

East Herts District Council

**Thundridge
Neighbourhood Plan
2018-2033**

Independent Examiner's Report

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Summary

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

The Parish is located to the north of Ware and Hertford and has a population of around 1406 according to the 2011 Census. There are three larger settlements of Thundridge, Wadesmill and High Cross and a smaller hamlet of Cold Christmas. The Parish is bisected by the River Rib valley.

The Plan is presented well with a clear vision which is underpinned by a set of objectives. It contains 26 policies that cover a wide range of issues from local green spaces, views, heritage assets, caravans and business development.

It has been necessary to recommend some modifications. Unfortunately I considered that the housing strategy in the Plan did not meet the basic conditions. I regarded this as a significant change to the overall nature of the Plan. As a result the proposed modifications were subject to a further two week consultation period for interested parties to make any representations.

Other modifications have also been made 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 for those modifications 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 Thundridge 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
3 July 2020

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1.0 Introduction

This is the report of the independent examiner into the Thundridge 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 thirty 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.

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

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

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 The examination process

I have set out my remit in the previous section. 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

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 suggestions for improvements, or additional policies, for example on archaeology, to the Plan. These are not matters I need to make recommendations on given my remit, but I feel sure the Parish Council will wish to consider them in any future review.

A representation raises concern that the Steering Group has misinterpreted and misled the community, particularly over housing development and sites. It is outside the jurisdiction of examiners to consider such matters other than as they relate to the examination process. It may be appropriate for such matters to be separately considered through the complaints procedure of the qualifying body or local planning authority.

A representation raises concern about the adequacy of the Basic Conditions Statement. As PPG indicates this document is likely to be the main way that a qualifying body seeks to demonstrate that the draft Plan meets the basic conditions.⁷ It is however not the only way and the contents of the Basic Conditions Statement are not prescribed in the same way as for the Consultation Statement. My assessment also focuses on whether the Plan meets the basic conditions. I therefore consider the Basic Conditions Statement to be adequate.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners titled *Neighbourhood Planning Independent Examiner Referral Service 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 a qualifying body to make any comments; it is only if they wish to do so. The Parish Council made comments and I have taken these into account.

⁵ PPG para 055 ref id 41-055-20180222

⁶ Ibid

⁷ Ibid para 066 ref id 41-066-20140306

PPG⁸ 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. I note that some representators sought a hearing. A hearing is only held when 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.⁹ In this case, I considered that a hearing was not necessary.

However, having completed an initial review of the Plan, its supporting documentation and the representations received, I wrote on 11 May 2020 to set out some interim findings. My note is attached as Appendix 2.

My note explains that Part 12 of the *Neighbourhood Planning Independent Examiner Referral Service Guidance to service users and Examiners* deals with changes to the Plan. Paragraph 2.12.1 advises examiners that “Where there are issues of non-compliance with the basic conditions and other legal requirements, you will seek to resolve these through recommending modifications.”

Paragraph 2.12.6 indicates that “Examiners will not generally refer back to parties on these detailed revisions. But where the modification may necessitate a change which in the opinion of an examiner would be significant, there is a reasonable expectation that a description of the intended modification will be publicised on the local planning authority’s website, seeking comments, prior to recommending the change.”

I considered that a number of changes I intended to make to enable me to conclude the Plan would meet the basic conditions fell into this category. I therefore alerted the parties to these significant changes and at the same time raised a number of more factual matters of clarification.

In accordance with the guidance to examiners in the *NPIERS Guidance to service users and Examiners*, I therefore sought comments from interested parties on these proposed modifications to the Plan. This two week period of consultation on the proposed significant changes and the time given to the Parish Council and EHDC to respond to my questions of clarification took place between 19 May – 2 June 2020. 13 representations were received. I have taken the representations into account.

I am very grateful to everyone for ensuring that the examination has run so smoothly and in particular my main contact, George Pavey at EHDC.

I made an unaccompanied site visit to familiarise myself with the Plan area on 15 March 2020.

Finally, 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***.

⁸ PPG para 056 ref id 41-056-20180222

⁹ Ibid

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 will be carried out and the Plan's presentation made consistent.

4.0 Neighbourhood plan preparation

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

A decision to prepare the Plan was taken in May 2016. A Steering Group was set up to lead the process. As well as establishing topic groups, a communications group was also formed.

The Parish magazine "Village Life" as well as the Parish Council's website have been used to publicise information. A dedicated website, email and mobile were set up.

Meetings and events have been publicised via a flyer to each household and posters and banners displayed in the Parish.

All Steering Group meetings were public.

Two events were held in February 2017. These were followed by a survey. This was hand delivered to every household by volunteers and collected and an online survey was also available. This resulted in a credible 32% response rate. A separate survey to businesses was also undertaken.

A workshop was held in May 2017 to feedback and discuss the results and agree next steps.

An event was held in November 2017 to feedback progress and express views on policy options.

An event was held in July 2018 and focused on the draft policies. The gap between events was due to the progress of the District Plan.

In addition to regular articles in Village Life, a visit to the local school was arranged.

Pre-submission (Regulation 14) consultation took place between 11 February – 5 April 2019. A summary document was distributed to every household.

I note that a representator is concerned that they were not consulted, particularly at the Regulation 14 stage. However, I note that they are able to make representations at the Regulation 16 stage and whilst this is perhaps unfortunate, I do not consider the consultation to be deficient.

Submission (Regulation 16) consultation was carried out between 7 November – 19 December 2019.

The Regulation 16 stage resulted in 16 representations I have considered all of the representations and taken them into account in preparing my report.

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

Thundridge 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 except for a small area to the south east of the A10. This area was excluded as it forms part of an area of housing development (see DP Policy WARE2). EHDC approved the designation of the area on 5 September 2017. 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 clearly on page 10 of the Plan.

Plan period

The Plan period is 2018 – 2033. This is clearly stated in the Plan itself and confirmed in the Basic Conditions Statement. The requirement is therefore satisfactorily met.

Excluded development

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

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the

development and use of land. 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.¹⁰

In this instance, 'community aspirations' have been included in a separate appendix. This is clearly explained in the Plan.¹¹ The non-planning elements are clearly distinguishable from the planning policies. I commend this approach.

6.0 The basic conditions

Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. A revised NPPF was first published on 24 July 2018. This revised NPPF was further updated on 19 February 2019. When published, it replaced both the 2012 and 2018 documents.

