

Goodworth Clatford Neighbourhood Development Plan 2018 – 2029

A report to Test Valley Borough Council on the Examination of the Goodworth Clatford Neighbourhood Development Plan

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4 January 2019

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Summary of this report

It is clear that a great deal of commitment and effort has gone into the production of the Goodworth Clatford Neighbourhood Development Plan (GCNDP), and that it is founded on a desire to maintain the rural character and identity of the parish.

The vision and objectives convey comprehensively and clearly the key concerns of the GCNDP. The policies of the GCNDP further these objectives.

Throughout the GCNDP the relationship of its policies to national policy, local policy and other evidence is set out with great clarity and thoroughness, with appropriate references to sustainability. There is no doubt that in these respects the basic conditions have been fully addressed.

I make a small number of recommendations for modifications to the GCNDP. These are almost entirely concerned with clarity, accuracy and internal consistency. One modification (concerning Transport Assessments) is required to ensure conformity with local and national policy.

I recommend that, once modified, the GCNDP should proceed to a referendum. The area of the referendum should be the Neighbourhood Plan Area.

Abbreviations

GCNDP	Goodworth Clatford Neighbourhood Development Plan 2018-2029
GCNDPSC	Goodworth Clatford Neighbourhood Development Plan Steering
	Committee
GCPC	Goodworth Clatford Parish Council
HRA	Habitats Regulations Assessment
LPA	Local Planning Authority (TVBC)
NDP	Neighbourhood Development Plan
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SEA	Strategic Environmental Assessment
TVBC	Test Valley Borough Council
TVLP	Test Valley Borough Revised Local Plan (2011 - 2029) (adopted January
	2016)
The Council	Test Valley Borough Council
The Framework	NPPF
The Parish Council	Goodworth Clatford Parish Council

1. Introduction

- 1.1 I have been appointed by Test Valley Borough Council (TVBC), with the consent of Goodworth Clatford Parish Council (GCPC), to carry out the independent examination of the Goodworth Clatford Neighbourhood Development Plan (GCNDP), in accordance with the relevant legislation¹. My appointment has been facilitated by the Independent Examination Service provided by Trevor Roberts Associates.
- 1.2 As required by the legislation, I am independent of GCPC and TVBC, I do not have an interest in any land that may be affected by the draft plan, and I have appropriate qualifications and experience. I am a chartered town planner and accredited mediator with wide experience in local and central government and private consultancy.
- 1.3 In carrying out this examination I have visited the locality, unaccompanied, and had regard to the following documents:
 - Goodworth Clatford Neighbourhood Development Plan, Submission Draft
 - Goodworth Clatford Neighbourhood Development Plan, Basic Conditions Statement, September 2018
 - Goodworth Clatford Neighbourhood Development Plan, Consultation Statement v2, June 2018
 - Goodworth Clatford Designated Area Map
 - Goodworth Clatford Neighbourhood Development Plan, Screening Opinion for Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)
 - Goodworth Clatford Neighbourhood Development Plan, Community Evidence
 - Background and supporting documentation on the Goodworth Clatford Neighbourhood Development Plan website
 - Regulation 16 representations
 - Response by GCPC to Regulation 16 representations
 - Test Valley Borough Revised Local Plan (2011 2029) (adopted January 2016)
- 1.4 Representations on the GCNDP were submitted by Highways England, Natural England, Historic England, National Grid, Southern Water and Test Valley Borough Council. I have taken all these representations fully into account.
- 1.5 Some of the representations express support for various policies, make comments of a very general nature, or request modified wording which in my judgement does not materially alter the thrust of or effectiveness of the policies. I make no specific reference to these representations. I deal with the remaining representations under the appropriate policy headings below. In section 4, below, I list only those policies which require comment, either because of the representations or because I have identified matters which require modification.
- 1.6 On 27 November 2018, I received, via TVBC and Trevor Roberts Associates, an unsolicited document in which GCPC respond to each of the comments made in the Regulation 16 representations. The document does not raise any new issues, and therefore I judged it acceptable to take it into account. I requested that the document should be sent to those who

¹ Localism Act 2011

Town and Country Planning Act 1990 as amended

Planning and Compulsory Purchase Act 2004 as amended The Neighbourhood Planning (General) Regulations 2012 as amended Neighbourhood Planning Act 2017

made representations at the Regulation 16 stage, and that it should be published on the TVBC website.

