

Buntingford Community Area Neighbourhood Plan 2014-2031

The Report by the Independent Examiner

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Summary

The decision of Buntingford Town Council to join forces with the surrounding parishes to prepare a neighbourhood plan is to be commended. It recognises the important relationship between the town and its rural hinterland and enables the benefits of a neighbourhood plan to be available to small villages for whom the preparation of a separate neighbourhood plan may not have been a realistic proposition.

I have given careful consideration to all the policies in the BCANP. Policy HD1 relating to the scale of residential development has required particular attention. Concerns have been expressed that the Plan is too restrictive in terms of new housing development, but recent planning decisions in the absence of both an up to date Local Plan and a 5-year supply of housing land mean that there is now a commitment to a substantial increase in the housing stock in Buntingford and there is understandable concern about the capacity of local infrastructure and facilities to absorb this scale of development. I have found it necessary to recommend some modifications to allow small scale development outside the proposed development boundaries having regard to the NPPF but have concluded that there is a justification for the proposed development boundary and that the scale of development for which there is permission means that the Plan will make a significant contribution to new housing development.

The Plan supports the development of more employment opportunities in the area and many of its policies are designed to ensure that existing services and facilities are maintained or enhanced. In many cases I have found it necessary to recommend fairly minor modifications to clarify the way the policy will be applied and I have recommended the deletion of Policy INFRA4, as it does not relate the development and use of land, and INFRA5 as it adds nothing to existing policies in the Local Plan and the NPPF.

I have concluded that, if the modifications that I have recommended are made:

The Buntingford Community Area Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012;

having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;

The making of the Plan would contribute to the achievement of sustainable development;

The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;

The making of the Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights.

I am therefore pleased to recommend that the Buntingford Community Area Neighbourhood Plan should proceed to a referendum subject to the modifications that I have recommended.

I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. The Plan covers the whole of the Parish of Buntingford and the surrounding parishes of: Aspenden, Buckland and Chipping, Cottered, Hormead and Wyddial and I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”. ¹ **I therefore conclude that there is no need to extend the referendum area.**

¹ PPG Reference ID: 41-059-20140306

Introduction

1. The Localism Act 2011 has provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans which contain policies relating to the development and use of land.
2. Buntingford Town Council is the qualifying body for the Buntingford Community Area Neighbourhood Plan 2014-2031 (which I shall refer to as the BCANP or the Plan). The Plan area covers the whole of the parish of Buntingford and the surrounding parishes of Aspenden, Buckland and Chipping, Cottered, Hormead and Wyddial. It has been prepared by a Neighbourhood Planning Team (NPT) consisting of stakeholders from each of the parishes supported by a Neighbourhood Forum (NF) including a wider range of stakeholders.²
3. Buntingford is a small market town at the centre of an extensive rural area, beyond which are the larger towns of Royston, Baldock, Stevenage, Hertford, Ware and Bishop's Stortford. The Neighbourhood Plan area lies just outside the Metropolitan Green Belt.
4. If, following a recommendation from this examination, the Plan proceeds to a local referendum and receives the support of over 50% of those voting, it can be made and will then form part of the statutory development plan. As such it will be an important consideration in the determination of planning applications, which must be determined in accordance with development plan policies unless material considerations indicate otherwise.

Appointment of the Independent Examiner

5. I have been appointed by East Hertfordshire Council (EHC) with the agreement of the Buntingford Town Council to carry out the independent examination of the BCANP. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).
6. I confirm that I am independent of both East Hertfordshire Council, Buntingford Town Council, the Parish Councils of Aspenden, Buckland and Chipping, Cottered and

²The term Neighbourhood Forum as used here does not refer to the use of the term in Schedule 9 to the Localism Act 2011, where it refers to a body which may be set up as the qualifying body for the preparation of a neighbourhood plan in an unparished area.

Hormead and the Parish Meeting of Wyddial. I have no interests in any land which is affected by the BCANP and no conflicting professional interest in the area.

7. I am a Chartered Town Planner with over 30 years' experience in local government, working in a wide range of planning related roles, including 15 years as a chief officer. Since 2006 I have been an independent planning and regeneration consultant. I have completed 14 neighbourhood plan examinations and three health checks. I therefore have the appropriate qualifications and experience to carry out this examination.

The Scope of the Examination

8. The nature of the independent examination is set out in Sections 8-10 of Schedule 4B of the Town and Country Planning Act 1990.

9. I must:

- a) decide whether the Plan complies with the provisions of Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.

These requirements relate primarily, but not exclusively, to the process of preparing the Plan and I shall deal with these first.

- b) decide whether the Neighbourhood Development Plan meets the basic conditions contained in Schedule 4B paragraph 8(2) of the Town and Country Planning Act 1990.

This element of the examination relates mainly to the contents of the Plan.

- c) make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the Plan area.

10. The Plan meets the basic conditions if:

- a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Plan;
- b) the making of the Plan contributes to sustainable development;
- c) the making of the Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- d) the making of the Plan does not breach, and is otherwise compatible with, EU obligations.

11. Paragraph 9 of Schedule 4B indicates that as a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to

allow adequate consideration of an issue or to allow a person a fair chance to put a case. In carrying out the examination I came to the conclusion that the examination could be completed without a hearing.

12. The documents which I have referred to in the examination are listed below.

- Buntingford Community Area Neighbourhood Plan 2014-2031.
- Buntingford Community Area Neighbourhood Plan Basic Conditions Statement including a Screening Report containing assessments of the need for a Strategic Environmental Assessment and an Appropriate Assessment under the Habitats Regulations.
- Buntingford Community Area Neighbourhood Plan Consultation Statement.
- Buntingford Community Area Neighbourhood Plan Supporting Evidence. This document contains a long list of references which have been used in the preparation of the neighbourhood plan. For each document there is a brief description and a weblink. The list is extensive and includes some key references that I have already included explicitly in this list and a large number of other more detailed references. I have looked at all of these and where appropriate referred to them in my report.
- The Neighbourhood Planning (General) Regulations 2012 as amended in 2015 which are referred to as the NPR.
- The Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).
- The National Planning Policy Framework which is referred to as the NPPF.
- National Planning Practice Guidance referred to as PPG.
- East Hertfordshire Local Plan Second Review 2007
- East Herts District Plan Pre-Submission Consultation Draft September 2016.

13. These documents include all of those that are required to be submitted with a neighbourhood plan under regulation 15 of the NPR and all those documents were submitted with the Plan.

14. I made an unaccompanied visit to the neighbourhood plan area on 26 September 2016 to familiarise myself with the area and help me to understand the implications of the Plan policies. I spent a day walking and driving around the area. I visited all the villages in the area and all of the specific locations referred to in the policies of the plan.

The Preparation of the Plan

15. An application for the designation of the parishes of Buntingford, Aspenden, Buckland and Chipping, Cottered, Hormead and Wyddial as a neighbourhood area was submitted by BTC to EHC on 3 February 2014. Section 61F (2) of the Town and Country Planning Act 1990 (which was inserted by Schedule 9 to the Localism Act 2011) makes provision for a parish council to act in relation to a neighbourhood area which includes all or part of another parish if the other parish council has given its consent.
16. The application included consent forms from each of the parish councils involved and the parish meeting of Wyddial to be involved in the process. The wording of the consent form signed by 5 of the parishes did not explicitly agree for BTC to act as the accountable body, or even to proceed with the preparation as it stated under the heading "Neighbourhood Plan" "Having considered the offer by Buntingford Town Council, we welcome the opportunity to discuss this further with the possibility of being included in a joint Neighbourhood Plan". In the case of Hormead Parish Council the wording was different: "Our Parish wishes to be included in the area for the preparation of the Buntingford Neighbourhood Plan. This does not bind the Parish to supporting the policies that emerge from the process but it does mean that our electors will be included in the referendum on the policies when that occurs".
17. I have no reason to question the willingness of the parishes to participate in the preparation of a plan for their combined area with Buntingford Town Council. However, as the letters issued at the time of the designation of the Neighbourhood Area, with the exception of that from Hormead Parish Council, fell short of clear consent in accordance with the legislation, I sought clarification on this point. My e mail to the local planning authority together with extracts from the minutes of the relevant meetings of the parishes are attached as Appendix 1 and I am satisfied that all the parishes gave their consent in accordance with the legislation.
18. EHC undertook consultation as required by regulation 6 of the NPR for a period in excess of 6 weeks ending on 27 January 2014 and the Council's Executive approved the designation of the Buntingford Community Area (BCA) as a neighbourhood area, at its meeting on 1 July 2014. The designation was subsequently published on the Council's website in accordance with regulation 7(1) of the NPR.
19. As required under Section 38B (1) (a) of the Planning and Compulsory Purchase Act 2004 the Plan clearly states the period to which it relates, which is 2014-2031.

20. The Plan must not include any provision about development that is excluded development as defined in Section 61K, of the Town and Country Planning Act 1990. Excluded development includes “county matters” such as mineral extraction and waste disposal and major infrastructure projects. I am satisfied that the submitted plan contains no such provision.
21. I am also satisfied that the BCANP does not relate to more than one neighbourhood area.

