

HOOK NEIGHBOURHOOD PLAN 2018-2032

Hook Neighbourhood Plan Examination
A Report to Hart District Council

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1. Summary

- 1 Subject to the recommendations within this Report, made in respect of enabling the Hook Neighbourhood Plan to meet the basic conditions, I confirm that:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

- 2 Taking the above into account, I find that the Hook Neighbourhood Plan meets the basic conditions¹ and I recommend to Hart District Council that, subject to modifications, it should proceed to Referendum.

¹ It is confirmed in Chapter 3 of this Report that the Hook Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

2. Introduction

The Neighbourhood Plan

- 3 This Report provides the findings of the examination into the Hook Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by Hook Parish Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. Were a Referendum to be held and were more than 50% of votes to be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Hart District Council. The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the Hook Neighbourhood Area.
- 5 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct and help to deliver sustainable development.”
(Paragraph 29, National Planning Policy Framework)
- 6 As confirmed in paragraph 3.2 on page 3 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Hook Parish Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan.
- 7 Section 3 of the Basic Conditions Statement also confirms that the Neighbourhood Plan relates only to the designated Hook Neighbourhood Area and that there is no other neighbourhood plan in place in the Hook Neighbourhood Area.
- 8 The above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2019²) and Planning Practice Guidance (2014).

² A replacement National Planning Policy Framework was published in July 2018 and amended in 2019. Paragraph 214 of the replacement document establishes that the policies of the previous National Planning Policy Framework apply for the purpose of examining plans, where those plans are

Role of the Independent Examiner

- 9 I was appointed by Hart District Council, with the consent of the Qualifying Body, to conduct the examination of the Hook Neighbourhood Plan and to provide this Report.
- 10 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the Local Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 11 I am a chartered town planner and have seven years' direct experience as an Independent Examiner of Neighbourhood Plans and Orders. I also have thirty years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 12 As the Independent Examiner, I must make one of the following recommendations:
 - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - that the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 13 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Hook Neighbourhood Area to which the Plan relates.
- 14 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

submitted on or before the 24th January 2019. The Hook Neighbourhood Plan was submitted to Hart District Council after this date (on 7th March 2019) and consequently, it is appropriate to examine the policies of the Neighbourhood Plan against the most recent version of the National Planning Policy Framework.

Neighbourhood Plan Period

- 15 A neighbourhood plan must specify the period during which it is to have effect.
- 16 The title of the Neighbourhood Plan provides a clear reference to the plan period, 2018-2032 and page 4 of the Basic Conditions Statement confirms that:

"The NDP specifies the period for which it is to have effect, which is 2018-2032."
- 17 In addition, the Foreword to the Neighbourhood Plan also refers to the plan period.
- 18 Taking the above into account, the Neighbourhood Plan meets the requirement in respect of specifying the period during which it is to have effect.

Public Hearing

- 19 According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 20 However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 21 Further to consideration of the information submitted, I determined not hold a public hearing as part of the examination of the Hook Neighbourhood Plan.
- 22 However, in order to clarify a number of points in respect of the examination, I wrote to the Qualifying Body and to Hart District Council and this examination has taken the responses received into account.

3. Basic Conditions and Development Plan Status

Basic Conditions

- 23 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “*basic conditions*.” These were *set out in law*³ following the Localism Act 2011. Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 24 Regulations 23 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to above. Of these, the following basic condition, brought into effect on 28th December 2018, applies to neighbourhood plans:
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations.⁴

³ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

⁴ *ibid* (same as above).

- 25 In examining the Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a qualifying body;
 - has been prepared for an area that has been properly designated for such plan preparation (under Section 61G of the Localism Act);
 - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that:
 - its policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004.
- 26 An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁵
- 27 I note that, in line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

⁵ The Convention rights has the same meaning as in the Human Rights Act 1998.

European Convention on Human Rights (ECHR) Obligations

- 28 Paragraph 7.6 of the Basic Conditions Statement submitted alongside the Neighbourhood Plan sets out why, in the Qualifying Body's view, the Neighbourhood Plan is compatible with the ECHR.
- 29 I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.
- 30 In the above regard, I also note that information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. Many comments were received during the plan-making process and the Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses and resulting changes.

European Union (EU) Obligations

- 31 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment. In this regard, national advice states:
- "Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects."*
(Planning Practice Guidance⁶)
- 32 This process is often referred to as "*screening*"⁷. If likely environmental effects are identified, an environmental report must be prepared.

⁶ Planning Guidance, Paragraph 027, Ref: 11-027-20150209,.

⁷ The requirements for a screening assessment are set out in in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

- 33 A screening assessment was carried out and this concluded that:

“The Hook Neighbourhood Plan does require an SEA...because...(it) could set the framework for future consents under the EIA Directive; There are pathways or mechanisms for significant environmental effects to arise as the Neighbourhood Plan seeks to develop sites which are currently unspecified to meet the...target of 87 dwellings.”

