



# **Yateley, Darby Green and Frogmore Neighbourhood Plan**

## **Basic Conditions Statement October 2021**

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## 1 Introduction

1 This Statement has been prepared by Yateley Town Council (YTC) to accompany the submission of the Yateley, Darby Green and Frogmore Neighbourhood Plan to Hart District Council under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (the Regulations).

2 The Neighbourhood Plan has been prepared by Yateley Town Council, the qualifying body for the Neighbourhood Plan Area covering the whole of the Parish of Yateley as designated by Hart District Council on 5 April 2018.

3 The purpose of this Basic Conditions Statement is to demonstrate that the Yateley, Darby Green and Frogmore Neighbourhood Plan (YDFNP) has been prepared in accordance with the Regulations and how the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 have been met.

4 The Statement addresses each of the four ‘basic conditions’ required by the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

5 The Submission Plan is also accompanied by a Consultation Statement which sets out how the Town Council has undertaken the community engagement requirements in the preparation of the Neighbourhood Plan.

6 Following the close of the Pre-submission consultation on the Neighbourhood Plan in early July 2021, a revised NPPF was published (July 2021). All references in this Basic Conditions Statement relate to the NPPF, 20 July 2021<sup>1</sup>.

## 2 Statement of General Legal Compliance

7 The submission YDF Neighbourhood Plan is supported by a Consultation Statement and this Basic Conditions Statement as well as supporting evidence.

8 This Neighbourhood Plan is submitted by Yateley Town Council, which, as a qualifying body, is entitled to submit a Neighbourhood Plan for its own parish. The Plan has been prepared by the Yateley, Darby Green and Frogmore Neighbourhood Plan Steering Group, with the support of Yateley Town Council who have formally approved the Plan for submission to Hart District Council at the Council meeting on 25 October 2021.

9 The whole parish of Yateley Parish was formally designated as a Neighbourhood Area by Hart District Council on 5 April 2018. This is confirmed on the Hart District Council website at <https://www.hart.gov.uk/yateley>. The Neighbourhood Area is shown on the map at Appendix 1.

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<sup>1</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

10 The Submission Plan contains policies relating to the development and use of land within the Neighbourhood Area. Proposals relating to planning matters (the use and development of land) have been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011), and the Neighbourhood Planning Regulations 2012.

11 The Submission Plan identifies the period to which it relates as 2020 – 2032. This aligns with the end date of the Hart Local Plan adopted in 2020. The Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

12 The Submission Plan relates only to the parish of Yateley as shown on the map in Appendix 1. It does not relate to more than one neighbourhood area. There are no other neighbourhood development plans in place within the neighbourhood area.

### 3 Compliance with the Basic Conditions

#### The Basic Conditions

13 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 considered to be met where:

- the making of the neighbourhood development plan contributes to the achievement of sustainable development;
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan;
- the making of the neighbourhood development 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 development plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood plan does not breach the requirement of Chapter 8 of Part 6 of the Conservation of Habitat and Species Regulations 2017.

14 The following section sets out how the Neighbourhood Plan complies with each of the basic conditions.

#### Contribution to the Achievement of Sustainable Development

15 The National Planning Policy Framework, 2021 (NPPF) sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives to sustainable development: economic, social and environmental. These are set out in Table 1 which identifies how the YDFNP contributes to each of these elements.

16 The YDF Neighbourhood Plan, once adopted will sit alongside the Hart Local Plan 2014 - 2032: Strategy and Sites (adopted 2020) and both documents will be used to guide development in the Parish. The Policies in the Neighbourhood Plan must be in general conformity with the strategic policies of the Hart Local Plan. The Local Plan was subject to a Sustainability Appraisal to ensure that the policies and allocations within it contribute to the achievement of sustainable development.

**Table 1: Contribution to the achievement of Sustainable Development**

	<b>NPPF</b>	<b>YDFNP</b>
Economic	To help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.	Objectives in the Neighbourhood Plan seek to ensure development is of an appropriate type that meets local needs and supports the provision of appropriate infrastructure that will support new development including economic development. The Neighbourhood Plan contains general policies supporting development within settlements, including economic development. Policies in the Plan also support the continued use of Blackbushe Airport for aviation purposes and seek to protect the vitality and viability of the shopping centre. Policy YDFNP11 seeks to ensure new development is supported by high speed broadband and Policy YDFNP14 supports the principles of home working.
Social	To support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.	Objectives in the Neighbourhood Plan seek to ensure an appropriate mix of housing is provided, that development meets local needs and improves facilities for local people as well as protecting the character and identity of local communities.  The Neighbourhood Plan does not allocate sites for housing but sets out general policies to guide the location and design of housing proposals including through

