

Yateley, Darby Green and Frogmore Neighbourhood Development Plan 2020-2032

**A report to Hart District Council on the Yateley, Darby
Green and Frogmore Neighbourhood Development
Plan**

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Executive Summary

- 1 I was appointed by Hart District Council in December 2021 to carry out the independent examination of the Yateley, Darby Green and Frogmore Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 21 January 2022.
- 3 The Plan is an exceptionally good example of a neighbourhood plan. It is beautifully written and presented. It includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It adds value to the policies in the adopted Local Plan.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
22 March 2022

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Yateley, Darby Green and Frogmore Neighbourhood Development Plan 2020-2032 ('the Plan').
- 1.2 The Plan was submitted to Hart District Council (HDC) by Yateley Town Council (YTC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It seeks to provide a context in which the neighbourhood area can maintain its attractive character and appearance.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by HDC, with the consent of YTC, to conduct the examination of the Plan and to prepare this report. I am independent of both HDC and YTC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 Having addressed the matters identified in paragraph 2.6 of this report I am satisfied that all of the points have been met.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the SEA/HRA Screening report commissioned by HDC.
- the Background Evidence Document.
- the Biodiversity Evidence Background Paper.
- the Neighbourhood Plan Views Supplement.
- the representations made to the Plan.
- YTC's responses to the clarification note.
- HDC's responses to the clarification note.
- YTC's comments on HDC's representations to the Plan.
- the adopted Hart Local Plan (Strategy and Sites) 2032.
- the Yateley Village Design Framework Supplementary Planning Document.
- the National Planning Policy Framework (July 2021).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 21 January 2022. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations. I was assisted in this process by the comprehensive nature of many of the representations and the professional way in which the Plan has been developed.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012, YTC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies. It is a very good example of a document of this type. In particular, it sets out its key findings in a concise report which is underpinned by a series of more detailed tables and appendices
- 4.3 The Statement records the various activities which were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (May to July 2021). It provides the details of the responses to that version of the Plan in Appendix 12. This analysis contributes significantly to the legibility of the relevant information and helps to describe how the Plan has progressed to the submission stage.
- 4.4 The Statement sets out details of the range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- the consultation on vision and objectives (Spring 2018);
 - the Topic Group work (2018/2019);
 - the work with local schools (January to March 2020);
 - the residents survey (February to April 2020); and
 - the discussions with local stakeholders (September 2020 to February 2021)
- 4.5 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. HDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Consultation Responses

- 4.6 Consultation on the submitted plan was undertaken HDC. It ended on 12 January 2022. This exercise generated representations from the following organisations:
- Forestry Commission
 - National Highways
 - Obsidian Strategic

- Sport England
- Surrey County Council
- Transport for London
- Natural England
- Landhold Capital
- Historic England
- Ministry of Defence
- Belgrave Homes
- Gladman Developments Limited
- National Grid
- Hart District Council
- Public Health England

4.7 Representations were also received from seven local residents.

4.8 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Yateley. Its population in 2011 was 20471 persons living in 7959 households. As the Plan helpfully describes 'Yateley now is part of the wider 'Blackwater Valley' conurbation straddling the borders of Hampshire, Berkshire, and Surrey, where towns like Aldershot, Camberley, Farnborough, Farnham, Fleet and Sandhurst together make it one of the largest built-up areas in England'. The parish was designated as a neighbourhood area on 5 April 2018.
- 5.2 The Parish consists of three distinct communities - Yateley, Darby Green and Frogmore. They are situated around large green areas. The B3272 (Reading Road) provides an important and busy traffic route running from east to west through the parish. The commercial and civic centre of Yateley is located along this route.
- 5.3 The Parish contains many extensive areas of public and semi-public open space, which form a band running from south west to north. They include substantial wooded blocks as well as open fields and large areas of common land. There are three Conservation Areas (Yateley Green, Cricket Hill and Darby Green) in the parish. In each case, they are centred on large areas of open or wooded green space, usually with very dispersed historic buildings around them. They are loosely connected by the Reading Road. Blackbushe Airfield is located in the southern part of the parish off the A30. In combination these various matters result in a neighbourhood area of great variety and interest.

