

Hertford Heath Neighbourhood Plan Consultation: October - December 2020

General Comments:

The Hertford Heath (NP) presents a positive planning document that seeks to provide for its housing need and shape future development. It is responding to the development plan in a pragmatic and positive way but further work is still necessary to review the draft to ensure the NP is compliant with the National Planning Policy Framework (NPPF) and the other Basic Conditions, particularly in the following areas:

- Clarity is needed around the housing strategy and how the Neighbourhood Plan will meet the housing need.
- Housing allocations need greater clarity and evidence to ensure they are both suitable for housing and deliverable during the plan period.
- Some policies require further information and evidence in order to meet the Basic Conditions.

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

Section/Objective /Policy	Page No.	Comment
Foreword		
2nd paragraph	4	<p>The last sentence notes that the HHNP will be incorporated into the ‘District Planning Framework’. This terminology doesn’t exist and should be replaced by the term ‘Development Plan’ to reflect that the HHNP is a Development Plan Document that will be part of the East Herts statutory Development Plan once adopted.</p> <p>This sentence also notes that the HHNP ‘must’ be used by EHDC to determine planning applications. This isn’t always the case as other material considerations might mean that the HHNP won’t be used to determine all applications – therefore suggest using the word ‘will’, to replace ‘must’ in this context.</p>
3rd Paragraph	4	As the majority of planning applications are determined by the Local Planning Authority (LPA) which is East Herts District Council. The use of the term ‘determining’ could be misleading, it is suggested that this word is deleted to avoid confusion.
1. Introduction		
1.1	5	Typo in the first sentence – ‘1.1’ seemingly accidently included.
3. Vision and Objectives		
1st paragraph	12	Again, the use of the word ‘determine’ in the first sentence could be misleading. Perhaps the use of terms such as ‘guide’, ‘influence’ etc. might give a clearer picture.
3.6	12	The last sentence mentions that one objective is to improve access to services via the village website with appropriate links. A Neighbourhood Plan is a document which should be focussing on the use of land and development; as such something like this is a community aspiration and not something that can be dealt with by a NP. Recommend deleting.

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8.8 (Objective I)	13	Similar to the point above, can a postal service/parcel delivery be legitimately improved through Neighbourhood Plan policies.
4. Neighbourhood Plan Policies		
4.3	15	In the second sentence the requirements of District Plan Policy VILL1 are rightly highlighted. However, the sentence does not refer to the 10% increase figure as a 'minimum' figure which is critical component of Policy VILL1 – as such we recommend including this for clarity.
4.8 – 4.11	15-16	<p>It's worth being aware that a number of references are made to various sites in the green belt review and also to references in the SLAA. Whilst this is useful background, the site references might confuse the reader given a map or illustration has not been provided – if this is not an approach that the NP group wish to take then perhaps consideration could be given to providing more detailed links to the information as it forms the basis of much of this section.</p> <p>It's noted that there is a reference list to the relevant documents in the Appendices but there is no mention of this in the text.</p>
Housing Policy/Strategy General		<p>The housing strategy would benefit from a number of additions and changes in order to improve clarity of the proposed strategy to meeting the housing requirement and ensure the deliverability of the proposed strategy is fully demonstrated.</p> <p>Currently there is no policy for the windfall portion of the housing supply, and the brownfield site policy doesn't go far enough to actually allocate housing on those sites. Likewise there is no clarity on where the completions have occurred and contributed to the</p>

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		<p>housing supply. Therefore there are 3 elements that the Council considers are missing from the Housing Strategy in order for it to meet the Basic Conditions:</p> <ol style="list-style-type: none"> 1. Include a separate policy along with supporting text that evidences Windfall allowance and how it will come forward. 2. The brownfield policy allocates 2 separate sites but does not go far enough. These sites should be allocated on the policies map and the policies should be separated into two separate site allocations. 3. There is no reference to how the completions figure has been met, and by which developments.
<p>Policy HH-H-1</p>	<p>17</p>	<p>Bullet point 2 refers to ‘Completion of 3 homes within the time period’. It’s not completely clear what this point is referring to. This policy seeks to summarise the overall housing strategy and as such needs to be clear and explicit in what it is referring to – particularly given that the key strategic policy requirement of a 10% uplift needs to be satisfied.</p> <p>Part II. of the policy refers to NP’s being able to meet their housing requirements through allocated sites and a windfall policy. Aside from this single criterion there is no Windfall Policy and it is recommended that one is added as per general comments on the Housing Strategy (above).</p> <p>As mentioned above, this policy is essential to set out how the housing strategy meets the strategic requirement. Currently, the completions, windfall and brownfield elements need further detail.</p>