- 1.7 In their response to the Regulation 16 representations, GCPC have `agreed' with some of the suggested changes. In some of those instances I believe that the proposed changes would be inappropriate (for example in Policies BE2 and CB5), and where this is the case I have set out my reasons in this report. Where I have not commented upon GCPC's `agreed' changes, I see no reason for objecting to their being made, as they would have no material impact upon my consideration of whether the GCNDP meets the basic conditions, and would not prejudice any third party interests.
- 1.8 Wherever possible, the examination of the issues by the examiner should be by consideration of the written representations. The examiner must cause a hearing to be held where it is necessary to ensure adequate examination of a particular issue, or where it is necessary to give a person a fair chance to put a case². In this instance, the written representations are detailed, coherent, and supported by up to date evidence. In my view it was not necessary for a hearing to be held.
- 1.9 Throughout the process of preparing the GCNDP between 2016 and 2018 the Goodworth Clatford Neighbourhood Development Plan Steering Committee (GCNDPSC) sought to inform and involve the community. The means of doing so included: public meetings; a village survey questionnaire sent to all residences (88% response rate); personal visits to residents; and consultation with local landowners. An impressive volume of `Community Evidence', drawing in part upon the results of the community consultation, was produced by the GCPC to underpin the preparation of the NDP.
- 1.10 It is clear that a great deal of commitment and effort has gone into the production of the GCNDP, and that it is founded on a desire to maintain the rural character and identity of the parish.

2. Location and characteristics

- 2.1 The parish has a population of around 750, concentrated in the village of Goodworth Clatford, which is set in a rolling agricultural landscape, with some areas of woodland. The River Anton, a tributary of the River Test, runs through the parish. There are 25 listed buildings within the parish, 18 of them lying within the village conservation area. The village is served by a shop, a post office, a garage, a primary school, two public houses, a church and a number of leisure facilities. It is linked to the open countryside by a network of rural lanes, bridleways and footpaths.
- 2.2 The village lies a short distance from the town of Andover, to which it is connected by an infrequent bus service.

3. The basis for this examination

3.1 The basic conditions

3.1.1 In brief, the basic conditions which must be met by the GCNDP are:

² Paragraph 9 of Schedule 4B to the Town and Country Planning Act 1990 (as amended)

- it must have regard to national policy and advice
- it must contribute to the achievement of sustainable development
- it must be in general conformity with the strategic policies in the development plan for the local area
- it must be compatible with EU obligations, including human rights requirements
- it must not have a significant adverse effect on a `European site' (under the Conservation of Habitats and Species Regulations 2010).
- 3.1.2 I shall deal in more detail with each of these conditions below.
- 3.1.3 The examination is meant to be carried out with a 'light touch'. I am not concerned with the 'soundness' of the plan, but whether it meets the basic conditions.
- 3.1.4 Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening was carried out by TVBC, and it was concluded that the GCNDP is unlikely to have any significant effects upon the environment or upon any European site.

3.2 Other statutory requirements

- 3.2.1 When submitted to the local planning authority (LPA), a Neighbourhood Development Plan (NDP) should be accompanied by a map or statement identifying the area to which the plan relates, a `basic conditions statement' explaining how the basic conditions are met, and a `consultation statement' containing details of those consulted, how they were consulted, their main issues and concerns and how these have been considered and where relevant addressed in the plan.
- 3.2.2 The submitted GCNDP was accompanied by a map of the area to which the plan relates.
- 3.2.3 A basic conditions statement was submitted with the GCNDP.
- 3.2.4 A consultation statement was submitted with the GCNDP.
- 3.2.5 The GCNDP must meet other legal requirements, including:
 - that it is being submitted by a qualifying body (as defined by the legislation)
 - that what is being proposed is a NDP as defined in the legislation
 - that the GCNDP states the period for which it is to have effect
 - that the policies do not relate to `excluded development'
 - that the proposed GCNDP does not relate to more than one neighbourhood area
 - that there are no other NDPs in place within the neighbourhood area.
- 3.2.6 The requirements listed in paragraph 3.2.5 have all been met.

