

Much Hadham Neighbourhood Plan Consultation: August – September 2019

General Comments:

The Much Hadham Neighbourhood Plan 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. However, there is still significant work that is necessary to review the draft Plan to ensure the policies in the NP are clearly written, deliverable and produce the outcomes that are intended by the policy-makers.

The NPPF requires Plans to contain policies that are clearly written and unambiguous, the Much Hadham NP would benefit from revisiting a number of areas to ensure that the Plan is compliant with this part of the NPPF. Clarity in language, and where possible brevity and succinctness is encouraged and should be aimed for particularly regarding the policies and site allocations currently in the draft Plan.

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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Chapter 1: Introduction		
1.1 – 1.6	4-7	This section does explain some of the frameworks that a Neighbourhood Plan should follow but doesn't mention the Basic Conditions. There is no mention anywhere of the Basic Conditions in the Neighbourhood Plan document – whilst it is noted that under Regulation 15 a Basic Conditions statement will be prepared and submitted alongside the Plan, it might benefit the reader of the main Much Hadham Neighbourhood Plan (MHNP) document to have an understanding of the Basic Conditions which a NP must meet.
1.5	6	The MHNP cannot exclusively enable housing that the residents ask for; it should be informed by a proportionate evidence base building on the strategic priorities in the District Plan. Therefore it is recommended that second sentence should be amended to; <i>“The Neighbourhood Plan aims to provide housing that meets the needs of Much Hadham into the future, whilst preserving...”</i>
1.6	7	The final sentence of this section may confuse the reader who has previously been told that all planning applications will be determined using the Neighbourhood Plan. It may be better to explain that the development itself will be undertaken by private developers.
Chapter 3: Strategy		
Chapter 3	12	EHDC will support in principle all Neighbourhood Plans that are produced where such development is in general conformity with the strategic objectives and policies set out in the EHDP. Whilst EHDC supports the principle of the MHNP draft there are modifications that we would like to see in order for it to meet the Basic Conditions. Therefore the second

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		<p>sentence of the first paragraph could be reworded as;</p> <p><i>“This chapter sets out how the Parish Council seeks to facilitate the delivery of sustainable development that represents the vision of local people in the Parish and supports the delivery of the strategic policies set by East Herts in the District Plan.”</i></p>
Guiding Principles	12	Footnote 10 needs to be clearer in its reference to the District Plan so that the reader isn’t confused about where to find the guiding principles – in this case in the EHDP not the MHNP.
3.1	12	<p>Recommend that the final paragraph of section 3.1 is slightly redrafted for clarity;</p> <p><i>“Policy DPS2 in the District Plan seeks to deliver sustainable development in accordance with the following development strategy hierarchy: sustainable brownfield sites; sites within the main urban areas; Urban extensions; limited development in the villages.”</i></p>
3.2	12	The Neighbourhood Plan is not a legally binding document, it forms part of the statutory Development Plan that has a defined legal status.
3.4	14	Consider rewording the first sentence of the second paragraph on page 14 for clarity. There is a policy requirement to deliver growth of new homes, not a growth in new homes.
Chapter 4: Housing		
MH H1	17	Part I. should be reworded to avoided any ambiguity;

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		<p>“In accordance with Policy VILL1 in the East Herts District Plan, Much Hadham village will accommodate a minimum of 54 new homes over the 16-year period between 1 April 2017 and 31 March 2033.”</p> <p>Part II should be deleted as, whilst it encourages a positive approach to development, it could encourage unsustainable development beyond that set out in the District Plan and in locations that are unsuitable for growth.</p>
4.1	17	<p>The final paragraph refers to a policy requirement for development to be contained within the revised village boundary. There needs clarity as to whether this is a policy requirement in the NP. The District Plan does not have any such policy on this. The supporting text of the DP (para 10.3.5) refers to the potential need to move development boundaries to accommodate growth - likewise the policy only allows development prior to the preparation of a NP to come forward within the main built up area of the village but through a Neighbourhood Plan there is no requirement for development to be contained within the village development boundary.</p>
4.1 - Windfall	18	<p>This section is welcomed and sets out a proactive stance to development and explains the windfall option well, and also why it isn't an appropriate option in this particular strategy.</p>
Policies:		

