

Report on the Codicote Neighbourhood Plan 2024 – 2031

An Examination undertaken for North Hertfordshire District Council with the support of Codicote Parish Council on the Regulation 15 submission version of the Plan.

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Date of Report: 14 May 2025

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Main Findings - Executive Summary

From my examination of the Codicote Neighbourhood Plan (CNP/the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Codicote Parish Council;
- The Plan has been prepared for an area properly designated – the Codicote Neighbourhood Area as shown on Figure 1 on page 7 of the Neighbourhood Plan;
- The Plan specifies the period during which it is to take effect: 2024 - 2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Codicote Neighbourhood Plan 2024–2031

- 1.1 The Parish of Codicote is based on the village of Codicote and includes the hamlets of Drivers End, Nup End, Hogsnorton, Rabley Heath and Potters Heath. Codicote village is located in gently undulating countryside about 10km south of Stevenage and 1km to the north east of Welwyn with access to the nearby A1(M) motorway. The population of Codicote Parish is about 3500.¹
- 1.2 The process of preparing the Codicote Neighbourhood Plan (CNP) began in 2014. A 'Neighbourhood Forum'² was created; evidence was collected; consultations were held and over the subsequent three or four years the first draft Neighbourhood Plan was produced. The preparation appears then to have paused with a new Steering Group (successor to the Forum) being established to review the draft Neighbourhood Plan and which culminated in the Regulation 14 version of the Plan being produced in 2024. The final version of the Plan was submitted to North Hertfordshire

¹ Paragraph 3.1.1 of the Plan.

² It appears the group term 'Forum' was used in its general, ordinary meaning (and working on behalf of the Parish Council) as opposed to the statutory terms of Section 61F of the Town and Country Planning Act 1990 (as amended).

Council (NHC) in October 2024, representing over 10 years' work for those involved throughout the process.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the CNP by NHC with the agreement of Codicote Parish Council (CPC).
- 1.4 I am a chartered town planner and former government Planning Inspector and have experience of examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

- 1.5 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions.
 - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.

- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
 - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').
- 1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

- 1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood 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 for the area;
 - be compatible with and not breach European Union (EU) obligations (under retained EU law)³; and
 - meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirement of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.⁴

2. Approach to the Examination

Planning Policy Context

- 2.1 The current Development Plan for the Codicote area, excluding policies relating to minerals and waste development, principally comprises the North Hertfordshire Local Plan 2011 – 2031 (NHLP) for the purposes of the "strategic policies".

³ The existing body of environmental regulation is retained in UK law.

⁴ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). For the purposes of this examination the December 2023 NPPF applies and all reference in this report are to that version (unless otherwise stated).⁵ In addition, the Planning Practice Guidance (PPG) offers advice on how the NPPF should be implemented.

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, as well as those submitted⁶ which include:
- the draft Codicote Neighbourhood Plan 2024 – 2031 (submission version);
 - Figure 1 of the Plan which identifies the area to which the proposed Neighbourhood Plan relates;
 - the Consultation Statement (undated);
 - the Basic Conditions Statement (undated) including the Strategic Environmental Assessment (SEA) Screening Determination Statement (August 2024, as amended)⁷;
 - the Codicote Design Codes and Guidance (October 2023);
 - all the representations which have been made in accordance with the Regulation 16 consultation; and
 - the responses dated 7 April 2025 from CPC and dated 8 April 2025 from NHC to the questions of clarification in my letter of 31 March 2025.

Site Visit

- 2.4 I made an unaccompanied site inspection to the CNP area on 2 April 2025 to familiarise myself with it and visit relevant locations referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. No requests for a hearing session were received.

⁵ A revised NPPF was published on 12 December 2024 which includes transitional arrangements for neighbourhood plans. Paragraph 239 of the December 2024 NPPF advises that it will only apply to neighbourhood plans submitted after 12 March 2025.

