

# **Appendix A**

## **Preston Parish Neighbourhood Development Plan 2018-2031**

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

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## **Executive Summary**

- 1 I was appointed by North Hertfordshire District Council in August 2019 to carry out the independent examination of the Preston Parish Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 16 August 2019.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and providing a context within which new dwellings can be accommodated within a proposed Settlement Boundary. It proposes a series of local green spaces. In the round the Plan has successfully identified a range of issues where it can add value to the strategic context already provided by the adopted Local Plan. It has a particular focus on maintaining the rural identity of the neighbourhood area.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Preston Parish Neighbourhood 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**  
**5 November 2019**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Preston Parish Neighbourhood Development Plan 2018-2031 (the 'Plan').
- 1.2 The Plan has been submitted to North Hertfordshire District Council (NHDC) by Preston Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018 and 2019. 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 or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan and the emerging Local Plan in particular. It has a clear focus on maintaining the integrity of the village and ensuring good design standards.
- 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 modifications 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 Plan 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 the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both NHDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

### *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 is submitted 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 Sections 7 and 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. I am satisfied that the submitted Plan complies with the three requirements.

### 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 NHDC SEA screening report;
- the NHDC HRA screening report;
- the Parish Council's responses to my Clarification Note;
- the District Council's responses to my Clarification Note;
- the representations made to the Plan;
- the saved policies of the North Hertfordshire District Local Plan No.2 (with Alterations);
- the emerging North Hertfordshire Local Plan 2011-2031;
- the National Planning Policy Framework (February 2019);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 16 August 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised NHDC of this decision early in the examination process.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement sets out the mechanisms used to engage all concerned in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (January to February 2018). Its key feature is the way in which it captures the key issues in a proportionate way and is then underpinned by more detailed appendices.
- 4.3 Appendices 7-27 are particularly helpful in the way in which they reproduce elements of the consultation documents used throughout the plan-making process. They add life and depth to the Statement.
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- the establishment of a neighbourhood plan website ([www.preston-np.org.uk](http://www.preston-np.org.uk));
  - the use of a dedicated telephone line for residents to contact the Steering Group with queries;
  - the provision of updates in the monthly newsletter - Preston Church and Village News;
  - the use of posters on village noticeboards;
  - the use of fliers and a Neighbourhood Plan Questionnaire delivered to every household in the neighbourhood area; and
  - the organisation of drop-in sessions, village meetings and events (Drop-in session, 5 November 2016, Presentation of questionnaire findings to Parishioners, 30 April 2017 and Drop-in sessions, 5 & 7 October 2017).
- 4.5 The Statement also provides details of the way in which the Parish Council engaged with statutory bodies. It is clear that the process has been proportionate and robust.
- 4.6 Appendices 24 and 25 of the Statement provide specific details on the comments received as part of the consultation process on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. Due to the relationship between the emerging neighbourhood plan and the emerging Local Plan the plan-making process has been challenging. The Plan was initially submitted in 2018. Following the consultation exercise further discussions took place with NHDC and further work and refinement took place.

- 4.7 It is clear 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.
- 4.8 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.

*Representations Received*

- 4.9 Consultation on the second submitted plan was undertaken by NHDC for a six-week period that ended on 25 April 2019. This exercise generated comments from a range of organisations as follows:
- Aylesbury Vale District Council
  - Hertfordshire Constabulary
  - Hertfordshire Gardens Trust
  - Herts and Middlesex Wildlife Trust
  - Hertfordshire County Council (as a landowner)
  - Natural England
  - National Grid
  - Anglian Water
  - Hertfordshire County Council
  - CPRE
  - Historic England
  - North Hertfordshire District Council

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area consists of the parish of Preston. Its population in 2011 was 420 persons living in 158 houses. It was designated as a neighbourhood area on 14 June 2016. It is an irregular area located to the south-west of Hitchin. The neighbourhood area is predominantly a rural parish and much of its area is in agricultural use.
- 5.2 The principal settlement in the neighbourhood area is Preston. It is located in its southern part. School Lane, Church Lane and Back Lane provide the principal road network into and out of the village. Its format is defined by Back Lane to the south west and by Chequers Lane to the north. Many of its traditional buildings reflect its historic connection with Temple Dinsley House. It has particular associations with the work of Edwin Lutyens and the Lutyens practice. More modern development has taken place in Chequers Lane. The historic significance of the village is reflected in various statutory designations. The majority of the village is a Conservation Area and thirty three of its sixty-three listed buildings are located within the Conservation Area.
- 5.3 The remainder of the neighbourhood area consists of a very attractive agricultural hinterland. The northern part of the neighbourhood area (based on Offley Holes Farm) is particularly open and sylvan in its character

### *Development Plan Context*

- 5.4 The development plan covering the neighbourhood plan area consists of the saved policies of the North Hertfordshire District Local Plan No.2 (with Alterations). The following policies in that Plan are particularly relevant to the various policies in the submitted Plan:

Policy 6	Rural areas beyond the Green Belt
Policy 25	Re-use of rural buildings
Policy 28	House Extensions
Policy 29	Rural Housing Needs
Policy 30	Replacement or extension of dwellings in the countryside
Policy 55	Car Parking Standards

- 5.5 The North Hertfordshire Local Plan 2011-2031 was submitted for examination in June 2017. Hearing sessions took place in early 2018. Main Modifications to the Plan were published earlier this year. NHDC is currently responding to further detailed questions from the appointed Planning Inspector. In relation to the neighbourhood area the emerging Local Plan includes the following important components:

Policy SP2  
Settlement Hierarchy and Spatial Distribution

Preston is identified as one of a series of Category A villages within which development will be allowed within a defined settlement boundary.

