

East Herts Council

**Braughing Parish  
Neighbourhood Plan  
2017 - 2033**

**Independent Examiner's Report**

By Ann Skippers MRTPI FRSA FHEA AoU

27 April 2018

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## Summary

I have been appointed as the independent examiner of the Braughing Neighbourhood Development Plan. The Parish is some seven miles to the north of Ware and nine miles to the west of Bishops Stortford. As well as the village of Braughing, there are several hamlets and the relationship between the village and these hamlets is fundamental to the character and appearance of the Parish. The River Quin divides the village just before it joins the River Rib. The Parish is proud of its history and in particular being awarded Village of the Year for the County in 2012.

The Plan builds on earlier work on a Parish Design Statement and has taken the opportunity to review and update that work. The Plan has been prepared against the backdrop of an emerging District Plan. It makes a number of site allocations aimed at accommodating the minimum level of housing growth in the emerging District Plan. It contains a number of policies which will help to stem the threat identified in the recently updated Conservation Area Appraisal and Management Proposals which stated that Braughing is in danger of losing its rural character and becoming a commuter suburb.

Overall the Plan is well presented with planning policies clearly defined and supported by helpful explanatory text. I have recommended modifications that are intended to ensure that the basic conditions are satisfactorily met and largely to ensure that the Plan is clear enabling it to provide a practical framework for decision-making as required by national policy and guidance.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to East Herts District Council that the Braughing Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI  
Ann Skippers Planning  
27 April 2018



## 1.0 Introduction

This is the report of the independent examiner into the Braughing Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by East Herts District Council (EHDC) with the agreement of Braughing Parish Council, to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over twenty-five years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

## 2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions<sup>1</sup> are:

- 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
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

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<sup>1</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and is:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site<sup>2</sup> or a European offshore marine site<sup>3</sup> either alone or in combination with other plans or projects.

In addition, the examiner is required to check<sup>4</sup> whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.<sup>5</sup>

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case East Herts District Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

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<sup>2</sup> As defined in the Conservation of Habitats and Species Regulations 2012

<sup>3</sup> As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>4</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

<sup>5</sup> The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

### 3.0 Neighbourhood plan preparation

A Consultation Report has been submitted. Work began on the Plan in 2015.

A survey about housing was conducted in April/May 2015 with surveys delivered to every household in the Parish. There was about a 50% response.

A stall at the annual Braughing Fair and Wheelbarrow Race held in June 2015 asked participants about what they wanted to protect, develop for the future and what benefits new development should bring.

Visits were made to the local middle school to engage children aged 9 – 13 and to the primary school to engage younger children.

A fun day was organised to coincide with Halloween targeted teenagers.

Three open days were held with 87 people attending the first one in July 2015. The second one was held in November 2015 and focused on potential development sites as well as gathering feedback on the vision and objectives and local green spaces and priority views. A total of 127 people attended with others submitting forms after the event. The third open day was held in February 2016 and focused on local green spaces and priority views. 91 people attended.

After two additional sites were put forward, an additional period of consultation was held in March/April 2016.

A Parish Council meeting was held in May 2016 to discuss the Plan. Parish Council meetings are held monthly and regular updates were given. An extraordinary meeting was held in December 2016 to finalise allocations and designations and agree the draft Plan.

In addition, open days were advertised in the monthly Parish magazine. Posters and banners were used to publicise events. The Parish Council website has a dedicated neighbourhood plan section. A Facebook page has also been created.

The Parish Council has confirmed that the pre-submission (Regulation 14) consultation took place between 25 January – 10 March 2017. A summary of the policies was delivered to every household. The website was updated, emails sent to those on the mailing list and an open day was held in January 2017 with 81 people attending.

The Consultation Statement includes identification of the main issues arising from the consultation and how these were addressed.

I consider that the consultation and engagement carried out to be satisfactory.

Submission (Regulation 16) consultation was carried out between 5 October - 16

November 2017. The Regulation 16 stage resulted in representations from 26 individuals, organisations or companies which I have considered and taken into account in preparing my report.

## 4.0 The examination process

I have set out my remit earlier in this report. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).<sup>6</sup> PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>7</sup> Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further additions or amendments are required.

In this regard some representators ask for additional or new supporting text. Others seek the allocation of other or additional sites. Whilst there is little doubt that such suggestions can be useful, there is no requirement for a neighbourhood plan to include any particular types of policies or references or to make any site allocations and these are therefore not modifications I need to make in respect of my role. No doubt the Parish Council will wish to take account of these suggestions in reviewing or updating the Plan at some point in the future.

A representation<sup>8</sup> indicates that one site, Land West of Pelham Road, is available and should have been assessed as part of the site assessment and allocation process. The site was put forward at pre-submission stage and is being put forward again at submission stage. I note that over 25 sites were considered as part of the site selection process including those identified in EHDC's Strategic Land Availability Assessment (SLAA). In addition AECOM's Site Options and Assessment Final Report confirms that the site identification process undertaken was "...good and includes a range of potential sites from a range of sources."<sup>9</sup> Given 25 other sites came forward I agree that the site identification process seems to be satisfactory whilst recognising that more can always be done to engage landowners. I note that the site in question was not a SLAA site. I have also queried this matter with the Parish Council through written questions. The Parish Council has shared an email that confirms their view that the site was not available and, in line with their own site assessment matrix and the advice available, the site was therefore was not assessed after the pre-submission stage. I am satisfied that the site identification and selection process has been appropriately carried out.

There are some allegations of conflicts of interest within the qualifying body and others of prejudice, inconsistency and inappropriate behaviour. It is outside the jurisdiction of examiners to consider such matters. It may be appropriate for such matters to be

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<sup>6</sup> PPG para 055 ref id 41-055-20140306

<sup>7</sup> *Ibid*

<sup>8</sup> Representation from Bidwells on behalf of the Diocesan Board of Finance for St Albans

<sup>9</sup> AECOM Site Options and Assessment Final Report February 2016 page 12

separately considered through the complaints procedure of the qualifying body or local planning authority.

PPG explains<sup>10</sup> the general rule of thumb is that the examination will take the form of written representations,<sup>11</sup> but there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. After careful consideration of all the documentation and representations, I decided that neither circumstance applied and therefore it was not necessary to hold a hearing.

I did raise a number of questions of clarification or which sought further information. My list of questions is attached as Appendix 2. Somewhat unusually I then asked for two further matters of clarification and my email to EHDC is attached as Appendix 3. The questions and the responses to them are a matter of public record and available from EHDC or the Parish Council.

