

# **Ashwell Neighbourhood Development Plan 2021 - 2031**

**A report to North Hertfordshire District Council on  
the Ashwell Neighbourhood Development Plan**

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## **Executive Summary**

- 1 I was appointed by North Hertfordshire District Council in September 2021 to carry out the independent examination of the Ashwell Neighbourhood Development Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood plan area on 3 September 2021.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its distinctive character and heritage assets.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Ashwell Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**21 October 2021**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Ashwell Neighbourhood Development Plan 2021-2031 ('the Plan').
- 1.2 The Plan has been submitted to North Hertfordshire District Council (NHDC) by Ashwell Parish Council (APC) in its capacity as the qualifying body for the preparation of a neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF), the most recent version of which was published earlier this year.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the Plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It seeks to provide a context in which the neighbourhood area can maintain its distinctiveness, character and identity.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

## 2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by NHDC, with the consent APC, to conduct the examination of the Plan and to prepare this report. I am independent of NHDC and APC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

### *Examination Process and Outcomes*

- 2.4 In my role as the independent examiner of the Plan, I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted proceeds to a referendum; or
  - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
  - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

### *Other examination matters*

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
  - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 Having addressed the matters identified in paragraph 2.6 of this report, I am satisfied that all of the points have been met.

### 3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submission Plan.
  - the Plan's appendices.
  - the Basic Conditions Statement.
  - the Consultation Statement.
  - the Sustainability Statement incorporating SEA and HRA.
  - the representations made to the Plan.
  - APC's response to the clarification note.
  - NHDC's response to the clarification note.
  - the saved policies of the North Hertfordshire District Local Plan No.2 (with Alterations) 1996.
  - the emerging North Hertfordshire Local Plan 2011-2031.
  - the National Planning Policy Framework (July 2021).
  - Planning Practice Guidance (March 2014 and subsequent updates).
  - relevant Ministerial Statements.
- 3.2 I visited the neighbourhood area on 3 September 2021. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.
- 3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations.
- 3.4 The Plan was prepared in the context of the 2019 version of the NPPF. This is reflected in the Basic Conditions Statement. The NPPF was updated in July 2021. Where it is necessary to do so, I comment on the relationship between the most current version of the NPPF and the policy concerned in Section 7 of the report.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 APC prepared a Consultation Statement. It is proportionate to the neighbourhood area and the policies in the Plan.
- 4.3 The Statement records the various activities that were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the pre-submission versions of the Plan.
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the early stages of the preparation of the Plan. They include the following events and processes:
- the public meeting (January 2015);
  - the housing survey (June 2015);
  - the business survey (June 2016);
  - the second survey (January 2017);
  - the ongoing use of the Ashwell Village News to raise awareness; and
  - the ongoing use of the Ashwell Yearbook to raise awareness.
- 4.5 The details in the Statement set out the nature of the consultation exercises and the responses received. They demonstrate the way in which those responsible for the preparation of the Plan sought to address the expectations of the wider community. A significant part the Statement sets out how the Plan took account of consultation feedback at the pre-submission phase. It does so in a proportionate and effective way. The analysis in the separate appendices helps to describe how the Plan has progressed to its submission stage.
- 4.6 Consultation on the submitted plan was undertaken by NHDC. It ended on 15 April 2021. This exercise generated representations from the following organisations:
- North Hertfordshire District Council
  - Forestry Commission
  - Historic England
  - National Grid
  - Natural England
  - Hertfordshire County Council

- 4.7 In addition representations were received from a local resident and the Neighbourhood Plan Working Group.
- 4.8 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area is the parish of Ashwell. Its population in 2011 was 1870 persons living in 841 households. It was designated as a neighbourhood area on 25 March 2014. The parish extends to over 1,800 hectares (4,000 acres). It is the most northerly parish in Hertfordshire and borders both Bedfordshire and Cambridgeshire. It is located approximately two miles to the east of the A1, and approximately three miles to the west of Royston.
- 5.2 Ashwell itself is located in the heart of the parish. It is an attractive, historic village which has developed over time around High Street. The village is dominated by the Church of St Mary to the north of High Street off Mill Street. The village has an attractive and vibrant range of retail, commercial and community facilities, including its primary school.
- 5.3 The remainder of the neighbourhood area is attractive countryside mainly in agricultural use. The local landscape is dominated by the site of the former Arbury Banks Hill Fort.

### *Development Plan Context*

- 5.4 The development plan covering the neighbourhood plan area consists of the saved policies of the North Hertfordshire District Local Plan No.2 (with Alterations) 1996. The following policies in that Plan are particularly relevant to the neighbourhood area:
- Policy 6 Rural areas beyond the Green Belt
  - Policy 7 Selected villages beyond the Green Belt
  - Policy 14 Nature conservation;
  - Policy 25 Re-use of rural buildings
  - Policy 28 House Extensions
  - Policy 29 Rural Housing Needs
  - Policy 30 Replacement or extension of dwellings in the countryside
  - Policy 55 Car Parking Standards
  - Policy 57 Residential Guidelines and Standards

- 5.5 The North Hertfordshire Local Plan 2011-2031 was submitted for examination in June 2017. Various batches of hearing sessions have taken place since that time. The most recent were in February 2021. Further Main Modifications to the Plan were published earlier this year. In relation to the neighbourhood area, the emerging Local Plan includes the following important components:

Policy SP2 Settlement Hierarchy and Spatial Distribution – Ashwell is identified as one of a series of Category A villages within which development will be allowed within a defined settlement boundary.

Section 13 Communities – A settlement boundary is identified for Ashwell (for the application of Policy SP2). In addition, an allocated housing site was initially proposed for approximately 33 homes off Claybush Road (Policy ASH1). That site has now been developed. As such, it is recommended to be deleted from the Plan in the Further Main Modifications.