#### Policy SP5

##### Countryside and Green Belt

Preston falls within the area covered by the proposed new Green Belt (within the area bounded by the Metropolitan Green Belt to the east, the Luton Green Belt to the west and the A505 Offley bypass to the north)

Section 13 Communities – A settlement boundary is identified for Preston (for the application of Policy SP2). In addition, an allocated housing site is proposed for approximately 21 homes off Templars Lane (Policy PR1). That site is wholly within the proposed settlement boundary

The Main Modifications propose refinements to Policy PR1 to address hedgerow retention and to draw attention to the proximity of the Wain Wood SSSI to the proposed development

- 5.6 The plan-making process has sought to relate the emerging neighbourhood plan to the emerging Local Plan. This is good practice in general terms, and will assist in futureproofing the neighbourhood plan. This approach is not unusual and has been pursued successfully elsewhere in the country. In the circumstances of Preston Parish, it has been more challenging given the contents of the emerging Local Plan and the way which they take a different approach to those in the saved policies of the development plan.
- 5.7 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This reflects key elements in Planning Practice Guidance on this matter. The recommended modifications included in Section 7 of this report seek to ensure that the relationship between the policies in the adopted development plan, the emerging neighbourhood plan and the emerging Local Plan is properly configured.
- 5.8 It is also clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

#### *Unaccompanied Visit*

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 16 August 2019.
- 5.10 I drove into the neighbourhood area from Hitchin along the B656. This gave me an initial impression of its setting and the character. It also highlighted its connection to the strategic road system and to Hitchin to the north. I saw a series of large properties in large grounds as I approached the village.

- 5.11 I parked by The Red Lion P.H. Given the compact nature of the village I was able to carry out the majority of the visit on foot. I looked initially at the layout of the village. I saw the attractive open spaces and how they contributed to its overall character and appearance. In particular I saw the attractiveness of the triangular green area in front of the Red Lion itself.
- 5.12 Thereafter I looked at that part of the village off Hitchin Road and Chequers Lane. In particular I looked at the proposed local green space based on the recreation ground off Hitchin Road. I saw the character of the Lutyens terrace in Chequers Lane and the way in which later buildings had sought to replicate its appearance and detailing.
- 5.13 I then walked along the footpath from Chequers Lane into the playground. I saw that it was attractively landscaped and was well-stocked with play equipment. I saw the seat dedicated to Colin Gatehouse and donated by the North Hertfordshire Ramblers.
- 5.14 I then looked at St Martins Church. I saw its distinctive rendered and Arts and Crafts appearance. The Church grounds were well-maintained. I also saw the attractive storage/outbuilding designed by Barrington White.
- 5.15 I then looked at the traditional buildings in School Lane and Church Lane and then walked around Crunnells Green and Back Lane. I saw the School in Back Lane.
- 5.16 I finished my visit by driving into the northern part of the neighbourhood area based around Offley Holes Farm. I saw its attractive and isolated nature.

## 6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

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) and European Convention on Human Rights (ECHR) obligations; and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

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

### *National Planning Policies and Guidance*

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in February 2019. This approach is reflected in the submitted Basic Conditions Statement.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Preston Parish Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the saved policies of the North Hertfordshire District Local Plan No.2 (with Alterations);
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

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

*Contributing to sustainable development*

- 6.11 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. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for housing and small-scale employment development (Policies HD10 and AF3 respectively). In the social role, it includes policies on community facilities (AF2), on local green spaces (Policy EH4) and on sustainable transport (Policy TC1). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on sustainability and energy efficiency (Policy HD5), design (Policy HD6), and on conservation areas and heritage assets (Policy EH2). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

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

- 6.12 I have already commented in detail on the development plan context in North Hertfordshire in paragraphs 5.4 to 5.8 of this report. It has been a challenging context within which to prepare a neighbourhood plan.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

*European Legislation and Habitat Regulations*

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement NHDC undertook a screening exercise on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA. The principal reasons for this conclusion were as follows:
- the Plan allocates no sites for development;
  - the Plan focuses on protecting the quality of the village and its environment;
  - the Plan does not seek to change the outcomes of development proposals in the existing or emerging Local Plan to the extent that it might lead to substantively different effects to those already assessed; and
  - whilst the neighbourhood area contains natural and heritage features there are no proposals in the neighbourhood plan which are likely to have significant environmental effects on these features.
- 6.16 NHDC has produced a separate Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not considered to have the potential to cause a likely significant adverse effect on a European protected site.
- 6.17 The HRA report takes account of the equivalent work undertaken on the emerging Local Plan. In doing so it provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.18 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. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

- 6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, 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. An Equalities Impact Assessment has helpfully been prepared. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

*Summary*

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

### *The initial section of the Plan (Sections 1-5)*

- 7.8 These initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a very professional way. It makes a very effective use of well-selected photographs and maps. A very clear distinction is made between its policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies.
- 7.9 The Introduction comments about the development of the Plan. It also provides background information on the wider planning policy context. It helpfully comments about the distinction between its policies and the Parish Projects. It includes a very clear map of the designated neighbourhood area and identifies the Plan period.
- 7.10 Section 2 comments about how the Plan was prepared. It is particularly comprehensive in its coverage and detail. It also usefully overlaps with the submitted Consultation Statement.