3.3 National policy

- 3.3.1 National policy is set out in the National Planning Policy Framework (NPPF) originally published in 2012 and revised in July 2018. Paragraph 214 of the revised version of the NPPF says that where a neighbourhood plan is submitted to the LPA under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 on or before 24 January 2019, as in this case, the policies in the 2012 NPPF will apply for the purposes of the examination.
- 3.3.2 The Framework is supported by web-based Planning Practice Guidance (PPG).

3.4 Existing development plan and proposed new local plan

- 3.4.1 The existing development plan for Goodworth Clatford is the Test Valley Borough Revised Local Plan (2011 2029), adopted in January 2016 (TVLP).
- 3.4.2 TVBC have embarked upon the preparation of a new local plan, but the process is at a very early stage, and at present appears to have little or no material bearing upon the issues before me in this examination.
- 3.4.3 Goodworth Clatford is defined as a rural village in the TVLP settlement hierarchy. There are no proposals to allocate housing sites within the rural villages. TVLP defines a settlement boundary for Goodworth Clatford, within which the expected scale of development might include windfalls, rural affordable housing sites, replacement dwellings, community-led development, small business uses and the re-use of buildings.

4. Vision, Objectives and Policies

4.1 Introduction

- 4.1.1 In summary, the vision and objectives of the GCNDP seek, amongst other things: to conserve and enhance the distinctive character of a thriving rural parish; to maintain the independence of the village from other settlements; to conserve and enhance the natural environment; to ensure that development is proportionate in scale and that it respects the character of the village and its surroundings; to make the fullest use of walking, cycling and public transport; to maintain and promote community services and facilities; to provide for proportionate economic development; and to protect recreational spaces and access to the countryside. The policies of the GCNDP appear to me to further these objectives.
- 4.1.2 Historic England suggest some additions to the wording of the vision, but in my opinion the vision and objectives, taken together, as they stand, convey comprehensively and clearly the key concerns of the GCNDP.
- 4.1.3 The policies of the GCNDP are arranged in four groups. `Strategic Policies' set out the fundamental principles against which every planning application should be considered. `Natural Environment Policies', `Built Environment Policies' and `Community and Business Polices' provide further detail. Throughout the GCNDP the relationship of the NDP policies to national policy (NPPF), local policy (TVLP) and other evidence is set out with great clarity and thoroughness, with appropriate references to sustainability. There is no doubt that in these respects the basic conditions have been fully addressed. The relationship of the GCNDP policies to national and local policies is summarised in the Basic Conditions Statement.

4.1.4 Paragraph 3.1 of the Introduction to the policies of the GCNDP is inaccurate when it says that the policies set out the types of development which will and will not be permitted. In fact the policies set out criteria against which development proposals will be judged. I **recommend** that paragraph 3.1 should be amended accordingly.

4.2 Policy SP2 – Quality of life

- 4.2.1 TVBC suggest the re-location of the policy within the GCNDP, to avoid repetition. Given the strategic importance of the policy in implementing the vision and objectives of the GCNDP, I consider that it is appropriately located.
- 4.2.2 TVBC query the use of the phrase `enhance and improve'. It is difficult to find a distinction between these two words. Moreover, whilst improved quality of life is desirable, there are likely to be occasions where development which maintains quality of life would also be acceptable. I **recommend** that the phrase `enhance and improve' be replaced by the phrase `maintain or improve'.

4.3 Policy SP3 – Location and nature of development

- 4.3.1 Historic England suggest a slight re-wording of clause c. In my opinion the proposed change would be unlikely to materially improve the effectiveness of the policy, and would not significantly improve the policy's compliance with the basic conditions.
- 4.3.2 TVBC criticise the policy for reiterating TVLP policies, take exception to the word `blight', urge the removal of the word `and' between the various clauses of the policy, and suggest locating the list and map of important views alongside the policy. GCPC accept some of these suggestions and reject others.
- 4.3.3 The policy sets out the criteria which need to be considered when development is proposed within the Neighbourhood Area. I see no harm in the policy referring to the most relevant local plan policies. Clearly, proposed development should meet all the criteria if possible; the use of `and' is appropriate. It may be that in some circumstances the benefits of a particular proposal might justify the relaxation of one or more of the criteria, but that is a balancing exercise to be undertaken before a decision is made upon a planning application. So far as the vision and objectives of the GCNDP are concerned, all the criteria are applicable.
- 4.3.4 `Blight' means to spoil, harm or destroy. I see no need to change the word unless the GCPC wish to do so.