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MH H2	19	The first sentence is fine however the second sentence of this policy could do with rewriting for clarity. It would also benefit from an explanation as to why the site references are included below the main text.
4.3	20	Delete the words 'and anecdotally validated' as any policies should be justified by being based on an appropriate strategy and proportionate evidence.
MH H3	21	<p>Part I. of policy MH H3 doesn't make sense as a policy requirement as it does not specify any expectations but rather appears to repeat something set out in the vision. Consider deleting and adding it to the supporting text instead.</p> <p>Part III. sets out an expectation for developers to evidence how they are addressing affordability challenges or meeting the needs of older people. In order to make this policy effective the supporting text could include some examples as to what would be acceptable to demonstrate that these demographic groups are being addressed. For example what housing type, size or adaptability is perceived as meeting the needs of older or younger people.</p>
4.5	21	The first sentence of the third paragraph needs to be amended to reflect that it is the National Planning Policy Framework (not the Planning Practice Guidance) that states that affordable housing should not be sought for residential developments that aren't major developments (see paragraph 63 of the NPPF; and definition of Major Development in the NPPF Glossary).
4.6	22	The final paragraph notes that indicative plans have been included for some site allocations

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		but are subject to change. It is questioned whether these indicative plans serve any positive purpose other than potentially misleading the reader if they are likely to be subject to change. Consideration should be given as to the value added to the overall strategy by these diagrams.
4.6.1 Priest House	23-25	<p>Justification – the text acts more as a <i>history</i> of the site rather than a justification for its inclusion as a site allocation within the NP. Consider changing the title or including more justification.</p> <p>Density – make it clear that the overall policy requires a net gain of a minimum of 7 dwellings as the wording differs slightly from the policy currently and would benefit from consistency.</p> <p>Policy MH H4: Priest House – Criterion I refers to development site providing low rent, low cost sale and market sale homes to meet identified local need for smaller homes, with a mix of tenures. This is unnecessary and should be deleted. Instead add a new criterion into Part II which could say;</p> <p><i>“a range of dwelling type and mix in accordance with Policy MH H3.”</i></p> <p>Criterion d) states that all site parking is to be at the northeast of the plot. This needs to be clear whether it is referring to the entirety of site parking, if this is the case then it is likely to</p>

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		<p>be in conflict with the parking policies in MH D3. Thought needs to be given as to whether containing all the parking in one area would create a desirable place to live for residents and also whether built form overlooking the ford is actually a negative. Criterion needs to be revisited.</p> <p>Criterion f) refers to a turning facility, this needs to be further defined than it currently is in the supporting text.</p> <p>Criterion h) needs to set out what is meant by 'any area liable to flood'. Most areas have the capacity to flood so this needs to be carefully worded and could perhaps be linked to the different flood zones designated by the Environmental Agency.</p> <p>The requirements of including provision for a turning facility, a car park and the prohibition of built form on 'flood liable' areas means that the site allocation could be very limited in terms of its layout. It may also be too limited to provide for the minimum number of dwellings stated or to provide all the policy criteria. The deliverability of this policy needs to be reconsidered.</p>
<p>4.6.2 Land at Hopleys</p>	<p>26-28</p>	<p>Justification – again, the text acts more as a <i>history</i> of the site rather than a justification for its inclusion as a site allocation within the NP. Consider changing the title or including more justification.</p>

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		<p>Density – the supporting text states that by relocating the café and retail business the best use of land can be made for the housing development. However the site allocated for housing is 0.49 hectares and only 9 dwellings have been allocated. Whilst it is accepted that an access road should be provided this still doesn't necessarily reflect a good use of the space particularly given that the housing mix proposed is for smaller dwellings.</p> <p>The last paragraph refers to the current café/barn being retained as a store/garage/workshop for the landowners home – presumably this should refer to the retention of the <i>buildings</i> that form the current café/retail barn to make it clear that it would no longer be in that particular use.</p> <p>Design and Layout – the term self-supporting is unclear and needs to be defined.</p> <p>Policy MH H5: Land at Hopleys – Criterion I limits the development to only 9 dwellings. As previously questioned there is scope to make better use of the land and provide more dwellings therefore it is recommended that the overall figure is not limited but instead uses either 'at least', 'around' or 'a minimum of' 9 dwellings.</p> <p>The deliverability of the café proposal alongside the housing element isn't clear – if there are any mechanisms to secure café it is also unclear. Has there been consideration given to adding a criterion that requires a planning application to be submitted for both a café and the housing element of the site together. This would be to avoid the situation of the housing</p>