- 7.11 Section 3 comments about the neighbourhood area and a range of matters which have influenced the preparation of the Plan. It has a particular focus on its history, its built heritage and its demographic profile. It is a very helpful context to the neighbourhood area.
- 7.12 Sections 4 and 5 comment about the Plan's Vision and Objectives. They are well-constructed and describe how the Vision and the Objectives of the Plan were developed. The key strength of these parts of the Plan is the way in which the objectives directly stem from the Vision and then provide the context for the structure and arrangement of the resulting policies.
- 7.13 Section 6 sets out the structure for the Plan's policies. It also describes a series of community ventures which have taken place in the neighbourhood area. It also describes the various Community Rights which are included in the Localism Act 2012.
- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

#### Policy QL1: Social Interaction

- 7.15 This policy adopts a general format. It offers support to proposals for cultural, leisure, sport or commercial activities which improve, maintain or make alternative provision for social interaction
- 7.16 It is underpinned by the supporting text included in the Plan at paragraphs 7.1 to 7.5. It meets the basic conditions

#### Policy QL2: Community Quality of Life

- 7.17 This policy addresses the community quality of life in the neighbourhood area. It comments about a series of issues including access to clean air, water and open spaces, the need to prevent an increase in exposure to toxic substances, and the need for crime prevention measures to be designed into new developments.
- 7.18 I recommend a series of modifications to the policy. In combination they will ensure that
- it has the clarity required by the NPPF;
  - it acknowledges that some development could take place which may be acceptable where its benefits outweigh any limited harm;
  - the element of the policy on crime prevention measures is applied proportionately and in a fashion that directly relates to the scale and nature of the development proposed; and
  - the process related matters on crime prevention are repositioned into the supporting text.

**Replace ‘Planning applications’ with ‘Development proposals’**  
**Insert ‘unacceptable’ between ‘any’ and ‘adverse’ in the first sentence.**

**In the second sentence replace:**

**‘Development’ with ‘Development proposals’**

**‘only be permitted’ with ‘be supported’**

**‘if plans indicate that there is no’ with ‘where their design and layout does not cause an unacceptable’**

**Replace the final sentence with ‘Where appropriate to the scale and nature of the development concerned crime prevention measures should be incorporated into the design and layout of the proposal’.**

*At the end of paragraph 7.3 add:*

*‘Policy QL2 highlights the need for certain proposals to be designed in a way in which crime prevention measures are incorporated from the outset. Where this is the case early consultation is encouraged with the Hertfordshire Constabulary Crime Design Advisor’*

Policy QL3: Local Distinctiveness

- 7.19 This policy addresses local distinctiveness. Its ambition is that new architecture and designs and their associated landscape schemes should preserve and enhance a series of matters which contribute towards the character of the local area.
- 7.20 The policy is underpinned by the supporting text included in the Plan at paragraphs 7.1 to 7.5. It generally meets the basic conditions. I recommend modifications so that it has the clarity required by the NPPF.

**Insert a comma after both ‘of’ and ‘in’**

Policy AF1: New and Improved Community Facilities

- 7.21 This policy supports proposals which would result in either new or improved community facilities. The supporting text at paragraphs 8.1 to 8.10 provides a well-developed context to the policy.
- 7.22 The policy comments that community facilities will be supported which ‘fulfil the needs of existing and new residents’. In practical terms it is probable that any new or improved facilities would meet such needs. However, as a land use policy this approach would be difficult to apply clearly and consistently. I recommend that this part of the policy is deleted. In any event the expressed needs of the existing community are already extensively listed in the supporting text. Otherwise the policy meets the basic conditions.

**Delete ‘which fulfil the.... residents’**

Policy AF2: Community Facility Change of Use

- 7.23 This policy complements the approach in Policy AF1. In this case it addresses proposals for the change of use of an existing community facility to a non-community use.
- 7.24 I am satisfied that the policy is appropriate for the circumstances that prevail in the neighbourhood area. I recommend modifications to the wording used so that it has the clarity required by the NPPF and that it is clear that it applies to development proposals which may arise through the planning system. Otherwise it meets the basic conditions.

**At the beginning of both parts of the policy add: ‘Proposals for a’**

**In the first part of the policy replace ‘be resisted’ with ‘not be supported’**

**In the second part of the policy replace ‘permitted’ with ‘supported’**

Policy AF3: Home-based and Small Businesses

- 7.25 This policy offers support for home-based businesses and craft workshops. It helpfully identifies that in some cases planning permission would not be required for such proposals.
- 7.26 I am satisfied that the policy is appropriate for the circumstances that prevail in the neighbourhood area. I recommend modifications to the wording used so that it has the clarity required by the NPPF. The wording used in the submitted Plan is rather clumsy. Otherwise it meets the basic conditions.

