

CRONDALL NEIGHBOURHOOD PLAN 2017-2032

Crandall Neighbourhood Plan Examination
A Report to Hart District Council

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1. Summary

- 1 Subject to the recommendations within this Report, made in respect of enabling the Crandall Neighbourhood Plan to meet the basic conditions, I confirm that:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

- 2 Taking the above into account, I find that the Crandall Neighbourhood Plan meets the basic conditions¹ and I recommend to Hart District Council that, subject to modifications, it should proceed to Referendum.

¹ It is confirmed in Chapter 3 of this Report that the Crandall Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

2. Introduction

The Neighbourhood Plan

- 3 This Report provides the findings of the examination into the Crandall Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by Crandall Parish Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. At Referendum, should more than 50% of votes be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Hart District Council. The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the Crandall Neighbourhood Area.
- 5 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct and help to deliver sustainable development.”
(Paragraph 29, National Planning Policy Framework)
- 6 As confirmed in section 1 on page 3 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Crandall Parish Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan.
- 7 Section 1 of the Basic Conditions Statement also confirms that the Neighbourhood Plan relates only to the designated Crandall Neighbourhood Area and that there is no other neighbourhood plan in place in the Crandall Neighbourhood Area.
- 8 The above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2019) and Planning Practice Guidance (2014).

Role of the Independent Examiner

- 9 I was appointed by Hart District Council, with the consent of the Qualifying Body, to conduct the examination of the Crondall Neighbourhood Plan and to provide this Report.
- 10 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the Local Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 11 I am a chartered town planner and have seven years' direct experience as an Independent Examiner of Neighbourhood Plans and Orders. I also have thirty years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 12 As the Independent Examiner, I must make one of the following recommendations:
 - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - that the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 13 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Crondall Neighbourhood Area to which the Plan relates.
- 14 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

Neighbourhood Plan Period

- 15 A neighbourhood plan must specify the period during which it is to have effect.
- 16 The title of the Neighbourhood Plan provides a clear reference to the plan period, 2017-2032 and the plan period is also referred to in Section 2.1 on page 5 of the Neighbourhood Plan.
- 17 Taking the above into account, the Neighbourhood Plan meets the requirement in respect of specifying the period during which it is to have effect.

Public Hearing

- 18 According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 19 However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 20 Further to consideration of the information submitted, I determined not hold a public hearing as part of the examination of the Crondall Neighbourhood Plan.
- 21 However, in order to clarify a number of points in respect of the examination, I wrote to the Qualifying Body and to Hart District Council and this examination has taken the responses received into account.

3. Basic Conditions and Development Plan Status

Basic Conditions

- 22 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “*basic conditions.*” These were *set out in law*² following the Localism Act 2011. Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 23 Regulations 23 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to above. Of these, the following basic condition, brought into effect on 28th December 2018, applies to neighbourhood plans:
- 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.³

² Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

³ *ibid* (same as above).

- 24 In examining the Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a qualifying body;
 - has been prepared for an area that has been properly designated for such plan preparation (under Section 61G of the Localism Act);
 - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that:
 - its policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004.
- 25 An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁴
- 26 I note that, in line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

⁴ The Convention rights has the same meaning as in the Human Rights Act 1998.

European Convention on Human Rights (ECHR) Obligations

- 27 I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.
- 28 In the above regard, I also note that information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. Various comments have been received in response to active community engagement during the plan-making process. The Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses to comments and to resulting changes to the Neighbourhood Plan.

European Union (EU) Obligations

- 29 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment (SEA). In this regard, national advice states:
- “Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*
(Planning Practice Guidance⁵)
- 30 This process is often referred to as “screening”⁶. If likely environmental effects are identified, an environmental report must be prepared.
- 31 Hart District Council carried out a screening assessment of the Neighbourhood Plan and this concluded that the Neighbourhood Plan required a SEA under the SEA Directive and Environmental Assessment of Plans Programmes Regulations 2004. The SEA was prepared for Regulation 14 consultation and updated to reflect changes in the submission version of the Neighbourhood Plan.

⁵ Planning Guidance, Paragraph 027, Ref: 11-027-20150209,.

⁶ The requirements for a screening assessment are set out in in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

- 32 The SEA submitted alongside the Neighbourhood Plan considers that the Neighbourhood Plan is likely to lead to significant long term positive effects.
- 33 The statutory bodies, Historic England, Natural England and the Environment Agency have all been consulted on the screening assessment. None of the statutory bodies disagree with its conclusions or raise any concerns in respect of the requirement for the Neighbourhood Plan to meet European obligations⁷.
- 34 In addition to SEA, a Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information⁸. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment of the implications of the plan for the site must be undertaken.
- 35 The initial HRA screening assessment concluded that the Neighbourhood Plan would not give rise to significant effects on the Thames Basin Heaths Special Protection Area (SPA) and that a HRA was not necessary. However, following the Sweetman ruling, or “*People Over Wind*” case, referred to below, this decision was rescinded and a HRA was prepared and submitted alongside the Neighbourhood Plan.
- 36 The HRA concludes that, subject to including an appropriate Policy (in this case, Neighbourhood Plan Policy 2e):
- “...it is considered that an adequate policy framework will be in place to ensure no adverse effects on the integrity of the Thames Basin Heaths SPA.”*
- 37 Again, the statutory bodies were consulted on the outcome of the screening report and none raised any concerns in respect of the Neighbourhood Plan meeting European obligations (other than that relating to Footnote 7 below).