I made an unaccompanied site visit to familiarise myself with the Plan area on 8 February 2018.

Where I recommend modifications in this report they appear as bullet points in **bold text**. Where I have suggested specific changes to the wording of the policies they appear in **bold italics**.

## 5.0 Compliance with matters other than the basic conditions

I now check the various other matters set out in section 2.0 of this report.

### Qualifying body

Braughing Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

### Plan area

The Plan area covers all of the Parish. The Plan area was designated by EHDC on 8 June 2015. The Plan area is identified on page 3 of the Plan. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with the requirements.

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<sup>10</sup> PPG para 056 ref id 41-056-20140306

<sup>11</sup> Schedule 4B (9) of the Town and Country Planning Act 1990



## **Plan period**

The Plan covers the period 2017 – 2033 to align with the end date of EHDC’s emerging District Plan. The date is clearly indicated on the front cover of the Plan and also confirmed in the Plan itself. This requirement is therefore met.

## **Excluded development**

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

## **Development and use of land**

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community’s priorities for the future of their local area, but are not related to the development and use of land. Should I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.<sup>12</sup> Subject to any such recommendations, this requirement can be satisfactorily met.

## **6.0 The basic conditions**

### **Regard to national policy and advice**

The main document that sets out national planning policy is the National Planning Policy Framework (NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.<sup>13</sup>

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.<sup>14</sup>

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<sup>12</sup> PPG para 004 ref id 41-004-20140306

<sup>13</sup> NPPF paras 14, 16

<sup>14</sup> *Ibid* para 184

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at <https://www.gov.uk/government/collections/planning-practice-guidance>. The planning guidance contains a wealth of information relating to neighbourhood planning and I have had regard to it in preparing this report.

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.<sup>15</sup>

PPG indicates that a policy should be clear and unambiguous<sup>16</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.<sup>17</sup>

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>18</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>19</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement considers how the Plan has had regard to each of the relevant core planning principles and themes in the NPPF and includes a diagram of each Plan policy mapped against the NPPF's themes.

### **Contribute to the achievement of sustainable development**

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole<sup>20</sup> constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.<sup>21</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement briefly discusses how the Plan contributes to the achievement of sustainable development.

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<sup>15</sup> NPPF para 17

<sup>16</sup> PPG para 041 ref id 41-041-20140306

<sup>17</sup> *Ibid*

<sup>18</sup> *Ibid* para 040 ref id 41-040-20160211

<sup>19</sup> *Ibid*

<sup>20</sup> NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

<sup>21</sup> *Ibid* para 7

## **General conformity with the strategic policies in the development plan**

The development plan consists of the saved policies of the East Herts Local Plan Second Review 2007 (LP 2007) adopted in April 2007 and the Minerals and Waste Plans produced by Hertfordshire County Council.

In addition, EHDC is currently preparing a new District Plan. In line with good practice, the Plan has been prepared with regard to both the adopted and emerging Local Plans.

The Basic Conditions Statement contains a comprehensive table that maps the links between the Plan's policies and the relevant policies in both the LP 2007 and the emerging District Plan.

## **European Union Obligations**

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

PPG indicates that it is the responsibility of local planning authorities to ensure that the Plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive) when it takes the decision on a) whether the Plan should proceed to referendum and b) whether or not to make the Plan.<sup>22</sup>

## ***Strategic Environmental Assessment***

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).

Although, as PPG<sup>23</sup> explains, there is no legal requirement for a neighbourhood plan to have a sustainability appraisal, undertaking one may be useful in helping to demonstrate how a plan will contribute to achieving sustainable development. In this case, the Parish Council have prepared a document entitled Sustainability Appraisal which I have treated as a supporting evidence document.

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<sup>22</sup> PPG para 031 ref id 11-031-20150209

<sup>23</sup> *Ibid* para 026 ref id 11-026-20140306

PPG<sup>24</sup> explains that either a statement of reasons for a determination under Regulation 9 (1) of the EAPPR that the Plan is unlikely to have significant environmental effects or an environmental report prepared in accordance with Regulation 12 of the EAPPR must be included with the Plan proposal when it is submitted to the local planning authority.

EHDC issued a determination dated 25 August 2017 that a SEA was not required.<sup>25</sup> I asked EHDC to provide any supporting documentation that had led to this conclusion together with confirmation that the consultation had been undertaken with the statutory consultees and to have sight of any such responses. The Screening Report and those details have now been provided.

The Screening Report is clear that SEA is not required because the Plan is not likely to have any significant effects. Regard was had to Schedule 1 of the EAPPR. The requisite consultation was carried out with the three statutory consultees. Both the Environment Agency and Natural England confirmed that a SEA was not needed. After further correspondence with Historic England and some amendments to the Sustainability Appraisal prepared by the Parish Council, Historic England also confirmed that no further work should be undertaken with regards to SEA. It is ultimately EHDC's responsibility to determine whether EU obligations are met as the Plan progresses. I am of the view that EU obligations in respect of SEA have been satisfied.

### ***Habitats Regulations Assessment***

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.<sup>26</sup> The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

EHDC issued a determination dated 25 August 2017 that the Plan will not have a likely significant effect on any European sites.

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in primary legislation as detailed in section 2.0 of this report. In my view, requirements relating to Habitats Regulations Assessment have been met and the Plan complies with this basic condition.

### ***European Convention on Human Rights (ECHR)***

The Basic Conditions Statement contains a statement on human rights. There is nothing in the Plan that leads me to conclude there is any breach of the fundamental rights and freedoms guaranteed under the ECHR or that the Plan is otherwise incompatible with it or does not comply with the Human Rights Act 1998.

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<sup>24</sup> PPG para 031 ref id 11-031-20150209

<sup>25</sup> See Appendix A of the Basic Conditions Statement

<sup>26</sup> PPG para 047 ref id 11-047-20150209

## 7.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold text**. As a reminder, where I suggest specific changes to the wording of the policies or new wording these appear in **bold italics**.

The Plan is presented to an exceptionally high standard with policies which are clearly differentiated from supporting text. It has an eye catching front cover and is full of photographs that give a unique feel to the Plan. There is a useful contents page at the start of the Plan together with a Foreword by the Chair of the Plan Group.

### 1. Introduction and Background

This section offers a good introduction to the Plan and its evolution. It is well written. There may be some natural updating to the final two paragraphs as the Plan progresses towards its final version.