**Replace ‘Where a planning.... required it’ with ‘Insofar as planning permission is required proposals for the change of use of all or part of a dwelling for home office use or a craft/artisan workshop’**

Policy HD1: Size of Individual Development

- 7.27 This policy reflects the way in which the submitted Plan has sought to take account of the emerging Local Plan. The latter identifies Preston as a Category A village with a proposed settlement boundary within which new development will be supported. In this context the submitted Plan has designed a policy which seeks to add value to Policy HS2 in the emerging Local Plan. In particular it sets out requirements for affordable housing, density and character for the development of the site allocated in the emerging Local Plan.

- 7.28 I can understand the approach taken. Nevertheless, with the delays in the adoption of the Local Plan, the neighbourhood plan policy is out of sequence with progress on that Plan. In any event the SEA screening statement in relation to the submitted Plan is clear that SEA is not required as the Plan does not in itself allocate land for housing development. In these circumstances I recommend that the policy is deleted.
- 7.29 Policy EH1 of the submitted Plan also draws attention to the approach in the emerging Local Plan. In that case it identifies the approach towards the identification of Category A villages in general and the creation of settlement boundaries in particular.
- 7.30 In all the circumstances I recommend that the opening part of Policy EH1 (with modifications) replaces Policy HD1. This approach incorporates:
- the identification of the settlement boundary within the Plan itself;
  - the emerging housing allocation in the Local Plan is captured in modified supporting text; and
  - the definition of a settlement boundary provides the basis of a spatial plan for the wider neighbourhood area.
- 7.31 This approach reflects the Parish Council's support for the proposed identification of the settlement boundary in the emerging Local Plan. It also takes account of its response to the clarification note which indicates that the settlement boundary should be included within the neighbourhood plan. I also recommend that the policy title is modified so that it properly reflects the changed nature of the policy itself.
- 7.32 The recommended modifications below capture these issues in a policy framework. In particular, I am satisfied that the approach taken is in general conformity with the policies in the saved elements of the development plan. The approach is consistent with that of Policy 6 in the saved policies of the District Local Plan. The definition of a settlement boundary simply provides a more specific context for development management decisions. It has not been directly challenged through the emerging Local Plan process. In addition, the Local Plan's proposal for a new Green Belt across that part of the neighbourhood area outside the identified settlement boundary would be entirely consistent with this approach. Plainly once that Plan is adopted the countryside would then be affected by Green Belt policies.

**Replace the policy with:**

**'The Plan defines a settlement boundary for Preston Village [Map inset number]**

**Proposals for residential development within the settlement boundary will be supported subject to the following criteria:**

- **their height, scale and massing reflect the character of the village and its rural setting;**
- **within the conservation area they preserve or enhance its special architectural or historic interest;**

- **their density and layout take account of other buildings in their immediate locality; and**
- **they incorporate vernacular materials and characteristic design features found within the village as appropriate to their scale and location within the village**

**Development proposals outside the settlement boundary will only be supported where they comply with national and local policies for development in the countryside'**

*Replace the policy title with 'Residential Development'*

*Replace paragraph 9.17 with:*

*'Policy HD1 provides a context for future development within the neighbourhood area in general, and within the village in particular. It identifies a settlement boundary. It is the same boundary as that proposed in the emerging Local Plan. It provides a logical and well-defined feature within the local environment. The definition of a settlement boundary provides the basis for a spatial strategy for the neighbourhood area which seeks to concentrate new development in the village itself. This will contribute towards the delivery of sustainable development in both the village and the wider neighbourhood area.*

*The settlement boundary includes the parcel of land proposed as a housing allocation in the emerging Local Plan (Policy PR1). The Local Plan will provide specific details on its development. These details will need to be applied to resulting development proposals in association with the criteria in the second paragraph of the policy'*

Policy HD2: Pedestrian Links and Rights of Way

7.33 This policy supports development which would maintain the existing footpath network and provide links from the new development to the wider footpath network.

7.34 It meets the basic conditions.

Policy HD3: Housing Types

7.35 This policy refers to housing types. Its focus is on delivering a range of houses to buy or to rent to meet local needs (Objective H3).

7.36 It seeks to ensure that any new housing reflects the existing mix of dwellings in the village whilst specifically providing two and three bedroom houses suitable for families, local people and first-time buyers. This approach is underpinned by paragraphs 9.1 to 9.14 of the Plan.

- 7.37 I recommend a modification to the policy so that it more accurately reflects the supporting text and the particular support that the Plan has identified for houses suitable for families, local people and first-time buyers.

**Replace the policy with:**

**‘Proposals for new homes should demonstrate the way in which they would address local housing needs. Proposals for or which include, two- and three-bedroom houses suitable for families, local people and first-time buyers will be supported’**

Policy HD4: Tenure of Housing

- 7.38 This policy sets out to address the tenure of housing in the neighbourhood area. It takes account of the supporting text at paragraphs 9.1 to 9.20.
- 7.39 The approach taken in the Plan is understandable given the high price of housing in the neighbourhood area in general, and the difficulties faced by local people in securing housing accommodation within the village. Nevertheless, the emerging local plan proposes the allocation of a site for housing development rather than the neighbourhood plan. In addition, the commentary of Section 106 agreements on the allocation of any affordable houses is a procedural matter rather than one directly related to the application of policy. In any event whilst the provision of affordable housing is a land use planning matter its allocation is a matter administered by NHDC under its powers within the Housing Acts and as such is not a land use matter.
- 7.40 In these circumstances I recommend that the policy is replaced by one which has a more general effect. In doing so I recommend that it incorporates a reference to the relationship of submitted proposals to up to date studies of housing need. This will ensure that the policy will be future-proofed throughout the Plan period.

