

HARTLEY WINTNEY NEIGHBOURHOOD PLAN 2017 --- 2032

A Report to Hart District Council on the Pre-Submission Version of the
Hartley Wintney Neighbourhood Plan

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1. Introduction

- 1 To proceed to Referendum, a neighbourhood plan is required, by legislation, to meet the basic conditions (see page 4, below). This Report to Hart District Council is set out in a similar manner to an Examiner’s Report – providing for the appropriate assessment of the Hartley Wintney Neighbourhood Plan (referred to as the Neighbourhood Plan) against the basic conditions.

- 2 This Report seeks to identify areas of direct conflict with the basic conditions. Where identified and appropriate, alternative approaches and/or alterations are suggested. The Report also makes occasional general recommendations aimed at providing for clarity, accuracy and precision, having regard to Planning Practice Guidance¹, which states that:

“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.”

- 3 The content and suggestions within this Report are aimed at ensuring that the Neighbourhood Plan meets the basic conditions, enabling it to proceed to Referendum in as similar form as possible to the version submitted for examination.

2. Background

¹ Paragraph: 042 Reference ID: 41-042-20140306.

- 4 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 direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.” (Paragraph 183, National Planning Policy Framework)

- 5 Hartley Wintney Parish Council is the *qualifying body* responsible for the production of the Neighbourhood Plan. This is alluded to on page 5 of the Neighbourhood Plan and is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014). It would add to the clarity of the Neighbourhood Plan if Paragraph 1.1 on page 5 made explicit reference to the Qualifying Body and Neighbourhood Area, alongside the date that the Neighbourhood Area was designated.
- 6 In this regard, I suggest:

- **Para 1.1, change to “*On the 2nd October 2014, the whole of Hartley Wintney Parish was formally designated as a Neighbourhood Area by Hart District Council. Hartley Wintney Parish Council is the formally designated ‘qualifying body’ responsible for the preparation of the Hartley Wintney Neighbourhood Plan. The Plan has been...*”**

altered

Hartley Wintney Neighbourhood Area

- 7 As above, further to an application made by Hartley Wintney Parish Council, Hart District Council approved the designation of Hartley Wintney as a Neighbourhood Area on 2nd October 2014.
- 8 The designation of the Neighbourhood Area 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).
- 9 A plan (Figure 1) showing the boundary of the Hartley Wintney Neighbourhood Area is provided on page 5 Neighbourhood Plan. However, to avoid confusion, it would be clearer if Figure 1 was entitled “Neighbourhood Area” – leading it to correspond with the text in Paragraph 1.6.
 - **Figure 1, change title to “*Hartley Wintney Neighbourhood Area*”
done**
- 10 Whilst not essential, it would be helpful if the plan was clearer – the reproduction is poor/fuzzy and the plan appears small. If it was larger and clearer, it would be more useful and useable in respect of clearly showing the Neighbourhood Area’s boundaries.
 - ☐ **Figure 1, reproduce as a larger/clearer plan, if possible on its way**
- 11 Further to examination, the Independent Examiner can only make one of the following three 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.
- 12 If recommending that the Neighbourhood Plan should go forward to Referendum, the Independent Examiner must consider whether or not the Referendum Area should extend beyond the Neighbourhood Area to which the Plan relates.

- 13 The Hartley Wintney Neighbourhood Area follows the Parish boundary and appears logical. There is no requirement for the Neighbourhood Area should extend beyond that established. I note that the Neighbourhood Plan relates only to the designated Hartley Wintney Neighbourhood Area and there is no other neighbourhood plan in place in the Neighbourhood Area.
- 14 The Independent Examiner is also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:
- ☐ the 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;
 - ☐ the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
 - ☐ the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 15 Subject to taking into account the comments and suggestions set out in this Report, it is my view that the Neighbourhood Plan meets the above requirements.

Neighbourhood Plan Period

- 16 A neighbourhood plan must specify the period during which it is to have effect.
- 17 Paragraph 1.2 on page 4 of the Neighbourhood Plan refers to the plan period 2017 to 2032. However, to some degree, this reference is “hidden away,” so, for clarity, I suggest:
 - **Add reference to the plan period “2017 to 2032” to the front cover **done****
- 18 Further to the above, the title on the front cover of the Neighbourhood Plan appears imprecise. I suggest:
 - **Change the title of the document to “*Hartley Wintney Neighbourhood Plan 2017 to 2032*” **done****
- 19 Taking the above into account, the Neighbourhood Plan satisfies the relevant requirements in this regard.