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 delivery of strategic policies and should shape and direct development outside of these strategic policies.¹²

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.¹³ They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.¹⁴

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹⁵

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.¹⁶

¹⁰ PPG para 004 ref id 41-004-20190509

¹¹ The Plan pages 5, 55

¹² NPPF para 13

¹³ Ibid para 28

¹⁴ Ibid

¹⁵ Ibid para 29

¹⁶ Ibid para 31

Policies should also be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.¹⁷

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 www.gov.uk/government/collections/planning-practice-guidance 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 unambiguous¹⁸ 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 planning context and the characteristics of the area.¹⁹

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.²⁰ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.²¹

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan has responded to national policy and guidance.

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 confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.²² This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.²³ The objectives are economic, social and environmental.²⁴

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²⁵

¹⁷ NPPF para 16

¹⁸ PPG para 041 ref id 41-041-20140306

¹⁹ Ibid

²⁰ Ibid para 040 ref id 41-040-20160211

²¹ Ibid

²² NPPF para 7

²³ Ibid para 8

²⁴ Ibid

²⁵ Ibid para 9

Whilst this has formed part of my own assessment, the Basic Conditions Statement explains how the Plan aligns with each of the three components of sustainable development outlined in the NPPF and how it contributes to its achievement.

General conformity with the strategic policies in the development plan

The development plan consists of the East Herts District Plan adopted on 23 October 2018 (DP) and the Minerals and Waste Plans produced by Hertfordshire County Council.

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains a statement about conformity and has two tables which map the strategic objectives and policies of the DP in relation to policies in the Plan.

European Union Obligations

A neighbourhood plan must be compatible with European Union (EU) obligations. A number of EU obligations may be of relevance for these purposes including in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

PPG²⁶ 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 and Habitats Regulations 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).

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.²⁷ The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

²⁶ PPG para 031 ref id 11-031-20150209

²⁷ Ibid para 047 ref id 11-047-20190722

A SEA and HRA Screening Determination dated 20 September 2019 have been submitted. This in turn refers to a Screening Report which in its turn refers to a SEA Screening Report of May 2019 and supporting documents.

The requisite consultation with the statutory bodies was undertaken. All three concurred that a SEA is not required.

I am of the view that EU obligations in respect of SEA have been satisfied.

The Plan area does not fall within any European sites or in close proximity to any European sites.

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

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.

Given the nature, characteristics and distance of the European sites and the nature and contents of the Plan, I consider that a full HRA is not required and that the prescribed basic condition is complied with.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights. Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

7.0 Detailed comments on the Plan and its policies

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

The Plan is presented to a high standard and contains 26 policies. The Plan starts with a helpful contents page and is followed by a foreword and preface.

1. Introduction

This is a helpful introduction to the Plan. It sets out some background information and signposts other documents for further information. It makes clear the difference between the planning (development and use of land related) and non-planning related actions.

Paragraph 1.3 indicates that the Plan period is 2018 – 2033, but makes a reference to beyond this period. The time period should be definite and it may be confusing for readers if there is any doubt about the period the Plan applies to. Indeed a representation makes this point. Therefore a modification is made in the interests of clarity.

- **Delete the words “...and beyond” from paragraph 1.3 on page 5 of the Plan**

2. The Parish of Thundridge

This well presented section sets out the history of the Parish.

3. Process Summary

This well written section outlines the key stages of community engagement undertaken. It helpfully signposts the reader to further details in other documents.

4. Vision and Objectives

The vision for the area is:

“The Neighbourhood Plan will guide the future development and evolution of the villages and hamlets of our rural parish over the next 15 years and retain its separation from the town of Ware. It will conserve the traditional and tranquil character of the parish and be inspirational in planning its future and so ensuring an attractive, safe, sociable and sustainable community in which to live and work.”

The vision is supported by 13 objectives. All are articulated well, relate to the development and use of land and will help to deliver the vision.

5. Neighbourhood Plan Policies

Heritage and Conservation

Policy THE1 – Designated Heritage Assets

The Plan explains that the Parish has a number of heritage assets including listed buildings and a listed park as well as scheduled ancient monuments.

This policy seeks to ensure that development proposals preserve or enhance the significance of heritage assets through an understanding of the asset's significance and the provision of clear justification for any works that would lead to harm. The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.²⁸

The policy is clearly worded. The policy is a local expression of DP Policy HA1 in particular. It will help to achieve sustainable development. It meets the basic conditions and no modifications are recommended.

Policy THE2 – Conservation Areas

The Thundridge and Wadesmill Conservation Area was first designated in 1991.

As part of the work carried out on the Plan, consideration was given to the designation of High Cross village centre as a Conservation Area. Whilst formal designation is sought, the Plan seeks to treat this area as a non-designated heritage asset.

Policy THE2 therefore refers to the statutory duty in relation to the Thundridge and Wadesmill Conservation Area and explains that the centre of High Cross is identified as a non-designated heritage asset. The policy includes the seeking of the area as a Conservation Area in its wording. I consider that the policy requires modification to ensure it meets the basic conditions. This is because the centre of High Cross is not yet a Conservation Area and the content of paragraph II. of the policy is an action. However, it would be possible to add this to the community aspirations section.

Furthermore the next policy refers to non-designated heritage assets and so the inclusion of the information on High Cross centre may lead to confusion.

With these modifications, the policy will meet the basic conditions.

²⁸ NPPF para 184

- **Delete paragraph II. in its entirety from the policy and add, if desired, to Appendix I – Action Plan**
- **Delete the sentence that begins “The parish council asked East Herts Council to...” and the remainder of paragraph 5.5 on page 18 of the Plan**
- **Consequential amendments will be required**

Policy THE3 – Non-designated Heritage Assets

Policy THE3 refers to non-designated heritage assets and identifies six non-designated heritage assets within the Parish.

The NPPF²⁹ sets out how proposals affecting such assets be treated. It is the significance of the asset which must be considered. The NPPF indicates that in weighing planning applications that affect such assets, a balanced judgement will be needed having regard to the scale of any harm or loss and the significance of the asset.

The language used in the policy is not reflective of this; rather it reflects the stance of the NPPF in relation to designated heritage assets. The policy then gives these identified assets a higher status than the hierarchy in the NPPF. To ensure that the policy will meet the basic conditions and in particular takes account of national policy and advice and reflects DP Policy HA2 a modification is recommended.

