

Wallington Neighbourhood Development Plan 2022-2031

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

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Executive Summary

- 1 I was appointed by North Hertfordshire District Council in October 2023 to carry out the independent examination of the Wallington Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 2 November 2023.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It proposes the designation of a package of local green spaces. It also includes policies to safeguard the built and historic environment and to promote the development of sustainable buildings.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation. It has been prepared in short order.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the 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
18 December 2023

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Wallington Neighbourhood Development Plan 2022-2031 ('the Plan').
- 1.2 The Plan was submitted to North Hertfordshire District Council (NHDC) by Rushden and Wallington Parish Council (RWPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan. The neighbourhood area was designated on 22 April 2020.
- 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) in 2012, 2018, 2019, 2021 and 2023. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether 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 and 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. It seeks to provide a context in which the neighbourhood area can maintain its character and appearance.
- 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 of RWPC, to conduct the examination of the Plan and to prepare this report. I am independent of both NHDC and RWPC. 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 40 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. 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 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 should proceed 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 I have addressed the matters identified in paragraph 2.6 of this report and am satisfied that they have been met.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the SEA/HRA Screening report (March 2022).
- the representations made to the Plan.
- RWPC's responses to the clarification note.
- the Area Profile
- the Housing Needs Assessment
- the Design Guidelines and Codes
- the North Hertfordshire Local Plan 2011 to 2031 (adopted November 2022)
- the National Planning Policy Framework (September 2023).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 2 November 2023. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular.

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, I concluded that the Plan could be examined by way of written representations and that a hearing was not required.

3.4 The NPPF was updated in September 2023 and after the Plan was submitted (in June 2023). For the avoidance of doubt, I confirm that I have assessed the Plan against the 2023 version of the document.

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) (Amendment) Regulations 2012, WPC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies
- 4.3 Section 2 of the Statement records the various activities that were held to engage the local community and the feedback from each event. It breaks the activities into the three identified stages of the Plan's production. It also comments on the consultation processes that took place on the pre-submission version of the Plan (October to November 2022).
- 4.4 Appendix B provides the details of the way in which the Plan was refined because of this process. This analysis contributes significantly to the legibility of the relevant information and helps to describe how the Plan has progressed to the submission stage.
- 4.5 In the round I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. NHDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Consultation Responses

- 4.6 Consultation on the submitted plan was undertaken by NHDC. It ended on 30 August 2023. This exercise generated representations from the following organisations:

- Natural England
- Hertfordshire County Council (Property)
- Historic England
- National Highways
- Sport England
- British Horse Society
- Hertfordshire County Council (Minerals)
- National Gas
- National Grid
- Hertfordshire County Council
- North Hertfordshire District Council

- 4.7 I have taken account of 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 village of Wallington and its rural surroundings. The population of the wider parish in 2011 was 150 persons living in 60 households. There are 48 homes in the neighbourhood area. It is located approximately three miles to the east of Baldock and roughly equidistant from Stevenage to the south-west and Royston to the north-east. It was designated as a neighbourhood area on 22 April 2020.
- 5.2 The village has a distinct character and identity. It has retained a green and open character due to the low density of housing, and the number of green spaces within and around its borders. The Icknield Way Path passes through the village and complements other more local footpaths. The village has a tranquil and peaceful nature.
- 5.3 The village is known for its relationship with the author George Orwell who lived at 2 Kits Lane, then known as The Stores, from 1936 to 1940. The village is seen by many as a major influence on the setting for *Animal Farm* given that it possesses a Great Barn, and a Manor Farm, and the book has a named setting of Willingdon. Similarly, the rural section in his novel *1984* is very similar in depiction to Wallington and its surrounds.

Development Plan Context

- 5.4 The development plan for the neighbourhood area is well-developed and up-to-date. The North Hertfordshire Local Plan 2011 to 2031 was adopted in November 2022.
- 5.5 Policy SP2 establishes a settlement hierarchy and a related distribution of new development throughout the District. In this context, Wallington is identified as one of a series of Category B villages in which limited infilling development will be supported where it does not extend the built core of the village.
- 5.6 In addition to Policy SP2, the following policies in the Local Plan have been particularly important in underpinning the approach taken in the submitted Plan:
 - SP5 Countryside and Green Belt
 - SP6 Sustainable Transport
 - SP8 Housing
 - SP9 Design and Sustainability
 - SP10 Healthy Communities
 - SP12 Green infrastructure, landscape, and biodiversity
 - SP13 Historic Environment

The Basic Conditions Statement helpfully relates the policies in the submitted Plan to these strategic policies.