- 5.6 The plan-making process has sought to relate the emerging neighbourhood plan to the emerging Local Plan. This is good practice in general terms, and will assist in futureproofing the neighbourhood plan. Plainly the emerging Local Plan has been at examination for some time and its eventual outcome remains uncertain. In these circumstances I have addressed this uncertainty in later sections of this report on monitoring and review.
- 5.7 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This reflects key elements in Planning Practice Guidance on this matter. Some of the recommended modifications included in Section 7 of this report seek to ensure that the relationship between the policies in the adopted development plan, the emerging neighbourhood plan and the emerging Local Plan is properly configured.
- 5.8 It is also clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

*Visit to the neighbourhood area*

- 5.9 I visited the neighbourhood area on 3 September 2021. I approached from the A1 and Newnham to the west. This helped me to understand the neighbourhood area in its wider landscape context. It also highlighted its proximity to the strategic highway network.
- 5.10 I looked initially at the Arbury Banks Hill Fort. I saw its prominence on higher ground within the neighbourhood area. I also saw first-hand the way in which this higher ground provided an attractive entrance into Ashwell to the north-east.
- 5.11 I then looked in detail at Ashwell village. I looked initially at the area around the very well-maintained Recreation Ground. I saw the prominent War Memorial and The Maltings off Green Lane. I took the opportunity to look at the various housing types in and around Station Road. I walked in and around the Recreation Ground. I had a moment of quiet on the Robert Chandler bench.
- 5.12 I then walked to the west into High Street. I saw the very attractive range of vernacular buildings. I took time to look at Spring Head and saw that it was a much-appreciated amenity space within a busy village centre.
- 5.13 I walked along Hodwell to St Mary's Church. I saw its impressive tower and the way in which the churchyard provided a perfect context to the impressive building. Inside the

church its light and airy character was immediately apparent. I saw the Ashwell Pantry and the Ashwell Graffiti. I also saw that the clock in memory of Canon Jack Catterick was keeping perfect time.

- 5.14 On leaving the Church I saw the Bushel and Strike PH, Crumps Butchers and the Museum. I then walked along High Street to Hodwell and then to the western extent of High Street at its junction with Back Street. I saw a further range of attractive vernacular and more modern buildings. I also was able to appreciate the range of retail and commercial facilities in the village centre. In their different ways, they were very popular with local people and visitors alike. I also saw the Village Hall at the western end of the village.
- 5.15 I then took the opportunity to look at the part of the village off Back Street and Ashwell Street. I saw that it had a very different character to that of High Street. The terrace of four houses (55/57/59/61) in Back Street is a particularly impressive feature of this part of the village. I also took the opportunity to look at the proposed local green space proposed in the Plan.
- 5.16 I left the neighbourhood area on Station Road and then drove to the A505. This allowed me to understand the relationship between the village and Ashwell and Morden railway station. I also saw more of the wider landscape in the neighbourhood area.

## 6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and professional document.
- 6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies of the development plan in the area;
  - be compatible with European Union (EU) obligations and the European Convention on Human Rights (ECHR); and
  - not breach the requirements of Chapter 8 of 6 of the Conservation of Habitats and Species Regulations 2017 (7).

I assess the Plan against the basic conditions under the following headings.

### *National Planning Policies and Guidance*

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued earlier this year.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Ashwell Neighbourhood Development Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the saved policies of the North Hertfordshire District Local Plan No.2 (with Alterations) 1996;
  - delivering a sufficient supply of homes;
  - building a strong, competitive economy;
  - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
  - taking account of the different roles and characters of different areas;
  - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
  - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF

indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies that address a range of development and environmental matters. It seeks to safeguard the retail role of the village centre. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.8 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted, the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

#### *Contributing to sustainable development*

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, it includes a policy on start-up businesses (Policy ASH1) and on retail uses and services in the village centre (Policy ASH15). In the social role, it includes a policy on housing mix (Policy ASH3), policies on a range of community facilities (Policies ASH16 to 19) and on local green spaces (Policy ASH12). In the environmental dimension, the Plan positively seeks to protect its natural, built and historic environment. It includes specific policies on design (Policies ASH3 and 4), flooding (Policy ASH5), heritage assets (Policy ASH8) and a series of landscape and natural environment matters (Policies ASH9/10/11). This assessment overlaps with the commentary on this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.11 I have already commented in detail on the development plan context in the wider North Hertfordshire District in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the saved policies of North Hertfordshire District Local Plan No.2 (with Alterations) 1996. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the Local Plan. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

*European Legislation and Habitat Regulations*

- 6.13 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required. In order to comply with this requirement, a Screening Determination on the need for a Strategic Environmental Assessment (SEA) for the Neighbourhood Plan was prepared by NHDC in December 2020. It was based on the second pre-submission version of the Plan. The report is thorough and well-constructed. As a result of this process, NHDC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require the preparation of a SEA.
- 6.14 The screening report includes the responses from the three consultation bodies. This is best practice.
- 6.15 NHDC also prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. The report is very thorough and comprehensive. It concludes that the neighbourhood plan will not give rise to likely significant effects on European sites, either alone or in combination with other plans or projects, and that Appropriate Assessment is not required.
- 6.16 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.17 In a similar fashion, I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

### *Summary*

- 6.18 On the basis of my assessment of the Plan in this section of the report, I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report. Section 7 assesses each policy against the basic conditions. Where necessary, it recommends modifications on a policy-by-policy basis.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and the APC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It also includes a series of non-policy Actions.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. I comment on the Actions after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies, they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *The initial sections of the Plan (Sections 1-4)*

- 7.8 The Plan as a whole is well-organised and includes effective maps, tables and photographs. It makes an appropriate distinction between the policies and their supporting text. Its design will ensure that it will comfortably be able to take its place as part of the development plan in the event that it is eventually 'made'. The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and help to explain the policies in the Plan.
- 7.9 Sections 1 (Executive Summary) and 2 (Purpose of the Plan) comment about the background to neighbourhood planning. They include a map of the designated neighbourhood area (Figure 2.1) and an indication of the Plan period (in paragraph 2.1). They are a very effective backcloth to the Plan.
- 7.10 Section 2 also helpfully describe the national and local planning context within which the Plan has been prepared. It comments about the structure of the Plan which is organised around different topics. Finally, it summarises the consultation exercises. In this regard it overlaps with the Consultation Statement.
- 7.11 Section 3 summarises key features of the neighbourhood area. It provides a summary of its history. It also sets out details of the current community and the key challenges

addressed as the Plan was prepared. It is a very successful part of the Plan and directly informs several of the policies.

