

## **Stanstead Abbots and St Margarets Neighbourhood Plan Revision Consultation: January – February 2023**

### **General Comments:**

The Council welcomes the opportunity to comment on the emerging Stanstead Abbots and St Margarets Neighbourhood Plan and is broadly very supportive of the emerging Neighbourhood Plan. The Parish Council and the Neighbourhood Plan Group are commended on their hard work to date.

The Stanstead Abbots and St Margarets Neighbourhood Plan presents a positive planning document that seeks to shape development and is responding to the strategic priorities in the development plan in a pragmatic way. It is recognised that the neighbourhood plan area has significant constraints, providing a challenging context for the Neighbourhood Plan Group. The Council consider the plan is generally very well-written, well-evidenced and the policies are locally specific. The Council particularly supports the proactive approach taken to analyse, protect and enhance local character.

Some further work is still necessary to review the draft to ensure the NP is in conformity with the District Plan (2018), and compliant with the National Planning Policy Framework (NPPF) and the other Basic Conditions, particularly in the following areas:

- Clarity is needed around the housing strategy and how the Neighbourhood Plan will meet the housing need.
- Housing allocations need more clarity and evidence to ensure they are both suitable for housing and deliverable during the plan period.
- More evidence/ explanation is needed to demonstrate compliance with national policy in relation to flood risk.

- The deliverability and effectiveness of some of the policies need to be reviewed, to ensure they meet the basic conditions and provide the decision-maker with a clear framework in which to operate.

Once work has been undertaken to review the document following receipt of comments through this consultation, East Herts officer's 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>.

Section/ Objective/ Policy	Page No.	Comment
<b>General Comments</b>		
		<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>
<b>1. Introduction</b>		
<b>Para 1.4</b>	6	Refers to the NPPF 2019, but the latest version is currently 2021.
<b>3. Housing</b>		
<b>Policy SASM H1 Village and Green Belt Boundary</b>	17	<p>The Council supports the principle of reviewing the Green Belt boundary. District Plan Policy VILL1 justifies the exceptional circumstances for amending the Green Belt boundary at Stanstead Abbots and St Margarets to accommodate the district's housing strategy. As outlined in paragraph 3.8, the NPPF enables Neighbourhood Plans to review Green Belt boundaries. Therefore, the Council welcomes Criteria I of this policy.</p> <p>However, it is suggested that Criteria II of the policy is deleted. It outlines that appropriate development in the Green Belt will only be permitted where it does not result in physical or visual coalescence or undermine the separate character, appearance and identity of</p>

Section/ Objective/ Policy	Page No.	Comment
		<p>Stanstead Abbotts &amp; St Margarets. This approach essentially sets out additional restrictions to proposals for 'appropriate' development to that outlined in the National Planning Policy Framework. This approach is not in conformity with District Plan Policy GBR1 Green Belt, which states that planning applications in the Green Belt should be considered in line with the provisions of the NPPF.</p> <p>If there is concern that the existing national and district planning policy does not sufficiently protect the separate character, appearance and identity of Stanstead Abbotts and St Margarets, then it is suggested that policies relating to design or landscape are used to address this instead. The Council will be happy to advise on the development of such policies.</p>
Para 3.11	16/17	<p>The second sentence of this paragraph does not make sense and needs amending or deleting:  <i>'To preserve the integrity of the Green Belt boundary as much a site large enough to provide the remainder of the allocation for the neighbourhood plan'</i></p>

Section/ Objective/ Policy	Page No.	Comment
<b>SASM H2 Housing Numbers</b>	19	<p>The Council recognises the constraints in the neighbourhood plan area and commends the extensive and evidenced site selection process.</p> <p>The housing strategy would benefit from a number of additions and changes in order to improve clarity of the proposed strategy to meeting the housing requirement and ensure the deliverability of the proposed strategy is fully demonstrated.</p> <p>Firstly, more clarity is needed about the deliverability of some the allocated sites and the housing numbers they can accommodate in light of the identified constraints. Specific comments are identified in relation to relevant site allocations below. The housing figures in this policy (and the site specific policies) should be expressed as '<i>at least xx homes</i>', rather than '<i>up to x homes</i>', to provide more certainty about housing delivery and conformity with the District Plan housing requirement for Stanstead Abbots and St Margarets.</p> <p>Secondly, criterion e) refers to 8 homes with planning permission in Policy SASM H8 (site 28). Policy SASM H8 refers to 6 homes with planning permission. Clarity is needed about the correct figure.</p> <p>Thirdly, criterion g) refers to 15 homes that have been completed since April 2017. It would be helpful to include details (perhaps in an appendix) of the relevant planning application references and dwelling numbers for each site to provide clarity on where the completions have occurred and contributed to the housing supply.</p>

