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# **Report on Upper Clatford Neighbourhood Development Plan 2019 - 2029**

**An Examination undertaken for Test Valley Borough Council with the support of the Upper Clatford Parish Council on the March 2020 submission version of the Plan.**

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Date of Report: 10 November 2020

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## **Main Findings** - Executive Summary

From my examination of the Upper Clatford Neighbourhood Development Plan (the Plan/UCNP) 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 Upper Clatford Parish Council;
- The Plan has been prepared for an area properly designated – the Neighbourhood Area as identified on Plan 1 of the document;
- The Plan specifies the period to which it is to take effect – 2019-2029; 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**

### *Upper Clatford Neighbourhood Development Plan 2019-2029*

1.1 The Parish of Upper Clatford lies to the south of Andover, the principal settlements being Upper Clatford, Anna Valley and Red Rice. Despite the proximity of Andover, the Parish retains a largely rural character. In the north of the Parish is an area of predominantly chalk downland which is bisected by the River Anton and the Pillhill Brook. I saw on my visit that these water courses and the associated pastoral landscape add a particularly attractive element to the character of the area. To the south of the Parish the character becomes more agricultural, with areas of woodland. There are two Scheduled Ancient Monuments at Bury Hill camp and Balksbury Hill camp and a Conservation Area at Upper Clatford – which has many older buildings of character.

1.2 The first public meeting to discuss the preparation of a neighbourhood plan was held in July 2018 and was attended by 130 people. Questionnaires were distributed, feedback and follow-up meetings were arranged and working groups were established to consider specific issues. A business survey was undertaken, and a planning consultant was appointed. It is particularly pleasing to note the involvement, at an early stage in the process, of a Test Valley Borough Council planning officer; a

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representative of the neighbouring Goodworth Clatford Parish Council and the chairman of the Neighbourhood Development Plan Steering Group. The commitment to involving interested parties has continued, for example in terms of consultation on the draft Plan and I am satisfied that the approach to consultation and publicity has been thorough and inclusive<sup>1</sup>.

### *The Independent Examiner*

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Upper Clatford Neighbourhood Development Plan by Test Valley Borough Council (TVBC/the Borough Council), with the agreement of the Upper Clatford Parish Council (UCPC/the Parish Council).
- 1.4 I am a chartered town planner and former government Planning Inspector, with extensive experience in the preparation and examination of development plans and other planning documents. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

### *The Scope of the Examination*

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

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<sup>1</sup> See Consultation Statement dated March 2020.

- 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 (as amended)('the 2012 Regulations').

1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention (see paragraph 3.10).

#### *The Basic Conditions*

1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017<sup>2</sup>.

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<sup>2</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

## 2. Approach to the Examination

### *Planning Policy Context*

- 2.1 The Development Plan for this part of Test Valley Borough, not including documents relating to minerals and waste development, is the adopted Test Valley Borough Revised Local Plan 2011-2029 (TVBRLP).
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers advice on how this policy framework should be implemented. A revised NPPF was published on 19 February 2019, and all references in this report are to the February 2019 NPPF and its accompanying PPG<sup>3</sup>.

### *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 submission draft Upper Clatford Neighbourhood Development Plan 2019 -2029, (March 2020);
  - Map 1 of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement (March 2020);
  - the Basic Conditions Statement (March 2020);
  - all the representations that have been made in accordance with the Regulation 16 consultation;
  - the Screening Opinion for Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) (23 October 2019); and
  - the requests for additional clarification sought in my letter of 25 September 2020 and the responses of 15 October 2020 from UCPC and TVBC<sup>4</sup>.

### *Site Visit*

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 21 September 2020, to familiarise myself with the locality and visit relevant sites and areas referenced in the Plan and evidential documents.

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

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

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<sup>3</sup> See paragraph 214 of the NPPF. The Plan was submitted under Regulation 15 to the local planning authority after 24 January 2019.