- 7.12 Section 4 sets out the Plan's Vision and the supporting objectives. They are well-developed and distinctive to the neighbourhood area. They reflect the issues identified in Section 3.
- 7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

#### Policy ASH1 Location of Development

- 7.14 This policy sets the scene for spatial development in the neighbourhood area. It seeks to focus new development within the defined settlement boundary and to apply a more restrictive approach elsewhere in accordance with national and local policies.
- 7.15 The settlement boundary is based on that proposed for Ashwell in the emerging Local Plan. This is shown in Figure 5.1 of the Plan. The extended boundary largely reflects new development which has taken place since the adoption of the 1996 Local Plan.
- 7.16 In general terms the policy has regard to national policy and is in general conformity with strategic policies in the development plan. However, I recommend the following modifications to the policy and the supporting text to bring the clarity required by the NPPF and to ensure it properly reflects national policy:
- a reconfiguration of the reference to the extended settlement boundary – as submitted the policy could suggest that new development should be concentrated within the extended part of the settlement boundary rather than within the overall boundary;
  - the replacement of the second sentence of Part B of the policy – neither the NPPF nor the emerging Local Plan require a sequential approach to development within settlement boundaries which favours the development of brownfield sites before greenfield sites. Nevertheless, it will be appropriate for the policy to offer particular support for the development of brownfield sites;
  - a correction to the final sentence of paragraph 5.5 – there is a clear difference between policy restrictions in the countryside generally and those in designated Green Belts; and
  - a series of grammatical details.
- 7.17 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development by concentrating new development within Ashwell which has access to a good range of retail, commercial and community services.

**Replace Part A of the policy with: 'Development in the neighbourhood area will be focused within the extended settlement boundary shown in Figure 5.1 where it complies with all relevant policies in the development plan and the NPPF'**

**Replace Part B of the policy with: 'Within the extended settlement boundary, proposed developments on brownfield land will be particularly supported.'**

**Within Part C of the policy:**

**In (i) replace ‘it is’ with ‘they are’**

**In (iii) replace ‘it relates’ with ‘they relate’**

**In (iv) replace ‘it is’ with ‘they are’**

*Replace the final sentence of paragraph 5.5 with: ‘Development outside the settlement boundary will be strictly controlled in accordance with national and local planning policies’*

Policy ASH2 Housing Mix

- 7.18 This policy is based on the local demand for a greater number of smaller one, two and three-bedroom dwellings.
- 7.19 It has four related parts as follows:
- proposals for housing development should include a high proportion of one-, two- and three-bedroom dwellings for sale or rent within the lower quartile of local cost;
  - housing development must contribute to meeting the existing and future housing needs of the neighbourhood area;
  - residential development proposals in the neighbourhood area that provide affordable housing as required by the saved Local Plan 1996 will be supported; and
  - the type and size of affordable homes should meet the specific needs identified for the neighbourhood area.
- 7.20 The policy is underpinned by extensive supporting text which, in some cases, draws on wider research and evidence. The summary of the supporting text comments that ‘there is a demand for a greater number of smaller one, two and three-bedroom dwellings at lower quartile cost (as indicated by ONS Housing datasets for the district of North Hertfordshire). The demand comes from single people, young couples, small families and older people who also need developments to be in suitable locations, close to public transport, the village centre and other amenities.’
- 7.21 In general terms, the policy takes an appropriate approach to this important matter. Nevertheless, I recommend a series of modifications to bring the clarity required for a development plan policy. The first reverses the order of Parts A and B of the policy. This will provide an overarching context to offer specific support for developments which include smaller properties.
- 7.22 The second deletes the second sentence of Part C of the policy (which addresses affordable housing). The policy requirement is to meet the strategic housing need for affordable housing as set by NHDC. As such, there is no specific need either for developers to provide a higher figure or for an element of the policy to offer particular support for proposals which delivered a higher yield of affordable housing.

- 7.23 The third repositions Part D of the policy to the supporting text. This reflects that it is more of a process matter rather than a policy issue.
- 7.24 Finally, I recommend a series of detailed modifications to the supporting text (insofar as they are necessary to ensure that the Plan meets the basic conditions) to take account of the very helpful comments made by NHDC in its representation to the Plan.
- 7.25 Otherwise, the policy meets the basic conditions. It will assist significantly in delivering the social dimension of sustainable development.

**Replace Parts A, B and C of the policy with:**

**‘Proposals for housing development should contribute towards meeting the existing and future housing needs of the neighbourhood area. Developers of major developments should submit a neighbourhood area-specific Affordable Housing and Dwellings Mix Strategy with any planning application. The Strategy should set out identified housing needs within the neighbourhood area, taking account of Housing Survey 2015 conclusions or any more recent local survey, and demonstrate how the proposed development addresses those needs. In particular the Strategy must show how the proposal:**

- **meets the needs of older residents (aged 60+) and younger people entering the housing market both in general terms and through the delivery of one- and two-bedroom houses in particular; and**
- **helps to address housing under-occupancy in the Parish.**

**Development proposals which include a significant proportion of one-, two- and three-bedroom dwellings for sale or rent within the lower quartile of local cost will be particularly supported.**

**Where appropriate, development proposals for housing development should provide affordable housing to development plan standards.’**

**Delete Part D of the policy.**

*At the end of paragraph 6.20 add: ‘This matter is addressed in Part C of Policy ASH2. The type and size of affordable homes should meet the specific needs identified for the neighbourhood area.’*

*In paragraph 6.13 replace ‘smaller homes’ with ‘homes with up to three bedrooms’*

*In paragraph 6.18 replace the final sentence with: ‘Eligibility is determined with regard to the Common Housing Allocation Scheme and through the Help to Buy Agent for low-cost home ownership’.*

**Policy ASH3 Character of Development**

- 7.26 This policy builds on the work undertaken by NHDC on the Design Supplementary Planning Document (2011). That work identified five distinct character areas in Ashwell. These character areas are incorporated into the submitted Plan.

