

Hart District Council

Yateley, Darby Green and Frogmore Neighbourhood Plan:

POST EXAMINATION DECISION STATEMENT

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

This document is the decision statement required to be prepared under Regulation 18(2) of the Neighbourhood Planning (General) Regulations 2012 (as amended). It sets out the Council's response to each of the recommendations contained within the Report to Hart District Council of the Independent Examination of the Yateley, Darby Green and Frogmore Neighbourhood Development Plan ("the Plan") by Independent Examiner Andrew Ashcroft, which was received by the Council on 22 March 2022.

1.0 BACKGROUND

- 1.1 Under the Town and Country Planning Act 1990 (as amended), Hart District Council ("the Council") has a statutory duty to assist communities in the preparation of neighbourhood (development) plans and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6, Chapter 3) sets out the Local Planning Authority's responsibilities under Neighbourhood Planning.
- 1.2 This statement confirms that the modifications proposed by the Examiner's report have been considered and accepted, that the Plan has been altered as a result of it, and that this Plan may now be submitted to local referendum.
- 1.3 The Yateley, Darby Green and Frogmore Neighbourhood Plan relates to the area that was designated by the Council as a Neighbourhood Area on 5 April 2018. This area is coterminous with the Yateley, Darby Green and Frogmore Parish boundary and is entirely within the Local Planning Authority area.
- 1.4 Yateley, Darby Green and Frogmore Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 (May – July 2021).
- 1.5 Following the submission of the Yateley, Darby Green and Frogmore Neighbourhood Plan to the Council in November 2021, the Council publicised the draft Plan for a six-week period and representations were invited in accordance with Regulation 16. The publicity period ended on 12 January 2022.

2.0 INDEPENDENT EXAMINATION

- 2.1 The Council appointed Mr Andrew Ashcroft, with the consent of Yateley, Darby Green and Frogmore Parish Council, to undertake the examination of the Yateley, Darby Green and Frogmore Neighbourhood Plan and to prepare a report of the independent examination.

- 2.2 The Examiner's report was received on 22 March 2022. The report concludes that subject to making the modifications recommended by the Examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum. The Examiner also recommended that the referendum area was based on the Neighbourhood Area that was designated by the Council in April 2018.
- 2.3 Having considered each of the recommendations made in the Examiner's report and the reasons for them, the Council has decided to make the modifications to the Yateley, Darby Green and Frogmore Neighbourhood Plan set out in Table 1 below. **The Council is satisfied that subject to those changes/modifications which it considers should be made to the Plan as set out in Table 1 below, that the Plan meets the basic conditions set out in the legislation.**

3.0 DECISION AND REASONS

- 3.1 The Neighbourhood Planning (General) Regulations 2012 (as amended) requires in Regulation 18 for the local planning authority to outline what action to take in response to the recommendations of an Examiner in relation to a neighbourhood plan. These are set out in Table 1 below.
- 3.2 Having considered each of the recommendations in the Examiner's report and the reasons for them, the Council, with the agreement of Yateley Town Council, has decided to accept the modifications to the draft Plan. This decision was made at Cabinet on 7 April 2022.
- 3.3 The Council is also required to consider whether to extend the area to which the referendum is to take place under Regulation 18(1e). The Examiner recommended that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Hart District Council as a Neighbourhood Area. The Council has considered this recommendation and the reasons for it, and has decided to accept it. The referendum on the Yateley, Darby Green and Frogmore Neighbourhood Plan will be based on the designated Yateley, Darby Green and Frogmore Parish Neighbourhood Area.

Table 1: Examiner's Recommended Modifications and Amendments

Submitted Neighbourhood Plan Policy / Section/Page	Examiner's Report para reference	Recommended Modification	HDC Consideration / Justification
Policy YDFNP1 Delivering Sustainable Development			
Page 21	7.21	In the first part of the policy replace 'will generally.....well designed' with 'will be supported where they are well-designed'	Agree with the modifications for the reasons set out in the Examiner's Report.
Policy YDFNP2 Limiting climate Change			
Page 24	7.26	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:'	Agree with the modifications for the reasons set out in the Examiner's Report.
Policy YDFNP4 Design Principles in New Development			
Page 33	7.35	In criterion c) replace 'it has had regard' with 'they have had regard'	Agree with the modifications for the reasons set out in the Examiner's Report.
Policy YDFNP5 Yateley Village Centre			
Page 35-36	7.40	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.	Agree with the modifications for the reasons set out in the Examiner's Report.

Submitted Neighbourhood Plan Policy / Section/Page	Examiner's Report para reference	Recommended Modification	HDC Consideration / Justification
		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			
Page 42	7.43	After 'enhances' add 'the character or appearance of'	Agree with the modifications for the reasons set out in the Examiner's Report.
Policy YDFNP7 Important Views			
Page 42	7.53	<p>At the beginning of the policy add:</p> <p>'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'</p> <p>In the submitted part of the policy replace 'adverse' with 'unacceptable'</p> <p><i>Delete Views 03 and 05 from Map 14 and the following text (and photographs)</i></p>	Agree with the modifications for the reasons set out in the Examiner's Report.
Policy YDFNP9 Flood Risk			

Submitted Neighbourhood Plan Policy / Section/Page	Examiner's Report para reference	Recommended Modification	HDC Consideration / Justification
Page 57	7.64	<p>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'</p> <p>In bullet point f) replace 'minor new builds' with 'new residential development of nine or less homes'</p>	Agree with the modifications for the reasons set out in the Examiner's Report.
Policy YDFNP10 Community Facilities			
Page 58	7.68	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'	Agree with the modifications for the reasons set out in the Examiner's Report.
Policy YDFNP12 Housing Mix and Affordable Housing			
Page 62	7.76	<p>Replace the policy with:</p> <p>'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.</p> <p>Development proposals for older persons accommodation will be supported where a need can be demonstrated.'</p> <p>Replace paragraph 146 with:</p>	Agree with the modifications for the reasons set out in the Examiner's Report.

Submitted Neighbourhood Plan Policy / Section/Page	Examiner's Report para reference	Recommended Modification	HDC Consideration / Justification
		<p>'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'.</p>	
Policy YDFNP13 Blackbushe Airport			
Page 65	7.80	<p>Delete the third and fourth paragraphs of the policy.</p> <p>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.'</p>	<p>Agree with the modifications for the reasons set out in the Examiner's Report.</p>
Policy YDFNP14 Home Working			
Page 66	7.83	<p>At the beginning of the policy add 'Insofar as planning permission is required'</p>	<p>Agree with the modifications for the reasons set out in the Examiner's Report.</p>
Policy YDFNP15 Promoting Active Travel			

Submitted Neighbourhood Plan Policy / Section/Page	Examiner's Report para reference	Recommended Modification	HDC Consideration / Justification
Page 69	7.86	<p>In a) replace 'provides' with 'contribute to'</p> <p>Replace b) with 'Encourages active travel through provision of footpaths and cycle lanes where these are not present.'</p> <p>Include references to Key Facilities in the Glossary of the Plan</p>	Agree with the modifications for the reasons set out in the Examiner's Report.
Other Matters -General			
	7.90	Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.	Agree with the recommendation for the reasons set out in the Examiner's Report.
Other Matters – Specific			
	7.92	<p>Reflect agreed changes between HDC and YTC in relation to paragraphs</p> <p>Paragraph 21 Paragraph 45 Paragraph 52 Paragraph 64 Paragraph 68/69/70 Paragraph 85/86 Paragraph 89/90</p>	Agree with the recommendation for the reasons set out in the Examiner's Report.