

East Herts District Council

**Standon Parish
Neighbourhood Development Plan**

Independent Examiner's Report

By Ann Skippers MRTPI FRSA AoU

1 May 2019

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Summary

I have been appointed as the independent examiner of the Standon Neighbourhood Development Plan.

The Plan takes a commendably ambitious stance, particularly on environmental issues as well as including allocating a site for development. It has been produced against the backdrop of an emerging Local Plan at District level. It is supported by a commendably extensive, comprehensive and thorough set of supporting documents.

It contains 23 policies that cover a wide range of issues including the designation of new settlement boundaries, identifying hedgerows for protection, flood risk and setting car parking standards.

I have recommended a number of modifications to both the policies and their supporting text which, by and large, are to help ensure that the Plan is a workable document that provides a practical and clear framework for decision making. My reasoning is set out in detail in this report.

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 Standon 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
1 May 2019



1.0 Introduction

This is the report of the independent examiner into the Standon Parish 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 the 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 conditions¹ 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.

¹ 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 was brought into effect on 28 December 2018.² It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check³ 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.⁴

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.

² Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

³ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

⁴ 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 Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

Work began on the Plan in 2014. After establishing a Steering Group, the intention to produce a Plan was advertised in PS News, the village magazine, and flyers advertising an Open Day to be held in May 2015. A stall was taken at the annual May Day event to help publicise the event. Banners were used as hoardings and committee members wore yellow t-shirts with the Group's logo and 'Ask Me' printed on the front; a great idea. Many different techniques were used to engage all sectors of the community including a children's drawing project at the Open Day to help attract families. A follow up article was published in the Hertfordshire Mercury. The Open Day was attended by 119 people.

A dedicated website and Facebook page were created.

A survey was then delivered to 1,730 households in the Parish to explore issues in more detail. It was advertised in PS News, website, noticeboards and in local businesses. A total of 754 responses were received; a high response rate. This contrasted with low response rates to a Business Survey and a Landowner's Survey.

A Land Allocations Sub-Group was formed to specifically consider potential sites for development.

The development options were presented at two Open Meetings in February 2016. Both meetings were well attended with 50 or so residents at each. The preferred option could not be progressed due to highways issues.

Refocusing on a different location, and changes to the village boundary, comments were invited in PS News.

Work on the draft Plan progressed. Pre-submission (Regulation 14) consultation took place between 26 October – 13 December 2016. The draft Plan was available on the website and at various locations. Leaflets were delivered and posters publicised the consultation. Two Open Days were held in November. Updates and articles were published in PS News and the Hertfordshire Mercury.

Following the consultation, it was decided to revise the site allocations. A letter was sent to landowners and a leaflet sent to all households explaining the final recommendations. A stall was also taken at the May Day 2017.

In June 2017 the site allocation was amended again following an appeal decision.

An amended village boundary was put forward.

By the time the Plan was ready to be submitted, all of the housing sites proposed for allocation had received planning permission with the exception of one (Site K, Shenley, Cambridge Road, Puckeridge). With regard to light industrial, two sites were proposed to be allocated.

A range of consultation methods have been used throughout the process. I consider that there has been regular and varied engagement throughout the process. The consultation and engagement carried out is satisfactory.

Submission (Regulation 16) consultation was carried out between 11 January – 22 February 2018.

The Regulation 16 stage resulted in 17 representations. I have considered all of the representations and taken them into account in preparing this 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).⁵ Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁶ Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

Some representations offer support for development on sites other than those put forward, suggest revised working or additional policies including on ancient woodland, archaeology and the inclusion of Standon Lordship as a heritage asset. The Parish Council may wish to consider these suggestions in any future review of the Plan, but they are not modifications I need to make in respect of my role and remit.

PPG⁷ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.⁸

I sought clarification on a number of matters from the Parish Council and EHDC in writing and my list of questions is attached to this report as Appendix 2. I am very grateful to both Councils who have provided me with comprehensive answers to my

⁵ PPG para 055 ref id 41-055-20180222

⁶ *Ibid*

⁷ *Ibid* para 056 ref id 41-056-20180222

⁸ *Ibid*

questions. The responses received (all publicly available) have enabled me to examine the Plan without the need for a hearing.

Last year NPIERS published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for the Parish Council to make any comments; it is only if they wish to do so. If a qualifying body wishes to make comments, the guidance indicates that any such comments should be made within two weeks after close of the Regulation 16 stage. The Parish Council did not take up the opportunity to comment on any of the representations.

During the examination, EHDC adopted a new Local Plan on 23 October 2018. I wrote to EHDC on 24 August 2018. My letter is attached as Appendix 3. This explained that once the new District Plan was adopted, I considered this would represent a material change in circumstances that would affect at least one of the basic conditions against which the Plan is assessed. Therefore once the District Plan was adopted, a three week consultation period was held between 6 November – 27 November 2018.

Representations made at the submission (Regulation 16) stage were rolled forward.

This additional consultation generated one representation. The Parish Council was given an opportunity to comment on this representation, but given it did not offer any comments, no comments were made by the Parish Council.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing carried out.

I am very grateful to both Councils for the assistance given to me during the course of the examination and for ensuring that it ran smoothly.

I made an unaccompanied site visit to familiarise myself with the Plan area on 28 March 2019.

5.0 Compliance with matters other than the basic conditions

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

Qualifying body

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

Plan area

The Plan area is coterminous with the administrative boundary for the Parish. EHDC approved the designation of the area on 8 June 2015. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page eight of the Plan.

Plan period

The Plan period is 2017 – 2033. This is confirmed in the Basic Conditions Statement. The end date aligns with the recently adopted District Plan. The Plan itself refers to the end date, but not the start date. It would be useful to include the dates on the Plan's front cover to help users of the document. With this modification, this requirement will be met.

- **Add the dates of the Plan: “2017 – 2033” to the Plan’s front cover**

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. If 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.⁹

⁹ PPG para 004 ref id 41-004-20170728

6.0 The basic conditions

Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. On 24 July 2018, a revised NPPF was published. On 19 February 2019, the revised NPPF was updated and replaces the previous NPPF published in March 2012 and revised last July.

Paragraph 214 in Annex 1 of that document explains that:

“The policies in the previous Framework published in March 2012 will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.”

Footnote 69 explains that for neighbourhood plans “submission” means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

It is therefore clear that it is the previous NPPF published in 2012 that is relevant to this particular examination.