⁷ Subject to taking into account a recommended alteration to the wording of Neighbourhood Plan Policy 2e.

⁸ Planning Guidance Paragraph 047 Reference ID: 11-047-20150209.

- 38 Further to the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations (including obligations under the Strategic Environmental Assessment Directive)” (Planning Practice Guidance⁹).

- 39 In carrying out the work that it has and in reaching the conclusions that it has, Hart District Council has not raised any concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.
- 40 I refer above to the *People Over Wind & Sweetman v Coillte Teoranta* (“*People over Wind*”) case. In this case, the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means if a likely significant effect is identified at the screening stage of a habitats assessment, an *Appropriate Assessment* of those effects must be undertaken.
- 41 In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.
- 42 The changes to regulations allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an *Appropriate Assessment* to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application. These changes came into force on 28th December 2018.
- 43 In this regard, I am mindful that an appropriate assessment was submitted alongside the Neighbourhood Plan and that, having taken all of the above into account, Hart District Council considers the Neighbourhood Plan to be compatible with European obligations.

⁹ *ibid*, Paragraph 031 Reference ID: 11-031-20150209.

- 44 Taking this and all of the evidence before me into consideration, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

4. Background Documents and the Crandall Neighbourhood Area

Background Documents

- 45 In undertaking this examination, I have considered various information in addition to the Crandall Neighbourhood Plan.
- 46 I draw attention to the fact that a replacement version of the National Planning Policy Framework was published in July 2018, during the plan making process and that it is this replacement document, which was, itself, updated in 2019, that the Neighbourhood Plan must have regard to.
- 47 Information considered as part of this examination has included (but has not been limited to) the following main documents and information:
- National Planning Policy Framework (referred to in this Report as "*the Framework*") (2019)
 - Planning Practice Guidance (2014, as updated)
 - Town and Country Planning Act 1990 (as amended)
 - The Localism Act (2011)
 - The Neighbourhood Plan Regulations (2012) (as amended)
 - Hart District Local Plan (Replacement) and First Alterations (2009) (referred to in this Report as the "*Local Plan*")
 - Basic Conditions Statement
 - Consultation Statement
 - Strategic Environmental Assessment
 - Habitats Regulations Assessment
 - Evidence Document
 - Representations received
 - Other supporting evidence
- 48 In addition, I spent an unaccompanied day visiting the Crandall Neighbourhood Area.

- 49 The emerging Hart Local Plan (2016-2032) is at an advanced stage and is likely to be adopted at some point in the near future. Whilst the basic conditions require neighbourhood plans to be in general conformity with the adopted strategic policies of the development plan, Planning Guidance advises¹⁰ that the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which the Plan is tested.
- 50 I note that there is evidence that the plan-making process for the Neighbourhood Plan has considered information supporting this emerging District-wide document.

Crandall Neighbourhood Area

- 51 The boundary of the Crandall Neighbourhood Area is referred to on page 4 of the Neighbourhood Plan. However, Figure 1, provided on the same page, does not correspond with the supporting text. It does not refer to the Neighbourhood Area and rather than simply show the boundary of the Neighbourhood Area, it shows various Parish boundaries. This appears confusing.
- 52 For clarity, I recommend:
- **Delete all Parish boundaries on Figure 1. Show the boundary of the Neighbourhood Area (which coincides with that of Crandall Parish) and label this in the key as “Neighbourhood Area”**
- 53 Hart District Council formally designated the Crandall Neighbourhood Area on 1st September 2016.
- 54 This satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

¹⁰ Planning Policy Guidance, Paragraph: 009 Reference ID: 41-009-20160211.

5. Public Consultation

Introduction

- 55 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 56 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Crandall Neighbourhood Plan Consultation

- 57 A Consultation Statement was submitted to Hart District Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*¹¹.
- 58 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the Crandall Neighbourhood Area, having regard to Paragraph 29 of the National Planning Policy Framework ("*the Framework*").
- 59 Crandall Parish Council determined to progress a Neighbourhood Plan and established a Neighbourhood Plan Steering Group in 2016. In early 2017, a residents questionnaire was distributed throughout the Neighbourhood Area. The questionnaire process was supported by two Open Forums held in the Church Rooms and nearly 400 responses were ultimately received.
- 60 The responses to the questionnaire were presented at the Annual Parish Meeting in April 2017 and helped to form the basis of the emerging plan. A Call for Sites was held and a Site Exhibition Event took place in October 2017. Responses received were summarised and published along with information relating to the scoring of the sites.

¹¹ Neighbourhood Planning (General) Regulations 2012.

- 61 Pre-submission consultation took place during November and December 2018 and this was supported by two public exhibitions, attended by more than 150 residents. The responses received were considered and where the plan was updated to take submissions into account.
- 62 Public consultation was supported by the Parish Council website and by use of social media, posters, emails and individual notices. Articles and updates were also published in the local "*Crondall Chronicles*," distributed around the Parish every six months.
- 63 The Consultation Statement provides evidence to demonstrate that public consultation formed part of the plan-making process. Consultation was well-publicised and matters raised were considered.
- 64 Taking all of the above into account, I am satisfied that the consultation process complied with the neighbourhood planning regulations referred to above.