<sup>4</sup> View at: <https://www.testvalley.gov.uk/planning-and-building/planningpolicy/neighbourhood-planning/upper-clatford-neighbourhood-plan>

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

### *Modifications*

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

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

### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The UCNP has been prepared and submitted for examination by UCPC, which is a qualifying body for an area that was redesignated by TVBC on 2 September 2019<sup>5</sup>.
- 3.2 It is the only Neighbourhood Plan for Upper Clatford and 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 The Consultation Statement (CS), dated March 2020, clearly summarises the consultation that has taken place. UCPC started to consider whether or not to prepare a neighbourhood plan in mid-2017 and the CS describes how the process was initiated from the first stage of initial concerns; the 'kick-off' public meeting in July 2018; through to the consideration of responses to the Draft Plan by the Parish Council in March 2020.
- 3.5 Questionnaires were distributed (including an on-line version); a feedback meeting was arranged; working groups were established; a business survey was undertaken, and consultation was undertaken on the Draft Plan. A wide range of interested parties were contacted and UCPC undertook a thorough assessment of all the responses received.
- 3.6 The evidence clearly demonstrates that the consultation process has been thorough and that ample opportunities have been available to all interested parties to contribute to the Plan making process at all the relevant stages. This includes at both the Regulation 14 stage (28 October

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<sup>5</sup> The initial designation of the Neighbourhood Plan Area was approved on 15 August 2018. The Plan Area was subsequently updated as a consequence of an administrative change to the Parish boundary. The redesignated Plan Area comprises the whole of the Parish now encompassed by the revised administrative boundary.

2019 to 10 December 2019) and the Regulation 16 stage (13 July 2020 to 8 September 2020).

- 3.7 Overall, I am satisfied that all the relevant requirements in the 2012 Regulations have been met. I also consider that, in all respects, the preparation of the UCNP and the involvement of interested parties in consultation, has been conducted through a transparent, fair and inclusive process. Regard has been had to the advice in the PPG on plan preparation and community engagement and the relevant legal requirements have been met.

#### *Development and Use of Land*

- 3.8 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

#### *Excluded Development*

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

#### *Human Rights*

- 3.10 No party has raised issues regarding a breach of, or incompatibility with Human Rights and no representations have been made to that effect. From my independent assessment of the draft Plan and supporting evidence, I am satisfied that proper regard has been given to the fundamental rights and freedoms guaranteed under the European Convention of Human Rights and that the Plan complies with the Human Rights Act 1998.

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

#### *EU Obligations*

- 4.1 The UCNP was screened for SEA by TVBC, which found that it was unnecessary to undertake SEA. Having read the SEA Screening Opinion, I support this conclusion. The UCNP was further screened for HRA, which also was not triggered. Natural England confirmed that no HRA is required and from my independent assessment of this matter, I have no reason to disagree.

#### *Main Issues*

- 4.2 I have approached the assessment of whether or not the UCNP complies with the Basis Conditions under two main headings:
- General issues of compliance of the Plan, as a whole; and
  - Specific issues of compliance of the Plan and its policies.

## *General Issues of Compliance of the Plan*

### National Policy and the Development Plan

- 4.3 The policies of the UCNP are set out under five headings: Sustainable Development; Community; Economy; Built Environment; and Natural Environment. The Basic Conditions Statement (March 2020) satisfactorily summarises how the policies of the UCNP have had regard to national policies; the strategic policies of the TVBRLP; and European Union obligations. I have given careful consideration to whether or not there is any unnecessary repetition<sup>6</sup> but I am satisfied that in the very few examples where there is a small degree of repetition, it is of sufficient contextual benefit to the decision maker and other readers of the Plan.
- 4.4 Subject to detailed comments on the individual policies, that I set out below, I conclude that the UCNP has had proper regard to national policy and guidance. I also conclude that:
- the UCNP is in general conformity with the strategic policies of the TVBRLP and that overall, the document provides an appropriate framework that will facilitate the achievement of the stated Vision and Objectives (subject to the recommendations that I set out below); and
  - that the policies (as amended) are supported by appropriate evidence, are sufficiently clear and unambiguous and that they can be applied consistently and with confidence<sup>7</sup>.

