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## **Hartley Wintney Neighbourhood Plan Regulation 16 Consultation**

Dear Sir/Madam,

### Introduction

This letter provides Gladman's representations to the submission version of the Hartley Wintney Neighbourhood Plan (HWNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues within the HWNP as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in Neighbourhood Planning, having been involved in the process across the country. It is from this experience that this representation has been prepared.

### Legal Requirements

Before a Neighbourhood Plan can proceed to referendum, it must be tested against a set of basic conditions defined in Paragraph 8(2) schedule 4b of the Town and Country Planning Act 1990 (as amended) by way of independent examination. The basic conditions that the HWNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by Secretary of State, it is appropriate to make the order.*
- (d) The making of the order contributes to the achievement of sustainable development.*
- (e) The making of the order 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).*
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.*
- (g) Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).*

### Strategic Environmental Assessment

In accordance with PPG ID: 11-027, the preparation of Neighbourhood Plans may fall under the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) that require a Strategic Environmental Assessment (SEA) to be undertaken where a Plan's proposals would be likely to have significant environmental effects.

The SEA is a systematic process that should be undertaken at each stage of a Plan's preparation. It should assess the effects of a Neighbourhood Plan's proposals and whether they would be likely to have significant environmental effects and whether the Plan is capable of achieving the delivery of sustainable development when judged against all reasonable alternatives.

The decision making and scoring of the SEA should be robust, justified and transparent and should be undertaken through a comparative and equal assessment of each reasonable alternative. Too often SEA flags up the negative aspects of development whilst not fully considering the positive aspects which can be brought about through new opportunities for housing development and how these can influence landscape issues, social concerns and the economy.

The SEA document available, supporting the Regulation 16, is titled the Environmental Report to accompany Regulation 14 consultation, dated December 2017. It appears that this has not been updated to consider changes that have been made since the Regulation 14 consultation, notably the introduction of *HW Policy 5 Maximum Number of Dwellings on One Site* nor to reflect that having been required to undertake an Appropriate Assessment through Habitats Regulation Assessment (HRA), undertaking a SEA is a requirement. This should have been undertaken and updated at the same time the Appropriate Assessment was prepared. Further, HW Policy 5 was not featured in the Regulation 14 document and without an assessment of this policy against the reasonable alternatives, the HWNP fails to meet basic condition (f).

### National Planning Policy

On the 24<sup>th</sup> July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework (NPPF). The first revision since 2012, it implemented 85 reforms announced through the Housing White Paper. This version of the NPPF was itself superseded on the 19<sup>th</sup> February 2019, with the latest version, largely only making alterations to the Government's approach for the Appropriate Assessment as set out in Paragraph 177 of the NPPF.

Paragraph 214 of the 2019 NPPF sets out the transitional arrangements for the implementation of revised national planning policy. Paragraph 214 confirms that development plan documents submitted on or after the 24<sup>th</sup> January 2019 will be examined against the latest version of the NPPF. Given that the Parish Council's website indicates the HWNP was submitted to Hart District Council for Examination before the 24<sup>th</sup> January 2019, the comments provided within this representation reflect the national policy requirements as previously defined by the 2012 version of the NPPF.

At the heart of the NPPF is the presumption in favour of sustainable development which is seen as the golden thread running through both plan-making and decision-taking. Paragraph 16 sets out that the presumption has implications for how communities engage in Neighbourhood Planning, including the need for Neighbourhood Plans to support strategic development needs, and positively support local development.

Paragraph 17 of the NPPF sets out that Neighbourhood Plans should set out a clear and positive vision for the future of the area, and policies contained in those plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood Plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to wider opportunities for growth.

Paragraph 184 of the NPPF makes clear that local planning authorities will need to clearly set out their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. The Neighbourhood Plan should ensure that it is aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

Planning Practice Guidance (PPG) is published alongside the NPPF by the Government to provide further guidance on how policies of the NPPF are to be interpreted and implemented by plan-makers. Section 41 of the PPG relates to Neighbourhood Planning. The PPG adds further clarity on the content, timing and role of Neighbourhood Plans. PPG further reiterates the need to ensure that Neighbourhood Plans provide for a positive planning strategy and do not seek to curtail the amount of development planned at the strategic level.

