



Hart Local Plan: Strategy and Sites 2016 – 2032

**Council Response to
Inspector's Matters and Issues for
Examination**

**Matter 12
The Environment**

25 October 2018

Contents

Policy NBE1	3
12.1 Does Policy NBE1 unreasonably restrict development in the countryside?	3
12.3 Are each of the criteria set out within Policy NBE1 justified?	4
12.4 Is the supporting text at Paragraph 267, justified and consistent with national policy, insofar, that it states that applications which are primarily made on the grounds of providing security will not generally be supported?	6
12.5 Is Policy NBE2 justified and consistent with national policy?	6
12.8 Is each of the identified gaps and its indicative boundary justified?	9
12.9 Is the methodology used in the Topic Paper to consider gaps robust?	10
Policy NBE3	11
12.10 Is Policy NBE3 justified and consistent with national policy?	11
Policy NBE4	12
12.11 Is Policy NBE4 justified and consistent with national policy?	12
12.12 Are the standards and arrangements set out in Policy NBE4 for SANG justified and reflective of Natural England’s guidance?	13
Policy NBE5	13
12.13 Is Policy NBE5 justified and consistent with national policy?	13
12.14 Is Policy NBE5 and its supporting text (namely Paragraph 303) consistent with the Conservation of Habitats and Species Regulations 2017?	15
Policy NBE6	16
12.15 Is Policy NBE6 justified and consistent with national policy?	16
Policy NBE7	17
12.16 Is Policy NBE7 justified and consistent with national policy?	17
Policy NBE8	19
12.17 Is Policy NBE8 justified and consistent with national policy?	19
12.18 Is Policy NBE8 based on a sound assessment of viability?	20
Policy NBE9	20
12.19 Is the Plan based on adequate, up-to-date and relevant evidence about the historic environment within Hart?	20
12.20 Is Policy NBE9 justified and consistent with national policy?	21
Policy NBE10	21
12.21 Is Policy NBE10 and each of its criteria justified and consistent with national policy?	21
12.22 Is Policy NBE11 justified and consistent with national policy?	22
12.23 Is the Energy Opportunities Plan (EOP) incorporated in the North Hampshire Renewable Energy and Low Carbon Development Study (2011) robust and up-to-date?	23
Policy NBE12	23

12.24 To be effective should Policy NBE12 refer to cumulative effects?	23
12.25 Is Policy NBE12 justified and consistent with national policy?	24

Policy NBE1

12.1 Does Policy NBE1 unreasonably restrict development in the countryside?

- 12.1.1 The role of the countryside in contributing to the quality of life in Hart, providing a setting for living and working and its contribution to leisure, recreation and biodiversity is central to the overall vision of the Plan (CD1).
- 12.1.2 The countryside in Hart includes all the areas located outside the settlement boundaries. The supporting text to Policy NBE1 explains the intention to maintain the open nature of the countryside, protecting its character and beauty by taking a restrictive approach to development. This reflects NPPF guidance in paragraph 17 which identifies the need to take account of the different roles and character of areas and recognise the intrinsic character and beauty of the countryside.
- 12.1.3 Further guidance to restrict residential and economic development in the countryside is set out in NPPF paragraphs 28 and 55 respectively. Policy NBE1 sets out the types of development which will be supported in the countryside and these criteria are considered compatible with the national guidance. However, the Council intends to include a Proposed Further Modification to extend the criteria to include references to heritage features and exceptional and innovative design to ensure the Policy fully reflects appropriate development as outlined in the NPPF (see Matter 12.2 below (MOD 49a)).
- 12.1.4 The Council does not therefore consider that additional forms of development should be located in the countryside unless there are good reasons and where it is consistent with Policy NBE1. This is further supported by the fact that the Plan meets its objectively assessed housing needs and seeks to provide for long term housing and employment needs through a new settlement.
- 12.1.5 The Council's view is that Policy NBE1 is consistent with national guidance, meets its development requirements and does not unreasonably restrict development in the countryside.

12.2 Is Policy NBE1 justified and consistent with national policy, most notably (but not limited to) Paragraph 55 of the NPPF, 2012?

- 12.2.1 The vision in the Submitted Local Plan (CD1) seeks to maintain a 'largely rural area with thriving towns and villages and a variety of landscapes'. This reflects NPPF paragraph 17, which requires planning authorities to recognise: 'the intrinsic character and beauty of the countryside', to support 'thriving rural communities within it' and seek the 'effective use of land by reusing previously developed land.' The vision was supported in the Regulation 18 public consultation (CD6B).
- 12.2.2 Paragraph 28 sets out the types of appropriate economic growth in rural areas supporting the 'sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings'. It also promotes the 'development and diversification of agricultural and other land based rural

businesses and `sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside.`

- 12.2.3 Paragraph 55 promotes housing where it ‘will enhance or maintain the vitality of rural communities’ and that ‘new isolated homes in the countryside’ should be avoided unless there are special circumstances such as:
- the essential need for a rural worker to live permanently at or near their place of work in the countryside
 - where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets
 - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting
 - the exceptional quality or innovative nature of the design of the dwelling
- 12.2.4 The Council considers that the criteria in Policy NBE1 reflect this guidance and are consistent with it. In the Hart context, Policy NBE1 also refers to facilities in the countryside such as educational and training institutions, Ministry of Defence facilities, and Blackbushe Airport, where there could be a need for new development for operational reasons. This is not explicitly set out in the NPPF, but a criterion has been added to the Policy to acknowledge that pressure for development may arise from this source.
- 12.2.5 However, it is acknowledged that the NPPF sets out two further circumstances where development in the countryside may be acceptable. This is highlighted in representation 187. Therefore, the Council proposes to add a further modification to Policy NBE1 (MOD 49a) to improve its consistency with national policy. The following wording is proposed to be added to the policy:
- l) an optimal viable use of a heritage asset or secure the future of a heritage asset (Policy NBE9)
 - m) of exceptional quality or truly innovative in design and which significantly enhances its immediate setting and is sensitive to the local character.
- 12.2.6 The Council believes that the criteria set out in Policy NBE1, with the proposed modification, is consistent with the overall vision of the Plan to maintain the largely rural area, is justified and reflects national policy.

