

Hart District Council Officer Comments on the Hartley Wintney Neighbourhood Plan Pre-Submission Regulation 14, September 2017.

February 2018

Page/para	Comments	BH/LB Comments	HWNPSG response	HWNPSG Action
Front Page	Include Plan period	done	done	done
General	The Draft Plan and Strategic Environmental Assessment are based on the Draft Local Plan April 2017 and a number of references including Policy references will need to be updated to reflect the proposed Submission version of the Local Plan, February 2018 (available on the website from mid Dec 2017) as part of preparing the next version of the Neighbourhood Plan.		noted	Updated as / when new docs came on board
Para 1.2	Reference to current Development Plan incorrect. The Development Plan can be found at <a href="https://www.hart.gov.uk/Current-planning-policy-guidance">https://www.hart.gov.uk/Current-planning-policy-guidance</a>		noted	Updated as appropriate
Para 1.25	'Thames Basin <b>Heaths Special Protection Area</b> '		noted	
Para 2.1	The District Council does not approve the Plan before Examination.		Wrong plan considered	No action required
Para 2.2	Sustainability Appraisal – Should this be Strategic Environmental Assessment? It would be helpful to say that an SEA has been carried out and a bit more about how the SEA has informed the NP.		Noted – this was intended to be sustainability	No action at this para – SEA referred to in document 1.25

Page 10 Diagram – Statement of Community Involvement	Latest version is adopted 31 <sup>st</sup> July 2014 amended April 2017.		noted	The HWNP has been subjected to many changes due to the changing position of Hart DC it is important therefore to understand the context within which the Plan has been developed
Para 3.3.1	Not sure of the value to the Plan of including this paragraph.		noted	As above
Para 3.3.3	This section is confusing. It refers to publication of documents but not all of these are documents and some have not been subject to consultation – e.g. bullet point on SANGs. This section would benefit from some re ordering to identify those documents related to the emerging Local Plan and those related to supporting matters?		noted	As above – however some modification undertaken
Para 3.3.3	Interim Housing Delivery Strategy – this has been withdrawn and should not be referred to.		noted	Not removed as this document formed part of the basis for the development of the Plan. It is, however, noted that it has since been withdrawn
Para 3.3.3	Final bullet – erroneous ‘336’		noted	revised
Para 3.3.3 page 12	Strategic Housing Land Availability Assessment appears twice.		noted	revised
Para 3.3.3 page 12	References to the SHMA and to the five year supply/target will need to be updated.		noted	At time of submission, it is intended that the NP will refer to the latest documents, however these are still changing
Para 3.3.6 – 3.3. 9	Will need to be updated. Background might be better in an Appendix?		noted	
Para 4.2.4	This has been updated.		noted	
Para 4.2.5	Update Policy ref. [And elsewhere in the Plan]		noted	
Para 4.2.14	It is unclear how the SHMA was used to identify the housing need for the		noted	Initially the SHMA was used to identify the need for 81 houses as referred to within

	Parish and how this led to 23 dwellings being identified?			the NP. However, Hart DC have allocated no housing to Hartley Wintney. However, the objectives for the Plan still identified a need for some smaller housing, therefore a nominal figure of 23 was subsequently identified to meet this need. This is 23 in excess of Hart requirements
Para 4.4 and 5.2 (and 1.2)	Housing (1) is the time period 2016 – 2032 or 2017 – 2032?		noted	Action – changed to 2017
Para 4.4 Objective 5	Replace `settlement ` with `development`		noted	No action
Para 5.1.7	Hart is now top again in the Halifax Survey.			
Para 5.1.11/5.1.13	Unclear as to what is meant by affordable market housing? Presumably this does not refer to affordable housing? The cost of market housing cannot be controlled.		noted	Affordable market housing is used in Neighbourhood Plans to identify homes that are commercially built, however smaller and more suitable for first time buyers. It is not intended to refer to “affordable housing”.