2. Basic Conditions and Development Plan Status

Basic Conditions

- 20 I note above that the Independent Examiner must consider the neighbourhood plan against the “basic conditions.” These were *set out in law*² following the Localism Act 2011. 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
 - ☐ 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.³
 - ☐ An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁴
- 21 Pages 9 and 10 of the Neighbourhood Plan provide appropriate references to the basic conditions.

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

³ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

⁴ The Convention rights has the same meaning as in the Human Rights Act 1998.

EU and ECHR Obligations

- 22 There is no legal requirement for a neighbourhood plan to have a sustainability appraisal⁵. However, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment (SEA).
- 23 With the above in mind, draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This process is referred to as “screening”. If the screening report identifies likely significant effects, then an environmental report must be prepared.
- 24 Further to screening, it has been identified that the Neighbourhood Plan requires an SEA and in this regard, an SEA has been produced to accompany Regulation 14 consultation. It is important to note that this is an ongoing approach. The Neighbourhood Plan seeks to allocate development land within a sensitive environment and includes SANG policies. It is therefore important that the recommendations of the SEA are taken into account, alongside relevant consultation responses, to the benefit of the Submission version of the Neighbourhood Plan.
- 25 National guidance establishes that the local planning authority has the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations:
- “The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.”*
(Planning Practice Guidance⁶)
- 26 Given the above and the location of the Neighbourhood Area within the Thames Basin Heaths Special Protection Area (SPA) exclusion, protection and restricted zones, it is important that the qualifying body liaises with Hart District Council in the interest of ensuring that both parties are satisfied that the Neighbourhood Plan is compatible with EU regulations.
- 27 There are no apparent impacts on the fundamental rights and freedoms guaranteed under the ECHR, or conflicts with the Human Rights Act 1998.

⁵ Paragraph 026, Planning Practice Guidance 2014.

⁶ (Paragraph Reference: 11-031-20150209)

3. Consultation

- 28 The qualifying body will need to submit a Consultation Statement to Hart District Council alongside the Submission version of the Neighbourhood Plan. In order to meet the requirements of Section 15 (2) of Part 5 of the Neighbourhood Planning Regulations 2012, this must provide evidence of:
- ☐ who was consulted;
 - ☐ how people were consulted;
 - ☐ the main issues and concerns raised by the people consulted; and
 - ☐ the outcome of consultation (and where relevant, how this was addressed in the Neighbourhood Plan.
- 29 As the Neighbourhood Plan is allocating land, it is important to set out, clearly, how sites were assessed and consulted upon. This may be done, in part, via the Consultation Statement and I note that many made Neighbourhood Plans which allocate land were supported by an evidence base containing detailed site assessment reports.
- 30 However, as presented, the Neighbourhood Plan appears unnecessarily confusing in respect of the housing land assessment process. Rather than clearly setting out why the Neighbourhood Plan allocates the land that it does – with a focus on how those sites emerged through the process – Section 3 of the Neighbourhood Plan reads, to some considerable degree, as a confusing summary/negative criticism of the local planning process and an unnecessary history of previous ideas in respect of land allocations. Furthermore, the inclusion of a SHLAA table and reference to a Parish Council “*adopted policy*,” neither of which have material development plan policy status, add to the confusion and lead this part of the Neighbourhood Plan to appear imprecise.
- 31 I would advise that Section 3 should be comprehensively re-visited and make the following suggestions:
- ☐ **Delete Para 3.3.1, which is unnecessary he was looking at wrong plan**
 - **Change start of Para 3.3.2 to “*The emerging Hart Local Plan is at an advanced stage and together with supporting information, it has helped to inform the Neighbourhood Plan. Amongst other things, the emerging Hart Local Plan seeks to ensure that the quality of life...open space.*”**
he was looking at wrong plan