**Replace the policy with:**

**‘Development proposals for new dwellings should deliver a mix of homes, including an element of social and affordable housing, which takes account of the most up to date study of housing needs in the neighbourhood area’**

Policy HD5: Sustainability and Energy Efficiency

- 7.41 This policy sets out a comprehensive and locally-distinctive approach to sustainability and energy efficiency. It incorporates support for the following components:
- water conservation measures;
  - landscaping schemes that improve biodiversity;
  - proposals with a low carbon footprint; and
  - the provision of car charging points.
- 7.42 The approach taken in the policy is commendable. I recommend some detailed modifications to the wording used. Otherwise it meets the basic conditions

**At the beginning of the first sentence add ‘Proposals for the’**  
**At the end of the first sentence replace ‘encouraged’ with ‘supported’**

Policy HD6: Design

- 7.43 This policy sets out to ensure that new housing developments incorporate storage for refuse bins, bicycles and mobility scooters. It specifically requires the provision of a secured and a covered cycle parking space for each new house.
- 7.44 I am satisfied that the approach taken is appropriate and reflects the specific nature of the neighbourhood area. The second part of the policy refers to the need for a high-quality cycle parking space. Whilst I agree that this should be the case the policy provides no advice about how high quality would be assessed. On this basis I recommend that it is deleted. I also recommend the deletion of the explanatory text at the end of the sentence as it is not directly a policy matter.

**In the second sentence delete ‘high-quality’**  
**In the second sentence delete ‘to ensure.... modes of travel’**

Policy HD7: Gardens

- 7.45 This policy requires new houses to have a private garden space. It recognises that there may be some circumstances, such as sheltered housing for the elderly, where a shared garden arrangement may equally well meet the ambitions of the policy.
- 7.46 I am satisfied that the approach taken is appropriate and reflects the specific nature of the neighbourhood area. Nevertheless, the design of the first sentence of the policy reads as a statement of social ambition than a planning policy. I recommend an alternative form of words which better relates the policy to the development management process.
- 7.47 I also recommend that the supporting text provides some guidance on the definition of a garden.

**Replace the first sentence with: ‘Proposals for new homes should incorporate the provision of a private garden of a size proportionate to their size. The provision of shared gardens will be supported where they relate to housing for the elderly in general, and for sheltered housing schemes in particular’**

*Insert an additional paragraph of supporting text in Section 9 to read:  
 ‘Policy HD7 comments about the provision of gardens associated with new dwellings. They are an important component of the character of the village. For the purposes of this policy a garden is defined as ‘a piece of land next to a house, with flowers, vegetables, other plants, and often grass’.*

Policy HD8: Flood Risk and Drainage Provisions

- 7.48 This policy addresses drainage issues in the neighbourhood area.
- 7.49 In the absence of any detailed commentary in the supporting text for this section of the Plan or in its initial sections it is difficult to understand the role and purposes of this policy. However, paragraph 9.18 loosely refers to water and drainage matters within the context of the Hertfordshire Building Futures Partnership. In addition, no representations have queried the policy's identification of the parts of the village which experience drainage issues. Taking all matters into account I recommend that the policy is recast so that it applies national policy to the neighbourhood area and in doing so highlights the importance of the existing drainage issues as detailed in the second part of the policy. In doing so I recommend that certain elements of the submitted policy are repositioned into the supporting text to provide a broader context for the modified policy.
- 7.50 Paragraphs 155 to 165 of the NPPF set out national policy on this important matter. The recommended replacement policy applies important principles in the NPPF to local circumstances. I recommend that the element of the policy which applies sustainable drainage techniques to 'all new developments' is replaced by 'major developments' as included in national policy (NPPF paragraph 165).

**Replace the policy with:**

**'Development proposals in locations at the highest risk of flooding will not be supported. Where any development proposal can be demonstrated to be necessary in such areas the development should be made safe for its lifetime without increasing the risk of flooding elsewhere.'**

**In other parts of the neighbourhood area beyond the locations at the highest risk of flooding, development proposals will be supported where they do not increase flood drainage or sewage risk elsewhere in the neighbourhood area, and within Castlefield, Templars Lane, Chequers Lane, Church Lane and Butchers Lane in particular.**

**Major developments should incorporate sustainable drainage systems within their design and layout unless there is clear evidence that this would be appropriate either within the neighbourhood area or on the site concerned'**

*At the end of paragraph 9.18 add the final paragraph of the submitted policy*

Policy HD9: Residential Extensions

- 7.51 This policy addresses residential extensions. It addresses the related issues of:
- the relationship between the substantive building and the proposed extension;
  - the materials to be used;
  - privacy and outlook issues; and
  - car parking standards.

