

# **Hartley Wintney Neighbourhood Development Plan 2017-2032**

**A report to Hart District Council on the Hartley  
Wintney Neighbourhood Development Plan**

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## **Executive Summary**

- 1 I was appointed by Hart District Council in January 2019 to carry out the independent examination of the Hartley Wintney Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 27 March 2019.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding the distinctive local character of the neighbourhood area. In addition, the Plan identifies three allocations for new residential development and proposes a range of local green spaces.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Hartley Wintney Neighbourhood 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 May 2018**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Hartley Wintney Neighbourhood Development Plan 2017-2032 (the 'Plan').
- 1.2 The Plan has been submitted to Hart District Council (HDC) by Hartley Wintney Parish Council 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 and 2019. 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 addresses a range of environmental and community issues and proposes three residential allocations.
- 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 the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both HDC and the Parish Council. 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 Service.

### *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 is submitted 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.

### *The Basic Conditions*

- 2.5 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; and
  - contribute to the achievement of sustainable development; and
  - be in general conformity with the strategic policies of the development plan in the area;
  - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
  - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.17 of this report.

- 2.6 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.
- 2.7 In order to comply with this requirement, a screening exercise was commissioned (September 2017) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. On the basis of the screening process it was determined that the Hartley Wintney Neighbourhood Plan did require SEA under the SEA Directive and Environmental Assessment of Plans and Programmes Regulations (2004). This conclusion was reached for two principal reasons. The first was that the Plan could set the framework for future development consents. The second was that there are pathways or mechanisms for significant environmental effects to arise as the Plan seeks to develop sites.
- 2.8 Following this determination the Parish Council commissioned the preparation of a Strategic Environment Assessment (SEA). It was published in December 2017. The resulting Environmental Report is well-developed. To support decision-making on this element of the Neighbourhood Plan, the SEA process considered three broad options relating to the number of new homes in the Plan period. The three options were the delivery of no further dwellings (Option 1), the delivery of up to around 25 additional dwellings (Option 2) and the delivery of over 25 additional dwellings (Option 3). These options were then appraised through the SEA process. In light of the appraisal findings and community consultation, the Parish Council took the decision to deliver a number of homes through the Neighbourhood Plan in Option 2. This decision was taken with a view to shaping future planning applications, promoting growth which meets local housing needs, and redeveloping underutilised sites in the parish.
- 2.9 In response to the findings in the SEA, and a community preference for development to take place on previously developed land established as part of the plan-making process, it was decided that the Plan should seek to deliver new development on brownfield sites in the first instance.
- 2.10 Utilising the SEA Framework of objectives and assessment questions developed during the earlier scoping stage, the SEA process assessed the emerging policies put forward in the pre-submission version of the Neighbourhood Plan. The Environmental Report presented the findings of the assessment under the following SEA themes: Air Quality, Biodiversity, Climate Change, Landscape and Historic Environment. Land, Soil and Water Resources, Population and Community, Health and Wellbeing and Transportation.
- 2.11 The overall effectiveness of the SEA process is very compelling. I make specific comments on two of the three proposed residential allocations later in this report. However, I am satisfied that the site-selection has been robust and that it has been carried out to an appropriate standard. The SEA takes a professional approach to the matter. It is also proportionate to the task concerned. In addition, the site selection has been undertaken within the wider context of the SEA process which has addressed a

series of environmental objectives and their relationship to the policies within the Plan itself.

- 2.12 A Habitats Regulations Assessment (HRA) of the Plan was also commissioned. The resulting report was published in October 2018. The assessment was undertaken against current legislation and policy, and in accordance with standard guidance. In particular the 2018 'People over Wind' case in the European Court of Justice informed the report. The assessment considers the impact of the Plan's policies on the Thames Basin Heaths Special Protection Area (SPA). There are no other European sites within 12km of the centre of Hartley Wintney. The Thames Basin Heaths Special Protection Area (SPA) is an area of lowland heath covering over 8,000 hectares of land across Surrey, Berkshire and Hampshire. The SPA was designated under the European Birds Directive in March 2005 because it represents a mixture of heathland, scrub and woodland habitat that support important breeding populations of nightjar, woodlark and Dartford warbler.
- 2.13 The Assessment concluded that, in respect of policies 1 – 3, the Neighbourhood Plan would have a likely significant effect upon the Thames Basin Heaths SPA in combination with other housing growth in the vicinity of the SPA, but not when acting alone. As such an Appropriate Assessment was required, which considered the effect of the Plan on Thames Basin Heaths in the context of the mitigation which is embedded in the Plan.
- 2.14 The Neighbourhood Plan contains mitigation for potential impacts of housing growth related to the three site allocations. It refers to the emerging Hart District Council Local Plan, in particular its policy NBE4 (policy numbered NE1 at the time of the Neighbourhood Plan being written), which sets out the approach to the protection of the SPA. The Assessment concludes that the policy inclusion of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) payments in relation to each of the allocations confirms that the measures necessary to prevent recreational impacts on Thames Basin Heaths are in place. The Assessment also concludes that the implementation of these measures will be secured at planning application stage by the Local Planning Authority, as confirmed by policy NBE4 of the emerging Hart Local Plan and/or by the saved policy CON1 of the previous Local Plan if the emerging Local Plan is not adopted by the time the Neighbourhood Plan comes into force.
- 2.15 The Assessment concludes that the Plan will have no adverse effect upon the integrity of the Thames Basin Heaths SPA or any other European site. This applies to the Neighbourhood Plan acting alone or in combination with any other plan or project.
- 2.16 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. The Plan has responded in a positive fashion to the proximity of the neighbourhood area to the Thames Basin Heaths SPA and within the context of the legislative changes to the HRA process in 2018. 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.

2.17 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.

*Other examination matters*

2.18 In examining the Plan I am also 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.

2.19 Having addressed the matters identified in paragraph 2.18 of this report I am satisfied that all of the points have been met subject to the contents of this report.