Public Consultation

22. The process of public consultation on the preparation of the BCANP is set out in the Consultation Statement. Work on engaging the community started during 2013, prior to the submission of an application for the designation of the neighbourhood area with a survey on a report on housing development in Buntingford. In early 2014, while EHC was considering the application for designation of the area a household survey was prepared and distributed to all households in the BCA. The detailed response to this consultation is included in the evidence base.³ About 450 responses were received, equivalent to about 14% of households. A survey of businesses was undertaken in the second half of 2014 and during 2013 and 2014 the NF met regularly and sought to gather evidence and plan consultation. In the first half of 2015, while policies were being formulated, drafts were published online and there was consultation via all of the parish councils and parish meetings on the emerging policies.
23. Formal pre-submission consultation took place in accordance with regulation 14 of the NPR between 1 September 2015 and 12 October 2015. The Draft Plan was published online and hard copies were made available in Buntingford and all of the parishes. A flyer detailing the consultation arrangements was distributed to all households and businesses in the plan area. The Consultation Statement summarises the comments received and indicates the action taken in response to the comments that were made as required by regulation 15(2) of the NPR. The Consultation Statement does not make it clear that the relevant bodies were consulted in accordance with Regulation 14 (b) of the NPR and is therefore not fully in accordance with Regulation 15 (2)(b) of the NPR. I sought clarification on this point by e mail. My e mail and the response to it in e mails from EHC and BTC are attached as Appendix 2. On the basis of this I am

³ <http://www.buntingford-tc.gov.uk/uploads/questionnaire-final-analysis-19.pdf>

satisfied that consultation did take place in accordance with the Neighbourhood Planning Regulations.

24. In order to ensure that the Consultation Statement complies with the requirements of the regulations:

I recommend that The Consultation Statement is amended to make it clear that the necessary consultation with statutory consultees took place and to explain how this was done.

The Development Plan

25. The statutory development plan is made up of:

- The Saved Policies of the East Hertfordshire Local Plan Second Review 2007.
- The Hertfordshire Minerals Local Plan adopted in 2007.
- The Hertfordshire Waste Local Plan which comprises the Waste Core Strategy and Management Policies adopted in 2012 and the Waste Site Allocations Document adopted in 2014.

26. The Planning horizon for the East Hertfordshire Local Plan Second review was 2011. It therefore does not provide an up to date strategic context for the BCANP, particularly in terms of the amount and distribution of housing development. However, the Saved Policies of the Plan still form part of the Statutory Development Plan and, where they are strategic, the BCANP needs to be in general conformity with them.

27. The Local Plan is being reviewed and it is envisaged that it will replace the Local Plan which was adopted in 2007. The pre-submission version of this plan was agreed by EHC in September 2016. It is good practice for the BCANP to take account of the strategic context and policies of the emerging Local Plan in order to help ensure that the Neighbourhood Plan does not become out of date when the new Local Plan is adopted. It is clear that there has been close liaison between EHC and the NPT to ensure that the BCANP is aligned with the emerging Local Plan. However, there is no requirement for the policies of the BCANP to conform with the strategic policies of the emerging plan, as these may change before they are adopted.

28. The Hertfordshire Minerals Local Plan adopted in 2007 set out policies for minerals development between 2002 and 2016. It is therefore out of date and is also being reviewed. This review is at a relatively early stage and the new plan is not expected to be adopted until 2018.

The Basic Conditions Test

29. The consideration of whether the Plan meets the basic conditions is the main focus of the independent examination process. It is therefore essential to be absolutely clear on the meaning of each of the basic conditions.

“having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan”.

30. There are two important points to emphasise in relation to this. The first is that this requirement means that an examiner must consider this requirement in relation to the making of the plan; it thus applies to the plan as a whole rather than to individual policies. The second point is the use of the phrase *“having regard to”*. This means that the examiner must consider the national policy and advice but it does not mean that each policy should be in absolute conformity with it. It provides for an element of flexibility. PPG explains that *“having regard to national policy”* means that *“a neighbourhood plan must not constrain the delivery of important national policy objectives”*. The Plan as a whole is clearly the sum of its policies and it is therefore necessary to consider the extent to which each policy complies with national policy and guidance. However, in reaching my conclusion on this basic condition it is the relationship of the plan as a whole with national policies and guidance rather than individual policies which is the key consideration.
31. The Basic Conditions Statement submitted with the BCANP does not explicitly recognise the significance of these points. It simply relates the BCANP to the 12 Core Planning Principles of the NPPF, referring specifically to specific BCANP policies as it does so. This is a useful exercise and I have not identified any serious conflict between the BCANP and these core principles. However, the Basic Conditions Statement does not relate the policies of the BCANP to the more specific policies in the NPPF which are relevant to them. It would have been helpful to do this as these policies spell out in more detail the way in which the general principles should be applied and it has therefore been necessary for me to consider the BCANP policies in this way.
32. Also relevant to the basic conditions test is “guidance issued by the Secretary of State” as set out in PPG. The Basic Conditions Statement does not consider the relationship of the Plan to PPG but I have had frequent need to relate aspects of the Plan to it.

“The making of the plan contributes to sustainable development”

33. Sustainable development is the fundamental principle guiding the planning process⁴ and the assessment of this basic condition is therefore of prime importance. The NPPF spells out the three dimensions of sustainable development: economic, social and environmental and the interdependent nature of these. Again it is important to note that the assessment to be undertaken relates to the plan as a whole, but clearly the contribution of each policy needs to be considered to enable a conclusion to be reached and policies which fail to contribute to sustainable development are likely to require modification or deletion. As the NPPF points out⁵ local circumstances vary greatly and that influences the way in which contributions to sustainable development can be made.
34. The whole structure of the NPPF is based on elements of sustainable development and there is thus a substantial overlap between the first and second basic conditions as both are concerned with the relationship of neighbourhood plans to the NPPF. The Basic Conditions Statement relates the BCANP to these general headings, highlighting the policies which support each heading. This is helpful but it is also necessary to consider the relationship of policies to the more detailed interpretation of these broad headings in the NPPF. This is something that I shall address in considering individual policies.

“The making of the plan is in general conformity with the strategic policies contained in the development plan for the area”.

35. As with the previous two conditions the test applies to the plan as a whole, but this requires consideration of individual policies against relevant strategic policies in order to reach an overall conclusion. The test of *“general conformity”* is fundamentally that the neighbourhood plan policies should not undermine the strategic policies of the Local Plan. The test is spelt out more fully in PPG⁶. It does not preclude some variation from a strategic policy to reflect local circumstances providing the proposal upholds the general principle that underlies the strategic policy. In the case of the BCANP the absence of up to date strategic policies on many issues reduces the importance of this test and means that more reliance is placed on conformity with national policy and guidance.

⁴ NPPF para 6

⁵ NPPF paragraph 10

⁶ PPG Reference ID: 41-074-20140306

“The making of the Plan does not breach, or is otherwise compatible with EU obligations”

36. As this condition relates to the process of plan preparation I shall deal with it in detail at this stage.

a) Strategic Environmental Assessment

37. PPG indicates that *“where a neighbourhood plan is likely to have significant environmental effects it may require a strategic environmental assessment”*⁷, subsequently referred to as SEA. An SEA requires the preparation of an environmental report. In order to determine whether the plan would have a significant environmental effect, a screening assessment is necessary.
38. Regulation 15 of the NPR requires that the submission of a neighbourhood plan must include:
” (i) an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans Regulations (EAPPR) or (ii) where it has been determined under regulation 9(i) of these Regulations that the proposal is unlikely to have significant environmental effects (and accordingly does not require an environmental assessment), a statement of reasons for the determination”.
39. In the case of the BCANP, screening assessment of the need for an SEA was carried out by the NPT. The screening assessment followed the flowchart set out in the Practical Guide to the Strategic Environmental Assessment Directive⁸ and concluded that the BCANP is not likely to have significant environmental effects and that an SEA is therefore not necessary. Appendix 1 to the screening sets out the reasons for the answers to individual questions on the flow chart. In accordance with regulation 9 (2)(b) the consultation bodies were consulted on the screening assessment and there was no dissent from its conclusions. These responses were not included in the documentation provided to me but were provided to me by EHC.⁹ The conclusions of the assessment were accepted by EHC which made a determination in accordance with Regulation 9 of the EAPPR that an SEA was not necessary.

⁷ PPG Reference ID: 11-027-20150209

⁸ Fig 2 on Page 13 of A Practical Guide to the Strategic Environmental Assessment Directive. Office of the Deputy Prime Minister 2005.

⁹ These responses can be found at <http://democracy.eastherts.gov.uk/ieDecisionDetails.aspx?ID=907>

40. I am satisfied that the screening assessment has been conducted in accordance with the regulations and that an SEA is not necessary.

b) Appropriate Assessment under the Habitats Regulations

41. Regulation 102 of the Conservation of Habitats and Species Regulations 2010 (CHSR) puts into effect the requirements of Article 6.3 of the EU Habitats Directive and requires that:

“(1) Where a land use plan -

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of the site,

the plan-making authority must before the plan is given effect, make an appropriate assessment of the implications of the site in view of that site’s conservation objectives.”

Amendments to these regulations were made in the Schedule 2 to the NPR which inserted Regulation 102A to the CHSR:

“A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 102 or to enable them to determine whether that assessment is required.”

42. The SEA Screening Assessment confirmed that there are no European Sites or Offshore Marine Sites that would be significantly affected by the proposals in the BCANP and that an Appropriate Assessment under the Habitats Regulations would therefore not be necessary. This view has been confirmed by the response of Natural England.

c) Human Rights

43. I have not found, or received any representations to suggest that the plan in any way contravenes the European Convention on Human Rights.

44. I am satisfied that the making of the plan would not breach, and is otherwise compatible with, EU obligations.

Vision Statement and Aims

45. A Vision Statement for the BCANP has been developed based on the issues which were identified by residents, businesses and other stakeholders in the early stages of consultation.

“Value protect and promote the town and parishes of the Buntingford Community Area, by respecting their heritage, appreciating the rural nature of the community and being aspirational when planning their future”.

46. The vision is supported by a series of 12 thematic aims relating to issues including: business development, traffic, employment opportunities, green spaces, education, culture and heritage and village identity. I am satisfied that each of these aims is consistent with sustainable development and the requirement that neighbourhood plans should be positively prepared. However, there is a notable omission from the aims of the Plan as they do not include any reference to housing development. An important element of the social role of the planning system in achieving sustainable development is “providing the supply of housing required to meet the needs of present and future generations;”. A set of aims that makes no reference to the provision of housing presents a lack of balance in achieving sustainable development. I therefore recommend the inclusion of an additional aim to rectify this imbalance.