Para 5.1.17	Refers to providing for those who want to move into the area – this contradicts other statements about providing for those with a local connection.		noted	
Para 5.1.18	Gap no longer proposed in current Local Plan document – will need to be updated.		noted	removed
HW Policy 1	This Policy is a mix of criteria relating to the TBHSPA and biodiversity and green infrastructure issues. These should be separated out into two or three policies, or the Policy retitled and restructured. It is noted that the separate Examiners comments suggests deletion of this Policy, however this will need to be balanced against the outcome of the HRA screening and any comments from Natural England.		noted	Policy inserted after discussion with Natural England, however removed after HRA undertaken
Site specific policies	All three allocated sites have been identified as having flooding issues – please see separate comments at the end of this Comments table and comments from the Examiner. The following officer comments would apply if the flooding issues can be resolved.		noted	It is recognised that Nero Brewery and Pools Yard have been identified as being in Flood Zone 3. The developer for Pools Yard has applied to the EA for re-designation and it has verbally been agreed that this will be reclassified as Flood Zone 2. This will, of course, still make it subject to sequential testing, which has been part of his application to the EA. The policies reflect this re-designation and it is assumed that Nero Brewery, which is in part in Flood Zone 3 will also be re-designated as it is immediately adjacent to Pools Yard.

				<p>James Farm is not in a Flood Zone</p> <p>The SHLAA states: <i>“The sites...are not being assessed further on the grounds that they do not need to be allocated in the next Local Plan for development to take place on that site. There is no ‘in principle’ reason why these sites could not be developed under current policy.</i></p> <p><i>As such, proposals on these sites can be assessed through the normal planning application process.”</i></p>
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	<p>1<sup>st</sup> bullet - Some flexibility should be included and therefore suggest reference to '<b>approximately 9 dwellings</b>'</p> <p>10th bullet – is this a general point to all sites or specific to this site – needs to be clarified.</p> <p>Last bullet point – currently confusing and question whether this is needed.</p>		<p>Noted</p> <p>Noted</p> <p>noted</p>	<p>actioned – word “around” inserted</p> <p>Policy re-worded to reflect “site specific” elements</p> <p>Policy re-worked</p>
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HW Policy 3 James Farm	<p>The site is located outside Hartley Wintney settlement boundary and is therefore contrary to Saved policies RUR2 and RUR3 'Development in the Open Countryside' and SS1 in the emerging Local Plan. The SHLAA assesses the site as being not currently developable because of its location outside a settlement. Planning application 14\1462\FUL was refused permission for 4 dwellings on these grounds.</p> <p>Detailed Comments: As before for first and last two bullet points.</p>		noted	<p>It is believed that it is appropriate in these circumstances to re-define the settlement boundary around this site to enable this development to go ahead as it meets the criteria of the Vision and Objectives</p>
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	<p>4<sup>th</sup> bullet – not clear when mitigation is required? Are the 10<sup>th</sup> and 11<sup>th</sup> bullet points more relevant to a biodiversity policy?</p> <p>As above, query the value and sense of last two bullet points. This site is not likely to provide a bespoke SANG and therefore what is the purpose of last bullet point?</p>		<p>Noted</p> <p>Noted</p> <p>noted</p>	<p>If it becomes necessary to remove any trees subject to TPO, it will be necessary to replace these with native species</p> <p>No action</p>
<p>HW Policy 4 Pools Yard</p>	<p>Hart District Council object to the allocation of this site as it lies within Flood Zone 3. The NPPF is clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (sequential test). The overall aim is to steer development to sites in Flood Zone 1. It is contrary to emerging Local Plan Policy NE4 as the site doesn't meet the sequential and exception tests and is located in Flood Zone 3. No reference is made to the flood risk at the site and there are no criteria seeking a site specific Flood Risk Assessment or flood protection/resilience or resistance measures. The site is located close to listed buildings and no reference is made to protecting these or their setting.</p>		<p>Noted</p>	<p>The Steering Group feel that this site clearly meets the criteria of the Vision and Objectives, in addition it is a brownfield site with easy access to the centre of HW. As such it is highly suitable for smaller dwellings which would be particularly suitable for persons wishing to downsize. Pools Yard (adjacent to Nero brewery) has successfully made an application to the EA for re-designation to Flood Zone 2 (still requiring sequential testing) and it is strongly felt that this would give Nero Brewery re-designation to FZ2 as well. Although this would still require the developer to undertake sequential testing for this site with HDC, the suitability of this site is believed to be strong.</p> <p>The policy requires the development to reflect surrounding buildings as well as to fit with existing buildings on site</p> <p>The fact this site is brownfield is a very</p>