- 7.27 The policy comments that the design of new development should demonstrate how it has taken account of the local context and reflects the character and vernacular of the area, using architectural variety in form and materials. It also offers support to innovative development.
- 7.28 The Plan has been prepared within the context of the 2019 version of the NPPF. In July 2021 an updated version of the NPPF was published. The principal changes between the two versions of the NPPF relate to design matters. In many respects Policy ASH3 had anticipated the contents of the updated NPPF. It reflects the approach the National Design Guide and is directly informed by the excellent character assessment work. As such, I am satisfied that there the submitted Plan continues to have regard to national policy. Nevertheless, I recommend that the supporting text is expanded to address the updated NPPF.
- 7.29 The policy is well-considered. In particular, it relates local design principles to the findings of the earlier character assessment work. To bring the clarity required by the NPPF I recommend that Part C of the policy takes on a more prescriptive approach. As submitted, its approach is simply that development proposals should ‘address’ the two criteria. A prescriptive approach would also more closely relate to the approach taken in other parts of the policy.
- 7.30 Finally, I recommend other detailed modifications to the policy to bring the clarity required by the NPPF.

**In Part A replace ‘Development’ with ‘Development proposals’**

**In Part B delete the sentence beginning with ‘For example’**

**In Part C delete ‘address the following criteria’**

**In Part D replace ‘will be expected to’ with ‘should’**

*At the end of paragraph 7.7 add: ‘This approach is consistent with the design-led approach as captured in national planning policy. The Plan sets out the Parish Council’s approach towards a clear design vision and expectations for development sites. This will ensure that applicants have as much certainty as possible about what is likely to be acceptable’*

Policy ASH4 Design of Development

- 7.31 This policy complements the approach taken in the previous policy. It comments about the importance of securing high-quality design. It builds on earlier work on the Ashwell Village Design Statement 2000.
- 7.32 The policy comments that development will be supported where it demonstrates a high quality of design, which responds and integrates well with its surroundings, and meets the changing needs of residents. It also comments that development should minimise its impact on the natural and historic environment, respect the local topography and associated matters such as access and open views.

- 7.33 The policy has been well-considered. In particular, it relates local design principles to the findings of the earlier character assessment work. My comments on the 2021 version of the NPPF in respect of Policy ASH3 also apply to this policy.
- 7.34 I recommend that the opening part of the policy is reconfigured so that it has a consistent format in setting out the design requirements which new developments should meet. The recommended modification also highlights that a proportionate approach will be necessary to the application of the various design criteria based on the nature of the development proposal concerned.
- 7.35 Finally, I recommend the deletion of the seventh criterion. It comments about car parking issues which are comprehensively addressed elsewhere in the Plan (Policy ASH22).

**Replace the opening part of the policy with: ‘Development proposals should demonstrate a high quality of design which responds and integrates well with their surroundings, and meets the changing needs of residents. In addition, they should minimise their impact on the natural and historic environment, respecting the topography of their immediate environment including pedestrian and vehicular access and open views.**

**As appropriate to their scale, nature and location development proposals should demonstrate how they have responded positively to the following matters:**

**Delete criterion (vii)**

Policy ASH5 Flood Risk

- 7.36 This policy addresses flood risk issues in the parish. As paragraph 7.17 of the Plan comments:

*‘Surface water flooding is an issue for the village, principally around the western part of the High Street and in West End, though other parts of the High Street, Back Street, Bear Lane, Church Lane and Hodwell have also been affected. The Environment Agency’s flood map (Figure 7.7 and Figure 7.8) highlights this risk and the Agency has advised the inclusion of a policy in the ANP to help manage it..... The Environment Agency has also highlighted in its comments that the village settlement boundary extends into flood zones 2 and 3, as identified in North Hertfordshire District Council’s Strategic Flood Risk Assessment (2008)’*

- 7.37 The policy has four related parts as follows:
- requiring that new developments use sustainable drainage systems;
  - such drainage systems should also seek to enhance wildlife and biodiversity;
  - all developments should comply with the drainage authority’s current standards; and
  - major development proposals should be accompanied by drainage scheme maintenance plans.

7.38 In addressing local issues in relation to flooding the policy overlaps with national policy on this matter, principally in Section 14 of the NPPF. In this context NHDC suggested that the policy should be deleted from the Plan.

7.39 In its response to the clarification note on this matter APC commented that:

*'the supporting text details the local concerns about flooding and examples of this within the parish. This policy sets out the Plan's requirements for sensitive and imaginative arrangements for sustainable drainage. It is considered that the policy will assist in the development of sustainable and attractive new developments in the village. This creative, biodiversity-considerate approach to urban drainage is alluded to in the text of the emerging Local Plan (at para 4.135) but is not expressly included in the emerging Local Plan policies.'*

7.40 I have considered these matters very carefully. On the balance of the evidence, I recommend that the policy is reconfigured so that it relates the local circumstances in the parish to national policy without repeating national policy. In particular, such an approach would acknowledge the importance of this matter to local people.

7.41 The reconfigured policy makes no reference to Part C of the submitted policy which comments about Anglian Water's standards. These are matters covered by separate legislation. Nevertheless, I recommend that this issue is included within the supporting text as a reference point for potential developers.

**Replace the policy with:**

**Development proposals should take account of the flood zones as shown on Figure 7.8.**

**Where appropriate, development proposals should incorporate sustainable drainage facilities which, where practicable, enhance wildlife and biodiversity in their immediate locality.'**

*At the end of paragraph 7.18 add: 'Policy ASH5 sets out a policy approach to address this matter. In addition to these policy requirements, developments should comply with the drainage authority's (Anglian Water) current Surface Water Drainage policy'*

Policy ASH6 Sustainable Water Supply

7.42 This policy seeks to safeguard and ensure sustainable water supplies. It has two related parts:

- residential developments should have a mains water consumption of no more than 110 litres per day; and
- all major developments should be separately approved by the water supplier (currently Affinity Water) based on its Drought Management Plan.