- 34 Strategic Environmental Assessment was subsequently carried out and an Environmental Report was submitted alongside the Neighbourhood Plan. This concludes that the Neighbourhood Plan is likely to lead to a number of significant positive benefits and positive effects. I note that the Neighbourhood Plan does not allocate any land for development.
- 35 The statutory bodies, Historic England, Natural England and the Environment Agency have been consulted. None of these bodies has raised any concerns in respect of the requirement for the Neighbourhood Plan to meet European obligations.
- 36 In addition to SEA, a Habitats Regulations assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information⁸. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment of the implications of the plan for the site must be undertaken.
- 37 The Habitats Regulations Assessment screening report produced in July 2017 concluded that the Neighbourhood Plan will not give rise to significant effects on any European sites and that a full appropriate assessment is not required.
- 38 The statutory bodies were consulted on the screening report. Natural England stated that a further screening assessment should be undertaken once site allocations are specified. However, as above, the Neighbourhood Plan does not allocate land for development. No other concerns were raised by the statutory bodies in respect of meeting European obligations.

⁸ Planning Guidance Paragraph 047 Reference ID: 11-047-20150209.

- 39 National guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations (including obligations under the Strategic Environmental Assessment Directive)” (Planning Practice Guidance⁹).

- 40 In carrying out the work that it has and in reaching the conclusions that it has, Hart District Council has not raised any concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.
- 41 In addition to all of the above, I note that, in April 2018, in the case *People Over Wind & Sweetman v Coillte Teoranta (“People over Wind”)*, the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means if a likely significant effect is identified at the screening stage of a habitats assessment, an *Appropriate Assessment* of those effects must be undertaken.
- 42 In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.
- 43 The changes to regulations allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an *Appropriate Assessment* to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application.
- 44 These changes came into force on 28th December 2018. This pre-dated the submission of the Neighbourhood Plan and the subsequent consultation period. I am mindful that Hart District Council has taken all of the above into account and that it considers the Neighbourhood Plan to be compatible with European obligations.

⁹ *ibid*, Paragraph 031 Reference ID: 11-031-20150209.

- 45 Taking this, the above and the evidence before me into consideration, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

4. Background Documents and the Hook Neighbourhood Area

Background Documents

- 46 In undertaking this examination, I have considered various information in addition to the Hook Neighbourhood Plan.
- 47 I draw attention to the fact that a replacement version of the National Planning Policy Framework was published in July 2018 and it is this replacement document that the Neighbourhood Plan must have regard to.
- 48 Information considered as part of this examination has included (but has not been limited to) the following main documents and information:
- National Planning Policy Framework (referred to in this Report as "*the Framework*") (2019)
 - Planning Practice Guidance (2014, as updated)
 - Town and Country Planning Act 1990 (as amended)
 - The Localism Act (2011)
 - The Neighbourhood Plan Regulations (2012) (as amended)
 - Hart District Local Plan and First Alterations 1996-2006 Saved Policies (2009) (referred to in this Report as the "*Local Plan*")
 - Basic Conditions Statement
 - Consultation Statement
 - Strategic Environmental Assessment
 - Equalities Impact Assessment
 - Representations received
 - Supporting evidence
- 49 In addition, I spent an unaccompanied day visiting the Hook Neighbourhood Area.
- 50 The emerging Hart Local Plan (2016-2032) is at an advanced stage and is likely to be adopted in the near future. Whilst the basic conditions require neighbourhood plans to be in general conformity with the adopted strategic policies of the development plan, Planning Guidance advises¹⁰ that the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which the Plan is tested.

¹⁰ Planning Policy Guidance, Paragraph: 009 Reference ID: 41-009-20160211.

- 51 I note that the Hook Neighbourhood Plan has emerged alongside the emerging Local Plan and that it has taken full account of the reasoning and evidence supporting this emerging District-wide document.

Hook Neighbourhood Area

- 52 The boundary of the Hook Neighbourhood Area is identified on figures provided on pages 4 and 6 of the Neighbourhood Plan.
- 53 Hart District Council formally designated the Hook Neighbourhood Area on 2nd October 2014.
- 54 This satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

5. Public Consultation

Introduction

- 55 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 56 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Hook Neighbourhood Plan Consultation

- 57 A Consultation Statement was submitted to Hart District Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*¹¹.
- 58 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the Hook Neighbourhood Area, having regard to Paragraph 29 of the National Planning Policy Framework ("*the Framework*").
- 59 Hook Parish Council established a Neighbourhood Plan Steering Group and commenced community engagement in 2014. During the first half of 2015, a number of surveys were carried out and the results of these were shared at the Annual Village Meeting in May of that year. Further to presentations, an exhibition attended by around 100 people and stakeholder meetings, the draft plan was produced and underwent a six-week consultation period during November and December 2018.
- 60 The pre-submission consultation was supported by an exhibition and around 175 comments were received. Comments were taken into account and influenced the submission version of the plan.