⁶ View all the documents at: <https://www.north-herts.gov.uk/codicote-neighbourhood-plan>

⁷ The full screening determination of August 2023 (amended August 2024) can be viewed on the Parish Council's website at: <https://codicote-pc.gov.uk/wp-content/uploads/2025/04/2024.08.25-SEA-Screening-Determination-amended.pdf>

Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix to this report.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The CNP has been prepared and submitted for examination by the CPC, which is a qualifying body. The CNP extends over all the Parish and the area was designated by NHC in June 2014.⁸ I am satisfied it is the only Neighbourhood Plan for Codicote Parish and does not relate to any land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.2 The Plan period is from 2024 to 2031, as clearly stated on the front cover.

Neighbourhood Development Plan Preparation and Consultation

- 3.3 The Consultation Statement (CS) describes the thorough preparation of the Plan with involvement of the public and various stakeholders at the stages of the process which began in 2016, with a brief hiatus in 2021 but which then progressed with a reformed Steering Group taking the Plan forward and through its statutory procedures to submission.
- 3.4 The pre-submission Plan was published for consultation under Regulation 14 of the 2012 Regulations from 7 February 2024 until 27 March 2024. An overview of the comments made by statutory consultees and members of the public, which resulted in changes to the draft Plan, are summarised in Appendix Q (pages 47 to 93) of the CS (together with the changes to the Plan).
- 3.5 The final version of the Plan was submitted to NHC on 30 October 2024. Consultation, in accordance with Regulation 16, was carried out between 10 December 2024 until 28 January 2025. 12 responses were received about the Plan, including those from NHC. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the CNP, that has had regard to advice in the PPG on plan preparation and engagement and is procedurally compliant in accordance with the legal requirements.

⁸ Details of the 2014 designation may be viewed at: <https://www.north-herts.gov.uk/codicote-neighbourhood-plan>

Development and Use of Land

- 3.6 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.7 The Plan does not include provisions and policies for 'excluded development'.⁹

Human Rights

- 3.8 The Basic Conditions Statement (BCS) notes that no issues have been raised in relation to the possible contravention of Human Rights. These are fundamental rights and freedoms guaranteed under the European Convention on Human Rights. I am aware from the CS that considerable emphasis was placed throughout the consultation process to ensure that no sections of the community were isolated or excluded. I have considered this matter independently and I am satisfied that the policies will not have a discriminatory impact on any particular group of individuals.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Strategic Environmental Assessment (SEA) Screening Determination concluded that the draft policies for the Plan would not be likely to have significant environmental effects and therefore a SEA would be unlikely to be required. Statutory consultees did not dissent from these conclusions and raised no objections to the submitted Plan.
- 4.2 Natural England commented that significant effects on statutorily designated nature conservation sites or landscapes are unlikely. The proposed Neighbourhood Plan is unlikely to significantly affect any Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ), Special Areas of Conservation (SAC), Special Protection Area (SPA), Ramsar wetland or sites in the process of becoming SACs or SPAs ('candidate SACs', 'possible SACs', 'potential SPAs') or a Ramsar wetland. The Plan is also unlikely to have a significant effect on a National Park, Area of Outstanding Natural Beauty (now described as National Landscapes) or Heritage Coast, and is unlikely to impact upon the purposes for which these areas are designated or defined.¹⁰ Finally, I note that the SEA Screening Determination on pages 12-13 advises that the District Council updated the Habitats Regulation Assessment,

⁹ See section 61K of the 1990 Act.

¹⁰ Email from Natural England dated 22 August 2023.

September 2018¹¹, where it is specified that where a neighbourhood plan does not allocate a site for development, it is not necessary for a Habitats Regulations Assessment to be prepared.¹²

- 4.3 I have read the SEA Screening Determination Statement (inclusive of the update in August 2024 to the August 2023 iteration) and the other information provided and, having considered the matter independently, I agree with the conclusions. Therefore, I am satisfied that the CNP is compatible with EU obligations as retained in UK law.