### Relationship to the Local Plan

To be found in accordance with the Basic Conditions, Neighbourhood Plans should be prepared to conform to the strategic policy requirements set out within the adopted Development Plan. In the case of the HWNP, the relevant development plan is currently provided by the saved policies of the Hart Local Plan 1996 – 2006.

The Council has been progressing work on a new Local Plan for the District. This was submitted for examination in June 2018 and the examination remains ongoing. When adopted this plan will provide the overarching strategic policies for the district.

The HWNP must ensure that policies are sufficiently flexible and align with the emerging Local Plan to avoid conflicts between the two development plan documents. Otherwise should the Local Plan be adopted before the HWNP there is a risk that the neighbourhood plan would not conform with the strategic policies or if adopted in advance of the Local Plan policies may be superseded under Section 38(5) of the Planning and Compulsory Purchase Act 2004.

The emerging Local Plan identifies Hartley Wintney as one of the larger villages in the district. The plans vision is that the settlement will have retained and enhanced its vibrant centre providing shops and services for the local community. The emerging Local Plan does not provide a figure for Hartley Wintney but does support the delivery of new homes through the neighbourhood plan.

### Neighbourhood Plan Policies

#### ***Site Allocations and Housing Quantum***

The HWNP makes provision for 23 new dwellings through three separate site allocations. Two sites are within the Conversation Area, affected by flooding and a further site some way from the settlement boundary, to which it is unclear if there is safe pedestrian access.

Gladman have a number of concerns with this approach. We have not seen evidence of a sequential test demonstrating how development could not be accommodated in another location with a lower probability of flooding nor an assessment of the likely impacts on the Conservation Area from proposed redevelopment within it. If there is not sufficient evidence that the proposed allocations can be delivered sustainably in line with national policy and guidance, they should not be retained in the HWNP.

The Preferred Options for the Local Plan proposed 81 dwellings for Hartley Wintney, this was supported by the Steering Group, but the draft Local Plan removed this requirement. Any allocation of housing sites is therefore a demonstration of positive planning but in seeking to allocate sites, Gladman would expect an assessment of housing needs to determine a level of housing that would be appropriate for the settlement to meet needs whilst supporting the facilities and services of the settlement. The Revised Framework suggests that Steering Groups can request an indicative figure from the Council in this regard.

It does not appear that an assessment has been undertaken, with instead consideration of possible housing quantum through the SEA supporting the plan. The figures considered are no further dwellings, up to 25 dwellings and over 25 dwellings. In assessing these options the SEA considers that the option of up to 25 dwellings allows for provision of affordable housing. However, none of the proposed allocations in the plan are of sufficient quantum to qualify for the delivery of affordable housing. There is therefore a direct conflict between the approach taken by the Steering Group and the SEA.

Issues of delivery of affordable housing are a key issue in Hart. This has been a subject of discussion at the Local Plans examination. The Inspector wrote to the Council through the examination setting out his thoughts ahead of Main Modifications. The Inspector considers that an uplift to the housing requirement to deliver more affordable housing will be necessary for the plan to be found sound. It is a key flaw of the HWNP that the proposals will not deliver any further affordable housing when there is such a high shortfall in the district. A failure to allow provision for affordable housing does not meet basic condition (d), as the social strand of sustainable development cannot be demonstrated.

#### ***HW Policy 5 Maximum Number of Dwellings on One Site***

This policy does not accord with the Framework, which does not seek to cap the level of development that would be acceptable on any one site. This policy would be an arbitrary cap on development inconsistent with the objectives of the Framework to significantly boost the supply of housing. A similar issue was considered in the examination of the Headcorn neighbourhood plan where the examiner deleted a cap of 30 dwellings due to conflicts with national planning policy to *'Proactively driver and support sustainable economic development to deliver the homes... and respond positively to wider opportunities for growth...'*<sup>1</sup>

As stated above, the reasonable alternatives to this policy have not been considered through the SEA and as such should this policy remain in the HWNP, the plan would fail to meet basic condition (f).

This policy was not included in the Regulation 14 draft and inclusion at this stage is therefore contrary to guidance<sup>2</sup>. The qualifying body did not have a complete draft of the HWNP at that stage and in seeking to include this policy a further round of Regulation 14 consultation should have been undertaken.