¹¹ Neighbourhood Planning (General) Regulations 2012.

- 61 The Consultation Report provides evidence to demonstrate that public consultation formed an important part of the overall plan-making process. Consultation was well-publicised. Matters raised were considered and the reporting process was transparent.
- 62 Taking all of the above into account, I am satisfied that the consultation process was appropriate and complied with the neighbourhood planning regulations referred to above.

6. The Neighbourhood Plan – Introductory Section

- 63 The text at the top of page 3 has been overtaken by events and I recommend:
- **Page 3, delete paragraph of text**
- 64 For accuracy in respect of the basic conditions, I recommend:
- **Final paragraph on page 5, change second sentence to “These include *compatibility with European Union obligations, contribution to...*”**
- 65 Paragraph 2.3 refers to Hook Village Centre. The corresponding plan does not relate to either the adopted or emerging Local Plan. The proposed “*village centre*” boundary relates to background work around a “*Masterplan for Hook village centre.*” Whilst this “*Masterplan*” sets out opportunities, aspirations and aims, it is not supported by substantive evidence relating to viability or deliverability. As such, it appears as a useful and aspirational document, as opposed to a deliverable masterplan.
- 66 The boundary of the district centre has been established and adopted through a rigorous planning policy process. The proposed alternative boundary, as suggested in the Neighbourhood Plan, is not, for example, supported by information setting out why all of the proposed differences to the adopted district centre boundary are justified. Consequently, the approach does not appear to have regard to Paragraph 16 of the Framework, which requires plans to:
- “...be prepared positively, in a way that is aspirational but deliverable.”*
- 67 This is not a criticism of the aims and aspirations of the Masterplan, nor of the significant background work already undertaken in respect of seeking to plan for a successful and sustainable future for Hook Village Centre. These are important matters and the Neighbourhood Plan can, through its Policies, still promote and support a masterplanning approach to achieve these aspirations. These are factors taken into full account in consideration of the Neighbourhood Plan's Policies later in this Report.

68 I recommend:

- **Para 2.3, delete “...the boundary of which is indicated on Fig 2.2.1”**
- **Page 7, delete Figure 2.2.1**

69 Paragraph 2.4 seeks to set out something that the Neighbourhood Plan does not do. This is unnecessary and in any case, reference in the emerging Local Plan to a new settlement are to be deleted further to modifications.

70 I recommend:

- **Delete Para 2.4**

71 Planning is a dynamic process. There is no need to effectively point out that the status of the emerging Local Plan will change when it is adopted.

72 I recommend:

- **Page 8, delete the sentence in bold beginning “4.3 All...”**

73 Paragraph 62 of the Framework recognises that affordable housing can be sought on sites where 10 or more homes will be provided, or where the site has an area of 0.5 hectares or more.

74 I recommend:

- **Last line on page 8, change to “...on sites of 10 or more dwellings, or where the site has an area of 0.5 hectares or more.”**

7. The Neighbourhood Plan – Neighbourhood Plan Policies

Spatial Policy

Policy HK1: Spatial Policy

- 75 Unlike other Policies in the Neighbourhood Plan, the first Policy appears suddenly, without any relevant heading and for clarity, this is a matter addressed in the recommendations below.
- 76 Whilst the Neighbourhood Plan does not allocate land for development (and is not required to do so), the first paragraph of Policy HK1 sets out a positive approach by supporting sustainable development within Hook's settlement boundary.
- 77 The settlement boundary identified is in general conformity with the Local Plan, which identifies a settlement boundary for Hart, and it also takes into account relevant evidence informing the emerging Local Plan, which has reached examination stage. In respect of this latter point, I am mindful that the approach taken by plan-makers has regard to Planning Guidance¹², which states:
- “Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”*
- 78 There is a confusing reference to “*the village centre*” in the Policy, which appears as an erroneous addition and in response to my letter of clarification, referred to earlier, plan-makers have confirmed that this should be removed.
- 79 The first part of the Policy also goes on to reference other development plan policies. This results in cumbersome cross-referencing and is unnecessary, as the development plan should be considered as a whole.

¹² Planning Guidance, Paragraph: 009 Reference ID: 41-009-20190509

- 80 The second paragraph of Policy HK1 also includes unnecessary cross-referencing. It then goes on to seek to impose an approach whereby development outside the settlement boundary would only be permissible in exceptional circumstances. Such an approach fails to have regard to national policy, which supports all kinds of appropriate development in the countryside – for example, Paragraph 79 of the Framework provides for different types of housing and Paragraph 83 requires planning policies to enable:

“...the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings...development and diversification of agricultural and other land-based rural businesses...sustainable rural tourism and leisure developments which respect the character of the countryside.”