### Sustainable Development

- 4.5 The achievement of sustainable development is a key national objective and I consider, subject to the recommended modifications to individual policies below, that all three dimensions of such development (economic, social and environmental) have been taken into account in the preparation of the UCNP. In particular, policy UC1 provides clear support for the achievement of sustainable development and the Basic Conditions in this regard are met.

## *Specific Issues of Compliance of the Plan*

### Setting the Scene and the Neighbourhood Area (Chapters 1 and 2)

- 4.6 Chapter 1 of the UCNP 'sets the scene' by explaining the format of the document and summarising the planning context within which the document has been prepared. Reference is made to the TVBRLP and the Plan period for the UCNP, of 2019-2029, is confirmed. Paragraph 1.6 refers to information being 'supplemented by local sources'. It would be clearer if the reference is to *evidence* rather than sources, especially as

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<sup>6</sup> NPPF paragraph 16 f).

<sup>7</sup> PPG Reference ID: 41-041-20140306.

this would then tie in with the last paragraph after each policy, which is headed 'The evidence for this policy'. **PM1** is therefore recommended.

- 4.7 There is a reference in paragraph 1.9 (page 2) to the Environment Bill and in paragraph 1.10 (page 3) to both the Environment Bill and the Agriculture Bill. However, there is no indication of the timetable for them becoming law. Whilst I understand that there is uncertainty regarding the future progress of the Bills, it would aid clarity if a footnote was included, which provided an appropriate link to the Parliamentary web-site from where to ascertain more details. Paragraph 1.10 refers to the 're-introduction' of the Bills but this is misleading and should be deleted. I recommend the necessary changes in **PM2** and **PM3**.
- 4.8 Chapter 2 describes the characteristics of the Parish, with references to, for example, the history of the settlements, current day services and facilities, landscape character, ecology, green spaces and heritage assets. This chapter also includes a plan identifying the Upper Clatford Neighbourhood Area (page 5). Paragraphs 2.6 to 2.11 describe the characteristics of the locality and the facilities and services available and it would be helpful to the reader if these could be identified on a plan. This would also ensure that, where necessary, the decision-maker is clear about the location of the features referred to. This is recommended in **PM4** (see also paragraph 4.40 below).
- 4.9 The chapter concludes with a list of the key land use and development issues that have been identified through the consultation process. I am satisfied that the list of issues accurately reflects the general aspirations of the community and other interested parties (as portrayed in the consultation responses) and that in the main, appropriate policies have been devised to address the issues that have been identified.

### Vision and Objectives (Chapter 3)

- 4.10 The Vision and Objectives are set out in chapter 3 (page 9) and having visited the Parish I am confident that, if achieved, they will contribute to ensuring a high quality of life for residents and visitors alike. I was concerned that the chapter includes no specific reference to 'sustainability' but I accept the comment of the Parish Council<sup>8</sup> that sustainable development is appropriately covered in its own chapter (chapter 4). I therefore conclude that there would be no tangible benefit in recommending any repetition on the issue.
- 4.11 There is a reference in paragraph 3.5 to 'protecting' the settlement boundary but it is not clear to me what is envisaged in that respect and I note that TVBC comment that this is not the role of the UCNP. I consider that the use of the word 'protect' is misleading and that it be removed from the last bullet point in paragraph 3.5 (**PM5**).

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<sup>8</sup> Parish Council's response to Examiner's Questions (15 October 2020).