6. The Neighbourhood Plan – Introductory Section

65 For precision, I recommend:

- **Page 4, line 6, add “...applies to the Neighbourhood Area, which comprises the whole...”**
- **Page 4, last sentence, delete and replace with “Policies must only relate to land use planning matters.”**
- **Page 5, first and second sentences, change to “...cannot be addressed by land use planning policies. The Neighbourhood Plan identifies these issues and addresses them in the section on Community Aspirations.”**
- **Page 5, delete fourth para, which has been overtaken by events (“These requirements...for the area”)**

66 The basic conditions, referred to earlier in this Report, are carefully worded and for precision, I recommend:

- **Page 5, last para, change to “The Neighbourhood Plan must have regard to national policy and be in general conformity with local strategic policy. At the national...(NPPF) revised in 2018 and further updated...”**
- **Page 6, begin first sentence “NPPF paras 29...”**

67 Much of the text on pages 6, 7 and 8 has been overtaken by events and part of it appears somewhat wordy and confusing. It includes general historic information that adds nothing in the way of clarity to the Neighbourhood Plan, as well as information which will quickly become out of date. It also includes incorrect information, in conflict with the basic conditions. I recommend revised text, as set out in the recommendations below.

- 68 Also, Figure 2 is not clear and does not add to the clarity of the Neighbourhood Plan. Hart District Council, in its representations, has provided a much clearer summary in respect of the Local Plan and housing matters.
- 69 Taking the above into account, for precision and clarity, I recommend:
- Delete all text from “At the local level...” on page 6 to “...35% for shared ownership.” on page 8.

Replace with: “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.

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.

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 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).

The number of houses originally allocated to Crandall 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 Crandall 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 Crandall Parish, it should be seen as an upper limit.

In calculating Crandall'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.

The Neighbourhood Plan supports the provision of affordable housing in line with District-wide policy.

- Delete Figure 2 on page 8 and delete footnote on page 7
- Page 8, first line of penultimate paragraph, change "established" to "informed"
- Page 9, Para 2.5, line four, change to "...Plan were reviewed...and where appropriate changes were made for..."
- Page 9, Para 2.6, second line, delete "throughout the period leading to this Submission Plan"
- Page 9, Para 2.6, last line, delete "to date"

70 Paragraphs 2.7 and 2.8 contain unnecessary or confusing information and I recommend:

- Page 11, Para 2.7, first sentence, change to "***The Neighbourhood Plan is supported by a SEA.***"
- Page 11, delete last two paras "A screening...for submission"
- Page 12, Para 2.8, first line of second para, change to "***Under the emerging Hart Local Plan...***"
- Page 12, delete last para "The requirement...this document."

7. The Neighbourhood Plan – Neighbourhood Plan Policies

Policy 1: Spatial Plan

- 71 Local Plan Policy GEN 1 (“*General Policy for Development*”) supports sustainable development that is in keeping with the surrounding area and which maintains the overall quality of Hart’s high quality environment. In general terms, Policy 1’s aim of supporting sustainable growth, by focusing development within Crondall and Mill Lane and having regard to the qualities of the historic and rural environment, is in general conformity with Local Plan Policy GEN 1.
- 72 As worded, however, the detailed requirements set out in Policy 1 do not appear concise and are not supported by appropriate evidence. National planning guidance¹² requires a neighbourhood planning policy to be:
- “...clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*
- 73 Much of Policy 1 requires development to conform to other planning policies in other documents, not within the control of the Neighbourhood Plan. In addition, the Policy refers to various aspects of planning considered by other Policies in the Neighbourhood Plan. Such cross-referencing and repetition is unnecessary and results in a Policy that appears cumbersome, rather than concise or precise.
- 74 The policies of the development plan must be considered as a whole and there is no need for such cross-referencing.
- 75 The first paragraph of the Policy states that the settlements referred to are defined on a map in the Appendices. This is not the case. The map referred to does not define settlement boundaries, whilst Figures 7 and 8, set out within the Neighbourhood Plan itself, indicate the approximate boundaries of Crondall and Mill Lane.

¹² Planning Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

- 76 National policy, as set out in Chapter 16 of the National Planning Policy Framework ("the Framework"), "*Conserving and enhancing the historic environment*," establishes that heritage assets are an irreplaceable resource. However, it does not simply require Conservation Areas and views associated with them, to be "*protected*."
- 77 Rather than afford such *blanket protection*, national policy establishes a carefully nuanced approach to conserving heritage assets in a manner appropriate to their significance. This takes full account of the desirability of not just sustaining and enhancing their significance and putting them to viable uses consistent with their conservation, but also of the desirability of new development making a positive contribution to local character and distinctiveness.
- 78 Consequently, the simplified approach to the Conservation Area referred to in Policy 1 does not have regard to national policy. Policy 7 comprises the Neighbourhood Plan's "*Conservation*" Policy. Whilst this Policy is considered later in this Report, I note that, as set out, it does not have regard to national policy, but advocates an approach in significant conflict with the Framework.
- 79 Policy 1 requires "*important views*" to be preserved, protected and enhanced. This raises two main areas of concern: evidence base and deliverability.
- 80 In respect of the evidence base supporting the Neighbourhood Plan, there is very little detail in respect of the identified important views. Effectively, part of Policy 1 (and Policy 7) relies on Figure 26 of the Neighbourhood Plan, which includes a number of arrows, which indicate the viewpoint and general direction of more than twenty important views. There is no detailed information in respect of what these views comprise, for example: the scope and breadth of the view; the main focal points; the height of the viewpoint; how the view might change over time (seasonally, for example); the distance of the view etc.
- 81 Consequently, there is little to provide a decision maker with a clear and unambiguous indication of how to react to a development proposal, having regard to Paragraph 16 of the Framework.
- 82 Local Plan Policy CON 22 ("*Setting of settlements and recreation*") seeks to prevent development from obscuring typical views of a settlement from public vantage points, or from obstructing significant views out of settlements, but this is a very different approach from simply seeking to afford blanket protection to vague views.

