



Date 14 April 2021

Strategic Planning Team  
North Hertfordshire District Council

Our Ref:  
Your Ref:

By email

Contact Officer : Clare Skeels

Direct Line : 01462 474424

Cc : Ashwell Parish Council

E-mail : [clare.skeels@north-herts.gov.uk](mailto:clare.skeels@north-herts.gov.uk)

**Ashwell Neighbourhood Plan – 2<sup>nd</sup> Submission Version – Regulation 16  
Comments made on behalf of North Hertfordshire District Council**

The District Council welcomes the publication of the Submission Version of the Ashwell Neighbourhood Plan and appreciates the significant amount of work undertaken by the Neighbourhood Plan Steering Group and the Parish Council in reaching this stage in the preparation of the Neighbourhood Plan. The attached comments are made by officers and follow on from the comments that were made to the earlier drafts of the neighbourhood plan.

In reviewing the Neighbourhood Plan documents, it is clear that a significant amount of public consultation has been undertaken in the preparation of the neighbourhood plan and that this is reflected in the Consultation Statement.

All neighbourhood plans must meet certain “basic conditions” before they can come into force. These are tested through the independent examination, before a plan can proceed to a referendum. The basic conditions for neighbourhood plans are to:

- have regard to national policy;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies in the development plan for the area; and
- be compatible with EU obligations.

In terms of compliance with existing planning policy, the Neighbourhood Plan Regulations are clear that the neighbourhood plan should be in “general” conformity with the current statutory Local Plan. The adopted local plan for North Hertfordshire is the District Local Plan No. 2 with Alterations, 1996.

Although a draft neighbourhood plan is not tested against the policies in an emerging local plan, Planning Practice Guidance does state that emerging evidence is likely to be relevant to the consideration of the basic conditions. The District Council acknowledges that work that the Parish Council has undertaken to ensure that the neighbourhood plan has been prepared having regard to the emerging policies in the Local Plan, which is at a relatively advanced stage of preparation, but a concern has been raised about one policy, ASH2 in the attached schedule.

The District Council is satisfied that the Ashwell Neighbourhood Plan is in general conformity with the saved policies from the District Local Plan No. 2 with Alterations, 1996 and has regard to national planning policy.

In submitting these representations, it should be clear that the District Council fully supports Ashwell Parish Council's ambition to put into place a neighbourhood plan for the parish and will continue to work with the Parish Council in the next stages of the neighbourhood plan.

Yours sincerely

Nigel Smith  
Strategic Planning Manager

Ashwell Neighbourhood Plan – Regulation 16 Submission Version

Response from North Hertfordshire District Council

There are a number of policies in the neighbourhood plan where it is still not entirely clear whether development proposals will or will not be supported. This was an issue was raised by the District Council in response to the Regulation 14 consultation plan.

As a matter of detail, there are references to Figures throughout the document which will need updating once the neighbourhood plan has been examined and the examiner’s recommendations made.

Page No.	Paragraph or Policy	Comments
Various	Various	The Inspector’s latest proposed modifications to the Local Plan suggest that site AS1 (Claybush Road) should now be deleted. Development of this site has now commenced rendering the proposed Local Plan allocation obsolete. There are also changes to the number of homes proposed. Consider amending relevant references (e.g. paragraphs 5.1 to 5.3, 6.4 etc) as necessary.
15 – 16	Fig. 3.2 & Fig 3.3	Figures 3.2 and 3.3 both illustrate the amount of development in Ashwell, with Figure 3.2 being particularly detailed. Would this more detailed information be better placed in an appendix to the neighbourhood plan?
15	Paragraph 3.14	The paragraph states that the developments at Walkdens & Philosophers’ gate included affordable housing and starter homes. The word ‘starter’ should be deleted and replaced with ‘shared ownership’
22	Policy ASH1(A)	The criterion makes reference to “within the proposed extension to the settlement boundary..”. This makes the policy sound as though development will be focussed within the (less developed) areas added to the settlement boundary which conflicts with the aspiration to support development on previously developed land.  Should the criterion be re-worded to refer to the “..proposed extended settlement boundary..”
	Policy ASH1(B)	The Basic Conditions Statement states that this policy synchronises with Policy SP2 in the emerging Local Plan but it is considered that as worded the policy is contrary to the strategic policy, SP2 – Settlement Hierarchy and Spatial Distribution in the emerging Local Plan.  Policy SP2 in the emerging Local Plan states that general development will be permitted within the proposed settlement boundary (subject to consideration of other relevant policies), whereas the policy wording in the