Any references to the NPPF in this report refer to the NPPF published in 2012 unless otherwise stated.

The NPPF is the main document that sets out national planning policy. 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.¹⁰

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.¹¹

¹⁰ NPPF paras 14, 16

¹¹ *Ibid* para 184

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.¹²

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 planningguidance.communities.gov.uk which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous¹³ 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.¹⁴

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.¹⁵ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.¹⁶

Whilst this has formed part of my own assessment, the Basic Conditions Statement¹⁷ sets out how the Plan aligns with the NPPF's core planning principles and the key themes in the NPPF towards delivering sustainable development.

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 whole¹⁸ 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.¹⁹

Whilst this has formed part of my own assessment, the Basic Conditions Statement²⁰ explains how the Plan contributes to the delivery of sustainable development.

¹² NPPF para 17

¹³ PPG para 041 ref id 41-041-20140306

¹⁴ *Ibid*

¹⁵ *Ibid* para 040 ref id 41-040-20160211

¹⁶ *Ibid*

¹⁷ Basic Conditions Statement page 3

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

¹⁹ *Ibid* para 7

²⁰ Basic Conditions Statement page 5

General conformity with the strategic policies in the development plan

The development plan consists of the East Herts District Plan 2018 (DP) which was adopted on 23 October 2018. In addition to the DP, the Hertfordshire County Council Minerals and Waste Local Plans and five other neighbourhood plans comprise the development plan.

The Plan was written whilst the DP was in production. It is clear that the Parish Council and EHDC have worked closely together to ensure the Plan aligns with those policies emerging at strategic level.

The change in circumstances has been described in Section 4.0 of this report and a further short period of consultation held. However, this has meant that the Basic Conditions Statement, up to date at the time of submission, refers to emerging District Plan.

At the time of writing, it is the recently adopted DP that is applicable to this examination. It is therefore this DP that any references refer to.

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).

PPG²¹ confirms that it is the responsibility of the local planning authority, in this case EHDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is EHDC who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

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).

²¹ PPG para 031 ref id 11-031-20150209

PPG²² 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 (effective 5 September 2017) that a SEA was not required.²³ EHDC provided supporting documentation which had led to this conclusion in the form of a Screening Report of June 2017 together with confirmation that the consultation had been undertaken with the statutory consultees. Responses from the consultees are also available.

The Screening Report is clear that SEA is not required because the Plan is not likely to have any significant effects. The requisite consultation was carried out with the three statutory consultees. Both Historic England and Natural England confirmed that a SEA was not needed.

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.²⁴ The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

The Screening Report of June 2017 and the subsequent determination of 25 August 2017 confirmed that the Plan area does not fall within any European sites. The closest European sites are the Epping Forest Special Area of Conservation (SAC) (lying outside the District), the Lee Valley Special Protection Area (SPA) and Ramsar Site and the Hoddesdon Park Woods SAC. All of these sites are at least 10 miles away from the centre of the Parish. The Screening Report confirmed that the European sites would not be affected by any policies or proposals in the Plan alone or in combination with other plans including the emerging District Plan as it was at the time. As a result the HRA concludes that further assessment is not needed.

I wrote to EHDC on 24 August 2018 regarding the case of People Over Wind, Peter Sweetman v Coillte Teoranta.²⁵ That letter is attached at Appendix 4. I asked EHDC to consider any implications arising from the judgment that meant that measures intended to avoid or reduce effects could not be taken into account at the screening stage when considering whether a plan would be likely to have a significant effect on a European site. EHDC responded by letter of 21 December 2018. This letter confirms that after

²² PPG para 031 ref id 11-031-20150209

²³ See Section 5 of the Basic Conditions Statement

²⁴ *Ibid* para 047 ref id 11-047-20150209

²⁵ Case C-323/17

reviewing both the SEA and HRA screening decisions, there is no change to the previous conclusions. The Plan, alone and in combination, will not result in any likely significant effects on European sites. In addition a further change of circumstances in that the East Herts District Plan was adopted in October 2018 was taken into account.

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.²⁶ EHDC has considered the compatibility of the Plan in regard to EU obligations and does not raise any concerns in this regard.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

I wrote to EHDC on 4 January 2019 drawing attention to this and asking whether this change to the basic conditions gave rise to any implications for the examination of this particular neighbourhood plan. My letter is attached as Appendix 5. EHDC replied by letter of 16 January 2019. This letter confirms that EHDC considers that no implications arise for the conclusions made previously.

Given the distance, nature and characteristics of the SACs and the SPA concerned and the nature and contents of this Plan, I consider that the requisite requirements have been met and that the prescribed basic condition is complied with.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a short statement in relation to 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.

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 clearly and contains 23 policies. There is a useful contents and index page at the start of the Plan. A preface follows which sets the tone for the document. Before this, a moving tribute to Neil Johannessen is made.

²⁶ PPG para 031 ref id 11-031-20150209

1. Introduction

This is a helpful introduction to the Plan and the process followed. It will need some natural updating as the Plan reaches its latter stages towards being made.

- **Update the section as necessary**

2. The Parish of Standon

This is an informative and well-written section that set outs a wealth of useful information about the Plan area.

3. How the Plan was Prepared: an Inclusive Process

Summarising the various stages of engagement, this section offers a useful insight into the work that has been carried out to produce the Plan.

4. Vision and Objectives

The clearly articulated vision for the area is:

“Standon will remain an attractive Parish within a beautiful Hertfordshire setting and our distinctive rural character, scale and atmosphere will be preserved. Each of the settlement areas that make up the Parish will have retained their own distinctive character and remain separate with the quality of the landscape spaces between them continuing to define their shared identity.

Our Parish is enriched by its open aspect to the countryside, marked by buildings of character and offers a diverse range of independent shops and services.

By the year 2033 and beyond.....

....there will be growth in housing numbers, through the provision of new homes, purpose built to meet local needs. These new homes will be provided in small clusters on sites that do not detract from the character of the Parish.

The green, leafy, open parts of the developed Parish will be reflected in any new housing development, with gardens in green surroundings. Development in historic areas will be made to suit its setting, but in new sites the appliance of good design principles will allow the Parish to benefit from the advantages of

modern architecture and sustainable building practices.

Our Parish will continue to support local employment, businesses and facilitate new employment opportunities within the Parish for local people.

Our Parish will aim to manage our growth, with infrastructure and services to meet the needs of the local community.

