

Bengeo Neighbourhood Plan Consultation: July - September 2019

General Comments:

The Bengeo Neighbourhood Area Plan (NP) presents a positive planning document that seeks to shape development and is responding to the strategic priorities in the development plan in a pragmatic way. The Plans ambitious approach to sustainable transport and focus on green spaces is commended. However, there is still significant work that is necessary to review the draft to ensure the policies in the NP are deliverable and produce the outcomes that are intended by the policy-makers particularly in the following areas:

- Clarity on whether a policy is a site allocation or relates to policies more generally.
- Clarity on the deliverability and effectiveness of some of the policies and allocations within the plan particularly with regards to sustainable transport.

Once primary work has been undertaken to review the document following receipt of comments through this consultation, East Herts officer's welcome and encourage the opportunity to talk to the Neighbourhood Plan Group and work through the issues or modifications subsequently prepared particularly in relation to the comments below.

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2. The Hertford Bengo Ward		
2.9	10	The latter part of the first sentence may need to be revised as it doesn't appear to currently make sense; "...it's vital that any development <u>facilities active travel and enables</u> good access to natural areas and facilities and does not increase..."
4. Neighbourhood Plan Policies		
HBN2	16	<p>Is the land in Town Council ownership? If it is then make this clear to enhance the deliverability of the overall site.</p> <p>If land isn't within Town Council ownership then how will this be a deliverable project? The policy may also benefit from much clearer criteria so that it is developed in line with the Neighbourhood Plan's ambitions.</p> <p>Likewise, paragraph 4.14 mentions another site that might be suitable for turning into a green space – why is this not a separate policy like the Duncombe Road site?</p>
HBN3	17	<p>Consider renaming the Policy to 'Important Views' or something similar in order to avoid confusion with HBH3: Landscape Design policy later in the document.</p> <p>Consider deleting the second part of criteria II as the use of the term 'particular attention' is not necessary as these views have been exclusively selected and thus receive priority. Consider replacing the sentence with:</p> <p><i>Any development proposals that are likely to impact upon the views below should be</i></p>

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		<i>accompanied with an assessment of the impact that development will have on these views. Proposals where a harmful impact is identified will only be permitted where appropriate mitigation measures can be delivered.</i>
View 1 – View 8	17 - 21	The last sentences of the supporting text under most of the individual views make varied references to not allowing development or ‘no new development’. These references should be deleted as the policy makes it clear what the expectations are for development that impact on these views. Also, differentiating between ‘no new development’ or a view being ‘unsuitable for development’ is unhelpful variations that do not provide clarity to the policy itself.
4.27	22	It might be worth making reference to the District Plan policy (presumably NE1) in the first sentence to assist the reader.
HBN4	24	The word <i>strongly</i> should be deleted from Criterion III as there is no differentiation between supporting and strongly-supporting a development proposal.
HBN5	25	<p>Consider the addition of ‘Where appropriate’ or ‘Major development proposals’ to the beginning of Criterion II to reflect that it is unlikely that smaller proposals will be able to create, improve or extend connectivity in the Neighbourhood Area.</p> <p>There is no alternative location identified for the Castle Gardens play area Criterion III, so whilst the sentiment of the policy is supported the lack of details make it hard to see how this could be delivered in a manner that the Town Council would be supportive. It’s</p>

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		suggested that the TC think about where the facilities could be enhanced or relocated to and <i>how</i> (and through what funding or what development) in order to make this a deliverable policy.
4.35	25	Confusing use of the word 'we' in the first sentence – consider changing to: <i><u>'There are more than forty venues for a broad range of recreational and community activities within the Neighbourhood Area.'</u></i>
4.38	26	The first sentence of the supporting text refers to impacts of development on all facilities – it needs to be clear that this refers to community facilities and should be amended to say; <i>'Unless they are no longer needed, identified community facilities should be protected from any impacts of development that may harm the function of the facility...'</i>
HBC2	26	The last sentence of Criteria I should be clearer about what it should be 'within walking or cycling distance' of. For example, is it within walking distance of the current facility? Criterion II; the last sentence makes reference to priority being given to improved facilities for young people. This term is ambiguous and arguably not land use – consider setting out exactly what is meant by facilities for young people in order to avoid confusion.
HBC3	30	Criterion III. makes reference to bringing listed buildings back into 'use' – this criterion

