



Gladman Developments Ltd

Examination of the Hart Local Plan 2016 - 2032

Matter 12 – Environment

12.5 Is the Policy NBE2 justified and consistent with national policy?

No, Gladman does not consider Policy NBE2 has been fully justified. The Policy is not informed by sufficient evidence to demonstrate that all identified gaps are necessary to fulfil their intended function (see response to issue 12.8 for more detail on this point).

The Council's Gaps Between Settlements Topic Paper (herein referred to as the Topic Paper) identifies that the purpose of settlement gaps is to protect the character of areas by continuing areas of separation, helping to define character and shape settlement patterns. When applying gaps, the paper adds that they are a restrictive policy designation therefore will only be focused on those areas where there is a genuine case for their designation.

To support the case for Settlement Gaps, the Topic Paper refers to case law precedent and also to other local planning authorities that have used gaps in draft plan that have subsequently been found sound following examination.

However, in the case of the Basingstoke and Deane Local Plan (adopted May 2016), this Local Plan did not use indicative boundaries but rather set firm boundaries that would be used in conjunction with the Plan's gap policy. In Gladman's view, this is a fundamental difference to the Council's approach which applies indicative boundaries.

While the Topic Paper has provided an assessment of gaps, this has been completed at a fairly high level and fails to take account of conditions 'on the ground'. The result provides for extensive areas within the plan area subject to highly restrictive policy, even where there is little evidence to justify this.

In order to demonstrate that there is a "genuine case" that a gap policy is necessary, Gladman would have expected a more detailed review of all gaps, which would then be used to inform the precise boundaries of each gap, which in turn should be reflected on the Proposals Map.

12.6 Is policy NBE2 effective, insofar, that the boundaries of the gaps are indicative? How would a planning application be considered against them if they are only considered to be indicative?

No, Gladman does not believe Policy NBE2 would be effective because it is not the intention to provide precise boundaries to support the policy. As noted, the Topic Paper provides some background information on gaps and in doing so adds there may be circumstances where development could take place within them. This is reflected in paragraph 7 of the Paper, which states:

“Some development may still take place in Gaps where, for example, under countryside Policy NBE1, development may be permitted for rural exceptions affordable housing, some forms of rural economic development, agricultural workers dwellings, specialist housing, recreation and community facilities”

The Council must therefore accept that post-adoption of the Plan, it's probable a planning application will be submitted on land within an indicative gap. If it were, any applicant would be reliant on interpreting the proposed changes to the Adopted Policies Map to identify whether Policy NBE2 applied. Given the lack of detail and concession that gap boundaries are indicative, applicants face significant uncertainty due to the imprecise nature of the policy. A potential knock on effect of the Policy would be inconsistency in decision making, with the application of Policy NBE2 open to the decision maker.

In order to conform to legislation and guidance Gladman consider that it would be necessary for the Council set precise boundaries for the Policy and not rely on indicative ones. Regulation 9(1)(c) of the Town and Country Planning (Local Planning) (England) Regulations 2012 states that Local Plan's should:

“illustrate geographically the application of the policies in the adopted development plan” (underline added)

This is emphasised in Paragraph 027 Reference ID: 61-027-20180913 of Planning Practice Guidance that states:

“if the adoption of a local plan would result in changes to a previously adopted policies map, when the plan is submitted for examination, an up to date submission policies map should also be submitted, showing how the adopted policies map would be changed as a result of the new plan.”

In this instance, neither the legislative provision nor expectation in national guidance is being met. If at this point, the Council do not wish to set precise boundaries, then Gladman suggest Policy NBE2 should be deleted and this is supported by paragraph 154 of the NPPF 2012 that states:

“Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in a plan”.

While Policy NBE2 sets out the decision making tests, the lack of specific detail on a proposals maps to show where this landscape designation applies results in an ineffective policy.

12.7 Is the reliance on a subsequent development plan document or neighbourhood plans to identify the precise boundary of the gaps justified?