### 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 Environmental Report (by AECOM in December 2017);
- the Habitats Regulations Assessment report (by The Landscape Partnership in October 2018)
- the Parish Council's responses to my general Clarification Note;
- the Environment Agency's response to my specific Clarification Note;
- the representations made to the Plan;
- the Hart District Local Plan (Replacement) 1996-2006;
- the First Alterations to the Hart District Local Plan (Replacement) 1996-2006;
- the emerging Hart Local Plan Strategy and Sites 2016-2032;
- the National Planning Policy Framework (March 2012 and February 2019);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 27 March 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

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 was satisfied that the Plan could be examined without the need for a public hearing. I advised HDC of this decision early in the examination process.

3.4 On 24 July 2018 a revised version of the NPPF was published. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. The further updates to the NPPF in 2019 did not affect these transitional arrangements. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.



## 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 the Parish Council has prepared a Consultation Statement. This Statement is proportionate to the Plan and its policies. It includes an assessment of the consultation undertaken during the various stages of Plan production. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (May to July 2017).
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. It provides details about media and public relations, local surveys and face-to-face meetings. In particular it comments about:
- the use of information and flyers;
  - the organisation of a dedicated website;
  - the ongoing use of the 'Contact' parish magazine to update the community on the Plan;
  - arranging various displays at wider community events;
  - the household/business and groups and organisations surveys; and
  - wider engagement with HDC.
- 4.4 The Statement also provides a useful summary of the key responses received from the consultation processes (Section 2).
- 4.5 From page 6 onwards the Statement also provides specific details on the comments received as part of the consultation process that took place on the pre-submission version of the Plan. They are detailed in Appendix F. In combination these elements of the Statement identify the principal changes that worked their way through into the submission version. They help to describe the evolution of the Plan.
- 4.6 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.
- 4.7 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.

### *Representations Received*

4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended in March 2019. This exercise generated comments from a range of organisations and private individuals as follows:

- Waverley Borough Council
- Oakfields Farm
- Taplins Farm
- Dean Tinson
- Highways England
- Chris Farrance
- Robert Hannington
- Wintney Court
- Gladman Developments Limited
- Hart District Council
- Thames Water Utilities Limited
- Natural England
- Forest Care
- Wates Development
- Janice Anne Noble
- Cove Construction

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area covers the parish of Hartley Wintney. It was designated as a neighbourhood area on 2 October 2014. In 2011 it had a population of 4999 persons.
- 5.2 The neighbourhood area is located in the Hart District area to the north of the M3 and on the A30 that runs from Hook to Bagshot and Blackwater. The village of Hartley Wintney is located approximately three miles to the north-west of Fleet and approximately eight miles to the west of Basingstoke.
- 5.3 The neighbourhood area is irregular in shape. It is also predominantly rural in character. The River Hart runs through its middle section. The higher ground to the north and east towards Blackbushe Airport is occupied by extensive woodlands and plantations. The village of Hartley Wintney dominates the neighbourhood area. It is an attractive settlement which reflects its location on the former coaching route from London to the west (now the A30). It has a vibrant village centre with local and family run shops and a market on Wednesday and Saturday. The village centre is characterised by its attractive vernacular buildings and extensive tracts of open space. The Cricket Club forms part of the open space within the village. It was opened in 1771 and is one of the oldest greens in the country.

### *Development Plan Context*

- 5.4 The Hart District Local Plan (Replacement) 1996-2006 was adopted in December 2002. The First Alterations to the Hart District Local Plan (Replacement) 1996-2006 was adopted in June 2006. It is this Local Plan against which I am required to examine the submitted Neighbourhood Plan. A significant element of these policies remains saved until the adoption of the emerging local plan. For completeness the development plan consists of the following documents:

- Hart Local Plan 1996 - 2006 (Saved Policies)
- Policy NRM6: Thames Basin Heaths Special Protection Area of the South East Plan
- Hampshire Minerals and Waste Plan 2013

- 5.5 The Basic Conditions Statement has very helpfully listed the policies in the adopted local plan. Within this context it highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice.
- 5.6 The following policies in the existing local plan are particularly relevant to the submitted neighbourhood plan:

GEN1	General Policy for development
GEN4	General Design Policy
CON13	Conservation Areas
CON22	Setting of settlements and recreation

RUR1	Definition of areas covered by RUR policies
RUR2	Development in the open countryside
RUR12	Businesses in rural settlements
RUR17	Protection of rural shops and post offices
RUR20	Housing in rural settlements
URB1	Definition of areas covered by URB policies
URB8	Shopping in urban areas and rural centres
URB11	Shop fronts

- 5.7 The District Council is well-advanced within the process of preparing a new Local Plan. Once adopted it will replace the existing Local Plan. The Hart Local Plan Strategy and Sites 2016-2032 was submitted for examination in June 2018. The hearing sessions have now taken place and the Council is working towards the publication of a schedule of Main Modifications. Insofar as it was able to do so the submitted neighbourhood plan has sought to take account of this emerging strategic planning context.
- 5.8 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is clear that the submitted Plan seeks to add value to the strategic planning context and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

*Unaccompanied Visit*

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 27 March 2019. The weather was unseasonably warm and sunny. It made for a very pleasant day.
- 5.10 I drove into the area from Hook to the west along the A30. This gave me an initial impression of the setting and the character of the neighbourhood area. It also highlighted the significance of this road to the development of the village in the past and how it operates and functions today. The width of the road and its tree-lined setting provides an attractive entrance to the village from this direction.
- 5.11 I looked initially at that part of the neighbourhood area around Phoenix Green. I saw its range of retail and commercial facilities and the attractive Green itself. I continued into Hartley Wintney and looked at the proposed housing allocation at James Farm off West Green Road. I looked in particular at its relationship to the wider village. Whilst I was in this part of the neighbourhood area I drove to West Green and Diple. In their different ways they displayed an attractive rural character.
- 5.12 Thereafter I drove into Hartley Wintney. Due to the compact nature of the village I was able to complete the majority of the remainder of the visit on foot. I walked into the village centre along London Road. The quality of the townscape was exceptional with the Commons to the south of the road and many traditional and more modern buildings arranged on and adjacent to the London Road. The Limes is a very impressive example of the former type of building. Swan Court to its rear was an equally

impressive example of the latter both in terms of the design of the individual dwellings and the way in which they are arranged within their courtyard.