## Community (Chapter 5 - policies UC2 and UC3)<sup>9</sup>

- 4.12 Policy UC2 seeks to protect existing community facilities and recreational land and buildings (as identified on Plans 2 and 3 on page 14). The NPPF, in chapter 8, provides support for the provision of the social, recreational and cultural facilities and services that a community needs. The policy refers to issues of need and suitability being 'demonstrated'. Policies should be clearly written and unambiguous and therefore I recommend in **PM6** that the word 'satisfactorily' be inserted before demonstrated (in three instances), thus providing a benchmark for the consideration of a proposal by the decision-maker.
- 4.13 TVBC comment that, in some regards, the policy repeats Local Plan policies COM14 and LHW1. Whilst I acknowledge that there is a small degree of overlap, policy UC2 has been tailored to address local circumstances and provides the clarity required to enable a decision maker to proceed with confidence.
- 4.14 The second policy in this chapter relates to Housing Mix (policy UC3) and requires new residential development to be of a size that would contribute to meeting local housing needs. The last part of the policy confirms that consideration will be given to restricting permitted development rights. The Parish Council, in answer to one of my questions<sup>10</sup>, advises that this approach stemmed from the experiences of another Hampshire Parish, where developers had used permitted development rights to increase the number of bedrooms (particularly in the form of loft conversions). I consider that the Parish Council is justified in taking a precautionary approach, particularly as the policy only confirms that 'consideration will be given' to applying such restrictions. I accept the comment of TVBC that this would not mean that houses could not be extended but that planning permission would be required for any such proposals. However, I consider that there is a greater likelihood that the desired housing mix will be achieved and retained, with the proposed wording of the policy.
- 4.15 Both policies contribute towards the achievement of sustainable development and meet the other Basic Conditions.

## Economy (Chapter 6 - policies UC4 and UC5)

- 4.16 Development relating to the creation or expansion of small-scale businesses is addressed in policy UC4. TVBC suggest that the policy includes a cross-reference to Local Plan policy LE17 and I agree that in order to ease the decision making process such a reference should be included. **PM7** is therefore recommended.

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<sup>9</sup> Chapter 4 Sustainable Development and policy UC1 are dealt with in paragraph 4.5 above.

<sup>10</sup> See response of Parish Council (15 October 2020) to my question 4.

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- 4.17 Support for appropriate renewable and low carbon energy projects is given in policy UC5 subject to consideration of any potential adverse impacts, for example in terms of landscape character, biodiversity and the living conditions of nearby residents. Sub-section 4 of the policy refers to a proposed access having to be 'environmentally acceptable'. I consider this to be insufficiently clear and recommend in **PM8** that the wording be clarified with regard to seeking the retention of the character and appearance of the locality when a new access is proposed.
- 4.18 These modifications will clarify how a decision maker should react to development proposals<sup>11</sup> and therefore meet the Basic Conditions.

#### Built Environment (Chapter 7 - policies UC6 and UC7)

- 4.19 NPPF chapter 12 places significant emphasis on the need to achieve well-designed places and policy UC6 clearly sets out the expectations of the Parish Council in this regard.
- 4.20 I have given careful consideration to the comment of TVBC that the element of the policy regarding 'Countryside and landscape setting' would be more appropriately placed in chapter 8 on the Natural Environment. However, I note that chapter 12 of the NPPF, which relates to design, makes reference to 'landscape setting'<sup>12</sup> and in the interests of clarity and comprehensiveness I conclude that such a reference in policy UC6 is justified.
- 4.21 Paragraph 7.3 refers to 'a detailed description of the distinctive characteristics of the villages' but this 'description' is not currently included within the UCNP. However, in order to aid the decision maker UCPC has agreed to include an additional Appendix to the UCNP entitled 'Character of Settlement Areas'. A copy of this 8-page Appendix (entitled Appendix B) was attached to the response to my Questions<sup>13</sup>. This provides a detailed character assessment, which will be of significant value to the decision maker and other interested parties. I therefore recommend, in **PM9**, the inclusion of this Appendix B in the UCNP and also the inclusion of a cross-reference to the Appendix within a revised paragraph 7.3 (**PM10**).
- 4.22 Policy UC7 seeks to preserve or enhance the Upper Clatford Conservation Area. Sub-section 2 seeks to avoid the sub-division of plots. I acknowledge that historic plot boundaries are an important feature of the Conservation Area but there may be instances where a sub-division would not be harmful to the area's character. To that end I recommend, in **PM11**, the inclusion of a 'test' (in requirement 2) which would only prevent sub-division where it would be detrimental to the character of the locality.

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<sup>11</sup> NPPF para 16 d).

<sup>12</sup> NPPF para 127 c).

<sup>13</sup> Response to Examiner's Questions, dated 15 October 2020.