12.3 Are each of the criteria set out within Policy NBE1 justified?

- 12.3.1 The Council supports appropriate development in the countryside outside the settlement boundaries. Policy NBE1 sets out criteria to give guidance on where such development may be justified. The Council believes that the principle of restricting development within the countryside is valid and that the criteria are consistent with national planning guidance.
- 12.3.2 The criteria in Policy NBE1 have been formulated to express the overall objectives of national policy including consistency with National Planning Practice Guidance. The policy approach seeks to recognise the intrinsic character and beauty of the countryside and to consequently restrict the type and scale of development within it.
- 12.3.3 Criteria a) seeks to meet the residential needs of essential rural workers in the countryside. Paragraph 55 in the NPPF sets out that isolated housing in the countryside should be

avoided unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. The Council consider criteria a) to be wholly consistent with national guidance and fully justified.

- 12.3.4 Criteria b), d), h), k) relate to achieving an appropriate level of economic development in the rural area. The criteria support proposals which provide floorspace for rural enterprise; provide community facilities close to settlements accessible by sustainable transport modes; use converted permanent buildings or redundant agricultural buildings; or are for small scale informal recreation facilities. Criteria c) reflects that there are facilities in the countryside such as educational and training institutions, Ministry of Defence facilities, and Blackbushe Airport, where there could be a need for new development for operational reasons. Any proposals would need to be consistent with other plan policies. New buildings required for business and enterprise use must be consistent with Policy ED3 and a cross reference to this policy is included in criterion b).
- 12.3.5 All these criteria are considered consistent with NPPF, paragraph 28.
- 12.3.6 The case for rural exception sites is set out in paragraph 54 of the NPPF and criteria e) is considered by the council to be consistent with this guidance. Further guidance for planning applications, including providing elements of market housing, is set out in Policy H3 and this is cross referenced in criteria e).
- 12.3.7 Criterion i) supports replacement buildings where they are not a replacement for temporary buildings or require substantial rebuilding, extension or alterations. The NPPF does not specifically cover replacement buildings but the Council considers this criterion to be consistent with the objective of paragraph 17 in the NPPF which seeks development that recognises the intrinsic character and beauty of the countryside and promotes the re-use of previously developed land.
- 12.3.8 Criterion j) supports development proposals on suitable previously developed land providing it is appropriate for the proposed use. This is consistent with NPPF, paragraph 17, which requires planning authorities to recognise: 'the intrinsic character and beauty of the countryside' and the 'effective use of land by reusing previously developed land.'
- 12.3.9 The Council proposes a further modification to Policy NBE1 (MOD 49a) (see above Matter 12.2). A further modification (MOD 49b) is also proposed to clarify the wording in paragraph 271 as follows:-
- “The redevelopment of suitable previously developed land in the countryside will be encouraged provided that the ~~site is not~~ proposal would not cause harm to areas of high environmental value and that the proposed use and scale of development is appropriate to the site's rural context.”
- 12.3.10 The Council therefore considers Policy NBE1 and associated criteria, as amended, to be in accordance with national guidance and to be wholly justified.

12.4 Is the supporting text at Paragraph 267, justified and consistent with national policy, insofar, that it states that applications which are primarily made on the grounds of providing security will not generally be supported?

- 12.4.1 Paragraph 55 in the NPPF identifies there needs to be special circumstances to consider a new isolated home in the countryside, such as an essential need for a rural worker to live permanently at or near their place of work in the countryside. The Council considers that the need for security at any rural site does not often require a permanent residence on site for a number of reasons. Firstly, surveillance can often be provided through security cameras or security services provided by a company; the presence of rural workers during the day provides a degree of surveillance; facilities required by security workers can usually be accessed at the main business premises site; and finally, suitable residential accommodation within a reasonable distance may be available. Therefore, it is considered that attendance at a site for security reasons on a permanent basis is unlikely to be justified. However, the Council will consider each case on its merits and this is reflected in paragraph 267 which does not prevent provision being made where it is fully justified.
- 12.4.2 The Council consider that this approach is consistent with national guidance which requires special circumstances to justify an isolated new home in the countryside. Provision of a dwelling solely for security reasons is not generally considered to be a special circumstance.

Policy NBE2

12.5 Is Policy NBE2 justified and consistent with national policy?

- 12.5.1 Gaps are a long established and fundamental policy in Hart with their origin traced back to the Hampshire County Structure Plan (1994) and the Hampshire County Structure Plan Review 1996-2011 (HCSPR). Gaps have been used over a long period within Hart district and were delineated in the Hart District Local Plan (Replacement) 1996-2006 (HDLPR), though the policy has since evolved and no longer distinguishes between Strategic and Local Gaps. Planning policy focusses now on identifying suitable gaps between settlements to ensure their separation and to protect individual settlement character and identity.
- 12.5.2 Other Local Planning Authorities across Hampshire include gap policies within their local plans, to prevent coalescence of settlements. These include, for example:
- Adopted Winchester District Local Plan Part 1 – Joint Core Strategy (2013) (policy CP18 – settlement gaps)
 - Revised Submission Test Valley Local Plan (2014) (policy E3 – local gap).
 - Basingstoke and Deane Local Plan 2011-2029 – Policy EM2 – strategic gaps
 - East Hampshire District Council and South Downs National Park Joint Core Strategy (Adopted June 2014) - Policy CP23 Gaps between settlements

12.5.3 The NPPF does not specifically refer to Gaps. However, Table I below identifies the parts of the NPPF that Gaps accord with:

Table I: Parts of the NPPF that Gaps accord with

Section and/or paragraph number of the NPPF	Summary	Relevance to gaps
Introduction Paragraph 1	“...sets out the Government’s requirements for the planning system only to the extent it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.”	The council has undertaken extensive public consultation during the preparation of the Local Plan. The representations received from the local community indicate that settlement gaps are important and this supports the inclusion of a gap policy in the Local Plan.
Core Planning Principles Paragraph 17 – bullet point 1	“Planning should be genuinely plan led, empowering local people to shape their surroundings...”	As above.
Core Planning Principles Paragraph 17 – bullet point 5	“Planning should...take account of the different roles and character of different areas... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”	Gaps are a tool which help to achieve this in Hart district by helping to maintain the separate identity of settlements.
Conserving and enhancing the natural environment Paragraph 114 – bullet point 1	“Local planning authorities should: set out a strategic approach in their Local Plans, planning positively for the creation, protection and management of networks of biodiversity and green infrastructure.” The NPPF glossary defines green infrastructure as “A network of multifunctional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.”	Gaps will provide multifunctional green space in terms of maintaining settlement identity, providing a green lung into urban areas and providing a potential recreational resource.
Plan-making Paragraph 157 – bullet point 7 and 8	Bullet points 7: “Crucially, Local Plans should...identify land where development would be inappropriate, for instance because of its environmental significance;” Bullet point 8: “Crucially, Local Plans should...contain a clear strategy for enhancing the natural, built and historic environment.”	Gaps are a tool which help to achieve this in Hart district by facilitating the positive management of land by helping to shape growth.