- 83 Further to the above, there is no evidence to demonstrate that the identified important views can be “*enhanced*,” as required by the Policy. As a consequence, it is not possible to reach the conclusion that Policy 1 is deliverable, having regard to Paragraph 16 of the Framework, which requires plans to be deliverable.
- 84 The Policy goes on to set out a requirement in respect of seeking to prevent coalescence. Policy 4 seeks to address this in respect of coalescence between Crondall and Mill Lane. This is a matter considered later in this Report and it is unnecessary for Policy 1 to seek to repeat the approach.
- 85 Nowhere does the Neighbourhood Plan or its evidence base provide any detailed information relating to the possible impacts of coalescence between Fleet and Church Crookham, or in respect of why this is a significant issue in the Neighbourhood Area. Policy 1 seeks to prevent something without any evidence that it may be harmful. Consequently, there is nothing to lead to the conclusion that this part of Policy 1 contributes to the achievement of sustainable development.
- 86 The settlement boundaries shown on Figures 7 and 8 appear indicative. The general location of each boundary is apparent, but it is not possible to identify the precise location of each settlement boundary from the information provided in the Neighbourhood Plan. This may make it difficult for a decision maker to implement that part of Policy 1 that refers to “*creeping expansion*” of settlement boundaries.
- 87 Whilst this term is ambiguous, it essentially seeks to establish that development inappropriate to a countryside location should not take place outside of settlements and I take account of this in the recommendations below.
- 88 The second objective in the supporting text would serve to prevent a significant positive impact resulting from development in the Conservation Area or its setting. This would be contrary to Paragraph 185 of the Framework, which supports the enhancement of Conservation Areas.
- 89 It is not clear, in the absence of any detail, what “*conventional housing growth*” might comprise and this results in part of the supporting text appearing ambiguous. Also, part of the supporting text reads as though it comprises a policy, which it does not and part of the supporting text refers to matters not covered by the Policy, which appears confusing. The Policy does not, for example, establish a minimum housing requirement.

90 Taking all of the above into account, I recommend:

- **Policy 1, change first para to “...and Mill Lane, *within which development will be supported. The boundaries of each settlement are indicated on Figures 7 and 8.*”**
- **Delete second para (“Proposals...figure 26”)**
- **Change third para to “*Development should respect and not obstruct views out of Crondall shown on Figure 26.*”**
- **Delete fourth para and replace with “*Development outside the settlements of Crondall and Mill Lane should be appropriate to a countryside location*”**
- **Delete fifth, sixth and last paras (“Development will not...Planning policy.”)**
- **Page 21, supporting text, delete second bullet point (“To minimise...Area”)**
- **Page 22, first para, change to “...settlement boundaries is supported by *the Parish Council where proposals are in accordance with relevant national...*”**
- **Page 22, delete second para (“In...views.”)**
- **Page 22, change last sentence of third para to “...settlement boundaries *will be expected to be supported by clear justification...*”**
- **Pages 22 and 23, delete last four paras of supporting text (“Development on brown...also a possibility.”)**

Policy 2: Housing Site Selection

- 91 Whilst there is no requirement for a neighbourhood plan to allocate land for development, the Neighbourhood Plan seeks to allocate four sites for residential development. Policy 2 simply identifies these sites.
- 92 The supporting text contains unsubstantiated claims in respect of meeting objectives and delivering affordable housing.
- 93 Taking into account the recommendations in respect of the allocations considered later in this Report, I recommend:
- **Change Policy 2 to “*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.*”**
 - **Page 24 delete the Objectives**
 - **Page 24 second main para, delete last sentence (“The proposed sites...affordable homes.”)**
 - **Page 25, delete third para (“The following...only.”)**
 - **Page 25 delete 179 from Figure 8**
 - **Page 26, delete the first half page of text, which is unnecessary and appears confusing (“The approach taken...Crandall and Mill Lane.”)**
 - **Page 26, delete last sentence (“Any...particular.”) which reads as a Policy but is not**

Policy 2a: CRON 21 St Cross Road

- 94 Policy 2a supports new housing on a small site and contributes to the achievement of sustainable development.
- 95 It is not the role of the Policy to set out requirements from other policy documents not within the control of the Neighbourhood Plan and in the absence of information, it is not clear how the phrase "*have regard to*" should be considered by prospective developers or by decision makers.
- 96 I recommend:
- **Policy 2a, change second bullet point to "...design should *respect* neighbouring..."**
 - **Policy 2a, change third bullet point to "...off-street *parking and* provide garden..."**
 - **Delete last para on page 27 which reads as a Policy requirement, but is not ("Although...required.")**