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		<p>element coming forward prior to the replacement of a café and then the café never being produced.</p> <p>Likewise, moving the boundary to accommodate the café could potentially open up a much larger area for housing development if the policy is not carefully worded. Policy VILL1 in the District Plan allows sites to come forward within the village development boundary, thus moving the boundary would support in-principle any development on this site.</p>
<p>4.6.3 Land at Moor Place Gate</p>	<p>29-33</p>	<p>The use of indicative layouts has been questioned earlier in the comments.</p> <p>Justification – In order to demonstrate the deliverability of the community land trust aspect of this site, the Parish Council will need to demonstrate how this is going to be delivered and how they have the necessary processes and funding to make this realistic. A site of this size will need to make an affordable housing contribution under Policy HOU3 in the District Plan (and NPPF) if it is unable to demonstrate the deliverability of the CLT.</p> <p>Within the Design and Layout section there is reference to “Estate workers’ cottages” being an appropriate design of new development. This should be defined or illustrated somewhere in order to guide the interpretation of this definition.</p>
		<p>Policy MH H6: The policy states that the land shall be divided into two separate areas, whilst</p>

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		<p>this is broadly described in the policy it would benefit from being illustrated somewhere to guide the decision-maker in the future.</p> <p>The term 'jointly or separately (as appropriate)' isn't needed if there is no preference.</p> <p>Criterion a) states that "New homes are sited in general conformity with the indicative site allocation map"; this raises questions as to whether the map should be labelled as indicative if there is then a policy requirement referring to the layout.</p> <p>b) again refers to self-supporting parking that needs to be defined.</p> <p>j) will this work effectively with the Policy PV1 in the MHNP?</p> <p>k) this is not a land use policy as there is no mechanism in legislation or policy for Development Plans to select who does and does not pay for private development. The only way of mitigating the potential impacts are to provide particular measures as part of the new development or as a S106 contribution that meets the Planning Obligation tests in the NPPF.</p>
4.6.4 The Bull Inn	34-36	Density – this section refers to 'single level accommodation' as the reason for a lower density – however there is only one other subsequent mention of 'single level' (presumably bungalow) within the policy itself.

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		<p>Policy MH H7 – as previously mentioned, Criterion a) should be stronger with its requirement for single storey dwellings.</p> <p>b) it is difficult to see how an applicant or decision-maker would be able to consider or measure the successful commercial operation of a public house when a planning application is submitted.</p>
4.6.5 South Plot, Culver	37-38	<p>Whilst it is appreciated that there are planning applications relating to the site that combine to form the approval of two dwellings, the size of the site would mean that in order to make greatest use of the land; more dwellings could be allocated. If the permissions are not implemented then the site allocation should set out the most appropriate strategy for Much Hadham and the site itself.</p> <p>Consideration should be given to this scenario.</p>
4.7	39	<p>First paragraph needs to be re-phrased – as sites have been allocated within the rural area beyond the green belt as the policy designation is only removed once the Plan becomes part of the statutory development plan. Consider saying that</p>
Policy MH H9	39	<p>Consider deleting the following from the policy; <i>“who provide continuous care and medical support for its residents with epilepsy and other complex needs”</i></p>

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		<p>This has already been explained in the supporting text and is unlikely to be a measurable criterion if a planning application was submitted. Consider the addition of a reference in Policy MH H9 to Policy HOU5 of the District Plan for clarity that any application would have to be in line with the provision of the District Plan policy as well.</p>
Policy MH D2	46	<p>This policy and section would benefit from further clarity and descriptions, particularly around the concept of ‘Sustainable Design’. Currently the policy would appear to relate more to good design, rather than the promotion of sustainability through design (which is the principal of the District Plan section). Consideration should be given to how this could be better described.</p> <p>Policy MH D2 – criterion a) is unclear as to what it is aiming to achieve and which policies need to be considered. Criterion c) expects that a development proposal be based on an ‘assessment, involvement, and evaluation of information collected’. In its current wording it is unclear to what information is being referred to.</p> <p>Is the expectation that all development proposals (even minor ones) will need to provide such evidence? This wouldn’t seem to be a proportionate approach for some developments.</p> <p>There may be scope to have a separate policy on community engagement and another on</p>