Main Issues

- 4.4 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the remaining Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.
- 4.5 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. A neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.¹³
- 4.6 Accordingly, having regard to the Codicote Neighbourhood Plan, the consultation responses, other evidence and the site visit, I consider that the main issues in this examination are whether the CNP policies (i) have regard to national policy and guidance; (ii) are in general conformity with the adopted strategic planning policies; and (iii) would contribute to the achievement of sustainable development?

Vision and Objectives

- 4.7 The vision for the CNP is based on issues raised by the community during the initial stages of the consultation process undertaken for the first draft Plan. The succinct vision is described in paragraph 2.1.6 of the Plan. A series of objectives have then been developed to help to achieve the vision and which form the basis for the twenty two specific land use based policies grouped into the themes of design; amenities; infrastructure;

¹¹ For the purposes of the North Hertfordshire Local Plan 2011-2031 (adopted in November 2022).

¹² View at: <https://codicote-pc.gov.uk/wp-content/uploads/2025/04/2024.08.25-SEA-Screening-Determination-amended.pdf>

¹³ PPG Reference ID: 41-041-20140306.

natural environment; and heritage assets, with a concluding section on implementation.

Design Policies

COD 1 Designing with Design Codes

- 4.8 Codicote Design Codes were produced specifically for the Neighbourhood Plan in 2023. Policy COD 1 describes how they will be used in the consideration of proposals for development. Subject to two modifications which I shall recommend in order to ensure the clarity of the policy, it has regard to national guidance¹⁴, generally conforms with Policy SP9 of the NHLP and meets the Basic Conditions. **(PM1)**

COD 2 Designing for Net Zero

- 4.9 Policy COD 2 aims to achieve net zero in new development. The policy has regard to national guidance¹⁵, generally conforms with Policy SP9 of the NHLP and meets the Basic Conditions.

COD 3 Designing for Flood Resilience

- 4.10 Policy COD 3 aims to ensure that new development incorporates measures designed to introduce flood resilience. The policy has regard to national guidance¹⁶, generally conforms with Policy SP9 of the NHLP and meets the Basic Conditions. However, in its Regulation 16 representations, NHC commented that the map at Appendix G only shows surface water and river flooding to the south of Codicote village and not the whole Plan area. NHC submitted a plan which it considered should be used as a substitute. I recommend that the map submitted by NHC would assist in the interests of ensuring clarity, but should serve as an addition (rather than a replacement), and I shall recommend its inclusion. **(PM2)**

COD 4 Designing for Biodiversity

- 4.11 Policy COD 4 aims to introduce swift bricks and bat boxes into suitable new buildings and refurbishment schemes. As pointed out by NHC, some buildings may not be wholly suitable for bat or swift accommodation due to location or orientation. Therefore, a rephrasing of Clause II of the policy is required and which I shall recommend. **(PM3)** The policy would then have regard to national guidance¹⁷, would generally conform with Policy SP12 of the NHLP and meets the Basic Conditions.

¹⁴ NPPF: paragraph 132.

¹⁵ NPPF: paragraph 159 b).

¹⁶ NPPF: paragraph 165.

¹⁷ NPPF: paragraph 185.

Amenities Policies

COD 5 Existing Businesses in the Retail Area

- 4.12 Policy COD 5 aims to safeguard existing retail and service uses in the centre of Codicote village together with the protection of local character, residential amenity and highway safety where the change of use of commercial land is sought. Subject to the recommended **PM4** which would clarify where exactly within the village the policy would apply, it would have regard to national guidance¹⁸, would generally conform with Policy SP4 of the NHLP and meet the Basic Conditions.