12.5.4 The Gaps identified in the Submitted Hart Local Plan (CD1) are a tool to help protect the character of different areas by ensuring separation between individual settlements and helping to maintain their distinct character and identity. They are areas where certain forms of development are considered inappropriate and development is unacceptable except in defined circumstances which are set out in Policy NBE1 Development in the Countryside. This is set within the context of a plan that has been positively prepared, i.e. one which seeks to meet identified development needs, and which promotes sustainable development.

12.5.5 The provision of a gap policy equips Hart District Council with the means to:

- Protect the setting and separate identity of settlements by avoiding their coalescence;
- Retain the openness and character of the land around existing settlements; and
- Provide access and recreational benefits to all and the perceived as well as real benefits of having open countryside close to where people live.

12.5.6 Policy NBE2 identifies eleven Gaps in the district and these are shown indicatively on the key diagram and Policies Map. Each Gap is based on land between settlements which has been identified as important in helping to define the character of the settlement and shaping the settlement pattern in the district (TOP2).

12.5.7 Appendices 5-14 (TOP2) assess each Gap in detail on its appropriateness in providing a sense of separation between settlements and in maintaining the separate identity of settlements at risk of coalescence. This analysis has been used to inform the indicative Gaps designation.

12.5.8 The Council recognises that clarification is needed in paragraph 275 to make clear where applications for development would be refused. Therefore, the Council is suggesting a further proposed modification (MOD 50) to amend the wording in paragraph 275 to read:

“Development that would result in physical and/or visual coalescence or a perception of the settlements coalescing and losing their separate identity will be refused.”

12.5.9 Settlement gaps will help prevent the physical or visual coalescence of settlements, have been assessed against a common set of criteria and have had strong public support during the different stages of Local Plan consultation. Policy NBE2 is therefore considered to be fully justified and in accordance with national policy outlined in paragraphs 1, 17, 114 and 157 of the NPPF.

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?

12.6.1 The settlement gaps are shown indicatively in the Local Plan on both the key diagram and the Policies Map at the district level. The Council intends to prepare a Development Management Policies Plan following the adoption of the Submitted Local Plan. The boundaries of both settlement boundaries and gaps will be reviewed and defined through this process. The timetable for preparing this Plan is set out in the Local Development Scheme (CD8).

12.6.2 The Council intends that where a planning application is made in the gap between two relevant settlements, the development will be judged against the first part of Policy NBE2. Whilst the gaps are indicative, sufficient detail is included on the Proposed Changes to the

Policies Map (CD2) to assess if proposals lie fully or partially within a Gap. The first part of Policy NBE2 will assess whether a development leads to the physical or visual coalescence of settlements or damages their separate identity, individually or cumulatively. The Council considers that this approach is effective particularly as the Plan has been positively prepared in meeting its objectively assessed needs.

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

12.7.1 The Council's approach is to prepare three Local Plan documents, one covering broad high-level policies (CD1), another containing more detailed development management policies and a third with policies for the proposed new settlement at Murrell Green/Winchfield.

12.7.2 The Council proposes to finalise the level and location of housing within the district in the Submitted Local Plan (CD1) and then follow this with the Development Management DPD which will include a review of both detailed settlement boundaries and Gap boundaries (those not reviewed by neighbourhood plans). Whilst the gaps are indicative, sufficient detail is included on the Proposed Changes to the Policies Map (CD2) to assess if proposals lie fully or partially within a Gap.

12.7.2 Undertaking the boundary reviews across the district is time consuming and would have added to the time taken to prepare the Submitted Local Plan and finalising the housing land supply. Furthermore, the Council considers that all the development management plan policies should be considered together for consistency rather than being split between separate documents.

12.7.3 Paragraph 16 of the NPPF identifies that neighbourhood plans should "support the strategic development needs set out in the Local Plan" and "support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan". Paragraph 156 of the NPPF identifies that strategic priorities for an area should be set out in a Local Plan. It does not identify gaps as a strategic priority. Therefore, identification of gaps in a neighbourhood plan would be consistent with national policy.

12.7.4 Throughout the Plan process, communities in Hart district have consistently voiced support for settlement gaps. Where a Neighbourhood Plan is being prepared it is therefore considered appropriate by the Council for this means to be used to define precise boundaries.

12.7.5 The Council therefore believe the approach used to be fully justified.

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

12.8.1 In April 2017, the Council consulted on a Regulation 18 Draft Local Plan Strategy and Sites. This Plan included a Gaps Policy (MG6) which contained the proposed Gaps included in Policy NBE2 which are shown below:

- Yateley/Blackwater/Sandhurst

- Hawley to Farnborough
- Fleet to Farnborough
- Fleet/Church Crookham to Crookham Village
- Church Crookham to Ewshot
- Crookham Village to Dogmersfield
- Eversley to Yateley o Eversley Centre to Eversley Cross
- Odiham to North Warnborough
- North Warnborough to Greywell
- Hook to Newnham

12.8.2 The public consultation during the preparation of the Plan has generated significant support for maintaining gaps between settlements.

12.8.3 All Gaps were assessed against a single set of criteria, which were developed with regard to those used elsewhere in Hampshire (TOP2). Each gap was comprehensively assessed against the criteria set out in Matter 12.9 below and included references to, for example, the Panel's Report into the Hampshire County Structure Plan 1996 – 2011 (Review) (HCSPR) and the Inspector's Report into the Hart District Local Plan (Replacement) 1996-2006 (HDLPR), where relevant. Where the assessments indicated that areas within the Gap did not meet the criteria, this was reflected in the broad extent of the indicative Gap.