#### ***HW Policy 7 Protection of Distinctive Views – shown on Proposals Map (fig. 18)***

Gladman have concerns with this policy and how some of the view points identified do not have demonstrable physical attributes that elevate their importance above being a nice view of open countryside. It is not appropriate to protect view points without evidence of their importance and views that do not meet this requirement should be deleted.

#### **Conclusions**

Gladman recognises the role of Neighbourhood Plans as a tool for local people to shape the development of their local community. However, there is a need to ensure that a Neighbourhood Plan can first be found to be consistent with the basic conditions. Having reviewed the proposed policies of the HWNP, Gladman has significant concerns that the submission version does not meet basic condition

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<sup>1</sup> [http://www.maidstone.gov.uk/\\_\\_data/assets/pdf\\_file/0006/139740/Headcorn-Examiners-Report.pdf](http://www.maidstone.gov.uk/__data/assets/pdf_file/0006/139740/Headcorn-Examiners-Report.pdf)

<sup>2</sup> Paragraph: 049 Reference ID: 41-049-20140306

(a) and (f), as the plan conflicts with national policy and guidance and is not supported by a robust updated SEA to support the Regulation 16 consultation.

Gladman hope that the comments made within this representation have been found to be helpful and constructive. Should you wish to discuss any of the comments made any further please do not hesitate to contact one of the Gladman team.

Gladman formally request to participate at the hearing session(s) should the Examiner decide it is necessary to discuss these issues in a public forum.

Kind regards

Richard Agnew  
Planner  
Gladman

## Hart District Council comments on the Regulation 16 Submission Hartley Wintney Neighbourhood Plan

March 2019

Hart District Council welcomes the opportunity to comment on the Hartley Wintney Neighbourhood Plan: Submission version and our comments are set out in the table below. We recognise that the Plan has been prepared within the context of an evolving Local Plan and also national policy and would therefore commend the Parish Council on their progress.

Policy or para	Planning Policy Comments
General - NPPF	This Plan is submitted and considered under the NPPF 2012. However as there has also been a revised NPPF published in 2018 it would be helpful for clarity to set this out somewhere near the start of the Plan and to make clear that references to the NPPF are to the 2012 version unless otherwise stated.
General Policy wording	In order to be consistent with the NPPF and provide clear policies, some Policies would benefit from tighter wording making clear what will and won't be supported. Examples include the site specific elements of Policies 1 – 3 and Policy 11.
Para 2.1.1	Helpful to clarify that the Examiners Report will be considered by both the District and Parish Council and also to add that the majority must be 'of those who vote'.
Table 1	As set out in previous comments on the Pre-Submission Plan, the latest SCI was adopted in July 2014 with amendment in April 2017.
Section 3 Planning Policy	Section 3.3 is confusing and would benefit from clarification as set out in previous comments. We would question the value of inclusion of para 3.3.1 and consider that much of the text could be updated. Reference to an Interim Housing Delivery Strategy should be deleted – it has long since been withdrawn. There are references to evidence base studies and SPA issues which need to be clarified and their relevance made clear.
Para 4.4 Objectives	Objective 1 should refer to a 'minimum' of 23 new dwellings Objective 5 should 'settlements' be 'developments'?
Para 5.1.7	Mentions a need for local homes. This might be clearer if it says "homes for local people" if that is what is meant.
Para 5.1.18	It is good to include the reference to encouraging the provision of a rural exception site.
Para 5.1.20	The reference to affordable housing in perpetuity and exception sites has been clearly explained.
Paras 5.2.1 - 5.2.4	This section could have been redrafted to reflect the greater certainty of numbers provided by the submitted Local Plan in June 2018.
HW Policy 1,2 and 3 (site allocations)	We support the Parish Councils ambition to proactively identify sites for development.

