

Strategic Policies of the Hart Development Plan for Neighbourhood Planning purposes

Background context

National planning guidance is set out in the National Planning Policy Framework, which includes reference to Neighbourhood Plans being an appropriate mechanism to more detailed policy guidance.

Paragraph 29 of the National Planning Policy Framework (NPPF) states that: “*Neighbourhood planning gives communities the power to develop a shared vision for their areaneighbourhood plans should not promote less development than set out in the strategic policies for the areas, or undermine those strategic policies*’. This requires policies and proposals to be in general conformity with the strategic policies of any development plan that covers the area.

Basic conditions

Only a draft Neighbourhood Plan that meets each of the set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions for *Neighbourhood Development Plans* are:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- That the plan contributes to sustainable development;
- Be in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- Be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations and
- Not breach the requirement of Chapter 8 of Part 6 of the Conservation of Habitat and Species Regulations 2017.

National planning policies for traveller sites are contained in the Planning Policy for Traveller Sites (PPTS) which should be read in conjunction with the NPPF, and can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6078/2113371.pdf

National planning practice guidance is contained in the Planning Practice Guidance (PPG) which can be found here:

<http://planningguidance.planningportal.gov.uk/blog/guidance/>

The Planning Practice Guidance (PPG) includes (Reference ID: 41-074-20140306) advises that the basic condition relating to 'general conformity' with strategic policies contained in the Development Plan should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.

The Development Plan in Hart

Legislation¹ requires that decisions are made in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan comprises:

- Hart Local Plan 2032 – adopted April 2020
- The South East Plan - partially revoked on 25th March 2013 but Policy NRM6 that deals with the Thames Basin Heaths Special Protection Area remains in place.
- Hart District Local Plan (Replacement) 1996 – 2006 - Saved Policies
- Hampshire Minerals and Waste Plan 2013

Hart District Strategic Policies (for Neighbourhood Planning purposes)

SD1 Sustainable Development

SS1 Spatial Strategy: Scale and Distribution of Growth

SS2 Hartland Village

H1 Housing Mix

H2 Affordable Housing

H3 Rural Exception Sites

H4 Specialist Housing

H5 Gypsies, Travellers and Travelling Showpeople

ED1 New Employment

ED2 Safeguarding Employment Land and Premises

ED3 The Rural Economy

ED4 Town, District and Local Centres

NBE1 Development in the Countryside

NBE2 Landscape

NBE3 Thames Basin Heaths Special Protection Area

NBE4 Biodiversity

NBE5 Managing Flood Risk

¹Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990

NBE6 Water Quality
NBE8 Historic Environment
NBE10 Renewable and Low Carbon Energy
NBE11 Pollution
INF1 Infrastructure
INF2 Green Infrastructure
INF3 Transport
INF4 Open Space, Sport and Recreation
INF5 Community Facilities
INF7 Phoenix Green Flood Alleviation
INF8 Safeguarded Land for Education

South East Plan:

'Saved Policy' NRM6 Thames Basin Heaths Special Protection Area

Hart Local Plan 'saved' policies

GEN1 General Policy for Development
GEN2 General Policy for Changes of Use
GEN6 Policy for noisy/un-neighbourly developments
CON7 Riverine Environments
CON8 Trees, Woodland and Hedgerows : Amenity Value
CON10 Basingstoke Canal
CON23 Development affecting Public Rights of Way
RUR1 Definition of areas covered by RUR policies
RUR8 Advertisements in the countryside
RUR10 Telecommunications
RUR32 Basingstoke Canal
RUR33 Camping and Caravanning
RUR34 Horse Related Development
RUR36 Motor Sports
RUR37 Use of dwellings for B1 use
URB1 Definition of areas covered by URB policies
URB11 Shop fronts
URB18 Residential densities in North Fleet Conservation area
URB19 Yateley conservation areas
URB24 Signs and advertisements
T6 Safeguarding land for schemes

Other matters

By law Neighbourhood Development Plans cannot deal with minerals or waste issues.

A Neighbourhood Plan cannot require a Local Authority to make designations or exercise particular powers. Such examples include: serving a compulsory purchase

order (CPO), listing an asset of community value, designating or extending a conservation area, putting a building on the local list, serving a tree preservation order (TPO).

Neighbourhood planning has its own set of Regulations which set out the legal matters relating to the neighbourhood planning process. These are 'The Neighbourhood Planning (General) Regulations 2012) and The Neighbourhood Planning (General) (Amendment) Regulations 2015' and can be viewed here: http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf and http://offlinehbpl.hbpl.co.uk/NewsAttachments/RLP/uksi_20150020_en1.pdf