- 5.13 I took time to look at the various attractions in the village centre. I saw its wide selection of independent and national shops and associated uses. The quality and condition of most of the shop fronts was immediately obvious. The combination of an attractive range of retail outlets, supplemented on the day of my visit by market stalls, and accessible car parking created a very appealing and sustainable village centre. Within the village centre I took the opportunity to look at the other two proposed housing allocations (Nero Brewery site and Pools Yard). I saw their sustainable locations and the ways in which they related to their immediate surroundings.
- 5.14 I then walked around the Mount Pleasant/Hartford Terrace area. I saw the attractive selection of buildings ranging from the larger houses at the top of Mount Pleasant to the smaller cottages in Hartford Terrace. I saw that the cricket ground sat at the heart of this part of the village centre. Work was underway in preparation for the beginning of the season. I saw the two recently-installed picnic tables adjacent to the cricket ground. I thought that their nod to the cricket and oak/acorn context to their setting was inspired. The red cricket ball was remarkably life-like.
- 5.15 I then looked at that part of the neighbourhood area around the Parish Church of St John the Evangelist. I saw the way it sits in a prominent part of the village adjacent to the Commons. I saw the very prominent War memorial. Thereafter I took the opportunity to walk around the Commons. Several other people were taking advantage of the pleasant weather and were enjoying this very special space.
- 5.16 I finished my visit by driving around those parts of the neighbourhood area more remote from the village centre. In particular I drove down Church Lane to Taplin's Farm, to Blackbushe Airport along the A30 and along Blackbushe Road through Yateley Heath Wood. I left the neighbourhood area along the A323. This route highlighted the way in which the M3 provided a very clear separation between the neighbourhood area to the north, and the urban area of Fleet to the south.

## 6 The Neighbourhood Plan as a whole

- 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 considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.17 of this report have already addressed the issue of conformity with European Union legislation.

### *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 (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 and 2019 versions of the NPPF.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Hartley Wintney Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan, the adopted Hart Local Plan;
  - 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;
  - always seeking to secure 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, which is identified as a golden thread running through the planning system. Paragraph 16 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 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 in general terms. It sets out a positive vision for the future of the plan area within the context of its position in the settlement hierarchy. In particular it

positively allocated three sites for residential development. It includes a series of policies that seek to safeguard the quality and nature of its natural environment and designates local green spaces. 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 (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (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 housing and employment development (Policies 1-3 and 13 respectively). It also offers support for the future vitality of the village centre (Policy 12). In the social role, it includes a policy on cycleways and footways (Policy 11). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on its Design Guide (Policy 4), on its conservation areas (Policy 8), on distinctive views (Policy 7) and on local green spaces (Policy 6). The Parish Council has undertaken its own assessment of 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 area 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. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan. Indeed, it positively seeks to deliver the ambitions of the Local Plan in the neighbourhood area.

## 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 Plan area. The wider community and the Parish Council 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 (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It includes a series of Community Aspirations which the Plan recognises cannot be delivered directly through the planning process.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies. The Community Actions are addressed thereafter.
- 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 sections of the Plan (Sections 1-4)*

- 7.8 These introductory sections of the Plan set the scene for the range of policies. They do so in a concise and proportionate way. The Plan is presented in a professional way. It is colourful and makes a very effective use of tables and maps. A very clear distinction is made between its policies and the supporting text.
- 7.9 The initial elements of the Plan set the scene for the policies. They are commendable to the extent that they are proportionate to the neighbourhood area and the subsequent policies.
- 7.10 Section 1 (Introduction) provides a very clear context to the neighbourhood area and when it was designated. It identifies how the Plan was prepared, how it will fit into the wider planning system in the event that it is 'made' and what the Plan sets out to achieve. It provides interesting information about the history and the current nature of the neighbourhood area. Paragraphs 1.16 to 1.27 provide a very clear picture of the context to which the submitted Plan is responding.



- 7.11 Section 2 sets out the neighbourhood planning process. It also describes the way in which the Plan will be monitored.
- 7.12 Section 3 provides a detailed analysis of national and local planning policy. Table 1 helpfully shows the various relationships in a diagrammatic fashion. This section also usefully introduces the emerging Hart Local Plan: Strategy and Sites 2011-2032.
- 7.13 Section 4 provides information about the community engagement that underpinned the production of the Plan. It provides a helpful introduction to the more detailed Consultation Statement.
- 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. It concludes by setting out a series of challenges and top priorities for the neighbourhood area.

#### HW Policy 1: Nero Brewery

- 7.15 This policy proposes the allocation of the former Nero Brewery site for approximately nine dwellings along with open space. Paragraph 5.4.12 of the Plan comments on the history of the site. It also indicates the way in which the community wish to retain its historic features as part of the proposed development. Paragraph 5.4.16 comments that that the site has easy access to the village centre. It is considered to be suitable for the development of smaller houses.
- 7.16 I looked at the site carefully when I visited the neighbourhood area. I saw that it was occupied by an architectural practice. The central courtyard was used for associated car parking. I saw that it was in a very sustainable part of the village close to the village centre.
- 7.17 The supporting text at paragraph 5.4.4 acknowledges that the site sits partly within Flood Zone 3 and partly within Flood Zone 2 on the Environment Agency's Flood Maps. The supporting text at paragraph 5.4.6 to 5.4.8 makes a connection with the flood profile information for land elsewhere in the village centre at Pools Yard. This is the site of the proposed development as set out in Policy HWS3 of the submitted Plan. It comments that recent work carried out on that site has resulted in its reclassification to Flood Zone 2 (from a combination of Flood Zones 2/3). Paragraph 5.4.8 then comments that because of the relative proximity of the two sites this reclassification will automatically apply to the Nero Brewery Site. However, no information is provided to substantiate this assertion. This is an important matter of national policy. Paragraph 100 of the NPPF comments that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary making it safe without increasing flood risk elsewhere'.
- 7.18 In these circumstances I sought clarification from both the Parish Council and from the Environment Agency. The Parish Council provided a series of local and anecdotal information and comments on the flooding profile of the site.

