

CABINET

DATE OF MEETING: 7 April 2022

TITLE OF REPORT: YATELEY, DARBY GREEN AND FROGMORE
NEIGHBOURHOOD PLAN: EXAMINER'S REPORT
AND DECISION TO PROCEED TO REFERENDUM.

Report of: Head of Place

Cabinet member: Councillor Graham Cockarill, Place

1 PURPOSE OF REPORT

1.1 To seek agreement to proceed to a referendum on Thursday 30 June 2022, following receipt of the examiner's report 22 March 2022 into the Yateley, Darby Green and Frogmore Neighbourhood Plan.

2 OFFICER RECOMMENDATIONS

2.1 That Cabinet

1. agrees that the Yateley, Darby Green and Frogmore Neighbourhood Plan proceeds to a local referendum on Thursday 30 June 2022.

2. the Decision Statement at Appendix 2 is agreed and published.

3 BACKGROUND

3.1 The Council has a statutory duty to assist communities in the preparation of Neighbourhood Development Plans and Orders.

3.2 The Yateley, Darby Green and Frogmore Neighbourhood Plan has been prepared with on-going engagement with the local community including the following statutory stages:

- Designation as a Neighbourhood Area (5 April 2018)
- Consultation on a Pre-Submission version (10 May – 2 July 2021)
- Submission to Hart District Council (8 November 2021)
- Submission consultation (24 November 2021 – 12 January 2022)

3.3 The Neighbourhood Plan was submitted for examination in January 2022 following the close of the submission consultation. A total of 22 representations were received to the consultation and these were forwarded to the Examiner for consideration.

3.4 The Council appointed independent examiner Andrew Ashcroft and the examination was conducted by written representations. The Examiner sought clarification from both the Town Council and Hart District Council on a few matters, both the examiners' questions and respective responses can be viewed at <https://www.hart.gov.uk/yateley>

- 3.5 The purpose of the examination is to consider whether the Plan complies with the relevant legislative requirements, in particular with the Neighbourhood Planning (General) Regulations 2012 (as amended), and to consider whether the Plan meets a set of 'Basic Conditions' – these are:
- i) have regard to national policies and advice contained in the guidance issued by the Secretary of State; and
 - ii) contribute to the achievement of sustainable development; and
 - iii) be in general conformity with the strategic policies contained in the development plan for the area; and
 - iv) be compatible with and not breach European Union (EU) obligations; and
 - v) not breach the requirements of Chapter 8 part 6 of the Conservation of Habitats and Species Regulations 2017.

4 CONSIDERATIONS

- 4.1 The final version of the Examiners Report was received on 22 March 2022 (attached at Appendix 1).
- 4.2 The examiner concluded that subject to the recommended changes set out in his report the plan meets the basic conditions and should proceed to referendum.
- 4.3 The NP includes a range of policies covering climate change, biodiversity, green infrastructure, flood risk, important views, Yateley Village Centre, and Blackbushe Airport etc. The majority of the Examiner's recommendations relate to matters of clarity and precision to ensure that the neighbourhood plan fully accords with National Planning Policy.
- 4.4 The Decision Statement at Appendix 2 includes a table setting all of the Examiner's recommendations. The notable recommended changes are :
- Policy YDFNP7 Important Views – deletion of views 03 and 05 on the basis that these do not meet the basic conditions, as they cover more extensive tracts of countryside and the examiner considers that they do not represent any significantly different characteristic to the wider neighbourhood area;
 - Policy YDFNP13 Blackbushe Airport – deletion of last two paragraphs of the policy which require the return of the land to public open space in the event the airport closes, as there is no indication as to how the requirements expressed would be achieved.
- 4.5 Hart District Council must decide what action to take in response to each of the report's recommendations and take a decision on whether to send the Neighbourhood Plan to referendum. The options open to the District Council are:
1. If it is satisfied that the Neighbourhood Plan, as recommended to be modified by the examiner, meets the basic conditions then it can agree the Neighbourhood Plan for referendum.
 2. If it is not satisfied that the Basic Conditions are met it can decide not to send the Neighbourhood Plan to referendum, or

3. It can decide to modify the Neighbourhood Plan.

4.6 If the District Council makes a decision which differs to the Examiner (i.e. options 2 and 3 above) it must publish the decision, with its reasons, and invite representations.

4.7 It is considered however, that the Yateley, Darby Green and Frogmore Neighbourhood Plan as modified meets the basic conditions and can therefore proceed to referendum.

5 ALTERNATIVE OPTIONS CONSIDERED OR REJECTED

5.1 There are no alternative options to consider. The Council is obliged to send the plan to referendum within 5 weeks of receipt of the examiner's report.

6 NEXT STEPS

Referendum

6.1 Following agreement to and publication of the Decision Statement (Appendix 2) , the Yateley, Darby Green and Frogmore Neighbourhood Plan can now proceed to a referendum on Thursday 30 June 2022, this will be organised by the District Council.

6.2 The Examiner has recommended that the referendum should be based on the Yateley, Darby Green and Frogmore neighbourhood area and that there are no reasons to extend this area for the purpose of the referendum. There are not considered to be any circumstances which would justify an alternative approach to this.

6.3 At referendum if over 50% of those voting, vote in favour of the Neighbourhood Plan, then the Plan must be 'made' (adopted) by the Council and will form part of the statutory Development Plan.

Decision making

6.4 Section 70 (2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood plan, so far as it is material to an application.

7 FINANCIAL AND RESOURCE IMPLICATIONS

Is the proposal identified in the service plan?	Yes
Is the proposed being funded from current budgets?	Yes
Have staffing resources already been identified and set aside for the proposal?	Yes

- 7.1 Support for neighbourhood plans is identified in the current Planning Policy service plan. The examination and referendum are funded by Hart District Council. The Council can apply for a government grant of £20,000 towards the costs of the Council's involvement in preparing the Plan (including the costs of the Examination and Referendum), once it has made a decision to proceed to Referendum.

8 EQUALITIES IMPACT

- 8.1 Both Yateley Town Council and Hart District Council are responsible authorities under the Public Sector Equality Duty. An Equalities Impact Assessment has therefore been prepared and agreed between both parties. This was initially undertaken on the submission version of the Neighbourhood Plan and refreshed to take into consideration the recommendations set out in the Examiners Report. No adverse impacts were recorded.

9 CLIMATE CHANGE IMPACT

- 9.1 The Yateley, Darby Green and Frogmore Neighbourhood plan whilst not allocating any sites for development includes many references to climate change and the need to avoid adverse impacts.
- 9.2 Objective (d) of the neighbourhood plan states '*to ensure development is built, designed and located so as not to add to the carbon burden and supports the national target of net zero gas emissions by 2050.*' This objective is to be delivered by the application of Policy YDFNP2 Limiting Climate Change; Policy YDFNP8 Green Infrastructure and Policy YDFNP15 Active Travel.

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APPENDICES

- Appendix 1 – Yateley, Darby Green and Frogmore Neighbourhood Plan
- Examiners Report
- Appendix 2 – Yateley, Darby Green and Frogmore Neighbourhood Plan
- Decision Statement

BACKGROUND PAPERS:

The Neighbourhood Plan and associated documents can be viewed at :
<https://www.hart.gov.uk/yateley>