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4.24	19	This section provides useful background to the site selection process. However, in the paragraph it is clear that sites 3 and 4 have been carried forward, but it isn't clear why site 5 was not pursued further.
Policy HH-H-2	18	<p>This policy is helpful and sets out the anticipated method for amending the green belt in Hertford Heath. For the purposes of clarity – it might be worth removing the first sentence of paragraph 2 in the policy as it isn't relevant or an accurate description of what the development boundary is (the GB boundary defines the development boundary). Instead it might be worth noting in a separate criterion that the development boundary will follow the amended GB boundary.</p> <p>Also helpful might be an accompanying map that shows the GB and development boundary changes in more detail than the one set out in Appendix A.</p>
Policy HH-H-3	19-20	<p>This Policy needs to be clear that the allocation is the same as that at Figure 6 (page 17). Consider moving Figure 6 to accompany Policy HH-H-3 rather than where it is currently located.</p> <p>The policy does not prescribe the number of dwellings that should be provided on this site and give certainty of their delivery and contribution to the overall housing strategy. Recommend the addition of a criteria stating; "This site will provide around 84 new homes."</p> <p>Criterion c) refers to satisfactory vehicular access from London Road being available and achievable. Presumably the NP would rather see vehicular access successfully implemented</p>

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		<p>rather than simply being achievable and available? If the criterion is referring to the access being available and achievable already, and the Parish Council is confident that this is an essential part of the site and wouldn't affect viability; then the criterion should simply require access as a part of the policy on the site, alongside any further details to assist the developer.</p> <p>Criterion K) refers to "Rose Cottage, etc..." this is a slightly vague criterion that remains open-ended in terms of the heritage assets the site needs to address. Consider revising.</p> <p>Criterion I) should be revised. The opportunity to identify projects that meet the regulation 122 CIL tests should be added to this policy.</p>
Policy HH-H-4	21	<p>This policy would benefit from the identification of the land referred to on either the policies map or in a separate map linked to this policy. This policy is currently operating as a hybrid between a windfall policy and a site allocation policy.</p> <p>Consideration should be given to creating site allocations for both of these sites, the benefits of doing this would be two fold; it increases the deliverability of the sites and secondly allows the NP to add additional policies where appropriate.</p> <p>Currently, and particularly with regards to the Hertford Heath Motors site, the sites appear to still be in use for a use other than that of a dwelling(s). This would affect whether or not</p>

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		<p>they are actually available and ultimately deliverable as housing sites.</p> <p>The Council therefore recommends that this Policy is amended into two separate site allocations – or into a wider-windfall policy with the necessary evidence to support the delivery of the number of dwellings alluded to in the overall strategy.</p>
Policy HH-H-5	22	<p>Criterion l. is slightly confusing as it appears to provide a criterion for development as well as an introduction to the policy. Consider separating for clarity.</p> <p>The AECOM report appears to form an important basis for this policy including an explicit reference to use as a ‘reference guide’. The Council has been unable to find and access the AECOM report and is therefore unable to comment on its appropriateness.</p> <p>Criterion d) could be considered to be fairly restrictive and this policy refers to ‘the design of all new buildings’ in the introduction. Not only is the policy therefore restrictive to the heights of new dwellings but also to the height of any new development including new school buildings and agricultural buildings as two examples.</p> <p>Criterion e) uses the term ‘traditional’, for clarity examples could be given to ensure that this criterion isn’t interpreted differently to how the PC wish it to be.</p> <p>Criterion h) refers to density respecting the ‘character areas’ of Hertford Heath village. It isn’t clear what this is referring to or why this density would be appropriate in all locations.</p>

