will a developer know what is meant by a 'soft boundary' in clause 4 of policy KS/ALL2 (page 39)?

30. Policy KS/ALL3 (page 40), refers to a site that has been granted planning permission. I have not seen the details of that permission, but I would have expected it to include conditions relating to the implementation of the permission (i.e. requirements 1, 2 and 3 of the policy). If I am correct, is there any value in repeating the aforementioned requirements?

31. In policy KS/ALL3 sub-section 3 (page 40), what happens if the soil condition (for allotments) is not 'equivalent or better'?

32. On page 41, in paragraph 4.29, it is confirmed that the provision of high quality open space is a key objective. However, this objective is not translated into a specific policy. Is the Parish Council satisfied that such provision can be secured through the implementation of other policy documents, such as the Local Plan?

33. Is there any reason that the key community facilities are not identified on the Policies Map?

34. Is there any reason why the suggested wording from Southern Water regarding policies KS/E5 and KS/E9 should not be included in the KSNP?

35. It is not clear which plans/maps within the KSNP form part of the Policies Map. Is there any reason why a single Policies Map cannot be included in the document which brings together on a plan (clearly), all the relevant KSNP policies and proposals for the Parish? This should include the identification of community assets. I note that the Borough Council have offered to assist in plan preparation if necessary.

36. Could the Parish Council comment briefly on the conclusions of the Regulation 16 representation submitted by BJC Planning, in particular with regard to paragraphs 9.4 and 9.6 which relate to self and custom build and the viability of the proposed development?

37. Could the Parish Council comment briefly on the conclusions of Pro Vision as set out in chapter 7 (page 21) of its Regulation 16 response?