- **Delete the words “...be permitted provided that they preserve or enhance the significance of the assets and their setting” from paragraph II. of the policy and replace with “...will take into account the significance of the heritage asset to enable a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset.”**

Important Views

Policy THE4 – Important Views

Eleven views are identified in this policy. The Plan explains that the Parish lies within three character areas identified in the East Herts Landscape Character Assessment 2007.

The policy chimes with, and is a local expression of, DP Policy VILL2 which indicates development should not unacceptably block important views or vistas.

²⁹ NPPF para 197

All the views are shown on the Policies Maps and photographed and described in the Plan. As part of my questions of clarification, I asked whether all the viewpoints were correctly identified on the Policies Maps. In reply, the Parish Council has provided amended Policies Maps which are much clearer. I suggest these are substituted.

The area is attractive countryside and I am satisfied from what I saw on my site visit that the views have been identified appropriately and form an important element of the local distinctiveness of this area.

I include the identification of View 10 (St John's Church and the Rectory across Glebe Field from North Drive, High Cross) in this comment and will specifically explain why as its inclusion has attracted representations. I saw at my visit there were clear views of the Church and Rectory and that the openness of the site which in part at least affords these views from North Drive contributes to the distinctiveness of the local area.

It is clear that Glebe Field has a complex planning history. An appeal decision (APP/J1915/W/17/3181608) of 28 February 2019 dismissed housing development for 21 units on the site. I note that the Inspector in dismissing that appeal recognised the "distinctive and attractive views of the Church's tower and spire"³⁰ amongst other things. I consider that there is sufficient reason and justification to include this view.

I turn now to the wording of the policy. It requires development proposals to assess the impact on the views. It indicates that where a harmful impact is identified, development will only be permitted where appropriate mitigation occurs. It seems to me that the wording of the policy does not provide a sufficiently clear steer as it suggests harm can be mitigated; I consider this element could be misconstrued. I have therefore modified the wording to ensure it provides a more practical framework for decision makers and others and that it provides a balance between sustainable growth and the protection of local distinctiveness.

Some of the accompanying text on each view could be said to be subjective or have the potential to give the wrong impression by adding in what could be interpreted as further policy requirements. The text therefore should be modified to better support the modified policy.

There is also a correction in the policy and supporting text.

With these modifications, the policy will meet the basic conditions as it will take account of national policy and guidance in recognising the intrinsic character and beauty of the countryside and promoting and reinforcing local distinctiveness, adding a local layer to DP Policy VILL2 in particular and will help to achieve sustainable development.

- **Change "Ten" in paragraph I. of the policy to "Eleven"**

³⁰ APP/J1915/W/17/3181608 dated 28 February 2019 para 12

- Change paragraph II. of the policy to read: *“New development within the identified views listed above and indicated on the Policies Maps 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. Development proposals must, where appropriate, include an assessment of the impact that development will have on these key views.”*
- Replace “ten” in the first sentence of the policy and the last sentence of paragraph 5.12 on page 20 of the Plan with “eleven”
- Delete “which should not be interrupted by built development” from the description accompanying View 1 on page 22 of the Plan
- Change the second paragraph under View 4 on page 23 to read: “Any new buildings or structures *should ensure that the historic view of the Church is not disrupted.*” [delete remainder of paragraph]
- Change the last sentence of the second paragraph under View 8 on page 25 to read: “The horizon is not disrupted by built development.” [delete the remainder of the existing sentence]
- Delete the first sentence in the second paragraph under View 9 on page 26 which begins “Pressure for development...”
- Delete the first sentence under View 10 on page 26 which begins “This view is the most...”, delete the [existing] fourth sentence which begins “An application to develop...” and delete the last sentence which begins “Any development that blocks...”
- Substitute the two Policies Maps included with the Parish Council’s response to my questions of clarification in the Plan

Local and Green Spaces

Policy THE5 – Local Green Spaces

Nine areas of Local Green Space (LGS) are proposed. I raised a question of clarification about the number of LGSs proposed and the mapping. In response, the Parish Council confirms that nine LGSs are proposed, but that the Policies Maps were not updated. Their response included a clearer set of Policies Maps as I have explained in relation to my discussion on Policy THE4 and as part of the proposed modifications to that policy, I have recommended those clearer Policies Maps are substituted. I repeat that modification here again in case the modifications to Policy THE4 are not undertaken. In addition a correction to the supporting text is made in relation to the number of LGSs.

The NPPF explains that LGSs are green areas of particular importance to local communities.³¹ 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 in sufficient homes, jobs and other essential services. It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period. 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.

A Local Green Space Assessment Table is included as Appendix G in the Plan. I saw the areas on my site visit.

LGS 1 The Pit is a tranquil area which is well used as a footpath and amenity area. It has some local historical significance.

LGS 2 Allotments (Thundridge) I saw at my visit that the allotments were well used and well cared for. They are valued for the opportunity to grow food and ecology and they perform an important social function.

LGS 3 Jean's Orchard is an area of ancient orchard valued for its ecology and wildlife. It is also important for its community value and is managed by the Community Orchard Trust.

LGS 4 Rennesley Gardens and Castle is primarily valued for its historical importance.

LGS 5 West Youngsbury Park is primarily valued as an area of parkland with ancient trees.

LGS 6 The Green, North Drive is an area of grassed green space, important to the setting of the housing development and as an area of amenity for residents.

LGS 7 The Bourne is linear in nature and has importance both for its ecology and its history and is a well used public right of way.

LGS 8 Football Field and Sutes Meadow is an area of meadow land valued for its ecology.

LGS 9 Glebe Field is a field close to St John's Church and is recognised for its contribution to the rural feel of the village, the setting of the Church and valued for its ecology.

I am aware that some of the proposed areas also fall within the Green Belt. PPG is clear that if land is already protected by Green Belt policy, consideration should be given to

³¹ NPPF paras 99, 100, 101

whether any additional local benefit would be gained by the LGS designation.³² In line with this guidance, I consider that the additional LGS designation does help to identify areas which are of particular importance to the local community.³³

In my view, all but two of the proposed LGSs meet the criteria in the NPPF satisfactorily. I have relied on the information in the Plan, namely Appendix G, and my own observations in reaching this conclusion. Appendix G is simply a table which sets out very brief information about each of the spaces considered; whilst this may be sufficient for those spaces which are smaller in nature or obviously used for recreation and so on, for those spaces which are larger or contentious, I would have found more information helpful.