- 81 Further, national policy goes on to recognise that:

“...sites to meet local business and community needs in rural areas may be found adjacent to or beyond existing settlements...”
(Paragraph 84, the Framework)

- 82 Taking the above into account, I also note that references in the supporting text (Paragraphs 6.2 and 6.3) fail to have regard to national policy.

- 83 Taking all of the above into account, I recommend:

- **Move Policy HK1 to the top of the next page and create two headings above it. The first heading should read “*Neighbourhood Plan Policies*” and the second heading should read “*HOOK SPATIAL POLICY*”**
- **Policy HK1 line 2, delete “and the village centre”**
- **Line 4, delete from “and are in accordance” to the end of the paragraph.**
- **Delete second paragraph (“Development proposals...be supported”)**

- Paragraph 6.2, delete second sentence (“The village...be constrained”)
- Paragraph 6.2, line 3, change “boundaries” to “*boundary*”
- Delete Paragraph 6.3

Policy HK2: Development in Hook Village Centre

84 I note earlier in this Report that the Neighbourhood Plan sets out an aspirational approach to masterplanning Hook's village centre. The aim of this is to provide for its successful, sustainable future and this has regard to Paragraph 83 of the Framework, which requires planning policies to enable:

"...the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."

85 Policy HK2 seeks to support appropriate development in Hook village centre and has regard to national policy.

86 As set out, Policy HK2 requires all development to *"contribute to the delivery of the Masterplan."* As noted earlier in this Report, the proposed masterplan as set out in the Neighbourhood Plan appears aspirational but is not supported by information in respect of deliverability. Given this and in the absence of detailed information, it is not clear how development in the village centre can contribute to it.

87 Planning contributions must be:

"...necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development." (Paragraph 56, the Framework)

88 In the absence of detailed information, Policy HK2 does not meet the basic conditions in this respect.

89 Taking the above into account, I recommend:

- **Policy HK2, change the Policy text to *"Development within the masterplan area shown on Figure 7.9.1 should make a positive contribution to the character and appearance of the village centre and maintain or increase overall public/visitor car parking space. The development of new and varied shops within the masterplan area will be supported. Development should not result in the overall loss of Use Class A floorspace and should not impede the delivery of the new Village Square."* (delete rest of Policy)**

Policy HK3: The Village Square Design Principles

- 90 Policy HK3 seeks to establish positive design principles for the proposed Village Square. These are aimed at ensuring the Village Square can become an attractive and successful place throughout the year.
- 91 In this way, in very general terms, the aims of policy HK3 have regard to Paragraph 85 of the Framework, which recognises the important role that town centres play at the heart of local communities and which supports a positive approach to their growth, management and adaptation. It also has regard to Paragraph 83 of the Framework, referred to above and is in general conformity with Policy H3 ("*Hook Parade: Redevelopment*") of the Local Plan, which supports development that contributes to the vitality and viability of Hook village centre.
- 92 However, as set out, Policy HK3 appears as a general, aspirational vision, rather than a deliverable land use planning Policy. Whilst, if one looks very hard at Figure 7.9.1, it is possible to find the indicative location of the Village Square, there is an absence of detailed information in the Neighbourhood Plan to show the precise area to which Policy HK3 relates. This fails to have regard to planning guidance, which requires planning policies to be unambiguous and precise¹³:

"A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared."

- 93 Further, in the absence of any information or substantive evidence in respect of deliverability, it is not clear how all development proposals in and around the Village Square can "*be multi-functional, capable of accommodating a range of activities throughout the day and at different times of year.*"

¹³ Planning Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

- 94 In addition, Policy HK3 b. comprises a statement to the effect that the Village Square should “*serve as a catalyst*” for wider improvements across the village centre. No information is provided in respect of how this will be delivered and this part of the Policy does not provide a decision maker with clarity in respect of how to react to development proposals, having regard to Paragraph 16 of the Framework.
- 95 The Policy goes on to require all development to provide active uses at ground floor level “*which animate and enliven the public space*” with mixed uses on upper floors. Again, there is no substantive evidence to demonstrate how all development could achieve this and the final requirement set out in Policy HK3 comprises a general aspiration or vision for a masterplan, rather than a deliverable land use planning policy.
- 96 Policy HK3 is not clear or concise. It is not precise. It is not evident from the Policy how a decision maker should react to development proposals. The Policy does not meet the basic conditions.
- 97 This also gives rise to the need for a number of changes to the supporting text. Hook Parish Council has suggested including a detailed reference to a possible site for the Vets to move to. However, I note that this is not an allocated site and it is not the function of supporting text to effectively propose allocations. The Neighbourhood Plan does not allocate any land for development.
- 98 Taking the above into account, I recommend:
- **Change wording of Policy HK3 to “*The development of a high quality Village Square as a focus for the village centre in the general location shown on Figure 7.9.1 will be supported. The Village Square should be designed to accommodate a range of activities throughout the year.*” Delete rest of Policy**
 - **Paragraph 7.6, change to “The emerging Hart Local Plan contains...”**
 - **Add “*emerging*” before “Policy” in respect of the reference to emerging Policies ED4, ED6 and ED4 in Paragraphs 7.6 and 7.7**
 - **Paragraph 7.6, line 4, delete sentence “The boundary...Fig 2.2.1”**
 - **Paragraph 7.7, line 2, change to “...centre locations *should* not have significant...”**