- 4.23 The Conservation Character Appraisal advises that new or extended outbuildings can have a significantly detrimental effect on the character of the area. To that end, policy UC7(5) which presumes against the addition of upper floors in outbuildings, is justified.
- 4.24 At the end of policy UC7 is a paragraph about non-designated heritage assets. However, they are not all within the Upper Clatford Conservation Area. This section should therefore be deleted from this policy (**PM12**) and included in an independent policy to be inserted before paragraph 7.15 (which refers to such assets). **PM13** is therefore recommended.
- 4.25 The fourth sentence of paragraph 7.9, regarding the appearance of cottages, would benefit from added clarity and I recommend **PM14** accordingly.
- 4.26 Table 2 (page 31) relates to important views and TVBC suggests that it should be included in the section entitled 'Landscape and Settlement Views' on page 39. However, these are views identified in the Conservation Area Character Appraisal and they are specifically referred to in policy UC7. Therefore, the inclusion of Table 2 at this point in the document is justified.
- 4.27 The recommended modifications to chapter 7 will ensure that the Basic Conditions are met.

#### Natural Environment (Chapter 8 - policies UC8, UC9, UC10, UC11 and UC12)

- 4.28 Policy UC8 seeks to protect the landscape character of the area and identifies a number of important landscape features to be conserved and if possible enhanced. In the interests of consistency, the word 'protected' should be inserted into the first part of sub-section 2, thus reflecting the wording in sub-section 1 (**PM15**).
- 4.29 Landscape and settlement views are afforded protection by policy UC9 and are shown on Plans 7 and 8 (see paragraph 4.40 below regarding presentation). However, it should be made clear that it is the 'important' views that are being afforded protection and therefore, in the interests of clarity, I recommend, in **PM16**, a change to the title of the policy by the inclusion of the word 'important' to address this point.
- 4.30 Paragraph 8.13 refers to 'typical examples of the open views' but it is not clear how these views have been considered. Consequently, **PM17** is required which confirms the criteria on which the quality of the views has been assessed. In response to my question 12 to the Parish Council<sup>14</sup>, amended Tables 4 and 5 have been submitted, which refer to the aforementioned criteria that have been used in assessing the value of the views. I recommend, in **PM18** and **PM19**, that these amended Tables, which include references to the supporting criteria, replace the Tables 4

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<sup>14</sup> See Parish response to Examiner's Questions, dated 15 October 2020.

and 5 on pages 40 and 43. This will provide greater clarity to the decision maker and ensure that the Basic Conditions are met.

- 4.31 Policy E3 of the TVBRLP identifies a local gap between Andover and Anna Valley/Upper Clatford. The Local Plan policy affords a level of protection to the character and function of the aforementioned gap. However, in order to amplify the level of detail regarding the approach to development in the local gap, policy UC10 emphasises the importance of retaining the physical and visual separation of the settlements and sets out the principles of design and appearance that will be taken into account in the consideration of planning applications in the local gap. The Borough Council considers that the policy includes unnecessary repetition of the Local Plan policy and I agree. Therefore, I recommend in **PM20**, that policy UC10 is modified to remove elements of repetition. The advice that remains in what will be the last section of the policy is justified because it summarises matters that may need to be addressed by the decision maker in relation to proposals within this particular local gap.
- 4.32 Policy UC11 identifies eleven Local Green Spaces (LGS) which are to be protected because of their importance to the local community. I agree with TVBC that there is no benefit in identifying in the policy, the ownership of the Green Spaces and therefore recommend the removal of the reference in **PM21**.
- 4.33 Concerns were expressed by one representor regarding the size of, and justification for, site LGS4: flood plain and meadow, Upper Clatford. In response to my question 15, the Parish Council<sup>15</sup> provided further clarification around the significance of the land. Having visited the area and walked along the public footpath, I can appreciate the value and significance of the land to the local community and I am satisfied that all the criteria set out in paragraph 100 of the NPPF have been met. With regard to the suggestion that the area of the land, at about 12 ha, is too large for consideration as an LGS, I disagree. There is no definition of 'extensive' in paragraph 100 of the NPPF and PPG<sup>16</sup> confirms that there are no hard and fast rules about how big an LGS can be. However, having walked through the area it is my judgement that the area is not unduly extensive, and it is certainly local in character. The variety of elements in the landscape assisted me in coming to the conclusion that the perception is not one of 'extensiveness'.
- 4.34 It is correct that the land (LGS4) is also subject to the local gap designation, but I agree with TVBC<sup>17</sup> that this is an acceptable approach because the two designations serve different purposes. The function of the local gap is to prevent the coalescence of settlements, while the LGS designation seeks to protect green space that is special to the community and of particular local significance.