- 5.7 The submitted Plan has been prepared within its up-to-date development plan context. In doing so, it has relied on up-to-date information and research that has underpinned

existing planning policy documents. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

- 5.8 I am satisfied 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 2 November 2023. I approached it from the A505 to the west. This helped me to understand its position in the wider landscape in general and its accessibility to the road network in particular.
- 5.10 I looked initially at the area around the Village Hall in The Street. I saw the importance of the Village Hall playground in this part of the village and the openness provided by several open spaces (and proposed as local green spaces in the Plan). I looked at the house formerly occupied by George Orwell in Kitts Lane.
- 5.11 I walked to the south along The Street. I saw the listed buildings at Manor Farm and the openness of the southern part of the village around St Mary's Church. I saw the interesting Well Pond.
- 5.12 I continued walking to the west along the Icknield Way. I saw the way in which it followed the western edge of the village.
- 5.13 I returned to the village along Kitts Lane. I saw that the houses were more modern than those in the village centre.
- 5.14 Throughout the visit I looked at the various proposed local green spaces.
- 5.15 The overall impression was one of tranquillity and access to a network of local and strategic footpaths connecting the village with the surrounding countryside.

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 in the preparation of this section of the report. It is an informative and well-presented 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 European Convention on Human Rights (ECHR); and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

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 2023 (NPPF).
- 6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are particularly relevant to the Wallington Neighbourhood Development Plan:
- a plan-led system - in this case the relationship between the neighbourhood plan and the North Hertfordshire Local Plan;
 - 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 subject to the recommended modifications in this report. 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 has a focus on designating local green spaces and safeguard its historic built and natural environments.
- 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. 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. Most 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, the Plan includes policies for residential development in the built core of the village (Policy W1 and W3) and for rural enterprise (Policy W10). In the social role, it includes a policy on local housing needs (Policy W2). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on character and design (Policy W4), local green spaces (Policy W9), and heritage assets (Policy W5). This assessment overlaps with the details 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 North Hertfordshire 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 adopted development 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.

Strategic Environmental Assessment

- 6.13 The Neighbourhood Plan (General) (Amendment) 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.
- 6.14 In order to comply with this requirement, RWPC undertook a screening exercise in March 2022 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It concludes that it is unlikely that significant environmental effects will arise from the implementation of the Plan and that SEA is not needed.

Habitats Regulations Assessment

- 6.15 RWPC also screened the Plan on the need or otherwise for a Habitats Regulations Assessment (HRA) of the Plan at the same time.
- 6.16 The HRA screening process assessed the impact of the Plan on the following protected sites:
- the Eversden and Wimpole Woods SPA; and
 - the Wormley-Hoddesdon Park Woods SAC.

The process 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.

- 6.17 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 regarding 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 neighbourhood plan regulations.

Human Rights

- 6.18 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 1998. 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

- 6.19 On the basis of my assessment of the Plan in this section of my report, I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 The recommendations focus on the policies in the Plan 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 Plan area. The wider community and RWPC 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 (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. It also includes a series of non-land use matters in Section 11.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. The Actions are addressed thereafter.
- 7.6 For clarity, this section of the report comments on all policies
- 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 parts of the Plan (Sections 1 to 3)

- 7.8 The Plan is well-organised and presented. It makes an appropriate distinction between the policies and their supporting text. It includes a series of good maps.
- 7.9 The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies. Section 1 provides information about the neighbourhood area. The interesting and comprehensive details help to set the scene for the eventual policies.
- 7.10 Section 2 comments about the way in which the Plan was prepared and when the neighbourhood area was designated. It properly identifies the neighbourhood area (paragraph 2.1) and the Plan period (paragraph 2.2). It also comments about the national and local planning policy context within which the Plan has been prepared. Finally, it comments about the way in which the community was engaged in the preparation of the Plan. This analysis overlaps with the details in the Consultation Statement.
- 7.11 Section 3 sets out the vision and objectives for the Plan. It makes a strong functional relationship between the various issues. The Vision neatly summarises the approach taken as follows:

'The purpose of this plan is to protect the character of Wallington and enhance the community as this small rural village evolves. We aim to maintain an attractive environment for the evolving lifetime requirements of individuals and families, whilst preparing for future challenges. We intend to maintain a sympathetic mix of building styles, interspersed with green spaces. Opportunities will be sought to facilitate appropriate, small-scale economic activity.'