Policy HK4: Protecting and Enhancing the Biodiversity of Hook

- 99 In Chapter 15, "*Conserving and enhancing the natural environment*," the Framework states that planning policies should contribute to and enhance the natural and local environment by:

"...minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures..." (Paragraph 170, the Framework)

- 100 Generally, Policy HK4 seeks to protect and enhance biodiversity and in this way, it has regard to national policy.
- 101 As set out, the first part of the Policy requires development adjoining any watercourse to contribute to the creation of a wide corridor and to ensure long term sustainable management. There is no substantive evidence to demonstrate that these requirements meet the tests for planning obligations set out in Paragraph 56 of the Framework and referred to earlier in this Report. Notwithstanding this, there is nothing, in any case, to demonstrate that such requirements are deliverable, having regard to Paragraph 16 of the Framework, also referred to previously.
- 102 Similarly, there is no substantive evidence to demonstrate that any development to the north of the village could deliver the requirement to contribute to connectivity between woodland copses, or why this would, in all cases, be relevant, material and necessary.
- 103 It is also unclear why all development within the settlement boundary "*must*" recognise the importance of gardens – this may not be a relevant, material or necessary matter to all development proposals. This part of the Policy also includes an ambiguous requirement for all development affecting gardens to "*make additional provision for wildlife.*" No substantive information is provided in respect of the base-line over and above which provision for wildlife would be additional, or who would judge this, or who would judge and on what basis, what type of development "*affects*" gardens.
- 104 The fourth paragraph of Policy HK4 is also vague in referring to "*development near to ponds.*" No indication is provided in respect of how "*near*" might be calculated. Further, there is no substantive evidence to demonstrate that all ponds already provide connectivity to habitats beyond, or in respect of what a "*suitable buffer*" comprises.

- 105 Taking the above into account, whilst the Policy generally supports the protection and enhancement of biodiversity, some of the requirements set out are vague, imprecise and unsupported by evidence in respect of deliverability.
- 106 Consequently, as worded, the Policy does not have regard to Planning Guidance, which requires policies to be clear, unambiguous and precise, or to Paragraph 16 of the Framework, which requires policies to make it evident to decision makers how to react to development proposals.
- 107 Paragraphs 8.9 to 8.11 read as though they comprise a Policy, which they do not.
- 108 I recommend:
- ***Policy HK4, change wording to “Development adjoining the River Whitewater or other watercourses should contribute to the creation of a corridor of good quality habitat and should not harm water flow or water quality. Improvements to connectivity between woodland copses to the north of the village will be supported. Development in the village should take into account the importance of existing gardens, open space and features that provide for ecological connectivity, such as hedgerows. Development affecting ponds should retain existing wildlife buffer zones and connections to other habitats and the provision of more ponds is supported. Species rich and/or historic hedgerows and important trees should be protected and the provision of new native hedgerows and/or trees is supported.”***
 - **Delete Paragraphs 8.9 to 8.11 inclusive**

Policy HK5: Landscape

109 The landscape around Hook is recognised for its attractive qualities. Paragraph 127 of the Framework requires planning policies to ensure that developments:

“...are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change...”

110 Generally, Policy HK5 seeks to protect Hook's important landscape features and has regard to national policy.

111 As worded, Policy HK5 requires all development proposals to respect and enhance specific aspects of Hook's landscape, regardless of need or relevance.

112 Further, the Policy requires development to demonstrate *“no net adverse impact”* on the identity or key characteristics of the landscape. There is no detailed information in respect of how net adverse impact might be calculated and this part of the Policy appears imprecise.

113 The Policy also includes a confusing description of part of the landscape of the Neighbourhood Area, resulting in a Policy which, despite its intention, only protects parts of the Neighbourhood Area's important landscape.