The first area which gives me concern is LGS 5 West Youngsbury Park. This is a 9 or so hectare area. Part of the area is adjacent to the limits of development and the land acts as a 'buffer' between the village and the A10. The supporting information indicates this is historic parkland. However, given the size of the area, its location and my observations there is insufficient justification put forward for its designation. This is not to say it would be inappropriate for designation simply that there is not a sufficiently persuasive case made at the present time.

The second area is Glebe Field. There is an objection to this land's proposed designation as a LGS from the landowner. As I have discussed in my consideration of Policy THE4, the land has a planning history with the most recent appeal for housing development being dismissed.³⁴ It is clear that this area of land is important to the local community. It has historical significance and is important as part of the setting of the Church. These are self-evident matters and confirmed by the appeal decision. However, based on the evidence put forward in the Plan there is, in my view, insufficient evidence, to justify its inclusion as a LGS at this point in time.

Turning now to the wording of the policy, it refers to the "very special circumstances" which reflects the NPPF's policy to manage development in LGSs in line with policy for Green Belts as well as DP Policy CFLR2 which only permits development if it is inconsistent with the function, character and use of the LGS. I am recommending some reworking of the policy's wording in the interests of clarity.

With these modifications, the policy will meet the basic conditions.

- **Substitute the two Policies Maps included with the Parish Council's response to my questions of clarification in the Plan**
- **Replace "ten" in the first sentence of paragraph 5.17 on page 28 of the Plan with "nine" [although this will require further consequential modification]**

³² PPG para 010 ref id 37-010-20140306

³³ Ibid

³⁴ APP/J1915/W/17/3181608 dated 28 February 2019

- Delete LGS 5 West Youngsbury Park from the policy, the section on LGS 5 West Youngsbury Park on page 31 of the Plan and its notation from the Policies Maps
- Delete LGS 9 Glebe Field from the policy, the section on LGS 9 Glebe Field on page 33 from the Plan and its notation from the Policies Maps
- Reword paragraph II. of the policy to read: “New development will only be allowed *in* designated Local Green Spaces where *it is consistent with the National Planning Policy Framework and policy CFLR2 of the East Herts District Plan.*”
- Consequential amendments will be needed

Protected Recreational Open Space

Policy THE6 – Protected Recreational Open Spaces

This policy identifies four areas of recreational open space which are important to the community. The supporting text explains that two, the Football/Cricket Field and Norman Wodson Sports Field, are identified as Open Space for Sport and Recreation in DP Policy CFLR1. Two additional areas of recreational spaces are identified in this policy at the more local level.

I saw each space at my site visit.

Norman Wodson Sports Field, Thundridge is a sports field with a play area. It has a pavilion and a parking area. It was well used at the time of my visit. It is established as a recreational space.

The Football/Cricket Club, Thundridge is a well-defined area largely laid to grass for football and with a cricket pavilion. It is established as a recreational space.

Dellfield, Wadesmill is a small play area adjacent to a car park. It is established as a recreational space.

Arthur Leake Martin Way, High Cross comprises two areas, but on the ground there is another area which forms an important component of this area

Development that would involve the loss of the spaces is not permitted unless the facility is replaced by better facilities equally accessible to the local community. This reflects the stance of the NPPF in promoting healthy communities and DP Policy CFLR1 which resists the loss of sport and recreation facilities.

The policy is not based on needs as referred to in the NPPF and District level policies. However, in the context of this particular Parish and the location of all four spaces, the type of provision and their importance to the community, I consider all are suitably identified, the areas appropriately defined and the policy wording appropriate.

The wording of the policy is clear and flexible. It meets the basic conditions and no modifications are recommended.

Enhancing Biodiversity

Policy THE7 – Conserve and Enhance Biodiversity

This policy has three elements. The first seeks to ensure that development conserves and enhances biodiversity. It particularly refers to wildlife sites and habitats including the River Rib and lists 15 local wildlife sites. They are shown on a map in Appendix D and on the Policies Map. Such sites are usually of significance for wildlife in at least a District context.

The second element refers to ancient woodland. The NPPF is clear that development which would result in the loss or deterioration of irreplaceable habitats, like ancient woodland, should be refused unless there are “wholly exceptional” reasons and a compensation strategy exists.³⁵

The last element of the policy refers to other habitats identified on the Hertfordshire Ecological Network.

The NPPF³⁶ is clear that planning policies should minimise impacts on biodiversity and provide net gains. The policy is clearly worded and reflects this stance. It is a local expression of DP Policies NE1, NE2, NE3 and NE4 and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

Green Corridors

Policy THE8 – Green Corridors and the River Rib

It is widely recognised that green and blue infrastructure delivers a wide range of environmental and quality of life benefits for local communities.³⁷ The NPPF is clear

³⁵ NPPF para 175

³⁶ Ibid para 170

³⁷ PPG para 004 ref id 8-004-20190721, NPPF para 91

that the planning system should contribute to, and enhance, the natural and local environment.³⁸

This policy seeks to protect the Parish's network of green corridors and, where possible, seek their enhancement. It then specifically refers to the Bourne and the River Rib, introducing a buffer for the River Rib.

The policy is clearly worded. It takes account of national policy and guidance, is a local expression of DP Policy NE4 in particular and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

Policy THE9 – Sustainable Energy

Small scale domestic and community based renewable energy schemes are supported in principle by this policy.

This is in line with the NPPF³⁹ which supports community-led schemes including those taken forward through neighbourhood planning. It reflects DP Policy CC3.

The policy is clearly worded. However, it is important for the Plan to recognise it is part of a hierarchy of planning policy. Therefore in the interests of accuracy a modification is made to ensure that it is policies in the development plan taken as a whole which are referred to rather than simply "this plan". With this modification, the policy will meet the basic conditions.

- **Replace the words "... in this plan" with "...in the development plan" at the end of the last sentence of the policy**

Community Value and Facilities

Policy THFS1 – Assets of Community Value

Assets of Community Value (ACV) can be land or buildings. If an asset is listed by the District Council and that asset then comes up for sale, the community has the time to develop a bid and raise the money to bid to buy the asset when it comes on the open market. The idea behind this is to help local communities keep valued buildings or amenities that play a significant part in local life. However it should be noted that there is no community right to buy the asset; only to bid for it. It may well be that the community bids unsuccessfully.