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		sustainable design.
Policy MH D4	48	<p>Criterion I does not read as a policy but rather a statement. Consider moving to the supporting text.</p> <p>Criterion III notes that gates above a certain height must be 'at least 50% transparent'. This wording is unclear, instead the criterion could read; "Where new or replacement access gates are proposed as part of a development, consideration should be given to using materials that enhance visual permeability".</p>
Policy MH D5	49	<p>The first part of the policy is unnecessary – consider amending so that the policy reads;</p> <p><i>"Development proposals should include provision for storage of bins and ancillary equipment designed in accordance with the good practice contained in the NHBC guide Avoiding Rubbish Design."</i></p>
MH ITC1	52	<p>One policy containing criteria on high speed broadband and another of transport related issues might benefit from more clarity if they were separated into two distinct policies. Criterion I is also vague in its language and needs to make it clear if it is referring purely to highways traffic and if so what levels are acceptable and how would they be measured.</p>
Policy MH ET1	54	<p>Criterion I refers to a number of other policies where it does not need to. Consider rephrasing the criterion to say;</p>

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		<p><i>“Development proposals for new business and employment opportunities or the expansion to existing facilities will in principal be supported, providing that any development is not in conflict with other policies in this Plan.”</i></p> <p>Criterion II prevents the expansion of B8 facilities – there could be opportunities where expanding a B8 facility wouldn’t have a detrimental impact on the road network, therefore criterion could be reworded to;</p> <p><i>“New proposals for, or the expansion of existing B8 Use Class facilities, will be allowed where they can demonstrate that they will not have an unacceptable impact on the highway network”</i></p> <p>Criterion III is unnecessary as it does not go any further than policy MH ITC1 and only repeats it.</p>
Policy MH ET2	55	<p>Criterion I needs to be re-worded to provide clarity – this could be through the addition of another criterion, currently the intention of the policy is not clear. Once the first part of the policy is reworded it may help the remainder of the policy with clarity.</p>
Policy MH HA1	58	<p>Criterion I would benefit from the addition of additional words in order to provide further clarity.</p> <p><i>“All development proposals within Moor Place historic park should be accompanied by a heritage</i></p>

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		<p><i>statement, which assesses the impact of development on the main features of the estate and ensures that the sense of place and the interaction of the estate with the village are enhanced."</i></p> <p>Criterion II needs to be reworded in order to provide clarity.</p>
Policy MH HA2	59	<p>Criterion I identifies non-designated heritage assets but also states in brackets that 'any other assets that may come to light in the future' may also be designated. This needs to be deleted as the opportunity to identify any non-designated heritage assets is through the plan making process by clearly identifying such assets, this is set out in the Planning Practice Guidance.</p> <p>It is recommended that the PPG should be consulted to determine whether the designation of 'all post-boxes and bus shelters with the parish' fit the criteria set out for identifying non-designated heritage assets.</p> <p>Criterion III needs to be clearer about what it is trying to achieve – if it trying to say that the deteriorated state of an asset shouldn't be a consideration in any development proposal does this refer to development proposals indirectly impacting the asset or directly impacting it? Currently the policy could prevent the replacement of non-designated asset which may not be in the interest of the community.</p>
Policy MH LNE1	64	<p>Criterion II is unnecessary as Ancient Woodland already benefits from protection in the NPPF (paragraph 175).</p>

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		Criterion III sets out a weaker position regarding development impacting on habitats under section 41 of NERC Act than the District Plan Policy NE3 does. Repeating this policy is unnecessary as greater protection is afforded to these areas by the East Herts District Plan.
MH PV1	88	<p>For clarity it is recommended that the priority views are identified in the policy as well as on the policies map and supporting text.</p> <p>Given that site allocation MH H6: Moor Place Gate has been allocated for development, and this would likely affect Priority View V2, thought needs to be given about how this policy would interact with a development proposal coming forward on this site. This policy would require the site at Moor Place Gate to demonstrate exceptional circumstances at the planning application stage. The reinstatement of lime trees set out in the Moor Place policy would likely be in direct conflict with criterion II of this policy also.</p>