Recommendation

Insert an additional aim after the third aim on page 22: “Meet the need for new housing for the Buntingford Community Area including an appropriate contribution to the housing needs for East Hertfordshire District by providing a mix of housing that reflects identified need and respects and reinforces the character of its setting.”

Neighbourhood Plan Policies

47. The policies in the BCANP are grouped by theme and at the beginning of each section there is a presentation of the general reasoning for the policies and a set of thematic objectives.
48. I have considered each of the policies having regard to the basic conditions. I have also had regard to the views expressed in response to public consultation both in the early stages of the preparation of the Plan and, in particular, in the responses to the regulation 16 consultation. Although I have not referred specifically to all the representations and suggestions that have been made I have taken them all into account.

49. I am only empowered to recommend modifications where they are necessary to enable the Plan to meet the basic conditions or to correct errors.¹⁰ PPG requires that policies should be *“clear and unambiguous”* and *“drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications”*¹¹ and some modifications have been recommended with this in mind.

Business and Employment within the BCA

50. The introduction to this section points to a recent reduction in local employment opportunities as a result of the closure of some large employers, notably the Sainsbury’s distribution depot on the southern side of Buntingford. It suggests a need to prevent a further loss of employment space, to make provision for new businesses, particularly smaller and micro-businesses and to strengthen the town centre of Buntingford. The 5 objectives reflect this analysis.

Policy BE1

51. This policy aims to prevent the change of use or redevelopment of land or buildings in employment use to non-employment uses. This policy flows clearly from the analysis which points to a relatively small amount of land currently in employment related uses and a recent decline and pointing to a clear need to maintain the supply of local employment opportunities in order to achieve sustainable development. There is however an element of tension between this policy and elements of the NPPF which suggest a more flexible approach to changes of use of employment land. Paragraph 22 suggests that *“planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose”*. Paragraph 51 suggests that local planning authorities *“should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B class uses) where there is an identified need for housing in that area, providing that there are not strong economic reasons why such development would be inappropriate”*. Recent changes to the General Permitted Development Order (GDPO) also include some such changes of use within the definition of permitted development.¹²

¹⁰ One of the representations makes several valid comments on the accuracy of the phrasing of the Consultation Statement in referring to the objectives but this does not fall within the scope of my examination.

¹¹ PPG Reference ID: 41-041-20140306

¹² Classes O and P of Part 3 of Schedule 2 to the General Permitted Development Order 2015 allow changes of use from offices (Class B1(a)) and storage (Class B8) to residential uses in some circumstances.

52. These provisions in national policy mean that the proposed wording of Policy BE1 is too rigid to be consistent with the basic conditions. The policy is also worded more strongly than Saved Policy EDE2 of the Local Plan. The NPPF and changes to the GDPO postdate the Local Plan and show that national policy is now more supportive of changes of use of employment land than it was when the Local Plan was adopted.
53. It may well be appropriate to resist changes of use or redevelopment of employment land based on the relative shortage of employment land and the need for employment opportunities, but these considerations will need to be balanced against the strategic need for housing or other alternative uses or the extent to which there are realistic prospects of future employment use. I therefore recommend modifications to the policy to reflect these considerations to comply with the basic conditions.

Recommendation

Reword Policy BE1 to read “Proposals for the redevelopment or change of use of land or buildings in employment use to non-employment uses, other than those which are permitted development, will only be permitted when:

- a) marketing of the site over a period of a minimum of 12 months demonstrates that there is no realistic prospect of the use of the site for employment purposes or**
- b) the strategic need for the proposed use clearly exceeds the need for continued use for employment purposes.”**

Policies BE2 and BE5

54. I have considered these two policies together as there seems to be a large overlap between them but the relationship between them is not clear. All of the sites listed in Policy BE5 appear to be embraced in Policy BE2. I therefore recommend the merging of these two policies to avoid confusion.
55. Policy BE2 supports the upgrading or extension of existing employment sites where it does not conflict with other policies in the Plan and subject to several criteria. It is a positively worded policy and the criteria, with one exception, are consistent with sustainable development and meet the basic conditions. The policy implies that proposals must meet all the criteria; however, this is not clearly stated and for the sake of clarity it needs to be made explicit.
56. The sixth criterion requires developments to encourage the development of local businesses and meet their needs and aspirations. The intention of this criterion is not clear to me as there is no explanation of what constitutes a local business. It is also

not clear why, in terms of sustainable development, proposals which would accommodate businesses moving into the area would not be supported. While the encouragement of local businesses is appropriate, the current wording would preclude other businesses if proposals are expected to meet all the criteria. If proposals are not expected to meet all the criteria, proposals that could have adverse environmental consequences could be acceptable and that is clearly not the intention. I can see no justification for limiting the extension of employment land to local businesses and to do so would not be consistent with the third core planning principle in the NPPF to “respond positively to wider opportunities for growth”.

57. In merging the Policy with Policy BE5 it would be helpful to list the existing industrial estates. The list includes an error in that it does not include Buntingford Business Park which is shown on the map on P30 as No3, but refers both to 3. Buttermilk Hall Farm agricultural industry and 5. Buttermilk Farm Industrial Estate, which is a duplication as only the former is shown in the map on P31. The policy does not clearly allocate land for future employment development and the existing employment sites, while identified on the maps on pages 30 and 31, are not clearly defined. However, from my visit it appeared that there is significant scope for further development or intensification of use on or adjoining these sites.

58. Recommendation

Reword the first part of Policy BE2 to read:

“Proposals to upgrade, intensify or extend the following main industrial sites listed below and shown on the maps on pages 30 and 31

- 1 The Watermill Industrial Estate**
- 2 Park Farm Industrial Estate**
- 3 Buntingford Business Park**
- 4 Silkmead Farm, Hare Street (Great Horstead Parish)**
- 5 Buttermilk Farm Agricultural Industry**
- 6 Warren Nursery (Cottered Parish)**

and other smaller employment sites will be permitted where they do not conflict with other policies in this Plan and provided that all the following criteria are met so that proposals:...”

Then list the criteria but delete the 6th criterion.

Delete Policy BE5 but add the supporting text to that under Policy BE2 with appropriate editing.

Policy BE3

59. This policy aims to support development related to recreation and tourism, subject to 3 criteria. The first criterion requires that the development does not “contribute significantly to traffic volume”. A significant increase in traffic would not be a reason for refusing development unless it resulted in significant congestion or risks to road safety¹³. Subject to a modification to reflect this I am satisfied that this positive policy is consistent with the basic conditions.

Recommendation

Modify the first bullet point of Policy BE3 to read “They do not have a significantly harmful effect on congestion or road safety as defined by Hertfordshire County Council.”

Policy BE4

60. The policy identifies 8 specific types of business related development which will be supported providing they meet the criteria in Policies BE1 to BE3. These reflect the analysis that small scale business and self-employment are likely to form a significant part of employment related development in the BCA. The types of development listed are also those that are considered most likely to meet the criteria set out. However, the policy does not explicitly preclude other forms of business development and it would not be consistent with the presumption in favour of sustainable development to do so. For the sake of clarity and in the interests of sustainable development this needs to be made clear. Subject to this I am satisfied that it is consistent with the basic conditions.

Recommendation

In Policy BE4 after the 8th criterion insert “This does not preclude other forms of business development where they conform to policies BE1-BE3 and are otherwise consistent with sustainable development.”

Policies BE6 and BE7

61. I have considered these two policies together as they are closely related to each other. Policy BE6 resists the loss of A1, A2, A3, A4, A5, C1, D1 and D2 uses, whereas Policy B7 supports changes of use to these uses. The policies taken together are ambiguous and potentially contradictory as they are not explicit regarding changes of use within

¹³ NPPF paragraph 32 3rd bullet point “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

this list of uses. While many potential changes of use would be permitted development, others would not be and the current wording of the policy may preclude changes of use that are considered desirable. Thus, for example, a change of use from C1 to A1 could be regarded as contrary to policy BE6 as it would result in the loss of a hotel but consistent with Policy BE7 as it would be a change of use to a shop. I have sought clarification on this issue and understand that the policy is intended to support changes of use within the list of town centre uses. This is consistent with the policy for secondary shopping frontages in the emerging District Plan and in general conformity with the support in the NPPF for the encouragement of a range of uses in town centres.¹⁴ Some changes of use to uses not included in this list would also be permitted development.¹⁵ Modifications to reflect these points are necessary to meet the basic conditions.

62. The wording of Policy B7 is very open in that it relates to anywhere in the BCA. While it is limited by the requirement for conformity with other policies in the plan this may still allow some changes of use that would not be consistent with sustainable development. For example there may well be locations where a change of use to use class A5 (hot food takeaways) could be harmful to the living conditions of neighbouring residents and there is no general policy in the Plan which would prevent this. A modification to reflect this is necessary to meet the basic conditions.

Recommendation

Reword Policy BE6 to read:

“Development proposals that would involve the loss of one of the uses listed below in the settlements of the BCA, other than those which are permitted development, will not be permitted, unless they relate to a change of use to another use in this list, in order to retain local services and secure the vitality and sustainability of each settlement in the BCA.”

At the end of Policy B7 add “, where they would not be harmful to the living conditions of neighbouring residents and are otherwise consistent with sustainable development.