### 2. Vision and Objectives

Building on the Braughing Parish Design Statement (2004), the vision for the Plan is clearly articulated and sets out eight issues particularly valued by the community. The vision is underpinned by 17 clearly worded objectives, all of which are clearly supported by the local community.

### 3. Strategy

This section explains that the Plan seeks sustainable growth. There is also a recognition that the strategy may need to be revisited after adoption of the East Herts District Plan and this will ensure the Plan is relevant and can achieve its stated aims.

A Policies Map is shown on page 8 of the Plan indicating all the sites and areas subject to policies in the Plan. In the right hand corner there is an inset map of Braughing Friars. At first glance it appears as if the road continues and is quite confusing to those of us who do not live or work in the area. In the interests of clarity, a modification is suggested to ensure that it is clear this is an inset map.

- **Around the inset map on the Policies Map on page 8 of the Plan add a thick black line around the box and the words “Inset Map”**

#### 4. The Neighbourhood Plan Policies

This section explains the policies and differentiates between planning policies and other aspirations of the community captured by the neighbourhood planning process. It lists each of the 18 policies, but encourages readers to read the policies in their context and alongside the supporting text in each subsequent section of the Plan.

Whilst I do not personally consider it necessary or helpful to list the policies, I recognise this is largely a matter of style. Should this section be retained, it will of course be important to ensure that any modifications to policies are also reflected in this section.

- **Ensure all modifications to the policies are also implemented in this section**

#### 5. Housing Strategy

This chapter begins by explaining the emerging District Plan housing requirement for the Parish.

The emerging District Plan contains a development strategy for the villages based on a classification of villages; Braughing is identified as a Group 1 village. At least 500 new homes will be provided in the period 2017 – 2033 across all Group 1 villages. In Group 1 villages, regarded as the most sustainable, housing, employment, leisure and recreation developments and community facilities will be permitted. The emerging District Plan indicates that such growth will help to sustain services and facilities, deliver more affordable housing and provide job opportunities and other community benefits.

A minimum 10% increase in housing stock based on the 2011 Census and over the period 2017 – 2033 is required for Braughing equating to 35 units according to Table 10.1 in the emerging District Plan. The Plan recognises that the emerging District Plan may change and that the Plan may need amending following adoption of the District Plan.

In relation to the adopted development plan, the LP 2007 explains that development will be focused on the main settlements of Bishops Stortford, Hertford, Ware and Sawbridgeworth alongside Stanstead Abbots and St Margarets and Buntford. Development in the smaller settlements will be accommodated to support facilities and services and to meet housing and employment needs for that settlement and surrounding area.

Policy OSV1 of the LP 2007 identifies Braughing as a Category 1 village. Within the village, small-scale and infill housing development is supported together with suitable sized employment, service, leisure, recreation and community facilities subject to a number of criteria. Settlement boundaries have been designated for all Category 1 villages.

## Policy 1: Sustainable Housing

This policy seeks to set out how the minimum housing requirement of 35 units will be achieved in the Parish in line with the housing requirement set out at District level. It explains that sites accommodating some 26 homes are allocated through other policies in the Plan. This is because, as the Plan later explains,<sup>27</sup> planning permission has already been granted for nine houses. I comment further on the adequacy of the housing numbers in relation to Policies 5, 6, 7, 8 and 9.

Sites in the rural areas are not allocated and only rural exception sites will be supported in such areas.

It sets out six criteria that all proposals should seek to comply with of importance to the local community. All criteria are clearly worded and written in a way that encourages high quality development.

In relation to affordable housing, one criterion refers to such provision “where appropriate”. I consider that this means that any threshold for example set nationally or at District level would be complied with, but other opportunities would be taken for such provision as appropriate.

The policy refers to Policy GBR2 of the emerging District Plan and given that this policy is yet to be adopted, this reference should be removed from the policy. Subject to this modification, the policy is clearly written and will meet the basic conditions helping to achieve sustainable development in particular.

- **Delete “(ref. East Herts District Plan Policy GBR2 Rural Area Beyond the Green Belt where sites outside the village will only be allowed if they are allocated in a Neighbourhood Plan).” from the second paragraph of the policy**

## Policy 2: Design of New Development

Taking its lead from a Design Statement produced in 2004, this policy seeks to ensure that new development is of high quality and is appropriate to the area reinforcing local distinctiveness. It will therefore help to achieve sustainable development.

The policy reflects the NPPF which indicates that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.<sup>28</sup> It is in general conformity with the LP 2007 and in particular Policy ENV1. It is a robust and comprehensive, well written policy. It meets the basic conditions and no modifications are recommended.

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<sup>27</sup> Page 24 of the Plan

<sup>28</sup> NPPF para 56

### Policy 3: Density of Housing Development

This policy seeks to ensure that new development responds to the density and character of the area in which it is located. Density has been mapped to show areas of low, medium and high density. The policy also recognises that where substantial buildings are replaced, higher density could be accommodated. Reference is made within the supporting text to emerging District Plan Policy HOU2 which recognises that lower density in villages may be appropriate to respond to local character and context. In line with the NPPF,<sup>29</sup> this policy seeks out a locally distinctive and appropriate approach without being unnecessarily prescriptive. This clearly written policy meets the basic conditions and no modifications are suggested.

### Policy 4: Brownfield Development

Development on brownfield sites is supported through this policy as this was the most supported option by the community. The Plan recognises that only two brownfield sites have been identified through the neighbourhood plan process. The policy does not restrict development to these two sites although it identifies the sites by name and on the Policies Map. It would be useful to reference the Policies Map in the policy itself just for the sake of completeness.

A representation has queried the accuracy of the site identified on the Policies Map as B1. In response to my query on this matter, the Parish Council has confirmed that the site is correctly shown on the Policies Map. The site looks to include residential gardens; whilst these elements would not fall within the usual definition of previously developed land, the potential for the site as shown to be redeveloped seems clear. It is of course a matter for the landowner as to the exact site put forward.

Both specifically identified sites are, in my view, suitable for development for residential/employment uses as detailed in the policy.

Subject to this modification, the policy meets the basic conditions.