- 7.19 The Environment Agency provided background information on the way in which it had engaged with consultants on the potential development of the site. In addition, it commented on the Parish Council's assertions in paragraph 5.4.8 about the way in which information on the Pools Yard site could be applied to the Nero Brewery site. It comments that:

*'it does not follow that a neighbouring site will automatically be subject to the same level of flood risk. Many factors need to be taken into consideration when determining site specific flood risks. These include, but are not limited to: ground levels/site topography; any existing buildings or structures, and boundary treatments. A site-specific flood risk assessment would therefore need to accompany any planning application or pre-application enquiry submitted for that site. It may be that further flood modelling needs to be undertaken to assess risks at the site.'*

- 7.20 Taking account of all the information available to me I am not satisfied that the policy has regard to national policy. There is no evidence to support the submitted Plan's assertion that the development of the site can be satisfactorily accommodated to take account of the flood risks in the immediate area. As such I recommend the deletion of both the policy and the supporting text.
- 7.21 I have reached this conclusion as part of the examination process based on the information available at this time. Plainly further work may take place on the potential development of the site within the Plan period. The outcome of any further work will inform future development proposals for residential development which may arise on this site. Plainly it has the ability to deliver new houses in a highly sustainable location if this important technical matter can be addressed in a satisfactory fashion.

### **Delete the policy**

*Delete paragraphs 5.4.1 to 5.4.17*

Policy 2: James Farm

- 7.22 This policy proposes the allocation of 0.29 hectares of land at James Farm for residential development. The supporting text anticipates that the development of the site would yield around six dwellings.
- 7.23 The policy identifies a series of factors that would need to be met by any residential development. They include the physical extent of built development on the site, the retention of boundary trees and hedgerows, the development of two/three-bedroom houses and the need to retain and enhance existing on-site biodiversity assets.
- 7.24 The policy and the supporting text acknowledge that the site is outside the settlement boundary and that it is considered to be the exception rather than the norm. Paragraph 5.5.3 comments that the site scored highly in the consultation process as having the potential to provide a small number of dwellings on one site. In addition, it would meet the needs of people seeking smaller homes or people wishing to downsize. Paragraph 5.5.4 then comments about its location. It highlights that there are four existing

dwelling on the site and a functioning children's nursery. The location of other dwellings along Arrow Lane is also highlighted.

- 7.25 I looked at the site carefully as part of my visit. In particular I was keen to establish the extent to which the proposed residential development on the site would represent sustainable development. I saw that the site was located approximately 200 metres to the west of Arrow Lane off West Green Road. I also saw that there were no pavements on either side of West Green Road and that to the west of Arrow Lane national speed levels applied. I also sought advice from the Parish Council on the sustainability of the site.
- 7.26 Having considered all the information available to me as part of the examination I am not satisfied that the proposed development of the site for residential purposes would represent sustainable development. It is in a countryside location with no direct physical relationship with the existing settlement boundary of the village. This is reinforced by the nature of West Green Road. Whilst the distances from the site to the edge of the village and to the village centres are relatively modest the lack of safe pedestrian footpaths, the alignment of the road and the speed of traffic would make a journey on foot unpleasant at best to unsafe at worst.
- 7.27 In coming to this judgement I have taken account of the existing uses at James Farm. However, I am not convinced that they directly or indirectly make a case for the appropriateness of the proposed residential allocation. The terrace of dwellings (James Farm Cottages) are long-standing buildings and the children's nursery is providing a specific service to the local community in a rural location.
- 7.28 On this basis I recommend the deletion of both the policy and the supporting text.

**Delete the policy**

*Delete paragraphs 5.5.1 to 5.5.8*

**Policy 3: Pools Yard**

- 7.29 This policy proposes the allocation of Pools Yard for approximately eight dwellings. Paragraph 5.6.8 of the Plan comments that the site has easy access to the village centre. It is considered to be suitable for the development of one- or two-bedroom flats or houses.
- 7.30 The policy identifies a series of criteria which need to be met by any development. They include not exceeding the maximum height of existing buildings, relating to the character of the wider area, delivering one- or two-bedroom houses and the provision of on-site car parking.
- 7.31 I looked at the site carefully when I visited the neighbourhood area. I saw that it was in a very sustainable part of the village close to the village centre. I was also able to see that the existing buildings have few positive features as highlighted in paragraph 5.6.11 of the Plan.

- 7.32 The Plan identifies the recent work that has been undertaken on hydraulic modelling of the watercourse within the immediate vicinity of the site. This has involved detailed liaison with the Environment Agency. As an outcome of this work the Agency has advised that the site is located outside the critical 1 in 100-year climate change event. As such there is likely to be no loss of flood storage during a flood event of this magnitude.
- 7.33 On the basis of this evidence I am satisfied in general terms that the development of the site would meet the basic conditions. However, in order to ensure that the policy has the clarity required by the NPPF I recommend a package of recommendations. They address the following matters:
- the structure of the policy itself – as submitted the policy is simply as list of requirements rather than a land use policy;
  - the heights of the new buildings – as submitted the policy is very prescriptive on this matter and it may hinder good design from coming forward. In addition, it fails to take account of the more general need for development in this location to conserve or enhance the character or appearance of the Hartley Wintney Conservation Area;
  - the need to establish appropriate finished floor levels for any new residential development – as submitted the policy is silent on this important matter which is detailed in the response from the Environment Agency of September 2018 (and included as an appendix in the Plan);
  - the details about the need for the retention and enhancement of biodiversity assets – as submitted the policy sets out a series of options rather than identifying the specific requirements for this site;
  - clarifying the requirements for SANG;
  - relocating the reference to a central courtyard to the supporting text
- 7.34 I also recommend consequential changes to the supporting text to address these matters and to update accordingly. I also recommend modifications to the text to take account of the comments made by the Environment Agency to my specific clarification note on the potential flooding profile of the site.