Environment and Sustainability

63. The three objectives under this heading aim to protect the countryside and landscape, biodiversity and open space in the BCA

¹⁴ NPPF paragraph 23

¹⁵ See paragraph 51 and footnote 12

Policy ES1

64. The policy aims to ensure that development is not harmful to the Rib Valley setting of the BCA. Buntingford lies in the Rib Valley and its built up area is substantially contained by the valley so that it is not intrusive in the countryside. The aim of the policy is consistent with the maintenance of local distinctiveness and the quality of the countryside. However, the first sentence of the supporting text goes further than the policy itself but is phrased as policy in stating that “the ridge heights of all developments should be limited so that they are lower than the height of the land forming the valley ridge”. This wording is not appropriate in supportive text and is too prescriptive to be transferred to the policy itself as it would preclude any development of any kind on the plateau landscape beyond the Rib Valley.

Recommendation

Reword the first paragraph of the supporting text to read “Development on the fringes of Buntingford which extends on to the higher ground surrounding the Rib Valley could have a harmful effect on the landscape of this area and parts of the Cherry Green Arable and Wyddial Plateaux.”

Policy ES2

65. Policy ES2 aims to protect and enhance the landscape, wildlife and biodiversity of the valleys of the rivers Rib, Beane and Quin by preventing development within 12m of the bank tops of these rivers. The justification for the policy is the ecological status of these valleys at present coupled with their potential to provide important corridors for biodiversity. The Beane and the Quin for the most part pass through open countryside and the application of this policy would present little difficulty. The Rib winds through the town of Buntingford and is, in some places, very close to existing development. A representation from Gladman suggests that the effect of this policy may be to prevent the delivery of otherwise sustainable housing sites, without referring to any specific sites. I accept that there may be exceptional instances, for instance small scale extensions to existing property, where any harm to the environmental value would be so small that the development could be justified. However, in relation to larger sites flanking the river, the maintenance of a corridor of 12m on either side of the river does not represent a major constraint, but, in the absence of a clear justification for the use of 12m as the limit, the policy needs to retain some flexibility to comply with the presumption in favour of sustainable development. The wording of the policy is somewhat ambiguous as “their” in the second line could relate to “development proposals” rather than the rivers. Subject to a modification to reflect these points I am

satisfied that the policy meets the basic conditions.

Recommendation:

Reword the first sentence of Policy ES2 to read “Development proposals that encroach within 12m of the bank tops of the Rivers Rib, Beane and Quin will not be supported, unless the benefits from the development clearly outweigh any harm to the contribution of the river courses to the landscape, wildlife and biodiversity of the BCA.”

Policy ES3

66. The policy supports developments which will provide renewable energy subject to an assessment based on six criteria relating environmental impact and transport. The policy needs to be worded to make it clear that it is the results of the assessment rather than simply the fact that it has been carried out that is important.
67. A representation rightly points out that PPG suggests that large scale solar energy farms should normally not be located on high quality agricultural land.¹⁶
68. Subject to modification to reflect these points the policy meets the basic conditions.

Recommendation:

In Policy ES3 replace the full stop after “waste” with a comma and continue “where an assessment demonstrates that the benefits of the proposal outweigh any harmful impact on:

(a) environmental”.

Add (g) High quality agricultural land”

Policy ES4

69. The policy aims to protect existing green spaces and would not support development proposals which would result in their loss unless they are replaced with acceptable and superior green space. As phrased the policy could apply to any non-developed land and this would not be appropriate. Although it is evident from the supporting text that it is intended to apply to public green space a modification to clarify this is necessary to meet the basic conditions. While an increased provision of green space may be desirable, it would only be justifiable to require it if such a need resulted from the development, as it would not be reasonable to expect a new development to rectify an existing deficiency. The mechanism for ensuring such provision is likely to be a planning obligation and Paragraph 204 of the NPPF sets out the requirements for

¹⁶ PPG Ref ID 5-013-20150327

planning obligations, one of which is that they should be: “fairly and reasonably related in scale and kind to the development.” A modification is necessary to reflect this and meet the basic conditions.

Recommendation

In Policy ES4 insert “public” after “existing” and modify the end of the policy to read “...will be supported only where replacement green spaces which are suitably located and equal or superior (in terms of size and quality) are made available”.

Policy ES5

70. Policy ES5 supports proposals that will expand the provision of open space and improve existing open space. The existing provision of natural green space in the BCA is relatively poor and improved provision would contribute to sustainable development. Like several other policies in the Plan its wording is very open ended and suggests that any green space anywhere will be supported. An amendment to ensure consistency with other objectives and policies is necessary. Subject to this the policy meets the basic conditions.

Recommendation

At the end of Policy ES5 add “where they are consistent with other policies in this plan”.

Policy ES6

71. The policy aims to protect the existing provision of allotments and welcomes any additional provision. It is consistent with the basic conditions subject to a similar amendment to that in Policy ES5.

Recommendation

At the end of Policy ES6 add “where they are consistent with other policies in this plan”.

Policy ES7

72. This policy requires that development proposals should be able to demonstrate a net gain in biodiversity and requires the use of a specific tool to assess this referred to as the Biodiversity Impact Assessment Calculator used by Warwickshire County Council which is claimed to be endorsed by Defra and Natural England. Although the principle of seeking net gains in biodiversity is consistent with the NPPF (Paragraph 118), I have been provided with no evidence to demonstrate the national status of the assessment technique recommended or to justify the requirement to use it. It is clear that it was

trialled by Natural England in 2013/2014 in Warwickshire but there is no subsequent information on its current status. I note that it is also referred to in the emerging District Plan but as this is at a relatively early stage little weight can be attached to it. In this context it would be an unreasonable requirement to insist on the use of a tool that relates to another county. A modification to address this is therefore necessary.

Recommendation

in Policy ES7 delete “...and employ the DEFRA and NE endorsed Biodiversity Impact Assessment Calculator (BIAC Warwickshire County Council v18 2014 or as amended)”. Amend the final sentence of the policy to read “Development must demonstrate a net gain in biodiversity in an ecological report consistent with BS 42020.”

Policy ES8

73. The policy aims to support proposals to improve or create links between existing wildlife areas. It is consistent with the basic conditions.

Policy ES9

74. This policy designates three areas as Local Green Space and Appendix 6 provides a detailed justification for each of them.

Hare Street Road (Millennium Site) This is an area planted to promote diversity of flora and fauna, with paths through it to allow public access. It is on the edge of Buntingford but adjacent to areas of new housing development for which it will be a valuable facility.

Monks Walk/ Baldock Road (to the rear of the Telephone Exchange)

This is a relatively small area of open space that includes mature trees and is rich in plant and bird life. It also serves as a play space in an otherwise built-up area.

Daws Lane Buckland Running Eastwards from the Church of St Andrews

This is a wide grass lane flanked by trees on either side that provides a tranquil walk into the countryside.

75. I visited all three of these spaces and they are each clearly special in their own way and meet the criteria for the designation of Local Green Space in paragraph 77 of the NPPF. However, the Policy as phrased is not consistent with the paragraph 78 of the NPPF which suggests that policy should be consistent with policy for Green Belts. Green Belt policy defines a wide range of categories of development which is “not inappropriate” and it is only development outside these categories which should only be allowed in “very special circumstances”. Local Green Spaces differ from Green

Belts greatly in terms of scale and it is therefore not appropriate to simply transplant Green Belt policy but to satisfy the basic conditions the Policy should recognise that some development that is consistent with the character and use of the Local Green Spaces may be appropriate.

Recommendation

Reword the last sentence of Policy ES9 to read: “Development that is inconsistent with the character and use of these Local Green Spaces will not be allowed except in very special circumstances.”

Housing Development Policies

76. The absence of an up to date Local Plan has meant that there is no clear strategic context for housing development in Buntingford. In particular there is no definitive statement of the scale of housing development that will be required. The emerging District Plan will set out the scale of housing envisaged between 2011 and 2033, but that has only just reached the pre-submission consultation stage and so limited weight can be attached to it. During the preparation of the BCANP, EHC has been unable to demonstrate a 5 year supply of housing land and thus development management decisions relating to housing development took place in the context of paragraph 14 of the NPPF which means *“where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:*

*-any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
-specific policies in this Framework indicate development should be restricted.”*

77. There was provision for 97 dwellings in Buntingford in the saved policies of the 2007 Local Plan and between 2011 and the submission of the BCANP permissions were granted for a further 1214 dwellings in Buntingford. Permission has since been granted for a further 56 dwellings in an appeal decision and a decision is still awaited on a proposal for 400 dwellings.¹⁷ In the other 5 parishes there were permissions for a further 20 dwellings, with applications for a further 6 dwellings awaiting decision.

Policy HD1

78. Policy HD1 sets out a general approach to new housing development which aims to prevent new housing development outside the settlement boundaries for Buntingford and Cottered defined in the Plan. No new allocations for housing development are

¹⁷ Application ref 3/14/2304/OP

made and, most of the area within the settlement boundary is either built up, subject to existing planning permissions or in use as open space.