Development Plan Context

- 5.4 The development plan for the neighbourhood area is well-developed and up-to-date. HDC adopted the Hart Local Plan (Strategy and Sites) 2032 in April 2020.
- 5.5 Policy SS1 of the Plan (Spatial Strategy and Distribution of Growth) comments that development in the District will be focused within defined settlements, on previously developed land in sustainable locations, and on allocated sites. Table 1 of the Plan sets out that the bulk of the new housing requirement in the District is already met by sites which are completed and sites with planning permission.
- 5.6 In addition to Policy SS1, the following policies in the Local Plan have been particularly important in underpinning the policies in the submitted Plan:
- H1 Housing Mix
 - H2 Affordable Housing
 - ED4 Town, District and Local Centres
 - ED6 District and Local Centres
 - NBE4 Biodiversity
 - NBE5 Managing Flood Risk
 - NBE8 Historic Environment
 - NBE9 Design
 - INF2 Green Infrastructure

INF5 Community Facilities

- 5.7 The submitted Plan has been prepared within its up-to-date development plan context. In doing so, it has relied on up-to-date information and research that has underpinned existing planning policy documents. This is good practice and reflects key elements in Planning Practice Guidance on this matter. The Plan also takes account of the Yateley Village Design Statement SPD.
- 5.8 It is clear that the submitted Plan seeks to add value to the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement. In the round, the Plan has been carefully prepared to be in general conformity with the strategic policies in the development plan and to provide distinctive parish-based policies to complement the establish strategic approach.

Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 21 January 2022. I approached it on the A30 from the east. This helped me to understand its position in the wider landscape in general and its accessibility to the strategic road network in particular.
- 5.10 I spent time in each of the three communities. As part of the visit, I took particular care to look at the following elements of the Plan:
- the proposed important views;
 - the two elements of the Yateley village centre;
 - the conservation areas; and
 - Blackbushe Airfield and the associated car auction facilities.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report. It is an informative and well-presented document.
- 6.2 As part of this process I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible European Convention on Human Rights (ECHR); and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework 2021 (NPPF).
- 6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Yateley, Darby Green and Frogmore Neighbourhood Development Plan:
- a plan-led system - in this case the relationship between the neighbourhood plan and the Hart Local Plan (Strategy and Sites) 2032;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance subject to the recommended modifications in this report. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies that address a range of development and environmental matters. It proposes the identification of a package of Important Views and a policy for Blackbushe Airfield. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.8 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted, the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for Yateley village centre (Policy 5), for Blackbushe Airfield (Policy 13) and for home working (Policy 14). In the social role, it includes a policy on community facilities (Policy 10) and on telecommunications (Policy 11). In the environmental dimension, the Plan positively seeks to protect its natural, built and historic environment. It has policies on climate change (Policy 3), design (Policy 4), Important Views (Policy 7), green infrastructure (Policy 8) and flood risk (Policy 9). This assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider Hart District in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. Subject

to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.13 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required. In order to comply with this requirement, HDC commissioned a screening exercise on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan.
- 6.14 The resulting report (February 2021) is thorough and well-constructed. It concludes that it will be unlikely that any significant environmental effects will arise from the implementation of the Plan. It reaches this conclusion for two principal reasons. The first is that the plan does not allocate any land or sites for development. The second is that the policies of the plan when taken as a whole and in combination with other policies in the adopted Hart Local Plan 2032 will not have significant effects. As such the report concludes that the submitted Plan does not require a full SEA to be undertaken.

Habitats Regulations Assessment

- 6.15 HDC also commissioned a Habitats Regulations Assessment (HRA) of the Plan at the same time. It concludes that the submitted Plan is unlikely to have significant effects on a European site. The report is very thorough and comprehensive. In particular, the wider report assesses the likely effects of the implementation of the policies in the Plan on protected sites within or in close proximity to the neighbourhood area as follows:
- the Blackwater Valley and Thames Basin Heaths Biodiversity Opportunity Areas, both of which are within the neighbourhood area
 - the Castle Bottom to Yateley & Hawley Commons SSSI and the Blackwater Valley SSSI, both of which straddle the neighbourhood area
 - the Castle Bottom National Nature Reserve which also forms part of the Thames Basin Heaths SPA located to the west of the Neighbourhood Plan and adjacent to its boundary
 - the Thames Basin Heaths SPA (in some cases within 400 m);
 - the Thursley, Pirbright, Ash & Chobham SAC (5.7k);
 - the Windsor Forest & Great Park SAC (14.9k);
 - the Wealden Heaths Phase I SPA and its component parts (16.7k);
 - the Wealden Heaths Phase II SPA (20.3k);
 - the South West London Waterbodies SPA & Ramsar (20.4k);
 - the East Hampshire Hangers SAC (21.2k);
 - the Shortheath Common SAC (21.4k); and
 - the Woolmer Forest SAC (25.2k).

