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## **Crandall Neighbourhood Plan Regulation 16 Consultation**

Dear Sir/Madam,

### Introduction

This letter provides Gladman's representations to the submission version of the Crandall Neighbourhood Plan (CNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues within the CNP as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in Neighbourhood Planning, having been involved in the process across the country. It is from this experience that this representation has been prepared.

### Legal Requirements

Before a Neighbourhood Plan can proceed to referendum, it must be tested against a set of basic conditions defined in Paragraph 8(2) schedule 4b of the Town and Country Planning Act 1990 (as amended) by way of independent examination. The basic conditions that the CNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by Secretary of State, it is appropriate to make the order.*
- (d) The making of the order contributes to the achievement of sustainable development.*
- (e) The making of the order 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).*
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.*
- (g) Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).*

### National Planning Policy

On the 24th July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously through the Housing White Paper. This version was itself superseded on the 19th February 2019, with the latest version, largely only making alterations to the Government's approach for the Appropriate Assessment as set out in Paragraph 177, clarification to footnote 37 and amendments to the definition of 'deliverable' in Annex 2.

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making and decision-taking. This means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed

needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account of and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 13 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 15 further makes clear that neighbourhood plans should set out a succinct and positive vision for the future of the area. A neighbourhood plan should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 29 of the Framework makes clear that a neighbourhood plan must be aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

#### Relationship to the Local Plan

To be found in accordance with the Basic Conditions, Neighbourhood Plans should be prepared to conform to the strategic policy requirements set out within the adopted Development Plan. In the case of the CNP, the relevant development plan is currently provided by the saved policies of the Hart Local Plan 1996 – 2006.

The Council has been progressing work on a new Local Plan for the District. This was submitted for examination and approved at a meeting of Full Council held on 6th March 2019. When adopted this plan will provide the overarching strategic policies for the district.

The hearing sessions of the examination have now closed. Following receipt of the Inspector's Post Hearing Letter where the Inspector set out his initial conclusions the Council are currently consulting on a schedule of main modifications, prior to the Inspector issuing his final report.

One of the key conclusions is that the housing requirement of the Plan should be increased to account for the expected unmet need to arise from Surrey Heath. This means that the housing target will be increased from 382 dwellings per annum to 423 dwellings per annum. The result of this will be that there is a shortfall of 230 dwellings in the plan period, arising in the final year of the plan.

As such, the CNP must ensure that policies are sufficiently flexible to assist in delivering housing needs whilst sufficiently aligning with the emerging Local Plan to avoid conflicts between the two development plan documents. Otherwise, should the Local Plan be adopted before the CNP, there is a risk that the neighbourhood plan would not conform with the strategic policies or if adopted in advance of the Local Plan policies may be superseded under Section 38(5) of the Planning and Compulsory Purchase Act 2004.

#### Neighbourhood Plan Policies

This section highlights the key issues that Gladman would like to raise with regards to the content of the CNP as currently proposed. It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend modifications necessary for the CNP to meet the basic conditions.

## **Policy 1: Spatial Plan**

This policy sets out that development will be supported where it falls within the existing settlement boundary and sets out that development beyond the settlement boundary will only be supported if appropriate to a countryside location. Gladman object to the use of settlement boundaries, in cases such as this, where the use of such a mechanism would preclude otherwise sustainable development from coming forward. The Framework is clear that development which is sustainable should go ahead without delay. The use of a settlement boundary to preclude otherwise sustainable development from coming forward does not accord with the positive approach to growth required by the Framework and is contrary to basic condition (a).

With the current Local Plan Main Modifications consultation indicating that there will be a shortfall of dwellings in the plan period Gladman consider that flexibility should be included in this policy to support sustainable development adjacent to the settlement boundary. This will also bring the policy into greater accordance with Paragraphs 11 and 16(b) of the NPPF (2019) and the requirement for policies to be sufficiently flexible to adapt to rapid change and prepared positively.