4.4 Policy NE2 – Rural features

- 4.4.1 In response to a suggestion by Historic England, GCPC propose to re-title the policy `Natural features'. The supporting text suggests that this would be an appropriate change, and I so **recommend**. It follows that the word `rural' should be replaced by the word `natural' in the first line of the policy, and I so **recommend**.
- 4.4.2 TVBC say that the second paragraph of the policy duplicates NPPF. However, as it stands the policy is coherent and comprehensive, and in my opinion the removal of the second paragraph would make it less so.

4.5 Policy NE5 – Rights of Way

- 4.5.1 In response to a suggestion by Historic England, GCPC propose to add the words `historic significance' to the second sentence of the policy, and I so **recommend**.
- 4.5.2 Not all development proposals will have an impact upon rights of way, and therefore I **recommend** that the words `where appropriate' should be inserted at the beginning of the first sentence of the policy.

4.6 Built Environment Policies

4.6.1 In response to a suggestion by Historic England, GCPC propose to re-title the section heading on page 29 of the GCNDP 'Built and Historic Environment Policies'. The supporting text suggests that this would be an appropriate change, and I so **recommend**. However, care will be required to ensure that consequential changes are made throughout the GCNDP (for example on the Contents page, and paragraphs 3.3 and 3.69).

4.7 Policy BE2 - Goodworth Clatford Conservation Area and other heritage assets

- 4.7.1 Historic England suggest re-wording of parts of this policy. GCPC propose to accept some of the changes but not others. The insertion of `special interest' into clause 2 of the policy would be unexceptionable, and I **recommend** it. However, in my judgement the other changes accepted by GCPC would not result in an improved policy. Replacing the final paragraph of the policy with the suggested text would have the, presumably unintended, effect of requiring that all development proposals within or adjacent to the Conservation Area should provide public benefits. This would clearly be an unreasonable requirement. The provision of public benefits might be a consideration to be weighed in the balance in the case of an otherwise unacceptable proposal, but it is not something which can be required in every case.
- 4.7.2 I see nothing wrong with the first five clauses of the policy, which apply to development within or adjacent to the Conservation Area. Nor do I see anything wrong with the final paragraph of the policy which deals with all heritage assets throughout the Neighbourhood Area. It says that development proposals should conserve and enhance such assets, and that in considering the impact of proposed development both the degree of harm and any public benefits will be taken into account. That is a balancing exercise which appears to me to be reasonable and appropriate.
- 4.7.3 There are many possible ways of re-structuring this policy, but however it is done there are likely to be some clauses which apply specifically to the Conservation Area and others which apply more generally. I see no objection to such an exercise, but great care would need to be taken to ensure that there were no unintended consequences such as that outlined above. As it stands the policy might not be elegant, but it is intelligible and complies with the basic conditions.

4.8 Policy CB1 - Movement

- 4.8.1 TVBC say that the policy duplicates a local plan policy and is unnecessary. However, the inclusion of the policy develops the ideas set out in the vision and objectives, and thereby makes the GCNDP a more coherent and locally relevant document.
- 4.8.2 Not all development proposals would justify a Transport Assessment or Transport Statement. Indeed Paragraph 9.9 of the TVLP says that only developments which generate a significant

amount of movement will require a Transport Statement or Transport Assessment to be produced. I **recommend** that Policy CB1 and the supporting text (paragraph 3.84) should be reworded to recognise this. The precise wording should be agreed between GCPC and TVBC.

4.8.3 TVBC query the use of `transport' and `travel' in paragraph 2 of policy CB1. In my view there is a distinction between `travel' (the act of moving from one place to another) and `transport' (the means of doing so). On that basis, the use of the word `travel' in the third line of paragraph 2 of Policy CB1 is inappropriate, and I **recommend** that the word should be deleted.