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

12.9.1 Gaps are a long-established tool and have been a feature of county and local planning documents for over twenty-five years. The principle of settlement gaps has been a fundamental element of planning policy within Hampshire with its origins traced back to the Hampshire County Structure Plan (1994) and the Hampshire County Structure Plan 1996 – 2011 (Review) (HCSPR). As outlined in Matter 12.5, Local Planning Authorities across Hampshire are continuing to successfully include gaps within their Local Plans.

12.9.2 Hart has a history of using this tool and Gaps were delineated in the Hart District Local Plan (Replacement) 1996-2006 (HDLPR), Policies CON 19 and CON 20 on Strategic Gaps (Appendix 2). The HDLPR also designated seven Local Gaps (listed in Policy CON21 on Local Gaps, Appendix 2). Policies on Strategic and Local Gaps in the HDLPR were saved under provisions in the Planning and Compulsory Purchase Act 2004. It is these policies that are proposed to be replaced by Policy NBE2 in the Submitted Hart Local Plan. Gaps are no longer divided between strategic and local gaps but instead focus on gaps necessary to ensure settlement separation and to protect their identity and character.

12.9.3 The assessments for each Gap set out in TOP2 establish whether a Gap is needed and whether its extent should be amended. The criteria used in these assessments were developed with close regard to those used elsewhere in Hampshire. TOP2 describes three criteria used and provides an explanation on how the assessment is made. The criteria identified are:-

a) The land is predominantly open or undeveloped and provides a sense of separation between settlements

b) The land performs an important role in maintaining the separate identity of settlements at risk of coalescence

In defining the precise extent of the Gaps in future, either through a future Local Plan or in a Neighbourhood Plan, an additional criterion should be taken into account:-

c) In defining the precise extent of a Gap, no more land than is necessary to prevent the coalescence of settlements will be included, having regard to maintaining their physical and visual separation.

12.9.4 The assessment of individual Gaps includes consideration of the following:

- landscape character
- the sense of arriving/leaving a place
- landscape features (woodland, river valleys and landform)
- topography
- distance
- existing vegetation and land uses
- the nature of settlement edges and how they integrate with the adjacent countryside
- key views (if considered an important factor).

12.9.5 The assessments include references to, for example, the Panel's Report into the HCSPR and the Inspector's Report into the HDLPR, where relevant. The site assessments are not based upon the High-Level Housing Site Assessments and Sustainability Appraisal (HOU 6) as set out in representation 124, as this was a much broader, desk based assessment undertaken by Adams Hendry on the suitability of SHLAA potential housing sites. Land off Hop Garden Road, Hook (SHLAA009) was dismissed at appeal on the basis in part of undue harm on the function of the Local Gap and so the site should not be removed from the Gap as sought by representation 158.

12.9.6 The Council consider the methodology used to identify the settlement Gaps relating to Policy NBE2 to be robust and comprehensive, consistent with other approaches successfully used in other parts of Hampshire and with national planning policy.

Policy NBE3

12.10 Is Policy NBE3 justified and consistent with national policy?

12.10.1 The Draft Local Plan recognizes the need for the special qualities of the District's landscape to be respected.

12.10.2 The Policy has been formulated to accord with advice contained in the NPPF, 2012 and in the NPPG.

12.10.3 Paragraph 17 of the NPPF recognizes the contribution the planning system can play in conserving and enhancing the natural environment as being one of the core land-use planning principles.

12.10.4 Paragraph 109 of the NPPF explains that this can be done by "protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; and minimising impacts on biodiversity..."

- 12.10.5 Paragraph 113 of the NPPF states that local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged and that distinctions should be made between the hierarchy of international, national and locally designated sites. The NPPG (ID: 8-001-22140306, paragraph 001) “where appropriate landscape character assessments should be prepared to help understand the character and local distinctiveness of the Landscape and identify the features that give it a sense of place.”
- 12.10.6 The relevant landscape character assessments are: The Hart Landscape Character Assessment 1997 (ENV9), and the Hampshire County Council Integrated Landscape Character Assessment, 2012 (ENV8) provide a classification of the features and attributes of the different landscapes and their qualities. These will provide the key considerations which will be used to assess any local adverse impacts proposed development may have upon the District’s landscape.
- 12.10.7 The last paragraph of the vision statement and objective 11 of the Plan aim to protect and enhance the District’s natural environment and landscape character. This provides the link to Policy NBE3. The Council considers the Policy to be justified at the local level. From the above review of relevant national policy, it is also considered to be consistent with the national policy and is sufficiently robust to provide protection and where appropriate enhancement for the natural landscape.
- 12.10.8 The Policy will work alongside other policies providing statutory protection to designated sites of national and European importance; policies NBE4 and NBE5.
- 12.10.9 The Policy is justified and accords with national policy outlined in paragraphs 17, 109 and 113 of the NPPF as well as in the NPPG.

Policy NBE4

12.11 Is Policy NBE4 justified and consistent with national policy?

- 12.11.1 The context to NBE4 is based within the framework of European and national legislation and is essential to ensure legal compliance with the Conservation of Habitats and Species Regulations 2017. It is consistent with saved policy NRM6 of the South East Plan [ENV19], the current regional policy for the Thames Basin Heaths SPA (TBHSPA).
- 12.11.2 The current approach to avoidance and mitigation measures has been developed in partnership with the affected local planning authorities and Natural England under the auspices of the Joint Strategic Planning Board and enables net new development to take place without breaching the requirements of the Habitats Regulations. A Joint Thames Basin Heaths Delivery Framework [ENV3] was agreed by partners in 2009, having regard to evidence and research undertaken as part of the South East Plan. The Framework sets out the implications for development across the local authorities affected by the SPA including the principles for SANG provision including SANG standards, sizes and catchments and has enabled the delivery of new homes to continue whilst protecting the integrity of the TBH SPA. These mitigation measures include an exclusion zone within 400m of the SPA boundary and the provision of Suitable Alternative Natural Greenspace (SANG) and access management provisions for applications up to 5km away.

- 12.11.3 Policy NBE4 reflects and is consistent with the legislative and policy framework set out above and is therefore the most appropriate policy approach for the TBHSPA, being based on an agreed approach with Natural England and other partners having regard to the most up to date evidence. It is also consistent with the approach to biodiversity set out in Section 11 of the NPPF.