**A community where people will ‘want to live’ rather than ‘have to live’.
A community where it is a joy to live for everyone.”**

The vision is supported by a number of objectives which are grouped under the headings of environment, housing and development, employment and business, transport and facilities and services. All are articulated well and will help to deliver the vision.

Hertfordshire County Council (HCC) comment that education could be included in the objectives. This is a matter for the Parish Council to review and include if it so wishes at a future date.

HCC state that the HCC consultation concerning the potential bypass option concluded that no overall route choice was agreed and therefore the objective to protect the “bands of interest” needs further consideration. In response to my query on this matter, I consider this reference can remain in the Plan as an objective.

5. The Policies

Introduction

References to the emerging District Plan and specific policies are made throughout the Plan. With the passage of time, the District Plan has now been adopted. It would be useful to update the references as appropriate. This applies throughout the Plan and I have not repeated this point elsewhere in this report.

- **Update any references to the District Plan as necessary**

Sustainable Development

Policy SP1 - Sustainable Development

Policy SP1 gives support to development which accords with the principles of sustainable development as set out in the NPPF and the Submission East Herts District Plan.

Whilst this policy does not add much to national or District level policies, it is a useful 'opener' to the Plan. It makes reference to the Submission East Herts District Plan which, with the passage of time, has been adopted and so requires updating. With this change, the policy could be retained and meets the basic conditions.

- **Delete the words "...the Submission..." from the policy**

Climate Change

Policy SP2 – Climate Change

This policy supports development which applies the highest standards of energy efficiency, supports on-site power generation and low energy systems.

The current wording of the policy, inadvertently I feel sure, offers blanket support for any development including that which may not meet other policies or be otherwise unacceptable. This then should be changed.

However, the Government announced in a Written Ministerial Statement (WMS) of 25 March 2015, that it is not appropriate to refer to any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans. Criterion (1) then also requires some changes to reflect this and can only encourage, rather than require, energy efficiency. Subject to this increased flexibility, the policy would meet the basic conditions. The policy also applies to other types of development and is in general conformity with DP Policies CC1, CC2 and CC3 which cover the issues comprehensively.

- **Change the policy to read: "*Subject to the development being found to be acceptable when judged against other policies in the development plan:*
(1) new buildings are encouraged to apply the highest standards of energy efficiency
(2) support is given for on-site power generation and/or low energy systems."**

Environment

Landscape

Policy SP3 – Views & Vistas

A number of views are identified in this policy and clearly shown on a series of maps. The supporting text explains that the landscape character and its attributes are an important element of the local distinctiveness of the Parish. Evidence has been produced in the Views and Open Spaces Report (SNP5). I also saw on my site visit that these views are important to the unique character of the Parish.

The policy chimes with DP Policy VILL1 which indicates development should not unacceptably block important views or vistas. However, the wording of the policy seeks to both protect and enhance the identified views. It is difficult to see how promoters of new development might achieve compliance with this policy. It is overly restrictive.

Therefore to ensure that new development respects the views and provides a balance between sustainable growth and the protection of local distinctiveness, a modification is recommended.

The policy refers to the “Policies Map”. A map showing some of the views also sits alongside the policy on page 26 of the Plan. It would be useful to have a plan or plans that clearly identify all of the viewpoints and/or a reference to SPN5 as this document clearly shows all the views. The suggested modification deals with this point, but it may be preferable to have a composite map sitting alongside and referred to in the policy itself.

- **Change the first sentence of the policy to read: “*New development within the identified views and vistas listed below and indicated on the Policies Map and in SNP5 Views and Open Spaces Report must ensure that key features of the view can continue to be enjoyed including distant buildings, areas of landscape and the juxtaposition of village edges and countryside.*” [retain PV1 – PV16-17]**

Conservation and Heritage

Policy SP4 – Heritage Assets

The supporting text explains that both Standon and Puckeridge have Conservation Areas. There are also a number of listed buildings.

The Plan has identified a number of non-designated heritage assets. A schedule of these assets are contained in the Environment Report.

The policy refers to the DP and the Conservation Area Appraisals for Standon and Puckeridge. The relevant policies in the DP are Policies HA1, HA2 and HA4. However, the policy is too simplistic stating that the Conservation Areas will be conserved and enhanced. This is repeated for designated heritage assets. With regard to non-designated heritage assets, the policy permits development provided it conserves or enhances the asset or its setting.

The conservation or enhancement of the historic environment is reflected in the NPPF. One of the core planning principles in the NPPF is that heritage assets should be conserved in a manner appropriate to their significance.²⁷ The NPPF also makes a distinction between designated and non-designated heritage assets which is missing from the policy as do DP Policies HA1 and HA2.

²⁷ NPPF para 17

Therefore in order for the policy to take account of national policy and guidance and to better reflect the relevant DP policies, a modification is made. The modification also removes unnecessary words and seeks to provide a practical framework for decision-making.

- **Reword Policy SP4 to read:**

“Designated heritage assets and their settings will be conserved in a manner appropriate to their significance.

Proposals affecting the significance of non-designated heritage assets will be permitted if the scale of any harm or loss is appropriate to the significance of the asset or if they enhance the asset or its setting.”

Policy SP5 – Local Green Spaces

Three areas of Local Green Space (LGS) are proposed.

The NPPF explains that LGSs are green areas of particular importance to local communities.²⁸ The effect of such a designation is that new development will be ruled out other than in very special circumstances.

The identification of LGSs 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. Further guidance about LGSs is given in PPG.

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

The Croat is an area of open land in agricultural use. To the north it abuts the A120 and links to Paper Mill Lane and the ford. It was well used by walkers at the time of my visit and valued for its connections into the wider countryside.

Laundry Meadow is popular with walkers. It is valued for its wildlife and proximity to the river and is an important landscape feature.

Puckeridge Allotments is at the heart of the village and seemed to be well used at the time of my visit.

In my view, the proposed LGSs are clearly defined. All are in close proximity to the community they serve, are local in character and hold a particular local significance because of their beauty and contribution to the character and appearance of the Parish, their recreation value or for wildlife. All meet the criteria in the NPPF satisfactorily.

²⁸ NPPF paras 76, 77 and 78

Turning now to the policy itself, its wording cross refers to the Policies Map. It refers to “very special circumstances” which reflects the NPPF’s policy on LGSs which is to manage development in LGSs in line with policy for Green Belts.