- **Add “*Both specific sites are shown on the Policies Map.*” at the end of the policy**

### Policies 5, 6, 7, 8 and 9: Housing Development Sites 1 - 5

Policies 5 – 9 are five individual site allocations which set out site specific requirements. All are clearly shown on the Policies Map. Alongside each policy, a plan of the site

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<sup>29</sup> NPPF paras 47, 59



showing key features and attributes and principles for developing each site has been produced and is akin to a design brief to guide development. The Parish Council have confirmed that these plans are indicative and I agree that this is their status. In order to ensure there is clarity on this point, each plan should be captioned to make this clear.

The allocation of land to accommodate some 26 homes was undertaken through an assessment process detailed in the document titled "Assessment of Land Criteria" and summarized in the Plan itself. Only sites within or adjacent to Braughing village were considered. A number of issues, including technical issues such as access and flooding to issues such as effect on views and the availability of the sites were taken into account. Landowners were encouraged to put forward sites. Those meeting the criteria were subject to public consultation. These sites were also assessed by AECOM and the results available in the "Neighbourhood Plan Site Options and Assessment" report. Further detailed assessments were then undertaken including contact with landowners.

I saw each site at my visit. I consider all the sites are appropriate for allocation.

I note that the Plan indicates that 26 houses are needed and sites are identified to accommodate that number. None of the policies actually specify numbers for each site and by my reckoning at least 23 are specifically identified. However, there is flexibility within the policies as no numbers are specified and the village boundary has been extended. This means that, subject to good planning principles, it is likely that some sites may be able to accommodate higher numbers. In addition, two brownfield sites are identified in Policy 4 and others supported for (re)development. Taking all these factors together, I consider the Plan makes satisfactory provision to accord with the emerging requirements at District level. This then takes account of PPG advice that states "Although a draft neighbourhood plan...is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions...For example, up to date housing needs evidence is relevant...".<sup>30</sup>

I also note that the situation is recognised as uncertain and the Plan makes it clear that an amendment to its strategy may be necessary following any modifications to the emerging District Plan through the examination process.<sup>31</sup>

I turn now to more specific comments on Policies 5 – 9.

**Policy 5, Site 1, Land behind the Post Office**, falls within the Conservation Area. Given this, the policy and its supporting text should refer to the statutory duty in the interests of providing a practical framework for decision-making in line with national policy and guidance.

The policy has a number of criteria setting out the expectations for development of this site. The site's sensitive location and its topography as well as hedgerows on two of the

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<sup>30</sup> PPG para 009 ref id 41-009-20160211

<sup>31</sup> Page 18 of the Plan

boundaries identified in the Conservation Area Appraisal as making a positive contribution are rightly recognised and addressed. However, the indicative map shows an option for the access to be achieved outside the site boundary. As a result this criterion needs modification to provide the practical decision making framework sought by national policy and guidance.

Furthermore the criteria and supporting text do not fully reflect each other in that the text refers to the removal of permitted development rights which should be implemented sparingly and is a matter for the planning application stage dependent on the scheme to be brought forward.

Lastly, there is an easily made syntax error that should be corrected in criterion 9.

**Policy 6, Site 2, Land to the rear of Chestnuts, Green End.** This site is adjacent to Site 4 and there would, to my mind, be some benefit in seeking to plan these two sites concurrently.

The owner of Site 2 has submitted a representation indicating that the site map is inaccurate. The Parish Council has confirmed it is shown correctly.

I understand that the planning application referred to on page 30 of the Plan has now been refused and the outcome of an appeal awaited. At this stage, the site can remain as an allocation. The supporting text makes some remarks that as the Plan progresses will need to be reviewed given any decision on the pending appeal.

This site also falls within the Conservation Area. Again the policy and its supporting text should reflect the statutory duty in relation to Conservation Areas.

The policy has nine criteria. Criterion 3 refers to the site being in the heart of the village, but the supporting text refers to the site bordering open countryside. To help with this apparent anomaly, a modification is suggested that will bring consistency.

Criterion 5 refers to “new homes are sited facing onto Hull Lane”. However, the next criterion refers to an additional home at the rear of the site. There is then some contradiction between the two criteria. This is resolved by criterion 8 that requires the siting of homes to take account of the site’s topography, location and amenities of neighbouring properties. This means that a design-led approach can be taken and the indicative map shows two areas for proposed housing, the first, larger area fronting Hull Lane and to the rear of the site.

In addition, criterion 6 requires any dwelling at the rear of the site to “resemble an agricultural building”. This would be hard to comply with given its imprecision as it is open to interpretation and in any case, I do not consider sufficient justification has been put forward for this. Both criteria 5 and 6 should therefore be deleted as they do not provide the clarity sought by national policy and guidance. The reference to agricultural buildings in the supporting text on page 31 of the Plan should also be deleted in the interests of consistency.

The other criteria provide a balance of supporting appropriate development whilst respecting the site's characteristics including seeking the retention of a hedgerow along Hull Lane identified as making a positive contribution in the Conservation Area Appraisal.

Access is clearly a contentious issue on this site. The policy itself does not make any reference to vehicular access, but the supporting text does and the site plan accompanying the policy also indicates vehicular access could be taken across land that is not within the boundary of the proposed allocation. Given that the policy does not make any reference and would take precedence over the text and the site map has been established as being indicative, I consider this to be acceptable with some minor revision to make it clear that the access will need to be evidence based. Without the evidence to support access off Green End being presented in the Plan, I cannot add a reference into the policy itself. However, the modifications recommended would not prevent this.

**Policy 7, Site 3, Ford Street Farm Barns**, is allocated for at least 11 houses to include the conversion of the existing barns. The site falls within the Conservation Area and so again the policy and supporting text require amendment. The site also has listed buildings on it.

Criterion 4 refers to the site map. As this is indicative, the criterion needs some revision to make this clear.

Criterion 5 refers to "cottage style development", but this is not supported by any explanation or evidence. Therefore a modification is recommended in the interests of clarity.

The other criteria are clearly worded and support appropriate development of the site.

Once again the supporting text makes reference to a survey of protected species and a flood risk assessment being required, but the policy does not include these items. In the interests of consistency, modifications are therefore required.

**Policy 8, Site 4, Larkspur House**, involves the demolition of the existing house and its replacement with three smaller units. The site is adjacent to Site 2.

The site falls partly within and partly adjacent to the Conservation Area and so again a modification is recommended to reflect the statutory duty.

Criterion 3 of the policy refers to a "conflict with highway safety". This criterion could be phrased more precisely to take account of national policy and guidance.

The other criteria provide an appropriate balance including seeking the retention of a hedgerow along Hull Lane identified as making a positive contribution in the Conservation Area Appraisal, but recognising the possibility of an access too. A modification is needed in the interests of consistency to the reference to the map.