	Comments as above re number of dwellings, bullet points on biodiversity and final paragraph.		noted	strong factor in its allocation
Policy 5 – Design Guide	Reference to ‘varied appearance’ would benefit from some explanation.		noted	No action
Policy 6 – Protection of Local Greenspace	See Examiner comments.		noted	Mr McGurk comments responded to separately
Para 6.1. 8/9	Policies CON 4, 5 and 6 are to be replaced by the emerging Local Plan policies. Reference to Policy 5 should be Policy 6.		noted	The NP is required to be in general conformity with the saved policies
HW Policy 7	This is unclear. Would be better to say that ‘development proposals which harm the distinctive gateway views...’  Reference to Policy 6 in para 6.8.4 should be Policy 7.		Noted  noted	  Re numbering undertaken

Policy 8 Green Gaps	The Policy will require updating, or deleting as it is now not proposed in the emerging Local Plan to allocate a specific site for a new settlement at Murrell Green with its associated settlement gaps. Instead it is proposed to allocate an Area of Search for a new settlement through a separate DPD which will also identify appropriate gaps. No Gap will be identified in the Hart Local Plan Strategy and Sites so criteria for development within a Gap are not currently needed.		noted	Policy removed
Policy 9 Conservation Areas	<p>The emerging Local Plan policy uses conserve rather than preserve to keep consistent with the NPPF but this is not a significant issue as Historic England acknowledged either could be used. However, a reference should be added to the policy to require that development does not adversely affect the setting of the Conservation Area.</p> <p>Could consider widening this Policy to cover all heritage assets.</p>		noted	
Policy 10 Control of Artificial Light	It would be helpful to define what is expected from an 'appropriate assessment'		noted	

	<p>Suggest second sub bullet is reworded:</p> <p>'the nature of the proposed lighting has been sensitively designed and appropriate for its use and location'.</p>		noted	
Policy 11 Design of Shopfronts	<p>Suggest first sub bullet is reworded as follows:</p> <p>'Proposals for shopfront signage within the primary shopping area should be designed to respect the character and proportions of the entire building, including widths, horizontal and vertical elements and details of the upper stories and adjoining facades;'</p> <p>See also comments to Policy 13.</p>		noted	
Policy 12	<p>This is not a land use Policy and should be a community aspiration.</p>		noted	This is a community aspiration

<p>Policy 13 Protection of Retail premises</p>	<p>The criteria in this Policy make it difficult to use for development control purposes.</p> <p>1<sup>st</sup> and 3<sup>rd</sup> bullet points refer to ‘primary shopping area’ and ‘village centre’ – in 3<sup>rd</sup> bullet point do you mean ‘primary shopping area’, although Fig 27 (need to renumber in Policy) is titled ‘Village Centre’. Need to clarify. 4<sup>th</sup> bullet point – what would comprise ‘appropriate’ and ‘well-located’?</p> <p>Also refers to ‘local’ retail – it is not possible to distinguish what is ‘local’ as applications are determined on the appropriateness of a particular Use Class.</p> <p>Criterion (b) – how would officers determine ‘oversupplied’ and ‘excessive concentration’?</p> <p>Reference could be made to proposals needing to be of an appropriate scale. The Policy seeks to promote retail use whereas the NPPF seeks to promote a wider range of development including local services and community facilities including local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.</p> <p>Of note, this Policy does not explicitly</p>		<p>noted</p>	<p>Adjustments made to the policy in line with Mr McGurks suggestions</p>
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	seek the protection of retail premises (bullet one supports new proposals).			
Policy 14 Re-use of Agricultural buildings	<p>Suggest delete 'strong' as this is ambiguous.</p> <p>Tighter in scope than the emerging Local Plan Policy ED3 in that it doesn't make provision for replacement buildings or extensions. Not all rural buildings are agricultural and the policy should allow for this. The Policy is tighter in scope than RUR4 which includes reuse for community,</p>		noted	