- 7.12 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.

General comments on the policies

- 7.13 The supporting text for each policy sets out its Purpose and Justification. This helps all concerned to understand the purpose of the policies and the way in which they are underpinned by evidence. I commend RWPC for the approach it has taken. It is best practice. It has also made the examination more straightforward that would otherwise have been the case. I have used the Purpose elements as the context for my commentaries on a policy-by-policy basis in this section of the report.

Policy W1: Location of development

- 7.14 Paragraph 4.1 of the Plan usefully advises that:

'Wallington is classified by NHC as a category B village, which means that limited infilling development, which does not extend the built core of the village, will be allowed. The Local Plan does not define the extent of the built core for Wallington, therefore Policy W1 provides a definition and boundary for this. It should be noted that development can occur beyond the built core area, where it is an appropriate use within the countryside, as supported either by national or local policies. Policy W1 also seeks to ensure that proposals make the best use of suitable brownfield land, where available, before greenfield land is released for development.'

- 7.15 The policy comments that development proposals in the Wallington Neighbourhood Area shall be focused within the built core of the village, as defined in Figures 4.1 and 4.2, and in accordance with Policy W3 (Residential development within the built core). It identifies a Built Core for the village.
- 7.16 The policy also provides detailed guidance on development proposals outside the built core of the village.
- 7.17 In the round the policy takes a positive approach to this matter. It will focus new development in a sustainable location. Within this context I recommend that the third part of the policy is deleted. Whilst its approach to the sequential testing of new development is commendable, it is not practicable to implement in the development management system both generally, and it is unlikely that developers and landowners would own sufficient land to allow the sequential analysis anticipated in the policy to be undertaken. In any event the general issue is already addressed in paragraph 4.1 of the supporting text. I also recommend specific modifications to the wording used in the second part of the policy to bring the clarity required by the NPPF. Otherwise, the

policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

In part B) replace ‘negatively impact’ with ‘unacceptably detract from’

In part B add ‘and’ after part i) and ‘or’ after parts ii) and iii)

Delete part C of the policy

Policy W2: Meeting local housing needs

- 7.18 The Plan advises that this policy seeks to influence the type and tenure of any new housing development in Wallington, in order that it meets the needs of local people as evidenced through the local housing needs assessment and survey.
- 7.19 The policy has three related elements. The first comments that all new residential development within Wallington must provide a quantity of affordable housing in line with the requirements contained within the North Hertfordshire Local Plan. It also advises that affordable homes should be well integrated with market housing.
- 7.20 The second comments that the mix of housing sizes, types, tenures, and affordability in proposed development should, in so far as is reasonably practicable and subject to viability considerations, assist in meeting the needs identified in the most recently available Wallington Local Housing Needs Assessment. The third comments that proposals for community-led housing projects including self-build and co-operative housing will be supported.
- 7.21 In the round the policy takes a positive approach to these matters. Within this wider context, I recommend the following modifications to bring the clarity required by the NPPF:
- the deletion of the initial element of Part A of the policy as it repeats Local Plan policies;
 - the inclusion of additional supporting text to explain this overlap;
 - the repositioning of the element of part A of the policy on the incorporation of affordable housing into overall developments into a new element of the policy; and
 - the deletion of unnecessary commentary in Part B of the policy.
- 7.22 In recommending these modifications I have taken account of RWPC’s responses to the clarification note. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Delete Part A (and re-letter accordingly).

In part B (as submitted) delete ‘and in accordance.....Neighbourhood Plan’

Include a new section to read:

‘C. Affordable homes delivered within residential developments should be well integrated within the overall layout.’

At the end of paragraph 5.7 add: ‘Policy W2 has been designed to complement the approach taken in Policies SP2 and SP8 of the Local Plan. On this basis it does not comment directly on the delivery of affordable housing as this is addressed in the Local Plan. Nevertheless, the third part of the policy comments about the incorporation of affordable housing within residential developments.’