79. The policy as worded is much more restrictive than national policy and saved policies HSG5 (Rural Exceptions Affordable Housing) and OSV3 (Category 3 Villages) with regard to development in rural areas as it would not permit any new houses in the countryside or the parishes of Aspenden, Buckland with Chipping, Hormead or Wyddial. It would therefore preclude the provision of affordable housing on rural exception sites as provided for in saved policy HSG5 of the East Hertfordshire Local Plan (Second Review) 2007 and the other categories of residential development that both the Saved Local Plan (Policy GBC3) and the NPPF provide for in the countryside (paragraph 55). Changes to Planning Practice Guidance in May 2016 also state that in rural areas “*all settlements can play a role in delivering sustainable development*” and “*blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.*”¹⁸ There is no clear justification for the totally restrictive approach to new development in the villages other than Cottered and Buntingford.
80. The emerging District Plan places Great Hormead in the same category as Cottered as a Group 2 village with a development boundary and a rather more positive approach to development. However as that plan is at an early stage I have not taken it into account and have based my conclusions on the latest national guidance. I have suggested modifications to align Policy HD1 more closely to national policy and guidance.
81. Representations from DLP, on behalf of both Bovis Homes and Taylor Wimpey, and Gladman express concern that the use of the settlement boundary at Buntingford restricts development unjustifiably in the absence of an up to date Local Plan and leaves insufficient flexibility to respond to a change in the assessment of objectively assessed housing need. The objections relate specifically to the approach of the Plan to the scale of development and more specifically to the definition of the development boundary of Buntingford.
82. These representations refer to the judgement in Woodcock Holdings v Secretary of State for Communities and Local Government. They paraphrase conclusions reached in the judgement relating to the weight to be attached to a neighbourhood plan in the absence of both an up to date local plan and a 5-year supply of housing land. One of the representations refers to the conclusion in the Inspector’s Report relating to that

¹⁸ Planning Practice Guidance Reference ID 41-044-20160519

case that “a neighbourhood plan would not satisfy the basic condition to have regard to the NPPF if it set a numerical cap on new housing in absence of an objectively assessed housing need”. On the latter point the judgement itself in fact reached no definite conclusion except to say that this was an issue that the Secretary of State should have addressed in reaching his conclusions.¹⁹ The Ascot Sunninghill and Sunningdale Neighbourhood Plan examiner’s report on which this assertion is based suggested that it would be difficult to set a specific quantum of development in the absence of an up to date strategic context.²⁰ The representations also argue that Policy HD1 is strategic in nature and inappropriate in a neighbourhood plan as it “*may be considered to adversely affect the ability of the District Council to meet the strategic housing need or will serve to render the Buntingford Neighbourhood Plan as a nullity as soon as a Local Plan for East Hertfordshire is produced.*”

83. One of the essential requirements of a neighbourhood plan is that it should not promote less development than set out in the Local Plan. It is evident from Planning Practice Guidance that a neighbourhood plan can be prepared before an up to date Local Plan is in place. In the absence of an up to date plan “*the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.*”²¹ and “*policies relating to housing supply should take account of objectively assessed need.*”²²
84. The January 2014 Draft District Plan suggested that Buntingford should accommodate 493 dwellings in addition to the 97 already allocated in the Saved Policies of the 2007 Local Plan. The West Essex and East Hertfordshire Strategic Housing Market Assessment 2015 did not suggest that this was inappropriate. Since the publication of the January 2014 Draft Plan the planning permissions I have already referred to have been granted. Also the Pre-Submission East Hertfordshire District Plan was agreed for consultation by EHDC just as this examination was beginning. Policy BUNT1 Development in Buntingford provides for “*development within the town boundary as defined on the Policies Map, which will include:*”
- (a) a proportion of the overall windfall allowance for the District.”*

¹⁹ Woodcock Holdings v Secretary of State for Communities and Local Government 2015 Paragraphs 81 and 84

²⁰ Ascot, Sunninghill and Sunningdale Neighbourhood Plan Examiner’s Report p15

²¹ PPG Reference ID 41 -009-20160211

²² PPG Reference ID 41-040-20160211

85. The justification for the draft policy states that *“In recognition of the amount of development that has been approved in the town since 2011, no further site allocations for residential development are proposed as part of the District Plan Strategy”*.
86. The BCANP is not tested against the policies of the emerging District Plan as these and the objective assessment of housing need on which it is based will be the subject of examination and the policies are clearly subject to change before they are adopted. However, at this stage it should be noted that there has been close working between EHC and the NPT on the preparation of the BCANP and the references to both the SHMA and the emerging District Plan demonstrate this. I have also seen no suggestion of any significant divergence between the strategic aims and policies of the emerging plan and the policies of the BCANP. I shall now address the issues of the scale of development and the definition of the development boundary for Buntingford in more detail.
87. At the time the Plan was prepared planning permissions provided for 1214 new dwellings in Buntingford and with the recent appeal decision that figure has risen to 1270. That represents a very substantial addition to the housing stock of Buntingford. While the conversion of that into possible population increase on page 40 of the Plan contains a wide range of forecasts it is evident that the population of Buntingford is likely to increase by substantially more than 50% over the plan period. That represents a substantial rate of development for any settlement. As development is underway on all the sites except the one recently permitted on appeal most of that increase is likely to take place in the early part of the plan period. It is true that decisions on individual applications have, to an extent, overtaken the plan making process, but the Plan takes this into account and it is clear that it makes provision for substantial housing growth in line with the emerging District Plan.
88. Although planning permissions have already been granted on the large available sites within the proposed development boundary, the BCANP does not set a numerical cap on the scale of development in Buntingford or the plan area. There is some flexibility for the provision of additional dwellings both through infill development or redevelopment within the proposed development boundary and through the modifications I recommend in relation to development outside the development boundaries of Buntingford and Cottered.

89. The Woodcock judgement reinforced²³ the findings in a previous judgement²⁴ that *“The body responsible; for a neighbourhood plan does not have the function of preparing strategic policies to meet the assessed development needs across a local plan area.”* Thus, the policies of a neighbourhood plan need not be determined by the availability or not of a 5-year supply of housing land at any one point in time, though they should take account of assessments of long term housing need. I do not accept the view that Policy HD1 is a strategic policy and therefore it cannot close off strategic options. It is a non-strategic policy based on informed assumptions about the strategic context in the absence of an up to date Local Plan. If the strategic policy eventually adopted conflicts with Policy HD1, it will override Policy HD1, but that does not negate the legitimacy of the policy if, at the time it is examined and made, it is consistent with the basic conditions. It is also quite possible that Policy HD1 will be consistent with the strategic policy that is adopted.
90. The determination of an individual planning application involves considerations that differ significantly from those in the preparation of a neighbourhood plan. The determination of a planning application takes place at a point in time whereas a planning policy is intended to be applied throughout the plan period or until it is necessary to review it. The conclusions reached in the Woodcock judgement relate primarily to the weight to be attached to an emerging neighbourhood plan in the determination of a planning application where there is not a 5-year supply of land; they do not relate to the way in which neighbourhood plan policies should be prepared.
91. It is true that if the local planning authority is unable to demonstrate a 5-year supply of housing land the policies of the Plan relating to the provision of housing may be regarded as out of date and thus decisions on individual applications would need to be taken based on paragraph 14 of the NPPF. In this context the neighbourhood plan would remain a material consideration and the weight to be attached to it would depend on the factors set out in the NPPF paragraph 216. Even if at the time it is drafted the local planning authority cannot demonstrate a 5-year supply of housing land it is quite possible that at a later date this requirement will be met and the weight attached to the neighbourhood plan would then be greater. Paragraph 198 of the NPPF states that *“Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted”*.²⁵ It is therefore an over-simplification to state as DLP do that “a

²³ Woodcock Holdings v Secretary of State for Communities and Local Government 2015 paragraph 63

²⁴ Gladman Developments Ltd v Aylesbury Vale District Council 2014 paragraphs 73-78

²⁵ PPG Reference ID: 41-083-20160211

neighbourhood plan cannot outweigh the strategic need to demonstrate a five year supply against an Objective Assessment of Need”.

92. For all these reasons I do not accept that the Plan fails to make a substantial contribution to the supply of housing or to comply with the requirements of the NPPF in this regard. There is no clear strategic context but there is provision for a very substantial scale of development within the BCA
93. I now turn to the definition of the development boundary. The boundary proposed in the BCANP is very similar to that contained in the pre-submission draft of the emerging District Plan, which is attached at Appendix 3. There are three main differences. In the BCANP, the boundary west of the Pigeon Site extends to the A10 whereas in the emerging District Plan it is drawn somewhat more tightly reflecting the detail of the planning application which was permitted after the preparation of the Plan. This difference does not necessitate a modification of the development boundary proposed in the BCANP to comply with the basic conditions.
94. The emerging District Plan includes the site on which planning permission was recently granted for 56 dwellings (application ref 3/13/1399/OP) and as this will clearly become part of the built up area it clearly makes sense for it to be included within the development boundary. The emerging District Plan also includes the site of the Layston Primary School and to allow for the possibility of its expansion there is a strong case for its inclusion.
95. Although the proposed development boundary is drawn quite tightly round the area which will be developed when the housing development which has been permitted has been built. It is evident from the evidence base of the BCANP and reinforced by the emerging District Plan that there are strong arguments in terms of the containment of Buntingford within the Rib Valley for the boundary which has been chosen. The effect of new development on the landscape may not be consistent with sustainable development. This, coupled with the scale of development that can be accommodated within the boundary means that there is no requirement to remove or extend the boundary to satisfy the basic conditions, indeed any proposal to do so may invalidate the conclusions of the SEA screening assessment that the proposals of the Plan are not likely to have a significant environmental impact. For these reasons I am satisfied that there is a sound justification for the position of the development boundary subject to the minor changes to which I have referred.

96. While the development boundaries of Buntingford and Cottered offer limited potential for further housing they do not preclude some further housing development in the form of infilling or changes or use. However, it is clearly appropriate for the definition of the settlement boundary to reflect the recent appeal decision relating to application 3/13/1399/OP and to acknowledge the possible need to review the settlement boundaries if the finally approved District Plan suggests a need to accommodate more housing in Buntingford or Cottered.

Recommendations

Modify the BCANP Settlement Map (Buntingford) so that the settlement boundary includes the site of application ref 3/13/1399/OP approved on appeal and the full site of the Layston Primary School as shown on the proposed development boundary shown in the emerging District Plan and attached at Appendix 2.

Reword Policy HD1 to read:

“Within the settlement boundaries of Buntingford and Cottered proposals for new housing development will be permitted where it is consistent with Policies HD2 to HD7 and where any conflict with other policies of this plan is clearly outweighed by the benefits of the proposed development.