7.43 I queried with APC the extent to which the contents of the policy were already addressed by the Building Regulations or were the responsibility of other organisations. It commented as follows:

*'Building regulations set out that water consumption per dwelling should not exceed 125 litres per person per day; but they also set out an optional level of 110 litres per person per day. Ashwell is located within an area of water stress, as demonstrated by the supporting text and this policy therefore seeks to apply this optional usage as the minimum, to recognise this point. This approach is supported by Affinity Water, as the provider, and also the Environment Agency.'*

- 7.44 I have considered these matters very carefully. On the balance of the evidence, I recommend that the policy is deleted. I do so for two reasons. The first is that water use is already covered by the Building Regulations and APC has not provided any specific evidence to justify a lower figure. The second is that the element of the policy on water abstraction repeats existing controls which are covered by separate legislation.
- 7.45 I have considered the appropriateness of retaining the supporting text on this matter in the Plan without a related policy. On balance, I am satisfied that the majority of the supporting text can comfortably remain in the Plan. It describes an important element of the neighbourhood area and sets out the existing measures which are in place to safeguard its water environment. However, I recommend specific modifications to paragraph 7.23 to take account of the recommended deletion of the policy.

**Delete the policy.**

*In paragraph 7.23 delete the final three sentences.*

Policy ASH7 Environmentally sustainable design

- 7.46 This policy is an ambitious approach to promote environmentally-sustainable designs in the parish. It comments that new construction should have low energy needs in line with current best practice and that alterations to existing buildings should aim to reduce resource requirements where this is compatible with their historic character. It includes five principles with which new development should meet as appropriate to their scale and nature.
- 7.47 The policy has been well-developed. The principles are both distinctive and appropriate to the parish. In addition, it has been designed to be applied on a proportionate basis. It meets the basic conditions.

Policy ASH8 Protecting Historic Assets

- 7.48 This policy seeks to safeguard designated and non-designated heritage assets. It has three related parts as follows:
- new developments should seek to avoid harm to heritage assets;
  - offering support to development proposals which conserve or enhance heritage assets. In this context it identifies a series of local heritage assets;
  - setting out how proposals which would result in the loss of heritage assets would be handled.

- 7.49 Safeguarding the rich built heritage in the neighbourhood area is properly a major issue for the Plan. Nevertheless, it is important that the policy has regard to national policy (as set out principally in Section 16 of the NPPF) and does not repeat or restate that policy approach. In this context, the policy in the submitted Plan does not add any local value to the approach in the NPPF about designated heritage assets which in the case of the neighbourhood area is mainly listed buildings. However, it adds distinctive local value to the national approach towards non-designated heritage assets.
- 7.50 As such, I recommend that the policy is reconfigured so that it achieves two related purposes. The first is to identify the proposed non-designated heritage assets (as set out in Appendix C of the Plan). The second is to apply national policy (and elements of Part B of the submitted policy) to the identified non-designated heritage assets. In this broader framework, I recommend that the policy is replaced with one with a clear focus on non-designated heritage assets.
- 7.51 The supporting text largely reflects the approach set out in the NPPF. In particular, it acknowledges that the listed buildings in the parish are already protected. Nevertheless, I recommend a consequential modification to the supporting text to ensure that it has regard to paragraph 203 of the NPPF with regard to non-designated heritage assets. As submitted, paragraph 7.35 of the Plan takes a more restrictive approach than that in national policy.

**Replace the policy with:**

**‘The Plan identifies a series of non-designated heritage assets. They are detailed in Appendix C of the Plan.**

**The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.**

**Proposals will be supported where they preserve, sustain and enhance the special character, significance, appearance and locally-distinctive features of the non-designated heritage assets in general, and particularly where they respond positively to the scale, form, proportion, design, materials and architectural features on the building concerned.’**

*In paragraph 7.35 replace the second sentence with: ‘Development proposals affecting these important buildings will be assessed against the principles of paragraph 203 of the NPPF.’*

**Policy ASH9 Locally Significant Views**

- 7.52 This policy identifies a series of locally-significant views. They reflect the relationship between the built village and its surrounding agricultural hinterland.
- 7.53 In addition to views out of the village, there are many views towards the village, or within the village itself, which are intrinsic to Ashwell's sense of place. Many of these

views focus on the tower of St Mary's Church. The Plan includes a description and photograph of each view. The views are shown in Figure 7.10 of the Plan.

- 7.54 I looked at several of the views during the visit. They have been carefully-chosen. In their different ways, they celebrate the heritage of the village and/or its relationship with the surrounding countryside. The policy takes a comprehensive approach to its subject matter. However, section A is a policy element and sections B and C are supporting text. APC agreed with this conclusion in its response to the clarification note. As such, I recommend that sections B and C are deleted from the policy and repositioned into the supporting text.

### **Delete Parts B and C of the policy**

*At the end of paragraph 7.43 of the Plan add the deleted part B of the policy.*

*At the end of paragraph 8.15 of the Plan add 'Development proposals should comply with the findings and guidelines in Character Area Assessment 224'*

### Policy ASH10 Natural Landscape and Rural Character

- 7.55 This policy addresses a series of issues relating to the natural landscape and rural character of the parish as follows:

- development should safeguard the natural landscape and retain landscape features;
- the identification of a series of criteria with which development proposals should comply;
- the need for development proposals to provide open spaces in a proportionate way;
- landscaping within developments should follow ecological principles; and
- the need for the ongoing management of open spaces.

- 7.56 The policy takes a positive approach to this important matter. I saw the importance of the natural landscape in the neighbourhood area during the visit. The structure and the wording of the policy has been very well-developed. However, I recommend that Part E of the policy is reconfigured so that it is clear that it requires appropriate management arrangements to be put in place for proposals which incorporate open space (in accordance with Part C of the policy). Otherwise, it meets the basic conditions. It will do much to contribute to the delivery of the environmental dimension of sustainable development.

**Replace part E of the policy with: 'Development proposals which incorporate open spaces should provide for an appropriate legal agreement to ensure proper management of the open space over the lifetime of the development.'**

### Policy ASH11 Natural Wildlife Assets, Wildlife Corridors and Green Infrastructure

- 7.57 This policy takes a comprehensive approach to natural wildlife assets and green infrastructure.

- 7.58 This policy addresses a series of specific issues on these matters as follows:

- the need for development proposals to demonstrate biodiversity net gain;
- the protection of green infrastructure;
- the protection of watercourses; and
- the safeguarding of Ashwell Springs.