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

Green Infrastructure

There is no policy under this heading, but the Plan refers to the importance of green infrastructure and lends it support to enhancement of green infrastructure in line with District level policies and strategies.

Biodiversity

Policy SP6 - Biodiversity

The Plan explains that there is one Site of Special Scientific Interest (SSSI) in the Parish and a wealth of flora and fauna.

Policy SP6 seeks to undertake a number of things. It protects habitats and species of principal importance and the Plashes Wood SSSI and wildlife sites listed in a supporting document, the Environment Report (SPN4).

In relation to non-designated sites, protection is also afforded. The water meadows to the south of Standon is also protected.

Responding to a particular concern to the local community about the loss of hedgerows, a number of hedgerows are identified and protected.

Finally, the policy introduces a presumption against development that removes hedgerows and trees adjacent to public rights of way.

The DP confirms that hedgerows are an important feature throughout the County reflecting “the historic enclosure of agricultural fields and defining land ownership boundaries”.²⁹ The DP states that many hedgerows are considered important as defined under the Hedgerow Regulations 1997 and are key elements of green corridors. In addition DP Policy CFLR3 resists any adverse effect on public rights of way from development.

The supporting text refers to the Hedgerow Regulations. HCC Ecology has pointed out some inaccuracies with the statement made and suggests changes to it to reflect the Hedgerow Regulations. In the interests of accuracy, a modification is made to address this.

²⁹ District Plan page 231

The Hedgerow Regulations refer to “important hedgerows”. This policy uses the same phraseology. This may give rise to confusion. Therefore it is suggested, as the intention was not to identify important hedgerows under the Hedgerow Regulations, but to identify locally important hedgerows to change the language.

I saw at my site visit that all the hedgerows identified are locally significant and important local features making a positive contribution to the character and appearance of the area. They are shown on an inset map.

HCC Ecology makes a number of other points including reference to the NPPF’s protection for nature conservation in line with the hierarchy of internationally, nationally and locally designated sites.³⁰ Where the points made would ensure the policy meets the basic conditions, including for the purposes of clarity, I recommend modifications.

Subject to these modifications, the policy takes account of the NPPF, generally conforms to DP Policies DES2, DES3, NE1, NE2 and NE3 and will help to achieve sustainable development.

- **Change the third paragraph of the policy to read: “Protection will also be afforded to other non-designated sites of nature conservation interest *and the water meadows to the south of Standon on the banks of the River Rib commensurate with their status and giving appropriate weight to their importance and contribution they make to wider ecological networks.*”**
- **Delete the word “important” before hedgerows in the policy**
- **Change the sentences in the last part of paragraph 5.28 on page 30 of the Plan to read: “The Hedgerow Regulations *aim to protect important hedgerows in the countryside by controlling their removal through a system of modification, where there is a presumption in favour of protecting and retaining important hedgerows. Whilst the Neighbourhood Plan does not seek to identify important hedgerows under the Hedgerow Regulations, it does identify a number of hedgerows of local significance which should be retained and managed for future generations. These are set out below in Policy SP6.*”**

Protection from Pollution

A short subsection that acknowledges a concern of the local community but explains the District Plan contains policies addressing these issues.

³⁰ NPPF para 113

Housing and Development Land Supply

The supporting text explains that a number of sites were assessed as part of the preparation of the District Plan's Strategic Land Availability Assessment (SLAA).

The DP has identified that a minimum of 18,458 new homes need to be provided to 2033. DP Policy DPS2 outlines the development strategy which is for limited development in the villages. DP Policy DPS3 indicates this equates to at least 500 dwellings in "Group 1" villages.

In the DP, Standon and Puckeridge are paired together as a Group 1 village. Group 1 villages are regarded as the most sustainable in the District. At least a 10% increase in housing stock is to be accommodated between 2017 and 2033. This equates to 146 dwellings for Standon and Puckeridge. In addition, employment, leisure, recreation and community facilities are supported. DP Policy VILL1 expects all new development to relate well to the village, be of an appropriate scale and be well designed. It should not result in the loss of significant open space or gaps, increase ribbon development or be isolated, not unacceptably block important views or vistas or detract from the open countryside.

Colliers End is identified as a Group 2 village in DP Policy VILL2 where limited infill development will be permitted in a defined boundary of the village. The boundary has been extended in this Plan to include a development site north of the Church. No specific housing target has been identified for Group 2 villages. Any new development is to be in line with the same criteria as for the Group 1 villages summarised above.

Other villages are Group 3 villages where DP Policy VILL3 explains that limited infill development is acceptable as long as it is identified in a neighbourhood plan and again subject to the criteria summarised above. Barwick, Latchford, Wellpond Green, Broken Green, Bromley and Old Hall Green are considered to fall within this category.

As part of the preparation of the Plan, a Land Allocations Group was established. The Land Allocations Report sets out details. Many of the sites considered by the Group have been granted planning permission in the intervening period. As a result, one site allocation is made in Policy SP7.

Policy SP7 – Housing Land Allocations

The policy focuses development to the settlements of Standon and Puckeridge. Settlement boundaries for both villages are identified on the Policies Map. The boundaries were reviewed as part of the neighbourhood planning exercise and reflect those in the DP.

A site at Shenley, Cambridge Road, Puckeridge is allocated for development. In response to my query, I am informed that this site has now received planning

permission for nine dwellings. Nevertheless it is still useful to retain the allocation in the Plan should that permission lapse.

A representation indicates that the inclusion of a site known as Café Field is shown incorrectly on the plan. In response to my query, it is confirmed that the boundary is shown incorrectly. I have been sent a corrected map. In the interests of accuracy, this should be remedied in the Plan. In addition I am informed that this site now has planning permission. The opportunity should be taken to reflect this by amending the settlement boundary and ensuring it is up to date.

- **Correct the site boundaries for Café Field in the Plan as necessary**
- **Add the Café Field site as permitted into the settlement boundary for Standon and Puckeridge**

Policy SP8 – Colliers End

Limited infill development is permitted within the settlement boundary which is shown on the Policies Map.

The policy cross refers to Policy VILL2 of the District Plan. This policy indicates that in Group 2 villages, limited infill development, together with small-scale employment, leisure, recreation and community facilities will be permitted subject to various criteria and compliance with other policies. This policy is therefore in general conformity with DP Policy VILL2.