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<sup>15</sup> See Response to Examiner's Questions, dated 15 October 2020.

<sup>16</sup> See PPG Reference ID 37-015-20140306.

<sup>17</sup> See TVBC response to Examiner's Questions.

- 4.35 As regards the other LGS identified, I am satisfied that they all meet the appropriate requirements for designation. However, I recommend a revision to the final sentence of policy UC11 to ensure there is appropriate regard to the national policy in NPPF paragraph 101 (and consequently NPPF paragraphs 145 and 146)<sup>18</sup> (**PM22**).
- 4.36 It is important that planning policies and decisions contribute to and enhance the local environment<sup>19</sup>. To that end policy UC12 seeks to protect Sites of Importance for Nature Conservation (SINC). The Borough Council suggests that the policy is repetitious, but I am satisfied that it has been tailored to meet local circumstances.
- 4.37 I have been advised that the designation of the Pillhill Brook SINC has been approved. It is therefore recommended that Pillhill Brook SINC is added to the list in paragraph 8.35 (with a brief description); is also added to Plan 11; is removed from Plan 12; and that paragraph 8.36 is updated accordingly (**PM23**).
- 4.38 The policies in chapter 9, as modified, are in general conformity with the strategic policies for the area, have regard to national policies and in all other respects meet the Basic Conditions.

#### Delivering the Plan (Chapter 9)

- 4.39 Chapter 9 explains how the UCNP will be delivered – largely through the decision-making process on planning applications. However, there is no reference to the role of the Parish Council (working with TVBC) in monitoring the success, or otherwise, of the policies that the Plan will be implementing. In order to instil confidence that the policies in the UCNP will be 'successful' in achieving the desired outcomes, I recommend in **PM24**, that a reference to monitoring is included in chapter 9.

#### *Presentation*

- 4.40 In order for decision makers to be confident in their interpretation of the UCNP, it is important that the presentation of the document is clear and consistent. Although I was able to decipher all the plans, it was not always with ease. This is not a matter that has influenced my conclusions, and generally I consider presentation to be a matter for the Qualifying Body to address. However, I note that Test Valley Borough Council has offered to assist with regard to presentation and I would suggest that the Parish Council accepts that offer in order to ensure that a high standard of clarity, particularly in relation to the plans in the document, is achieved.

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<sup>18</sup> See also the October 2020 judgment in *R on the Application of Lochailort Investments Limited v Mendip District Council*. Case Number: C1/2020/0812.

<sup>19</sup> NPPF chapter 15.

## 5. Conclusions

### *Summary*

- 5.1 The Upper Clatford Neighbourhood Development Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the UCNP, 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. I conclude that the UCNP, as modified, has no policies 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. Therefore, I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

### *Overview*

- 5.4 The document is very clear and well laid out and the inclusion of a paragraph that summarises the evidence base for each policy is particularly helpful. The Parish Council has worked hard to produce an effective Plan which clearly reflects many of the hopes and aspirations of the local community. I consider the document will be of great benefit in the management of sustainable development and to the protection of assets valued by the community.

*David Hogger*

Examiner

## Appendix: Modifications (24)

Note: deletions shown with strike-through and additions shown in **bold**.

