

Crondall Neighbourhood Plan – Hart District Council Decision to proceed to referendum



The following has been prepared to meet Regulation 4(3)(b)(iv-bb) of the Neighbourhood Planning (Referendums) Regulations 2012 (as amended) to demonstrate that Hart District Council as the Local Planning Authority are satisfied that the draft neighbourhood plan meets the basic conditions and can proceed to referendum.

Hart District Council

Crondall Neighbourhood Plan:

POST EXAMINATION DECISION STATEMENT

The Neighbourhood Planning (General) Regulations 2012 (as amended)

This document is the decision statement required to be prepared under Regulation 18(2) of the Neighbourhood Planning (General) Regulations 2012 (as amended). It sets out the Council's response to each of the recommendations contained within the Report to Hart District Council of the Independent Examination of the Crondall Neighbourhood Development Plan ("the Plan") by Independent Examiner Nigel McGurk, which was received by the Council on 8 November 2019.

1.0 BACKGROUND

- 1.1 Under the Town and Country Planning Act 1990 (as amended), Hart District Council ("the Council") has a statutory duty to assist communities in the preparation of neighbourhood (development) plans and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6, Chapter 3) sets out the Local Planning Authority's responsibilities under Neighbourhood Planning.
- 1.2 This statement confirms that the modifications proposed by the Examiner's report have been considered and accepted, that the Plan has been altered as a result of it, and that this Plan may now be submitted to local referendum.
- 1.3 The Crondall Neighbourhood Plan relates to the area that was designated by the Council as a Neighbourhood Area on 1 September 2016. This area is coterminous with the Crondall Parish boundary and is entirely within the Local Planning Authority area.
- 1.4 Crondall Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 between November – December 2018.

- 1.5 Following the submission of the Crondall Neighbourhood Plan to the Council in June 2019, the Council publicised the draft Plan for a six-week period and representations were invited in accordance with Regulation 16. The publicity period ended on 29 July 2019.

2.0 INDEPENDENT EXAMINATION

- 2.1 The Council appointed Mr Nigel McGurk, with the consent of Crondall Parish Council, to undertake the examination of the Crondall Neighbourhood Plan and to prepare a report of the independent examination.
- 2.2 The Examiner's report was received on 8 November 2019. The report concludes that subject to making the modifications recommended by the Examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum. The Examiner also recommended that the referendum area was based on the Neighbourhood Area that was designated by the Council in September 2016.
- 2.3 Having considered each of the recommendations made in the Examiner's report and the reasons for them, the Council has decided to make the modifications to the Crondall Neighbourhood Plan set out in Table 1 below. **The Council is satisfied that subject to those changes/modifications which it considers should be made to the Plan as set out in Table 1 below, that the Plan meets the basic conditions set out in the legislation.**

3.0 DECISION AND REASONS

- 3.1 The Neighbourhood Planning (General) Regulations 2012 (as amended) requires in Regulation 18 for the local planning authority to outline what action to take in response to the recommendations of an Examiner in relation to a neighbourhood plan.
- 3.2 Having considered each of the recommendations in the Examiner's report and the reasons for them, the Council, with the agreement of Crondall Parish Council, has decided to accept the modifications to the draft Plan. This decision was made at Cabinet on 5 March 2020. These are set out in Table 1 below.
- 3.3 The Council is also required to consider whether to extend the area to which the referendum is to take place under Regulation 18(1e). The Examiner recommended that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Hart District Council as a Neighbourhood Area. The Council has considered this recommendation and the reasons for it, and has decided to accept it. The referendum on the Crondall Neighbourhood Plan will be based on the designated Crondall Parish Neighbourhood Area.

Table 1: Examiner’s Recommended Modifications and Amendments

Submitted Neighbourhood Plan Policy / Section/Page	Examiner’s Report para reference	Recommended Modification	HDC Consideration / Justification
Introduction and Background			
Fig 1 (section 2.1)	52	Delete all Parish boundaries on Figure 1. Show the boundary of the Neighbourhood Area (which coincides with that of Crondall Parish) and label this in the key as “ <i>Neighbourhood Area</i> ”	Agree with the modifications for the reasons set out in the Examiner’s Report.
section 2.1 page 4	65	<p>Page 4, line 6, add “...applies to the <i>Neighbourhood Area</i>, which comprises the whole...”</p> <p>Page 4, last sentence, delete and replace with “<i>Policies must only relate to land use planning matters.</i>”</p> <p>Page 5, first and second sentences, change to “...cannot be addressed by <i>land use planning policies</i>. The Neighbourhood Plan <i>identifies these issues and addresses them</i> in the section on Community Aspirations.”</p> <p>Page 5, delete fourth para, which has been overtaken by events (“These requirements...for the area”)</p>	Agree with the modifications for the reasons set out in the Examiner’s Report.
Section 2.2 page 5	66	Page 5, last para, change to “The Neighbourhood Plan <i>must have regard to national policy and be in general conformity with</i>	Agree with the modifications for the reasons set out in the Examiner’s Report.