7.59 The policy is distinctive to the parish and has regard to national policy. However, sections A and B are policy elements and sections C and D are supporting text. APC agreed with this conclusion in its response to the clarification note. As such, I recommend that sections C and D are deleted from the policy and repositioned into the supporting text.

7.60 Otherwise, the policy is very well-developed. In particular it will contribute significantly to the delivery of the environmental dimension of sustainable development in the neighbourhood area.

**Delete parts C and D from the policy.**

*At the end of paragraph 8.8 of the Plan add the deleted part D of the policy*

*At the end of paragraph 8.15 of the Plan add the deleted part C of the policy*

**Policy ASH12 Local Green Spaces**

7.61 This policy proposes the designation of the Foresters' Allotments as a local green space (LGS). It carefully seeks to ensure that the approach has regard to the national approach to this matter in the NPPF.

7.62 On the basis of all the information available to me, including my own observations, I am satisfied that the proposed LGS comfortably complies with the three tests in the NPPF and meets the basic conditions. It is precisely the type of green space which the authors of the NPPF would have had in mind in preparing national policy.

7.63 In addition, I am satisfied that its proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that the designation is consistent with the local planning of sustainable development. It does not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGS is capable of enduring beyond the end of the Plan period. It is an established element of the local environment and has existed in its current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green space would not endure beyond the end of the Plan period.

7.64 The policy itself has two related parts. The first identifies the proposed LGS. The second sets out the implications for LGS designation. The second part seeks to follow the approach as set out in paragraph 103 of the NPPF. However, it goes beyond that approach in an important respect which indicates that development will not be supported unless it is required to 'enhance the role and function of that local green space'

- 7.65 I can understand the circumstances which have caused APC to design the policy in this way. Nevertheless, I recommend a modification so that the policy takes the matter-of-fact approach in the NPPF. The recommended modification also takes account of the case in the Court of Appeal on the designation of local green spaces and the policy relationship with areas designated as Green Belts (2020 EWCA Civ 1259).
- 7.66 In the event that development proposals affecting the LGS come forward within the Plan period, they can be assessed on a case-by-case basis by NHDC. In particular, NHDC will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy. I recommend that the supporting text clarifies this matter.

**Replace the second part of the policy with:  
'Development proposals within the designated local green space will only be supported in very special circumstances'**

*At the end of paragraph 8.24 add: 'Policy ASH 12 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green space within the Plan period, they can be assessed on a case-by-case basis by the District Council. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy'*

Policy ASH13 Incubator/Flexible Start up business spaces

- 7.67 This policy takes a positive approach towards the development of small/start up business uses. It is underpinned by local feedback as the Plan was developed. Paragraph 9.9 comments that 'residents have strongly indicated that they would prefer to work locally, with many choosing to work from home. This has the added benefit of reducing the level of out-commuting necessary. Support for small and start-up businesses fits well into the existing local economy and social fabric and can provide the best strategy for increasing local employment within an existing and growing skills base'.
- 7.68 The policy has two related parts. The first offers support to proposals to provide incubator/start-up business space on flexible terms. The second requires that new workspaces should demonstrate the way in which they can be incorporated within their immediate locality without generating any unacceptable impact on the amenity of residential properties and on the capacity and safety of the local highways network.
- 7.69 In its response to the clarification note APC advised on its intentions for the 'flexible terms' element of the policy. It confirmed that it intended that 'flexible' relates to the ability for workspaces to be used flexibly (where they may be designed in a way that can serve multiple purposes and uses) - as opposed to rented/leased flexibly. I recommend a modification to the policy to address this matter given that flexible renting and/or business terms is not a land use matter.

- 7.70 Otherwise, the policy has regard to national policy and meets the basic conditions. It will contribute significantly to the delivery of the economic dimension of sustainable development.

**Replace the initial element of Part A of the policy with: ‘Proposals to provide incubator/start-up business space that is flexible in its use will be supported through:’**

Policy ASH14 Broadband Provision

- 7.71 This policy reflects the increasing importance of broadband connectivity both generally, and in rural locations in particular.
- 7.72 It comments that all new residential, commercial and community properties within the parish should be served by a superfast broadband (fibre-optic) connection.
- 7.73 The second part of the policy identifies an exception to the policy. Whilst this is a helpful and practical approach, a policy would not usually identify an exception to its application. As such, I recommend that the second part of the policy is deleted and repositioned into the supporting text. This will provide the clarity required by the NPPF.

**Delete the second part of the policy.**

*At the end of paragraph 9.14 add: ‘Policy ASH14 reinforces this matter and requires that all new residential, commercial and community properties should be served by a superfast broadband (fibre-optic) connection. The only exception to this approach will be where it can be demonstrated, through consultation with Next Generation Access Network providers, that this would not be possible, practical or economically viable. In such circumstances, sufficient and suitable ducting should be provided within the site and to the property to facilitate ease of installation at a future date on an open access basis.’*

Policy ASH15 Ashwell Village Centre

- 7.74 This policy celebrates the importance of the village centre to the economic and community well-being of the parish.
- 7.75 The Plan comments that the shops and meeting places in the village centre continue to provide a vital focus for both spontaneous pedestrian interaction, as well as organised community events, all of which contribute to the pleasure of living in a thriving and historically significant rural village. I saw the importance and the vibrancy of the village centre during the visit.
- 7.76 The Plan also indicates that the local engagement process indicated that there is real concern among parishioners about a decline in support for local shops and services. It comments that in the last few years, the village has lost its permanent post office and a takeaway food outlet. Local people are concerned if further shops close this will result in the diminishing of other services, for example the pharmacy. The pharmacy supplies many over-the-counter medicines and goods and is an important source of advice and support to local residents. The Plan comments that its closure would represent a considerable loss to the community.

7.77 The policy has three related parts as follows:

- development proposals that provide a balance of uses - retail, leisure and community, commercial and residential - will be supported;
- proposals which result in the permanent change of use of Classes E, F1 and F2 to other uses will only be supported where certain criteria are met; and
- offering support for the reuse of historic buildings within Ashwell village centre for activities that will enhance its vitality and viability.

7.78 The policy has been well-developed. It seeks to ensure that the village centre retains its commercial importance and its wider social and community function in the parish. The policy has also taken account of the changes to the Use Classes Order in 2020 which provided considerable flexibility for uses traditionally associated with town and village centres.