Policy 2b: SHLA 179 Mill Lane

- 97 Policy 2b proposes the allocation of land for development at Mill Lane. The site in question is located in the open countryside adjacent to Mill Lane, which comprises a small cluster of dwellings and lacks a range of community services or facilities.
- 98 Mill Lane comprises a very small settlement. The proposed land allocation would be of such a scale as to provide for a large number of houses relative to the size of the existing settlement. It is a requirement of the Neighbourhood Plan for development in the Neighbourhood Area to be appropriate in scale and density but there is no substantive evidence to demonstrate that Policy 2b's support for a development that would greatly extend the size of the settlement and that would be provided at a significantly greater density than that generally prevailing in Mill Lane, would result in a development that would be appropriate in scale and density.
- 99 As a consequence of the above, the proposed allocation appears to be in conflict with the Neighbourhood Plan itself.
- 100 Further to the above, the very limited range of facilities or services at Mill Lane would, inevitably, require residents to travel elsewhere to meet their needs. There is no substantive evidence to demonstrate that this is likely to result in sustainable patterns of movement. In this regard, I am mindful of Hart District Council's view that, whilst development on the edge of Crondall might support local services and facilities in that settlement, the proposed allocation at Mill Lane would be "*beyond the reach of key facilities*" (by sustainable patterns of movement).
- 101 Also, the Neighbourhood Plan states that the protection of open countryside "*was a clear priority identified by respondents to the initial questionnaire.*" There is no substantive evidence to demonstrate that the allocation of land in the open countryside for development is in accordance with this "*clear priority*" identified by the community. Rather, it appears to be in direct conflict with it.

102 Whilst the proposed site scored positively in respect of the potential for the provision of affordable housing, taking the above into account, it would appear to do so on the basis of providing for development in an unsustainable location. Further, Hart District Council has noted that:

“Affordable housing could, subject to viability, also be provided on site allocations at the main village, or through rural exception sites, which would be a more sustainable option than a mostly-market housing option at Mill Lane.”

103 Further, whilst the proposed site also scored positively in respect of it comprising brownfield land, evidence has been provided by Hart District Council to demonstrate that the site as a whole falls outside the definition of previously developed land.

104 Given all of the above, I am unable to conclude that the proposed allocation contributes to the achievement of sustainable development. As such, I concur with the views of Hart District Council and consider that Policy 2b does not meet the basic conditions. Whilst I note that there is an existing planning permission relating to the site for a change of use from paddock to mini golf course, this is not a matter that addresses any of the matters raised above.

105 I recommend:

- **Delete Policy 2b and supporting text on pages 28 and 29**
- **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**

Policy 2c: CRON 21 The Bungalow

106 Policy 2c supports the demolition of a bungalow and its replacement with two dwellings. Taking into account comments relating to Policy 2a above, I recommend:

- **Policy 2c, change second bullet point to “...design should *respect* neighbouring...”**
- **Policy 2c, change third bullet point to “...off-street *parking and* provide garden...”**

Policy 2d: CRON 22 Marsh Farm

107 Policy 2d supports the conversion of existing buildings to residential use, making effective use of land, having regard to Paragraph 117 of the Framework.

108 Taking into account comments relating to Policy 2a and 2c above, I recommend:

- **Policy 2d, change fourth bullet point to “...off-street *parking and provide garden...*”**

Policy 2e: Thames Basin Heaths Special Protection Area

109 As noted earlier in this Report, the initial screening in respect of Habitats Regulations Assessment (HRA) concluded that the Neighbourhood Plan would not give rise to significant effects on the Thames Basin Heaths Special Protection Area (SPA), but following the Sweetman (*"People Over Wind"*) ruling, that decision was rescinded and a HRA was prepared and submitted alongside the Neighbourhood Plan.

110 The HRA reached the same conclusion in respect of the Neighbourhood Plan not giving rise to significant effects:

"...an adequate policy framework will be in place to ensure no adverse effects on the integrity of the Thames Basin Heaths SPA."

111 However, this conclusion was reached subject to the Neighbourhood Plan including a Policy affording appropriate protection to the Thames Basin Heaths SPA.

112 In general terms, Policy 2e sets out this protection. However, as identified through representations to the Neighbourhood Plan, the inclusion of the word *"either"* to introduce the two bullet points in the second paragraph, fails to have regard to national policy and could result in the Neighbourhood Plan supporting proposals that fail to contribute to the achievement of sustainable development.

113 The final sentence of Policy 2e comprises a general and vaguely worded statement, rather than a land use planning policy requirement. I note that the supporting text provides more informative information in respect of SANGs.

114 Taking all of the above into account, I recommend:

- **Policy 2e, fourth line, delete "either"**
- **Delete last sentence of Policy 2e ("Hart...parties")**

Policy 3: Housing Design

115 National planning policy recognises that:

“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” (Paragraph 124, the Framework)

116 Local Plan Policy GEN 4 (*“Design Quality”*) seeks to ensure that development makes a positive contribution to the quality of design in Hart.

117 In general terms, the overarching aim of Policy 3 is to support high quality design in the Neighbourhood Area and in this way, it is in general conformity with the Local Plan and has regard to national policy. I note that the Policy appears to be concerned with design as a whole, rather than just housing design.

118 As set out, Policy 3 requires all development proposals, even minor ones, including household applications – which will form the majority of planning applications in the Neighbourhood Area – to meet numerous detailed requirements. No evidence has been provided to demonstrate that the requirements set out are deliverable or even relevant to all development proposals and this is a matter addressed in the recommendations below.

119 The use of the word *“shall”* in the Policy text appears as an inflexible supposition and consequently, it fails to provide for a balanced consideration of a development proposal, running the risk of Policy 3 failing to contribute to the achievement of sustainable development.

120 No detail is provided in respect of how a proposal might *“reflect a design reference.”* As such, this appears as ambiguous language and fails to provide precise and concise policy wording. Similarly, it is not clear how in all cases, all materials used might be *“in keeping with the traditional local materials.”* How might such an approach apply in respect of a proposal for a conservatory on a modern house or in respect of a proposal for an ATM machine ?

121 The objective of respecting and reflecting local vernacular and materials is clear, but the Policy itself appears vague, through a lack of precision and appropriate supporting evidence.

