

Walkern Neighbourhood Plan Revision Consultation: January – February 2023

General Comments:

The Council's planning department welcomes the opportunity to comment on the emerging Walkern Neighbourhood Plan Revision and is broadly very supportive of the proposed modifications to the adopted Neighbourhood Plan. The Parish Council and the Neighbourhood Plan Group are commended on their hard work to date.

It is noted that a modification statement has been produced, in accordance with Regulation 14 (v) of the Neighbourhood Planning Regulations 2012 (as amended). This document clearly sets out the proposed changes to the adopted Neighbourhood Plan and concludes that the changes are material but do not change the nature of the Plan. This means the Plan Revision would be subject to examination but not a referendum. On the basis of the Regulation 14 consultation, the Council agrees with the Parish Council's conclusion and will set out this position formally at the submission stage, in accordance with the Neighbourhood Plan (General) Regulations 2012 (as amended). However, for clarity, it is suggested that before the plan is submitted to the Council for examination, more detail is added to the Modification Statement to explain why the Parish Council consider that proposed changes are material but not significant enough to change the nature of the plan.

The Walkern Neighbourhood Plan Revision presents a positive planning document that seeks to shape development and is responding to the strategic priorities in the development plan in a pragmatic way. The plan is well-written, well-evidenced and the policies are locally specific. The Council particularly supports the proactive approach taken to protect and enhance Walkern's natural environment and local character.

Some further work is still necessary as detailed in the schedule below, particularly in the following areas:

- Clarity is needed around terminology used within some of the policies to provide the decision-maker with a clearer framework within which to operate.
- Clarity on the deliverability and effectiveness of some of the policies to ensure they meet the basic conditions.

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

It should also be noted that there is a legal requirement for public bodies to ensure documents on their website meet accessibility requirements. Therefore, in order for East Herts Council to publicise the submitted plan as part of the regulation 16 consultation it will need to be accessible, as explained in

national guidance: <https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps>.

Before submitting the revised Neighbourhood Plan to the Council you should be satisfied that the document is accessible. East Herts Officers are happy to advise you on this process if required.

Section/ Objective/ Policy	Page No.	Comment
General Comments		
		<p>The Council welcomes the opportunity to comment on the development of this Neighbourhood Plan and commends the Parish Council on a well-evidenced and positive document, with locally- specific and concise policies.</p> <p>As you are no doubt aware, the Government is currently consulting on revisions to the National Planning Policy Framework (NPPF), with the intention to publish changes by spring 2023. As such it will be important to update the NPPF paragraph references in the submission version of the Neighbourhood Plan, as required.</p>
1. Introduction		
Para 1.7	7	Reference to the East Herts District Plan period should be 2011- 2033 , not 2018- 2033.

6. Neighbourhood Plan Policies		
Policy WLK1 Sustainable Development	18	This policy reads more as a statement of intent to support sustainable development. It repeats the requirements outlined in the NPPF and set out in the strategy of the District, without adding anything locally specific. As such it is recommended this policy is deleted.
Policy WLK2 Cherished Views, Vistas and Landscape Features	21	<p>The principle of defining and protecting the countryside gap and cherished views is supported. Likewise, Criteria IV, which requires new development within the gap or the identified views to include a landscape and visual impact assessment of harm is welcomed in principle, to help protect Walkern's identity, character and appearance.</p> <p>However, to ensure the policy is deliverable, it is important any assessment is proportionate to the scale of development. Some minor development may not require a full landscape and visual impact assessment. Therefore it is suggested that the text in Criteria IV is amended as follows:</p> <p><i>IV. Any development proposals in the Important Countryside Gap or within the identified views should, <u>where appropriate</u>, include a landscape and visual impact assessment of harm, using an appropriate methodology.</i></p>

Policy WLK4 Non-designated Heritage Assets	23	The Council welcomes the identification of non-designated heritage assets in the Neighbourhood Plan
Policy WLK6 Conserve and Enhance Biodiversity Policy WLK7 Protection of Trees and Hedges	26 and 27	The Council commends the positive approach to protecting and conserving biodiversity in the parish. The production of a Tree Charter to set out detailed guidance in relation to the trees in Walkern is a pragmatic approach to protecting valued natural assets.
Policy WLK8 Protected Recreational Open Spaces	30	Policy WLK8 refers to six open spaces, however, PROS4 and PROS6 are not visible on the Policy map on page 17. For clarity, please could they be added.