4.9 Policy CB3 – Loss of commercial premises and land

- 4.9.1 TVBC say that the policy duplicates a local plan policy and is unnecessary. However, the inclusion of the policy develops the ideas set out in the vision and objectives, and thereby makes the GCNDP a more coherent and locally relevant document. In my view the wording of the policy is clear and logical as it stands. Nevertheless, GCPC propose to amend the policy, and I see no reason why their proposed amendments should not accord with the basic conditions.
- 4.9.2 TVBC query the categorisation of public houses, but I see no valid reason why public houses should not be listed as both community facilities and commercial premises for the purposes of Policies CB2 and CB3.

4.10 Policy CB4 – Employment

4.10.1 TVBC say that the policy duplicates local plan policies and is unnecessary. However, the inclusion of the policy develops the ideas set out in the vision and objectives, and thereby makes the GCNDP a more coherent and locally relevant document.

4.11 Policy CB5 – Solar farms

- 4.11.1 TVBC say that the policy duplicates national and local plan policies and is unnecessary. However, the inclusion of the policy develops the ideas set out in the vision and objectives, and thereby makes the GCNDP a more coherent and locally relevant document.
- 4.11.2 TVBC and GCPC propose to amend the title of the policy to include renewable energy projects other than solar farms. However, in my view this would be unacceptable without full public consultation, as it would materially change the scope of the policy. Parties with an interest in renewable energy projects other than solar farms might wish to object to or comment on the policy.

4.12 Appendix C – Village Design Statement

4.12.1 The Village Design Statement is of great importance locally and is relevant to planning and development within the village. It is therefore appropriate that it should remain as an Appendix to the GCNDP.

5. Other matters

5.1 Figure 1 on page 4 of the GCNDP purports to show the boundary of the Neighbourhood Area. However, it does not do so clearly and unambiguously. It appears to show the boundaries of several parishes, and indeed it omits part of Goodworth Clatford parish. I **recommend** that this Figure be amended to show only the boundary of the Neighbourhood Area, and that it should show the whole of that boundary.

- 5.2 In paragraph 1.8 on page 5 of the GCNDP, it is stated that the Test Valley Borough [Revised] Local Plan 2011-2029 will be referred to by the abbreviation TVBLP. However, this has not been implemented consistently. In paragraphs 1.8, 3.20, 3.35 and 3.46, and in footnotes 4 and 32, the abbreviation `TVLP' has been used. This is likely to give rise to confusion and uncertainty, and I **recommend** that a consistent abbreviation should be used throughout the GCNDP.
- 5.3 Figure 2, on page 7 of the GCNDP, purports to show `Features and communications'. However, I found the fonts used in this figure to be so small as to be unreadable, except when greatly magnified by accessing the on-line version of the plan. In my opinion the plan should be accessible to and useable by those who wish to use it in its printed form, as well as by those who wish to use it in its electronic form. I **recommend** that the figure should be amended to allow this.
- 5.4 In the interests of clarity and consistency, I **recommend** that the word `and' should be removed from the end of the second bullet point of paragraph 3.3, and that the full stop at the end of the third bullet point should be replaced by a semi-colon.
- 5.5 In several places in the policies and supporting text, there are references to maps labelled `A.1', `A.2', `A.3' and so on. It is not immediately obvious that these maps are to be found at Appendix A.1, Appendix A.2 and so on. In the interests of usability and clarity, I **recommend** that the word `Appendix' should be inserted in every case. There are occurrences in paragraphs 3.10, 3.19, policy NE1, paragraph 3.26, Policy NE3, and paragraphs 3.36, 3.42, and 3.57.
- 5.6 In the interest of accuracy, I **recommend** that In Appendix E (fifth column, second line of first entry), the word `respectfully' should be replaced by the word `respectively'.
- 5.7 On page 28 of the GCNDP there is a fragment of text which says: `Please see full size versions of these footpath maps on pages 49 and 50'. It is not clear which footpath maps are being referred to, nor which document contains them. I **recommend** that either this situation should be remedied, or that the fragment should be deleted.
- 5.8 The final bullet point in paragraph 3.77 is confusing. It lists a number of `major key buildings'. The first of these is within Goodworth Clatford; the remainder are in Upper Clatford and are not relevant in the context of the NDP. It appears that a bullet point from page 13 of the Goodworth Clatford and Upper Clatford Conservation Area Character Appraisal has been incorrectly copied. In the interests of accuracy and clarity I **recommend** that the final bullet point in paragraph 3.77 should be corrected. The bullet point refers only to the Conservation Area, and it would therefore be inappropriate to add the names of buildings which lie outside the Conservation Area (as suggested by TVBC).
- 5.9 Policy CB2 lists a number of community facilities. They are identified by numbers, which in turn relate to a map, Appendix A.7. However, it is not clear from the policy itself that the numbers relate to the map; that information is not given until paragraph 3.86 in the supporting text. In the interests of clarity, I **recommend** that a reference to Appendix A.7 be inserted into the policy itself.
- 5.10 In the interest of accuracy, I **recommend** that in paragraph a) of Policy CB2, the word `amenities' should be replaced by the word `amenity'.