		policies YDFNP1 on Sustainable development and through design policies YDFNP4: Design and YDFNP5: Yateley Village Centre. The Green Infrastructure Policy seeks to protect and enhance green spaces in the Parish and Policy YDFNP10 supports the protection of community facilities.
Environmental	To protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.	The Neighbourhood Plan includes Objectives that seek to protect and enhance biodiversity and support the national carbon emission reduction targets. The Neighbourhood Plan seeks to protect the important natural and historic assets in the Parish. It does this through specific Policies on protecting and enhancing biodiversity, a Policy relating to development in Conservation Areas, and Policies on climate change and on flooding.

### Having regard to national policies and guidance

17 The policies in the Neighbourhood Plan have been drafted having regard to the national planning policies set out in the NPPF and associated guidance.

18 The Table below sets out how each Neighbourhood Plan Policy has had regard to National Planning Policy and guidance.

**Table 2: Regard to National Planning Policy and Guidance**

YDF Neighbourhood Plan Policy	NPPF Commentary
YDFNP1: Sustainable Development	<p>This policy establishes the key spatial strategy for directing future development proposals in the parish. It reflects the presumption in favour of sustainable development (Section 2 of the NPPF).</p> <p>This Policy has had regard to NPPF Paras 7 and 8 supporting sustainable development. It reflects the need to recognise the intrinsic character and beauty of the countryside (NPPF para</p>

	174) by seeking to focus development within settlements and therefore in locations with access to local facilities.
YDFNP2: Climate Change	This Policy seeks to ensure that new development has regard to the need to mitigate and adapt to climate change (along with other policies in the Plan). It is consistent with section 14 of the NPPF and seeks to take a proactive approach to climate change. This Policy and the Plan as a whole has also had regard to the overriding environmental objective of sustainable development set out in the NPPF (para 8) which includes mitigating and adapting to climate change.
YDFNP3: Promoting Biodiversity	This Policy seeks to protect and enhance biodiversity in the Parish. The drafting of this Policy has had particular regard to para 174 of the NPPF regarding the protection and enhancement of sites of biodiversity value, as well as minimising impacts on biodiversity and providing biodiversity net gains. It has also had particular regard to National Policy on the importance of trees set out in para 131 of the NPPF.
YDFNP4: Design Principles	This Policy seeks to ensure that new development is of high quality and appropriate design. The Design Policy has had regard to section 12 of the NPPF and the need to deliver high quality, beautiful and sustainable places. The Policy sets out a range of requirements for new development which are consistent with the NPPF including for example reference to the use of Building for a Healthy Life which is also referenced in the NPPF para 133.
YDFNP5: Yateley Village	This Policy sets out design parameters and guides land use within Yateley Village Centre. This Policy has had particular regard to Section 7 of the NPPF and to the need to promote the long term vitality and viability of town centres, and along with relevant Local Plan policies setting out the range of uses permitted in such locations. This Policy has also had regard to Section 12 of the NPPF relating to the need for high quality design and builds on the Yateley Village Design Framework.
YDFNP6: Development affecting Conservation Areas	This Policy seeks to ensure that new development conserves and enhances the historic environment through the protection of Conservation Areas. The NP has had regard to the NPPF with regards to the protection of heritage assets where this relates to the Conservation Areas.
YDFNP7: Views	This Policy seeks to protect important views in the Parish. It is consistent with the NPPF in identifying the special qualities of an area (para 127), and protecting valued landscapes.
YDFNP8: Green Infrastructure	This Policy seeks to protect and enhance green infrastructure within the Parish and has regard to Section 8 of the NPPF regarding Safe and Healthy Communities and the value of open space (para 92) and the need to protect and enhance public rights of way (para 100).