Outside the settlement boundaries of Buntingford and Cottered residential development consistent with policies HD2 to HD7 and other policies of this plan will be permitted in the form of:

- **small scale infill development within or immediately adjoining significant existing clusters of development;**
- **affordable housing on rural exception sites to meet an identified local need which cannot be met in any other way;**
- **development for which there is a demonstrable need for a location in the countryside.**

The need for this policy to be updated will be assessed when the emerging District Plan has been adopted and the strategic context in terms of the scale of new housing development has been determined.”

Policy HD2

97. This policy requires that new housing developments should be sensitive to the landscape and demonstrate how they relate to the distinctive features of the BCA. It also requires the submission of a Landscape Impact Assessment with all applications. I am satisfied that the policy is consistent with the basic conditions except that there

may be applications for small scale infill development within the development boundaries where it would be unduly onerous²⁶ to require a landscape assessment.

Recommendation

In Policy HD2 insert at the beginning of the last sentence “Where appropriate”.

Policy HD3

98. The policy supports the application of green energy principles where they do not have any harmful effects on the residential amenity, the street scene or the natural environment. The use of the word “any” could have a very restrictive effect on the application of renewable energy which would not be consistent with the presumption in favour of sustainable development. Almost any visible development could be considered to have some harmful effect but in many cases it may be acceptable or capable of mitigation. At the same time, it is also true that the cumulative effect of many small-scale developments may be harmful. Minor modifications to reflect these considerations are necessary to meet the basic conditions.

Recommendation

Modify the second half of Policy HD3 to read “...and do not have unacceptable adverse impacts individually or cumulatively on adjoining residents, the street scene or views from the surrounding countryside that cannot be effectively mitigated.”

Policy HD4

99. The policy aims to ensure that the layout and design of new housing respects the semi-rural character of the area and conforms to the standards of the Design Code set out in Appendix 4. It suggests that new housing should have “an open aspect” and I am not clear what this means. The standards in the Design Code relate to the separation between dwellings, the size of gardens and the outlook and natural light available to new dwellings. The justification for the standards is argued in Appendix 2 which points to the tighter urban character of some recent developments that, it is argued, are inconsistent with the character of the area. Supporting evidence is presented of the application of similar standards by several local authorities. However, the standards suggested are slightly more generous than most of the comparators and, in relation to garden space, less flexible in requiring a minimum garden depth of 10m.

²⁶ NPPF Paragraph 193

100. The NPPF supports the use of design codes to deliver high quality development, but suggests that they should avoid unnecessary prescription and aim to guide new development. The context of new development and its relationship to the development around it is an important consideration to be taken into account alongside the Design Code. The character of Buntingford varies between a fairly tight urban form around the centre, typical of market towns and a more dispersed pattern further out. The standards to be applied should have regard to this variation and to the distinctive form of development in the other villages. They should therefore be applied with an element of flexibility. For example, a dwelling with a wide frontage backing onto either the open countryside or a neighbouring dwelling with a deep garden may not need a garden that is 10m in depth. Also, in some circumstances the separation between the front elevations of buildings may need to be less than the 23m prescribed in the Design Code to reflect the existing pattern of development. For these reasons modifications to clarify the meaning of the policy and to provide for flexibility in the application of the Design Code is recommended.

Recommendation

Reword Policy HD4 to read:

“New housing design should respect the rural/ semi-rural character of the Buntingford Community Area and its immediate context having appropriate regard to the standards set out in Appendix 4 – Design Code.”

Policy HD5

101. Policy HD5 seeks to prevent where possible the loss of private gardens to residential development and to avoid harm to their ecological and landscape value. The NPPF encourages policies to prevent inappropriate development of gardens and I am satisfied that this policy complies with the basic conditions.

Policy HD6

102. The policy aims to ensure that development within Conservation Areas is sensitive to and will conserve or enhance their character and appearance. It requires development to accord with any up to date Conservation Area Appraisals. The policy reflects national policy and is consistent with the basic conditions.

Policy HD7

103. This policy requires new housing to reflect housing need identified in the most up to date Strategic Housing Market Assessment or other up to date evidence in terms of mix and tenure. It is consistent with the basic conditions.

Infrastructure Policies

104. Early consultation has identified the concern of residents that the scale of new development that will take place over the Plan period will place pressure on the health, education, transport and water/sewerage infrastructure of the area. The five infrastructure objectives aim to achieve increases in the capacity of local infrastructure and to seek financial contributions to it through development proposals.

Policy INFRA1

105. Policy INFRA1 relates to health facilities and is supportive of proposals for new facilities and to extend or conserve existing ones. As worded the policy would support any such proposal, but clearly proposals would need to be consistent with other policies in the Plan and a modification to this effect is necessary to this and other infrastructure policies to make the policy meaningful. It expects developers to work with local partners to ensure the delivery of adequate health facilities. A policy cannot require actions in this way but it can encourage them.
106. Concerns are expressed by Gladman that contributions should only be required to meet the needs generated by proposed development. This is a requirement of the statutory conditions for planning obligations as set out in paragraph 204 of the NPPF and it is implied in the last sentence of the proposed policy. To clarify that any financial contributions will be on this basis and thus meet the basic conditions a modification is recommended.

Recommendation

At the end of the first sentence of Policy INFRA1 insert “where they are consistent with other policies in this plan.” In the second sentence replace “expected” with “encouraged”. Amend the last sentence of the Policy INFRA1 to read: “This will be achieved through planning obligations to provide land or make financial contributions where the statutory requirements in paragraph 204 of the NPPF are met”.

Policy INFRA2

107. The policy supports the provision of improved communication technologies including fibre optic broadband and 4G mobile telephone coverage. It is consistent with the basic conditions subject to a similar modification to that recommended for INFRA1.

Recommendation

Amend the beginning of Policy INFRA2 to read “Proposals for the provision,

improvement and enhancement of advanced communication technologies within the BCA for education, training and business use will be supported where they are consistent with other policies in this Plan. These should include...”

Policy INFRA3

108. This is a similar policy offering general support for proposals to provide improved educational facilities. Again it is worded in an open ended way that does not constrain the location of any proposals.

Recommendation

In Policy INFRA3 after “...in the BCA” insert “which are consistent with other policies in this Plan”.

Policy INFRA4

109. The policy identifies priorities for road improvement and traffic management schemes. The policies in neighbourhood plans are intended to relate to the development and use of land. Traffic management does not fall within this definition and the priorities for highway improvements are a matter for the highways authority. No direct relationship between these schemes and proposed development is identified which could require contributions to these schemes to facilitate development.
110. The policy refers to the implementation of the Phoenix Project and lists a series of schemes from the report of Phil Jones Associates from April 2015 which would introduce shared space /surfacing and traffic calming measures at key junctions and along parts of the main roads into Buntingford and in the town centre. Some of these schemes would involve the creation of new public spaces and extensive landscaping. They represent a positive vision of place-making for Buntingford and for re-defining the relationship between motor vehicle traffic and pedestrians. However, in essence they are traffic management projects and their implementation is a matter for investment decisions of the County, District and Parish Councils rather than as part of development proposals.
111. I also have a concern that the very extensive proposals envisaged in the Phil Jones and Associates Report may not have been fully understood in the public consultation that has taken place. The document is not part of the Plan and I have only been able to access it as a weblink from the evidence base submitted with the Plan. I therefore

consider that it is unlikely that there is a wide understanding of what these proposals are.

112. For these reasons it is not appropriate to include the list of schemes in Policy INFRA4 as a planning policy. However, it is appropriate to include the aspiration of the community to see the implementation of these proposals in a way that is clearly distinguished from the policies that will become part of the development plan if the Plan is successful at referendum.

Recommendation

Delete Policy INFRA4 and include the list of schemes in the policy and the supporting text under the heading “Community Aspirations for investment in road improvements and traffic management” at the end of the transport section, clearly distinguishing the format of the list of schemes from that of the policies of the Plan.

Policy INFRA5

113. The policy is a general one outlining how contributions will be made to community infrastructure through planning obligations and it refers to the potential of the introduction of the Community Infrastructure Levy for the provision of community infrastructure. It recognises the importance of adherence to the Community Infrastructure Levy Regulations 2010. However, the policy does not contain any specific elements that relate to the BCA and it adds nothing to the Local Plan and NPPF provisions regarding planning obligations. In this sense it does not comply with the requirement in PPG for a policy to be “*distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.*”²⁷

Recommendation

Delete Policy INFRA5

Policy INFRA6

114. Thames Water has made representations that developers should be required to ensure that adequate capacity is provided in wastewater infrastructure both on and off the site. The Policy reflects this requirement. While it is likely to be included in the emerging Local Plan this is not yet in place. I am satisfied that subject to minor modifications to clarify how the Policy is to be applied it is consistent with the basic conditions.

²⁷ PPG Reference ID: 41-041-20140306

Recommendations

Modify the first bullet point of Policy INFRA6 to read: “Where necessary developers will be required to commission or fund studies to....”

Modify the second bullet point to read: “Where such studies demonstrate that development would overload the existing wastewater infrastructure and no improvements are programmed by Thames Water, permission will be subject to a planning obligation requiring the provision of the necessary increase in capacity and its completion prior to the first occupation of the development.”

Policy INFRA7

115. PPG makes provision for Local Plans to require a standard of efficiency of 110 litres per person per day, which is tighter than the standard requirement of 125 litres per day, in areas where there is a clear justification.²⁸ While there is no direct reference to neighbourhood plans in this context, I can see no reason, particularly in the absence of an up to date Local Plan why such a policy should not be included in a Neighbourhood Plan. Policy INFRA7 aims to impose this tighter standard and refers to an Environment Agency document – “Water Stressed Areas 2013” in justification. This shows that the BCA is in an area of “serious water stress”. I am satisfied that this policy meets the basic conditions.

Leisure and Recreation Policies

116. The background information on leisure and recreation identifies the concern arising from consultation that leisure facilities should be maintained and expanded or improved to meet the needs of the growing population of the BCA and this is reflected in the objectives for this group of policies. The existing provision is also summarised.