- **Change Para 3.3.3 to “Until the emerging Hart Local Plan is adopted, the saved policies of the Hart District...remain in place.” Wrong plan**
 - ☐ **Delete the rest of Para 3.3.3 which refers to a withdrawn document and out of date information. Wrong plan**
 - **Delete Paras 3.3.4 to 3.3.7. There is no need to attempt to summarise the adopted Local Plan, or refer to a superseded District-wide approach to housing. Wrong plan**
 - **Change 3.3.8 to “The emerging Hart Local Plan does not allocate housing land in Hartley Wintney. As above, in progressing the Neighbourhood Plan, the Steering Group has taken the emerging Hart Local Plan, and the documents supporting it, into account. Whilst there is no requirement for the Neighbourhood Plan to allocate land for housing, the Steering Group considers that doing so will provide for appropriate sustainable development in the Neighbourhood Area. Further to a robust site assessment process, the Neighbourhood Plan allocates three brownfield sites for development.” Wrong plan**
 - ☐ **Delete Paras 3.3.9 to 3.3.14 and table. It is not clear what, if anything, these Paras add to the Neighbourhood Plan; and in setting out things that the Neighbourhood Plan does not do, their inclusion is confusing. Wrong plan**
- 32 Section 4 goes on to refer to the site selection process. Again, much of this section contains information not relevant to the allocation of the sites in the Neighbourhood Plan. I suggest:
- **Revise Section 4 to focus on why the land allocated in the Neighbourhood Plan has been chosen. This means replacing much of the commentary on things that the Neighbourhood Plan does not seek to do. I would also suggest replacing Figure 3, which is confusing, not least in that it refers to sites being assessed by Hart District Council. I note that Section 5 contains a more appropriate summary and introduction to the Neighbourhood Plan’s housing policies. Wrong plan**
- 33 In summary, the Neighbourhood Plan allocates three sites. The supporting text should identify why these particular sites have been chosen and in doing so, should summarise relevant aspects of the site selection process. The Neighbourhood Plan should demonstrate that the allocation process was robust.

4. The Neighbourhood Plan – Introductory Sections

34 The Policies of the Neighbourhood Plan are considered against the Basic Conditions in part 5, below. This Chapter briefly considers the introductory sections of the Neighbourhood Plan.

35 The second paragraph of the Introduction is imprecise. I suggest changing to:

- ***“1.2 The Hartley Wintney Neighbourhood Plan forms part of the development plan and must be considered alongside other adopted planning policies in the determination of planning applications in the Neighbourhood Area.” done***

36 Whilst paragraph 2.1 of The Neighbourhood Plan Process is imprecise, for example, it is not the role of Hart District Council to “*approve*” the Neighbourhood Plan, the inclusion of the paragraph is unnecessary. It would be outdated in its entirety, should the Neighbourhood Plan be made. I suggest:

- ☐ **Delete Para 2.1 para altered**

37 It is not clear why paragraph 2.2 is headed “Sustainability Appraisal” when the subsequent text refers only to sustainability. I suggest:

- **Change heading of Para 2.2 to “Sustainability” done**

38 The Neighbourhood Plan cannot place a monitoring requirement on Hart District Council. I suggest:

- **Para 2.3, change to “...will be monitored by Hartley Wintney Parish Council...” done**

39 Paragraph 3.1 is imprecise. I suggest:

- **Change Para 3.1 to “...Practice Guidance and the adopted policies of the development plan. The NPPF sets out...” some alterations made**

Hartley Wintney Housing Needs

40 The first part of Section 5 provides clarity in respect of housing and the subsequent allocations in the Neighbourhood Plan. However, paragraphs 5.1.18 to 5.1.21 appear entirely out of context and have nothing to do with Housing. They appear confusing and detract from the clarity of the Neighbourhood Plan. They also repeat information set out later in the Neighbourhood Plan. I suggest:

- **Delete Paras 5.1.18 to 5.1.21**

done

6, Neighbourhood Plan Policies

Housing

Policy 1: Thames Basin Heaths Special Protection Area (TBHSPA)

- 41 It is not the role of neighbourhood planning policies to simply repeat existing planning policy. Policy 1 simply attempts to re-word, albeit in a slightly different way, Policy NRM6 of the South East Plan. This Policy is emerging through the Hart District Plan. It is not a detailed neighbourhood planning policy, but an important strategic planning policy.
- 42 I suggest:

☐ Delete Policy 1

- **Re-word the supporting text, setting out why the provision of SANG is essential and how existing/emerging strategic planning policy deals with it.**

this bit was inserted at the specific request of Natural England in relation to the screening and was intended to negate the need for an HRA. However, since the feedback from Regulation 14 has been received, a new European ruling has come into force which requires this plan to be supported by an HRA after all, so this Policy has now been deleted and replaced with narrative relating to TBHSPA

Policy 2: HWS1 Nero Brewery

43 Policy 2 is not worded as a land use planning policy, but comprises a series of bullet point requirements. It is not clear, in the absence of substantive evidence, how or whether all of the requirements set out can be met.