- 6.16 The HRA concludes that the neighbourhood plan will not give rise to likely significant effects on European sites, either alone or in combination with other plans or projects, and that Appropriate Assessment is not required. In doing so it makes a connection
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with the HRA produced for the adopted Plan. It also provides details of the potential effects of the Plan on the Thames Basin Heaths SPA.

- 6.17 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations (as now transposed into national legislation).

Human Rights

- 6.18 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR

Summary

- 6.19 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and YTC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. It includes a separate schedule of Community Ambitions.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. I comment about the Community Ambitions after the policies.
- 7.6 For clarity, this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial parts of the Plan (Sections 1 to 5)

- 7.8 The Plan as a whole is very well-organised and presented. It is supported by a series of excellent photographs. It is clear that the Plan has been prepared with much attention to detail and local pride. It makes an appropriate distinction between the policies and their supporting text. The combination of the supporting text in the Plan, and the various appendices provide an extensive range of information to justify the approach taken in the policies. In summary it is a first-class example of a neighbourhood plan. If it is eventually made, it will comfortably sit within the wider development plan context.
- 7.9 The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies. The Introduction is well-considered. It properly identifies the neighbourhood area (Map 1). Paragraph 2 comments about the Plan period and when the neighbourhood area was designated. It also signposts the reader to the next stages of the process.
- 7.10 Section 2 provides information about the neighbourhood area and its history. It provides interesting and comprehensive details which help to set the scene for the eventual policies. It includes a series of excellent maps and a breakdown of the demographics in the parish.

- 7.11 Section 3 sets out the broader planning policy context within which the Plan has been prepared. It comments about both national policy (the NPPF) and local policy (the Hart Local Plan).
- 7.12 Section 4 comments about the community engagement processes. It does so to good effect. It has helpful overlaps with the submitted Consultation Statement.
- 7.13 Section 5 sets out the vision, aims, key issues and objectives for the Plan. It makes a strong functional relationship between these various matters. A key success of the Plan is the way in which the table in paragraph 42 relates the various objectives to the resulting policies. This is best practice.
- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy YDFNP1 Delivering Sustainable Development

- 7.15 This policy effectively sets out a spatial strategy for the parish. It seeks to focus new development within identified settlement boundaries. Outside the defined boundaries the policy comments that development will only be supported where it is in accordance with other development plan policies, would comprise an appropriate use in the countryside and would not result in the visual or physical coalescence of settlements.
- 7.16 The policy takes an appropriate approach to this matter. In particular it seeks to focus new development within the main settlements. By definition they are the most sustainable locations in the parish and have good access to a wide range of retail and community facilities.
- 7.17 Belgrave Homes and Gladman Developments comment that the Plan should allocate land for residential development at Mill Lane, Yateley and land north of Reading Road (between Yateley and Darby Green) respectively. I have considered these comments very carefully. However, in my judgement neither site is required to ensure that the Plan meets the basic conditions. In any event, the content of a neighbourhood plan is entirely at the discretion of a qualifying body (here YTC) and neither site has been the subject of public consultation in the pre-submission or the submission versions of the Plan.
- 7.18 The representation from Belgrave Homes challenges the supply of housing land in the District and argues that the submitted Plan should seek to address this matter. I sought HDC's comments on this matter in the clarification note. Within its wider response it commented:

'Neither the Inspector's Report nor the Local Plan sets any expectation or obligation that the shortfall must be addressed through neighbourhood plans. It would be totally inappropriate to impose an unwanted site allocation on a neighbourhood plan in order to address a district-wide shortfall in 2031/32 that the Inspector acknowledged will be addressed through a review of the local plan (or additional windfall development) and which in HDC's view, in light of more recent work, will not materialise anyway.'

- 7.19 These comments from HDC reinforce the approach which YTC has taken in the submitted Plan.
- 7.20 I recommend a modification to the first part of the policy to remove the word ‘generally’. It introduces a degree of uncertainty to the outcome of any planning applications which may come forward within the settlement boundaries. The criteria included within this part of the policy provide the environmental assurances which the Plan properly requires.
- 7.21 Otherwise the Plan meets the basic conditions. It will focus new development within clear settlement boundaries, will safeguard the interesting and varied green infrastructure in the parish and prevent the coalescence of the three settlements. As such, it will contribute to the delivery of each of the three dimensions of sustainable development.