Policy SP9 – The Rural Area

Limited infill provision is made in the six identified hamlets of Barwick, Latchford, Wellpond Green, Broken Green, Bromley and Old Hall Green.

Then, outside these settlements, the policy seeks to introduce a presumption against development in line with the NPPF and District Plan Policies GBR2 and VILL3. It goes on to refer to exceptions and Policies GBR2 and HOU4 of the District Plan as well as Policy SP12 of this Plan (which I have recommended for modification). I consider that the wording of the policy is potentially misleading and that its intention was to allow development in line with the NPPF and DP policies referred to. A modification is therefore made to address the drafting of the policy so that it provides a practical framework for decision making.

Subject to the modification, the policy will take account of the NPPF, generally conform to DP Policies GBR2, which indicates that limited infilling appropriate to the character, appearance and setting of the site or surrounding area will be permitted in the rural

areas beyond the Green Belt, VILL3, which supports limited infill subject to various criteria and HOU4 which deals with rural exception sites and help to achieve sustainable development.

- **Reword the second sentence of the policy to read: “Elsewhere there will be a presumption against development *unless it accords* with the National Planning Policy Framework and East Herts District Plan *Policies* GBR2 and VILL3.”**

Housing Needs

Policy SP10 – Housing Mix

A mix of housing tenures, types and sizes in line with housing needs including market assessments, is supported by this policy. It sets out a priority for starter and smaller homes, affordable homes for rent or shared ownership and homes suitable for older people.

A representation expresses concern over the use of the term “starter homes”. This is defined now in the NPPF for example as well as in the DP and is widely used and understood.

The need to provide housing for older people is critical as the proportion of older people in the population is increasing.³¹ In addition the DP recognises that East Herts has an ageing population.

The policy is clearly worded. It has regard to national policy which requires the provision of a wide choice of high quality homes and the creation of inclusive and mixed communities.³²

Whilst the supporting text indicates that DP Policy HOU1 is supported, that policy seeks a mix on sites of five or more units. Policy SP10 applies to developments of all sizes. Given the character and needs of the Parish I consider this generally conforms to the DP and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

Affordable Housing

Policy SP11 – Affordable Housing

Affordable housing is required by this policy in Standon, Puckeridge and Colliers End. However, the policy refers to DP Policy HOU3 requiring development to accord with the maximum level sought in that policy. The policy therefore does not add anything to

³¹ PPG para 017 ref id 2a-017-20190220

³² NPPF para 50

District level policy. In order to provide a practical framework for decision-making and to avoid confusion, the policy should therefore be deleted.

If the Parish Council wishes to retain this section on affordable housing, but explain the Plan relies on the DP that would be acceptable.

- **Delete policy**

Policy SP12 – Rural Exception Sites

Referring to DP Policy HOU4, this policy sets out eligibility criteria for local needs affordable housing. The allocation of housing is usually a matter for the local authority, but it is useful to send a signal that indicates that affordable housing which would address local needs would be welcomed. This approach – that of addressing the needs of the local community by accommodating those who are already resident or have a family or employment connection to the locality – is accepted in the NPPF’s definition of rural exception sites. However, the policy is arguably overly prescriptive over timescales and I consider this may result in empty properties. This element of the policy is therefore recommended for deletion.

- **Delete “During the first 16 week period” from the first bullet point of the policy and replace with “In the first instance”**
- **Delete the [existing] “in the first instance” from the first bullet point**
- **Delete “after 16 weeks” from the second bullet point**

Density of Housing

Policy SP13 – Housing Density

This policy imposes a maximum density on housing sites of ten or more units.

The supporting text to DP Policy HOU2 recognises that lower densities may be acceptable in villages or areas with an open character or on the edge of settlements. It indicates development should make efficient use of land.

In line with the NPPF,³³ this policy sets out a locally distinctive approach. It is appropriate for new development to respond to the density and character of the area in which it is located. The figure suggested in the policy was found to be close to the average density of existing housing areas.

³³ NPPF paras 47, 58 and 59

The application of the policy for larger developments means there is flexibility. However, in order to make sure it is not too prescriptive, a modification is made to ensure that land is still efficiently used and that site by site judgements can be made and a design-led approach taken.

- **Add a new sentence at the end of the policy that reads: “ *It is recognised that some sites may be able to accommodate a higher density where it can be clearly demonstrated this would respect, and be sensitive to, the character and particular context of the locality in which it is located.*”**

Design of Development

Hertfordshire Futures is referred to on page 39 of the Plan. In response to a query on this, the reference should be corrected. Any other references in the document should similarly be altered.

- **Change the reference to “Hertfordshire Futures” on page 39 of the Plan to “*Building Futures – promoting sustainability, innovation and design in Hertfordshire*”**

Policy SP14 – Design Criteria

This policy seeks to ensure that new development is of high quality and is appropriate to the area reinforcing local distinctiveness.

Criterion five refers to views. In line with DP Policy VILL1 which indicates development should not unacceptably block important views or vistas, a modification is made to make the language more precise to reflect national policy and guidance.

Subject to this modification, the policy will reflect 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.³⁴ It is in general conformity with the DP and Policies VILL1, HOU11, DES1 and DES4 in particular. It will therefore help to achieve sustainable development.

- **Change the words “...obscure key public views...” to “...*unacceptably block key public views...* in the fifth bullet point of the policy**

Policy SP15 – Sustainable Design

As the supporting text recognises, the Government has created a new approach to setting technical standards for new housing development. I referred to the WMS of 25

³⁴ NPPF para 56

March 2015 in relation to Policy SP2 earlier in this report. This made it clear that the Government's position is that neighbourhood plans cannot set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. Optional new technical standards can now only be required through Local Plan policies.

The inclusion of a policy on construction standards and energy therefore does not accord with national policy and guidance. As a result I can only recommend modification of this element of the policy so that encouragement is given rather than a requirement.

The second element of the policy refers to sustainable drainage systems (SuDs). These help to control surface water run off close to where it falls and to reduce the causes and impacts of flooding. However, they are not appropriate for all types of new development and its location. The Government has issued a WMS³⁵ that indicates that sustainable drainage systems for the management of run-off are put in place unless it is demonstrated to be inappropriate. This applies to developments of 10 or more dwellings and to major commercial development.

Therefore to bring the policy in line with national policy and guidance, it requires some amendment.