Policy W3: Residential development within the built core

- 7.23 This is an important policy in the Plan. It complements the approach taken in Policy W1 and includes detailed guidance on the type of development which will be acceptable in the built core of the village. In this broader context the policy offers support to the redevelopment of brownfield and previously developed former agricultural sites, making most efficient use of space and Infilling comprising extensions or new developments, between existing residential development.
- 7.24 The policy includes a series of criteria with which development should comply. It also includes a specific element on the development of backland sites.
- 7.25 In general terms, the policy takes a positive approach to this matter. In this context, I recommend modifications to the wording used for the various criteria so that they have a positive rather than a negative approach. Nevertheless, the general thrust of the submitted approach remains unaffected.
- 7.26 I also recommend a similar approach to the second part of the policy. In doing so, I recommend consequential modifications to the supporting text. As submitted both the policy and the text take an unnecessarily cautious approach towards back land sites which fails to acknowledge that several of the issues associated with such development can be satisfactorily address through careful design and layout. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

In part A of the policy replace ‘the following will be supported’ with ‘the following types of development will be supported’

Replace the list of criteria with:

- **they address identified local housing needs, in accordance with Policy W2;**
- **they preserve and, where practicable, enhance the local character of Wallington, in accordance with Policy W5 of this Neighbourhood Plan and the guidance contained in the Wallington Design Guidelines and Codes (Appendix C);**
- **they respond positively to the prevailing density of the village;**
- **they respect the private amenity space of existing residential properties;**
- **they have a direct highway access to the front/side of the property;**

- they respond positively to heritage assets, including where relevant the special interest, character, and appearance of the Conservation Area, as set out in the Conservation Area Statement;
- they can be accommodated in a satisfactory way in the local road network, in accordance with Policy W4 (Character and Design of development);
- they provide adequate waste storage space to enable recycling; and
- where appropriate, they incorporate sustainable drainage facilities which enhance wildlife and biodiversity in their immediate locality.

Replace Part B of the policy with:

‘Development proposals for back-land sites, including residential garden land within the built core, should respond positively to the character and appearance of the local area. Proposals which would create unacceptable harm to the character and appearance of the immediate locality will not be supported.’

Replace the final sentence of paragraph 5.12 with: ‘As part of this approach, it sets out specific policy guidance back-land development, which refers to sites including residential garden land and any land which sits behind the existing development with little or no frontage onto a public highway. It identifies that through careful design and layout such schemes can be incorporated in the built core in a way which responds positively to the character and appearance of the local area.’

Policy W4: Reinforcing Wallington’s local character through design

- 7.27 The Plan advises that this policy promotes high quality design that is in keeping with, and contributes positively towards, the character of the area. It also comments that the policy adds additional local detail to the strategic policies contained within the North Hertfordshire Local Plan.
- 7.28 The policy is underpinned by the excellent Wallington Design Guidelines and Design Codes. In the round the combination of the policy and the Guidelines/Codes is an excellent local response to Section 12 of the NPPF.
- 7.29 The policy comments that development is expected to preserve and enhance the local character of Wallington. It also advises that the design of new development should take account of the local context and reflect the natural and built character and vernacular of the area, in terms of architecture and materials, to avoid building design that is inappropriate to the Plan area.
- 7.30 The second part of the policy includes a series of detailed design criteria with which proposals should comply. It takes a proportionate approach.
- 7.31 The policy will do much to ensure that new development proceeds in a distinctive and high-quality fashion. I recommend that the wording of Part A of the policy is modified so that its purpose is clear and can be implemented through the development management process. I also recommend detailed modifications to the wording used in some of the criteria so that they have the clarity required by the NPPF. Otherwise, the

policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the first sentence of Part A with: ‘Development proposals should preserve and where practicable enhance the local character of Wallington.’