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Section 2.2 page 6		<p><i>local strategic policy. At the national...(NPPF) revised in 2018 and further updated...</i></p> <p>Page 6, begin first sentence "<i>NPPF paras 29...</i>"</p>	
Section 2.2 page 6	69	<p>Delete all text from "At the local level..." on page 6 to "...35% for shared ownership." on page 8.</p> <p>Replace with: "<i>At the local level, the key documents are the 'saved' policies from the adopted Hart District Local Plan (Replacement) 1996-2006 and the First Alterations, and the emerging Hart District Local Plan Strategy and Sites 2016-2032. This emerging Local Plan is nearing adoption (anticipated to be early in 2020). The Neighbourhood Plan has taken into account the policies of and evidence supporting the emerging Local Plan.</i></p> <p><i>Crandall is a small settlement within Hart's rural area and consultation found that preservation of the rural nature of the Parish is a major priority for residents.</i></p> <p><i>Hart District Council considers Hart's housing requirement to be 423 homes per annum across the District. This equates to 7,614 homes over the plan period 2014–2032. This requirement</i></p>	<p>Agree with the modifications for the reasons set out in the Examiner's Report.</p> <p>Following the receipt of a "letter before claim for injunctive relief" from Crondall Developments Limited threatening a Judicial Review of the Plan, the Council carefully considered the question of whether there is a need for 66 homes in Crondall which the Neighbourhood Plan does not meet if the Inspector's recommendation to delete the Mill Lane site for 32 homes under Policy 2b is accepted. The risk was whether a failure to meet housing needs would mean the Plan fails to meet the basic condition of contributing to the achievement of sustainable development.</p> <p>The Council is satisfied that, notwithstanding the reference to a need</p>

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		<p><i>comprises: Hart's objectively assessed housing need (OAHN) of 382 homes per annum identified in the Joint Strategic Housing Market Area Assessment for Hart, Rushmoor and Surrey Heath, November 2016 (SHMA); plus an additional 41 homes per annum (731 homes) to address an unmet housing need in Surrey Heath under the duty to cooperate (Surrey Heath is part of the Hart, Rushmoor/ Surrey Heath Housing Market Area).</i></p> <p><i>The number of houses originally allocated to Crondall Parish by Hart in their draft (Regulation 18) Local Plan published in 2017, was 66. This number was derived from a notional allocation to one registered SHLAA site. However, the emerging Hart Local Plan does not give a target for Crondall and leaves the yield decision to the Neighbourhood Plan. A Neighbourhood Plan does not need to allocate land. At its meeting on 29th January 2018 the Parish Council agreed to continue with the Neighbourhood Plan by allocating land for close to the original number (i.e. 66) but on the basis that, whilst an allocation of 66 houses might be justifiable for Crondall Parish, it should be seen as an upper limit.</i></p>	<p>for 'up to' 66 homes in Crondall, the Plan does meet the basic conditions for the following reasons:</p> <ol style="list-style-type: none"> 1. Objectively assessed housing needs for Hart District are being fully addressed in the Hart Local Plan (Strategy and Sites) 2032 which does not allocate any specific housing figure to Crondall Parish. The Inspector's Report into that Plan was received on 10 February 2020 confirming that the Plan can be adopted subject to the recommended Main Modifications being incorporated. The Main Modifications do not require any housing be allocated to Crondall Parish. 2. The text recommended by the Neighbourhood Plan Examiner is clear that the emerging Hart Local Plan does not give a target for Crondall and leaves