❓ Site specific proposals are required in addition to which an agreement was reached with Natural England that the policy would include biodiversity and SANG mitigation measures

44 Site HWS1 is a built-up site, comprising buildings and hardstanding. It does not appear to me to have a particularly rural character – and no evidence is presented to the contrary. This renders Policy 2's requirement to "*preserve rural character*" contrary to the requirements of national policy, as set out in Paragraph 173 of the National Planning Policy Framework (the Framework), which states that:

"rural" altered

"Plans should be deliverable."

45 National policy establishes that heritage assets are irreplaceable and sets out a clearly defined policy approach to conservation. Policy 2 fails to have regard to the requirements of national policy in this respect, but instead, sets out its own approach to development in the Conservation Area. In the absence of any substantive evidence, it is not clear that Policy 2 will safeguard heritage assets in an appropriate manner and this is a matter addressed in the suggestions below. This comment was for the wrong plan

46 It is not the role of a neighbourhood planning policy to set out a requirement reliant upon another policy in another document. Policy 2 does this in respect of parking and biodiversity. This comment was for the wrong plan

47 The reference to the provision of SANG is confusing and I have, in any case, suggested deletion of Policy 1. The Policy should simply reference the essential requirement for mitigation. This was a requirement of natural England during the screening process

48 It is also a major concern that part of this site is in Flood Zone 3. If the site is to be allocated, it is **essential** that the Qualifying Body provide evidence to demonstrate that none of the developable area will be within Flood Zone 3 and that there will be no harm arising in respect of flood risk. If these matters cannot be resolved, then the site may need to be withdrawn from the Neighbourhood Plan.

It is believed there will be a successful challenge to the EA designation of flood Zone

three resulting in this site being recategorized as Flood Zone 2

49 Notwithstanding this major factor, that must be addressed prior to the Submission of the Neighbourhood Plan, I also suggest:

- **Policy 2, change first sentence to: “Nero Brewery, as shown on Figure 6, is allocated for the development of around 9 dwellings. Any proposal for development should demonstrate that:...”**
wrong plan – however changes incorporated where still relevant
- **Change content of subsequent bullet points to “...access will be retained...height will not exceed that of...The existing character of the Brew House will be retained and incorporated into new development...the Conservation Area and its setting will be conserved and/or enhanced...It will provide for 1 and 2 bedroom dwellings...it will retain the existing courtyard.”**

done

- ☐ Provide appropriate SANG reference, subject to changes to Policy 1, above.
- ☐ **Policy 1 removed**
- Create new paragraph of supporting text, referring to the District-wide approach to parking standards and biodiversity

not relevant

Policy 3: HWS2 James Farm

50 Policy 3 refers to mitigation for ground water flooding. If the site is to be allocated, plan-makers should be able to demonstrate, through the provision of substantive evidence, that development can take place without any harm arising in respect of flood risk, on site or elsewhere.

51 Subject to this being demonstrated, the Policy appears similar to Policy 2 and I suggest:

- ☐ **Set out the Policy as per the suggestions to Policy 1 **done****
- ☐ **Provide reference to the detailed work that has resulted in this allocation and provide evidence in respect of the site being deliverable alongside appropriate flood mitigation**

site is in Flood Zone 1 therefore references to flooding have been removed

Policy 4: HWS3 Pools Yard

- 52 Much of the site appears to be in Flood Zone 3 and previous comments apply. Unless it is demonstrated that development can take place without any harm arising in respect of flood risk, on site or elsewhere, the site would be likely to be struck out of the Neighbourhood Plan at submission stage. Any development in Flood Zone 3 needs to demonstrate how it passes the Sequential Test and the Exceptional Test. Currently, there is no substantive evidence in this regard. **Additional evidence provided**
- 53 Should the above be resolved, the comments set out in respect of the two previous Policies also apply. **actioned**
- 54 Further, it is not clear why the access needs to be amended; or whether it is viable and deliverable to provide a one way access. Supporting evidence is required in this regard. **removed**
- 55 There should be an explanation of why building heights are restricted – what is the impact on local character/why would a taller building be harmful. Like the two previous Policies, Policy 4 reads as a general wish-list without clear supporting evidence.