In v. replace ‘its’ with ‘their’

In vii. replace ‘significant detrimental’ with ‘unacceptable’

In x. replace ‘adversely’ with ‘unacceptably’

Policy W5: Heritage Assets in Wallington

- 7.32 The purpose of this policy is to identify heritage assets within the neighbourhood area that are neither nationally nor locally listed, but which are locally important, as non-designated heritage assets. It also seeks to conserve the rich archaeology of the area.
- 7.33 The policy identifies five buildings and structures (as detailed in Appendix D) as non-designated heritage assets. I am satisfied that the five buildings are worthy of such protection.
- 7.34 Other elements of the policy comment about designated heritage assets and sites of arch importance. I sought RWPC’s comments on the added value of the proposed approach in the policy beyond that already included in national and local planning policies. I have taken account of its helpful response. In this context I recommend that the policy is reconfigured so that its focus is on the identification of non-designated heritage assets. As part of this process, I recommend that the policy has regard to the contents of paragraph 203 of the NPPF.
- 7.35 I recommend the deletion of the reference to designated heritage assets. I am satisfied that adequate protection is already captured in national and local policies and that there is no need for a neighbourhood plan to restate such policy.
- 7.36 I also recommend consequential modifications to the supporting text. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace Part B with: ‘Proposals affecting non-designated heritage assets will be assessed having regard to the scale of any harm or loss against the significance of the heritage asset.’

Delete Part C

At the end of paragraph 6.14 add: ‘These heritage assets are already protected by national and local planning policies. As such, the Plan has a focus on the identification of non-designated heritage assets.’

Delete paragraph 6.21.

Policy W6: Design to mitigate climate change

- 7.37 The Plan advises that this policy encourages high standards of energy efficiency and design. It does so within the broader UK context of achieving a net zero carbon target by 2050.
- 7.38 The policy comments that proposals which incorporate design and environmental performance measures and standards to reduce energy consumption and climate effects will be supported. It also advises that proposals which incorporate a series of sustainable design features, as appropriate to their scale, nature, and location, will be strongly supported.
- 7.39 The third part of the policy comments about retrofitting proposals for heritage assets. The fourth part of the policy advises that proposals for individual and community scale energy, for instance from hydro-electricity, solar photovoltaic panels, local biomass facilities, anaerobic digestions and wood fuel products will be supported.
- 7.40 The policy takes a very positive approach and has regard to Section 14 of the NPPF. I recommend that the wording of three parts of the policy is modified to relate their contents to the development management process. I also recommend the deletion of the seventh criterion in Part B of the policy given that the provision of EV charging points is now addressed nationally through the Building Regulations. Part S1 of the Regulations addresses new residential dwellings. Part S2 addresses dwellings resulting from a material change of use. Part S3 addresses residential dwellings undergoing major renovation. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

In A, B and D replace 'Proposals' with 'Development proposals'

In Part B delete criterion vii.

Policy W7: Locally Significant views

- 7.41 This policy identifies 22 locally significant views and seeks to safeguard them against any detrimental impact of development. The views have been identified following significant engagement with the local community.
- 7.42 The policy comments that landscape surrounding the village of Wallington contributes greatly to its character. It also advises that as appropriate to their scale and nature, development proposals within the shaded arcs of the various identified views should be designed in a way that safeguards their local significance.
- 7.43 I saw first-hand the openness of the landscape and its relationship with the village during the visit and the significance of the identified views.
- 7.44 I am satisfied that the views have been appropriately selected and relate to information in the Landscape Character Assessment. In addition, the policy itself is worded in a non-prescriptive fashion.
- 7.45 Within this context, I recommend that the policy is recast so that its first part sets out general policy guidance and the second part concentrates on the identified views. I

also recommend that the element of the second part of the policy which relates to the need for planning applications to be accompanied by a visual impact assessment is deleted. This acknowledges that this is a process issue rather than a land use policy. The issue is already comprehensively addressed in paragraph 6.34 of the Plan. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace the policy with:

‘The landscape surrounding the village of Wallington contributes greatly to its character. Development proposals should respond positively to the open landscape and its long-distance views.

The Plan identifies 22 locally significant views on Figures 6.2 and 6.3. As appropriate to their scale and nature, development proposals within the shaded arcs of the various views should be designed in a way that safeguards the locally significant view or views concerned.’