- 122 There is no indication of what a "*high level*" of energy efficient materials might comprise, who would judge this and on what basis. In the absence of any detail at all in the Neighbourhood Plan, it is not clear why (or how) all development must meet or exceed "*Nationally Described Space Standards*."
- 123 There is no detailed evidence to support the requirement for all development to retain or enhance all views. Consequently, this appears as an unduly onerous requirement, without any information to demonstrate that it might be deliverable. As such, the requirement appears as an obstacle which may serve to prevent proposals from contributing to the achievement of sustainable development.
- 124 It is not clear, given the absence of any such requirement in national or local planning policy, why all development affecting a heritage asset must demonstrate "*how local distinctiveness is reinforced*." Further, there is no evidence in respect of precisely what this local distinctiveness comprises, nor of how development might viably deliver the reinforcement of it.
- 125 It is not clear, given the absence of any detailed evidence, why all redevelopment of redundant buildings must reflect the former use of the building. A building's most recent use might, for example, have been for something entirely different to that which it was originally constructed for. Further, why, for example, would it always be appropriate for say a flat formed from an office, to be designed to reflect its former office use? Policy 3 is not supported by appropriate evidence in this regard.
- 126 There is no evidence to demonstrate that it is deliverable for all development to be designed to "*incorporate reduced carbon measures*" and in the absence of baseline information, it is not clear what such a reduction might comprise.
- 127 It is not clear why it is appropriate for all development to "*integrate*" with cycle ways and pathways wherever possible. There is no indication of what form such integration might take, or for example, why it would be safe and appropriate for such integration to take place.

- 128 Neither national nor local planning policy requires all housing development to be *“traditional in form.”* Conversely, Paragraph 127 of the Framework establishes that planning policies should not discourage or prevent innovation or change. Further, all housing in Crandall is not traditional in form and it is not clear, in the absence of evidence, how a requirement for all housing to appear traditional will meet the additional requirement for all development to be well integrated with neighbouring properties.
- 129 In this respect, part of the first objective below Policy 3 appears in conflict with the Policy. It also conflicts with the supporting text below the Policy, which goes on to consider provisions for departing from such an approach.
- 130 It is not clear why the Neighbourhood Plan includes an objective suggesting that it is more important for housing intended for families to provide sufficient indoor and outside space than it is for housing intended for other occupiers. This is not something that is supported by the submitted evidence.
- 131 Taking the above into account, I recommend:
- **Change title of Policy to *“Good Design”***
 - **Policy 3 – delete opening sentence and replace with *“Development in the Neighbourhood Area should demonstrate high design quality. Development should, where appropriate, take into account the following design principles:”***
 - **Replace all uses of the word *“shall”* in the Policy (unless the relevant bullet point has been recommended for deletion) with *“should”***
 - **Change second bullet point to: *“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.”***
 - **Delete third, fourth and fifth bullet points (*“Materials...Standards”*)**
 - **Delete ninth bullet point (*“Development shall address...achieved.”*)**

- Delete twelfth bullet point and replace with *“All heritage assets should be conserved in accordance with their significance.”*
- Delete thirteenth and fourteenth bullet points (“Development proposals must...measures”)
- Change last bullet point to *“Development should not restrict access...mobility.”*
- Page 35, first objective, change to *“To ensure that housing design reflects the distinctive...”*
- Page 36, delete bullet point at top of page

Policy 4: Crondall/Mill Lane Local Gap

- 132 Local Plan Policy CON 21 ("*Local Gaps*") establishes a number of Local Gaps within which development should not lead to coalescence or damage the separate identity of neighbouring settlements.
- 133 Policy 4 seeks to establish a Local Gap between Crondall and Mill Lane, essentially to prevent coalescence and to protect the identities of the two settlements. In this way, the Policy is in general conformity with the Local Plan.
- 134 A representation submitted by Hart District Council notes that, whilst existing Local Gaps are not expected to be carried forward in the emerging Local Plan, "*it is open for local communities to designate local gaps through neighbourhood plans.*"
- 135 Plan-makers have provided information in justification of the purpose, scale and location of the proposed Local Gap and of the public consultation process has provided evidence to demonstrate community support for it.
- 136 As worded, parts of Policy 4 appear ambiguous. For example, it is not clear, in the absence of any information, how a decision maker might interpret the phrase "*that would lead to.*" It is difficult to know precisely what a development proposal might "*lead to*" over a period of time. A clearer phrase that achieves the objectives of the Policy would be "*should not result in*" and this is recommended below.
- 137 The Neighbourhood Plan does not distinguish between physical coalescence and visual coalescence. It is therefore unclear how a decision maker might interpret the difference between these two things. Further, the term "*excessive development*" is undefined and appears entirely subjective.
- 138 I also note that Crondall and Mill Lane are not "*adjacent*" to one another. If this were the case, there would be little if any scope for the creation of a significant Local Gap between them. Further, there is nothing to clarify what the "*distinctive*" identities of the two settlements comprises or why a Local Gap, which would protect the *separate* identities of Crondall and Mill Lane, is appropriate in respect of such distinctions.