**Policy 9, Site 5, Pelham Barns**, necessitates a change to the village boundary and in so doing adjacent land between this proposed site and No 6 Pelham Road would then fall within the boundary providing a further opportunity for development. The policy for this site includes a paragraph at the end that seeks to influence the type of development on this area. Given that the policy refers to a specific site, this is not appropriate and should be deleted from the policy. Consequential amendments to the supporting text will also be necessary.

In line with my comments on the imprecise wording and justification for seeking buildings to resemble agricultural buildings, criterion 6 should be deleted.

Otherwise the criteria for this site are appropriate.

Subject to the modifications detailed below which refer to Policies 5, 6, 7, 8 and 9, these policies will meet the basic conditions.

- **Add the words “*Indicative map*” to all the plans accompanying Policies 5 - 9**
- **Add the words “*or appearance*” after “Preserves or enhances the character...” in criterion 2. of Policy 5 and after “...must preserve or enhance the character...” in the first paragraph on page 29 of the Plan**
- **Change criterion 4. of Policy 5 to read: “*Satisfactory vehicular and pedestrian access is available to the site*”**
- **Change the word “planning” buffer in criterion 9. of Policy 5 to “*planting*”**
- **Delete the sentences that begin “The removal of Permitted Development Rights...” and “This is to ensure that no...” on page 29 of the Plan**
- **Add the words “*or appearance*” after “Preserves or enhances the character...” in criterion 2. of Policy 6 and after “...makes a positive contribution to the character...” in the second paragraph on page 31 of the Plan**
- **Delete the words “in the heart of the village” from criterion 3. of Policy 6**
- **Delete criterion 5. of Policy 6 and renumber remaining criteria accordingly**
- **Delete criterion 6. of Policy 6 and renumber remaining criteria accordingly**
- **Replace the words “resemble an agricultural building” on page 31 of the Plan with “*appropriately designed*”**
- **Add the words “*by the local community*” to the sentence that begins “Access via Hull Lane would not be supported...” on page 31 of the Plan**

- Add a new sentence to the end of the paragraph on access on page 31 of the Plan that reads: *“Satisfactory vehicular access to any new development will need to be agreed.”*
- Add the words *“or appearance”* after “Preserves or enhances the character...” in criterion 2. of Policy 7 and after “...must preserve or enhance the character...” in the first paragraph on page 33 of the Plan
- Reword criterion 4. of Policy 7 to read: *“New homes are sited in the general location shown on the indicative site map”*
- Change criterion 5. of Policy 7 to read: *“New homes should have a scale and height which reflect the character of the surrounding properties and could take the form of traditional cottages”*
- Replace the word “will” in the sentence on page 33 of the Plan that refers to a survey of protected species to *“may”*
- Replace the word “will” in the sentence on page 33 of the Plan that refers to a flood risk assessment to *“may”* and add at the end of this sentence *“and the applicant is advised to check this requirement at the earliest opportunity.”*
- Add the words *“or appearance”* after “Preserves or enhances the character...” in criterion 2. of Policy 8 and after “...must preserve or enhance the character...” in the last paragraph on page 34 of the Plan
- Reword criterion 3. of Policy 8 to read: *“Satisfactory vehicular access must be achieved to serve any development”*
- Change the words “site allocation plan” in criterion 6. of Policy 8 to *“indicative site map”*
- Delete the last paragraph of Policy 9 that begins “Should a development proposal come forward...” in its entirety
- Delete the last sentence in the first paragraph on page 37 of the Plan that begins “Any proposal for new homes...” in its entirety
- Delete criterion 6. of Policy 9 and renumber remaining criteria accordingly
- Replace the words “resemble an agricultural building” on page 37 of the Plan with *“be appropriately designed”*

## 6. Local Character

### Policy 10: Conservation

Recognising that the Parish has a Conservation Area, boasts numerous listed buildings and important archaeology, Policy 10 has seven criteria designed to ensure that these important attributes are conserved and enhanced.

The first element of the policy refers to non-listed buildings of architectural merit. The NPPF recognises that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.<sup>32</sup> A modification is therefore recommended so that the criterion takes better account of the NPPF.

The second criterion refers to the emerging District Plan which may change. Therefore a modification is recommended to remove this reference so that the Plan does not become out of date quickly. I also could not find the reference quoted in the document. In any case, this modification will not change the sense of this element.

The sixth criterion refers to archaeological sites and to take account of the NPPF,<sup>33</sup> this element needs to be more robust.

Subject to these modifications, the policy will take account of national policy and guidance and will help to achieve sustainable development.

- **Add “*having regard to the scale of any harm or loss and the significance of the heritage asset*” to the end of the first bullet point in the policy**
- **Delete the words “As stated in the East Herts District Plan” from the start of bullet point two in the policy**
- **Change bullet point six in the policy to read: “Areas of archaeological significance, in particular those alongside and opposite the old station, where there have been exceptional finds, should be protected from development, if possible. *Where a development site includes or has the potential to include assets with archaeological interest, a desk-based assessment and field evaluation where necessary will be required;*”**

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<sup>32</sup> NPPF para 126

<sup>33</sup> *Ibid* para 128

## 7. Landscape and Environment

### Policy 11: Wildlife

The NPPF is clear that the planning system should contribute to and enhance the natural and local environment.<sup>34</sup> The supporting text to the policy explains the particular landscape and environmental attributes of the Parish. The policy has four elements to it and seeks to protect and enhance wildlife, avoids unnecessary lighting, protects and restores hedges and trees and introduces a buffer zone from the river bank. It is clearly worded and meets the basic conditions. No modifications are therefore recommended to the policy itself.

However, one element of the supporting text on page 41 explains that “land that constitutes a large open space where ‘openness’ is part of the character of the landscape and those with amenity value should also be protected”. This effectively introduces a policy element to the supporting text which is not appropriate. As a result, this element should be deleted.

- **Delete the sentence that begins “Land that constitutes a large open space...” in its entirety from the last paragraph of supporting text on page 41 of the Plan**

## 8. Green Spaces

### Policy 12: Local Green Spaces

This policy seeks to designate six Local Green Spaces (LGS).