In the first part of the policy replace ‘will generally.....well designed’ with ‘will be supported where they are well-designed’

Policy YDFNP2 Limiting Climate Change

- 7.22 The policy takes a positive approach to climate change. It seeks to provide a local response to Section 14 of the NPPF. It comments that development proposals will be supported where they contribute to adapting and mitigating against impacts of climate change in accordance with HDC’s Climate Change Action Plan. It then goes on to comment that developments will be supported which consume less energy than the development they are replacing and which minimise carbon emissions to the atmosphere by incorporating a series of measures.
- 7.23 In general terms I am satisfied that the approach taken in the policy. It seeks to ensure that the parish is actively engaging in delivering resilience to climate change. It has regard to national policy on this important and topical issue.
- 7.24 Based on YTC’s responses to HDC’s representation, I recommend that the opening element of the policy is modified to remove any direct reference to the HDC Climate Change Action Plan. This approach acknowledges that the Action Plan has a District-wide emphasis rather than a specific focus in the parish. In any event, the various criteria in the policy provide appropriate guidance for the development industry.
- 7.25 Otherwise the policy meets the basic conditions. It is an interesting and distinctive approach to this important matter which will contribute to the delivery of both the environmental and social dimensions of sustainable development.
- 7.26 I have taken account of the representation made by Gladman Developments Limited. I am satisfied that the policy does not conflict with the Written Ministerial Statement of March 2015. It does not determine specific performance measures for buildings. Similarly, the opening part of the policy (both as submitted and as recommended to be modified) applies its principles in a proportionate fashion and where it would be practicable to do so.

Replace the opening element of the policy with:

‘As appropriate to their scale, nature and location, development will be supported where it contributes to adapting and mitigating against impacts of climate change, by incorporating the following measures wherever practicable:’

Policy YDFNP3 Promoting Biodiversity

- 7.27 This policy provides a wide-ranging approach to biodiversity. The supporting text in paragraphs 61 to 70 is both helpful and comprehensive. The opening element of the policy comments that development proposals should integrate biodiversity from an early stage and demonstrate a net gain in biodiversity appropriate to the nature and scale of the development and in line with any statutory requirements.
- 7.28 Other elements of the policy comments about landscaping proposals, trees and the protection of existing trees and hedgerows.
- 7.29 The policy takes a positive, proportionate and non-prescriptive approach to this important matter. It meets the basic conditions. Plainly it will contribute significantly to the delivery of the environment dimension of sustainable development.

Policy YDFNP4 Design Principles in New Development

- 7.30 This policy takes a comprehensive approach to delivering high quality design. It comments that development proposals should: respond positively to local identity and distinctiveness reflecting the Hart Urban Characterisation Study (UCS), and the Yateley Village Design Framework (as set out in Policy YDFNP5) as well as any national or locally adopted design guidance or codes. It also expects development to contribute positively to local character especially in areas of high sensitivity to change as identified in the Hart UCS.
- 7.31 The policy also highlights a series of general design matters which new development proposals should address
- 7.32 The key element of the policy is that it takes a proportionate approach. This acknowledges the majority of planning applications which will come forward within the Plan period will continue to be of a minor or domestic nature.
- 7.33 HDC suggest that criterion d) should be extended so that affordable housing is distributed throughout housing developments. I agree that such an approach would be desirable. However, its inclusion is not necessary to ensure that the Plan meets the basic conditions. In addition, the development industry has not had an opportunity to comment on the merits or otherwise of such an approach.
- 7.34 I recommend a detailed modification to criterion c) so that it continues with the approach in the plural as taken elsewhere in the policy.
- 7.35 In the round, the policy is an excellent local response to Section 12 of the NPPF. In this context, it will help to secure high-quality, distinctive new development and contribute to the environmental dimension of sustainable development.