114 I recommend:

- **Policy HK5, change wording to: *“Development proposals should respect and where possible enhance the small-scale lowland mosaic landscape of the Neighbourhood Area and the key characteristics of the Loddon Valley and Forest of Eversley West Character Area.”***

Policy HK6: Hook to Newnham Gap

- 115 Local Plan Policies CON19 (*"Strategic Gaps – General Policy"*) and CON21 (*"Local Gaps"*) provide protection from inappropriate development within gaps that separate settlements from one another. Policy CON21 includes a gap between Hook and Newnham.
- 116 Policy HK6 seeks to maintain a gap between Hook and Newnham, in order to prevent the physical and visual coalescence of the two settlements. In this respect, Policy HK6 is in general conformity with the Local Plan.
- 117 Whilst I note that a representation has been made in respect of the fact that the emerging Local Plan might not include a gap between these two settlements, the emerging Local Plan is precisely that. It is not an adopted document and its precise final content is, as yet, unknown. The Neighbourhood Plan is not examined against emerging planning policy.
- 118 Whilst the adopted Local Gap policies in the Local Plan pre-date the publication of the first Framework in 2012, I note that a Planning Inspector, in dismissing a planning appeal a number of years after the publication of the Framework¹⁴ referred to the development proposal as having an adverse impact on the Local Gap between Hook and Newnham. The Inspector did not consider the Local Gap policy to run counter to the requirements of national policy and national policy, in the form of the Framework against which this Neighbourhood Plan must be examined states that planning policies should contribute to and enhance the natural and local environment by:
- "...recognising the intrinsic character and beauty of the countryside..."*
(Paragraph 170, the Framework)
- 119 The supporting text for Policy HK6 identifies the important role of the countryside around Hook in respect of, amongst other things, defining local character, providing open space and supporting wildlife.
- 120 The precise boundary of the gap shown on Figure 8.13.1 has emerged through the plan-making process and I note earlier in this Report that the Neighbourhood Plan was supported by an appropriate consultation process.

¹⁴ Reference: APP/N1730/A/14/2226609.

- 121 Paragraph 29 of the Framework gives communities the power to develop a shared vision for their area and the community has sought to maintain an important gap between Hook and Newnham. The submitted information provides evidence in respect of how the boundaries of the proposed gap, supported by the community, were determined.
- 122 There is no requirement for the Neighbourhood Plan to allocate land for development and there is no substantive evidence before me to demonstrate that maintaining a gap between Hook and Newnham would, in itself, mean that Hart District would be prevented from providing housing land to meet its needs, or would necessarily result in the Neighbourhood Plan failing to contribute to sustainable development.
- 123 The wording of the Policy includes a vague reference to “*proposed*” developments and fails to provide for the balanced consideration of harm and benefits, as required in order for the Neighbourhood Plan to contribute to the achievement of sustainable development. These are matters addressed in the recommendations below.
- 124 The final sentence of Paragraph 8.14 reads as a policy, which it is not.
- **Policy HK6, change wording to “...on Fig 8.13.1 *should not lead to the physical or visual coalescence of these villages or damage their separate identity.*” Delete rest of Policy**
 - **Delete last sentence of Paragraph 8.14 (“Development in the...identify.”)**
 - **Delete Paragraph 8.16 which is not relevant to the Policy**

Policy HK7: Views

- 125 Whilst Policy HK7 identifies general views, it goes on to set out stringent requirements for land to “*be protected.*” This results in a confusing Policy. Rather than simply ensuring that development respects general views, much of the Policy simply seeks to protect land for its own sake. Such an approach runs the risk of preventing sustainable development from coming forward and fails to meet the basic conditions.
- 126 Further to the above, I note that views can change annually, seasonally, monthly, daily and even hourly. Figure 8.16.1 provides only vague information in respect of views and does not provide detailed, substantive evidence in respect of the precise nature of views to be protected. As a consequence, it is not clear to understand how the strict requirements of the Policy might be interpreted by a decision maker, having regard to Paragraph 16 of the Framework.
- 127 Notwithstanding the above, I am mindful that the Framework, in Paragraph 127, requires development to be sympathetic to local character, including landscape setting and I recommend:
- **Policy HK7, change text to “*Development should respect views from the Hook settlement boundary towards the north-east and east across the valley of the River Whitewater and its setting; from the Hook settlement boundary to the west, towards Newnham; and from the east side of Newnham (within the Neighbourhood Area) towards the west side of the Hook settlement.*”**
 - **Page 32, add “emerging” to title of section b) and also prior to “Policy” in respect of references to Policy NBE5 in that section**

Policy HK8: Control of light and noise pollution

128 Generally, external lighting – such as domestic lighting - is not subject to planning permission. As set out, Policy HK8 seeks to impose controls over the use of external lighting that would be well outside the scope of the Neighbourhood Plan.

129 In this respect, I note that Hart District Council has suggested the re-wording of Policy HK8 and that this re-wording is acceptable to plan-makers.

130 I recommend:

- **Change Policy HK8 to “*Development requiring external lighting should demonstrate that the impacts from light pollution are minimised. Development leading to a significant noise impact will not be supported. Noise arising from new development should be mitigated and the impact reduced to a minimum.*” Delete rest of Policy**
- **Delete first line of Paragraph 8.22, which refers unnecessarily to an emerging policy**
- **Add “*emerging Policy*” to end of first line of Paragraph 8.25**

Policy HK9: Pedestrian and Cycle Paths

131 Paragraph 98 of the Framework states that:

“Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users...”

