



## **Decision Statement on making the Yateley, Darby Green and Frogmore Neighbourhood Plan 2016 – 2032**

1. This document sets out the decision of Hart District Council to make the Yateley, Darby Green and Frogmore Neighbourhood Plan 2016-2032 ('the Plan') and the reasons for that decision.
2. The Plan passed referendum on 30<sup>th</sup> June 2022; more than half (91%) were in favour of Hart District Council using the plan to help it determine planning applications within the neighbourhood area.
3. On passing the referendum the Plan became part of the development plan for Hart District.
4. Following a positive referendum result, Hart District Council is legally obliged to 'make' a neighbourhood plan unless it considers it would breach, or would otherwise be incompatible with, any retained EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
5. A decision not to make a neighbourhood plan would mean it would cease to be part of the development plan for Hart.
6. At its meeting on 28 July 2022 the Council decided to 'make' the Yateley, Darby Green and Frogmore Neighbourhood Plan 2016-2032. It took the view that to do so would not breach, or otherwise be incompatible with, any retained EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
7. The Plan went through the necessary screening processes for Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) including consultation with the relevant statutory consultees.
8. Definitions:
  - Strategic Environmental Assessment (SEA) is a procedure (set out in the [Environmental Assessment of Plans and Programmes Regulations 2004](#)) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

- A Habitats Regulations Assessment (HRA) tests if a plan or project proposal could significantly harm the designated features of a European site e.g. the Thames Basin Heaths Special Protection Area.
9. A [Screening Statement](#) commissioned by Hart District Council concluded that neither a full SEA nor an Appropriate Assessment (under the Habitat Regulations) were needed, in part because the Plan does not allocate any sites for development:
    - a full SEA is not required because significant environmental effects arising from the Plan were unlikely; and
    - an Appropriate Assessment is not required because the submitted Plan is unlikely to have significant effects on a European site (e.g. the Thames Basin Heath Special Protection Area).
  10. The Examiner considered the issues of retained EU obligations as part of the examination and was satisfied that the submitted plan met those obligations (paragraphs 6.13 to 6.17 of his [report](#)).
  11. The Examiner also found that the submitted Plan complies with the Human Rights Act and does not breach, nor is in any way incompatible with the European Convention on Human Rights (paragraph 6.18 of his [report](#)).
  12. In addition, an Equalities Impact Assessment (EqIA) was conducted on the Plan (both before and after incorporating the Examiner's recommended modifications) which found no adverse effects (see Section below on Equalities).
  13. In April 2022 Cabinet agreed that the Referendum Version of the Plan (incorporating the Examiner's recommended modifications) should go to referendum. There were no concerns at that time that the Plan, incorporating modifications, breached retained EU obligations or Human Rights legislation.
  14. Post-referendum, the Council remained of the view that making the Referendum Version of the Plan would not breach or otherwise be incompatible with any retained EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).

**Daniel Hawes**

Planning Policy and Economic Development Manager for Hart District Council