³⁸ NPPF para 170

³⁹ Ibid para 152

The Plan explains that as part of the engagement work, a number of facilities suitable to be put forward were identified. Details of each are found in Appendix E of the Plan.

The policy has three elements to it. The first element lists those facilities valued by the community. These have not yet been formally designated as ACVs.

Secondly, it contains an action that the Parish Council will seek formal identification of these facilities as ACVs.

Thirdly, it deals with any identified ACVs.

The policy in itself cannot identify ACVs. This is because it is the District Council which assesses and lists any assets put forward for the designation and, as the DP explains, the list is managed by the District Council. Therefore this element of the policy should be deleted to avoid any confusion.

The second element of the policy is an action not a development and use of land matter. This then needs to be deleted.

The third element can be retained. It is clearly worded and will apply should any ACVs be listed by the District Council in the fullness of time.

The supporting text also requires modification in the interests of clarity and to reflect the modifications to the policy.

Finally, the facilities should not be identified on the Policies Maps as they do not have any formal status as ACV at the time of writing and to retain them will lead to confusion.

I note that DP Policy CFLR8 which deals with the loss of community facilities will provide appropriate protection for some of the identified buildings and land.

With these modifications, the policy will meet the basic conditions.

- **Delete paragraphs I. and II. of the policy**
- **Move paragraphs I. and II. of the [existing] policy to Appendix I – Action Plan if desired**
- **Delete paragraphs 5.31 and 5.32 from page 41 of the Plan and, if desired, move to Appendix E**
- **Delete paragraph 5.33 from page 41 and move to the subsequent section “Businesses and Infrastructure”**

- **Add a new paragraph after paragraphs 5.29 and 5.30 that reads: “A short description and photograph of the buildings and land that were identified through the Neighbourhood Plan process can be found in Appendix E.”**
- **Delete the identified facilities from the Policies Maps**

Policy THFS2 – Improvements to Community and Recreation Facilities

Policy THFS2 seeks the improvement of existing, and provision of new, community and recreational facilities. It does so on the basis that they match the needs of the Parish and any adverse impacts of so doing would not outweigh the benefits.

The NPPF is clear that plans should plan positively for the provision of recreation and community facilities.⁴⁰ In addition locally based facilities can assist those without access to a car or public transport within the more rural areas and are often important foci for the community.

The DP recognises that retail, leisure and community facilities play a key role in rural areas. DP Policy CFLR7 supports proposals for new or enhanced uses subject to criteria.

This clearly worded policy meets the basic conditions by reflecting the NPPF, being a local expression of the DP and helping to achieve sustainable development. No modifications are therefore recommended.

Businesses and Infrastructure

Policy THFS3 – Existing Businesses

Results from the Business Survey and the Residents Survey carried out as part of the engagement work demonstrates that businesses were keen to be more sustainable and address some of the issues facing them such as car parking.

The NPPF is clear that policies should support business to invest, expand and adapt.⁴¹ DP Policy VILL4 designates Oakley Horseboxes, High Cross and the Thundridge Business Park as Village Employment Areas. DP Policies ED1 and ED2 support businesses subject to various criteria.

This policy therefore supports existing business provided any proposals do not conflict with other policies in the Plan. It is important for the Plan to recognise it is part of a hierarchy of planning policy. Therefore in the interests of accuracy a modification is

⁴⁰ NPPF para 92

⁴¹ Ibid para 80

made to ensure that it is policies in the development plan taken as a whole which are referred to. With this modification, the policy will meet the basic conditions.

- **Replace the words “...this plan” with “...in the development plan” at the end of the first sentence of the policy**

Policy THFS4 – New or Expansion of Business Space

New business space is supported by this policy in line with the NPPF’s aims of building a strong, competitive economy. The NPPF supports the sustainable growth and expansion of all types of business in rural areas through the conversion of existing buildings and well designed new ones, the development and diversification of agricultural and other land based rural businesses and appropriate tourism and leisure developments.⁴²

The policy does not take sufficient account of this stance and is arguably more restrictive than the NPPF. Therefore for the policy to meet the basic conditions, a modification is made to add a new criterion.

Further modifications are made to criterion (a) in the interests of clarity and to ensure the policy reads correctly.

With these modifications, the policy will take account of the NPPF, recognise the stance of the DP in supporting existing businesses in rural areas and help to achieve sustainable development.

- **Add the word “adversely” before “...impacting on the surrounding area...” in criterion (a)**
- **Add the word “or” at the end of criterion (c)**
- **Add a new criterion (d) which reads: “a conversion of an existing rural building or well-designed new building in an appropriate location for the type of business concerned.”**

Policy THFS5 – Home Working

Approximately 17% of the population work from home. This policy seeks to support this type of work in this rural area by allowing changes of use, extensions and conversions or new build outbuildings subject to a range of criteria. All are appropriate for this rural area.

⁴² NPPF para 83

The policy is clearly worded and meets the basic conditions. It takes its lead from DP Policy ED4. As a result no modifications are recommended.

However, a representation made by Hertfordshire County Council is concerned over a potentially misleading statement made in the supporting text. I agree this might be construed and so recommend deletion of the relevant sentence.

- **Delete the sentence which begins “The lack of public transport...” from paragraph 5.40 on page 43 of the Plan**

Policy THFS6 – Infrastructure

Telecommunications infrastructure is sought and supported by this policy. This is in line with the NPPF’s support for high quality communications infrastructure.⁴³

The caveats are appropriate for this local area and reflect DP Policy ED3. The policy is clearly worded and meets the basic conditions. As a result no modifications are recommended.

Sustainable Transport

Policy THFS7 – Sustainable Transport

The supporting text recognises that the NPPF⁴⁴ requires developments that will generate significant amounts of movement to provide a transport statement or transport assessment so that the likely impacts can be properly assessed.

The Plan indicates that even a relatively small development could be capable of generating a significant level of movement in these rural villages. The first element of the policy therefore requires all development proposals to include a proportional traffic assessment. I note that the policy makes it clear that any such assessment should be proportional to the development sought and I consider this introduces sufficient flexibility to ensure that the requirement will not be overly onerous.