	business, industrial, recreation and tourism not just agriculture and employment.			
Page 73 – Housing data	3 <sup>rd</sup> bullet point There is reference that "322 households were renting social housing from the council or 'other' sources." This statement is not factual as the council do not hold any housing stock.		noted	
Appendix 2	First line should be SHLAA not SHMA			
			It is not clear what the final table in this Appendix indicates. Are the final results of the site assessment process publicly available. This process needs to be robust, clear and transparent and clearly justify the sites chosen.	noted
Appendix 4			Not sure of the value of this as many of these will be replaced by the new Local Plan. Also the NP only has to be in general conformity with the strategic policies of the Development Plan.	removed
Proposals Map			It would be useful to include a collated Proposals Map which shows all the policy proposals.	noted

## **Hartley Wintney Neighbourhood Plan – Flood Risk comments**

While it is clear much care has been taken with the Neighbourhood Plan, this document has however completely neglected to look at flood risk. All of the three sites put forward are at very high risk of flooding and two of which may be contrary to the NPPF.

### **Nero Brewery-HWS1**

This site is partly in Flood Zone 3, flood Zone 2 with a small area in Flood Zone 1. Parts of the site are therefore at high risk of Main River flooding. As this is an area where the Environment Agency does not have detail flood modelling, Flood Zone 3 actually falls under the Strategic Flood Risk Assessment's definition of Flood Zone 3b (functional Floodplain). As such, it is contrary to the National Planning Policy Framework for additional residential dwelling to be located within Flood Zone 3b. Even if the area of functional floodplain can be avoided this site is still required to have passed both the Sequential Test and Exception Tests before it can be allocated because parts of the site are in Flood Zone 3 and 2. This is not a site that has been Sequentially Tested by Hart District Council.

According to the Environment Agency Flood Map for surface water this site is at high risk of surface water flooding with flood depths being between 300mm-900mm. Given these flood constraints and the proximity to other building it may be very difficult to meet the flood risk requirement of the NPPF and develop the site safely without increasing flood risk elsewhere. We strongly advise that this site be removed from the suggested site allocations.

### **James Farm-HWS2**

This site is in Flood Zone 1 with a low risk of flooding from Main Rivers. However, the majority of the site is at risk of surface water flooding. The Environment Agency's Flood Map for Surface Water shows that flood depths on site are likely to be between 300mm-900mm. It would be very difficult to develop this site safely without increasing flood risk to the adjacent James Farms Cottages. We would strongly advise that you remove this site from your suggested site allocations.

### **Pools Yard-HWS3**

This site is almost entirely located in Flood Zone 3. As the Environment Agency do not have any detail modelling in this area, Flood Zone 3 is defined as Flood Zone 3b by the Strategic Flood Risk Assessment. As such new residential dwellings on the site are contrary to the NPPF. Because this site is within Flood Zone 3b this site is also required to have passed both the Sequential Test and Exception Test before it is allocated.

This site is also at very high risk of surface water flooding with flood depth between 300mm- 900mm deep. We also have photo of the Fire station next door flooded from 2007 and 2010. Given the flood risk issues we would strongly advice removing this site from the site allocations.

Appendix 2 page 63 sets out the selection process for sites against different issue. Unfortunately flood risk was completely missed off this list. When updating this document, the parish may find Hart's Strategic Flood Risk Assessment 2016 (available on the Hart website) helpful. Please see Hart District Council Sequential Test 2018 Appendix 1. This lists sites including sites in Hartley Wintney by flood risk. We strongly advice picking sites wholly in Flood Zone 1. If possible these should have a low risk of flooding from other sources.

For advice about undertaken the Sequential and Exception Test please see Hart District Council Sequential Test document and Strategic Flood Risk Assessment level 2 (Exception Test) available on our website. The Environment Agency's flood maps are also available on line. The Flood Map for planning setting out the Main River Flood Zones can be viewed here: <https://flood-map-for-planning.service.gov.uk/> and the Flood Map for surface water can be viewed here: <https://flood-warning-information.service.gov.uk/long-term-flood-risk/map?map=Reservoirs>

We would recommend that the Parish take a look at the draft flood risk Policy NBE6 and bear these principles in mind when choosing sites.