☐ Revise taking into account the above, plus suggestions from Policies 2 and 3

done

Policy 5: Design Guide

- 56 The Hartley Wintney Design Guide provides useful background information. However, it has not undergone a rigorous consultation and examination process and does not form part of the adopted development plan. The Neighbourhood Plan does not provide a vehicle to turn general guidance into adopted planning policy. Consequently, Policy 5 should not require all development to be in compliance with the Design Guide, but can, instead, suggest that development proposals take it into account.
- 57 The list of requirements in Policy 5 are inflexible and there is no evidence to demonstrate that they will, in all circumstances, be viable or deliverable.
- 58 I suggest:
- **Change opening sentence to “...boundary, should take into account the guidance set out in the Hartley Wintney Design Guide.” **actioned****
 - **Change second bullet point to “In particular, proposals should demonstrate how consideration has been given to the following:” (change tense/grammar of bullet points that follow)**

actioned

Policy 6: Protection of Local Greenspace

- 59 The inclusion of an Objective between the title of the Policy and the Policy itself detracts from the clarity of the Policy. The Objective carries no policy status and adds little other than unnecessary confusion. Rather than repeat it again, this comment also applies to other Policies in the Neighbourhood Plan. **noted**
- 60 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 76 of the Framework states that:
- “By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”*
- 61 Consequently, Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. A Local Green Space designation provides protection that is comparable to that for Green Belt land.
- 62 National policy establishes that:
- “The Local Green Space designation will not be appropriate for most green areas or open space.”* (Paragraph 77)
- 63 Thus, when identifying Local Green Space, plan-makers should demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land. Furthermore, identifying Local Green Space must be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.
- 64 Policy 5 seeks to protect eight areas of Local Green Space. Evidence is provided to demonstrate that each designation meet the national policy tests. As set out, the supporting text appears quite drawn-out as it provides both a commentary and the Table for each site. Furthermore, the supporting text dedicates almost a page to land that is not subject to the requirements of Policy 5.

This has been included to reassure the local community that the land they wished to see protected already has protection

- 65 The wording of the Policy fails to reflect that set out in the Framework, but introduces a new form of protection for Local Green Space. This is unjustified and inappropriate.
- 66 There is an incorrect reference to the plan showing the areas of Local Green Space. Further, this plan is at too small a scale to clearly show the defined boundary of each Local Green Space. I suggest:
- **Change Policy 5 to “*The following, as defined in the accompanying plan(s), are defined as areas of Local Green Space, where new development is ruled out, other than in very special circumstances: Jubilee Field...(Area 8).*” (delete rest of Policy wording) noted**
 - ☐ **Replace Figure 15 with a plan, or plans, that clearly show the precise location of all of the Local Green Space boundaries, such that no confusion could arise in future **already done – comment resulted from looking at the wrong plan****
 - ☐ **Shorten the supporting text, taking previous comments into account **actioned – table only provided as supporting evidence****
 - ☐ **Delete Objective (and also re: other Policies)**

noted

Policy 7: Protection of Distinctive Views – shown on Proposals Map (fig 17)

- 67 As set out, Policy 6 fails to have regard to national policy. It simply seeks to set out a blanket, negative approach to any form of development across all land within any of the “*distinctive views*” identified. This approach fails to provide for the benefits of development to be considered against any harm arising and consequently, could prevent sustainable development from coming forward. I address this in the suggestions below.
- 68 It is important that a Policy that seeks to afford protection to important views is supported by detailed evidence and I note that this information is provided in the supporting text to the Policy.
- 69 I suggest:
- **Change Policy 6 to “*Development should not harm the Neighbourhood Area’s most distinctive views, as defined by the shaded areas on Figure 16, and detailed in the supporting text.*”**

noted and partly altered. View identification still contained within the policy for clarification

Policy 8: Maintenance of Green Gaps ~~policy removed~~

- 70 **An assumption has been made that these comments related to Policy Maintenance of Green gaps therefore this is the policy that has been removed – this was formerly Policy 8 in the Regulation 14 NP** Policy 7 requires development to be subject to a District-wide planning policy that does not exist. Given this, and without any other evidence, it is not apparent how, or why the Policy is in general conformity with the strategic policies of the development plan.
- 71 The Proposals Map does not show a Green Gap. It comprises a small aerial photo covering a large area of land. It is imprecise and resultantly, the Policy fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.
- 72 No indication is provided of what a “*central core*” or “*outlying area*” comprises. This adds to the ambiguous nature of the Policy.
- 73 It is not clear why the Policy refers to the protection of views, or what these views are. It is not clear on what basis the Green Gap needs to be enhanced, or how a development might enhance a Green Gap.
- 74 No indication is provided of which trees and hedgerows are important, and why, and which are not.
- 75 No indication is provided of what a “*positive community use*” meeting all of the requirements set out might be, or of how such a thing might be viable and deliverable.
- 76 As set out, Policy 7 fails to have regard to national policy and advice. I suggest:

☐ **Delete Policy 7**

☐ **actioned**

Policy 9: Conservation Areas

- 77 National and local planning policy protects the “*setting*” of Conservation Areas. Policy 8’s reference to “*close proximity*” is undefined and fails to have regard to national policy.
- 78 The wording of Policy 8 conflicts with national policy, which does not require all development in Conservation Areas or their settings to “*preserve significance and where possible enhance or reveal significance.*”
- 79 The final paragraph of Policy 8 does not make grammatical sense. In any case, where a Conservation Area Appraisal already exists it must be considered as a material factor to be taken into account.
- 80 I suggest:
- **Change Policy 8 to “*Development within the Conservation Area or its setting should demonstrate that it will conserve or enhance the heritage asset in accordance with its significance.*” **actioned****
 - ☐ **Delete second bullet point**

☐ **actioned**

Policy 10: Control of Artificial Light

- 81 Unfortunately, many forms of lighting, especially domestic, security and streetlighting, do not require planning permission. Consequently, Policy 9 runs the risk of setting out a false aspiration. **noted**
- 82 I note that the Examiner of the Winchfield Plan considered lighting. Plan-makers may wish to consider how lighting was addressed in that plan, which has been made (adopted).

Policy 11: Design of shopfronts

83 As noted earlier, the “*Hartley Wintney Shopfront Design Guide*” is not an adopted planning document that has undergone robust consultation. Rather, it may provide (the Neighbourhood Plan only provides a front cover) some general guidance. The Neighbourhood Plan is not a vehicle to afford material planning weight to unadopted planning documents. **It is recognised by the HWNPSG that a “guide” is not adopted planning policy and it does not seek to be such. It is meant to be included as a “Guide” as the name suggests which should help developers identify what would be preferable to the local community when considering shop front design. As such, it does not contravene any policies set out in the Local Plan, either saved or emerging**

84 However, the general points set out in the Policy appear to protect local character and this approach is in general conformity with the saved policies of the Hart Local Plan, as well as with national policy.

85 I suggest:

- ☐ **Change Policy 10 to “*New shopfront signage in the primary shopping area should reflect the character of the host property, as well as that of adjoining facades. The use of traditional...supported.*”**

actioned

Policy 12: Cycleways and Footways

86 Policy 11 is not a land use planning policy. Paragraph 204 of the Framework, which states that:

“Planning obligations should only be sought where they meet all of the following tests: 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.”

87 No substantive evidence is provided to demonstrate that Policy 11 has regard to the tests set out above.

88 However, plan-makers should be aware that Paragraph 75 of the Framework requires planning policies to *“protect and enhance public rights of way and access.”* Taking this and the above into account, I suggest:

- **Delete Policy 11 and replace with something along the lines of *“The protection and enhancement of existing public rights of way will be supported.”* actioned**

Policy 13 – Protection of Retail Premises

- 89 In the absence of a definition, or substantive detail, no indication is provided of what a “*presumption in favour of retail proposals*” actually means. Does it mean that a hypermarket or retail park (which “sit outside” PD rights) would be supported in the village centre ? The approach is ambiguous and runs the risk of inadvertent support for inappropriate development.
- 90 The Policy goes on to support any form of development that supports character, viability or vitality. Again, this could result in unwitting support for inappropriate forms of development.
- 91 The Policy becomes increasingly vague, as it fails to define “*appropriate,*” “*well-located,*” or *local.*”
- 92 Taking the above into account, it is not clear precisely what the Policy is attempting to achieve. As set out, it does not have regard to national policy or advice and does not meet the basic conditions. It fails to provide a decision maker with a clear indication of how to react to a development proposal.
- 93 I recommend:
- ☐ **Start again with Policy 12. Decide exactly what it is that the Policy is intended to achieve and keep it simple. Perhaps it could be founded on seeking to support development that reinforces the retail centre ?**

actioned - policy altered to reflect comments above

Policy 14: Re-use of Agricultural Buildings

- 94 Policy 13 supports rural diversification and has regard to Chapter 3 of the Framework, *“Supporting a prosperous rural economy.”*
- 95 It meets the basic conditions and no changes are suggested. **noted**
- 96 Whilst they do not form part of the Neighbourhood Plan itself, I also note that the Appendices appear incomplete.

February 2018
Erimax – Land, Planning and Communities