In criterion c) replace ‘it has had regard’ with ‘they have had regard’

Policy YDFNP5 Yateley Village Centre

- 7.36 This is a very detailed and well-informed policy which takes account of the different parts of the village centre. I looked at the two elements of the village centre very carefully during the visit. I saw their attractiveness and vitality.
- 7.37 The policy makes good use of the Yateley Village Design Framework SPD which was adopted by HDC in 2009. That SPD identifies five distinctive areas within the village. They are translated into component elements of the policy.
- 7.38 I recommend two modifications to the policy. The first relates to the range of Use Class E uses in the Principal Shopping Area part of the policy. Whilst I can understand the circumstances in which YTC may wish to encourage specific types of commercial uses, the Use Classes Order has been designed to allow significant flexibility between uses in town and village centres. As such, I recommend a modification to ensure that the approach has regard to national policy. I recommend that the ‘encouragement’ issue is relocated into the supporting text.
- 7.39 The second relates to the final part of the policy which highlights that some proposals may need a flood risk assessment. This is a correct approach. However, it is supporting text rather than policy. I recommend accordingly.
- 7.40 Otherwise the policy meets the basic conditions. It responds positively to the specific characteristics of the village centre. It will contribute towards the delivery of each of the three dimensions of sustainable development.

Replace criterion i) with: ‘Insofar as planning permission is required, proposals for Class E uses at ground floor level will be supported;’

Delete the final part of the policy.

At the end of paragraph 88 add the deleted final part of the policy.

At the end of paragraph 90 add: ‘The Use Classes Order 2021 now provides considerable flexibility for business uses in village centres. This is reflected in the details of Policy YDFNP5. Nevertheless, the Town Council would encourage proposals for shops, food and drink and financial and professional services to come forward’

Policy YDFNP6 Development Affecting Conservation Areas

- 7.41 This policy sets out a comprehensive approach towards new development in the three conservation areas in the neighbourhood area. It is underpinned by the work undertaken on conservation area appraisals and the Yateley VDS. The details about each conservation area and the associated maps are first-class.
- 7.42 The policy addresses the national approach towards conservation areas and then identifies seven specific criteria against which any development proposals would be assessed.

- 7.43 In the round this is an excellent policy. I recommend a detailed modification to ensure that the policy has the clarity required by the NPPF. It will also ensure that the policy has full regard to the wording used in national policy. Otherwise, it meets the basic conditions. It will contribute significantly to the delivery of the environmental dimension of sustainable development.

After ‘enhances’ add ‘the character or appearance of’

Policy YDFNP7 Important Views

- 7.44 This policy identifies a series of important views and then develops a policy approach to safeguard the identified views.
- 7.45 The policy is comprehensively identified by the Important Views Supplement. It describes the various views which were considered as part of the plan making process and includes relevant photographs. The Plan itself describes the views selected as important and addressed by the policy
- 7.46 I looked carefully at the views when I visited the parish. I saw that they took various forms – in some cases they were more local and intimate in scale and in other cases they incorporated more extensive tracts of land.
- 7.47 I sought advice from YTC on a series of matters in the clarification note as follows:

On the relationship of the views in the Plan and those in the wider Views Supplement YTC commented:

‘The Council confirms that the included views are the most important, as the land to which they belong is not protected by any designations, such as being village green, common land or in the conservation area. These views were also selected to enable biodiversity to be restored and to maintain the character of the land’.

In terms of the extent to which the views were informed by an assessment of the wider landscape of the neighbourhood area and the significance of the identified views to that landscape YTC commented:

‘The Neighbourhood Steering Group considered a long list of Views and having regard to avoiding areas which are already protected (such as the Green and Yateley Common), considered the Views in the policy to be the ones which most clearly define Yateley’s semi-rural character. This is in keeping with much of the District and the View policy reflects the Local Plan’s objective of maintaining the semi-rural nature of the District.’

In terms of how the Town Council anticipate that the ‘adverse impact on the characteristics of the important views’ would be interpreted by the decision-maker YTC commented:

‘The Council would define adverse impact as anything that is out of keeping with the rural setting of Yateley parish or that would result in further reduction in biodiversity or detrimentally impact the benefit residents have on seeing the view’