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		<p>Consider revising to state that ‘density of development should reflect neighbouring developments’ or something similar.</p> <p>Criterion J) is very restrictive and would not allow for flats or similar dwellings that provide shared amenity space to come forward.</p> <p>Criterion II. Does not provide a policy position or requirement and should instead form part of the supporting text. It should also be clearer about the specific examples and features it is referring to.</p>
Policy HH-H-7	24	<p>Whilst noting that a transport assessment proportionate to size is welcomed, this policy would still require that all residential and commercial developments would need to submit some form of transportation assessment.</p> <p>A transport assessment is usually submitted in-line with the thresholds set out in the Council’s validation checklist which follows paragraph 111 of the NPPF – this should be reflecting within this policy as well rather than requiring a more stringent test.</p>
Views and Vistas	25	<p>Again, this section relies on the AECOM Report as evidence but it cannot be found on the PC website via the link in the Plan appendices.</p>
POLICY HH-EN-1: Priority Views and Vistas	26	<p>This Policy is quite long and 21 important views could seem excessive. Consideration should be given to what constitutes a view or a vista, rather than simply a building, structure or location e.g. PV6 London Rd Junction, PV10 The War Memorial etc.</p>

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		<p>With regards to criterion II, it may not be appropriate for all development within the Parish to include an assessment of the impact on the key views and vistas. This Policy should be reworded to read <i>“Development proposals in the Parish that are identified as having an impact on the identified important views should include an assessment of the impact of the development on the key views and vistas where appropriate.”</i></p> <p>The second half of criterion II relating to mitigation could be made clearer. The policy could be reworded to state that <i>“development that impacts on the identified views listed above and indicated on the Policies Map must ensure that key features of the view can continue to be appreciated”</i>.</p>
<p>POLICY HH-EN-2: Conservation Area and Heritage Assets</p>	<p>28</p>	<p>There are some formatting issues relating to the text colour in this Policy and continuing into the next section which should be corrected.</p> <p>Criterion I identifies that the conservation area will be preserved and where possible enhanced in line with Policies in the District Plan and the Character Appraisal document. This criterion doesn't really go beyond the wording in Policy HA4 of the District Plan which identifies that Conservation Areas will be preserved or enhanced, having regard to the Character Appraisal documents and Management Proposals as set out in criteria (e) and (f).</p> <p>The NPPF sets out how non-designated heritage assets should be treated. Whilst part of the wording is appropriate, the text which reads <i>“Proposals should conserve or where appropriate</i></p>

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		<p><i>enhance the asset and its setting</i>” should be deleted from any part which relates to non-designated heritage assets as this would not accord with the NPPF.</p> <p>Perhaps two separate policies would be best here? The second one should identify and evidence the non-designated heritage assets referred to in Appendix E. It is also worth mentioning that the Conservation Area Appraisal does not identify these assets as non-designated heritage assets but instead as buildings that make an important architectural or historic contribution. Therefore more evidence is needed to ensure these buildings should be listed as non-designated heritage assets.</p>
4.52	29	This paragraph makes reference to restrictive covenants/deeds, however, these are not considered in applications for planning permission. This may be appropriate in the supporting text as a justification for the designation.
POLICY HH-EN-3: Protected Recreational Open Space	29	<p>With regards to criterion II, again this relates to restrictive covenants which are not a planning consideration in applications. Reference to restrictive deeds and covenants should be removed from the policy itself as this does not relate to planning legislation.</p> <p>A more appropriate wording for this may be <i>“Development proposals that would result in the loss of all or part of any of these spaces will not be permitted unless they are replaced with better facilities that are in an accessible location for residents within the parish”</i>.</p>
POLICY HH-C-1:	35	This policy mixes Assets of Community Value, with criterion that relate to community

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Community Facilities		<p>facilities that are not identified as such.</p> <p>Perhaps the best way to approach a policy that seeks to identify specific facilities for protection should be linked to Policy CFLR8 in the District Plan. This Policy already sets out to prevent the loss of community expect in particular circumstances and identifies facilities very similar to those in the NP. At the minute there is no reference to this Policy in the DP which largely reflects the exact ambitions of this policy.</p> <p>The reference to ACV applications should be removed as this is an action and not a land-use policy. The remainder of this criterion (criterion III.) is a replication of legislation that relates to assets of community value. This should also be deleted to avoid unnecessary duplication.</p>
4.77	35	<p>This paragraph encourages developments that encourage the improvement of existing and new facilities. Currently it only forms part of the supporting text and is not linked to a particular element of the Policy – perhaps this should be considered if it is important for the community.</p>
Policy HH-IM-1	36	<p>Struggling to identify what the spending priorities are within the Plan as stated by this Policy. A number of different funding streams have been identified within this Policy but are subject to different tests. For example, any project identified (if identified) to receive S106 funding must meet the test set out in Regulation 122 of the CIL regulations.</p>