12.12 Are the standards and arrangements set out in Policy NBE4 for SANG justified and reflective of Natural England's guidance?

- 12.12.1 As set out in response to 12.11 the standards set out in Policy NBE4 are reflective of the agreed Thames Basin Heaths Delivery Framework [ENV3] and saved South East Plan policy NRM6 and reflect those used across the affected authorities. These standards are essential to ensure compliance with the Conservation of Habitats and Species Regulations 2017.
- 12.12.2 Policy NBE4 sets out the strategic approach to the requirements for SANG including the approach to the quantity of SANG to be required. There are additional practical arrangements in the Delivery Framework and in Guidelines for SANG set out by Natural England such as guidance on the size of SANG. However, these are not considered appropriate for Policy but are either set out in the Councils Interim Avoidance Strategy for the Thames Basin Heaths Special Protection Area or the Delivery Framework. The Habitat Regulation Assessment [ENVI3] confirms that there is sufficient SANG available to meet the development requirements over the Plan period.
- 12.12.3 Without the policy the plan would not have a mechanism in place to adequately protect the Thames Basin Heaths SPA.
- 12.12.4 Natural England has not raised any concerns with Policy NBE4 and have made no comments that it does not meet their SANG guidance.

Policy NBE5

12.13 Is Policy NBE5 justified and consistent with national policy?

- 12.13.1 Policy NBE5 supports Objective 11 of the Submitted Local Plan (CD1) and sets out how development proposals will be expected to avoid any negative impacts on biodiversity, the weight to be given to protection of biodiversity and how biodiversity should be enhanced. Table 1 sets out the relevant sections in the NPPF and how they relate to Policy NBE5.

Table 1: Parts of the NPPF that NBE5 accords with

Section and/or paragraph number of the NPPF	Summary	Relevance to policy
<p>Conserving and enhancing the natural environment</p> <p>Paragraph 109</p>	<p>“The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent networks that are more resilient to current and future pressures.”</p>	<p>Policy NBE5 seeks to conserve and enhance biodiversity. The criteria identify the different means by which this will be achieved. Policy NBE5 seeks to promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations. Criteria c) identifies a reference for providing net gains where possible.</p>
<p>Conserving and enhancing the natural environment</p> <p>Paragraph 114</p>	<p>“Local planning authorities should:</p> <ul style="list-style-type: none"> • set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure...” 	<p>As above.</p>
<p>Conserving and enhancing the natural environment</p> <p>Paragraph 117</p>	<p>“To minimise impacts on biodiversity and geodiversity, planning policies should:</p> <ul style="list-style-type: none"> • plan for biodiversity at a landscape-scale across local authority boundaries • identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation • promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.” 	<p>As above.</p> <p>Policy NBE5 sets out the hierarchy of international, national and locally designed sites of importance for biodiversity and makes clear the level of protection is commensurate with their status in the hierarchy.</p>

Section and/or paragraph number of the NPPF	Summary	Relevance to policy
Conserving and enhancing the natural environment Paragraph 118	“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity ...”	As above.
Plan-making Paragraph 157 – bullet point 8	Bullet points 8: “Crucially, Local Plans should...contain a clear strategy for enhancing the natural, built and historic environment.”	As above.

12.13.2 The NPPF directs local authorities to protect sites of biodiversity and geological value and the Council considers this is achieved through Policy NBE5 and its criteria. Point (a) of the policy reinforces the Plan’s legal compliance with the Conservation of Habitats and Species Regulations 2017.

12.13.3 Hart has many areas of biodiversity value (ENV12). These support many different species and habitats and are part of a wider ecological network. Many of these areas have statutory protection through European Directives and UK legislation, for example, The Thames Basin Heaths Special Protection Area and Odiham Common SSSI. There are also sites of local importance, Sites of Importance for Nature Conservation and Local Nature Reserves. Policy NBE5 seeks to achieve net gains in biodiversity not just seeking to avoid net losses.

12.13.4 The Council proposes a further modification to provide clarification on the weight given to a site’s importance and its contribution to the wider ecological network. Modification 53b is set out below:

Amend end of criteria a) to:

a)” ... within this hierarchy and gives appropriate weight to their importance and contribution to wider ecological networks.”

12.13.5 Policy NBE5 is considered by the Council to be justified and consistent with national policy.

12.14 Is Policy NBE5 and its supporting text (namely Paragraph 303) consistent with the Conservation of Habitats and Species Regulations 2017?

12.14.1 Policy NBE5 clearly states that the Council supports applications that will not have an adverse effect on the integrity of European sites. Paragraph 303 sets out the need for HRA on any project that may have a significant effect on a European site and any adverse effects confirmed through the HRA must be avoided or adequately mitigated. The paragraph sets out subsequent tests that must be met before development, that would have an adverse effect on the integrity of a European site (even with mitigation): demonstration of no

alternatives and of imperative reasons of over-riding public interest. It also confirms that adequate compensatory provision would also need to be made.

- 12.14.2 The conservation and enhancement of biodiversity is given high importance in the NPPF in paragraphs 114 and 117. Policy NBE5 seeks to promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations in line with national guidance.
- 12.14.3 The Council consider Policy NBE5 and its supporting text (Paragraph 303) to be consistent with the Conservation of Habitats and Species Regulations 2017. Natural England made no representations on Policy NBE5 on inconsistencies of the Policy or its supporting text with the Conservation of Habitats and Species Regulations 2017.