Policy WLK9 Green Corridors	31	To ensure the planning officers are able to apply Policy WLK9 effectively it would be helpful if the green corridors referenced in the policy are identified on the policies maps.
Policy WLK10 Local Green Space	32	<p>The Council welcomes the designation of local green spaces and supports the policy approach. However, it is noted that LGS 9 Box Wood is 60 acres (24 hectares) – as set out in Appendix E. Given the scale of the green space it is questionable if its designation complies with NPPF criteria in paragraph 102 (c): <i>local in character and is not an extensive tract of land</i>.</p> <p>As a comparison, in the final examination report of the All Saints, Central, South and Parts of Thorley neighbourhood Plan, in April 2022, the examiner removed a comparable local green space (23.6ha) because he considered it was an 'extensive tract of land'.</p> <p>Therefore, whilst the Council supports the importance of preserving Box Wood, it is not clear that it complies with the requirements of the NPPF. In any event, its designation as a Scheduled Ancient Monument, a local wildlife site and an ancient woodland within the Green Belt already provides significant protection from development. In practice, allocation as a local green space is unlikely to provide additional benefit than the existing designations.</p>

		<p>If Box Wood is retained as a local green space, it is recommended that additional justification is included in appendix F to explain how the area is local in character and not an extensive tract of land. The Parish Council should consider Paragraph 15 of the Planning Practice Guidance for Open Space, sports and recreation facilities, public rights of way and local green space.</p> <p>For clarity, it would also be helpful if the table of local green spaces in appendix F included the area (hectares) of each local green space.</p>
Policy WLK11 Land South of Froghall Lane (Midsummer Meadows)	39	<p>Criterion (d) states parking spaces should not be lost through development, maintaining at least 2 parking spaces per dwelling unless there is a clear justification for a lower standard.</p> <p>Whilst the principle of ensuring there is adequate parking is supported, in practice two spaces may not always be required if the parking complies with the Council's parking standards. For example, for a one bed dwelling. Any proposal that requires planning permission will be assessed against the parking standards in the Vehicle Parking at New Development Supplementary Planning Document in accordance with District Plan Policy TRA3 Parking.</p>

		<p>It is noted that paragraph 6.68 and appendix I justifies the higher standard on the basis of existing on street parking problems and high car ownership. However, the Council's parking standards take account of higher reliance on the car in rural areas, by applying accessibility zones that facilitate higher parking provision in the villages. In fact, the current standards already allow 2 parking spaces for two bed dwellings. To support higher parking provision would be contrary to Policy TRA 1 Sustainable Transport, which seeks to take account of the Local Transport Plan and its aim to prioritise sustainable transport modes above the private vehicle. The Council is in the process of starting to update its Vehicle Parking In New Development Supplementary Planning Document, which will be informed by the latest policy, good practice and detailed analysis of the local context across the district. Therefore, a deviation from the district-wide parking strategy is not justified.</p> <p>Consider deleting reference to 2 spaces.</p>
Policy WLK12 Housing Infill Sites	40	<p>This criteria-based policy is welcomed, but more clarity for decision makers would be helpful in relation to criterion (e). The terms 'backland' and 'tandem' should be explained in the supporting text, alongside clarity about how such development should successfully reflect existing development patterns.</p>

Policy WLK14 Affordable Housing	41	This policy repeats the provisions of District Plan Policy HOU3 and adds no locally specific value. Therefore it is suggested it is deleted.
Policy WLK15 Design		<p>The Council supports this criteria-based policy, but has comments on three of the criteria:</p> <p>(g) To reflect that parking bays may not always be feasible, the words 'where appropriate' should be added for flexibility: <i>'Layout of new roads will, <u>where appropriate</u>, include parking bays....'</i></p> <p>(j) As outlined in response to policy WLK11, reference to a minimum of 2 parking spaces should be removed. Whilst the principle of ensuring there is adequate parking is supported, any proposal that requires planning permission will be assessed against the parking standards in the Vehicle Parking at New Development Supplementary Planning Document in accordance with District Plan Policy TRA3 Parking.</p> <p>It is noted that paragraph 6.68 and appendix I justifies the higher standard on the basis of existing on street parking problems and high car ownership. However, the Council's parking standards take account of higher reliance on</p>

		<p>the car in rural areas, by applying accessibility zones that facilitate higher parking provision in the villages. In fact, the current standards already allow 2 parking spaces for two bed dwellings. To support higher parking provision would be contrary to Policy TRA 1 Sustainable Transport, which seeks to take account of the Local Transport Plan and its aim to prioritise sustainable transport modes above the private vehicle. The Council is in the process of starting to update its Vehicle Parking at New Development Supplementary Planning Document, which will be informed by the latest policy, good practice and detailed analysis of the local context across the district.</p> <p>Therefore, a deviation from the district-wide parking strategy is not justified.</p> <p>(n) This criteria should recognise the changes to Building Regulations Part S, which came into force in June 2022, requiring new builds to incorporate charging points.</p>
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