COD 6 Village Car Park

- 4.13 Policy COD 6 includes support for proposals for a village car park subject to certain criteria. This element of the policy has regard to national guidance¹⁹, generally conforms with Policy SP6 of the NHLP and meets the Basic Conditions. National Highways questioned whether the car park could be considered as essential infrastructure and that its provision would be contrary to the promotion of sustainable travel. However, I respectfully disagree. Given the current size of the village; the location of the areas which have been allocated for housing in the Local Plan; and the desirability of maintaining the commercial and community activities in the centre, I believe a car park would be extremely beneficial, despite the measures which could be put in place to dissuade parking along the High Street such as suggested by National Highways. The expectation that all residents would be able walk or cycle the distances involved to visit the centre from the edge of the village is, in my opinion, unreasonable.
- 4.14 Nevertheless, as NHC commented, contributions sought for the installation of the car park may only be sought where they could assist in mitigating otherwise unacceptable development to make it acceptable. Therefore, the sweeping generalisation of Clause II would not have regard to national guidance and I shall recommend that it should be deleted. **(PM5)** In any event, I note that the car park is included as a project included in Appendix E under Policy COD 22 Spending Priorities. Therefore, I see no reason why contributions under a S106 Agreement may not be sought for the car park under appropriate circumstances using the normal development management procedures when planning applications are considered.

COD 7 Commercial Premises

- 4.15 Policy COD 7 aims to support the provision of new commercial premises. The policy has regard to national guidance²⁰, generally conforms with Policy SP3 of the NHLP and meets the Basic Conditions.

¹⁸ NPPF: paragraphs 88 d) & 89.

¹⁹ NPPF: paragraph 88 d).

²⁰ NPPF: paragraphs 88 & 89.

COD 8 Valued Community Facilities

- 4.16 Policy COD 8 aims to retain existing community facilities. The policy has regard to national guidance²¹, generally conforms with Policy SP4 of the NHLP and meets the Basic Conditions. NHC suggested that Clause I within Policy COD 8 duplicates part of Policy HC1 of the NHLP²², which it does to a certain extent. However, setting aside the issue of whether Policy HC1 is a strategic policy, criterion I provides the context for the list in Clause II. Therefore, I have no objection to its inclusion.

COD 9 New and Improved Community Facilities

- 4.17 Policy COD 9 supports proposals for new and improved community facilities subject to criteria listed in the policy. The policy refers to “multi-use community facilities” and NHC queried whether the policy also supported single use community facilities. It would seem to me that it would be illogical to refer exclusively to multi-use facilities and for which there is no corroborating evidence. So I shall recommend a modification to include single use community facilities. **(PM6)** The policy would then have regard to national guidance²³, would generally conform with Policy SP9 of the NHLP and would meet the Basic Conditions.

COD 10 Protected Recreational Open Spaces

- 4.18 Policy COD 10 aims to protect four recreational open spaces which are listed in the policy. The policy has regard to national guidance²⁴, generally conforms with Policy SP10 of the NHLP and meets the Basic Conditions.

COD 11 Local Green Spaces

- 4.19 Policy COD 11 designates fourteen Local Green Spaces (LGS) described in Appendix F of the Plan and listed in the policy, each of which I visited on my inspection of the area. LGS designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.²⁵

LGS should also be capable of enduring beyond the end of the Plan period.²⁶

²¹ NPPF: paragraph 88.

²² NPPF: paragraph 16 f).

²³ NPPF: paragraph 159 b).

²⁴ NPPF: paragraph 103.

²⁵ NPPF: paragraph 106.

²⁶ NPPF: paragraph 105.

- 4.20 I agree that each LGS meets the designation criteria but that, as suggested by NHC, the phrase “not be permitted” should be replaced by “not be supported”. **(PM7)** Subject to that modification, the policy would have regard to national guidance as referenced above, would generally conform with Policy SP12 of the NHLP and would meet the Basic Conditions.

Infrastructure Policies

COD 12 Traffic Congestion and Road Safety

- 4.21 Policy COD 12 considers traffic congestion and road safety. NHC considers that Clause I duplicates part of Policy T1 of the NHLP. In this particular case, I agree that Clause I is an unnecessary repeat of Policy T1 c) and therefore I shall recommend that it should be deleted. **(PM8)** Policy COD 12 would then have regard to national guidance²⁷, would generally conform with Policy SP6 of the NHLP and would meet the Basic Conditions.