- 7.48 These comments are very helpful. They consolidate the information already in the submitted documents.
- 7.49 Taking account of all the information available to me I am satisfied that Views 01, 02 and 04 are entirely appropriate. They are attractive views in their own rights. In addition, they capture important elements of the spirit of the character of the parish in general, and the relationship between its built form and open spaces in particular.
- 7.50 Views 03 and 05 have a different character. In both cases they have attracted representations from organisations with an interest in the land captured within the views concerned (Landhold Capital and Gladman Developments Ltd respectively).
- 7.51 I have considered all the information available to me in relation to these two proposed Important Views. On the balance of the evidence, I am not satisfied that the two views would meet the basic conditions. In both cases, they are more extensive tracts of countryside. In the case of proposed view 03 the issue is complicated as the more distant element of the view is outside the neighbourhood area. Furthermore, I have concluded that the two views do not represent any significant characteristic of the wider neighbourhood area. In addition, neither of the two views are particularly visible. In the case of 05, it is within the context of a busy road (to the south) and the high hedge which runs along its southern boundary. In the case of 03, it is on the edge of the village and any close inspection of the view involves crossing a busy road.
- 7.52 In these circumstances I recommend that both views are deleted from the policy
- 7.53 As submitted the policy has a negative approach. I recommend the inclusion of an additional element of the policy to identify how proposals should respond to the identified view. I also recommend a modification to the wording of the policy as submitted. It highlights that the key issue is the acceptability or otherwise of the impact of any development proposal. Otherwise, the policy meets the basic conditions. It will assist significantly in safeguarding the character of the parish. In doing so it will contribute to the delivery of the environmental and social dimensions of sustainable development.

At the beginning of the policy add:

‘The Plan identifies three Important Views in the neighbourhood area (as shown on Map 14). The scale, nature, massing and layout of development proposals should respond positively to the Important Views’

In the submitted part of the policy replace ‘adverse’ with ‘unacceptable’

Delete Views 03 and 05 from Map 14 and the following text (and photographs).

Policy YDFNP8 Green Infrastructure

- 7.54 This policy takes a comprehensive approach to this matter. It is underpinned by extensive supporting text and maps.
- 7.55 In general terms it comments that development proposals should protect and where possible enhance green infrastructure through retaining and enhancing wildlife areas, green and blue corridors and green spaces and the connections between them. It comments that proposals which protect and enhance the rights of way network and links between green infrastructure assets and encourage active travel will be supported.
- 7.56 The policy also includes detailed elements on planting proposals, the Blackwater Valley Suitable Alternative Natural Greenspace, allotments and burial grounds.
- 7.57 I have taken account of the representation made by Obsidian Strategic on the list of SANG sites in paragraph Para 112 of the Plan. I have also considered HDC's specific comments on this issue in its helpful response to the clarification note. As HDC comments:

'Paragraph 112 simply lists the current SANGS within the neighbourhood plan area, in recognition that substantial parts of the parish lie within the TBHSPA and the 400m and 400m-5km buffer. The land in question lies outside the Neighbourhood Plan area, within Eversley Parish, east of Yateley (parish boundaries shown on the plan below). It is not considered necessary to list SANGs or other open spaces outside the plan area.'

As such no modification or correction is required.

- 7.58 The policy has been carefully constructed. It meets the basic conditions. It will contribute towards the delivery of the environmental dimension of sustainable development.

Policy YDFNP9 Flood Risk

- 7.59 This policy sets out a positive and proactive response to this important matter to the environment and well-being of the parish.
- 7.60 The principal part of the policy comments that development will be supported where it avoids increasing the risk of flooding from any source and will be safe from flooding for the lifetime of the development including from sources outside the development site. It also comments that development proposals should take account of the vulnerability to flooding of its users and should not increase flood risk elsewhere.
- 7.61 The policy also identifies a series of criteria with which new developments will be expected to comply. As with other policies, it has been carefully crafted to be applied in a proportionate basis.
- 7.62 Paragraphs 128 and 129 comment about the Causal Areas identified in the Local Plan. The submitted Plan sets out to take the matter a stage further by requiring that development proposals deliver at least one of the mitigation measures in the Causal

Areas proforma. This is an innovative approach. However, it adds no distinctive value to the approach taken on Policy NBE5 of the Local Plan. I recommend that the approach is modified so that it has a more general tone.

- 7.63 I also recommend that criterion f) is modified so that it provides clarity on the scale of development affected by the policy. This reflects the HDC comments on this matter and YTC's response to those comments.
- 7.64 Otherwise, the policy addresses this matter in a very comprehensive way. It will contribute significantly to the delivery of the environmental dimension of sustainable development.