132 The general intention of Policy HK9 is to enhance the Neighbourhood Area's footpath and cycle network.

133 However, as set out, the Policy sets out requirements without evidence to demonstrate that these meet with the relevant tests set out in Paragraph 56, referred to earlier in this Report, or without evidence to demonstrate that the requirements are deliverable, having regard to Paragraph 16 of the Framework.

134 As a consequence, the Policy seeks to impose obligations and sets requirements without an appropriate evidence base and as worded, it fails to meet the basic conditions.

135 Taking this and the above into account, I recommend:

- **Policy HK9, change to: “The enhancement of existing and the creation of new footpaths and cycle paths, especially segregated provision and linked routes, will be supported. Figure 9.1.1 indicates opportunities to achieve this.” Delete rest of Policy**
- **Change last sentence of Paragraph 9.1 to “The provision of safe and convenient access to the village centre and other community facilities by sustainable modes of transport is an important consideration.”**
- **Delete Paragraph 9.4**
- **Change title of Figure 9.1.1 to “Pedestrian and Cycle Opportunities”**

Policy HK10: Parking

136 The first part of Policy HK10 simply refers to existing requirements and is unnecessary.

137 The second part of Policy HK10 runs the risk of supporting inappropriate forms of development in residential areas and fails to contribute to the achievement of sustainable development.

138 I recommend:

- **Policy HK10, change to *“Parking provision should be well integrated to prevent it from dominating the public realm and the loss of public parking spaces will not be supported, unless an acceptable alternative is provided.”* Delete rest of Policy**
- **Delete Paragraph 9.6, which is dependent upon emerging policies**

Policy HK11: Residential and mixed use Windfall Development

139 Policy HK11 seeks to ensure that windfall development makes a positive contribution to the Neighbourhood Area and as such, in general terms, the Policy contributes to the achievement of sustainable development.

140 Whilst important considerations, the provisions within Policy HK11 are wide ranging and there is no substantive evidence to demonstrate that they are all deliverable, having regard to Paragraph 16 of the Framework. Consequently, it may not be possible for each consideration to be "*positively addressed*," a term which, itself, is quite vague.

141 Further to the above, Paragraph 40 of the Framework makes it clear that the requirements set out in Policy HK11 in respect of consultation and masterplanning cannot be imposed upon a developer. Nonetheless, early engagement has significant potential to improve the efficiency and effectiveness of the planning application system and to result in improved outcomes for the community. This is a factor recognised in Paragraph 39 of the Framework and taken into consideration in the recommendations below.

142 Hart District Council has made a representation recommending more clarity in respect of the definition of "*large windfall sites*" and this adds clarity to the Policy.

143 I recommend:

- **Change wording of Policy HK11 to "*Large windfall sites (sites of 10 or more dwellings, 1000m² or more of floorspace, or on a site larger than 0.5ha) should give consideration to the following: (LIST OF SIX BULLET POINTS HERE). Consultation with the local community around a masterplan prior to the submission of a large windfall site application is encouraged.*"**
- **Paragraph 10.6, for clarity, delete first two sentences and replace with "*The Neighbourhood Plan does not allocate land for development. It is noted that a number of large scale developments are coming forward around the village, e.g. (List of bullet points here)*"**

- Paragraph 10.9 add "*emerging*" to Policy reference
- Delete Paragraphs 10.10 to 10.14 inclusive and Table 10.8, which are not relevant to the Policies in this section and appear confusing (NB, the paragraph numbering is incorrect, delete five paragraphs of text, from "The result of this work...that presents itself often")

Policy HK12: Design

144 National planning policy recognises that:

“Good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities.” (Paragraph 124, the Framework)

145 Local Plan Policy GEN4 (*“General Design Policy”*) seeks to ensure that development sustains or improves the urban design qualities of settlements.

146 Policy HK12 seeks to ensure that good design forms part of all development proposals in Hook and in this way, it has regard to national policy and is in general conformity with the Local Plan.

147 As set out, the Policy appears prescriptive, as it seeks to impose requirements on all forms of development, regardless of relevance or deliverability. Further, the Neighbourhood Plan cannot impose *“Nationally Described Space Standards”* upon all forms of development.

148 Hart District Council has made a recommendation in respect of clarifying which areas have a high sensitivity to change, and this adds clarity to the Policy.