The second element supports proposals that enhance off-street parking for commercial uses and supports sustainable transport.

The last element of the policy refers to planning obligations.

There is a modification to ensure it is the whole of the development plan which is taken into account.

⁴³ NPPF para 112

⁴⁴ Ibid para 111

With this modification, the policy will meet the basic conditions.

- **Add the word “*development*” after “...as they comply with other policies in the...” at the end of criterion II.**

Development Strategy

Policies THH1 - Distribution of Development, THH2 Garden at Poplar Close, High Cross and THH3 The Greenhouses Site, off North Drive, High Cross

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.

In the DP, Thundridge and Wadesmill and High Cross are categorised as Group 2 villages. Thundridge and Wadesmill are ‘washed over’ by the Green Belt.

DP Policy VILL2 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.

The criteria expect 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 and be acceptable in relation to the amenity of neighbouring occupiers.

Before a neighbourhood plan is produced, development is limited to the built up area defined on the DP’s Policies Maps. However, small-scale development identified in a neighbourhood plan will be permitted.

As part of the preparation of the Plan, a Housing Group was established to consider housing land supply and housing needs in the Parish.

A number of sites were assessed. The Plan explains these included those sites assessed as part of the preparation of the District Plan’s Strategic Land Availability Assessment (SLAA) as well as others which came forward through the Survey conducted as part of the work on the Plan. The Survey specifically asked a question about sites and invited landowners to put forward sites. Appendix H of the Plan provides information on the Site Assessment process and there is a separate document ‘Site Assessment Process Background Document’ produced by Govresources Ltd and dated 3 June 2019 which gives more details.

As Thundridge and Wadesmill are ‘washed over’ by the Green Belt, the scope for development there is limited. The Plan rightly explains that development at High Cross

would “normally be limited to areas within the defined village boundary”, but recognises that small-scale development can be identified through the neighbourhood plan process.⁴⁵ The Plan explains that although some sites outside the main core of High Cross were considered, development is limited to within the defined village boundary.

The site assessment and selection process is not as clear to me as I would like. Whilst I accept the point made by the Parish Council in their representation on the proposed significant changes, that the DP does not place any obligation on sites outside the main built up area of the village to be considered, the opportunity is there and it is not sufficiently clear to me why this decision was taken. I do recognise though that even when such sites are part of the mix, these would be for small-scale development on the periphery of the main built up area of the village. I also recognise that during the evolution of the Plan, there were policy changes at District level which had to be taken into account. The criteria used did not appear to include any specific consideration of availability or deliverability and seems largely to be based on a weighting of constraints.

Nevertheless, two site allocations have come forward in Policies THH2 and THH3. Both are within the village boundary and therefore do not need to be allocated as they could come through the usual planning application process, but I appreciate an allocation encourages development and lays down a marker.

The first site allocation is Policy THH2, Garden at Poplar Close. This allocation is for one unit. The site forms part of the garden of No 20 Poplar Close. The supporting text explains that the site would be accessed from a rear service road which would need to be made up to adoptable standards. The policy requires the development be for a small dwelling or flat to meet needs identified in the Survey.

The site is currently identified as the entire garden area of No 20. Whilst there may be potential in the locality for some development, I do not consider the site as currently put forward reflects good planning or sustainable development. It would, for example, leave no garden for the existing property. Development would not reflect the prevailing pattern of development or the character and appearance of the area. The use of the rear service access road as the main access would be incompatible with the prevailing character and appearance of the area. There is little information to show whether it would be feasible to make the road up to adoptable standards and how that might affect the viability of any scheme. The site’s configuration would not make best use of land adjacent to it or take advantage of any other opportunities available. As a result I consider the policy should be deleted as it is uncertain whether the site can be viably delivered as envisaged.

Turning now to the second allocation, The Greenhouses Site, off North Drive, I have similar reservations. This site is variously allocated for “up to 20 dwellings” or “around 17 dwellings”. It would be for a mix of market and affordable units. Starter and retirement homes are prioritised in terms of local needs.

⁴⁵ The Plan page 46

Policy THH3 has a number of criteria including the need to provide sufficient parking, the percentage of affordable units, the character of the units, the provision of a landscaping buffer to the A10, the need for North Drive to be made up to adoptable standards and a net gain in biodiversity.

There is little evidence to show whether any of these requirements can be satisfactorily achieved. It is not clear whether the site has access onto the rear service road and whether the requirement to make this road up to adoptable standards is feasible. With the other requirements, I cannot be sure the site is deliverable or viable. Therefore, whilst recognising a scheme could come through the planning application route and be considered on its merits, I recommend deletion of this policy, largely because of the lack of certainty about its deliverability and viability.

Policy THH1 simply allocates the two selected sites. As both of those policies are recommended for deletion, there is no corresponding need for Policy THH1 and it should also be deleted.

In recommending deletion of this section of the Plan, it is important to note that the Plan does not have to include a development or housing strategy and there is no requirement for a neighbourhood plan to make site allocations. In this case, EHDC has also indicated that the Parish does not have a housing 'target' to achieve as its three main settlements are all Group 2 villages. Therefore in recommending the deletion of these elements, there are no other implications in respect of ensuring that the strategic delivery of housing is achieved.

Given my recommended modifications potentially delete an important element of the Plan, I notified the Parish Council and EDHC that these were significant changes. My notice is attached as Appendix 2 to this report. EHDC undertook a period of consultation on the significant changes. I have taken the representations made into account. Some have outlined a pragmatic way forward in suggesting the Parish Council should revisit the development strategy and undertake a new site selection and assessment exercise. I would welcome such a review and new consideration of any sites now available and would encourage the Parish Council to do this, but it is up to the Parish Council to review the Plan should it wish to do so. However, it would not be appropriate for the examination to be held in abeyance for any such work to be carried out.

Let there be no doubt that I very much welcome the ambition and desire of the Parish Council and those involved with the production of the Plan to allocate sites. I recognise the Plan has sought to ensure that new housing is accessible and meets the needs and aspirations of local residents.

I have simply found that the two sites proposed for allocation have too many question marks about their merits and deliverability based on the information before me for me to conclude this part of the Plan meets the basic conditions. In any case, both sites fall within the existing limits of development and could be pursued through a planning application route on the merits of a particular scheme. I cannot see how to modify the

policies in a way that would enable me to support them as my concerns are of a fundamental nature. Therefore I recommend deletion.