Policies LR1 and LR3

117. These policies are considered together as they deal similarly with proposals which would result in the loss of leisure facilities and community facilities respectively and I have the same concern about both policies. The policies aim to prevent development proposals that result in the loss of existing facilities unless they are replaced by facilities of a similar size or the proposals provide alternative benefits in terms of increased access to leisure and recreation. The policies are more onerous than both

²⁸ Reference ID: 54 013 20150327

Saved Policies LRC1 and LRC11 of the 2007 Local Plan and paragraph 74 of the NPPF which would allow for the loss of such facilities where they have been demonstrated to be surplus to requirements. While the population of Buntingford is increasing and it may therefore be unlikely that a facility would be surplus to requirements, this possibility cannot be excluded and a modification is therefore necessary to meet the basic conditions.

Recommendation

In Policies LR1 and LR3 after “...unless” insert “there is clear evidence that there is no need for the facility or a suitable alternative or ...”

Policy LR2

118. The inclusion of new leisure and recreation facilities within development proposals is supported in principle in this proposal. As phrased that would mean proposals anywhere in the BCA and the policy needs to be qualified to make it clear that this does not override other policies in the Plan. The policy particularly encourages the provision of multi-use facilities. The final sentence expects developers to work with providers of such facilities and, as in Policy INFRA1 this does not comply with the basic conditions and “encouraged” would be more appropriate.

Recommendations

At the end of the first sentence of Policy LR2 insert “where they are consistent with other proposals in this Plan.”

In the last sentence of Policy LR2 replace “expected” with “encouraged”.

Transport Policies

119. The background to the transport policies emphasises the dependence of the BCA on use of the private car highlighting relatively poor bus services and the absence of any railway stations. It also points to the relatively limited provision of off street parking and the congestion that can be caused by on street parking.

Policy T1

120. The policy sets out minimum parking standards to be applied to new housing developments. There is also a requirement for provision for short term parking by service vehicles and some visitors in developments of more than 5 dwellings at a level of one space for 4 units. The standards proposed are more generous than those currently being applied by EHC in relation to dwellings of 3 or more bedrooms. The justification given for this is the high level of car ownership, the lack of alternative modes of transport and the harmful impact of on street parking in the BCA. While

these factors are not confined to Buntingford, the standards applied by EHC are not part of the development plan and the approach adopted in the BCANP is generally in accordance with Paragraph 39 of the NPPF.

121. However, there is no justification for the additional provision for service vehicles and no indication of what form it should take. The more generous standards for new dwellings would be expected to accommodate most visitor parking as the number of vehicles based at a dwelling is unlikely to equal the level of provision in most cases. Also, while I understand that tandem car parking can lead to a need for some additional manoeuvring, this is also true of parking in front of garages which are used as parking spaces. While it is clearly preferable to avoid it, it may not always be possible in the interests of sustainable development.
122. The overall wording of the policy saying that the standards “must be applied” is excessively rigid and there may be circumstances in which an element of flexibility would be justified by other material considerations to achieve sustainable development. I have therefore recommended the following modifications to reflect the concerns I have raised and to satisfy the basic conditions.

Recommendations

In the first line of Policy T1 delete “must be applied” and replace with “will be required unless there is a clear justification for the application of a lower standard to achieve sustainable development”

“delete the 5th bullet point.

In the 6th bullet point modify the final sentence to read “Tandem parking will only be permitted where there is no suitable alternative.”

Policy T2

123. The policy aims to ensure that off street parking is provided as part of each property rather than in shared parking areas. Where these are provided it sets out requirements in terms of security and accessibility. I am satisfied that the policy meets the basic conditions except that there is no clear justification for the figure of 25m as the distance of any shared space from the property it serves and this seems likely to be an unnecessary constraint on the design of residential layouts.

Recommendation

In the second bullet point of Policy T2 delete “no more than 25metres away, and”.

Policy T3

124. The policy seeks to protect existing rights of way from new development. The supporting text encourages early consultation on possible diversions. The policy is consistent with the basic conditions.

Policy T4

125. The policy aims to support new development which extends existing networks of footpaths and other rights of way to improve the connectivity within and between settlements. However, it is framed in terms of encouragement to developers rather than the way in which a planning application will be determined. In some circumstances it would be a reasonable requirement for a new development to include connections to existing rights of way and the provision of new ones, but decision makers on planning applications would have to restrict their consideration to provision that is reasonably required for planning permission to be granted. A modification to provide a clearer basis for decision making is therefore necessary.

Recommendation

Reword Policy T4 to read: “Proposals for new development will be required to take advantage of opportunities to make appropriate connections to existing footpaths, urban alleyways, cycle paths, rights of way and bridleways in the BCA to improve connectivity between and within settlements.”

Policy T5

126. Policy T5 resists new development that would result in a loss of public parking provision unless it is appropriately replaced. I am satisfied that the policy complies with the basic conditions.

Policy T6

127. Under this policy it is expected that new developments will be served by a regular bus service to Buntingford Town Centre and where there is no existing route new developments may be expected to provide funding for an improved service or any associated infrastructure. Required improvements will have regard to the Hertfordshire County Council bus strategy.
128. The provision of a good bus service is clearly a desirable element of sustainable development. However, given the very limited existing provision of bus services and the rural nature of much of the BCA it may not be a realistic requirement for any new

development to be served by a bus service in a rural area such as this. Also any contributions to improved bus services or infrastructure would need to have regard to the statutory requirements for planning obligations, in particular the need to be “fairly and reasonably related in scale and kind to the development”. For relatively small developments the funding of such improvements may not be justifiable. It is of course possible that any of the Parish Councils could choose to use income received from the Community Infrastructure Levy for this purpose. To reflect these concerns the following modifications are recommended.

Recommendations

Reword the first part of Policy T6 to read: “Where possible new development within the BCA should be served by a regular bus service to Buntingford Town Centre. In the second sentence delete “fund” and insert “contribute to”.

Summary and Referendum

129. The decision of Buntingford Town Council to join forces with the surrounding parishes to prepare a neighbourhood plan is to be commended. It recognises the important relationship between the town and its rural hinterland and enables the benefits of a neighbourhood plan to be available to small villages for whom the preparation of a separate neighbourhood plan may not have been a realistic proposition.
130. I have given careful consideration to all the policies in the BCANP. Policy HD1 relating to the scale of residential development has required particular attention. Concerns have been expressed that the Plan is too restrictive in terms of new housing development, but recent planning decisions in the absence of both an up to date Local Plan and a 5-year supply of housing land mean that there is now a commitment to a substantial increase in the housing stock in Buntingford and there is understandable concern about the capacity of local infrastructure and facilities to absorb this scale of development. I have found it necessary to recommend some modifications to allow small scale development outside the proposed development boundaries having regard to the NPPF but have concluded that there is a justification for the proposed development boundary and that the scale of development for which there is permission means that the Plan will make a significant contribution to new housing development.
131. The Plan supports the development of more employment opportunities in the area and many of its policies are designed to ensure that existing services and facilities are maintained or enhanced. In many cases I have found it necessary to recommend fairly

minor modifications to clarify the way the policy will be applied and I have recommended the deletion of Policy INFRA4, as it does not relate the development and use of land, and INFRA5 as it adds nothing to existing policies in the Local Plan and the NPPF.

132. I have concluded that, if the modifications that I have recommended are made:

- The Buntingford Community Area Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012;
- Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;
- The making of the Plan would contribute to the achievement of sustainable development;
- The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;
- The making of the Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights.

133. I am therefore pleased to recommend that the Buntingford Community Area Neighbourhood Plan should proceed to a referendum subject to the modifications that I have recommended.

134. I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. The Plan covers the whole of the Parish of Buntingford and the surrounding parishes of: Aspenden, Buckland and Chipping, Cottered, Hormead and Wyddial and I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”. ²⁹ **I therefore conclude that there is no need to extend the referendum area.**

²⁹ PPG Reference ID: 41-059-20140306

Appendix 1: Clarification of agreement of parishes to joint Neighbourhood Plan

Dear Laura

I should be grateful if you could clarify one procedural issue for me relating to the role of Buntingford TC as the responsible body. The legislation (Section 61 (2) of the 1990 Town and Country Planning Act inserted into the act by Schedule 9 of the Localism Act 2011) makes provision for a parish council to act in relation to a neighbourhood area which contains all or part of another parish providing it has the consent of the other parish to do so. In this case the request for designation of the area included "consent forms" which in 5 out of 6 cases reads "Having considered the offer by Buntingford Town Council, we welcome the opportunity to discuss this further with the possibility of being included in a joint Neighbourhood Plan". This falls short of explicit consent to Buntingford TC to lead and is not even a firm decision to proceed with the preparation of a plan. The wording in the case of Hormead is different but still not explicit: "Our Parish wishes to be included in the area for the preparation of the Buntingford Neighbourhood Plan. This does not bind the Parish to supporting the policies that emerge from the process but it does mean that our electors will be included in the referendum on the policies when that occurs".

I have no reason to believe that there is any dissent from the way the preparation of the Plan has been managed, but feel it is important to avoid any unnecessary ambiguity. I should be grateful if you could write to all of the Parish Councils and the Wyddial Parish Meeting and ask them to confirm that the consent they have given was intended to give consent for Buntingford to act as the qualifying body in accordance with Section 61F (2) of the 1990 Act.

Regards

Richard

Extract from Minutes of Cottered Parish Council 12th November 2013

Neighbourhood Plan with Buntingford

The updated Buntingford Neighbourhood Plan reports had been circulated. Concern was expressed about the effect on the Cottered & Throcking parish. Noted that a new development of 180 houses plus sheltered housing and ancillary support had been submitted. This development was between the A10 Buntingford bypass and the old A10 and therefore within Cottered & Throcking parish boundaries.