Policy NBE6

12.15 Is Policy NBE6 justified and consistent with national policy?

- 12.15.1 As part of the evidence base for the draft Local Plan the Council published in December 2016 a Strategic Flood Risk Assessment (SFRA). Policy NBE6 takes the recommendations and issues highlighted by the SFRA and converts this into policy particularly in relations to parts c) Causal Areas, d) Indicative Flood Problem Areas and e) Canal and reservoir embankments; these criteria have been included to take account of other sources of flooding and climate change issues as identified by the December 2016 Strategic Flood Risk Assessment. These are 'proactive strategies to mitigate and adapt to climate change' and to take a 'full account of flood risk' issues in the district as required by paragraph 94 of the NPPF 2012.
- 12.15.2 Policy NBE6 also enables delivery of objective 11 of the draft Local Plan which states that the plan will:
- "...protect and enhance the District's natural environment, landscape character, water environment and biodiversity..."*
- 12.15.3 The NPPF 2012 includes the following references to flooding which justify inclusion of policy NBE6 and demonstrate that it is consistent with national policy:
- *'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.'* (Paragraph 93).
 - *'Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, 16 taking full account of flood risk, coastal change and water supply and demand considerations.'* (Paragraph 94).
 - *'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. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should*

apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- *applying the Sequential Test;*
- *if necessary, applying the Exception Test;*
- *safeguarding land from development that is required for current and future flood management;*
- *using opportunities offered by new development to reduce the causes and impacts of flooding; and*
- *where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.’ (Paragraph 100).*

12.15.4 In summary, the policy is considered to be in accordance with national policy; also on the basis that inclusion of policy of NBE6 has been informed by the Council’s evidence base and enables delivery of objective 11 of the draft Local Plan it is considered to be justified. When considering whether the policy is justified and consistent with national policy attention is also drawn to the support policy NBE6 received at Regulation 19 stage particularly from key stakeholders including the Environment Agency and Hampshire County Council.

Policy NBE7

12.16 Is Policy NBE7 justified and consistent with national policy?

12.16.1 In relation to water quality, paragraph 109 of the 2012 NPPF requires that the planning system should contribute to and enhance the natural and local environment by preventing new development from contributing to water pollution. Paragraph 110 specifically states that Local Plans should aim to minimise pollution and other adverse effects on the natural and local environment.

12.16.2 In developing Local Plans, LPAs also have to ensure that proposals within the plans do not prevent the objectives of European legislation from being delivered. Of specific relevance to policy NBE7 is the Water Framework Directive (WFD) which requires all waterbodies to meet “good ecological status” by 2027. River Basin Management Plans (RBMP) are the vehicle by which the competent authority in England (the Environment Agency) aims to deliver this objective. Local Plans must ensure that proposals for new housing and non-housing growth within Local Plans align with the RBMPs and would not risk WFD objectives being achieved, primarily as a result of increases in treated wastewater discharges, sewer overflows and/or inappropriate drainage to waterbodies.

12.16.3 Furthermore, the 2018 NPPF update at paragraph 170 (point e) expands the water policy within the 2012 NPPF in relation to preventing water pollution by specifically stating that development should look to improve environmental conditions such as water quality, taking into account relevant information such RBMPs.

12.16.4 This requirement to align with the WFD and the RBMPs in England is detailed in the National Planning Policy Guidance (NPPG) published on line (and supporting both the 2012

and 2018 NPPF), as set out in section ‘Water supply, wastewater and water quality’. In relation to water quality specifically, the NPPG states that the local plan making process may need to consider:

- * How to help protect and enhance local surface water and groundwater in ways that allow new development to proceed and avoids costly assessment at the planning application stage;
- * The type or location of new development where an assessment of the potential impacts on water bodies may be required; and
- * Where particular types of sustainable drainage systems may not be practicable (in relation to protecting groundwater quality with respect to infiltration of rainwater to ground and land contamination risks).

- 12.16.5 In developing local plans, the NPPG details the importance of ensuring the need for strategic infrastructure in relation to wastewater treatment is discussed and agreed with water companies on the basis that discharges of treated wastewater will need to increase as a result of proposed growth and represents a significant risk to waterbodies achieving the required water quality to meet “good ecological status” and hence the objectives of the WFD.
- 12.16.6 In order to adequately address these water quality and wastewater issues, the NPPG advocates the production of a Water Cycle Study (WCS) as an evidence base to the Local Plan making process. The NPPG defines a WCS as a non-statutory study that helps organisations work together to plan for sustainable growth. It uses water and planning evidence and the expertise of partners to understand environmental and water infrastructure capacity. A WCS provides evidence for Local Plans and sustainability appraisals and is ideally done at an early stage of plan-making.
- 12.16.7 National guidance on WCS is provided by the Environment Agency as means to also support their role as a statutory consultee on Local Plans (in relation to this policy response, specific to their role as the competent authority for delivering the WFD in England). A WCS was completed as an evidence base for Hart District Council’s Local Plan as a combined study with Rushmoor Borough Council and Surrey Heath. This joined approach is advocated by the NPPG. The study was undertaken in keeping with the national guidance.
- 12.16.8 The findings of the WCS identified that growth could be delivered without impacting on WFD objectives, subject to improvements in wastewater networks and treatment facilities owing to a lack of capacity in existing infrastructure. If these improvements are not undertaken at a pace which is in keeping with the planned phasing of growth, water quality pollution and deterioration could occur, risking non-compliance with the WFD. The WCS therefore recommended a series of phased wastewater infrastructure improvements by the water company and development of local plan policy to ensure that development proposals have due regard to the need to contribute to infrastructure (where financial regulation of water companies allow) and to ensure major development proposal have fully consulted with the water company on available capacity as part of the planning application process. The study and its findings were approved by both the Environment Agency and the water company (Thames Water).
- 12.16.9 The findings of the WCS, and the policy developed as a result (NBE7) therefore support the core policy requirements of the 2012 NPPF, and the guidance within the NPPG.