- **Delete the section in the Plan entitled “Development Strategy” including Policies THH1, THH2 and THH3 and their supporting texts**
- **Consequential amendments will be needed**

Housing Needs

Policy THH4 – 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.

The need to provide housing for older people is critical as the proportion of older people in the population is increasing.⁴⁶ In addition the DP recognises that East Herts has an ageing population.

The policy is clearly worded. It reflects the NPPF’s aim of delivering housing and reflecting the size, type and tenure needed for different groups in the community.⁴⁷

Whilst the supporting text indicates that DP Policy HOU1 is supported, that policy seeks a mix on sites of five or more units. Policy THH4 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 THH5 – Rural Exception Sites

The NPPF supports the provision of rural exception sites to enable local needs to be provided for.⁴⁸

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

⁴⁶ PPG para 001 ref id 63-001-20190626

⁴⁷ NPPF paras 59, 61

⁴⁸ Ibid para 77

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.

The policy is clearly written and has sufficient flexibility. It meets the basic conditions and no modifications are recommended.

Policy THH6 – Static Caravans

Pitches for static caravans are supported by this policy subject to a number of criteria. The criteria are appropriate for this rural location. The policy meets the basic conditions and no modifications are recommended.

Density of Small-scale Housing and Infill Development

Policy THH7 – Infill Developments

The policy supports small-scale housing or infill development on brownfield land within the defined village boundaries of High Cross, Thundridge and Wadesmill and in Cold Christmas subject to a number of criteria.

With the exception of Cold Christmas, the villages are defined as Group 2 villages in the DP where DP Policy VILL2 applies. This supports limited infill development as well as small-scale employment, leisure, recreation and community facilities subject to various criteria. It also supports small-scale development permitted in a neighbourhood plan.

In contrast, in Policy THH7, there is no reference to brownfield land, to net housing density or to the loss of employment land. Policy THH7 is therefore more restrictive. I cannot find any reason put forward to move away from the DP policy in these locations.

I cannot see how it takes account of national policy and guidance or generally conforms to the DP or that it will help to achieve sustainable development. It therefore does not meet the basic conditions and should be deleted.

- **Delete Policy THH7**
- **Delete paragraphs 5.64 and 5.65 on page 52 of the Plan**
- **Consequential amendments will be required**

Design of Development

Policy THH8 – Design Criteria

High quality design is sought by this criteria based policy. It seeks to ensure that new development is appropriate and reinforces local distinctiveness. The policy is clearly worded, but some changes are necessary in the interests of clarity.

Criterion (a) refers to the Thundridge and Wadesmill Conservation Area Appraisal and Management Plan and the High Cross Thundridge Assessment. These documents will only apply within those specific areas and this needs to be made clear. Any references should also usefully be future proofed. I also consider the reference to the High Cross Thundridge Assessment could potentially be confusing and that to refer to it in this manner gives it a status it does not yet have. This reference then should be removed from the policy.

Criterion (d) refers to roof heights. This is covered in a less prescriptive and more appropriate way in criterion (c) and so, without sufficient justification to retain it, it should be deleted.

There are also other two modifications made in the interests of accuracy.

With these modifications, the policy will take account of the NPPF's emphasis on good design and its aims to create or reinforce a sense of place and to respond to local character and history,⁴⁹ be a local expression of DP Policy DES4 and help to achieve sustainable development.

As part of the representation on the proposed significant changes, the Parish Council asked that consideration be given to including some of the criteria in Policies THH2 and THH3 in this policy. This included the making up of North Drive to adoptable standards for example. Policies THH2 and THH3 have been recommended for deletion because I cannot be sure that the site specific requirements such as this are achievable, both technically in terms of land ownership or control, and cost wise in relation to the viability of the development. Therefore these requirements cannot be subsumed into this policy. However, other policies in this Plan such as Policies THE7 and THH9 would apply to all development proposals.

- **Change criterion (a) to read: “All new development should respect the historic *and distinctive* design vernacular of the parish and its local setting including traditional design features *and, where appropriate*, as set out in the Thundridge and Wadesmill Conservation Area Appraisal and Management Plan *and any successor document*.” [delete reference to the High Cross Thundridge Assessment]**

⁴⁹ NPPF paras 124, 125, 127

- Delete criterion (d)
- Change the reference to “Chapter 16” in paragraph 5.67 on page 52 of the Plan to “Chapter 17”
- Correct the spelling of “appearnce” in paragraph 5.69 on page 53 to “*appearance*”
- Consequential amendments will be needed

Policy THH9 – Vehicle Parking in Residential Developments

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.

The Plan explains that car ownership is high and the use of public transport is low because of the Parish’s location. A representation from HCC indicates that this situation has arisen because car use is encouraged and sustainable transport is not promoted sufficiently. Further provision for car use will further reduce the incentive for using public transport. HCC considers this policy to be confusing and contradictory.

The policy 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.⁵⁰ In addition it is a local expression of DP Policy TRA3.

However, the policy does include detailed and prescriptive standards such as not counting garage space as parking space in criterion (a) and additional parking for commercial vehicles in criterion (d) which have little evidence or explanation to support them. These then are subject to deletion.

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 most other areas in the District and the language used is open to interpretation, this element should be deleted.

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

⁵⁰ NPPF paras 105, 106

- Delete “(in addition to provided garage facilities)” from criterion (a)
- Delete “(not counting garages)” from criterion (b)
- Delete criteria (c) and (d) from the policy
- Delete the word “two” from criterion (f) so that it reads “...if insufficient space remains for the parking of cars”

Climate change and Sustainable Energy

Policy THH10 – Climate Change

This policy supports development which uses innovative approaches to sustainable construction.

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. I consider the policy does not impinge on the WMS as it encourages innovative practice and does not set any local standards.

The policy also applies to other types of development and is in general conformity with DP Policies CC1 and CC2 which cover the issues comprehensively. The policy therefore meets the basic conditions and will particularly help to achieve sustainable development. No modifications are therefore recommended.

6. Implementation

This is a useful and clearly worded section that sets out how the Plan will be used. Whilst it is not a requirement for neighbourhood planning presently, it also sets out how the Plan will be monitored and reviewed; this is to be welcomed and commended as good practice.