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<p>Page 7 Fig 2 page 8</p> <p>Section 2.4 Page 8</p> <p>Section 2.5 page 9</p> <p>Section 2.6 page 9</p>		<p><i>In calculating Crondall's need for housing to be met by the Neighbourhood Plan, we have allowed for permissions granted but not yet built and an allowance for expected future windfalls. The number of permissions granted since the start of the Plan period is 15 and a conservative expectation of windfall sites is 12. Details confirming the approved applications and how the windfall number was arrived are included in the Evidence Document.</i></p> <p><i>The Neighbourhood Plan supports the provision of affordable housing in line with District-wide policy."</i></p> <p>Delete Figure 2 on page 8 and delete footnote on page 7</p> <p>Page 8, first line of penultimate paragraph, change "established" to "informed"</p> <p>Page 9, Para 2.5, line four, change to "...Plan were reviewed...and where appropriate changes were made for..."</p> <p>Page 9, Para 2.6, second line, delete "throughout the period leading to this Submission Plan"</p>	<p>the yield decision to the Neighbourhood Plan.</p> <p>3. The reference to 66 homes is couched as an upper limit, not a housing requirement. The Plan does not need to allocate sufficient sites to meet the 66 homes figure.</p> <p>4. The recommended text refers to the fact that a Neighbourhood Plan does not need to allocate land at all. The fact that it does allocate land for housing means it is positive in terms of planning for housing and meeting the basic condition of contributing to the achievement of sustainable development.</p> <p>5. The supply of housing in Crondall has been further increased through the grant of planning permission on appeal for 30 homes at Broden Stables (appeal decision received on 14 February 2020 reference</p>

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		Page 9, Para 2.6, last line, delete "to date"	<p>[APP/N1730/W/17/3185513]. This is effectively a windfall site which if implemented will bring the supply close to the 66 homes figure in any event. A factual update has been made to the Referendum version of the Neighbourhood Plan to include reference to the Broden Stables appeal decision within the Introductory Section (see underlined text below).</p> <p><i>In calculating Crondall's need for housing to be met by the Neighbourhood Plan, we have allowed for permissions granted but not yet built and an allowance for expected future windfalls. The number of permissions granted since the start of the Plan period is 15 and a conservative expectation of windfall sites is 12. Details confirming the approved applications and how the windfall number was arrived are included in the Evidence Document. [footnote]</i></p>

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			<u>Footnote: This supply increased by 30 dwellings with the grant of planning permission on appeal in February 2020 at Broden Stables, Crondall (Reference APP/N1730/W/17/3185513).</u>
Section 2.7 page 11-12	70	<p>Page 11, Para 2.7, first sentence, change to "<i>The Neighbourhood Plan is supported by a SEA.</i>"</p> <p>Page 11, delete last two paras "A screening...for submission"</p> <p>Page 12, Para 2.8, first line of second para, change to "Under the <i>emerging</i> Hart Local Plan..."</p> <p>Page 12, delete last para "The requirement...this document."</p>	Agree with the modifications for the reasons set out in the Examiner's Report.
Policy 1 : Spatial Plan			
Policy 1 page 21-23	90	<p>Policy 1, change first para to "...and Mill Lane, <i>within which development will be supported. The boundaries of each settlement are indicated on Figures 7 and 8.</i>"</p> <p>Delete second para ("Proposals...figure 26")</p>	Agree with the modifications for the reasons set out in the Examiner's Report.

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		<p>Change third para to "<i>Development should respect and not obstruct views out of Crondall shown on Figure 26.</i>"</p> <p>Delete fourth para and replace with "<i>Development outside the settlements of Crondall and Mill Lane should be appropriate to a countryside location</i>"</p> <p>Delete fifth, sixth and last paras ("Development will not...Planning policy.")</p> <p>Page 21, supporting text, delete second bullet point ("To minimise...Area")</p> <p>Page 22, first para, change to "...settlement boundaries is supported by <i>the Parish Council where proposals are in accordance with relevant national...</i>"</p> <p>Page 22, delete second para ("In...views.")</p> <p>Page 22, change last sentence of third para to "...settlement boundaries <i>will be expected to be supported by clear justification...</i>"</p>	

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		Pages 22 and 23, delete last four paras of supporting text ("Development on brown...also a possibility.")	
Policy 2 : Housing Site Selection			
Policy 2 Page 24- 26	93	<p>Change Policy 2 to "<i>During the Plan period the Neighbourhood Plan supports residential development at the sites below for the development of housing: 2a CRON 27 Cross Road; 2b CRON 21 The Bungalow; and 2c CRON 22 Marsh Farm.</i>"</p> <p>Page 24 delete the Objectives</p> <p>Page 24 second main para, delete last sentence ("The proposed sites...affordable homes.")</p> <p>Page 25, delete third para ("The following...only.")</p> <p>Page 25 delete 179 from Figure 8</p> <p>Page 26, delete the first half page of text, which is unnecessary and appears confusing ("The approach taken...Crandall and Mill Lane.")</p>	<p>Agree with the modifications for the reasons set out in the Examiner's Report.</p> <p>Following the receipt of a "letter before claim for injunctive relief" from Crondall Developments Limited threatening a Judicial Review of the Plan, the Council raised some initial concerns over the scoring of sites in the process of deciding which should be allocated. On further reflection, and having engaged with the Parish Council, the Council is satisfied that the approach was appropriate and proportionate for a Neighbourhood Plan. Furthermore the Council did not raise issue through the Plan process with any of the sites recommended to remain in the Neighbourhood Plan listed at Policy 2.</p>