The NPPF explains that LGSs are green areas of particular importance to local communities.<sup>35</sup> The effect of such a designation is that new development will be ruled out other than in very special circumstances. Identifying such areas should be consistent with local planning of sustainable development and complement investment. The NPPF makes it clear that this designation will not be appropriate for most green areas or open space. It makes it clear that the designation should only be used where the green space is in reasonably close proximity to the community it serves, it is demonstrably special to the local community and holds a particular local significance for example because of its beauty, wildlife, tranquility, recreational value, historic significance and where the area is local in character and not an extensive tract of land.<sup>36</sup> Further guidance about LGSs is given in PPG.

All of the proposed LGSs are shown on the Policies Map. Further information and justification for each designation is given in the Plan

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<sup>34</sup> NPPF Section 11

<sup>35</sup> *Ibid* paras 76, 77 and 78

<sup>36</sup> *Ibid* para 77

I visited the proposed LGSs on my site visit. Taking each one in turn:

**L1. Meadow west of the Causeway; Hunts Mead** is at the heart of the village close to the ford, a key meeting place in the village. It is local in character. It is particularly valued by the community for its landscape attributes and for village events held there. It falls within the Conservation Area and is identified as an important open space to be protected in the Conservation Area Appraisal.

**L2. St Aubyn field, at the top of Maltings Lane** forms a key part of the village's setting in the heart of the village and is local in character. It is a tranquil area and provides good views of the village. It falls within the Conservation Area and is identified as an important open space to be protected in the Conservation Area Appraisal.

**L3. Dicken Croat field** consists of pasture land situated to the north of the village and in reasonably close proximity to it adjoining the village boundary. Whilst the land is the largest area of proposed LGSs, I do not regard it as an extensive tract of land because of its characteristics which make it valued by the community for its recreational value as there are footpaths across it. The supporting text explains that the field forms a key setting to the village and affords views of the village and the surrounding countryside. The lower part of the land is close to the River Quin. The site is important to the setting of the village as it forms part of the valley, an intrinsic feature of great importance to the landscape setting of the village and is clearly valued for its contribution to the visual and landscape attributes of the area and the views it affords for users of the footpaths.

**L4. Pentlows Meadow** is adjacent to St Mary's Church churchyard, in a central location and is in close proximity to housing. It is particularly valued for wildlife by the community, but it is also important in relation to the setting of the village and its topography and an integral part of its character. It is identified in the Conservation Area Appraisal as an important open space to be protected.

**L5. Fields adjacent to the main ford to the south-east of Malting Lane alongside Ford Street to the war memorial on the B1368** is valued by the community for its historical significance as an ancient burial site and for village events. This proposed LGS lies partly adjacent to proposed LGS L2. It also falls within the Conservation Area and is identified as an important open space to be protected in the Conservation Area Appraisal.

**L6. Braughing Friars East/West Meadows** is in reasonably close proximity to the village and close to other dwellings. It is valued by the community as a wildlife meadow and is enjoyed as a walking route. It is an enclosed area, local in character.

In line with PPG advice,<sup>37</sup> I have also considered whether those proposed LGSs which fall within the Conservation Area would gain any additional local benefit from designation as LGS. In these cases, I consider that the LGS designation expresses the areas of particular significance and importance to the local community and therefore there is added value.

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<sup>37</sup> PPG para 011 ref id 37-011-20140306



In my view, all of the proposed LGSs meet the criteria in the NPPF satisfactorily.

The policy refers to the Policies Map and the criteria in the NPPF in setting out the type of new development that will be permitted in the LGSs. With two additions, for clarity, and one deletion as LGS designations should be capable of enduring beyond the end of the Plan period as per the NPPF,<sup>38</sup> the policy will meet the basic conditions.

One further clarification is needed on the Policies Map. At first glance it appears as if L6 is located along Pelham Road. The Policies Map should be made clearer to ensure that the Braughing Friars map for L6 is an inset.

- **Add the words “*specified below and*” after “Those areas...” in the first sentence of the policy**
- **List each proposed LGS number and name as bullet points at the end of the policy**
- **Delete the words “during the duration of this Plan” from the policy**
- **Inset a thick line around the Braughing Friars map on the Policies Map and the word “*Inset*” so it is clear that L6 is in a different location**

### **Policy 13: Protected Recreational Open Spaces**

This policy seeks to protect four areas of open space notated on the Policies Map as P1 – P4. The open spaces are: P1. Braughing playing fields and tennis courts; P2. Braughing children’s playground; P3. Allotments to the east of the tennis courts and P4. Orchard to the east of the tennis courts. The spaces are contiguous.

For clarity, I consider that the spaces should be named in the policy. Otherwise the policy sets out the rationale for the spaces as well as the type of development that will be supported and the circumstances in which the loss or reduction of the spaces may be considered. The clearly worded policy is in line with the NPPF<sup>39</sup> in promoting healthy communities as well as Policy LRC1 of the LP 2007 which resists the loss of sport and recreation facilities and will help to achieve sustainable development.

- **Add the words “*specified below and*” after “Those areas...” in the first sentence of the policy**
- **List each proposed space number and name as bullet points at the end of the policy**

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<sup>38</sup> NPPF para 76

<sup>39</sup> *Ibid* para 74

## 9. Priority Views and Vistas

### Policy 14: Views

This policy seeks to protect a number of “priority views” that have been identified by the community as being of particular importance. Reference is also made to the Conservation Area Character Assessment 2016.

I saw on my site visit that these views are important to the setting of the village and its unique character and topography.

The supporting text on page 51 indicates that the views contained in the Plan are “not exhaustive” and indeed the policy could be taken to apply to other views in addition to the priority views. In line with national policy and guidance, there needs to be clarity as to what views the policy applies to. For this reason a series of modifications is recommended to ensure the policy will meet the basic conditions.

Otherwise the policy chimes with national policy and guidance in seeking to protect the area and its locally distinctive character and appearance. It seeks to ensure that new development respects these views and I consider this to be an appropriate balance between the presumption of sustainable development and the protection of local distinctiveness.

The views are identified clearly on an accompanying plan and usefully documented in a series of photographs in the Plan. However, the plan is not referred to in the policy and it would be helpful for a cross reference to be made so that it is clear the policy applies to these identified views.