7.79 I recommend a series of modifications to bring the clarity required by the NPPF. I recommend that the approach in Part A is refined so that it provides flexibility for the range of uses which would assist in maintaining the vitality and viability of the village centre. In Part B, I recommend that the references to specific uses is consistent with the approach taken in the further Main Modifications to Policy SP4 of the emerging NHDC Local Plan (May 2021). Finally, I recommend detailed modifications to Part C of the policy so that its contents are set out consistently in the plural rather than in the singular.

7.80 Otherwise, the policy meets the basic conditions. It will contribute significantly to the delivery of the economic and social dimensions of sustainable development in the neighbourhood area. Plainly the ongoing success of the village centre is key to the future sustainability of the village and its wider hinterland.

**Replace Part A of the policy with: ‘Development proposals which would contribute towards a balance of uses in Ashwell village centre and assist in maintaining its vitality and viability and its role as the focal point of the community will be supported’**

**Replace Part B of the policy with: ‘Proposals for the change of use of shops, financial and professional services, café or restaurants, pubs or drinking establishments or takeaways to other uses will only be supported where it can be demonstrated that there is no reasonable prospect of the site or premises being used for ongoing retail or community uses. Applicants will be expected to demonstrate that the existing use is no longer viable and that the site has been marketed for 12 months for alternative retail or community uses.’**

**Replace the first sentence of Part C of the policy with: ‘The reuse of historic buildings within Ashwell village centre for activities that will enhance their vitality and viability will be supported’**

Policy ASH16 Provision of Leisure and Recreational Facilities

7.81 This policy recognises the importance of leisure and recreational facilities to local people.

7.82 It has two related parts as follows:

- offering support to new play areas and sports facilities or improvements to existing ones, the extension of the existing Recreation Ground and providing additional recreation space elsewhere; and
- commenting that the delivery of new facilities or improvements to existing facilities will be secured through Section 106 contributions or Community Infrastructure Levy funding.

7.83 In its response to the clarification note APC advised that the policy is intended to be read such that it supports proposals whose principal aim is to provide new or extended recreational facilities. In particular it commented that it does not support development that delivers, as a consequence, recreational facilities – these would be considered on their merits against all policies of the neighbourhood plan. I recommend modification to address this matter and to bring the clarity required by the NPPF.

7.84 The second part of the policy is a process matter (about how new/improved facilities may be delivered and financed) rather than a land use policy. As such I recommend that it is deleted from the policy and repositioned into the supporting text. Otherwise, the policy meets the basic conditions. It will assist significantly in the delivery of the social dimension of sustainable development.

**Replace the opening element of Part A of the policy with: ‘Proposals for the following recreation and leisure facilities will be supported’**

**Delete Part B of the policy**

*At the end of paragraph 10.11 add: ‘Policy ASH16 sets out an approach towards the development of new or improved recreational facilities. The delivery of new facilities or improvements to existing facilities, including the provision of accessible toilets, changing rooms and communal space - will be secured through Section 106 contributions or Community Infrastructure Levy funding, once adopted by North Hertfordshire District Council.’*

Policy ASH17 Protection of Public Houses

7.85 This policy acknowledges the importance of public houses to the local community. As paragraph 10.13 of the Plan comments, ‘opportunities for social interaction, including the combatting of isolation among older members of the community, are important. The three public houses in Ashwell (Bushel and Strike, Rose and Crown, and Three Tuns) are not only valued local businesses but they also act as community assets. They have social or cultural value for particular groups in the community and provide employment opportunities.’ I saw their popularity during the visit.

7.86 The policy has two related parts as follows:

- development proposals to change the use of public houses will only be supported if such a use is demonstrably unviable; and
- proposals for the expansion of existing public houses to develop appropriate community-based activities, such as a restaurant will be supported.

- 7.87 The policy has been well-developed. It meets the basic conditions. It will do much to contribute towards the delivery of the social dimension of sustainable development.

Policy ASH18 Maintaining Existing Health Facilities

- 7.88 This policy offers support to proposals to enhance and facilitate the continued delivery of health services at Ashwell Surgery, Ashwell dental surgery and Ashwell pharmacy.
- 7.89 The second part of the policy offers support to proposals for the expansion of the three services (and their potential relocation within the parish) subject to a series of criteria.
- 7.90 The policy has been well-developed. It will do much to contribute towards the delivery of the social dimension of sustainable development. I recommend the deletion of repetition in the first part of the policy. Otherwise, it meets the basic conditions.

**In the first part of the policy delete 'Health facilities being:'**

Policy ASH19 Education Provision

- 7.91 This policy offers support to proposals which would maintain, enhance or facilitate the continued delivery of good quality education in the parish.
- 7.92 As with other community-based policies in the Plan, the policy has been well-developed. It will do much to contribute towards the delivery of the social dimension of sustainable development. I recommend the deletion of the reference to 'good quality' education in the policy. Whilst the delivery of good quality education is an important social objective, it is not directly a land use matter. Otherwise, the policy meets the basic conditions.

**Delete 'good quality'**

Policy ASH20 Accessible Paths in the Village and Rural Areas

- 7.93 This policy responds to the remote location of the village, and the opportunities provided for access by its various paths.
- 7.94 The policy has four related parts as follows:
- development proposals to improve cycling and walking will be supported. In particular, provision of additional routes that provide or complete circular walks and are physically separated from vehicular traffic and from one another will be supported;
  - all new developments should ensure safe pedestrian access for all, including those with restricted mobility, to link up with existing footways;
  - development proposals which include highway solutions that mitigate the impact of traffic through the village centre will be supported; and
  - public bridleways and footpaths should only be removed where the benefits of the development in the location proposed clearly outweigh the loss and where suitable alternatives are provided.

- 7.95 The policy approach is both appropriate and distinctive to the parish. Nevertheless, I recommend a series of modifications to ensure that it has the clarity required for a development plan policy. In relation to Part B, I recommend the deletion of explanatory text and that the policy applies in a proportionate fashion. In addition, I recommend that the requirement for the pedestrian access to connect with existing footpaths applies only where it is practicable to do so. Plainly some developments will provide obvious opportunities for such connections and others will not.
- 7.96 Secondly, I recommend that Part D takes a more positive approach which requires new development to respect footpaths and bridleways. As submitted, the policy anticipates that such access routes may be lost to new development. In any event, such circumstances would be considered primarily under highways rather than planning legislation.