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		<p>doesn't currently make sense and might provide the opportunity for any number of uses to be brought forward (including those that might be undesirable) under the current wording and it is difficult to decipher what the intended purpose of the policy is.</p> <p>Consider revising the whole criterion to be clear about what the prior use is and where it is acceptable to bring something into another use and what exactly that is. You could consider using the Use Class System as a means of categorising but care will also need to be taken to make sure this does not conflict with any of the current policies in the District Plan and policies affecting listed buildings as well.</p>
HBC5	32	<p>This policy is confusing as the supporting text appears to be allocating development to certain locations but with no map and no firm locational policy. The policy itself then seems to refer to the expansion of existing facilities rather than the allocation of sites.</p> <p>If indeed these are site allocations then they need to be much clearer. They will also need to be deliverable and so further information on how development will take place will need to be included and the necessary limits and various planning considerations as well.</p> <p>Clarity is needed in order to make this a successful policy.</p>
HBT1	34	<p>First criterion is confusing and should be amended to be clearer. Suggested wording of the first sentence to include all development proposals rather than just two types, as follows:</p> <p><i>'All development proposals proportional to the scale of the proposed development should be</i></p>

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		<p><i>accompanied by a transport assessment'.</i></p> <p>If the reference to school travel plans is to make sure that changes to existing school travel plans are captured where there is development; include this as a separate criterion and make it clear what the purpose is.</p>
HBT2	36	<p>Again, criterion I refers to significant school, residential and commercial developments. This would exclude developments outside of those that might still be useful to capture. Also consider using the word Major, instead of significant as it is defined in the NPPF whereas significant is more ambiguous. Also consider adding 'where possible' to note that some developments might be unable to deliver improvements.</p>
HBT3	37	<p>Consider moving 'S106 contributions should contribute towards' and then the following bullet points to criterion I. so that it is clear that it is S106 contributions from all developments (that meet threshold) and not just those that criterion II relates to. Policy should read:</p> <p><i>I. Development proposals should contribute to the establishment, enhancement, and improved connectivity of cycle routes into, out of, and through the Neighbourhood Plan Area. S106 contributions should contribute towards:</i></p> <ul style="list-style-type: none"> <i>the ongoing upkeep and maintenance of the Restricted Byway/Footpath (Hertford 001) across Bengeo Field to Chapmore End and improvements to the Public Footpaths from Ware Park Road to Hertford Lock (Hertford 17, 18, 19, 20, 23) connecting with Sustrans off-</i>

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		<p><i>road route 61. The preference is for the footpaths to be upgraded in status to Public Bridleway to permit cycling. Permissive rights could be considered as a compromise</i></p> <ul style="list-style-type: none"> <i>• secure covered cycle racks within Hertford North station car park</i> <i>• cycle training courses for children and adults.</i> <p><i>II. Development proposals that include segregated cycle paths and the on-site provision of electric bikes, cycle hire, and bike club schemes, will be supported if they are consistent with other policies in this Plan.</i></p> <p>Cycle training courses also might not meet the Planning Obligations tests in the NPPF.</p>
HBT4	37	<p>Consider re-writing policy.</p> <p>Whilst the principle of the policy is desirable, there is only a limited scope of control developments can have over bus, taxi and community transport services. In particular reference to taxi services should be removed as they are exclusively privately run and to the best of our knowledge would not benefit from development directly. The use of the term 'all developments' is unjustified as small scale developments such as householder applications should not be required to maintain and develop public transport.</p> <p>Criterion II currently reads as an ambition rather than a requirement of development – reference needs to be made to how behavioural change can be met through land use planning. Maybe it could be linked to travel plans? Likewise, the second sentence is unclear</p>