- 139 The supporting text contains subjective points of view without justification and also refers to meeting the housing “*yield aspirations*” of Crondall, when the Neighbourhood Plan does not contain any Policies in respect of the provision of a minimum housing requirement.
- 140 The Policy does not refer to Bowling Alley and the reference to this location in the Objective below the Policy appears confusing.
- 141 It is unnecessary to point out what the Neighbourhood Plan cannot do, as per the supporting text on page 37.
- 142 The final paragraph on Page 38 contains subjective information that is unjustified/unsupported by evidence. It presents a confusing reference to Local Gap Policy that bears no resemblance to Policy 4.
- 143 The penultimate paragraph on page 39 reads as a Policy requirement, which it is not and contains subjective information unsupported by detailed evidence.
- 144 Figure 13 is poor quality and does not show precise boundaries. This is inappropriate for the designation.
- 145 Taking all of the above into account, I recommend:
- **Policy 4, change second sentence to “*Development proposals within the Local Gap should not result in coalescence or harm the separate identities of Crondall and Mill Lane.*”**
 - **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.**
 - **Supporting text, delete “and the local vicinity known as Bowling Alley” from the Objective below the Policy**
 - **Page 37, retain first sentence of Evidence and Justification but delete the rest of the para (“This...Gap”)**
 - **Page 38, first para, change to “...Council’s *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.*” (delete rest of para)**

- **Delete last para on page 38 (“The...sites.”)**
- **Delete penultimate para on page 39 (“Any...considered.”)**
- **Delete title and last para on page 39 (“Development Pressures...area”)**

Policy 5: Local Green Spaces

146 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 99 of the Framework states that:

“The designation of land as a Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.”

147 The Framework requires policies for managing of development within a Local Green Space to be consistent with those for Green Belts (Paragraph 101, the Framework). A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.

148 Given the importance of the designation, it is appropriate that areas of Local Green Space are clearly identified in the Neighbourhood Plan itself. The Figures identifying each Local Green Space are small and provided on a poor quality map base. This makes the detailed identification of boundaries difficult and I make a recommendation in this regard, below.

149 The designation of land for Local Green Space must meet the tests set out in Paragraph 100 of the Framework.

150 These are that the green space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and that it is local in character and is not an extensive tract of land.

151 The Neighbourhood Plan seeks to designate five areas of land as Local Green Space. For three of these areas, there is evidence to demonstrate that each site meets the appropriate national policy tests and is appropriate for designation. However, objections have been submitted in respect of two of the proposed designations, Old Parsonage Meadow and the School Playing Fields.

152 In the case of the first of these, substantial evidence has been presented to demonstrate that Old Parsonage Meadow is of historic significance and is demonstrably special to the local community. Its designation meets the relevant national policy tests.

153 National policy requires “*great weight*” to be given to:

“...the need to create, expand or alter schools through the preparation of plans and decisions on applications...” (Paragraph 94, the Framework)

154 Evidence has been provided to indicate that the School Playing Fields site may be required in association with the expansion or alteration of the village school. Given this, the designation of the site as Local Green Space may place an obstacle in the way of the Neighbourhood Plan contributing to the achievement of sustainable development and there is no substantive evidence to demonstrate that this would not be the case.

155 Consequently, in respect of the School Playing Fields, Policy 5 does not meet the basic conditions.

156 National Policy requires that policies for managing development within a Local Green Space should be consistent with those for Green Belts and the recommendations below take this into account.

157 The purpose of Local Green Space is different to the Objectives set out below Policy 5.

158 I recommend:

- **Policy 5, change the opening para to “*The sites below, identified on Figures 16 to 19, are designated as Local Green Space. The management of development within areas of Local Green Space will be consistent with that for development within Green Belts.*”**
- **Delete Site 5 (School Playing Fields)**
- **Delete last sentence (“New...circumstances”)**
- **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**
- **Delete the Objectives under Policy 5**
- **Change first line of Evidence to “...four Local Green...”**

- **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**
- **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 confusing/does not relate directly to Policy 5 and fails to take account of the text on pages 43 to 46**
- **Delete contents of page 47**

Policy 6: The Natural Environment

- 159 As worded, Policy 6 requires development to comply with numerous criteria without any evidence to demonstrate that such requirements are deliverable. In this respect, the Policy does not have regard to Paragraph 16 of the Framework, referred to earlier in this Report. The Policy also contains repetition.
- 160 However, the general objectives of the Policy in respect of biodiversity gains, public rights of way, and climate change and flood risk, have regard to national planning policy, as set out in the Chapter 15, "*Conserving and enhancing the natural environment;*" Chapter 8, "*Promoting healthy and safe communities;*" and Chapter 14, "*Meeting the challenge of climate change, flooding and coastal change;*" of the Framework, respectively.
- 161 That part of the Policy which considers flood risk and flooding includes detailed requirements unjustified by the provision of corresponding detailed evidence in respect of deliverability. For example, the Policy requires all internal areas to incorporate raised finished floor levels and under floor voids, without any indication of when or where this might be appropriate and deliverable.
- 162 No detailed baseline information is provided in respect of the Parish's sewage infrastructure and it is therefore difficult to understand how a decision maker might respond to a development proposal in respect of impacts on such.
- 163 The flood risk section appears confused, such that it appears to set out a very confusing summary of various aspects of national policy, which itself is very clearly set out in Chapter 14 of the Framework. Further, no detailed information is provided in respect of various references, such as what a SuDS treatment train might comprise, or what the baseline qualities of all watercourses in the Neighbourhood Area might be, what an adverse effect on these would comprise and how this would be judged.
- 164 The Policy does not establish important views or enhance open/green spaces or establish public open spaces for residents and visitors. These Objectives do not relate to Policy 6.