**Replace the opening part of the policy with:**

**‘Land at Pools Yard is allocated for residential development. The development of the site for residential purposes will be supported subject to the following criteria:**

**Insert an additional criterion at the beginning of the list of criteria to read:**

**‘The development of the site should conserve or enhance the character or appearance of the Hartley Wintney Conservation Area. In particular the development of the site should take account of relevant elements of the Hartley Wintney Conservation Area Character Appraisal’**

**Replace the first criterion with:**

**‘The height and massing of the buildings should have regard to the character of the surrounding area’**

**Delete the second criterion of the submitted policy.**

**In the third criterion of the submitted policy replace ‘The site will deliver the majority of development as’ with ‘The development of the site should deliver’**

**Delete the fourth criterion of the submitted policy.**

**In the sixth criterion of the submitted policy replace ‘Adequate....to be’ with ‘Car parking is’**

**Replace the seventh and eighth criterion in the submitted policy with:**

**‘The development of the site should maintain any identified biodiversity assets either on-site or offsite in accordance with the scale and significance of the assets concerned’**

**Replace the ninth and tenth criteria in the submitted policy with:**

**‘The development of the site should take necessary measures to prevent recreational impacts on the Thames Basin Heaths Special Protection Area. As required payments towards Sustainable Alternative Natural Greenspace and Strategic Access Management and Monitoring should be secured at the planning application stage’**

**Add a further criterion to read: ‘The finished floor levels of residential accommodation on the site should take account of the Environmental Agency’s assessment of the flood risk modelling undertaken in 2018 and as set out in its letter of 7 September 2018’**

*At the end of paragraph 5.6.1 add the contents of paragraph 5.6.13*

*Replace 5.6.3 with:*

*‘In September 2018 the Environment Agency advised that the site is located outside of the critical 1 in 100-year climate change extent. This means that the site is now capable of development subject to sequential testing.’*

*Delete paragraph 5.6.5.*

*Replace paragraph 5.6.7 with:*

*‘Following the detailed work undertaken on flood risk assessment the policy requires that the development of the site takes account of this important work. It concluded that finished floor levels are set no lower than 61.45 metres above Ordnance Datum. These details will be an essential part of the determination of planning applications on the site and the associated imposition of planning conditions.’*

*Replace paragraph 5.6.8 with the deleted paragraph 5.4.16 (replacing Policy 1 with Policy 3)*

*Examiner's Note: In the final version of the Plan Policy 3 may be given a different number due to other recommended modifications to the Plan*

*Delete paragraph 5.6.9.*

*At the end of paragraph 5.6.11 add:*

*'The development of the site will need to take account of its location within the Hartley Wintney Conservation Area. Development proposals should be designed to take account of relevant elements of the Hartley Wintney Conservation Area Character Appraisal. In particular the height and massing of new buildings will be particularly important.'*

*Delete paragraph 5.6.12 and 5.6.13.*

*Include additional paragraphs of supporting text as follows:*

*'Whilst the site is located within the heart of the village centre any detailed proposals should include an assessment of its biodiversity assets. As appropriate the development of the site should maintain any identified biodiversity assets either on-site or offsite in accordance with the scale and significance of the assets concerned.'*

*'The development of the site should also take appropriate measures necessary to prevent recreational impacts on the Thames Basin Heaths Special Protection Area. This has been an important part of the Habitats Regulations Assessment work undertaken on the Plan. The need for new development to address this matter has been a key part in the Plan meeting the basic conditions. As required payments towards Suitable Alternative Natural Greenspace and Strategic Access Management and Monitoring should be secured at the planning application stage'*

#### Policy 4: Design Guide

- 7.35 This policy sets out design requirements for the neighbourhood area. It does so to good effect. Its approach is based around the application of the principles captured in the Hartley Wintney Parish Design Guide. It was part of the package of submission documents.
- 7.36 The policy requires that proposals for residential development and conversions within the settlement boundary should take into account the guidance within the Design Guide. It highlights particular elements of the Design Guide. Finally, it encourages the development of traditional and/or vernacular buildings.
- 7.37 The Design Guide itself is a very well-developed document. It has four principal sections – Sections 2-4 provide specific appraisals for specific parts of the neighbourhood area. Section 5 sets out design principles for new development. There are twenty design principles in Section 5. They include building materials, the form and

structure of new development, scale and massing, the sensitive integration of car parking and garden/amenity space.

- 7.38 Having reviewed all the submission documents and the representations received I am satisfied that the approach adopted is entirely appropriate. The principal settlements in the neighbourhood area, and Hartley Wintney in particular, have the characteristics and appearances that warrant such an approach. One of the 12 core planning principles in the NPPF (paragraph 17) is '(always seek) to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Furthermore, the approach adopted in the policy has regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has developed a robust and comprehensive policy (paragraph 58), it proposes outlines of design principles (paragraph 59) and does so in a locally distinctive yet non-prescriptive way (paragraph 60).
- 7.39 I recommend a detailed modification to the wording of the third part of the policy. As submitted, it encourages the development of traditional or vernacular style buildings. This approach has little weight in policy terms. I recommend that the emphasis in the policy is one which offers 'support' to the development of such architecture and buildings. Otherwise the policy meets the basic conditions.

**In the third part of the policy replace 'will be encouraged to' with 'will be supported which'**

Policy 5: Maximum number of dwellings on one site

- 7.40 This policy comments that any future housing developments should not exceed 50 dwellings on any one site. It is based on the premise (set out in paragraphs 5.8.2 and 5.8.4) that in the event that the neighbourhood area is required to accommodate additional housing growth in the emerging Local Plan the neighbourhood plan should identify the scale of that growth. Paragraph 5.8.2 in particular identifies that one of the purposes of the policy is to ensure a phased programme of future development and the associated integration of any new properties into the village environment.
- 7.41 The second part of the policy sets out a requirement for the development of a range of house styles in any new development to meet local needs. The third part of the policy sets out a requirement for the provision of gardens and greenspaces in new residential development.
- 7.42 I sought clarification from the Parish Council on the 50 dwellings ceiling for new residential development. I was advised about the recent development of three large developments that have taken place in the neighbourhood area in recent years. On this basis the policy has been developed based on community feedback about the type and size of any new development that may be required in the Plan period.
- 7.43 The policy has attracted representations both from HDC and from the development industry. In summary the various representations comment that the policy is not



underpinned by evidence and will be an artificial restriction to the delivery of new housing in the neighbourhood area.