Replace criterion a) in the third part of the policy with 'In Causal areas the proposed development has regard to the proposed mitigation measures captured in Local Plan policy NBE5'

In bullet point f) replace 'minor new builds' with 'new residential development of nine or less homes'

Policy YDFNP10 Community Facilities

- 7.65 This policy acknowledges the importance of community facilities to the wellbeing of the parish. It has two related parts. The first offers support to development proposals to improve, or provide for new community facilities.
- 7.66 The second comments that development proposals that would result in either loss of or significant harm to, an Asset of Community Value will not be supported, unless it can be clearly demonstrated that the operation of the asset, or the ongoing delivery of the community value of the asset is no longer financially viable and the requirements of this policy and Local Plan Policy INF5 are met.
- 7.67 Appendix 6 lists the identified community facilities. It provides a local dimension to the strategic approach taken in Policy INF5 of the Local Plan. As the submitted Plan comments there is no need for repetition of the Local Plan policy.
- 7.68 In the round, the policy takes a positive approach to this issue. For complete clarity, I recommend a modification to the first part of the policy so that it explicitly relates to the list of facilities in Appendix 6. Otherwise, it meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

In the first part of the policy replace 'to improve' with 'to improve any of the identified community facilities in Appendix 6 of this Plan'

Policy YDFNP11 Telecommunications

- 7.69 This policy addresses the importance of good telecommunications to the wellbeing of local residents and businesses. It does so in a positive way.
- 7.70 The policy has two related parts. The first comments that new residential, commercial and community development proposals should be served by a superfast broadband (fibre-optic) connection unless it can be demonstrated that this would not be possible,

practical or commercially viable. In such circumstances suitable ducting should be provided to the properties to facilitate future installation. As with other policies it is designed to be applied on a proportionate basis.

- 7.71 The second part offers support to proposals that deliver the expansion of electronic communications networks and high-speed broadband and improvements to connectivity subject to detailed criteria.
- 7.72 The policy addresses this matter in a very balanced fashion. The approach meets the basic conditions.

Policy YDFNP12 Housing Mix and Affordable Housing

- 7.73 This policy addresses the related issues of housing mix and housing affordability. Paragraphs 140 to 146 helpfully describe the affordability issues which the neighbourhood area is facing.
- 7.74 The policy has two parts. The first comments that new housing developments will be supported which provide a mix of dwelling types with priority for smaller house types as part of a wider mix, which provide policy compliant provisions of affordable housing or as demonstrated by the most up to date evidence on housing need. It also comments that development proposals for older persons accommodation will be supported where such a need can be demonstrated.
- 7.75 The second comments that development proposals for new housing should make provision for high quality affordable housing to meet identified and evidenced local needs. It adds that off-site provision or a financial payment in lieu of provision will only being appropriate where this can be robustly justified.
- 7.76 The policy takes an appropriate and positive approach to this important matter. I recommend modifications to the policy so that it makes clearer reference to the need for new development to meet identified local housing needs. I also recommend that paragraph 146 is reconfigured so that it takes full account of HDC's approach to the national agenda for the delivery of First Homes. Otherwise, the policy meets the basic conditions. It will ensure that new housing more closely relates to housing needs in general and the demographic profile of the parish in particular. In this context, it will contribute towards the delivery of the social dimension of sustainable development.

Replace the policy with:

'New housing developments will be supported which make provision for high quality affordable housing, as well as smaller house types, to meet identified and evidenced local needs with off-site provision or a financial payment in lieu of provision only being made where this can be robustly justified.

Development proposals for older persons accommodation will be supported where a need can be demonstrated.'

Replace paragraph 146 with:

‘Policy YDFNP12 below supports the delivery of affordable housing on qualifying new development in line with national and local planning policies. This will apply to any redevelopment proposals and new build proposals in the Parish and if the proposal is for more than 10 dwellings then affordable housing will need to be provided in line with Local Plan Policy H2 and any subsequent local and government policy and guidance, such as Hart District Council’s Interim Planning Policy Statement on First Homes’.

Policy YDFNP13 Blackbushe Airport

- 7.77 This policy addresses the very distinctive issues associated with the Airport. I looked at the Airport carefully as part of the visit. I saw the Airfield itself and the extensive BCA car auction site and its associated car parking/storage/holding facilities.
- 7.78 The policy addresses three related issues:
- potential new aviation uses;
 - the need for travel plans;
 - an approach for the site in the event that Airport ceases to operate.
- 7.79 I recommend that the third paragraph of the policy is repositioned into the supporting text. This acknowledges that it is an outcome of the second part of the policy.
- 7.80 I also recommend that the final part of the policy is deleted. Whilst its approach stems from public engagement, the policy provides no indication of how this might be achieved. In addition, it does not directly take account of the commercial uses which are directly associated with the Airfield. Moreover, the matter is already addressed in a factual way in paragraph 155 of the Plan. In coming to this conclusion, I have taken account of YTC’s response to the clarification note.