COD 13 Public Transport

- 4.22 Policy COD 13 considers public transport. NHC considers that especially the first Clause of the policy duplicates criterion d) of NHLP Policy T1. I consider that Policy COD 13 seeks to ensure that major residential development is capable of being served by public transport services rather than, as set out in Policy T1, merely to demonstrate (as far as practicable) how it would be served. Therefore, in my opinion, the Neighbourhood Plan Policy COD 13 is slightly stronger in this regard than Local Plan Policy T1 and develops the policy aim rather than repeats it. However, when considering Travel Plans, Clause II should include the phrase “where appropriate”.
- 4.23 In addition, Clause III refers to S106 contributions collected under the provisions of Local Plan Policy T1, whereas I consider the more relevant Local Plan Policy is SP7 which sets out the circumstances when contributions might be sought, and could include benefits to public and community transport. The policy would then have regard to national guidance²⁸, would generally conform with Policy SP6 of the NHLP and would meet the Basic Conditions. **(PM9)**

COD 14 Safe and Accessible Active Travel Routes

- 4.24 Policy COD 14 aims to encourage safe and accessible active travel routes. The policy would have regard to national guidance²⁹, would generally conform with Policy SP6 of the NHLP and would meet the Basic Conditions subject to the replacement of Policy T1 with Policy SP7 for the same reason given above for PM9. **(PM10)**

²⁷ NPPF: paragraph 110.

²⁸ NPPF: paragraph 108.

²⁹ NPPF: paragraph 110.

COD 15 Sustainable Water Supply

- 4.25 Policy COD 15 aims to safeguard water supplies. The policy has regard to national guidance³⁰, generally conforms with Policy SP11 of the NHLP and meets the Basic Conditions.

Natural Environment Policies

COD 16 Landscape Character and Important Views

- 4.26 Policy COD 16 seeks to protect the character of the landscape and fifteen important views which are listed in the policy and detailed in Appendices I and J. I have three reservations about Clause III of the policy which may be remedied as follows: (a) the ambiguous phrase “appropriate technology” could be clarified as suggested by CPC by a brief explanation in a paragraph preceding the policy; (b) “cherished” views should be replaced by “important views” in order to be consistent; and (c) “a harmful effect” should be qualified to “a significantly harmful effect” so that the test to be applied is appropriate. For example, any minor intrusion into a view could be classified as harmful. In addition, the first sentence of paragraph 8.2.6 reads as policy, an unreasonable and therefore unacceptable one at that. I shall recommend the remedies as modifications and the policy would then have regard to national guidance³¹, would generally conform with Policy SP12 of the NHLP and would meet the Basic Conditions. **(PM11)**

COD 17 Biodiversity and Ecological Connectivity

- 4.27 Policy COD 17 deals with biodiversity and ecological connectivity. The policy has regard to national guidance³² and would generally conform with Policy SP12 of the NHLP and meet the Basic Conditions, subject to updating the references to the Hertfordshire Ecological Mapping Network in Clauses II, III and IV suggested by NHC which I shall recommend as modifications. **(PM12)**

COD 18 Wildlife Corridors

- 4.28 Policy COD 18 aims to protect wildlife corridors, four of which are listed in the policy. The policy has regard to national guidance³³, generally conforms with Policy SP12 of the NHLP and meets the Basic Conditions.

³⁰ NPPF: paragraphs 20 b) & 28.

³¹ NPPF: paragraph 180.

³² NPPF: paragraph 185.

³³ NPPF: paragraph 185.

COD 19 Climate Change Resilience

- 4.29 Policy COD 19 considers climate change resilience. The policy has regard to national guidance³⁴, generally conforms with Policy SP12 of the NHLP and meets the Basic Conditions.