- **Change the title of the policy to “Priority Views”**
- **Change the first two sentences to read: “The priority views defined in Chapter 9 of the Plan and shown on the Map of Priority Views on page [XX] of the Plan are particularly important to residents of the parish and should be protected.”**
- **Change the first sentence on page 51 of the Plan to read: “The map below illustrates the Priority Views that Policy 14 applies to.”**
- **Delete the word “Example” from the sentence “Example photographs of the priority views are provided below.” on page 51 of the Plan**

## 10. Infrastructure, Transport and Communications

### Policy 15: Infrastructure

The supporting text to the policy explains that the local community has a number of concerns relating to infrastructure including traffic generation. Policy 15 is a criteria based policy that seeks to ensure that any new development is acceptable with regard to the effect on highways, the provision of off-street parking, the encouragement of the use of footpaths, cycleways and bridleways through their protection and enhancement and sewerage. In addition, high speed broadband is supported.

The NPPF indicates that transport statements or assessments will be needed where proposals generate significant amounts of movement.<sup>40</sup> I note that the policy makes it clear that any such assessment should be proportional to the development sought and I consider this introduces sufficient flexibility to ensure that the requirement will not be overly onerous.

The policy is clearly worded and sufficiently flexible over its requirements.

A representation on behalf of Thames Water suggests an amendment to the last criterion on sewage. I consider this would be helpful to clarify the wording and make this element more robust.

Subject to this modification, the policy will meet the basic conditions as it takes account of the NPPF in that it promotes sustainable transport whilst recognising the particular issues this rural Parish faces and in setting a local parking standard takes the availability of public transport and car ownership into account as well as the characteristics of the local transport network.<sup>41</sup> Appendix L explains the rationale for the introduction of the standard. The policy supports high quality communications infrastructure.<sup>42</sup> It will help to achieve sustainable development.

- **Change the last criterion so that it reads: “Ensure that *sewerage* facilities are adequate to support additional housing *by demonstrating that sufficient capacity exists within the sewerage network or that any necessary upgrades will be delivered ahead of the occupation of development.*”**

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<sup>40</sup> NPPF para 32

<sup>41</sup> *Ibid* Section 4

<sup>42</sup> *Ibid* Section 5

## 11. Local Economy and Facilities

### Policy 16: Employment

Employment generating uses are supported by this policy in line with the NPPF's aims of building a strong, competitive economy.<sup>43</sup> A tea/coffee shop and tourist accommodation are specifically encouraged. The policy also contains safeguards in relation to ensuring that the impact of any proposal on the character and landscape of the Parish, residential amenity and transport issues is satisfactory.

This approach is broadly in line with policies at District level which recognise that small-scale employment can help to sustain the rural economy and provide local job opportunities.

The policy is clearly worded and meets the basic conditions. As a result no modifications are recommended.

### Policy 17: Valued Community Facilities

Policy 17 is a short and clearly worded policy that seeks to retain community facilities unless there is evidence to demonstrate there is no longer a need for the facility or that alternative equivalent or enhanced provision is provided.

The policy takes account of the NPPF which is clear that plans should plan positively for the provision of recreation and community facilities.<sup>44</sup> In addition locally based facilities can assist those without access to a car or public transport within the more rural areas and are often important foci for the community.

It chimes with LP 2007 Policy LRC11 which resists the loss of community facilities unless suitable alternatives are provided or it can be demonstrated they are no longer needed.

The policy meets the basic conditions. No modifications are therefore recommended.

## 12. Local Archaeology

This section does not contain any planning policies, but amongst other things, refers to a proposed Standon bypass. The Plan indicates that a bypass should not be built. This is a strategic matter and it should be made clear that the stance expressed is not a planning policy.

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<sup>43</sup> NPPF Sections 1 and 3

<sup>44</sup> *Ibid* Section 8

- **Reword the sentence that begins “It is therefore crucial that...” in the last paragraph on page 60 of the Plan to “It is therefore *the view of the local community* that a bypass is not built through this area, *but it is recognised that this is a strategic matter that falls outside the remit of the neighbourhood plan.*”**

### 13. Health and Wellbeing

This section does not contain any planning policies, but it does have a number of community aspirations including the establishment of a Wellbeing Hub and of Team Herts to encourage volunteering in the Parish. The section contains many good ideas to support the community. It should be made clear that the proposals are not development and use of land related, but community aspirations and a modification is suggested to address this point.

- **Add the word “*community*” to the subsection heading in green on page 62 of the Plan so that it reads “The following are some *community* proposals to improve local health and wellbeing:”**

### 14. Plan Delivery and Implementation

This section contains one policy, but a lot of information on how the Plan will be implemented. It also maps how the policies in the Plan help to achieve the objectives identified.

#### Policy 18: Spending Priorities

Policy 18 sets out spending priorities identified by the local community. The policy is clearly written. It meets the basic conditions and no modifications are recommended.

### Appendices

Appendix A contains housing needs evidence.

Appendix B is a flood plain map. It is important to ensure that users of the Plan seek the most up to date information available as this information may change throughout the lifetime of the Plan. For this reason I suggest that a sentence directing users of the Plan to the most up to date information is added to ensure that the Plan provides a practical framework for decision-making as required by national policy and guidance.

Appendix C is the Parish Design Statement Guidelines. Policy 2 generally reflects the guidelines, but in relation to the buffer zones for watercourses, the guidelines indicate at least 8m and Policy 11, at least 10m for the main river. The guidelines do not

contradict the policy and the policies would, of course, take precedence over the guidelines.

Appendix D gives further information about the site selection process. There is no reference to this appendix in the main document and if it is to be retained, then I suggest a cross reference is added.

Appendix E contains information about chalk rivers. Again the Plan makes no reference to this appendix and if it is to be retained, then a reference should be added.

Appendix F refers to birdlife in Braughing.

Appendix G contains information about fauna in Braughing.

Appendix H details the Hertfordshire Ecological Network Mapping.

Appendix I is a footpaths map.

Appendix J contains information on “other important open spaces”, but I could not find any reference to this appendix in the Plan itself. In response to a query on this, the Parish Council advises there is a reference in Section 7 of the Plan on page 40, but I cannot see any reference to “Other Important Open Spaces” or Appendix J. Therefore it is not clear what status these areas have and no policy appears to apply to them. Therefore in the interests of providing a practical framework for decision making and the clarity required by national policy and guidance, this appendix should be deleted.

Appendix K contains a list of important views. These are views which are important to the character of the Parish, but are not subject to any policy. There is however reference to them within the Plan.

Appendix L contains the evidence for the car parking standard subject of Policy 15.

Appendix M is a list of references.

Appendix N is a list of abbreviations.

Appendix O recognises those involved in the production of the Plan.

Appendix P is a summary of the community events held.