7. Appendices

Appendix A contains two Policies Maps. I have already recommended that revised and updated Policies Maps sent to me as part of the response to questions of clarification is substituted.

Appendix B is a helpful glossary of terms.

Appendix C is a summary of how the Plan's objectives relate to planning policies. This is referred to in paragraph 4.4 and Section 5 of the Plan. It is useful to 'map' objectives and policies this way and I commend this approach to others.

Appendix D shows Local Wildlife Sites referred to in Policy THE7.

Appendix E is a list of potential Assets of Community Value. This is associated with Policy THFS1. However, as no Assets of Community Value have yet been formally designated, the heading for this appendix should reflect this in the interests of accuracy and clarity.

Appendix F is a list of references.

Appendix G is a Local Green Space Assessment table associated with Policy THE5.

Appendix H details the housing site assessment process. As this section of the Plan is recommended for deletion, there is no longer any need for this appendix to remain in the Plan.

Appendix I is the Action Plan; the list of non-planning related community aspirations. This is a helpful way of bringing these actions together in a clearly separate section of the Plan. This approach is to be commended to others.

- **Change the title of Appendix E to "*Potential Assets of Community Value identified through the Neighbourhood Plan process*" in the heading of Appendix E**
- **Delete Appendix H**
- **Consequential amendments will be required**

8.0 Conclusions and recommendations

I am satisfied that the Thundridge 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 Thundridge 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 Thundridge Neighbourhood Development Plan should proceed to a referendum based on the Thundridge Neighbourhood Plan area as approved by East Herts District Council on 5 September 2017.

Ann Skippers MRTPI

Ann Skippers Planning

3 July 2020

Appendix 1 List of key documents specific to this examination

Thundridge Neighbourhood Plan 2018 – 2033 Submission Version

Basic Conditions Statement Submission Version

Consultation Statement Submission Version

Non Key Decision Taken by Executive Member Record of decision made by the Executive Member pursuant to Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Thundridge Neighbourhood Plan 2018-2033 Draft Submission Version SEA Screening Report

Essential Reference Paper 'A': Corporate Implications

Essential Reference Paper 'B': Thundridge Neighbourhood Development Plan – Draft Submission Version SEA Screening Report (2019)

Essential Reference Paper 'C': Letters from Historic England (3 July 2019); Environment Agency (10 September 2019); and Natural England (9 August 2019).

Site Assessment Process Background Document 3 June 2019 (Govresources Ltd)

High Cross Thundridge Hertfordshire Assessment as a Conservation Area 31 August 2018 (Beams)

East Herts District Plan October 2018

Other information on www.thundridgeparishcouncil/neighbourhood-plan-submitted website

List ends

Appendix 2 Correspondence from the examiner

Thuntridge Neighbourhood Plan Examination

Notice of Significant Changes, Other Changes and Questions of Clarification from the Examiner

Having completed my initial review of the Neighbourhood Plan (the Plan), I am writing to set out my interim findings.

Part 12 of the *Neighbourhood Planning Independent Examiner Referral Service Guidance to service users and Examiners* deals with changes to the Plan. Paragraph 2.12.1 advises examiners that "Where there are issues of non-compliance with the basic conditions and other legal requirements, you will seek to resolve these through recommending modifications."

Paragraph 2.12.6 indicates that "Examiners will not generally refer back to parties on these detailed revisions. But where the modification may necessitate a change which in the opinion of an examiner would be significant, there is a reasonable expectation that a description of the intended modification will be publicised on the local planning authority's website, seeking comments, prior to recommending the change."

I consider that a number of changes would need to be made to the Plan to enable me to conclude that it meets the basic conditions. Given the nature of these changes, I consider some are sufficiently significant to alert you to the proposed changes. In accordance with guidance to examiners in the *NPIERS Guidance to service users and Examiners*, I therefore seek comments from interested parties on these proposed modifications to the Plan. I request that this note be placed on EHDC's website and that **comments on the significant changes are sought from interested parties for a period of two weeks** as specified on EHDC's website.

I recognise that when an examiner recommends significant changes this can lead to concerns over community ownership of the Plan. In turn this can lead to the qualifying body taking a view that it no longer wishes to support the Plan when it proceeds to referendum. The period of additional consultation will also enable the qualifying body to consider whether it wishes to withdraw the Plan from examination.

Notice of Significant Changes

The significant changes that I intend to recommend are:

1. Deletion of Policies **THH1** (Distribution of Development), **THH2** (Garden at Poplar Close, High Cross) and **THH3** (The Greenhouses Site, off North Drive, High Cross). In effect this means that the development strategy of the Plan is removed and it is for this reason that I consider this to be a significant change.

The reasons behind this set of modifications are that I consider the rationale of the Plan in choosing not to consider sites outside the village boundary of High Cross can be said to be questioned in relation to Policy VILL2 of the District Plan, the site assessment process did not appear to consider availability, deliverability or viability of the two schemes proposed, there is no convincing evidence that either site is viable or deliverable in the manner envisaged and even if it were to be the case, I have reservations about development on both sites in relation to sustainable development and their effect on character and appearance.

I am however mindful that both sites fall within the village boundary and could nevertheless come forward as part of the development management process.

I am also mindful that there is no imperative for the Plan to allocate any sites and that deletion of the development strategy element of the Plan will not mean that the remainder of the Plan (subject to modifications) cannot proceed to referendum in this instance. In other words, this is not a fatal flaw.

Questions of Clarification to the PC and EHDC only

I would also be grateful if both the Parish and District 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.

- A. Policy THE4 (Important Views). Please (a) confirm the number of views and (b) that all the viewpoints are correctly identified on the Policies Maps.
- B. Policy THE5 (Local Green Spaces) identified nine areas of Local Green Space, but the Policies Maps appear to show ten areas proposed for designation. Some of the proposed Local Green Spaces seem to be incorrectly identified by number. Please clarify.
- C. The District Plan signals that car parking standards will be updated although I understand at the present time this has not been completed as yet; is this correct?
- D. Lastly, I have already requested by email of 6 May 2020 information about the current planning history of Glebe Field, High Cross. The information I need has been provided by EHDC. I include this request for completeness.

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. This note and these queries are raised without prejudice to the outcome of the examination.

Please note that this is a public document and any comments received will also be in the public domain. This note should be placed on the Councils' websites as appropriate.

With many thanks,

Ann Skippers
Independent Examiner
11 May 2020