Heritage Assets Policies

COD 20 Designated Heritage Assets

- 4.30 Policy COD 20 aims to safeguard designate heritage assets. I have two concerns about the policy. The first is the reference to on street and pavement parking issues which could apply to many places in the Plan area, not only the Conservation Area, and may be dealt with in any event under Policies COD 1 and COD 12. The second concern is Clause III which lacks clarity and is so hypothetical it is unreasonable. Therefore, I shall recommend the deletion of those two elements of the policy. **(PM13)** The policy would then have regard to national guidance³⁵, would generally conform with Policy SP13 of the NHLP and would meet the Basic Conditions. I appreciate that the policy might duplicate elements of Policy SP13 of the NHLP, but Policy COD 20 introduces references to the Codicote Conservation Area Character Statement 2019 and the Old Knebworth Conservation Area Character Statement 2011 (and any subsequent updates). Therefore, it adds to the context of the overall aim to safeguard the designated heritage assets.

COD 21 Non-designated Heritage Assets

- 4.31 Policy COD 21 aims to safeguard non-designated heritage assets, ten of which are listed in the policy. The policy has regard to national guidance³⁶, generally conforms with Policy SP13 of the NHLP and meets the Basic Conditions.

Implementation and Spending Priorities

COD 22 Spending Priorities

- 4.32 Policy COD 22 describes how spending priorities will be delivered and refers to a list of projects identified in the Project Plan which is found at Appendix E. It is recognised in paragraph 10.2.1, Policy COD 22 Clause II, and Appendix that the project list is a live document which will be reviewed at least once a year and which will be updated on the Parish Council website. The policy has regard to national guidance³⁷, generally conforms with Policy SP7 of the NHLP and meets the Basic Conditions

³⁴ NPPF: paragraph 185.

³⁵ NPPF: paragraph 196.

³⁶ NPPF: paragraph 209.

³⁷ NPPF: paragraphs 57 & 97; PPG Reference ID: 41-004-20190509.

Residential Allocation

- 4.33 A representation was submitted at the Regulation 16 stage on behalf of Taylor Wimpey which raises the issue of housing on Land West of Bury Lane, north of Codicote. The representation states that the site is being promoted for residential led development in the review of the North Hertfordshire Local Plan³⁸ but accepts that the site is within the Green Belt and therefore cannot be allocated in this Neighbourhood Plan. I note the various benefits claimed for development on the site, but about which I have no comments.

Policies Maps

- 4.34 The Plan includes a Policies Map and, at a larger scale, an Inset Map for Codicote village (on pages 19 and 20 of the printed version). NHC comments that the notation for Wildlife Corridors on the Policies Map (WC1, WC2, etc) differs from those in Policy COD 18 (GC1, GC2, etc). Paragraph 8.4.2 uses the WC prefix.
- 4.35 I also found it well-nigh impossible to identify viewpoint V9 in the centre of Codicote on the printed version of the Policies Map, even using the Inset Map. LGS13 was only identifiable on the printed Policies Map by its shape and comparing it with Appendix E Figure 17. Therefore, the Policies Maps in the printed version of the Plan should be improved in the interests of clarity by using nomenclature consistent with the policies (Policy COD 18) and ensuring that key locations are identifiable (V9 and LGS13).
(PM14)

Overview

- 4.36 Therefore, on the evidence before me, with the recommended modifications, I consider that the policies within the CNP are in general conformity with the strategic policies of the NHLP, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.
- 4.37 A consequence of the acceptance of the recommended modifications would be that amendments will have to be made to the explanation within the Plan in order to make it logical and suitable for the referendum. Further minor (non-material) amendments might also include incorporating factual updates, correcting inaccuracies, typographical and punctuation errors, any text improvements suggested helpfully by NHC in their Regulation 16 consultation response and other similar minor or consequential changes (such as paragraph numbering) in agreement with NHC. None of these alterations would affect the ability of the Plan to meet

³⁸ View at: <https://www.north-herts.gov.uk/local-plan-update-2025-2045>
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the Basic Conditions and could be undertaken as minor, non-material changes.³⁹

5. Conclusions

Summary

- 5.1 The Codicote Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the CNP, and the evidence documents submitted with it.
- 5.2 I have made recommendations for fourteen modifications to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether the referendum area should be extended beyond the designated area to which the Plan relates. The CNP, as modified, would have no policy which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be that of the designated Neighbourhood Plan Area.