5.11 In a number of cases TVBC recommend that maps and other information should be moved from the Appendices into the body of the GCNDP, closer to the policies to which they relate. This is a matter of presentation which can be decided by discussion between the GDPC and the TVBC. It does not have a bearing upon my consideration of the basic conditions.

6. Conclusions on the basic conditions

- 6.1 For the reasons set out above, I conclude that, subject to my recommended modifications, the GCNDP has appropriate regard to national policy and advice, conforms with the strategic policies of the development plan for the local area, and will contribute to the achievement of sustainable development.
- 6.2 There is no evidence before me to suggest that the GCNDP is not compatible with EU obligations, including human rights requirements.
- 6.3 There is no evidence before me to suggest that the GCNDP has any significant adverse effect on a `European site' (under the Conservation of Habitats and Species Regulations 2010).

7. Formal recommendation

- 7.1 I have concluded that, provided that the recommendations set out above are followed, the GCNDP would meet the basic conditions.
- 7.2 I therefore recommend that the GCNDP, as modified, should proceed to a referendum.
- 7.3 There is no evidence to suggest that the area of the referendum should be anything other than the Neighbourhood Plan Area, as defined by the map which accompanied the submission of the GCNDP.

Brian Dodd

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APPENDIX – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report	GCNDP reference	Recommendation
paragraph		
4.1.4	Paragraph 3.1	Replace `types of development that will and will not be permitted' with `criteria against which development proposals will be judged'.
4.2.2	Policy SP2	Replace `enhance and improve' by `maintain or improve'.
4.4.1	Policy NE2	Change title to `Natural features' and replace `rural' by `natural' in the first line of the policy.
4.5.1	Policy NE5	Add the words `historic significance' to the second sentence of the policy.
4.5.2	Policy NE5	Insert the words `where appropriate' at the beginning of the first sentence of the policy.
4.6.1	Page 29, Section Heading	Re-title the section heading `Built and Historic Environment Policies', and make consequential changes throughout the GCNDP.
4.7.1	Policy BE2	Insert `special interest' into clause 2 of the policy.
4.8.2	Policy CB1 and paragraph 3.84	Reword the policy and supporting text to recognise that not all development proposals will justify a Transport Assessment or Transport Statement.
4.8.3	Policy CB1, paragraph 2, third line	Delete the word `travel'.
5.1	Page 4, Figure 1	Amend Figure 1 to show only the boundary of the Neighbourhood Area, and to show the whole of that boundary.
5.2	Paragraphs 1.8, 3.20, 3.35 and 3.46, and footnotes 4 and 32	Replace `TVLP' by `TVBLP'.
5.3	Page 7, Figure 2	Amend Figure 2 so that it is readable in hard copy.
5.4	Paragraph 3.3	Remove the word `and' from the end of the second bullet point; replace the full stop at the end of the third bullet point by a semi- colon.
5.5	Policy NE1, Policy NE3 and paragraphs 3.10, 3.19, 3.26, 3.36, 3.42 and 3.57.	Insert the word `Appendix' before the map references in each case.
5.6	Appendix E	In the fifth column, second line of first entry, the word `respectfully' should be replaced by the word `respectively'.
5.7	Page 28	Delete fragment of text or make it relevant.
5.8	Paragraph 3.77, final bullet point	Correct the list of buildings.
5.9	Policy CB2	Insert a reference to Appendix A.7 into the policy.
5.10	Policy CB2 paragraph a)	Replace `amenities' by `amenity'.