**Replace Part B of the policy with: ‘As appropriate to their scale, nature and location, new developments should ensure safe pedestrian access for all, including those with restricted mobility which, where it is practicable to do so, connect with existing footways**

**Replace Part D of the policy with: ‘Proposed developments should take account of existing public bridleways and footpaths and, where appropriate, incorporate them in a sensitive and positive fashion into their layouts and designs.’**

Policy ASH21 Bus Services and Community Transport

- 7.97 This policy has two related parts as follows:
- new development proposals that contribute towards physical improvements in the quality of public and community transport services and/or supporting infrastructure, including bus shelters will be supported; and
  - proposals that lead to a reduction in the number of private vehicles being used to link to Ashwell and Morden station and other local stations will be supported.
- 7.98 Both elements of the policy are well-intentioned. However, as submitted, they could have unintended consequences. In any event, both elements of the policy are unlikely to be delivered through the land use planning system.
- 7.99 In all the circumstances, I recommend that the policy is deleted. Nevertheless, I recommend that the two issues are captured as additional matters in the non-land use Action section of the Plan under the Transport and movement action heading

**Delete the policy.**

*In the Transport and movement action heading in Section 15 of the Plan add:*

*Explore options for physical improvements in the quality of public and community transport services and/or supporting infrastructure, including bus shelters.*

*Explore opportunities to reduce the number of private vehicles being used to link to Ashwell and Morden station and other local stations.*

## Policy ASH22 Residential and Public Car Parking

7.100 This policy addresses five related issues on car parking matters as follows:

- proposals that add new dwellings or business space should include the provision of adequate, sensitively-designed off-street parking;
- in appropriate cases, planning approval for such uses may be subject to conditions preventing change of use, where this could result in inadequate car parking provision being available;
- setting out a presumption against the loss of any publicly accessible off-street car parking in the neighbourhood area;
- proposals for new development that provides additional public off-road car parking spaces, in particular next to businesses and at transport hubs, will be supported; and
- the design of all new parking should be of sustainable construction to ensure minimal impact on the drainage system, and incorporate native hedging and tree planting where practical.

7.101 The policy approach is both appropriate and distinctive to the parish. Nevertheless, I recommend a series of modifications to ensure that it has the clarity required for a development plan policy. I recommend the deletion of Part B of the policy. It is inappropriate for a neighbourhood plan policy to seek to apply restrictions on planning permission issued by NHDC.

7.102 I also recommend that Part C of the policy takes on a format appropriate for a development plan policy. In this case it would be one where the loss of publicly accessible off-street car parking in the neighbourhood area would not be supported unless alternative car parking provision is included in the proposal or if it can be demonstrated that there is no demand for the existing parking spaces.

7.103 Finally, I recommend the deletion of Part D of the policy. As submitted, it could have unintended consequences. In any event its ambitions are unlikely to be delivered through the land use planning system.

### **Delete Part B of the policy.**

**Replace Part C of the policy with: ‘Development proposals which would involve the loss of publicly accessible off-street car parking in the neighbourhood area will not be supported unless alternative car parking provision is included in the proposal or if it can be demonstrated that there is no demand for the existing parking spaces.’**

### **Delete Part D of the policy.**

#### Non-policy actions

7.104 The Plan includes a series of non-land use policy actions. In accordance with national policy, they are located in a separate section of the Plan (Section 15).

7.105 The non-land use actions are both appropriate and distinctive to the parish. In some cases, they will be complementary to the land use policies. They address the following matters:

- Housing;
- Design and heritage;
- Natural Environment
- Business and Economy;
- Sport, Leisure and Recreation;
- Health and education; and
- Transport and movement.

#### Other Matters - General

7.106 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However, other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for NHDC and APC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

*Modification of general text (where necessary) to achieve consistency with the modified policies.*

#### Other Matters – Specific

7.107 NHDC has recommend a series of specific updates to the supporting text. In most cases, they reflect the progress which has been made on the emerging Local Plan since the neighbourhood plan was submitted. I recommend the following modifications which are necessary to ensure that the Plan meets the basic conditions:

*Paragraph 3.14 - replace 'starter' with 'shared ownership'*

*Paragraphs 5.1/6.4 – update the context to reflect the Main Modifications to the Local Plan in general, and in relation to the Claybush Road site in particular*

#### Implementation and Review

7.108 Section 14 of the Plan properly comments about the need for monitoring of any 'made' neighbourhood plan. It also recognises that a review of the Plan may be required at some point within the Plan period.

7.109 The submitted Plan has been prepared within the context of a development plan context that pre-dates the publication of the current version of the NPPF. NHDC is now working towards the preparation of a new Local Plan. The adoption of that Plan will be an important milestone in the development of planning policy in the District.

7.110 In these circumstances, I recommend that the submitted neighbourhood plan includes a degree of commentary about the potential impact of the relationship between the

adoption of the emerging local plan and any 'made' neighbourhood plan. Plainly APC will need to consider the potential impact once the Local Plan is adopted and reach its own view on the need or otherwise for a review of the Plan.

*In Section 14 add an additional paragraph to read: 'The adoption of the North Hertfordshire Local Plan 2031 will be a key milestone in the development of planning policy in the District. In this context, the Parish Council will consider the need for a review of the neighbourhood plan at that point. This task will be undertaken based on an assessment of any differences in the policies in the adopted Local Plan and those in a made neighbourhood plan at that time.'*

## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character and setting of the neighbourhood area.
- 8.2 Following my independent examination of the Plan, I have concluded that the Ashwell Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

### *Conclusion*

- 8.3 On the basis of the findings in this report, I recommend to North Hertfordshire District Council that, subject to the incorporation of the modifications set out in this report, the Ashwell Neighbourhood Development Plan should proceed to referendum.

### *Other Matters*

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by North Hertfordshire District Council on 25 March 2014.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner.

**Andrew Ashcroft**  
**Independent Examiner**  
**21 October 2021**