Section/ Objective/ Policy	Page No.	Comment
<b>Site Allocations</b>		
<b>SASM H3 Land east of Netherfield Lane/south of Roydon Road</b>	19-22	<p>As outlined above, District Plan Policy VILL1 justifies the exceptional circumstances for amending the Green Belt boundary at Stanstead Abbots and St Margarets to accommodate the district’s housing strategy. It is clear from Appendix C that the Neighbourhood Plan Group has undertaken an extensive site selection process that demonstrates the housing requirement of a minimum of 94 dwellings cannot be accommodated within the existing settlement boundary.</p> <p>The policy provides a good framework for the development. The Council has a number of comments about the policy criteria:</p> <p>II. The policy encourages the provision of First Homes. The Council has recently approved a First Homes Policy Statement: <a href="#">Issue - items at meetings - First Homes – Adoption of a Technical Guidance Note - East Herts District Council</a>. Accordingly, the Housing Services team have advised that East Herts Council does not consider First Homes to be a suitable for affordable housing delivery in the district and will not seek the inclusion of First Homes in new developments. By supporting the delivery of First Homes, the Neighbourhood Plan conflicts with the Council’s approach to affordable housing.</p> <p>The First Homes Policy Statement sets the First Homes discount at 30% in circumstances where the developer proposes to deliver First Homes, (the council will accept First Homes where the developer wants to include them in the affordable housing contribution and is</p>

Section/ Objective/ Policy	Page No.	Comment
		<p>not open to the provision of shared ownership; the council will not proactively seek the inclusion of First Homes). First Homes discount, once set, applies uniformly across the whole District and to all property types and sizes.</p> <p><u>Paragraph 3.34</u> of the document states that a new build 2 bed homes require a discount of 37.5% to bring the price down to £250,00 which is the price cap for First Homes. Nevertheless, it is proposed in paragraph 3.36 that the minimum discount of 30% is applied as anything more may impact on viability. However, the developer will not achieve a sale price of more than £250,000 as this is the maximum price that can be charged for First Homes. Consequently, at a market value of £400,000 a 30% discount will have the same impact on viability as a 37.5% discount.</p> <p>Additionally, a discount that doesn't achieve a sale price of £250,000 or less can result in a significant cash benefit for the first buyer as the £250,000 price cap only applies to the first sale. For instance, a property with a market price of £400,000 with a discount of 30% applied, equals a sale price of £280,000. However, the price cap applies so it is sold for £250,000. When the property is sold the 30% discount will apply, but there will not be a price cap. If the market value of the property remains £400,000, the sale price will be £280,000 meaning the first buyer will achieve a profit of £30,000 without the value of the property increasing.</p>

Section/ Objective/ Policy	Page No.	Comment
		<p>To ensure the policy is deliverable it should reflect the Council's approach to affordable housing delivery. Therefore, reference to First Homes should be deleted.</p> <p>III. This criteria could be more positively worded. The first sentence provides little value for the decision-maker and although clearly not the intention, the wording implies green space is an 'add on' after the housing and related infrastructure' is delivered. It would also be helpful to refer specifically to the Green Belt boundary instead of the settlement boundary. It is suggested the wording is revised as below, or similar:</p> <p><i><del>There should be no greater land take of greenfield land than is necessary to deliver the development. Any part of the greenfield area of the site that is not required for housing or related infrastructure</del> <b>The development</b> should provide <b>high quality</b>, accessible green infrastructure including a permanent defensible landscaped boundary to <del>contain the settlement edge</del> <b>define the new Green Belt boundary.</b></i></p> <p>IV. Reference to the Masterplanning and Design Guidelines is welcomed. It provides useful context and design context to inform the site allocation. However it is unclear if the document is part of the evidence base that informs the policy or if it includes additional design guidelines that need to be considered. If the latter is the case, it is suggested for clarity that the criteria clearly states that the Masterplanning and Design Guidelines should be taken into account. Alternatively, the relevant site-specific criteria should refer to the Guidelines where necessary.</p>