Concluding Comments

- 5.4 The CPC, the Neighbourhood Plan "Forum"⁴⁰ and the subsequent Steering Group and other voluntary contributors are to be commended for producing a comprehensive Plan. The Plan is logical, very informative and, other than the identified relative defects in the Policies Maps, well-illustrated. The Consultation Statement and the Basic Conditions Statement were extremely useful. The Regulation 16 comments from NHC were also very helpful as were the prompt and constructive answers from the Councils to my questions. Subject to the recommended modifications, the CNP will make a positive contribution to the Development Plan for the area and should enable the attractive character and appearance of Codicote Parish to be maintained whilst enabling sustainable development to proceed.

³⁹ PPG Reference ID: 41-106-20190509.

⁴⁰ See footnote 2.

Andrew Mead

Examiner

Appendix: Modifications

Proposed modification no. (PM)	Page no./ other reference	Modification
PM1	Policy COD 1	Amend Clause I to: "Development will be supported where it demonstrates high quality design, etc ..." . Remove Clause III and insert at the end of paragraph 5.2.1.
PM2	Appendix G	Add the map submitted by NHC in its Regulation 16 representations.
PM3	Policy COD 4	Amend Clause II to: "In all residential schemes, a ratio of at least one swift brick or bat roost per dwelling shall be included as an integral component of the design, with groups of ... etc."
PM4	Policy COD 5	Amend title to: "COD 5 Existing Businesses" Amend Clause I to: "In the Village Centre (as defined in Appendix K), development, etc ..." . Replace the final sentence of paragraph 6.3.5 with: "A map of the Codicote Village Centre, defined in the Local Plan, showing the general location with a star and buildings edged and hatched being the buildings in commercial use, is reproduced at Appendix K."
PM5	Policy COD 6	Delete Clause II.
PM6	Policy COD 9	Amend Clause I to: "Proposals to improve or expand community and recreation facilities or provide new developments of single use or multi-use community facilities will be supported ... etc."
PM7	Policy COD11	Amend Clause II to:

		"Inappropriate development within these designated areas will not be supported unless ...etc."
PM8	Policy COD 12	Delete Clause I.
PM9	Policy COD 13	Amend Clause II to: "Where appropriate, Travel Plans should include ... etc." Amend Clause III by the replacement of: "Policy T1" with "Policy SP7" .
PM10	Policy COD 14	Amend Clause II by the replacement of "Policy T1" with "Policy SP7" .
PM11	Policy COD 16	Amend Clause III to: "Any development proposals ..., using an appropriate methodology, of harm to important views. Proposals where a significantly harmful impact is identified etc." Add a paragraph before the policy: "To assess the landscape and visual impact on Important Views, an appropriate methodology should be used. The use of Verified Views such as annotated photographs or photomontages are two such methods (see Historic England Research Reports Series 17-2019)." Delete the first sentence of paragraph 8.2.6.
PM12	Policy COD 17	Amend Clause II to: "Development should be avoided on areas containing habitats of principal importance as identified by Section 41 of the Natural Environment and Rural Communities Act 2006. Where adverse impacts ... etc." Amend Clause III to: "Development located in areas which are formally identified in a local strategy on the Hertfordshire Ecological Network Map or Local Nature Recovery Strategy should contribute ... etc." Amend Clause IV to:

		"Development located in areas identified as ecologically desirable for habitat creation but not in a local strategy should provide ... etc."
PM13	Policy COD 20	Delete the final sentence of Clause I. Delete Clause III.
PM14	Policies Maps.	Amend Policy COD 18 by replacing GC with WC in Clause I. Clearly identify Viewpoint V9 and Local Green Space LGS 13.