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		Page 26, delete last sentence ("Any...particular.") which reads as a Policy but is not	
Policy 2a page 27	96	<p>Policy 2a, change second bullet point to "...design should <i>respect</i> neighbouring..."</p> <p>Policy 2a, change third bullet point to "...off-street <i>parking and</i> provide garden..."</p> <p>Delete last para on page 27 which reads as a Policy requirement, but is not ("Although...required.")</p>	Agree with the modifications for the reasons set out in the Examiner's Report.
Policy 2b page 28-29	105	<p>Delete Policy 2b and supporting text on pages 28 and 29</p> <p>Any other references to Policy 2b in the Neighbourhood Plan should be deleted. For clarity, this will require the re-numbering of Policies 2c-2f</p>	Therefore, the Council agrees with the modifications for the reasons set out in the Examiner's Report.
Policy 2c page 30	106	<p>Policy 2c, change second bullet point to "...design should <i>respect</i> neighbouring..."</p> <p>Policy 2c, change third bullet point to "...off-street <i>parking and</i> provide garden..."</p>	Agree with the modifications for the reasons set out in the Examiner's Report.
Policy 2d page 31-32	108	Policy 2d, change fourth bullet point to "...off-street <i>parking and</i> provide garden..."	Agree with the modifications for the reasons set out in the Examiner's Report.

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Policy 2e page 33-34	114	<p>Policy 2e, fourth line, delete "either"</p> <p>Delete last sentence of Policy 2e ("Hart...parties")</p>	Agree with the modifications for the reasons set out in the Examiner's Report.
Policy 3 : Housing Design			
Policy 3 page 35 - 36	131	<p>Change title of Policy to "<i>Good Design</i>"</p> <p>Policy 3 – delete opening sentence and replace with "<i>Development in the Neighbourhood Area should demonstrate high design quality. Development should, where appropriate, take into account the following design principles:</i>"</p> <p>Replace all uses of the word "shall" in the Policy (unless the relevant bullet point has been recommended for deletion) with "<i>should</i>"</p> <p>Change second bullet point to: "<i>Development should be locally distinctive. It should take opportunities to reflect the local vernacular, to appear in keeping with its surroundings – taking account of traditional local materials; and to reference high quality local design.</i>"</p> <p>Delete third, fourth and fifth bullet points ("Materials...Standards")</p> <p>Delete ninth bullet point ("Development shall</p>	Agree with the modifications for the reasons set out in the Examiner's Report.

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		<p>address...achieved.”)</p> <p>Delete twelfth bullet point and replace with “<i>All heritage assets should be conserved in accordance with their significance.</i>”</p> <p>Delete thirteenth and fourteenth bullet points (“Development proposals must...measures”)</p> <p>Change last bullet point to “<i>Development should not restrict access...mobility.</i>”</p> <p>Page 35, first objective, change to “<i>To ensure that housing design reflects the distinctive...</i>”</p> <p>Page 36, delete bullet point at top of page</p>	
Policy 4 : Crondall/Mill Lane Local Gap			
Policy 4 page 37 - 39	145	<p>Policy 4, change second sentence to “<i>Development proposals within the Local Gap should not result in coalescence or harm the separate identities of Crondall and Mill Lane.</i>”</p> <p>Provide a new Figure 13, ensuring that the precise boundaries of the Local Gap are clearly identifiable such that they are beyond debate or doubt.</p>	Agree with the modifications for the reasons set out in the Examiner's Report.

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		<p>Supporting text, delete “and the local vicinity known as Bowling Alley” from the Objective below the Policy</p> <p>Page 37, retain first sentence of Evidence and Justification but delete the rest of the para (“This...Gap”)</p> <p>Page 38, first para, change to “...Council's <i>emerging Local Plan does not seek to include a Gaps policy, but does support the designation of Gaps through Neighbourhood Plans. The proposed Local Gap is designated with the purpose of safeguarding the separate identities of Crondall and Mill Lane.</i>” (delete rest of para)</p> <p>Delete last para on page 38 (“The...sites.”)</p> <p>Delete penultimate para on page 39 (“Any...considered.”)</p> <p>Delete title and last para on page 39 (“Development Pressures...area”)</p>	
Policy 5 : Local Green Space			
Policy 5 page 40 - 47	158	Policy 5, change the opening para to “ <i>The sites below, identified on Figures 16 to 19, are designated as Local Green Space. The</i>	Agree with the modifications for the reasons set out in the Examiner's Report.