YDFNP9: Flood Risk	This Policy seeks to ensure that new development has had regard to the significant flooding issues in the Parish. The Neighbourhood Plan has had particular regard to the NPPF section 14 and related Planning Practice Guidance in drafting this Policy. It has had particular regard to paras 159, 161 and 162 and 167.
YDFNP10: Community Facilities	This Policy seeks to protect and enhance community facilities in the Parish. The Policy has regard to NPPF chapter 8 (Promoting Healthy and Safe Communities) by ensuring valued community facilities and services are protected from unnecessary loss.
YDFNP11: Telecommunications	This Policy seeks to ensure the delivery of high quality digital infrastructure. This Policy has had particular regard to Section 10 of the NPPF and to the importance of high quality and reliable communications infrastructure and support for policies setting out the delivery of high quality digital infrastructure. This Policy has also had regard to NPPF policy on the siting of new telecommunications infrastructure (Para 116).
YDFNP12: Housing Mix and Affordable Housing	<p>This Policy seeks to ensure an appropriate mix of homes is delivered in the Parish.</p> <p>The Policy has had regard to NPPF chapter 5 (Delivering a Sufficient Supply of Homes) in aiming to ensure that the mix of new dwellings in the area reflects the needs of the community now and in the future.</p>
YDFNP13: Blackbushe Airport	This Policy supports the continued use of Blackbushe Airport for aviation use. This Policy has had particular regard to Section 6 and support for businesses as well as to the need to maintain a national network of general aviation airfields set out in para 106.
YDFNP14: Home Working	This Policy supports developments that enable home-working. This has had regard to NPPF economic objectives in relation to the achievement of sustainable development, including limiting the need to travel, as well as economic Objectives in the NPPF Section 6.
YDFNP15: Promoting Active Travel	This Policy has had regard to section 9 of the NPPF in particular to limiting the need to travel and offering a choice of transport modes as well as the need for attractive and well-designed walking and cycling routes and priority (paras 106 and 112). The policy has also had regard to NPPF chapter 8 (Promoting Healthy and Safe Communities) including for places which enable healthy lifestyles through layouts that encourage walking and cycling.

## General conformity with the strategic policies of the development plan(s) for the area

19 The relevant Development Plan for the Neighbourhood Plan area comprises:

- Hart Local Plan 2014 – 2032 adopted April 2020
- South East Plan – Policy NRM6: Thames Basin Heaths Special Protection Area
- Hart District Local Plan (Replacement) 1996 – 2006 – saved policies
- Hampshire Minerals and Waste Plan 2013

20 Hart District Council has identified the strategic development plan policies for the purposes of neighbourhood planning in a document on their website<sup>2</sup>.

21 In preparing the Neighbourhood Plan, regard has been had to the content of the strategic development plan policies with further guidance and comments being considered in response to Hart District Councils comments on the Regulation 14 Pre-submission Neighbourhood Plan and advice at meetings with Hart District Council.

22 The following Table sets out how the YDF Neighbourhood plan policies are in general conformity with the strategic development plan policies. It should be noted that not all of the strategic development plan policies will be relevant to the policy topics that are included in the YDFNP.

**Table 3: Conformity with the Strategic Development Plan Policies**

YDF Neighbourhood Plan Policy	Hart Strategic Development Plan Policies - Commentary
YDFNP1: Sustainable Development	This Policy is consistent with Hart Local Plan (HLP) Policies SD1 and SS1 in that it seeks to promote sustainable development and focus development within settlement boundaries and protect the character of the countryside.
YDFNP2: Climate Change	This Policy is in conformity with HLP Policies on Design (Policy NBE9) and in particular the reduction in energy consumption and incorporation of renewable and low carbon technologies and with NBE10 Renewable and Low Carbon Energy. It is also consistent with HLP policies on biodiversity and green infrastructure in seeking measures such as green walls and tree planting and landscaping.

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[https://www.hart.gov.uk/sites/default/files/4\\_The\\_Council/Policies\\_and\\_published\\_documents/Planning\\_policy/Neighbourhood\\_planning/Strategic%20Policies%20of%20the%20Hart%20Development%20Plan%20for%20Neighbourhood%20Planning%20Purposes%20%28September%202020%29.pdf](https://www.hart.gov.uk/sites/default/files/4_The_Council/Policies_and_published_documents/Planning_policy/Neighbourhood_planning/Strategic%20Policies%20of%20the%20Hart%20Development%20Plan%20for%20Neighbourhood%20Planning%20Purposes%20%28September%202020%29.pdf)