- 7.44 I have considered all the information available to me very carefully both in general and given the importance of the matter in particular. In doing so I am not satisfied that this part of the policy meets the basic conditions. I have reached this conclusion for two principal reasons. The first is that the policy is seeking to address an issue that will be determined through the development of the emerging Local Plan. In any event the issue of the scale and distribution of new housing in the wider District is not a matter for a neighbourhood plan to address. The second is that the policy offers no compelling evidence either for a ceiling on the size of new residential development in general or for the imposition of that ceiling at 50 dwellings in particular. Whilst other neighbourhood plans have incorporated similar development ceilings they have been based on detailed evidence, and commentary on the relationship between the proposed ceiling and field boundaries or natural development sites in the neighbourhood area concerned. No such information is provided in the submitted Plan. On this basis I recommend the deletion of this part of the policy.
- 7.45 I have given consideration to the appropriateness or otherwise of retaining the other two elements of the policy within the Plan given the significance of the 50 dwelling issue and the title of the policy. Plainly the two other elements need to meet the basic conditions to do so. The second part of the policy relating to the need to provide a range of house sizes to meet local needs is a potential reasonable approach and which could meet the basic conditions. However, in this case there is no detailed evidence about local needs. The reference in the Plan that evidence is included in paragraph 5.4.16 refers to general information about the ambitions of older persons to downsize and the ambitions of young people to enter the housing market. Given the lack of any neighbourhood area specific evidence about local housing needs I recommend the deletion of this part of the policy. I also recommend that the third part of the policy is deleted. I do so for two reasons. The first is that the wider issue is already addressed in existing local plan policies, and will be similarly addressed once the emerging Local Plan is adopted. The second is that this element of the policy provides no guidance on the ‘gardens and greenspaces’ required in new developments in any event. In these circumstances it does not have the clarity required by the NPPF.

### **Delete the policy**

*Delete the supporting text (paragraphs 5.8.1 to 5.8.8)*

#### Policy 6: Protection of Local Greenspace

- 7.46 This policy seeks to protect local greenspace in the neighbourhood area. It does so by proposing the designation of nine local green spaces.
- 7.47 The policy makes appropriate references to the three criteria within the NPPF on this important matter. Table 3 assesses each of the proposed local green spaces (LGSs) against the NPPF criteria. It does so in a proportionate way. I looked at the various



LGSs when I visited the neighbourhood area. I saw that they had been carefully-selected.

- 7.48 The policy itself is comprehensive. It safeguards the identified LGSs as required by the NPPF. Thereafter it attempts to identify a series of exceptional circumstances where development might be supported within identified areas. Two scenarios are identified in particular – firstly development that would enhance their role as LGSs and secondly for essential utilities infrastructure. These scenarios may occur on some of the LGSs within the Plan period. However, they will be matters for HDC to determine based on its consideration of all the material considerations that would apply to such planning applications. On this basis I recommend a modification to the policy so that it applies the matter of fact NPPF policy approach. The potential exceptions can be repositioned into the supporting text.

**Replace the policy with the following:**

**‘The following parcels of land are designated as Local Green Space:**

**[List the nine bullet points from the policy]**

**Development will not be supported on Local Green Spaces other than in very special circumstances.’**

*At the end of paragraph 6.1.9 add:*

*‘The policy follows the approach identified in the NPPF. In particular it ensures that the approach for managing development within the designated LGSs should be consistent with national policy for Green Belts. Plainly it is impractical to identify the potential very special circumstances which may justify a departure from this approach in the policy itself. In any event they will be matters for HDC to determine based on its consideration of all the material considerations that would apply to such planning applications. However very special circumstances may exist when proportionate development comes forward which would protect or enhance their roles as local green spaces. In other cases, the development of essential utilities infrastructure may also justify a different approach.’*

Policy 7: Protection of distinctive views

- 7.49 The policy identifies five distinctive views within the neighbourhood area. It then comments that development should not harm the identified views. I looked at the various views when I visited the neighbourhood area. I saw that they had been carefully-chosen. I also saw that they were very distinctive to the neighbourhood area.
- 7.50 The policy is an excellent way in which a neighbourhood plan has added value to a local plan policy. In this case it has consolidated the approach taken in saved Policy CON 22 of the Hart Local Plan both in general terms and in defining five specific and distinctive views in particular. Specific information for each of the views is set out in Section 6.3 of the Plan.
- 7.51 However within this positive context the policy approach taken in the policy is under-developed. It requires that development should not harm the identified views without

identifying the scale and the nature of any harm that may or may not be acceptable. I recommend that the policy is modified to address this matter, and to provide a degree of clarity for HDC as it exercises its decision making process within the Plan period. The Parish Council agreed with my views on the policy as part of the clarification note process. In doing so it helpfully provided its own suggestion for how the policy could be modified. I have taken account of the Parish Council's thinking in recommending the modification below.

**Replace the opening part of the policy with:**

**'New development should take account of the local landscape features. In particular new development should not cause any unacceptable loss or reduction of the attractiveness and aspect of the following distinctive views in the neighbourhood area'**

**After the list of distinctive views add:**

**'The distinctive views as identified above are defined by the shaded areas on Figure 18'**

Policy 8: Conservation Areas

- 7.52 This policy has a clear focus on the various conservation areas in the neighbourhood plan. The various conservation areas are helpfully shown on Figure 24 of the Plan.
- 7.53 The policy comments that development within the conservation areas should demonstrate that it will conserve or enhance the heritage asset in accordance with its setting. This approach is entirely appropriate. However, it largely repeats national guidance. In this context neighbourhood plans are not required to repeat either national or local planning policies.
- 7.54 I have considered this matter carefully given the range and number of conservation areas in the neighbourhood area. I have also taken account of HDC's comments on the availability of conservation area appraisals for the various conservation areas. The appraisals are particularly effective both in general terms, and in providing particular guidance to developers and HDC in particular. In all the circumstances I recommend that the policy is retained within the Plan and that its scope is expanded to address the relationship between new development and the character appraisals. To ensure that the policy can be applied in a consistent way and to take account of the geography of the neighbourhood area I also recommend that the policy is clear on its applicability to each of the conservation areas.
- 7.55 I also recommend consequential modifications to the supporting text so that the matter of the Appraisals is clear as a context. I also recommend that the conservation areas themselves are listed in the supporting text. As submitted the casual reader needs to find this information from Figure 24.