No, Gladman believe that it is not justified for the precise boundaries of this designation to be identified by a later document. Within the Topic Paper, the Council set out that the identification of gaps is not a strategic priority referencing paragraph 156 of NPPF 2012. However, in doing this, this discounts what the effect of a gap will be. As acknowledged by Hart, gaps are intended to be restrictive. By relying on a gap to preserve an area, it by default requires planned development to be directed elsewhere in turn influencing the shape and pattern of settlements, and spatial distribution of growth. It is therefore an oversimplification of the policy to state it is non-strategic because it clearly has strategic influence.

Given this, Gladman considers that it is beyond the remit of a Neighbourhood Plan to define the final boundaries of any gaps as these should be more suitably set at the strategic level. If a Neighbourhood Plan were to do this, restrictions to development that go beyond the spirit of the NPPF to plan positively to support local development (paragraphs 184 and 185 of the NPPF 2012) would automatically apply.

Notwithstanding this, there is also an inherent timing issue with the approach that is being taken. By deferring the precise boundaries of Policy NBE2 to either a separate development plan document or Neighbourhood Plan it results in a prolonged period of uncertainty in how policy NBE2 will be applied (which goes to the heart of the policy's effectiveness). With regard to Neighbourhood Plan's, the Council would also have no control over the length of time it would take for qualifying bodies to prepare and adopt plans which would heighten this uncertainty which may also hinder the effectiveness of the policy as a tool to restrict inappropriate development. There is clearly no justification to defer to later plans the precise boundaries of policy NBE2.

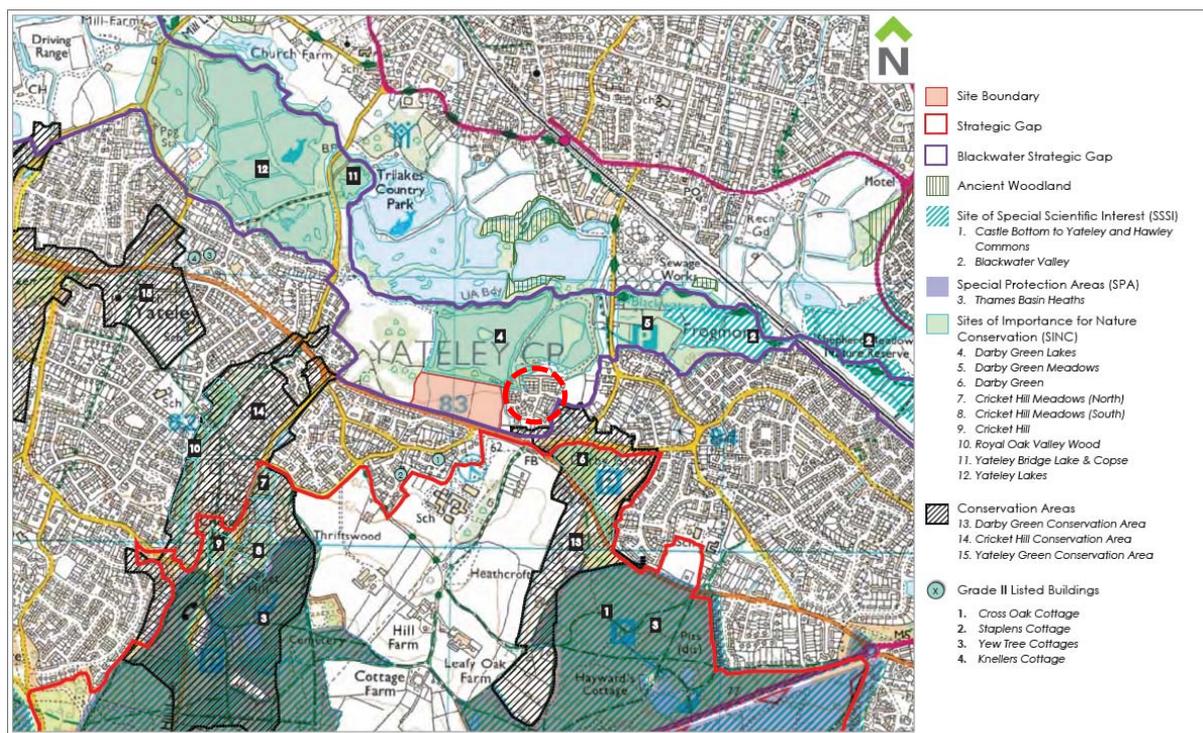
12.8 Is each of the identified gaps and its indicative boundary justified?