- **Change the first paragraph of the policy to read: “New dwellings *are encouraged to be constructed to high standards of sustainability. All new buildings are encouraged to be constructed to the highest standards of energy efficiency. New buildings are encouraged to incorporate the use of renewable energy technologies and other low energy systems, such as ground source heat pumps, with the aim of achieving zero carbon emissions.*”**
- **Reword the second paragraph of the policy to read: “*New developments of ten or more dwellings will be expected to provide and incorporate sustainable drainage systems unless it is demonstrated that this would be inappropriate.*”**

Economy and Employment

Policy SP16 - Employment

Seeking to protect existing employment uses at four identified locations, this policy only permits changes of use when it can be demonstrated that there is no realistic prospect of the employment use continuing or the need for new development outweighs the existing use.

The second element of the policy resists the change of use of existing shops and other local services and facilities unless the continued use is unviable.

³⁵Written Ministerial Statement of 18 December 2014

The NPPF is clear that the long term protection of sites should be avoided³⁶ and this part of the policy takes sufficient account of the NPPF's stance. It is in line with national policy's support for the rural economy and the NPPF's support for economic growth in rural areas.³⁷

The DP recognises that the retention of local services is key, particularly for rural communities and especially given the ageing population and dispersed rural nature of the District.

DP Policy VILL4 identifies Langley House, Station Road, Standon and the Standon Business Park as Employment Areas. Standon Business Park is also one of the four identified sites in this policy whilst the other three (Enfield Safety Supplies Site, Puckeridge, Land south of Dowsetts Lane, Colliers End and A10 Timber Company site, Barwick are not).

Within the DP's Employment Areas, DP Policy ED1 applies. It supports Use Classes B1, B2 and B8 (in suitable locations).

Policy SP16 is clearly worded. It takes account of national policy and guidance, is a local expression of DP Policies VILL4 and ED1 and will help to achieve sustainable development. It meets the basic conditions and no modifications are recommended.

Policy SP17 – New Business

New business, retail and employment uses are supported by this policy subject to acceptable effects on residential amenity and satisfactory parking and servicing. The policy reflects the NPPF's support for a prosperous rural economy.³⁸ It is a local expression of DP Policies ED2 and RTC5 (which applies to Standon village, designating it a Local Parade). It is clearly worded.

It meets the basic conditions and no modifications are recommended.

Transport Highways and Road Traffic

Policy SP18 – Cambridge Road Access

Policy SP18 seeks to safeguard a strip of land between Cambridge Road and the south-bound carriageway of the A10 from development. The Plan explains that there is concern about the capacity of the Cambridge Road junction.

³⁶ NPPF para 22

³⁷ *Ibid* para 28

³⁸ *Ibid*

Whilst the concern and intention of this policy is understandable and noting HCC's support for this policy, I consider this to be a strategic matter falling outside the remit of the Plan.

The Parish Council has suggested rewriting this policy. However, this then largely refers to monitoring which is not development and use of land matter, but a procedure. Therefore the policy should be deleted, but the suggested revision could be converted into a community aspiration/action if desired provided this was clearly separate and distinct from the planning policies in the Plan.

- **Delete Policy SP18**

Vehicle Parking

Policy SP19 – Car Parking Standards

This policy seeks to set car parking standards. The standards are higher than the currently adopted standards at East Herts Council level which were last reviewed in 2015. However, the DP does signal that the standards will be updated although I understand at the present time this has not been completed as yet.

DP Policy TRA3 refers to parking provision. It indicates that development will be assessed on a site by site basis taking into account the standards.

To support the policy, a survey has been carried out. The Plan explains that car ownership is high because of the location and dispersed geography of the Parish. Parking is causing problems in key 'hot spot' areas.

I consider the policy will meet the basic conditions as it takes account of the NPPF in that it recognises the particular issues this rural Parish faces and in setting a local parking standard takes the car ownership into account as well as the characteristics of the local transport network.³⁹ In addition it is a local expression of DP Policy TRA3.

However, the policy specifically excludes garages as counting towards the car parking provision sought. The supporting text explains that a survey undertaken as part of the Plan's production found that most garages were used for storage or had been converted into living space.

Whilst I understand this concern, these are matters which can be addressed by the imposition of planning conditions on any consents to ensure the space is available for car parking. To not count garages as car parking spaces would be likely to result in widespread parking areas possibly to the detriment of well planned and designed places. I consider this element to be overly prescriptive. As a result, a modification is made.

³⁹ NPPF Section 4

In addition, the policy requires one visitor or “overspill” space for every three dwellings “in the immediate vicinity” of those dwellings. Given that the policy requires a higher standard than elsewhere in the District and the language used is open to interpretation, this is prescriptive. Therefore this element should be deleted.

Subject to these modifications, the policy will meet the basic conditions.

- **Delete “(not counting garages)” from the first and second bullet points of the policy**
- **Delete the fourth bullet point from the policy**

Public Transport

A short section that explains the Parish Council will monitor concerns about public transport. This could be presented as a more formal community aspiration if desired.

Cycling and Walking

This section does not contain any planning policies but supports initiatives that improves provision for cyclists and walkers. Again this could be a community aspiration if desired.

The A120 Bypass

Explaining that the Parish Council will work with other organisations to develop measures and public engagement on matters relating to transport improvements. Again this could be a community aspiration if desired.

Facilities and Services

Public Open Spaces

Policy SP20 - Open Spaces

Open spaces are valued by the local community.

The first element of the policy seeks to encourage links to the wider networks of rights of way and green spaces in new development. However, a modification is made to ensure that it is clear that not every site will be able to provide such links and so increase the flexibility of the policy. This will mean it will provide a practical framework for decision-making.

The second element requires all new housing development of ten or more units to provide on-site open space. DP Policy CFLR1 which refers to open space, sport and recreation does not include any threshold, but the policy is a local expression of it and is sufficiently flexible for more minor residential developments. Given the importance of

open space to the community, I consider this will generally conform to upper level policies.

With the modification suggested, the policy will take account of the NPPF as it will help to provide opportunities for meetings between the community, provide shared space and promote healthy communities.⁴⁰ It will help to achieve sustainable development.

- **Add the words “*Taking every available opportunity...*” to the start of the first bullet point of the policy**

Public Rights of Way

Policy SP21 - Rights of Way

This policy seeks to protect and enhance rights of way. DP Policy CFLR3 resists development that would adversely affect public rights of way and encourages measures to maintain and enhance the network.