Policy W8: Green and blue Infrastructure, landscape features and biodiversity

- 7.46 This policy seeks to ensure that the key features that contribute to the natural character of the area and which provide habitats and wildlife corridors, are not adversely impacted by development and that where possible, they are enhanced by new development.
- 7.47 The policy advises that development will be expected to retain well-established features of the landscape, including ancient woodland, significant trees, species-rich hedgerows, and ponds. It also comments that proposals should be designed to create, conserve, enhance and manage green spaces and connect chains of green infrastructure, as identified in Figure 7.1, with the aim of delivering a measurable net environmental benefit for local people and wildlife. Finally, it comments that proposals for development must be supported by a biodiversity appraisal, which must demonstrate how negative impacts would be minimised and biodiversity net gain achieved.
- 7.48 The policy takes a positive approach to these matters. I recommend modifications to Parts A, B and E to bring the clarity required by the NPPF.
- 7.49 I recommend that Parts C and D are relocated into the supporting text. This acknowledges that they describe a process to be followed rather than being a land use planning policy. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace the policy with:

‘Development proposals should retain well-established features of the landscape, including ancient woodland, significant trees, species-rich hedgerows, and ponds.

Development proposals should be designed to create, conserve, enhance and manage green spaces and connect chains of green infrastructure, as identified

in Figure 7.1, with the aim of delivering a measurable net environmental benefit for local people and wildlife. As appropriate to their scale, nature and location, development proposals be supported by a biodiversity appraisal, which must demonstrate how negative impacts would be minimised and biodiversity net gain achieved.

Development proposals that would improve the connectivity between wildlife areas and green spaces will be supported. Development proposals which would cause unacceptable harm to this connectivity will not be supported.'

At the end of paragraph 7.8 add:

'Policy W8 sets out mechanisms to ensure that planning applications result in biodiversity net gain. The second part of the policy sets out the need for a biodiversity appraisal. Appraisals should demonstrate that where significant harm cannot be avoided, proposed development and other changes should adequately mitigate or, as a last resort, compensate for the harm. The appraisal should seek to demonstrate a measurable biodiversity net gain of a minimum of 10% by utilising the Defra biodiversity metric (or as amended). Where this is not demonstrated, permission for planning or for change should be refused. Measures to achieve biodiversity net gain, mitigation or compensation involving the creation of habitat and/or relocation of species, must be agreed by North Hertfordshire Council and include sufficient funding to support at least 30 years of post-development habitat management or land use change.'

Policy W9: Local Green Spaces

- 7.50 This policy proposes the designation of thirteen local green spaces (LGSs). The proposed designations are underpinned by the details in Appendix F. I looked carefully at the proposed LGSs during the visit.
- 7.51 NHDC raises comments about proposed LGS1 (Mutcheps Field) and LGS6 (Plough Paddock). In its helpful response to the clarification note, RWPC comments:

'LGS1:

- *LGS1 has been identified because it is demonstrably special for its richness of wildlife, beauty, and historic significance, as set out in Appendix F of the Plan. Planning Practice Guidance states that a local green space does not need to be publicly accessible (Paragraph: 017 Reference ID: 37-017-20140306).*
- *The owner of LGS1 supports the designation, having originally proposed it as a local green space as a member of the Working Group. (RWPC) considers this space to be an important part of the network of green spaces which are uncultivated, or have low-intensity cultivation, in contrast to the surrounding high-intensity agricultural land. These green spaces link together to offer valuable wildlife pathways through the village and are vital to the peace and tranquillity of the area, which residents registered as a very high priority in RWPC's informal consultation process.*

LGS6:

- *The space has been used in the past by the community to host the village fete. It is the only relatively flat piece of land near to the village hall that would be suitable for hosting such village celebrations. Other nearby spaces (such as the Wick) are very overgrown, uneven, or steeper sloping.*
- *(It) is minded to retain this space as a local green space to retain the potential for future community activity. (The) landowners did not reiterate their objection (to the proposed designation) at the submission consultation.*
- *In addition, as for LGS1, (it) considers this space to be an important part of the network of green spaces which are uncultivated, or have low-intensity cultivation, in contrast to the surrounding high-intensity agricultural land. These green spaces link together to offer valuable wildlife pathways through the village, and are vital to the peace and tranquillity of the area, which residents registered as a very high priority in RWPC's informal consultation process.'*