YDFNP3: Promoting Biodiversity	This Policy is in conformity with HLP Policy NBE4 Biodiversity and seeks to promote biodiversity improvements with new development adding further detail on the approach to trees and landscaping in new developments.
YDFNP4: Design Principles	This Policy is in conformity with HLP Policy NBE9 Design which seeks to ensure that all new development is of high quality design, building on local character assessments.
YDFNP5: Yateley Village	This Policy is in conformity with HLP Policy NBE9 Design which seeks to ensure that all new development is of high quality design. It is also consistent with HLP Policies SS1 Spatial Strategy, ED4 Town, District and Local Centres, and ED6 District and Local Centres in that it seeks to support the vitality and viability of Yateley District Centre.
YDFNP6: Development affecting Conservation Areas	This Policy relates to the three Conservation Areas in the Parish and is in conformity with HLP Policy NBE8 Historic Environment which seeks to ensure that development proposals conserve or enhance heritage assets and their settings. It is also in conformity with saved Local Plan Policy URB19 Yateley Conservation Areas which seeks to protect the semi-rural character of the Conservation Areas.
YDFNP7: Views	This Policy seeks to protect important views in the Parish and HLP Policy NBE2 Landscape.
YDFNP8: Green Infrastructure	This Policy is in conformity with HLP Policy INF2 Green Infrastructure in that it sets out the requirement for the protection and enhancement of green infrastructure in the Neighbourhood Area, and INF3 Transport, protecting and enhancing public rights of way.
YDFNP9: Flood Risk	This Policy is in conformity with HLP Policy NBE5 Managing Flood Risk in that it seeks to avoid increasing the risk of flooding and ensuring that development is not at risk of flooding and recognises that much of the Neighbourhood Area is in a Causal Area.
YDFNP10: Community Facilities	This Policy is in conformity with HLP Policy INF5 Community Facilities in that it seeks to protect and enhance community facilities in the Neighbourhood Area.
YDFNP11: Telecommunications	This Policy is in conformity with HLP Policy INF6 Broadband or Successor Services (although not a strategic HLP Policy) in that it seeks to ensure that new development is supported by up to date digital infrastructure.

YDFNP12: Housing Mix and Affordable Housing	This Policy is in conformity with Policies H1 Housing Mix, and H2 Affordable Housing in that it supports a mix of new dwellings in the Neighbourhood Area and the delivery of affordable housing. Since the preparation of the Local Plan and during the production of the Neighbourhood Plan the Government has introduced a new affordable housing product 'First Homes' which will in the future form a mandatory minimum of 25% of affordable housing. The wording of Policy YDFNP12 does not specifically reference First Homes.
YDFNP13: Blackbushe Airport	This Policy is consistent with HLP objectives to support economic growth and with Policy NBE4 Biodiversity. It is not inconsistent with HLP Policies on the economy.
YDFNP14: Home Working	This Policy is consistent with HLP objectives to support economic growth. It is not inconsistent with any HLP Policies.
YDFNP15: Promoting Active Travel	This Policy is in conformity with Policy INF3 Transport in that it supports improvements to pedestrian and cycle routes and facilities .

## Compatibility with EU Regulations and Conservation of Habitats and Species Regulations

23 The Plan and the process under which it was prepared conforms to the SEA Directive (EU2001/42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004. The consultation process has aimed to include all sections of the community, including hard-to-reach and under-represented groups such as young people and the disabled, with local events in accessible locations and a strong digital presence.

24 In December 2020 the YDFNP Steering Group requested that Hart District Council screen the Neighbourhood Plan for Strategic Environmental Assessment and Habitat Regulations Assessment. Natural England, the Environment Agency and Historic England were consulted as part of the screening process. The screening opinion was made on 15 February 2021 and concluded that the Plan would not be likely to have any significant environmental effects. Therefore, it would not require a Strategic Environmental Assessment Report. This Screening forms part of the evidence base for the Plan.

25 In addition to conforming to its EU obligations, the Plan does not breach and is not otherwise incompatible with the European Convention on Human Rights.

26 In accordance with Article 6 of the Habitats Directive (92/43/EEC) and Regulation 105 of the Conservation of Habitats & Species Regulations 2017, it must be determined whether the Plan is likely to have significant effects on a European site designated for its nature

conservation interest. The European Habitats Directive (and consequently the Habitats Regulations) requires that any plan or project likely to have a significant effect on a National Network site must be subject to an Appropriate Assessment.

27 As set out in paragraph 24 above, the YDFNP Steering Group requested a Habitat Regulation Assessment screening in December 2020. The Screening concluded that the YDFNP will not give rise to significant effects on National Network sites either alone or in combination with other plans and projects and that a full Appropriate Assessment is not required.

## 4 Conclusion

28 The Yateley, Darby Green and Frogmore Neighbourhood Plan has had regard to National Planning Policy and is in general conformity with the strategic policies of the Development Plan. This Plan is compatible with EU obligations and promotes sustainable development.

29 It is considered that the Basic Conditions as set out in Schedule 4B to the Town and County Planning Act 1990 (as amended) have been met as have the legal requirements for plan preparation.

## Appendix 1 – Yateley, Darby Green and Frogmore Neighbourhood Area