<b>Proposed modification number (PM)</b>	<b>Page no./ other reference</b>	<b>Modification</b>
PM1	Page 1 Paragraph 1.6	Modify the third sentence to read:  This has been supplemented by local sources <b>evidence</b> .
PM2	Page 2 Paragraph 1.9	In first sentence of paragraph 1.9 add a footnote after 'Environment Bill' to read:  <b>For up-to-date information on the progress of the Bills refer to:</b> <a href="https://services.parliament.uk/Bills/2019-21/environment.html">https://services.parliament.uk/Bills/2019-21/environment.html</a>
PM3	Page 3 Paragraph 1.10	In paragraph 1.10 delete the words <del>the reintroduction of</del> in the first sentence.
PM4	Page 6	Insert a <b>Plan</b> identifying the location of the features and services that are referred to in paragraphs 2.6 to 2.11.
PM5	Page 10 Paragraph 3.5	Modify last bullet point to read:  To <del>protect and</del> maintain the current settlement boundary for Upper Clatford/Anna Valley.
PM6	Page 12 Policy UC2	Insert the word <b>satisfactorily</b> before 'demonstrated' in the first and second sub-sections, and in criterion 1.
PM7	Page 18 Policy UC4	Modify item 4 to read:  The development and diversification of farm, forestry and other land-based rural businesses <b>in accordance with Local Plan policy LE17</b> .
PM8	Page 20 Policy UC5	Modify requirement number 4 to read:  The local highway network and the proposed means of vehicular access can cater safely for both the volume and type of vehicles anticipated, and the proposed access is environmentally acceptable <b>would not cause</b>

		<b>significant detriment to the character and appearance of the locality;</b>
PM9	New page 68	Attach to the UCNP the 'new' <b>Appendix B: Character of Settlement Areas</b> (8 pages) which was attached to the response from UCPC to the Examiner's Questions (dated 15 October 2020).
PM10	Page 25 Paragraph 7.3	Modify paragraph 7.3 to read:  To supplement the VDS, a detailed description of the distinctive characteristics of the villages is provided <del>in the NDP Evidence Statement for policy UC16</del> <b>in Appendix B</b> for the following settlement areas:
PM11	Page 27 Policy UC7	Extend requirement 2 to read:  Retain the historic plan form of development and avoid the sub-division of plots <b>where it can be clearly demonstrated that such sub-division would be harmful to the character of the locality;</b>
PM12	Page 27 Policy UC7	Delete the last two sentences of the policy regarding non-designated heritage assets:  <del>Non-designated heritage assets are identified in Table 3. The effects of development proposals on their significance will be taken into account in accord with Local Plan and national policy.</del>  (see also PM13 below)
PM13	Page 29 Paragraph 7.15	Insert a new policy before paragraph 7.15 to read:  <b>The effects of development proposals on the significance of non-designated heritage assets will be taken into account in accordance with Local Plan and national policy.</b>  For consistency of format include a paragraph setting out the supporting evidence for this new policy. This can be a repeat of paragraph 7.16.  <u>Note:</u> subsequent policy numbers will have to be changed.

PM14	Page 27 Paragraph 7.9	Modify fourth sentence to read: They <b>Roofs</b> are typically thatched or slated <del>cottages constructed</del> with brick and flint or chalk cob walls.
PM15	Page 33 Policy UC8	Insert the word 'protected' in the first sentence of requirement 2: The following important local landscape features will be <b>protected</b> , conserved and where possible enhanced:
PM16	Page 39 Policy UC9	Amend title of policy to read: <b>Important</b> landscape and settlement views.
PM17	Page 40 Paragraph 8.13	Add a sentence to the paragraph to read: <b>The quality of the landscape views has been assessed against the following criteria:</b> <b>1. History/heritage;</b> <b>2. Contribution towards rural identity: Rural Countryside (RC), Rural Settlement (RS);</b> <b>3. Landscape character type: Open chalklands (OC), Enclosed Chalk Woodlands (EC), River Valley Floor (RV).</b>
PM18	Page 40	Add to Table 4 the 'Supporting criteria' for each view (which are in the UCPC response to the Examiner's Questions) as follows: View 1 <b>2(RC), 3(EC)</b> View 2 <b>2(RC), 3(EC)</b> View 3 <b>2(RC), 3(EC)</b> View 4 <b>1, 2(RC), 3(OC)</b> View 5 <b>2(RC), 3(OC)</b> View 6 <b>1, 2(RC), 3(OC)</b> View 7 <b>2(RC),3(OC)</b> View 8 <b>2(RS), 3(OC)</b> View 9 <b>2(RS)</b>