Policy NBE8

12.17 Is Policy NBE8 justified and consistent with national policy?

- 12.17.1 Objective 12 of the local plan refers to measures for adapting to the impacts of climate change and minimising the contribution of new development to the causes of climate change. Policy NBE8 is proposed as an outcome of the “Hart, Rushmoor and Surrey Heath Water Cycle Study” and appendices, May 2017 (ENV5a and ENV5b). The study was commissioned by the three councils to enable the water cycle across the study area to be managed more effectively throughout the plan period, to inform preparation of local plans as part of the evidence base and to ensure that new development does not have a damaging effect on the water environment. In relation to water efficiency in new homes, the Water Cycle Study recommends that there should be a policy requiring new homes to meet the water use standard of 110 litres/person/day in order to reduce demand from new dwellings. The full recommendation is at footnote 36 on page 87 of the local plan, together with reference to the Environment Agency’s “Water Stressed Areas: Final Classification” report (ENV14) which shows the South East Water company area (in which Hart District is situated) is identified now and in all future forecast scenarios as in “serious” water stress. It follows that Policy NBE8 is justified in seeking a water efficiency standard of 110 litres/person/day from new homes.
- 12.17.2 NPPF 2012 says local authorities should adopt proactive strategies to mitigate and adapt to climate change taking full account of flood risk, coastal change and *water supply and demand considerations* (paragraph 94). Local plans should take account of climate change over the longer term including such factors as *water supply* (paragraph 99) and policies should deliver the provision of infrastructure for *water supply* (paragraph 156). Local authorities should also work with other authorities and providers to assess the quality and capacity of infrastructure for *water supply* (paragraph 162). A policy requiring high standards in water efficiency for new property is a measure in line with this requirement. Furthermore, paragraph 20 of the NPPF 2018 states that strategic policies should make sufficient provision for infrastructure for water supply. The section on “Planning for Climate Change” in the NPPF 2018 says plans should take a proactive approach to mitigating and adapting to climate change taking into account the long term implications for *water supply* (paragraph 149).
- 12.17.3 Relevant NPPG was published in March 2015 on “Housing: Optional Technical Standards” which provides guidance on how planning authorities can gather evidence to set optional requirements and allows authorities to set tighter standards than that required under Building Regulations¹. All new homes already have to meet the mandatory national standard set out in the Building Regulations (of 125 litres/person/day). Where there is a clear local need, local planning authorities can set out a local plan requiring new dwellings to meet the tighter Building Regulations optional requirement of 110 litres/person/day². The Water Cycle Study (ENV5a and ENV5b) assessed all existing evidence as stated in the NPPG (Water Company Water Resource Management Plans, River Basin Management Plans and the Environment Agency’s Water Stress Classification). The WCS was also undertaken in full consultation with the water supply companies and the Environment

¹ <https://www.gov.uk/guidance/housing-optional-technical-standards>

² NPPG Paragraph: 014 Reference ID: 56-014-20150327 (Revision date: 27 03 2015)

Agency with the recommendation of a tighter water efficiency target supported by all stakeholders.

12.17.4 Policy NBE8 is therefore considered to be justified and consistent with national policy.

12.18 Is Policy NBE8 based on a sound assessment of viability?

12.18.1 The Whole Plan and CIL Viability Study, December 2016 (ECO3a) paragraph 13.3 refers to table 58 of the EC Harris report “Housing Standards Review – Cost Impacts” September 2014 (HOU9) and considered that the extra cost of fitting flow restricting devices to taps and showers would be between £6 and £9 per unit. These small extra costs apply to dwelling sizes from 1 bed flats to 4 bed houses and would be included in the base build figures when a developer undertakes viability testing. The viability impact of assuming water usage in new homes at 110 litres/person/day was feasible (paragraph 17.1.7 of the Viability Study (ECO3a).

Policy NBE9

12.19 Is the Plan based on adequate, up-to-date and relevant evidence about the historic environment within Hart?

12.19.1 The Council has used a range of historic environment evidence in support of the Local Plan. These are summarised as follows:

- National Heritage List for England.
- Historic England Heritage at Risk Register.
- Hampshire Historic Environment Record.
- Hampshire Historic Landscape Character Assessment.
- Conservation Areas / Management Plans.

12.19.2 This represents the published versions of this evidence, the use of which is supported by Historic England, with regard to the requirement for use of up to date evidence, as confirmed by the Statement of Common Ground between Hart District Council and Historic England (ref. Examination Library document SCG1). It will be noted that this Statement of Common Ground provides details of how the evidence set out in 12.19.2 was used and confirms that Historic England are satisfied with this. In this context it also addresses concerns raised by Historic England³, in response to the Regulation 19 consultation, that the draft Local Plan did not reference specific heritage related evidence.

12.19.3 Therefore, the Council is of the view that the draft Local Plan is based on an adequate, up-to-date and relevant evidence about the historic environment within Hart.

³ c.f. Historic England response 109-1 to the Regulation 19 consultation on the ‘Hart Local Plan: Strategy and Sites 2016 – 2032 Proposed Submission Version February 2018’.

12.20 Is Policy NBE9 justified and consistent with national policy?

- 12.20.1 The Council considers policy NBE9 Historic Environment to be both justified and consistent with national policy.
- 12.20.2 The purpose of Policy NBE9 is to provide a positive strategy, in accordance with the requirements of the NPPF, by setting a policy basis for the consideration of planning applications which may affect the historic environment. It represents an ‘overarching’ policy and is not therefore intended to address every issue raised by such applications; this is not considered to be necessary given the detailed policy framework for Heritage Assets as set out in paragraphs 128 – 141 of the NPPF 2012. If required a more detailed policy can be included in the Development Management Policies DPD which will be produced following this Local Plan.
- 12.20.3 Paragraph 126 of the NPPF 2012, requires local planning authorities to set out in their Local Plan a ‘*positive strategy for the conservation and enjoyment of the historic environment*’. It requires local planning authorities to take in to account the following:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
 - The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.
 - The desirability of new development making a positive contribution to local character and distinctiveness.
 - Opportunities to draw on the contribution made by the historic environment to the character of a place.
- 12.20.4 For these reasons the policy is considered to be both justified and consistent with national policy.

Policy NBE10

12.21 Is Policy NBE10 and each of its criteria justified and consistent with national policy?

- 12.21.1 The aim of Policy NBE 10 is to positively encourage high quality design in the District. Seeking to secure high quality design is one of the 12 core land-use planning principles outlined in paragraph 17 of the NPPF, 2012.
- 12.21.2 The District has a diverse heritage resulting in many settlements having their own special identities and character. These special characters have been identified in studies and local supplementary guidance such as conservation area appraisals, the Hart Urban Characterisation and Density Study (ENV7), the Hampshire Integrated Character Assessment (ENV8), and the Hart Landscape Assessment (ENV9). Yateley Village has a design framework supplementary planning document, and Odiham Village has a design statement which identify their special characters. Proposals must therefore also take account of these. The Policy will support these special and distinctive characteristics with

new development which is harmonious to the character of each settlement, in line with objective 15 of the Plan.