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		<p><i>management of development within areas of Local Green Space will be consistent with that for development within Green Belts."</i></p> <p>Delete Site 5 (School Playing Fields)</p> <p>Delete last sentence ("New...circumstances")</p> <p>Replace Figures showing each individual Local Green Space with clear, identifiable boundaries, preferably on an Ordnance Survey base. Re-number the Figures so that they are consecutive</p> <p>Delete the Objectives under Policy 5</p> <p>Change first line of Evidence to "...four Local Green..."</p> <p>Page 41, delete penultimate and last paras, which re-invent Green Belt policy without justification ("By...biodiversity") and comprise a subjective and unjustified statement, respectively</p> <p>Local Green Space is a distinctive policy designation. It is not the same thing as green infrastructure. Delete the text on page 42 ("Natural...document."), which appears</p>	

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		<p>confusing/does not relate directly to Policy 5 and fails to take account of the text on pages 43 to 46</p> <p>Delete contents of page 47</p>	
Policy 6 : The Natural Environment			
Policy 6 page 48 – 49	165	<p>Policy 6, change to “<i>The protection and enhancement of wildlife areas, measures to sustain and improve biodiversity and net biodiversity gains will be supported. Development should respect important views and the distinctive local character of the Neighbourhood Area’s landscape. The enhancement of public rights of way will be supported, as will measures to mitigate the impacts of, and adapt to, climate change.</i></p> <p><i>Inappropriate development in areas at risk of flooding should be avoided. Where development is demonstrated to be necessary in such areas, it should be made safe for its lifetime without increasing flood risk elsewhere. The provision of sustainable drainage systems will be supported.</i>” (delete rest of Policy)</p> <p>Delete all Objectives except the second bullet point</p>	Agree with the modifications for the reasons set out in the Examiner’s Report.

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		<p>Delete para in middle of page 49 (“A key consideration...surrounding landscape.”). The Policy does not preserve views (a matter considered under Policy 1, earlier in this Report)</p> <p>Third para from bottom of page 49, change to “...areas remain, <i>the Parish Council would like to maintain and preserve the pocket wildlife areas that remain.</i>”</p> <p>Delete the penultimate para, which does not relate to the Policy (“Recreational...enjoy”)</p> <p>The penultimate para reads as a Policy, which it is not. Delete and replace with “<i>Flooding is an issue in the Neighbourhood Area. National and local planning policy sets out clear requirements and a clear methodology for how development proposals must address flood risk. The Parish Council is keen to ensure that all development fully abides by this.</i>”</p>	
Policy 7 : Conservation			
Policy 7 page 50-53	170	Policy 7, delete and replace with “ <i>Crandall Conservation Area and its setting must be conserved or enhanced in a manner appropriate to its significance. The enhancement of the Conservation Area or its setting will be supported.</i> ”	Agree with the modifications for the reasons set out in the Examiner's Report.

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		<p>Delete all Objectives and replace with "<i>Conserve or enhance the Conservation Area and its setting</i>"</p> <p>Page 51, third para, delete last line (which reads as a Policy requirement, but is not)</p> <p>Page 51, last para, change first line to "...evidence that <i>can</i> inform the..." and delete everything after the first sentence ("This...policies")</p>	
Policy 8 : Community Facilities			
Policy 8 page 54	173	Policy 8, delete sentence following bullet points and replace with " <i>Proposals to develop key community facilities will be supported, subject to respecting local character, residential amenity and highway safety. The loss of a key community facility will not be supported unless one of the following requirements is met:</i> "	Agree with the modifications for the reasons set out in the Examiner's Report.
Policy 9 : Recreation Areas			
Policy 9 55-56	182	Delete the wording of Policy 9 and replace with " <i>Existing open space, sports and recreational buildings and land, including playing fields, should not be built on, unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the</i>	Agree with the modifications for the reasons set out in the Examiner's Report.

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		<p><i>proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreation provision, the benefits of which clearly outweigh the loss of the current or former use."</i></p> <p>Change last line of supporting text (which is not a Policy) to "<i>The Parish Council would like to see the area being continually improved and protected for the benefit of the community.</i>"</p> <p>Page 56, delete the last line of text ("Developments...resisted.")</p>	
Other Matters			
General	184	Update the Contents page and where necessary, other parts of the Neighbourhood Plan, including paragraph, figure and page numbering, to take into account the recommendations contained in this Report	Agree with the modifications for the reasons set out in the Examiner's Report.