Resolved to suspend standing orders and open the meeting to the public

After a wide-ranging discussion the consensus was that Cottered & Throcking would be better to join with Buntingford as agreed at the recent public meeting. 3 volunteers (with 3 backups) at least required from the parish to sit on the Buntingford Forum. Several names were suggested. Buntingford to be formally notified by 12 November (Chairman will do at the 12 November Forum meeting). JH-B will draft letter/notice requesting stakeholder volunteers to be put on the website and in the Gazette. Noted that eventually the neighbourhood plan will have to be approved by a referendum.

Resolved to resume standing orders

Resolved to formally join with Buntingford in the Neighbourhood Plan

Extract from minutes of extraordinary meeting of Buckland with Chipping Parish Council 2nd December 2013.

4 Neighbourhood Plan (NP)

Following as discussion it was resolved to agree to produce a Neighbourhood Plan. Following a further discussion it was resolved unanimously to agree to the request from Buntingford Town Council to join Buntingford neighbourhood Plan with six other parishes. **RESOLVED to join the Buntingford Neighbourhood Plan.**

From: Marty Kilby [<mailto:marty@martykilby.co.uk>]

Sent: 26 October 2016 11:43

To: Pattison Laura

Cc: Jill Jones (Buntingford TC)

Subject: RE: Buntingford Community Area Neighbourhood Plan - Parish Consent

Dear Laura Pattison,

I confirm that Aspenden Parish Council gave consent for Buntingford Town Council to act as the qualifying body in accordance with Section 61F (2) of the 1990 Town and Country Planning Act.

We so informed BTC in March by email:

Not sure if the Aspenden Chairman has come back to you, but I am letting you know that Aspenden Councillors have seen Buntingford Community Neighbourhood Plan, and are content with the statements in the plan that relate to Aspenden Parish.

Kind regards

Marty Kilby

2

Extract from Minutes of Hormead Parish Council meeting on 19th September 2013

13.172 Neighbourhood Plan: This agenda item was moved so that members of the public present could participate.

- 1. Report and consider action following the public meeting, 18th September
- 2. Cluster proposal with adjacent parishes
- 3. Buntingford Town Council proposal for joint plan: update and consider action

Adjournment for public comments

At 9.20pm it was **RESOLVED that the meeting be suspended to allow public comments concerning the Council's decision.**

The Clerk provided a resume of Wednesday evening's public meeting, detailing the result of the vote taken by members of the public. The vote asked the Parish Council to agree to its decision. The Council therefore considered its response to the overwhelming majority who voted in favour of Hormead producing a Neighbourhood Plan, and the meeting's request to the Parish Council to agree to join with Buntingford in producing that Plan.

Following a discussion it was **RESOLVED by 3:1 to agree to produce a Neighbourhood Plan.** Cllr Kilby requested his objection be recorded.

Following further discussion it was **RESOLVED by 3:1 to agree to the request to join with Buntingford to produce the Neighbourhood Plan.** Cllr Kilby requested his objection be recorded.

James Bruxner, with some public show of approval, had requested at the conclusion of Wednesday's meeting that the Council form a committee under the chairmanship of Edward Fremantle.

The Clerk explained that the formation of a Working Party would be more appropriate than a committee. Committees are extensions of the Parish Council and therefore bound by the same statutory regulations. That could stifle, for example, the calling of meetings, informal discussions, and the involvement of as many members of the public as possible. Terms of Reference should be drawn up by the Parish Council to set out the Working Party's powers and how it would function.

James Bruxner repeated his proposal of the previous evening that Edward Fremantle, with his experience and expertise in the subject, chair the Working Party. He pointed out that this would relieve the PC of much of the burden of the complexities of the project whilst not having delegated decision-making powers. Rather he envisaged the WP bringing recommendations, via its Council members, to the Council for consideration. The Clerk said he would draw up Terms of Reference for agreement by the Parish Council at its next meeting on 17th October. The Council agreed this was the way forward. Cllr Ginn asked to be added to the list of volunteers in the Working Party.

The Parish Council Meeting resumed at 9.54pm.

13.177 Date of next Parish Council meeting:

Thursday 17 October 2013 at 8pm in the Meads Pavilion.

There being no further business, the Chairman thanked everyone for attending and closed the meeting at 9.55 pm. She invited everyone to stay for tea and cake.

Signed by Jayne Berham Chairman Dated 17/10/2013

NOTE: These minutes were approved at the council meeting on 17 October 2013

extracted by Cllr RE Berham

MINUTES OF THE WYDDIAL PARISH MEETING

HELD ON 26th OCTOBER 2013

Jeff Jeffries. Christine Jeffries. Wendy York. T.Geraghty. Pat Sinnett.
A.Forsyth. P.Hill. S.Newport. G.Sturgeon. C.Thwaite. R.Faillettaz.
S.Nail.M.Powers. W.Diack. M.Donnor. J.Simpson. K.Heath.

Apologies for absence: C & J Carter B.York R.Hewson M.Simpson
J.Powers

Minutes of last meeting: These were read out by the chairman and agreed and signed. Matters arising were:

1. Help is needed in church yard, weeding etc., please get in touch with Roger Faillettaz if you able to help
2. There is a damp problem still in the church, J.Carter to be asked if anything is happening regarding this.
3. A general discussion took place regarding septic tanks and what can and can't be put down them. Pat Sinnett to give details out.
4. The ditch on the right hand side of Moles Lane needs clearing, it was not sure if this was the council's responsibility – JJ to contact the council.

Chairman's Role: Jeff explained what he thought the chairman's position was, he considered he was there to run the meeting and follow through any queries. It was stated that a constitution was in place although Jeff has not received a copy.

Everyone was asked to register their names and e mail addresses so that they can be kept up to date with any relevant events.

Buntingford and District plan: At the moment this does not include Wyddial. If we were included we could be kept up to date with any planning issues in the area. A vote was taken and agreed unanimously to be included. - JJ to inform the council, and to ask the council again for a definitive map of Wyddial.

Appendix 2 Responses to queries raised regarding consultation with statutory consultees on SEA and Draft Plan and an error in Policy BE5

I have modified the e mail I received to put my original queries in quotation marks for clarity.

Dear Richard

In response to your queries:

“The SEA screening assessment indicates that EHDC has sought opinions from Historic England, the Environment Agency and Natural England. (Section 3 P34 of the Basic Conditions Statement). The Consultation Statement refers to this and to the responses being received in Jan/Feb of 2016 (Bottom of Page 10). However, I have been unable to locate these consultations or the responses through the links in the Evidence Base. Can you point me to them? I have found responses to Draft Plan from Natural England and Historic England but these do not appear to be to consultation on the SEA Screening.”

The responses to the SEA screening assessment can be viewed at: <http://democracy.eastherts.gov.uk/ieDecisionDetails.aspx?ID=907> (Buntingford SEA – ERPB).

“On a more general point the Consultation Statement(P11) refers to analyses of all consultation activities and details of all meetings held of the Neighbourhood Planning Team and Forum being available on the Town Council website. I’m sure I’m missing something obvious here but I haven’t been able to find this as the Neighbourhood Plan page seems only to link to the suite of submitted documents. I have just been able to find the link to questionnaires <http://www.buntingford-tc.gov.uk/surveys-and-questionnaires.html> “

I have emailed the Neighbourhood Plan team about the query relating to the consultation process and their website. I too am only able to view the suite of documents and the survey responses.

“There appears to be an error in Policy BE5 which includes two (differently worded) references to Buttermilk Farm but none to the Buntingford Business Park. It appears to me that to correspond to the maps No3 should be Buntingford Business Park and No5 should be modified to the wording used on the map and the existing No.3 in the text. Is this right?”

Yes, that’s correct.

Policies B6 and B7 raise questions about what is intended with regard to changes of use within the list in Policy BE6. Any change of use clearly involves the loss of one use and the gain of another and in many cases changes may be contrary to BE6 but in conformity with BE7. Is there any hierarchy within this list of uses that would allow changes of use in one direction but not in reverse? For instance, a change from A5 to A1 may be acceptable but from A1 to A5 may not be. I appreciate that permitted development rights would apply to some changes but not others.

I have emailed the Neighbourhood plan team to clarify the position.

Kind regards,

Laura Pattison

Senior Planning Policy Officer

E mail dated 24 October 2016 From Jill Jones – clerk of Buntingford Town Council to Laura Pattison of EHC copied to me.

Dear Laura,

With regard to your email to Graham Bonner on the 21st October, we would respond as follows:

The comments by the Examiner, Richard High with regard to historical agendas and minutes of meetings and responses to the Regulation 14 consultation. We have discovered that although these documents are on the web site they are difficult to access. We have now changed the front page of the Neighbourhood Plan section on the web site and added 2 links.

Link 1 "Neighbourhood Plan Forum Agendas and Minutes available for viewing here" and Link 2 "All responses from our Regulation 14 Consultation are available to view here". We hope this enables the Examiner to access these documents easily but if there are any further queries please let us know.

We have attached a list of email addresses of the people contacted for the Regulation 14 consultation along with a copy of the email.

With regards to the paragraph referring to Policies BE6 and BE7, for clarification - the Neighbourhood Plan in essence should support Change of Use of classes as detailed within Policy BE6 but Policy BE7 should not support loss of use as detailed with Policy BE6 from commercial to residential. We are aware that Change of Use can also be subject to Permitted Development Rights. We would welcome any suggestions to the modification of the wording of either of these policies to ensure that the intention of the Neighbourhood Plan is clear.

Jill Jones MILCM, Cert HE. Town Clerk
Buntingford Town Council, The Manor House, Buntingford, SG9 9AB.
01763 272222. www.buntingford-tc.gov.uk

Appendix 3 Buntingford Town Boundary as shown in East Hertfordshire District Plan Pre-Submission Draft