- 7.52 Based on my own observations and the information in the Plan, I am satisfied that the various LGSs meet the basic conditions. In several cases they are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy. They carefully highlight the openness of the village and its interplay with the surrounding countryside.
- 7.53 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do 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 LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.
- 7.54 The policy sets out the implications for LGS designation. It seeks to follow the approach as set out in paragraph 103 of the NPPF. I recommend a modification to the wording the policy so that it has the clarity required by the NPPF. As submitted the policy provides no context for what might be considered as 'inappropriate' development. I also recommend a modification to the supporting text to clarify the way in which any planning applications can be assessed on a case-by-case basis and how 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.
- 7.55 Otherwise, I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

Replace the policy wording (after the LGS schedule) with: 'Development proposals affecting the designated local green spaces will only be supported in very special circumstances.'

At the end of paragraph 7.11 add: 'Policy W9 follows the matter-of-fact approach in the NPPF on this matter. If development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the District Council. 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 W10: Rural enterprise

- 7.56 The Plan advises that this policy recognises the existing and potential contribution of home-based and small-to-medium sized businesses to Wallington and seeks to encourage opportunities for them. It also comments that this includes supporting the provision of start-up business units in appropriate areas. Finally, it advises that this would provide a greater incentive and opportunity for local people to work locally and that homeworking has become more common-place for many since the Covid-19 pandemic.
- 7.57 The policy advises that development proposals that provide working spaces which encourage homeworking and creative small businesses will be supported. It also comments that as appropriate to their scale, nature and location, proposals for new workspaces should demonstrate the way in which they can be incorporated within their immediate locality in a way that is sympathetic to the local built and natural character.
- 7.58 The policy takes an appropriate and distinctive approach to this important matter. I am satisfied that the policy has regard to Section 6 of the NPPF. I am also satisfied that it meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development. In specific terms it will assist in the delivery of opportunities for new business activity in the village which respects its character and setting and in providing sustainable employment opportunities for local people.

Implementation and plan review

- 7.59 Section 9 gives detailed attention to these matters. Whilst the recent adoption of the Local Plan provides a positive and up to date context within which to prepare a neighbourhood plan this part of the Plan positively includes:
- pursuing the non-land use actions in Section 11 of the Plan;
 - commenting on planning applications received;
 - monitoring the effectiveness of the Plan's policies;
 - maintaining a dialogue with NHDC;
 - monitoring national policy;
 - maintaining a dialogue with the community; and
 - assessing any gaps in the Plan.
- 7.60 In the round the approach taken is best practice.

Non land use matters

- 7.61 Section 11 of the Plan comments about a series of non-land use matters. They have naturally arisen as the Plan has been prepared. They are properly addressed in a separate part of the Plan.
- 7.62 I am satisfied that they are distinctive to the parish. The following Actions are particularly noteworthy:
- the local housing needs in the parish;
 - enhanced participation in village life; and
 - reducing the reliance on cars for journeys.

Other Matters - General

- 7.63 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. Similarly, changes may be necessary to paragraph numbers in the Plan or to accommodate other administrative matters. It will be appropriate for NHDC and RWPC 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 and to accommodate any administrative and technical changes.

Other Matters – Specific

- 7.64 NHDC has made a series of helpful comments on the Plan. I have included them in the recommended modifications on a policy-by-policy basis where they are required to ensure that the Plan meets the basic conditions.
- 7.65 I also recommend other modifications to the text of the Plan based on NHDC's comments insofar as they are necessary to ensure that the Plan meets the basic conditions. They relate to the more general parts of the Plan
- 7.66 There is an error on the header on the top right-hand side of the document. It comments that the document is the pre-submission version rather than the submission version. Whilst this is now a historic matter, I recommend that the referendum version of the Plan is identified as such.

Replace the header on the top right-hand side of the document with 'Wallington NDP - Referendum Version'

- 7.67 NHDC comment that there are mathematical errors in Section 3 of the Plan. RWPC commented on these issues during the examination process. I recommend that the various matters are corrected based on RWPC's commentary.

Correct the mathematical errors in Section 3 of the Plan.

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 and to designate local green spaces.
- 8.2 Following the independent examination of the Plan, I have concluded that the Wallington 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 Council that subject to the incorporation of the modifications set out in this report that the Wallington 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 neighbourhood 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 on 22 April 2020.
- 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
18 December 2023