PM19	Page 43	<p>Add to Table 5 the 'Supporting criteria' for each view (which are in the UCPC response to the Examiner's Questions) as follows:</p> <p>View 1 <b>2(RC)</b></p> <p>View 2 <b>1</b></p> <p>View 3 <b>1, 2(RS)</b></p> <p>View 4 <b>1</b></p> <p>View 5 <b>2 (RS)</b></p> <p>View 6 <b>1, 2(RS)</b></p> <p>View 7 <b>2(RS)</b></p> <p>View 8 <b>2(RS), 3(RV)</b></p> <p>View 9 <b>2(RS), 3(RV)</b></p> <p>View 10 <b>1, 3(RV)</b></p> <p>View 11 <b>2(RS)</b></p> <p>View 12 <b>3(RV)</b></p> <p>View 13 <b>2(RS)</b></p> <p>View 14 <b>2(RS)</b></p> <p>View 15 <b>1, 2(RC)</b></p> <p>View 16 <b>2(RS), 3(RV)</b></p> <p>View 17 <b>2(RS), 3(RV)</b></p>
PM20	Page 46  Policy UC10	<p>Modify policy UC10 to read:</p> <p><b>The Local Plan identifies the Local Gap in policy E3 and the part that is within the Plan Area is shown on Plan 9.</b></p> <p>The <del>Component</del> areas of the <del>Anna Valley/Upper Clatford</del> Local Gap are identified <b>have been assessed</b> on the basis of their contribution to the physical and visual separation between Andover and Anna Valley/Upper Clatford (<del>Plan 9</del>). Development proposals will <del>only</del> be supported when they do not compromise the contribution of the relevant component area(s) to physical separation, visual separation or to the integrity</p>

		<p>of the Gap, as this contribution is described <b>set out</b> in Table 6.</p> <p>Maintaining the physical separation, visual separation and integrity of the Local Gap is of importance when considering:</p> <ol style="list-style-type: none"> <li>1. Proposals for the extension of existing dwellings or the creation and extension of ancillary domestic buildings under Local Plan policy COM11; and</li> <li>2. Proposals which fall within both the Local Gap and the Anna Valley/Upper Clatford settlement boundary (Local Plan policy COM2); and</li> <li>3. Proposals for employment sites in the countryside under Local Plan policy LE17.</li> </ol> <p>In all cases, regard will be had, where appropriate, to building scale, footprint, massing, height, design and to the suitability of the proposed use to the rural landscape of the Local Gap. Any intensification likely to arise when compared to the current use will be taken into account.</p> <p>This policy is in addition to the provisions of Local Plan policy E3.</p>
PM21	Page 53 Policy UC11	<p>Delete from policy:</p> <p>Parish owned or maintained open spaces comprising:</p>
PM22	Page 53 Policy UC11	<p>Delete final sentence from policy:</p> <p>Development that would result in the loss or partial loss of these Local Green Spaces will not be supported unless very special circumstances arise which outweigh the need for protection.</p> <p>Replace with:</p> <p><b>Development will be managed in a manner consistent with that applicable to designated Green Belt.</b></p>
PM23	Pages 59, 60 and 61	Add <b>Pillhill Brook SINC</b> (with appropriate description) to the list of SINC in paragraph

	Paragraph 8.35 and 8.36	8.35 and make a consequentially update to paragraph 8.36. Identify Pillhill Brook SINC on Plan 11. Remove Pillhill Brook SINC from Plan 12.
PM24	Page 63 Paragraph 9.1	Add three sentences to paragraph 9.1 to read: <b>The Parish Council will monitor the implementation of the policies in the UCNP and keep under review the need for the UCNP to be amended and updated. Policies in this document may be superseded by other Development Plan policies, such as those arising from the current review of the Test Valley Local Plan, or by the emergence of new evidence. Where policies in the UCNP become out-of-date, the Parish Council, in consultation with Test Valley Borough Council, will decide how best to up-date the document.</b>