Appendix Q contains a comprehensive Action Plan that complements Chapter 14 on Plan Delivery and Implementation.

- **Add to Appendix B a sentence that reads: “The information in this appendix is correct at the time of writing the Plan. Up to date information should always be sought from the local planning authority, the Parish Council or other relevant organisation such as the Environment Agency.”**

- **Add a cross reference to Appendix D in an appropriate place in Chapter 5 of the Plan**
- **Add a cross reference to Appendix D in an appropriate place in Chapter 7 of the Plan**
- **Delete Appendix J**
- **Subsequent appendices will need to be renumbered and any references throughout the Plan to them updated accordingly**

## **8.0 Conclusions and recommendations**

I am satisfied that the Braughing Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to East Herts District Council that, subject to the modifications proposed in this report, the Braughing Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Braughing Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Plan should proceed to a referendum based on the Braughing Neighbourhood Plan area as approved by East Herts District Council on 8 June 2015.

*Ann Skippers* MRTPI  
Ann Skippers Planning  
27 April 2018

## Appendix 1 List of key documents specific to this examination

Braughing Parish Neighbourhood Plan 2017 – 2033 Submission Version

Basic Conditions Statement

Consultation Report

Sustainability Appraisal

East Herts Local Plan Second Review adopted April 2007

East Herts District Plan Pre-submission Consultation 2016

Strategic Land Availability Assessment March 2017

Other documents available on <http://www.braughing.org.uk/neighbourhood-plan/submitted-plan> including the Site Assessment Criteria v9, Housing Site Assessment v12.1, AECOM Neighbourhood Plan Site Options and Assessment Final Report dated February 2016, Local Green Space Assessment v18, Parish Design Statement 2004 and the Conservation Area Appraisal and Management Proposals adopted in December 2016.

**List ends**



## **Appendix 2 Request for further information and questions from the Examiner to the Parish Council and EHDC**

### **Braughing Neighbourhood Plan Examination**

#### **Questions of clarification from the Examiner to the Parish Council and EHDC**

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. Please confirm the dates of the pre-submission (Regulation 14) period of consultation.
2. A neighbourhood plan must be compatible with European Union (EU) obligations and Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).

Either a statement of reasons for a determination under Regulation 9 (1) of the EAPPR that the Plan proposal is unlikely to have significant environmental effects or an environmental report prepared in accordance with Regulation 12 of the EAPPR must be included with the Plan proposal when it is submitted to the local planning authority.

In this case, EHDC has made a determination that SEA (and Habitats Regulation Assessment (HRA)) are not required and this Screening Report is attached as Appendix A to the Basic Conditions Statement. A Sustainability Appraisal has been submitted. Given that it is ultimately EHDC's responsibility to determine whether EU obligations are met as the Plan progresses towards adoption, I consider it would be appropriate for me to rely on EHDC's determination.

However, in so doing, it would be helpful to have sight of any supporting documentation that led EHDC to this conclusion on SEA and HRA together with confirmation of the consultation undertaken with the statutory consultees including relevant dates and whether any responses were received and if so, copies be provided.

Should this then be found to meet the requirements, I then intend to treat the Sustainability Appraisal as a supporting evidence document.

3. In relation to Policy 4, a representation indicates that land to the rear of 7 Green End has been incorrectly shown and classified as brownfield land. Please could this be checked and advise me accordingly.
4. Please provide a simple map identifying all the sites which were assessed and are referred to in the AECOM Report as L1 – L13, SL1 – SL5, P1 – P4 as I cannot identify the location of the assessed sites from the documentation.
5. In relation to Policy 6:
  - a. A representation from the landowner indicates that the site map is inaccurate. Please confirm the situation.
  - b. Please update me on the status of the planning application referred to on page 30 of the Plan and/or any other relevant planning history I should be aware of
  - c. Although the policy itself does not refer to vehicular access, the plan on page 31 of the Plan clearly indicates access to be taken via Green End. This is confirmed in the supporting text under “Access”. Please could i) the status of the plans alongside each of the site allocations policies be confirmed, ii) information be given as to what evidence was available that the vehicular access should be via Green End and not Hull Lane and iii) whether access via Green End can be achieved given that it would be on land outside the proposed allocated site.
6. In relation to Policy 9, there is an area between the proposed site allocation at Pelham Barns and No 6 Pelham Road that would fall within the proposed extension to the village boundary. As a matter of interest, why was this area not included in the site allocation?
7. Page 40 of the Plan refers to conservationists calling for the Rivers Quin and Rib to be designated as Special Areas of Conservation. Please confirm whether the Plan area a) falls within any designated or proposed European site(s) and if so which one(s) and b) if the Plan area does not fall within an European site, whether it falls within any zones or within proximity of any European site(s) and if so which one(s).
8. In relation to Policy 12, please send details/links to of any relevant planning history of the proposed Local Green Space referred to as Dicken Croat field site including any relevant appeal decision.
9. In relation to Policy 13, please confirm that all of the Protected Recreational Open Spaces are shown accurately on the Policies Maps on pages 8 and 27 of the Plan.
10. Page 60 of the Plan refers to a bypass. Could some more information be given about this please?
11. What are the “Other Important Open Spaces” in Appendix J? There is no reference within the Plan document that I can find that refers to this appendix (?)

12. A representation from Bidwells on behalf of the landowner of land west of Pelham Road refers to an appendix. Please provide me with a copy of this appendix. Secondly, the representation indicates that this site came forward during the site assessment process. Please confirm whether this site was assessed (and if so, which site it is). The representation then indicates it seems to have been withdrawn or was regarded as no longer available. Please briefly set out the background on this site or point me in the direction of information on this.

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks.

Ann Skippers

19 March 2018

## Appendix 3 Request for further information from the Examiner

**From:** Ann Skippers  
**Date:** 16 April 2018 at 23:23:34 BST  
**To:** Pavey George  
**Subject:** Braughing Neighbourhood Plan Examination

Dear George,

I am making good progress with the neighbourhood plan examination, but must apologise for the length of time it has taken me as it has transpired to be more complex than I anticipated.

In the Parish council's responses to my list of further questions, in relation to Q12, reference is made to an email of 31 May 2017 that indicated a site, land west of Pelham Road, was not being put forward. It would be useful for me to have sight of that email please.

I have also asked today when we spoke briefly on the phone for a short and factual note of the dates and stages of the site selection and assessment process and I know that following our call today you will already have this in hand.

Many thanks for your continued assistance,

Kind regards Ann