149 I recommend:

- **Policy HK12, change first paragraph to *“Development should make a positive contribution to Hook’s character and where appropriate, incorporate local vernacular and take account of the content of the Hart Urban Characterisation and Density Study.* Development proposals should also consider the following: (LIST OF BULLET POINTS HERE**
- **Delete bullet point f,**
- **Change 2) to *“Development in areas of high sensitivity to change (areas of highest townscape quality identified in the Hart Urban Characterisation and Density Study) should...existing buildings.”***

- **Change 3) to “Development proposals *should be inclusive and...crime.*”**
- **Paragraph 10.14, add “*emerging*” to Policy references**
- **Delete Paragraph 10.18, which appears unnecessary and confusing**
- **Paragraph 10.19, add “*emerging*” to Policy reference**

Policy HK13: Locally Significant Heritage Assets

150 Chapter 16 of the Framework, "*Conserving and enhancing the historic environment,*" recognises that the nation's heritage assets comprise an irreplaceable resource. Paragraph 184 of the Framework requires all heritage assets to:

"...be conserved in a manner appropriate to their significance..."

151 Generally, Policy HK13 seeks to protect various buildings and features that are considered to comprise locally significant heritage assets. However, the opening sentence of the Policy fails to have regard to national policy, which sets out a carefully nuanced, flexible and sustainable approach to safeguarding heritage, whereby less than substantial harm to a heritage asset should be considered against any benefits arising.

152 In respect of non-designated heritage assets, national policy states:

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset."

153 The Policy goes on to state that Jubilee Green is an area of special character and seeks to afford it special protection. The approach set out for Jubilee Green is not dissimilar to that for a Conservation Area. However, the area is not a designated heritage asset. Unlike a Conservation Area, it is not supported by designation or a substantive, objective evidence base, underpinning the high level of protection proposed.

154 Taking all of the above into account, I recommend:

- **Policy HK13, delete first paragraph and replace with "*The list below identifies buildings and features considered by the community to comprise locally significant heritage assets. Development proposals affecting any of these buildings or features should set out the effect of the proposal on that building or feature's significance.*"**

- Delete "2) The following...Assets:"
- Retain list, 1-29
- Delete all text below the list, 1-29 and replace with "*Jubilee Green is recognised for the quality of its individual buildings and its strong collective character. Proposals for development in Jubilee Green should demonstrate how they will make a positive contribution to this special character.*"

Policy HK14: Education, Wellbeing, Sport and Leisure

155 Chapter 8 of the Framework, "*Promoting healthy and safe communities,*" promotes healthy lifestyles and requires planning policies to:

"...plan positively for the provision and use of shared spaces, community facilities...and other local services to enhance the sustainability of communities and residential environments." (Paragraph 92, the Framework)

156 The first part of Policy HK14 supports the renewal and enhancement of community and leisure facilities and has regard to national policy.

157 Generally, the second part of the Policy also has regard to national policy, although it refers to elements, such as being "*inviting, practical and easy to maintain*" that fail to make it evident how a decision maker should react to development proposals, having regard to Paragraph 16 of the Framework.

158 I recommend:

- **Change wording of the second part of Policy HK15 to "*...large developments they should be easily accessible from the village and provide footpath and cycle connections.*"**
- **Paragraph 11.5 add "*emerging*" to Policy reference**

Policy HK15: Employment sites within Hook village

159 National planning policy seeks to support a prosperous rural economy and in so doing, seeks to enable:

"...the sustainable growth and expansion of all types of business in rural areas..." (Paragraph 83, the Framework)

160 Policy HK15 generally supports development that provides for the growth and expansion of employment uses and in so doing, has regard to national policy.

161 However, as worded, the Policy appears inflexible and as such, it runs the risk of failing to contribute to the achievement of sustainable development. It also includes an unnecessary reference to other development plan policies. I also note that Hart District Council consider that the Policy should refer to the potential for employment sites to harm residential amenity or the local environment. This would help the Policy to contribute to the achievement of sustainable development and I take this into account in the recommendations below.

162 I recommend:

- **Policy HK15, change part 1. to *"Development proposals that would result in the loss of employment floorspace should demonstrate that employment use is no longer viable, further to actively marketing the property at a market value for a period of at least twelve months; or that it is not appropriate for employment use in respect of harm to residential amenity or the local environment."***
- **Delete last sentence ("This policy...ED2")**
- **Update Figure 12.1.1 to ensure that it is accurate**
- **Paragraph 12.4, add *"emerging"* to Policy reference**
- **Delete Paragraph 12.5, which is unnecessary and in any case, does not relate directly to the Policy**

8. The Neighbourhood Plan: Other Matters

163 The recommendations made in this Report will also have a subsequent impact on Contents, including Policy, paragraph and page numbering.

164 I recommend:

- **Update the Contents and where necessary, Policy, paragraph and page numbering, to take into account the recommendations contained in this Report**

9. Referendum

165 I recommend to Hart District Council that, subject to the recommended modifications, **the Hook Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

- 166 I am required to consider whether the Referendum Area should be extended beyond the Hook Neighbourhood Area.
- 167 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.
- 168 Consequently, I recommend that the Plan should proceed to a Referendum based on the Hook Neighbourhood Area approved by Hart District Council on the 2nd October 2014.

Nigel McGurk, July 2019
Erimax – Land, Planning and Communities