**Replace the policy with:**

**‘Development within the various conservation areas in the neighbourhood area (as shown in Figure 24) or within the setting of any of the conservation areas should demonstrate that it will conserve or enhance the heritage asset or its setting in accordance with its significance.**

**In particular new development proposals will be supported where they take account of the key elements of the character or appearance of the relevant conservation area as set out in its Conservation Area Character Appraisal’**

*In paragraph 6.8.1 replace ‘the conservation area and listed buildings’ with ‘its conservation areas and listed buildings’.*

*At the end of paragraph 6.8.1 add:*

*‘The neighbourhood area has a rich built environment. It has seven conservation areas as follows:*

- *Church House Farm;*
- *Diple;*
- *Elvetham;*
- *Elvetham Farm;*
- *Hartfordbridge;*
- *Hartley Wintney; and*
- *West Green.*

*Each of the conservation areas is supported by a detailed Conservation Area Appraisal.’*

*At the end of paragraph 6.8.6 add:*

*‘The second part of Policy 8 takes account of the Appraisals.’*

#### Policy 9: Control of Artificial Light

- 7.56 This policy seeks to limit light pollution within the dark skies environments found in the neighbourhood area. The supporting text in paragraph 6.9.2 provides helpful guidance on the parts of the neighbourhood area which are most influenced by the dark skies profile.
- 7.57 The policy responds to this important matter in a general fashion. As submitted, it includes significant elements of supporting text. In addition, it reads more as a series of process requirements rather than as a policy. I recommend modifications to the policy to address these matters. In particular I recommend that the policy refers to nationally-published standards on this matter. This will provide the necessary clarity both to HDC and to developers as they design emerging proposals. I also recommend consequential modifications to the supporting text.

**Replace the opening part of the policy with:**

**‘All development should be designed in a way that does not require external lighting or the use of street lighting. Proposals for any necessary street and**

**external lighting should comply with the current guidelines established for rural areas by the Institute of Lighting Engineers.'**

**Thereafter, and immediately before the two criteria listed in the submitted policy add: 'Within this context proposals for external lighting and/or development proposals that incorporate external lighting will be supported where:'**

**In the first criterion replace 'appropriate' with 'proportionate' and add 'and after the semi-colon.'**

*At the end of paragraph 6.9.5 add:*

*'It has been designed around the key principles set out in the current guidelines established for rural areas by the Institute of Lighting Engineers. The principles are set out in Guidance Note for the reduction of Obtrusive Light No1:2011. Plainly this may be updated during the Plan period.'*

*At the end of paragraph 6.9.6 add: 'Policy 9 includes two specific matters which development proposals are required to meet'*

Policy 10: Design of Shopfronts

- 7.58 This policy celebrates the range of attractive and traditional shopfronts in the neighbourhood area. The supporting text helpfully identifies how the range of attractive shopping facilities in the village centre is valued by all concerned. I saw their attractiveness and vitality first-hand when I visited the neighbourhood area.
- 7.59 The policy has two parts. The first requires that shopfronts in the primary shopping area should reflect the character of the host building. The second offers support for the use of traditional materials in the design of any new shopfronts.
- 7.60 The policy is appropriate and distinctive to the neighbourhood area. It meets the basic conditions.

Policy 11: Cycleways and Footpaths

- 7.61 This policy recognises the ability of many local residents to be able to be able to access key local facilities on foot. The policy responds accordingly by commenting that the protection and enhancement of public rights of way will be supported.
- 7.62 The approach taken in general terms is appropriate and has regard to national policy. However as submitted the policy does not have the clarity required by the NPPF. It provides no mechanism for understanding the way in which public rights of way would be protected and enhanced. I recommend a modification that relates this ambition to the development management process. This is already clear in paragraph 7.5.2 in any event. In doing so I make the distinction between protection and enhancement. Some development proposals will be able to achieve both outcomes. Others will simply (and correctly) protect such facilities.

**Replace ‘The protection and enhancement of’ with ‘Development proposals that protect or enhance’**

Policy 12: Protection of Retail Premises

7.63 This policy relates to the primary shopping area of Hartley Wintney village centre. It is defined in figure 27. I saw its importance to the wider economy and sustainability of the neighbourhood area as part of my visit. The policy has three related components. The first sets out a ‘presumption in favour’ of new retail proposals. This part of the policy acknowledges that some changes in the use of premises in the village centre in general, and to retail use in particular, may not need to submission of a planning application. The second part relates to food and drink-related development will be supported subject to certain criteria. The final part of the policy refers to the retention of residential accommodation above business premises.

7.64 The policy is well-intentioned. Nevertheless, the language used fails to provide a clear basis against which HDC will be able to implement that Parish Council’s ambitions through the development management process. I recommend a series of modifications to address this issue as follows:

In the first part of the policy – changing the emphasis to one which would support new retail development. In this context the policy reference to permitted development is better captured in the supporting text rather than in policy.

In the second part of the policy – offering support to specified food and drink development where it would consolidate the overall attractiveness and vitality of the village centre.

In the third part of the policy – clarifying that development proposals for new commercial uses on the ground floors of premises in the village centre should be designed in a way which would retain residential accommodation on upper floors. This modification takes account of the Parish Council’s helpful response to my clarification note.

7.65 I also recommend consequential modifications to the supporting text.

7.66 I also recommend that the policy title is modified so that it refers specifically to the primary shopping area of Hartley Wintney. As submitted the policy title suggests that the policy protects retail facilities throughout the neighbourhood area. However, the support text is immediately clear about the geographic extent of the policy.