Delete the third and fourth paragraphs of the policy.

At the end of paragraph 153 add ‘The second part of the policy comments about the need for proposed developments with significant transport implications to be supported by a travel plan to seek, as far as possible, that movements by private car are minimised. Where negative impacts are identified after assessing proposals, the impacts should be mitigated where possible. Where negative impacts cannot be satisfactorily mitigated planning permission will not be supported.’

Policy YDFNP14 Home Working

- 7.81 This policy offers support for home working. The supporting text makes reference to the increased significance of this matter since 2020 and the onset of the Covid pandemic.
- 7.82 The policy is entirely appropriate. However, several proposals for home working may not need planning permission as a material change of use of the house concerned will not occur. I recommend a modification to acknowledge this matter. This issue is already addressed in paragraph 157 of the Plan.

- 7.83 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the economic and social dimensions of sustainable development. It will also contribute to the well-being of local residents.

At the beginning of the policy add ‘Insofar as planning permission is required’

Policy YDFNP15 Promoting Active Travel

- 7.84 This policy sets out a very bespoke approach towards active travel.
- 7.85 It comments that development will be supported where it maximises the use of sustainable modes of transport and in particular where it can be demonstrated it:
- provides new and improved pedestrian and cycle links between key facilities with priority given to: an east/west route along the B3272 Reading Road from the A30 to Eversley; and a south/north route along Cricket Hill Lane from the A30 to the B3272 and from the B3272 to Horseshoe Lake; and
 - takes opportunities to connect to public and community transport provision.

- 7.86 The policy is appropriate to the parish. In particular, it addresses some of the accessibility issues set out in the earlier parts of the Plan. I recommend a series of detailed modifications to the policy to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions. Improved active travel in the parish will contribute to the delivery of the social dimension of sustainable development.

In a) replace ‘provides’ with ‘contribute to’

Replace b) with ‘Encourages active travel through provision of footpaths and cycle lanes where these are not present.’

Include references to Key Facilities in the Glossary of the Plan

Community Ambitions

- 7.87 The Plan includes a package of Community Ambitions. They are non-land use issues which have naturally arisen during the plan-preparation stage. They are included in a separate part of the Plan as advised by national policy.
- 7.88 The various Ambitions are grouped under the following headings:
- Limiting Climate Change;
 - Encourage Biodiversity;
 - Housing Developments;
 - Transport/Infrastructure; and
 - Community
- 7.89 The Ambitions have been well-developed. They are distinctive to the neighbourhood area. In some cases, they will complement the land use policies.

Other Matters - General

- 7.90 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of the recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. Similarly, changes may be necessary to paragraph numbers in the Plan or to accommodate other administrative matters. It will be appropriate for HDC and YTC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.

Other Matters – Specific

- 7.91 HDC has made a series of helpful comments on the Plan. YTC has also helpfully provided its responses to the comments. I have included the policy-related matters in the recommended modifications earlier in this report where they are required to ensure that the Plan meets the basic conditions.
- 7.92 I also recommend modifications to the general elements of the Plan insofar as they are necessary to ensure that it meets the basic conditions. The details of these modifications are captured in the HDC comments and in the specific commentary provided by YTC (in its response to the HDC comments), and cover the following sections of the Plan:

Paragraph 21

Paragraph 45

Paragraph 52

Paragraph 64

Paragraph 68/69/70

Paragraphs 85/86

Paragraphs 89/90

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2032. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character and setting of the neighbourhood area.
- 8.2 Following the examination of the Plan, I have concluded that the Yateley, Darby Green and Frogmore Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report, I recommend to Hart District Council that subject to the incorporation of the modifications set out in this report the Yateley, Darby Green and Frogmore Neighbourhood Development Plan should proceed to referendum.

Other Matters

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by Hart District Council on 5 April 2018.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. The responses to the clarification note from both councils were timely, detailed and informative. The Town Council's response to the District Council's comments has continued the local collaborative approach taken during the preparation of the Plan.

Andrew Ashcroft
Independent Examiner
22 March 2022