Accordingly, Gladman consider that the above policy should be modified to allow for this flexibility and it is considered that the CNP would be better served by a criteria-based approach consistent with the requirements of national policy and the following wording is put forward for consideration:

*"The neighbourhood plan will take a positive approach to new development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Development proposals that accord with the policies of the Development Plan and the Neighbourhood Plan will be supported particularly where they provide:*

- *New homes including market and affordable housing; or*
- *Opportunities for new business facilities through new or expanded premises; or*
- *Infrastructure to ensure the continued vitality and viability of the neighbourhood area.*

*Development proposals that are considered sustainable and well related to the existing settlement will be supported provided that the adverse impacts do not significantly and demonstrably outweigh the benefits of development."*

Indeed, this approach was taken in the examination of the Godmanchester Neighbourhood Plan. Paragraph 4.12 of the Examiner's Report states:

*"...Policy GMC1 should be modified to state that "Development ...shall be focused within or adjoining the settlement boundary as identified in the plan." It should be made clear that any new development should be either infill or of a minor or moderate scale, so that the local distinctiveness of the settlement is not compromised. PM2 should be made to achieve this flexibility and ensure regard is had to the NPPF and the promotion of sustainable development. PM2 is also needed to ensure that the GNP will be in general conformity with the aims for new housing development in the Core Strategy and align with similar aims in the emerging Local Plan."*

The policy goes on to state that important views are to be preserved, protected and enhanced such that any development that would affect these views would not be supported, without identifying what are considered to be the important views that should be protected. The PPG is clear that policies in neighbourhood plans should be clear and unambiguous, drafted with sufficient clarity that a decision maker can apply them consistently and with confidence when determining planning applications. They should be concise, precise and supported by appropriate evidence. This element of the policy fails this requirement and to meet basic condition (a), Gladman consider this element of the policy should be deleted.

Finally, this policy states that development proposals that result in creeping expansion of the settlement boundaries will be strongly resisted. This approach does not accord with the NPPF (2019) and the necessity for planning policies to be positive. We have set out above why we consider development proposals adjacent to the settlement boundary should be supported and again this element of the policy should be deleted.

### ***Policy 2: Housing Site Selection***

Three of the four allocated sites are within the proposed settlement boundaries and of a scale that would be supported by Policy 1 of the CNP. We therefore question the necessity of these allocations when other policies of the development would support this development and these sites may be more suited coming forward as windfall allowance. Further, the scale of these allocations would not allow the delivery of affordable housing, a key issue in Hart and one to which the Inspector has felt an increase in the housing requirement is necessary. Gladman therefore suggest the removal of these sites as allocations to come forward as windfall development in accordance with suggested amendments to the settlement boundary approach which would be a more sustainable approach in line with the requirements of the Framework allowing for development to come forward of a size for affordable housing to be delivered.

### ***Policy 3: Housing Design***

This policy seeks for development proposals to meet or exceed the Nationally Described Space Standards. Gladman do not consider a neighbourhood plan to be the appropriate mechanism to set requirement a requirement for these standards and this should be left to the Local Plan where the requirements can be interrogated robustly at examination in public, supported by the Plan's Viability Assessment, taking in to account other factors that may also affect viability. The Local Plan is already proposing to introduce this requirement and as such Gladman suggest that his element of the policy is deleted.

### ***Policy 4: Crondall/Mill Lane Local Gap***

Gladman object to the use of Local Gaps if they would only serve to act as an arbitrary tool to prevent sustainable development. In this regard we submit that new development is often successfully located in areas between existing settlements without actually leading to the physical or visual merging of settlements, eroding the sense of separation between them or resulting in the loss of openness and character.

The scale of the gap proposed in this policy is larger than the settlements it is seeking to protect and follows no logical boundary. Gladman have seen no evidence that the gap is necessary to prevent the settlements coalescing and therefore this policy should be deleted in line with the PPG which seeks to avoid policies setting blanket policies restricting housing development in some settlements and preventing other settlements expanding without support of robust evidence.

### **Conclusions**

Gladman recognises the role of Neighbourhood Plans as a tool for local people to shape the development of their local community. However, there is a need to ensure that a Neighbourhood Plan can first be found to be consistent with the basic conditions. Having reviewed the proposed policies of the CNP, Gladman has concerns that the submission version does not meet basic condition (a), as the plan conflicts with national policy and guidance.

Gladman hope that the comments made within this representation have been found to be helpful and constructive. Should you wish to discuss any of the comments made any further please do not hesitate to contact one of the Gladman team.

Kind regards,

Richard Agnew  
Planner  
Gladman