		<p>submitted neighbourhood plan attempts to restrict development within the amended village boundary with only proposals on brownfield land being supported. The second sentence of this criterion should be deleted.</p> <p>Subject to compliance with the basic conditions, any greenfield sites (or types of site) which are not considered to be adequately protected by national policy or other policies of the Neighbourhood Plan or Local Plan should be identified with any necessary supporting evidence – as with Policy ASH12. This approach allows for applications to be considered against criterion a of this policy.</p>
26	Paragraph 6.13	<p>The paragraph describes the findings of the Housing Survey 2015 and suggests that smaller units would be suitable. Does this mean one and two bed homes (which is how the term is generally used in the Local Plan)? Elsewhere, the Neighbourhood Plan (e.g. Paragraph 6.27) suggests ‘smaller’ refers to homes with up to three bedrooms.</p> <p>The Council does not object to a different definition of ‘smaller’ being used within the Neighbourhood Plan but this should be clearly defined to prevent any confusion when reading across policies or the two plans.</p>
26	Paragraph 6.14	<p>As a matter of note, supported social / sheltered housing schemes are difficult to achieve on a small scale. The same is true for market accommodation for sale or private rent.</p>
28	Paragraph 6.18	<p>The final sentence of the paragraph should be amended as eligibility is determined in accordance with the Common Housing Allocation Scheme (CHAS) and through the Help to Buy Agent for low cost home ownership.</p>
29	Paragraph 6.27	<p>The word “smaller” should be deleted from the first sentence. Reference should be made to the 2016 Strategic Housing Market Assessment (SHMA) Update which identifies a need for 94% one, two &amp; three bed affordable homes for rent and 90% one, two &amp; three bed homes for intermediate affordable housing tenure.</p> <p>In the second paragraph it is suggested that the word ‘smaller’ should be replaced with ‘a mix of’.</p> <p>The final sentence should be deleted and replaced with ‘Affordable Housing must meet definitions in NPPF and meet NHDC’s policy requirements’.</p> <p>Here and in Policy ASH2 references to sales costs should either be removed (as this can’t be controlled through the planning system) or expressed as an aspiration / intended policy outcome of encouraging more smaller homes</p>

29	Policy ASH2 (B)	The provision of one and two bed homes will assist in meeting the requirements of (i) and (ii). The policy could be amended to support development of one and two bedroom homes.
	Policy ASH2 (C)	The second sentence of the criterion states “Applications that offer affordable housing substantially in excess of the ratios required in the Local Plan will be supported...” This seems to suggest that applications that don’t offer in excess of the ratios will not be supported. The Council cannot demand affordable housing above Policy requirements although any ‘excess’ of affordable housing above policy requirements may be viewed positively in the determination of any schemes.
	Policy ASH2 (D)	This criterion should be amended to include a reference to the latest housing survey or the latest version of the Strategic Housing Market Assessment as these will include information on housing need
33	Policy ASH3 (C)	This wording of this criterion has been amended following the Regulation 14 consultation. The Council considers that the wording has been made less certain in the revisions. Previously a development proposal would have been expected to ....., but this has been amended to development proposals “should address”.
39	Policy ASH4 (vii)	This criterion should be deleted from this policy as car parking is comprehensively addressed in Policy ASH22.
41	Policy ASH5	In response to the Regulation 14 consultation, the Council stated that much of the policy replicated policy guidance that is included in the NPPF, National Planning Practice Guidance and the emerging Local Plan. The Council’s position has not changed and it is considered that this policy could be deleted from the neighbourhood plan.
44	Policy ASH7	The District Council welcomes the amendments made to the Policy ASH7.

46	Policy ASH8 (B)	The policy includes the phrase “structures of character” which is used in the 2 <sup>nd</sup> sentence together with a reference to Appendix C of the neighbourhood plan. However, there is no specific reference to “structures of character” within the Appendix. The wording of the Policy should be amended to delete the reference to “structures of character” and replace this with “undesigned heritage assets”, which would be in line with the guidance in the NPPF.
	Policy ASH8 (C)	<p>Guidance published by <a href="#">Locality</a> on writing planning policies for neighbourhood plans suggests that using “not normally” introduces a vagueness to planning policies. To be used effectively in determining planning applications, the policy wording needs to provide some certainty about how a development proposal will be considered.</p> <p>By deleting the first few words of this criterion, the policy could be worded to provide more certainty.</p>
53	Policy ASH9	It appears that Policy ASH9 has been amended following publication of the Regulation 14 consultation draft neighbourhood plan. The Council considers that the introduction of criterion B makes the policy unclear and should be deleted.
62	Policy ASH11 (C)	This criterion should be deleted from the policy as it duplicates the provisions set out in Policy NE9: Water quality and environment in the emerging Local Plan.
	Policy ASH11 (D)	In its response to the Regulation 14 consultation, the Council stated that the wording of this criterion should be amended to reflect the language used in the NPPF. However, the revised wording now includes text from the NPPF which is unnecessary and should be deleted from the neighbourhood plan.
64	Policy ASH12 (B)	In its response to the Regulation 14 consultation, the Council stated that the wording of this criterion should be deleted as it duplicates what is set out in the NPPF. This remains the case and the Council considers that this criterion should be deleted.
68	Policy ASH15 (B)	<p>The Council welcomes the changes made to this policy in light of the revisions made to the Use Classes Order in 2020.</p> <p>However, the Council considers that the second and third sentences of criterion B should be amended to ensure that the policy meets the basic conditions and accurately reflects the changes to the Use Class Order.</p> <p>The Council assumes that the intention of the policy is to protect retail and community uses, the policy could be amended to specifically identify those uses, rather than make reference to the Use Classes E, F1 and F2 which</p>

		<p>include other uses including cafes, offices and light industrial uses. This is an approach which is proposed in the Further Main Modifications to the emerging Local Plan.</p> <p>As worded, policy criterion (B) refers specifically to retail and community uses, whereas the new E, F1 and F2 Use Classes include a number of other uses, including cafes, offices and light industrial uses. These references should be deleted from the policy.</p>
82	Policy ASH22 (C)	The criterion could be re-worded to read: "Development proposals which result in the loss of publicly accessible off-street car parking will not be supported" which would make the policy clear.