	<p>However, it is not clear from the Plan or supporting evidence how the final three sites were derived. Clearly two are brownfield sites within the settlement boundary but James Farm lies outside the settlement boundary. Whilst the process for site selection is set out in Appendix 4 of the Plan the detailed outcomes of this process are not evident.</p> <p>It is also not clear that the allocations are compliant with national flood risk policy including the flooding sequential and exception tests despite these concerns having being raised previously and advice on the Sequential Test provided.</p> <p>It is not clear that this requirement has been met on all sites. Apart from Pools Yard no sequential test information has been submitted. Nero Brewery (HWS1) and Pools Yard (HWS3) are both in Flood Zone 2 and James Farm (HWS2) are at high risk of surface water flooding.</p> <ul style="list-style-type: none"> <li>* No mention of FRAs have been made in any of the site policies</li> <li>* No recognition has been made of the surface water flooding issues at James Farm. We are concerned that this development cannot be made safe and may increase flood risk off site.</li> </ul> <p>All policies include a bullet point in relation to SANGs. As none will be large enough to provide a bespoke SANG it is not clear why this is referenced in the Policy – or reference to the planning obligation required. It might be more consistent with the South East Plan and emerging Local Plan to reword this bullet to say ‘Development proposals will be expected to provide appropriate mitigation in line with other development plan policies. This will include contributions to, or provision of Suitable Alternative Natural Greenspace (SANG) and contributions to Strategic Access and Management and Monitoring Measures (SAMM). Any mitigation proposals should be agreed with the District Council and Natural England’.</p>
HW Policy 1 – Nero Brewery	For clarity is ‘associated open space’ meant to relate to garden space shared or otherwise or the provision of on-site open space?
HW Policy 4 Design Guide	Delete ‘ HDC statutory’
HW Policy 5 (and Objective 2)	Object to the maximum of 50 dwellings on any single development (H5 first bullet). The rationale for this policy appears to be that there is a preference locally for small sites over large sites, and a concern that if the District Council has to allocate more sites in Hartley Wintney that it may choose to allocate one or more large sites. The preference for smaller sites is understood, and this has been translated into the site allocations in the Neighbourhood Plan. However, if additional site allocations are needed in Hartley Wintney, whether allocated through a District Council plan or a Neighbourhood Plan, sites should be selected on their own sustainability merits, in the context that prevails at that time, including the number of homes required in the area and

	<p>the choice of sites available. All choices should be considered in a fair and reasonable manner, including testing through the sustainability appraisal process. This process would be subject to community consultation in any event. The community would express its views in light of the realities and choices available at that time. This policy is therefore not necessary or justified. It even has the potential to be counter-productive bearing in mind opinions can change over time particularly if circumstances change.</p> <p>As the policy as reads, it would apply to any site that comes forward for 50 or more homes. This arbitrary limit would apply even if a good scheme for 50+ units came forward on a brownfield site in the village. This is clearly unjustified. The policy is therefore inappropriate having regard to national policy and guidance.</p>
HW Policy 8 – Conservation Areas	There is more than one Conservation Area in the Neighbourhood Area so this should refer to Conservation Areas in the plural unless it is only meant to deal with one of the CA's (Hartley Wintney). As suggested at the Pre-submission stage this Policy could have been expanded to cover all heritage assets particularly as there is reference in the supporting text to listed buildings. Reference could also be made within the Policy to development being consistent with the Conservation Area Appraisals. Some additional information regarding the Conservation Areas within the Parish would be helpful to add clarity.
Policy 9 – Control of Artificial Light	It is not clear what would comprise the appropriate assessment in the context of this Policy. In order to be more clearly understood for development management purposes this Policy would benefit from being worded along the lines of 'Development will be supported which...'
Paragraph 7.1.5	This paragraph seems to suggest that the Plan has set specific parking standards. Reference to parking standards in the site allocation policies is to the District Councils Interim standards rather than any local standard.
Paragraph 7.1.9	The Council has not made a formal decision to progress CIL.
Policy 11 – Cycleways and Footways	This does not currently read as a Policy. See General comment above.
Policy 12 – Protection of Retail premises	The second bullet could be deleted as only applications requiring permission would be considered against this Policy. It is not clear to the decision maker what would comprise 'appropriate or 'well – located' retail/food and drink development – does this mean within the Primary Shopping Area or within a wider and undefined area?
Policy 13 – Re-use of Agricultural Buildings	The second sentence of this Policy is supporting text and not Policy. Delete 'strong'.