Section/ Objective/ Policy	Page No.	Comment
		<p>IV:  (a) This criterion states, Housing mix should reflect local need, with predominantly 3/4-bed homes for open market sale and smaller 1, 2 and 3 bed affordable homes.  It appears that the policy seeks to deliver a housing mix specific to the needs of the village. The implication is that the affordable dwellings will be allocated to households with a connection to the village.</p> <p>The District Plan includes a policy (HOU4) that allows for the development of affordable housing outside the village boundary to exclusively meet an evidenced housing need of the village. Such a development will be subject to a local letting policy which gives preference to households with a local connection. However, it is not proposed that this development is justified in terms of being a rural exception site. The dwellings on this site are intended to meet the District Plan housing target for Stanstead Abbots and St Margarets which forms part of the overall housing target for the District and is not specific to the needs of the village. There is a need for a mix of property types as set out in Table 14.2 of the District Plan to meet district wide needs. The council will negotiate the housing mix on a site-by-site basis considering factors such as the location of the development and what has been or will be delivered on other sites. Given that the development is to meet district wide needs, households with a connection to the village will not be awarded preference over other households on the housing register with a greater housing need. Affordable dwellings for</p>

Section/ Objective/ Policy	Page No.	Comment
		<p>rent delivered on the site will be allocated according to the council's Housing Register and Allocations Policy.</p> <p>b) This criteria states that '40% affordable housing will be required on land outside the site with permission (3/20/0502/OUT) plus land for a 6-unit housing scheme made available to the Baesh Trust'. It is understood from this statement that the community led housing scheme will not form part of the affordable housing contribution. However, the policy should not specifically require 40% affordable housing on land outside the site with permission. The site allocation refers to the whole site. Whilst the existing permission (3/20/0502/OUT) does not include affordable housing due to remediation costs, once this site has been allocated and removed from the Green Belt, the applicant could submit a new planning application for the whole site. The viability considerations of the whole site would be different to the permitted site, therefore the requirement for affordable homes could be different. This would be determined at planning application stage, but to ensure conformity with District Plan Policy HOU3 Affordable Housing, reference to 40% affordable housing on part of the site should be removed.</p> <p>f) Given the landscape and biodiversity benefits, the Council supports the retention of existing trees and hedgerows on the site. However, given the size of the wooded area on the site are the Parish Council confident that the capacity 60 dwellings is deliverable? It is noted that the Masterplanning and Design Guidelines (2021) indicate 89 homes can be accommodated and that the SEA states the capacity on the site has been reduced to</p>

Section/ Objective/ Policy	Page No.	Comment
		<p>mitigate the impact on heritage assets; presumably this also takes into account the retention of the wooded area? This evidence is positive but as the site is central to the NP housing strategy, it is important that the Parish Council can fully justify the estimated capacity.</p> <p>i) The Plan states '<i>Design concepts must be sympathetic to the setting of the grade I and II historic buildings close to the site and protected views through the sites.</i>' – this should be amended to say Grade II* and II listed buildings – or simply say "...sympathetic to the setting of Listed Buildings close to the site.</p> <p>It is noted the table on p22 details the current/previous use as B1 (a), B2, B8. For clarity, the use classes need updating to reflect the changes in 2020 and reference to the greenfield part of the site should also be included.</p>
<p><b>SASM H4 Land South of South Street</b></p>	<p>23-24</p>	<p>The policy does not prescribe the number of dwellings that should be provided on this site and give certainty of their delivery and contribution to the overall housing strategy. Recommend the addition of a criteria to address this.</p> <p>Given the constraints on SASM H4, the Council is concerned that 9 dwellings may not be deliverable. It is recognised that the capacity of 9 was identified in the Masterplanning and Design Guidelines (2021), but this was on a larger site of 0.89ha that included Green Belt land. The allocation SASM H4 is identified as 0.3 ha on p23 and is the northern, brownfield part of the site, within the village settlement boundary. Criterion II acknowledges</p>