The first element of the policy seeks to ensure that new development improves the network. A similar modification to the preceding policy is made to enhance flexibility and bring it in line with the tone of DP Policy CFLR3.

The second element refers to diversion of a public right of way. This is subject to separate legislation and should not be included in a planning policy.

Subject to these modifications, the policy will meet the basic conditions.

- **Add the words “*to take every available opportunity...*” after “...developers will be required...” in the second sentence of the first bullet point of the policy**
- **Delete the second bullet point**

Allotments

Policy SP22 - Allotments

Existing allotments are protected and new provision encouraged by this policy. Allotments are valued by the community as the Puckeridge Allotments are promoted as a Local Green Space in Policy SP5.

Allotments promote healthy communities in line with the NPPF⁴¹ and, as well as providing a meeting place and shared space and recreation facility, they provide the opportunity to grow food and can promote biodiversity.

⁴⁰ NPPF para 69

⁴¹ *Ibid* Section 8

I note that one of the priorities of EHDC is to tackle health inequalities and to improve health and well-being. I consider allotments will contribute to this aim.

Therefore the policy takes account of national policy and guidance and will help to achieve sustainable development. It meets the basic conditions and no modifications are recommended.

Flood Risk and Drainage

Policy SP23 – Flood Risk

Policy SP23 resists proposals that would increase surface water run-off or flood risk. The supporting text details the local circumstances. For major development proposals, the policy seeks to ensure that flood risk is managed.

Thames Water has suggested rewording the policy. In response the Parish Council has indicated its willingness to do this. The modification would ensure that the policy takes account of the NPPF which recognises that plans should take account of climate change factors including flood risk⁴² and generally conforms to DP Policy WAT1 in particular as well as helping to achieve sustainable development.

- **Change the policy to read: “In Standon, Puckeridge and Colliers End, any proposal which would result in an increase in surface water run-off or flood risk will not be permitted. For major development proposals, applicants *should minimise any surface water flows to the sewerage network and consult with the water and sewerage undertakers to establish if capacity exists to serve the development. Where necessary, phasing conditions may be used to ensure that occupation of the development is aligned with any off-site infrastructure upgrade requirements.* New developments in Puckeridge must be designed so as to prevent overloading of the tributaries of the River Rib and the main drainage system through the village.”**

Education

This section explains the education provision in the Parish and confirms the Parish Council’s support for further nursery and school provision. This could be a community aspiration if desired.

Health

This section supports enhanced health care provision. Again this could be a community aspiration.

⁴² *Ibid* Section 10

Energy

This section confirms the Parish Council support for District level policies. Again this could be a community aspiration. Any necessary updating to references including the 10% which is not included in the adopted version of the DP should be carried out.

6. Implementation and Monitoring

This section explains how the Plan will be used. It sets out how the Parish Council will seek to implement the Plan's objectives including through proactive working with applicants. This is a useful way of bringing the Plan together and linking back to the Plan's vision and objectives.

It also contains a list of priorities should EHDC introduce the Community Infrastructure Levy.

It confirms that monitoring will take place with a view to reviewing the Plan after five years or so. This is not mandatory at the current time for neighbourhood plans and so this is to be welcomed.

7. Acknowledgements

A nice touch and ending to the Plan.

8. Maps

I found many of the maps very hard to decipher. Some were provided by EHDC during the examination to help me with clarity. All the maps should be revised to ensure that only pertinent information is retained and that any designations referred to in policies are clearly shown on the maps.

- **Redo the maps retaining only important information pertaining to the policies**

8.0 Conclusions and recommendations

I am satisfied that the Standon Parish 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 Standon Parish 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 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 Standon Parish Neighbourhood Development Plan should proceed to a referendum based on the Standon Parish Neighbourhood Plan area as approved by East Herts District Council on 8 June 2015.

Ann Skippers MRTPI

Ann Skippers Planning

1 May 2019

Appendix 1 List of key documents specific to this examination

Standon Parish Neighbourhood Development Plan Submission Draft

Basic Conditions Statement November 2017

Consultation Statement November 2017

Strategic Environmental Assessment and Appropriate Assessment Screening Report
June 2017

Standon Parish NDP – SEA and AA Screening Report Report following consultation

Letter from EHDC 21 December 2018 (Habitats and implications arising from
'Sweetman')

Letter from EHDC 16 January 2019 (Basic Condition)

East Herts Local Plan HRA September 2016 (Aecom)

Supplementary Documents

Appendices 1 – 31

SNP4 Environment Report

SNP5 Views and Open Spaces Report

SNP6 Trees and Hedgerows Report

SNP7 Housing Report

SNP8a Land Allocations Appendix

SNP8 Land Allocations Report

SNP9 Local Economy Report

East Herts District Plan October 2018

Various documents on the Parish Council website www.spndp.org/documents/view22

List ends

Appendix 2 Questions of clarification from the examiner

Standon Parish 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. The Consultation Statement refers to the pre-submission consultation period and the 50 or so responses received. I cannot readily find the details of those consulted, the main issues raised and how those issues were addressed. In addition a number of appendices are referred to, such as Appendix 27, and again I do not seem to be able to access these. Please direct me to where this information is or provide me with it.
2. Is it correct that EHDC did not submit any representation at the Regulation 16 stage?
3. Please confirm whether any responses were received at the additional consultation held on the newly adopted District Plan in November 2018. If any were received, then please forward them to me.
4. The Parish Council were given an opportunity to comment on a) all or any of the Regulation 16 responses and b) all or any representations received as a result of the additional consultation held in relation to newly adopted District Plan. I cannot find any record of any responses. Please confirm this is correct and if not, resend me any response.
5. In the light of Hertfordshire County Council response on one of the Plan's objectives that refers to the "bands of interest", is it appropriate to retain this objective in the Plan and if so, please briefly explain why.
6. Page 30 of the Plan indicates that the District Plan designates the water meadows as a wildlife site. Please direct me to the part of the District Plan that does this.
7. Does Policy SP6 intend to define "important" hedgerows in line with the Hedgerow Regulations or does the policy simply use the same word (in its more general sense)?
8. Has the site allocation in Policy SP7 now received planning permission? Please update me.