- 12.21.3 The Policy is also consistent with section 7 on requiring good design (paragraphs 56-68 of the NPPF) where the government attaches great importance to design which is considered to be a key aspect of sustainable development.
- 12.21.4 The criteria in the Policy has been formulated to express the overall objectives of national policy including consistency with National Planning Practice Guidance on design. It seeks to promote local character including respecting landscape settings, promoting safe and connected streets, promoting a network of greenspaces, reducing crime, promoting security and access and inclusion.
- 12.21.5 Criterion a) accords with paragraph 63 in giving support to innovative design. The criterion avoids unnecessary detail and provides in principle support for proposals which would be in keeping with and sensitive to their surroundings in terms of overall scale, density, massing, height, landscape, layout and materials.
- 12.21.6 Criteria b) & f) are consistent with NPPF paragraph 58 bullet point 5 in terms of the need for design policies to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The criteria are also consistent with NPPF paragraph 35 which advises that sustainable development should create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and considers the needs of people with disabilities. Last sentence of criterion c) aims to facilitate permeability by enhancing walking and cycling.
- 12.21.7 Criteria c) & d) seek to reinforce local distinctiveness and respect for local character. This is consistent with paragraph 60 of the NPPF.
- 12.21.8 Criterion e) is consistent with paragraph 58 bullet point 4 in terms of the need for design to respond to local character and history.
- 12.21.9 Criteria i) & j) are consistent with advice in the NPPG relating to how the layout and design of buildings can reduce energy and water use and mitigate against flooding and pollution. Passive solar design takes advantage of the natural characteristics of building materials to reduce energy needed for heating and cooling. The Policy criteria would for example encourages layouts which would allow for good solar access to buildings.
- 12.21.10 The final paragraph is justified and will take account of any supplementary local guidance as outlined in paragraph 12.21.2 when assessing proposals.
- 12.21.11 Overall the Council considers the Policy and associated criteria to be in accordance with national guidance and is wholly justified.

12.22 Is Policy NBE I I justified and consistent with national policy?

- 12.22.1 The policy is supported by evidence in the North Hampshire Renewable Energy and Low Carbon Development Study; March 2010 (Examination Document ENVI I).
- 12.22.2 Paragraph 97 of the NPPF, 2012 requires planning authorities to: 'have a positive strategy to promote energy from renewable and low carbon sources' and 'design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily'.

- 12.22.3 Paragraph 93 of the NPPF, 2012 stresses the key role which planning can play in securing reductions in greenhouse gas emissions and in supporting the delivery of renewable and low carbon energy and associated infrastructure
- 12.22.4 The Council considers Policy NBEI 1 to be consistent with national policy and lists the criteria which will need to be satisfied when demonstrating how any adverse impacts have been addressed. The Policy encourages low carbon development and renewable energy provision. It establishes a robust framework for the assessment of adverse impacts which may result from low carbon and renewable energy generation and is considered justified.

12.23 Is the Energy Opportunities Plan (EOP) incorporated in the North Hampshire Renewable Energy and Low Carbon Development Study (2011) robust and up-to-date?

- 12.23.1 Policy NBEI 1 is based upon evidence in from the North Hampshire Renewable Energy and Low Carbon Development Study (ENVI 1). The Study identifies opportunities for the generation of energy from renewable and low-carbon sources.
- 12.23.2 The identified natural sources for renewable and low carbon energy, which can be used to generate electricity, provide heat or even as transport fuel identified in the study; include onshore wind, solar photovoltaic, heat pumps, energy from waste, biomass, and anaerobic digestion (for generating biogas). In the UK, energy from these renewable sources accounted for 8.9% of total final energy consumption in 2016. They are recognised and acceptable sources for providing renewable energy in the District.
- 12.23.3 The Study followed a Government endorsed process for identifying the opportunities and constraints for delivering renewable and low carbon energy technologies and then going on to provide capacities and spatial data. Although the study was published in 2011, the high-level opportunities and constraints are unlikely to have changed significantly but the specific details of the capacities, policy and regulations as well as technology development may be different. However, Policy NBEI 1 only seeks to set out the basis for supporting proposals for the generation of energy from renewable and low carbon energy developments and only sets out a high-level process without identifying capacities, specifying targets or including any spatial requirements. As such the Council feels that the Energy Opportunities Plan is also sufficiently robust to support policy NBEI 1.

Policy NBEI 2

12.24 To be effective should Policy NBEI 2 refer to cumulative effects?

- 12.24.1 In relation to pollution paragraph 120 of the NPPF 2012 advises that;

“To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.”

- 12.24.2 With reference to development plans, cumulative effects can occur from the combined impacts of policies and proposals on specific areas or sensitive receptors.
- 12.24.3 In accordance with national guidance the intention of the policy is to take into account the cumulative effects of development upon the local area and upon sensitive receptors. In order to rectify this and make the policy more effective it is proposed that Policy NBE12 be modified by inserting reference to cumulative effects in criterion a) of the Policy as suggested below:

Development will be supported provided:

- a) it does not give rise to, or would be subject to, unacceptable levels of pollution (including cumulative effects); and...**

12.25 Is Policy NBE12 justified and consistent with national policy?

- 12.25.1 Paragraph 109 of the NPPF 2012 advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability...”
- 12.25.2 Paragraph 110 - In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment.
- 12.25.3 Paragraph 125 - By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 12.25.4 The council considers the Policy to be consistent with national guidance as the purpose is to minimise and mitigate the adverse impacts of noise, vibration, dust, fumes or gas pollutants; for example, the cumulative impacts of more than one noise source will be taken into account along with the extent to which the source of noise is intermittent and of limited duration. In terms of air pollution, the Council’s 2018 Air Quality Annual Status Report provides an overview of air quality in Hart. It fulfils the requirements of the Local Air Quality Management under the Environment Act (1995). The report details air quality monitoring undertaken in Hart in 2017. There are currently no declared Air Quality management areas (AQMAs) in Hart. AQMAs would need to be declared if there is an exceedance of the relevant air quality objectives. The policy would assist maintaining the good air quality in the District.
- 12.25.5 The reduction of air pollution from carbon emissions would also contribute to climate change objectives.
- 12.25.6 The limiting of artificial light pollution also accords with paragraph 125 of the NPPF.
- 12.25.7 Overall the Policy sets out the approach to assessing development proposals that are likely to result in pollution or which are sensitive to pollution. This is considered to be justified, which together with the proposed modification above will take cumulative effects into account.