- 7.52 The policy takes an appropriate approach to this important matter. Plainly a significant element of new development in the Plan period will be of a minor and a domestic nature. The policy acknowledges that several residential extensions will be permitted development. However, there is no need for the policy to highlight this matter. I recommend its deletion. I also recommend that the supporting text is modified to address the issue and to highlight that, whilst permitted development is beyond planning control it would be appropriate for such developments to follow the same principles.

**Delete ‘excluding...permitted development’**

*Insert an additional paragraph of supporting text in Section 9 to read: ‘Policy HD9 provides policy guidance on the extension of existing houses. Proposals which are of a small scale and which are permitted development are also encouraged to follow the same design principles’*

Policy HD10: New Housing Development

- 7.53 This policy provides commentary about the design and layout of new housing development. It has a sharp focus on maintaining local character.
- 7.54 The policy addresses both infill sites and broader housing schemes. As such it is written in a fashion which assumes that developments will consist of several dwellings. On this basis it fails to address the specific design requirements of single dwellings. I recommend modifications to the policy to address this matter. The policy also comments about landscape plans and how they will be approved as part of the planning process. I recommend that this aspect of the policy is deleted as it is a process-related matter rather than policy itself. However, I recommend that the issue is separately addressed in the supporting text.

**In the first paragraph of the policy delete ‘on infill sites and local housing schemes’ and ‘while at the same time.... within this plan’.**

**Replace ‘New homes should be grouped’ with ‘Development schemes should be designed’**

**Delete the second paragraph of the policy.**

*Insert an additional paragraph of supporting text in Section 9 to read ‘Landscaping issues are a key element of the design and appearance of new housing sites. They should be considered carefully as part of the determination of relevant planning applications. Landscape details should either be incorporated within planning application details or be agreed as part of the discharge of planning conditions’*

Policy HD11: Construction Management

- 7.55 This policy refers to Construction Management Plans (CMP). Its ambition is to ensure that new development adequately protects the amenities of local residents and the character of the local road network. The policy requires that a CMP is submitted with all relevant developments. It also encourages developers to comply with the Considerate Constructors Scheme.
- 7.56 The ambitions in the policy are well-considered. However, they are not directly land use matters. The first issue is more of a process requirement. The second is a voluntary arrangement that is available to the development industry. On this basis I recommend that the policy is deleted. However, given its importance to the local community I recommend that the approach is repositioned so that it sits as a further Project at the end of the Plan.

### **Delete the policy**

#### *Reposition the approach as an additional Parish Project*

#### Policy EH1: Village Boundary, Rural Character and Setting

- 7.57 This policy addresses the village boundary and the rural character and setting of the village. Within the context of Policy HD1 I have recommended that the initial part of this policy is modified and incorporated into Policy HD1. As such I recommend that the first part of the policy is deleted.
- 7.58 The second part of the policy refers to the need for the retention of a clear visual break between Preston and nearby villages. Its ambition is to ensure that the open countryside, woodlands, hedgerows and green corridors are protected and enhanced. This approach will now be read within the context of the spatial strategy as proposed (by way of recommended modification) within Policy HD1. Nevertheless, I am satisfied that with amendments this part of the policy meets the basic conditions in its own right and will be complementary to the broader approach in Policy HD1 (as recommended to be modified) in particular. The recommended modifications also incorporate policy wording which better relate the policy to the development management process. As submitted the policy expects a break to be maintained without identifying the mechanisms that will achieve this ambition.

### **Delete the first part of the policy**

#### **In the second part of the policy:**

- **replace the first sentence with: ‘Development proposals should retain a clear visual separation between Preston and nearby villages and settlements’**
- **include an additional sentence after the first sentence to read: ‘In addition they should ensure that the open countryside, woodlands, hedgerows and green corridors are protected and, where practicable, enhanced’**

- **replace the second sentence of the policy with: ‘Development proposals which would unacceptably impact on these environmental assets will not be supported’**

*At the end of paragraph 10.11 add:*

*‘Policy EH1 sets out to ensure that development does not affect the separation between Preston and its surrounding settlements (Gosmore, St Paul’s Walden and Langley). It complements the spatial approach incorporated in Policy HD1’*

#### Policy EH2: Conservation Areas and Heritage Assets

- 7.59 This policy has a clear focus on development within the conservation area and/or which affects heritage assets. The conservation area covers the majority of the built form of the village. In addition, the southernmost part of the Charlton Conservation Area falls within the neighbourhood area.
- 7.60 The core of the policy is well-developed. It applies national policy to the conservation areas. However, its first section is more general and seeks to retain the general character of Preston. Whilst this is appropriate it needs to be separated from that part of the policy which refers separately to the conservation areas. I recommend accordingly.

**Reposition the third sentence onwards (beginning with ‘All development within the Conservation Area...’) so that it is a separate paragraph within the policy.**

#### Policy EH3: Open and Green Spaces

- 7.61 This policy seeks both to preserve and to enhance open and green spaces within the neighbourhood area. It provides a more general context to the more specific policy on local green spaces in Policy EH4.
- 7.62 I am satisfied that in general terms the policy is appropriate and takes account of the specific circumstances that exist in the neighbourhood area. Nevertheless, I recommend modifications so that the policy adequately has regard to national policy in general, relates the policy closer to the development management process, and recognises that some developments may achieve support where they may alter the way in which open and green spaces relate to new development whilst respecting their integrity and use.
- 7.63 I also recommend the deletion of the final sentence of the second paragraph of the policy which resists development within eight metres of a watercourse. There is no evidence in the Plan to support such an approach. In any event this matter will be addressed through the application of flood risk policies in national policy.