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		and if directing S106 funds there needs to be more clarity in order to meet the Planning Obligation tests.
HB T5	38	<p>Given the Plans focus on sustainable transport, the expansion of a car park does seem to be in contrast to the rest of the policies. Likewise the deliverability of a scheme at Hertford North Station will need to be provided in a more comprehensive policy that would be more akin to a site allocation.</p> <p>It is recommended that instead, focus is on sustainable transport expansion and capacity at the train station.</p> <p>Criterion II appears to conflict with itself – consider re-wording the first sentence.</p> <p>Also consider drawing out the provision of electric charging points as a separate criterion for more clarity.</p>
4.68	38	We would request that the LGS1 is not extended to cover the area designated at HERT4 if development does not take place by 2033. Development could be approved prior to that but the construction may not have started, likewise new LGS's can only be designated through the preparation of Plan or an update to a current Plan and an extension would require this same mechanism.
HBH1	39	The policy is titled 'Housing Supply' but refers only to the HERT4 development. The HERT4 development has its own policy set out in the East Herts District Plan which prescribes the housing type and mix (as set out in HOU1) and the affordable housing provision (as set out

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		<p>in HOU3) and therefore this policy conflicts by setting out alternative provisions not in line with District Plan.</p> <p>This policy should refer to general housing supply and not the individual site allocation and should also be checked to make sure that criteria do not conflict with the strategic policies in the District Plan. If there is a deviation on any of the policies this need to be justified with robust evidence.</p>
HBH2	41	<p>This policy and in particular its various criterions repeat much of what the District Plan policies already set out. Consider reflecting on which of these criterions add extra value on top of the DP policies and the NP policies and particularly look at the Heritage, Design and Landscape (Policy DES4 in particular) and Water chapters of the East Herts District Plan.</p> <p>The opening paragraph provides a number of varying criteria that would be better read as separate criterion. After drawing out the separate criterion they would benefit from the same exercise as the other provisions and be checked against the current DP policies and those in other chapters of the NP.</p> <p>By way of example:</p> <p>Criterion c) does not provide an example or parameters to guide its application, and policy DES4 (I. (a)) of the District Plan already requires development to make the best use of land including through density, scale, massing, orientation etc.</p>

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		<p>Criterion i) includes the application of local parking standards, in order to deviate from the district-wide standards there should be adequate evidence supporting these changes. This criterion encourages the use of cars as the primary transport and conflicts with the goals of the sustainable transport policies.</p>
HBH4	42	<p>This policy again partially allocates a site for development but simultaneously talks holistically about brownfield redevelopment.</p> <p>Consider deleting criteria I as design policies in the District Plan relate to all developments and the prioritising of certain developments and infrastructure such as affordable housing is not always suitable on brownfield sites that can have greater development costs than other developments.</p> <p>Is the development of the Old British School site deliverable? There should be evidence available to support this development – likewise there should be more detailed policies to accompany this site so that if it did come forward for development the Town Council would have policies guiding the development.</p>
HBB1	43	<p>Delete the 1st sentence of criterion I as it doesn't relate to land use and would be impossible to control. The rest of the Policy may have to be re-worded if recommended changes are made to Policy HBH4.</p>

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		Criterion III does not go much further than the policies in the District Plan or the sustainable transport policies in the Neighbourhood Plan. The criterion as currently written also would appear to relate to <u>all</u> commercial applications, whereas it should only relate to those that are providing 'new' commercial premises and therefore can provide the requested facilities.
Appendices	45+	<p>Policies map reads well and does provide inset maps – although it is not clear where inset maps 1a, 1b and 2a are. Presumably they are located within the document but aren't clearly labelled – they may benefit from being in the Appendices as well as being imbedded in the document.</p> <p>It may also be beneficial to outline the HERT4 development site allocation in Inset map 1.</p>