9. Has Café Field now received planning permission? Please update me. Representations also refer to the line of the village boundary being drawn incorrectly with regard to this site. Please confirm whether this is correct or not.
10. Have the village boundaries for Standon, Puckeridge and Colliers End been extended? Do they differ from those in the District Plan? Please provide a clearer map for each together with maps showing any differences between the boundaries in the Plan and District Plan. (I'm sorry I couldn't access the maps online from the District Plan).
11. Page 39 of the Plan refers to Hertfordshire Futures. Is this the same as Building Futures referred to in the District Plan on page 227 and elsewhere? And if so, should this reference be changed? And if so, to what?
12. Is Policy SP18 appropriate to retain in the Plan? Is this not a strategic matter?
13. Has the update to the vehicle parking standards at District level been completed? If so, please send me a copy and briefly explain how the standards in the Plan compare.
14. Thames Water has suggested some amendment to Policy SP23. Your views on this would be welcome.
15. A section in the Plan on energy offers support for District level policies. Is this still the case now the District Plan has been adopted? Are the references still correct?
16. Page 56 of the Plan refers to non-land use proposals and indicates they are included in Chapter 6. However, I can't readily find any?
17. I found the maps in the Plan very difficult to decipher both in paper form and online. Is there any way clearer maps can be provided please?

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
24 February 2019

Appendix 3 Letter from the examiner

Letter to George Pavey
East Herts Council

24 August 2018

Dear George,

Examination of the Standon Neighbourhood Plan

I am writing to you in relation to the above examination.

I note that East Herts District Council has been preparing a new District Plan that will set out the planning framework for the District between 2011 – 2033.

The District Council's website advises that the Council has received the Inspector's Final Report and Schedule of Main Modifications. An Extraordinary Council meeting has been arranged for 11 September at which the Council will be asked to determine the adoption of the District Plan.

Should the District Plan be adopted on 11 September, I consider this would represent a material change in circumstances and will affect at least one of the basic conditions the Neighbourhood Plan is assessed against as part of the examination.

I am therefore writing to suggest that should the District Plan be adopted on 11 September, thereafter a further focused period of public consultation should be carried out for 21 days. The consultation should make it clear that representations are being invited on any implications arising from the adoption of the District Plan and not on any other matters. In addition it should be made clear that all representations made at the submission (Regulation 16) stage will be rolled forward and there is no need to submit them again whilst recognising that some will wish to update their earlier representations given the situation with the District Plan.

The need for an additional period of consultation is of course dependent on the District Plan being adopted on 11 September and should the decision be deferred etc. I suggest we review the situation and agree a way forward for the Neighbourhood Plan examination at that time. I simply wish to give you the 'heads up' that should the District Plan be adopted, then this is how I intend to deal with that situation.

I hope this is helpful. Any queries please let me know.

This letter is of course a matter of public record and should be placed on the relevant websites.

Ann Skippers MRTPI
Ann Skippers Planning
Independent Examiner

Appendix 4 Letter from the examiner

Letter to George Pavey
East Herts Council

24 August 2018

Dear George,

Examination of the Standon Neighbourhood Plan

I am writing to draw your attention to a recent judgment of the Court of Justice of the European Union.

In the case of *People Over Wind, Peter Sweetman v Coillte Teoranta*, the Court ruled that Article 6 (3) of the Habitats Directive must be interpreted as meaning that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of appropriate assessment (AA) and that it is not permissible to take account of measures intended to reduce or avoid any harmful effects of a plan or project on a European site at the screening stage.

Earlier case law had established that reduction or avoidance measures could be taken into account when considering whether a plan or proposal would be likely to have a significant effect on a European site. However, the implications of the more recent judgment is that this is no longer the case.

I would therefore be grateful if the Council could consider the HRA Screening Report and advise me on whether it considers it to be legally compliant in the light of the judgment. If it is considered not to be legally compliant and to have fallen foul of the judgment, I would ask that the Council advises me of what further work would be required to rectify this, together with an indicative timescale for that work, including any further consultation.

I will clearly reach my own view on this matter as well. Once you have had an opportunity to consider what, if any, further work needs to be undertaken, I suggest that we agree a way forward for the examination of the Neighbourhood Plan, including any new timescales should further work be required.

This letter is of course a matter of public record and should be placed on the relevant websites.

With many thanks,

Ann Skippers MRTPI
Ann Skippers Planning
Independent Examiner

Appendix 5 Letter from the examiner

Letter to George Pavay
East Herts Council

4 January 2019

Dear George,

Examination of the Standon Neighbourhood Plan Amendment to the Basic Conditions

I am writing to draw your attention to the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which came into force on 28 December 2018.

Amongst other things, these Regulations amend the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) which stated:

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

The Regulations substitute a new basic condition which states:

- **The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.**

The Conservation of Habitats and Species Regulations 2017 include regulations on the assessment of plans (including neighbourhood plans) and projects on European sites or European offshore marine sites. The first stage is to screen the plan to see whether it is likely to have a significant effect on any European site. If the plan is 'screened in' because significant effects cannot be ruled out, the next stage is for an appropriate assessment to be carried out considering the impact on the European site's conservation objectives. Consent for the plan can only be given if it is 'screened out' at the first stage or the appropriate assessment concludes the integrity of the European site will not be adversely affected.

Case law (*People Over Wind*, *Peter Sweetman v Coillte Teoranta*) ruled that it is not permissible to take account of measures intended to reduce or avoid any harmful effects of a plan or project on a European site at the screening stage. This represented a move away from what was common practice. Any 'mitigation' measures can now only be considered at the appropriate assessment stage.

This resulted in some confusion as to whether neighbourhood plans 'screened in' could progress because of the wording of the basic condition.

The substituted basic condition removes this confusion; it gives certainty that those neighbourhood plans which have been 'screened in' and therefore require appropriate assessment can continue to progress (provided that the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 are met).

The process for appropriate assessment of neighbourhood plans is the same as assessments for Local Plans.

There are no transitional arrangements and so the substituted basic condition applies from 28 December 2018. It will therefore apply to any neighbourhood plans currently at examination or those submitted for examination on or after 28 December 2018.

As all basic conditions must be met by a neighbourhood plan before it can proceed, I would be grateful if you would consider this change to the basic conditions and let me know of any implications arising from it for the examination of this neighbourhood plan. I will reach my own view on this matter as well.

Once you have had an opportunity to consider what, if any, further work needs to be undertaken, I suggest that we agree a way forward for the examination of the Neighbourhood Plan, including any new timescales should further work be required.

This letter should be placed on the relevant Council websites.

With many thanks,

Ann Skippers MRTPI
Ann Skippers Planning
Independent Examiner