**In the first paragraph of the policy:**

- **replace ‘impact’ with ‘have an unacceptable negative impact’**
- **in the second sentence replace ‘permitted’ with ‘supported’**
- **in the third sentence replace ‘considered appropriate’ with ‘supported’**

**In the second paragraph of the policy:**

- **replace ‘In considering.... will expect’ with ‘Where appropriate to their location and scale proposals for new development should incorporate’**
- **In the third sentence replace ‘resulting in’ with ‘that would result in’**
- **In the third sentence replace ‘should be refused’ with ‘will not be supported’**
- **In the third sentence replace ‘exists’ with ‘is incorporated within the wider proposal’**
- **Delete the final sentence**

Policy EH4: Local Green Spaces

- 7.64 This is an important policy within the submitted Plan. It proposes the designation of seven local green spaces (LGSs). The majority of the proposed designations fall within the proposed settlement boundary. The Cricket and Recreation Ground (LGS A) lies to its immediate north and the verges along Crunnells Green (LGS E) straddle the settlement boundary.
- 7.65 Appendix C includes a comprehensive assessment of the proposed LGSs against the criteria in paragraph 99 of the NPPF. Having looked at the various proposed designations when I visited the neighbourhood area, I am satisfied that they satisfy the NPPF criteria.
- 7.66 The NPPF also requires that LGS designations should be consistent with the local planning of sustainable development and should be capable of enduring beyond the end of the Plan Period (NPPF paragraph 99). I am satisfied that both of these important considerations are met by the submitted Plan. The proposed LGSs feature within a Plan where the associated emerging Local Plan has identified a housing allocation as part of its contribution towards the strategic delivery of housing in the District. In any event none of the seven proposed LGS would be appropriate for residential development. Indeed, in many cases they are an established part of the village environment. In addition, there is no evidence to suggest that the proposed LGSs are incapable of enduring beyond the end of the Plan period. Indeed, in many cases they are sensitively managed as green spaces.
- 7.67 The policy itself designates the proposed LGSs. It then applies the restrictive policy approach as set out in the NPPF. However, it then seeks to identify the very special circumstances which may apply to warrant a departure from this restrictive approach. Whilst this approach is helpful it moves beyond the matter-of-fact approach included in the NPPF. On this basis I recommend that this aspect of the policy is deleted. Very special circumstances can be considered by NHDC on a case-by-case basis rather

than through a policy approach trying to anticipate future circumstances. Nevertheless, I recommend that the deleted element of the policy is repositioned into the supporting text.

**Replace the second sentence of the policy with:**

**‘Proposals for development on a Local Green Space will not be supported except in very special circumstances’**

*At the end of paragraph 10.24 add:*

*‘Policy EH4 designates seven parcels of land as local green space and then applies the restrictive national policy approach towards development proposals on designated local green spaces. Very special circumstances can be considered by North Hertfordshire District Council on a case-by-case basis. However very special circumstances may include [insert the commentary deleted from the policy]’*

Policy EH5: Tranquillity and Dark Skies

- 7.68 This policy addresses tranquillity and dark skies. I saw that the neighbourhood area was tranquil as part of my visit. Whilst I left during the day the lack of street lighting was evident.
- 7.69 The policy is part supporting text and part policy. I recommend that the supporting text is deleted. I also recommend modifications to the policy element so that it more clearly defines what is to be protected.

**Replace the policy with:**

**‘Proposals for development should respect the tranquil character of the neighbourhood area. Proposals which would generate an unacceptable detrimental impact on its tranquillity through noise, generated traffic or light pollution will not be supported’**

Policy EH6: Views and Vistas

- 7.70 This policy sets out to ensure that new development safeguards a series of key views and vistas. Its underpinning ambition is to retain the close connection between the village and the surrounding rural landscape. Appendix C identifies the key views and vistas. The policy incorporates the following components:
- the need for information in a planning statement or a design and access statement about any potential impact of development on an identified key view; and
  - the incorporation of mitigation measures where new development may impact on the identified views.

7.71 In general terms I am satisfied that the approach taken is appropriate to the rural nature of the neighbourhood area. In particular I am satisfied that the identified views are public vistas rather than private views or aspects. However, I recommend the following series of modifications to ensure that the policy is clear and as such has the clarity required by the NPPF:

- the incorporation of the views within the policy itself;
- the deletion of elements of supporting text within the policy; and
- the provision of clarity about the way in which development proposals should be prepared and how they would be assessed.

7.72 I also recommend that some of the technical detail included in the policy is repositioned into the supporting text. It describes the processes involved rather than setting a policy context.