165 I recommend:

- **Policy 6, change to *“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.***

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.” (delete rest of Policy)

- **Delete all Objectives except the second bullet point**
- **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)**
- **Third para from bottom of page 49, change to *“...areas remain, the Parish Council would like to maintain and preserve the pocket wildlife areas that remain.”***
- **Delete the penultimate para, which does not relate to the Policy (“Recreational...enjoy”)**
- **The penultimate para reads as a Policy, which it is not. Delete and replace with *“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.”***

Policy 7: Conservation

- 166 Policy 7 fails to have regard to national planning policy, as set out in Chapter 16 of the Framework, "*Conserving and enhancing the historic environment.*" Rather, it sets out an entirely different approach to that established by national policy. This includes a set of requirements which appear onerous, unjustified and which together, fail to provide for an appropriate balanced consideration of a development proposal, as required by national policy.
- 167 In justification of its alternative approach, the supporting text of Policy 7 appears to, in part, upgrade general recommendations contained in a Conservation Area Character Appraisal and Management Proposals (CACAMP) report to planning policy requirements. Whilst the content of the CACAMP might comprise a material planning consideration, such an unusual approach in respect of the wording of Policy 1 is unsupported by detailed evidence or justification in respect of the departure from national policy.
- 168 There is no evidence to demonstrate that all of the Objectives set out below Policy 7 are deliverable, or can be met by a Policy that has regard to national policy, or relate directly to Policy 7.
- 169 The Policy includes an erroneous reference to Appendix 3 of the Neighbourhood Plan (which does not identify any "*buildings of merit*").
- 170 I recommend:
- **Policy 7, delete and replace with "*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.*"**
 - **Delete all Objectives and replace with "*Conserve or enhance the Conservation Area and its setting*"**
 - **Page 51, third para, delete last line (which reads as a Policy requirement, but is not)**
 - **Page 51, last para, change first line to "...evidence that *can* inform the..." and delete everything after the first sentence ("*This...policies*")**

Policy 8: Community Facilities

171 In Chapter 8 of the Framework, "*Promoting healthy and safe communities,*" national policy requires planning decisions to:

"...guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs...ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community;" (Paragraph 92, the Framework)

172 To some extent, Policy 8 has regard to national policy, although as set out, the Policy would serve to place an obstacle in the way of enabling valued community facilities to develop and modernise. Whilst the intent of the Policy is to prevent the unnecessary loss of facilities, it does so in a manner that proposals to further develop community facilities would be subject to onerous requirements.

173 Taking this into account, I recommend:

- **Policy 8, delete sentence following bullet points and replace with "*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:*"**

Policy 9: Recreation Areas

174 National policy recognises that:

“Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities...” (Paragraph 96, the Framework)

175 In general terms, Policy 9 seeks to protect open spaces and support the enhancement of recreational facilities and this is an approach that has regard to national policy.

176 Whilst Policy 9 is clearly entitled *“Recreation Areas,”* its subsequent reference to the designation of *“public open space”* appears confusing and imprecise. School playgrounds do not comprise public open space and public rights of way are simply that. Further, Hook Meadow and Farnham Road Recreation Ground are already areas of public open space and it is unclear, in the absence of any information, on what basis the Neighbourhood Plan *“designates”* them as such.

177 Further to the above, both of these sites are designated as areas of Local Green Space and are, as a consequence, protected from inappropriate development.

178 Notwithstanding the above, no evidence is provided to demonstrate that supporting the provision of changing rooms, car parking and lighting on school playgrounds or public rights of way would contribute to the achievement of sustainable development. Further, there is no detailed information to justify Policy support for any form of development, so long as it provided for such things at Hook Meadow or Farnham Road Recreation Ground.

179 It may be that a large scale development – such as a major housing estate or a retail park, could indeed contribute funds to provide for changing rooms, pavilions, car parking and floodlights at say, Hook Meadow – but there is nothing in the Neighbourhood Plan or its supporting evidence to suggest that there is any intention or support to bring forward any such development. The Policy, as worded, could therefore result in unintended support for unforeseen or even unsustainable forms of development.

- 180 The final part of Policy 9 would effectively support the loss of Hook Meadow and/or Farnham Road Recreation Ground, so long as new development provided undefined "*suitable mitigation.*" This would conflict with Policy 5 of the Neighbourhood Plan. Further, it is not clear, in the absence of any information, how such an approach might have regard to national policy, or contribute to the achievement of sustainable development.
- 181 Public rights of way are protected by law. Notwithstanding this, the text on page 56 of the Neighbourhood Plan is not part of any Policy and this is a matter addressed in the recommendations below.
- 182 Taking all of the above into account, I recommend:
- **Delete the wording of Policy 9 and replace with "*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 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.*"**
 - **Change last line of supporting text (which is not a Policy) to "*The Parish Council would like to see the area being continually improved and protected for the benefit of the community.*"**
 - **Page 56, delete the last line of text ("Developments...resisted.")**

8. The Neighbourhood Plan: Other Matters

183 The recommendations made in this Report will also have a subsequent impact on the Contents page and other parts of the Neighbourhood Plan, including paragraph, Figure and page numbering.

184 I recommend:

- **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**

9. Referendum

185 I recommend to Hart District Council that, subject to the recommended modifications, **the Crandall Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

186 I am required to consider whether the Referendum Area should be extended beyond the Crandall Neighbourhood Area.

187 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

188 Consequently, I recommend that the Plan should proceed to a Referendum based on the Crandall Neighbourhood Area approved by Hart District Council on the 1st September 2016.

Nigel McGurk, November 2019
Erimax – Land, Planning and Communities



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