**In the first part of the policy replace ‘HW’ with ‘Hartley Wintney’**

**In the first part of the policy replace ‘there will be.....retail centre’ with ‘proposals for new retail uses and the reconfiguration or extension of existing retail uses will be supported’**

**Delete the second part of the policy (on permitted development rights).**

**In the third part of the policy replace the opening part with:**

**‘Proposals for the change of use of premises within the primary shopping area to restaurants and cafes (Use Class A3) or drinking establishments (Use Class A4) will be supported where’**

**At the end of the first criterion add ‘or its overall retail attractiveness and viability’**

**In the second criterion replace adversely impact’ with ‘have an unacceptable impact on the’.**

**Replace the final part of the policy with:**

**‘Development proposals within the primary shopping area, including proposals for changes of use, should be designed in a way which retains existing residential accommodation on the upper floors of the building concerned. Development proposals which would provide either new residential accommodation on upper floors in the primary shopping area and/or new independent access to upper floors will be supported.’**

*Replace the policy title with:*

*‘Hartley Wintney Primary Shopping Area’*

*At the end of paragraph 8.1.4 add:*

*‘Nevertheless, the policy acknowledges that the wider shopping experience is now more varied. On this basis it provides an opportunity for the introduction of additional food and drink establishments into the primary shopping area where they would complement its wider attractiveness and viability’*

*‘At the end of paragraph 8.1.7 add:*

*In particular it requires that new development should retain existing residential accommodation and supports proposals that would create or re-establish independent access to upper floors to facilitate further residential accommodation’*

**Policy 13: Re-use of agricultural buildings**

- 7.67 The policy offers support to proposals that would strengthen the rural economy and provide local employment opportunities. It offers particular support to proposals which would improve existing agricultural activities and that would re-use existing agricultural buildings.
- 7.68 The approach taken meets the basic conditions in general terms. However, I recommend two modifications to the policy. The first deletes the second sentence of the policy as it is supporting text rather than policy. I also recommend that the strong support in the third sentence of the policy is replaced by offering particular support to the two types of development specified.

- 7.69 I also recommend that the title of the policy is modified so that it properly reflects the scope of the policy. As submitted, it refers simply to one of the two types of development that would be particularly supported.

**Delete the second sentence of the policy**  
**In the third sentence replace ‘Strong’ with ‘particular’**

*Replace the policy title with:*  
*‘The Rural Economy’*

Community Aspirations

- 7.70 The Plan includes four community aspirations (CA) as follows:

CA1 Improving Traffic Management  
 CA2 Community Transport  
 CA3 Eastern End of the High Street Improvements  
 CA4 Leisure Facilities

In each case the CA concerned is explained and underpinned by supporting text

- 7.71 National policy recognises that non-land use matters will naturally arise during the plan-making process. It suggests that such matters are captured in a discrete part of the neighbourhood plan from the land use policies. In the submitted plan each CA sits within the relevant topic part of the Plan. However, each CA is identified in a different way from the land use policies including its presentation in a different colour and type face. On this basis I am satisfied that the approach taken meets the basic conditions.
- 7.72 I am also satisfied that in turn each of the community actions is appropriate to the neighbourhood area and seeks to address a distinctive set of local issues.

Other Matters - General

- 7.73 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 my 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. It will be appropriate for HDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.
- 7.74 This flexibility is also designed to apply to the following specific matters:

The modification of general text (where necessary) to achieve consistency with the modified policies.



Flexibility on renumbering policies following the recommended deletion of Policies HWS1, HWS2 and HWS5.

- 7.75 The submitted Plan has properly included several appendices. By their very nature they explain the development of the Plan and/or provide supporting evidence. In the event that the Plan is made this audit trail will not be necessary within the final Plan itself. On this basis I recommend that any made neighbourhood plan need only include the following appendices:

Appendix 1	Hart Saved Policies
Appendix 5	Community Aspirations
Appendix 8	Hartley Wintney Parish Design Guide

On this basis these appendices will need to be renumbered. Additionally, the references to the other appendices will need to be deleted from the submitted Plan

#### Other Matters – Wording of Text

- 7.76 HDC has helpfully provided commentary on the initial sections of the Plan. In most cases they bring clarity and/or update policy matters. I recommend the following modifications where they are necessary to ensure that the Plan meets the basic conditions.

*In paragraph 2.1.1 second sentence insert ‘and Hart District Council’ after ‘the Parish Council’*

*In paragraph 2.1.1 third sentence add ‘of those who vote’ after ‘vote’*

*In Table 1 change the date on the SCI to ‘July 2014 with updates in April 2017’*

*Delete paragraph 3.3.1*

*In paragraph 3.3.3 delete the first bullet point and associated text*

*Paragraph 4.4 Objective 1 insert ‘a minimum of before 23. In objective 5 replace ‘settlements’ with ‘developments’*

*In paragraph 5.1.17 replace ‘local homes’ with ‘homes for local people’*

#### Other Matters – Monitoring and Review

- 7.77 Section 2 of the Plan refers to the monitoring and review of the Plan in the event that it is made. It indicates that the Plan will be monitored on an annual basis and that it will be reviewed on a five-year cycle or to coincide with a review of the Local Plan.
- 7.78 The approach in the submitted Plan would otherwise be very comprehensive. However, in the context of the current emergence of the emerging Hart Local Plan Strategy and Sites 2016-2032 and the recommended deletion of two of the three proposed housing allocations in the submitted Plan I recommend that the review



process is more sharply defined in general, and to refer to the adoption of the emerging Local Plan in particular.

*Replace 2.3.2 with: 'The Plan will be reviewed formally on a five-year cycle. The need or otherwise for a review of the Plan will be considered by the Parish Council at the point at which the emerging Hart Local Plan Strategy and Sites 2016-2032 is adopted by Hart District Council'*

Other Matters - Policy numbering

- 7.79 The Plan includes a series of different approaches to policy numbering. Whilst this is not a matter that affects the basic conditions it otherwise detracts from the flow and from the integrity of the wider Plan. In this context I recommend that the policies are dealt with in a consistent fashion. The use of a 'HW' prefix would distinguish the policies from Local Plan policy numbers. This recommended modification also overlaps with my comments in paragraph 7.74 of this report on the need for consolidation of the policy numbers.

*Apply a consistent approach to policy numbering using a HW prefix.*

## 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.
- 8.2 Following my independent examination of the Plan I have concluded that the Hartley Wintney 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 that the Hartley Wintney Neighbourhood Development Plan should proceed to referendum.

### *Referendum Area*

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan 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 the District Council on 2 October 2014.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The responses to my Clarification Notes (both to the Parish Council and to the Environment Agency) were very helpful in preparing this report.

**Andrew Ashcroft**  
**Independent Examiner**  
**22 May 2019**