Section/ Objective/ Policy	Page No.	Comment
		<p>'constraints on the site may however limit the number of homes achievable'. It is suggested that this wording is deleted because it does not relate to the land use of the site, but suggests uncertainty about the deliverability of 9 homes. The Council suggests that the potential capacity of the site is clarified.</p> <p>Criterion j) identifies a need for a landscape buffer given the pylon to the west of the site. This is supported, but will clearly reduce the developable area. The other major constraint is flood risk, which is not referenced in the policy. The site is flood zone 2 and 3 (a), so a flood risk assessment will be required at the planning application stage.</p> <p>In relation to flood risk, paragraph 161 of the National Planning Policy Framework (NPPF) states that all plans should apply a sequential, risk-based approach to the location of development by applying the sequential test and then, if necessary the exception test. Further guidance is provided in the Planning Practice Guidance (PPG) Flood Risk and Coastal Change -<a href="https://www.gov.uk/guidance/flood-risk-and-coastal-change">https://www.gov.uk/guidance/flood-risk-and-coastal-change</a> (particularly paragraphs 15, 16 and 17 in relation to neighbourhood planning). The site assessment process (explained in appendix c) and the Strategic Environmental Assessment demonstrates that the assessment of flood risk has informed the development strategy. However, as a number of the allocated sites within the settlement boundary fall within flood zone 2 and 3, it should be clearly demonstrated that the sequential test (and where relevant the exception test) has been applied to demonstrate that alternative sites with lower flood risk are not available. If the allocations pass the sequential and the exception test (if</p>

Section/ Objective/ Policy	Page No.	Comment
		<p>relevant) it is suggested that the Parish Council should consider the following issues to ensure the Neighbourhood Plan meets the basic conditions:</p> <ul style="list-style-type: none"> <li>• That the site capacity reflects the flooding constraint, for example reducing the developable area to avoid the area of worse flood risk.</li> <li>• That any flood mitigation will not compromise the deliverability of the site.</li> <li>• The policy could incorporate a policy criteria about reference to flood mitigation.</li> </ul>
<p><b>Policy SASM H5 Land West of Amwell Lane</b></p>	<p>25</p>	<p>This site is greenfield land within the settlement boundary identified for up to 8 dwellings. The number of dwellings this site can accommodate should be included as a policy criteria.</p> <p>Given that flooding is also a significant constraint on this site (flood zone 2 and 3, but with some flood defences) the flood risk comments raised above in response to Policy SASM H4 should be taken into account for this site too.</p> <p>It is also noted that the Masterplanning and Design Guidelines (2021) estimate the site is suitable for 6-8 dwellings. Given the need to ensure the housing strategy is achievable, would it be more realistic to state the site can accommodate 'at least 6 dwellings', instead of 'up to 8'.</p> <p>Generally, the policy includes a good range of criteria to effectively inform the development of the site. Criterion g) relates to drainage solutions. To ensure clarity for decision-makers it is suggested the phrase 'some form of' is deleted as follows:</p>

Section/ Objective/ Policy	Page No.	Comment
		<p><i>'It is expected that <del>some form of</del> <b>additional</b> water management features will be required along with permeable paving'. In accordance with the Masterplanning and Design Guidelines it would be helpful to state this should be in the southern part of the site.</i></p>
<p><b>Policy H6 Chapelfields and Abbotts Way Garages</b></p>	<p>27- 28</p>	<p>The number of dwellings this site can accommodate should be included as a policy criteria.</p> <p>The Council commends the policy criteria, but criterion II could be amended. It identifies topography as a constraint. Instead of this statement, it would be more helpful to include a more positive policy criterion which aims to ensure that the design and layout responds effectively to the topography.</p>
<p><b>Policy H7 Land East of Amwell Lane.</b></p>	<p>26 and 27</p>	<p>The number of dwellings this site can accommodate should be included as a policy criteria.</p> <p>Given that flooding is also a significant constraint on this site (flood zone 2 and 3) the flood risk comments raised above in response to Policy SASM H4 should be taken into account for this site too.</p> <p>In addition to the flood risk, it is understood that the site contains high pressure sewers connecting to the pumping station, which could restrict development. Is the Parish Council sure redevelopment of the site can overcome these constraints?</p> <p>Criterion II notes that a wildlife site covers part of the site, this relates to a protected species. Before submission of the plan feedback from Herts and Middlesex Wildlife should be sought</p>

Section/ Objective/ Policy	Page No.	Comment
		<p>to clarify the impact of development on the protected species. If impact can be mitigated. measures should be identified in the policy.</p> <p>Criteria III c) and e) need additional clarification. What does 'room for deliveries' mean in practice and likewise it is unclear what 'clearance for the operation of the pumping station' means.</p>
<p><b>Policy SASM H8: Sites with Planning Permission</b></p>	<p>31</p>	<p>There is only one site with planning permission so Policy SASM H8 should relate to the site in question: Policy SASM H8 Hoddesdon Road.</p> <p>Given that construction of the 6 homes is already underway, it seems unlikely this will not be completed. However, if this is not the case when the submission version of the neighbourhood plan is drafted, the Council support the retention of this policy for Hoddesdon Road.</p>
<p><b>Policy SASM H11: First Homes</b></p>	<p>32 and 33</p>	<p>Bullet points I, II &amp; III – See comment above in response to SASM H3, the Council will not seek the inclusion of First Homes in new development.</p> <p>Bullet point V- The criterion seeks to impose local connection criteria to First Homes which give preference to households with a connection to the village. As stated in response to SASM H3, the housing target for Stanstead Abbots and St Margarets in the District Plan forms part of the overall housing target for the District and is not specific to the needs of the village. In effect the Neighbourhood Plan seeks to restrict the occupation of affordable</p>