Gladman holds concerns about the justification to support the indicative gap proposed in the north of the district between Yateley, Sandhurst and Blackwater (which fall within the Blackwater strategic gap).

The Topic Paper provides a detailed assessment of this gap at Appendix 5 that demonstrates that it comprises a number of 'sections' including a 'middle section' that separates Yateley and Darby Green/Blackwater from each other north of the B3272. While concluding comments drawn by the Council finds that designation of this gap is warranted, in Gladman's view, the assessment has paid insufficient regard to the degree in which existing constraints and features would prevent coalescence without this designation.

It is understood that the gap in this location works by providing separating in both a north/ south direction and east/ west direction. However, it also contains a number of constraints, including a series of lakes and the Blackwater River that runs through it. All of the lakes and a part of a meadow located to the east of Swan Lane are designated as sites of Nature Conservation. The Blackwater Valley SSSI also extends from the meadow. Map 1 illustrates the extent of all ecological constraints that apply within this gap, in addition to others that would work to preclude development.

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Map 1 – Magic Map and Heritage Plan Yateley

Setting these constraints to one side, Gladman note that despite this gap being part of a historical designation, the Council has already granted planning permission on sites that fall within it. This includes land at a former mushroom farm (circled in a dashed red line on Map 1), known as Clarks Farm immediately adjacent to the west of Darby Green. Under application 11/02352/MAJOR planning permission was granted to redevelop the site to provide 85 dwellings, plus a SANG extending northward from the farm to what is now Sawn Lakes Park. This application was subject to a Section 106 agreement that required that six months following the completion of the SANG, it would be transferred to the Town Council. Given the purpose of SANG in easing recreational pressure on the Thames Basin Heath it is expected that the site will remain as alternative natural greenspace in perpetuity.

On the opposite side of the Clark Farm site, planning permission has also been granted for a care home. Looking more broadly in the area, Reading Road marks a southern edge of the gap and has urban development along it including a school and community complex that occupies almost the entire length of the south of Reading Road. There are also the edges of the Darby Green Conservation Area and Cricket Hill Conservation Area.

From carrying out even a cursory review of constraints and designations applicable in the area, it is clear that within the Blackwater Strategic Gap between Yateley and Blackwater there are a number of existing factors that would prevent development going forward. Notably:

- Much of the gap is covered by waterbodies, recreational space and ecological designation that would preclude development in this area;
- The separation between Yateley and Sandhurst along Mill Lane and Yateley Road is maintained by water bodies at Yateley lakes which are designated as a SINC;

- The separation between Blackwater and Sandhurst is maintained by the waterbodies to the west at Darby Green Lakes and Trilakes Country Park and ecological designations to the east along Swan Lane;
- The separation between Yateley and Blackwater has been compromised along the route of Reading Road as a result of modern development that extends Yateley to the east, including a school and community complex, and by recently completed development at the western edge of Blackwater;
- There is no intervisibility between settlements, as a result of the well wooded landscape that already exists; and
- There is no intra-visibility (i.e. the ability to see the edges of two or more settlements from a single point in the intervening landscape) between Yateley and Sandhurst, or between Sandhurst and Blackwater.

By relying on only indicative boundaries, the Hart Plan fails to appreciate or take account of matters 'on the ground' including whether there is genuine risk that development would threaten coalescence. Gladman does not therefore believe that there is a genuine case for the gap that is currently proposed in between Yateley, Sandhurst and Blackwater.

12.9 Is the methodology used in the Topic Paper to consider gaps robust?

Gladman note that the gap assessment that has been used in the Topic Paper has been used by other authorities in Hampshire including in relation to Plan's found sound following examination.

Gladman would only comment that at Paragraph 26 of the Topic Paper, where it refers to assessment of individual gaps, it would have been beneficial for this to also have included consideration of existing designations e.g. ecological designations that would preclude development taking place without the need for a further layers of restriction.