Section/ Objective/ Policy	Page No.	Comment
		<p>housing that forms part of the overall housing target for the District. This undermines the Council's ability to deliver the overall affordable housing target.</p> <p>In these circumstances, the local connection criteria should be consistent with the criteria applied for other low-cost home ownership homes in East Hertfordshire, principally shared ownership as set out in the council's First Homes Policy Statement. To ensure consistence with the Council's approach it is recommended this policy is deleted.</p>
<b>Policy SASM D1 Design of Development</b>	37	The Council commends the design approach, signposting the Masterplanning and Design Framework (2021), to ensure local character and context is considered.
<b>Policy SASM HA1 Heritage Assets</b>	43	<p>The policy title 'Heritage Assets' should be renamed "SASM HA1: Designated Heritage Assets" as it only deals with those heritage assets that are designated.</p> <p>Criterion II should be reworded as follows: '<i>Development proposals which affect all any designated heritage assets above ground (Listed Buildings, Scheduled Monuments and Registered Historic Parks and Gardens), and, <u>or</u> below ground, should preserve and enhance the significance of the assets and their settings</i>'.</p>



Section/ Objective/ Policy	Page No.	Comment
<b>Policy SASM HA2 Non-designated Heritage Assets</b>	44	<p>NHA6 Drinking Fountain, at front of village hall, Roydon Road – should this refer to the Parish Hall rather than village hall?</p> <p>On Page 88, Figure 34, for consistency, reference to “water trough” should refer to Drinking Fountain as per policy SASM HA2.</p>
<b>Policy SASM HA4</b>	46	<p>The Council supports the protection of key views, but has some comments:</p> <ul style="list-style-type: none"> <li>• View 3- The title could be improved for clarity, for example ‘Looking north-west to Maltings along Roydon Road (north of junction with Abbots Rise)’. This would also need to be changed in Figure 34.</li> <li>• View 5- The title could be improved for clarity, for example ‘North-east and south-west along the Mill Stream from footbridge in Maltings Car Park’ It is noted that figure 36 only shows the north-east view, but the Conservation Area Appraisal identifies the south-west view, so it would be better if the NP captured both.</li> <li>• View 6- is of the Church of St Andrew along Cappell Lane. A further view is identified in the Conservation Area Appraisal of the immediate view of the church from Cappell Lane. Perhaps this should also be included?</li> </ul>

Section/ Objective/ Policy	Page No.	Comment
<b>Policy SASM NE1 Local Green Space</b>	49	<p>The Council supports the policy approach and the designation of local green spaces. For clarity, it is suggested Appendix G includes the size of each LGS (in hectares) as this has been requested by examiners in recent neighbourhood plan examinations.</p> <p>Criterion II- Reference to consistency with District Plan Policy CFLR2 should be deleted. The question of appropriate LGS policy is now subject to the guidance of the Court of Appeal in <u>R (Lochailort) v Mendip DC</u> (2020) EWCA Civ. 1259, to the effect that unless exceptional reasons are given, LGS policy should be consistent with NPPF policy.</p>
<b>Policy SASM CL2 Loss of Existing Facilities</b>	61	The loss of community facilities is addressed by District Plan Policy CFLR8 and this policy appears to duplicate the policy approach and add no locally specific value, so consider deleting.
<b>Policy SASM B1 Local Employment Areas</b>	65- 66	Paragraph 9.15 states that the Council has an Article 4 Direction to restrict permitted development rights in the employment sites. However, this is not the case as the Article 4 was not confirmed. As such development within the employment areas that falls within the remit of permitted development (even if it is not 'business uses') cannot be restricted by the planning system. In any case, it is considered that criteria I and II of SASM B1 duplicates District Plan Policy ED1 Employment so consider deleting.

<b>Section/ Objective/ Policy</b>	<b>Page No.</b>	<b>Comment</b>