**Replace the policy with:**

**‘The Plan identifies a series of key views and vistas as listed below and shown on Map [insert number]**

**List at this point A-L (with their names/locations)**

**Where appropriate development proposals should safeguard, respect and where practicable enhance the identified key views and vistas through their location, design, scale, height and massing.**

**Where the proposed development would have an impact on any identified key view the planning application concerned should be accompanied by a landscape and visual impact assessment that is proportionate to the scale of the development proposed. Any such development proposals will only be supported where appropriate mitigation measures are incorporated within their design. Development proposals which would have an unacceptable impact on any identified key view will not be supported’**

*At the end of paragraph 10.11 add:*

*‘Policy EH6 provides advice to developers on this important matter. Any landscape and visual impact assessments which are required to support planning applications should be produced in accordance with ‘Guidelines for Landscape and Visual Assessment Third Edition, Landscape Institute and Institute of Environmental Management and Assessment 2013 or any successor document’*

Policy EH7: Protecting and Enhancing the Local and Natural Environment

7.73 The policy sets out to protect and enhance the local and natural environment in the neighbourhood area. Appendix C incorporates an impressive level of detail on these assets.

7.74 The opening part of the policy largely identifies existing designated areas of the natural environment in the neighbourhood area. In doing so it relies on the

Hertfordshire Biodiversity Action Plan. I recommend that the policy is modified to take account of the following matters:

- the cross-relationship between the policy and the sites identified in Appendix C;
- the introduction of an approach which more closely takes account of the staged approach towards avoidance, mitigation and compensation. This is necessary to ensure that the policy has regard to national policy (NPPF paragraphs 174-177);
- the deletion of any reference in the policy to the requirement for a net gain in biodiversity 'when requested'.

**Replace the policy with:**

**'Development proposals should maintain and where practicable enhance the elements of the natural environment as identified in Appendix C2 and Maps [insert numbers]. Where appropriate development proposals should also incorporate measures to ensure their connectivity to the wider habitats in the neighbourhood area.**

**Where significant harm to biodiversity arising from a proposed development cannot be avoided, adequately mitigated or as a last resort compensated for any such proposals will not be supported'**

Policy EH8: Hedgerows, Trees and Verges

- 7.75 This policy seeks to safeguard hedgerows, trees and verges in the neighbourhood area. They contribute significantly towards its rural character and appearance.
- 7.76 The policy has two parts. The first comments that development proposals should include an assessment of trees and hedgerows within their boundaries and that where any removal is necessary, they should be replaced with trees of an equivalent arboricultural value. The second part comments about the landscaping and planting required for new development.
- 7.77 I recommend that the first part of the policy is modified so that it applies only to relevant development proposals and that its focus is on outcomes rather than the processes involved. With detailed modifications to the wording used the second part of the policy meets the basic conditions.

**In the first part of the policy replace the first sentence with:**

**'Where appropriate and relevant to the site concerned development proposals should retain and maintain existing trees and hedgerows within the site and along its boundaries'**

**In the second sentence of the second part of the policy replace 'must' with 'should' and 'merges' with 'is sensitively incorporated'**

**In the third sentence of the second part of the policy delete 'seek to'**

Policy TC1: Safe and Sustainable Transport

- 7.78 This policy seeks to ensure that residential and community development is properly and safely incorporated within the fabric of the village. The policy reflects the concerns of local people about traffic and speeding in the neighbourhood area, and the existing levels of on road car parking.
- 7.79 The policy then identifies three criteria which any such development should meet. They relate to traffic levels, safety risks and car parking standards. The approach taken is appropriate to the neighbourhood area. However, for the first two criteria the policy requires the production of a Traffic Impact Assessment. Whilst such an approach may be relevant and necessary for larger developments it would be disproportionate for the more day-to-day proposals such as housing infill sites and extensions and/or alterations to existing community facilities. On this basis I recommend that this element of the policy is deleted and repositioned into the supporting text. Otherwise the policy meets the basic conditions with detailed modifications to its format and wording.

**In the opening part of the policy replace ‘should be able to demonstrate that’ with ‘will be supported where the’**

**In the second sentence replace ‘Development’ with ‘In addition, development proposals should conform to the following criteria:’**

**In a) replace ‘not unduly...volumes’ with ‘development proposals should not generate an unacceptable increase in traffic volume and movements’ and delete the text in brackets**

**In b) replace the criterion with ‘development proposals should not generate unacceptable highway safety risks’**

**In c) add at the beginning ‘development proposals should’ and delete ‘to ensure.....paragraph 11.5 above’**

*At the end of paragraph 11.4 add:*

*‘Policy TC1 addresses this important matter. Where necessary Traffic Impact Assessments should be submitted with planning applications which have the potential to generate significant increases in traffic in and around the village’*

Policy TC2: Broadband and Mobile Coverage

- 7.80 This policy addresses broadband services and mobile phone coverage. Its first part appropriately supports proposals for the delivery of efficient and effective broadband and mobile phone coverage in the neighbourhood area.

- 7.81 The second part of the policy comments that new residential, commercial or community development should meet the needs of their eventual occupiers without adversely affecting the broadband speed or mobile phone coverage for the wider community. This element of the policy responds to concerns highlighted in paragraphs 11.9 and 11.10 of the Plan about concerns about the capacity of the existing fibre optic broadband network in the village. Whilst I can understand the circumstances in which the policy has been prepared it would be impracticable for NHDC to apply it in a clear and consistent fashion. In any event, the quality and delivery of broadband services in the village is a matter for the relevant service providers. On this basis I recommend that this part of the policy is deleted.

**Delete the second sentence of the policy**

Project List

- 7.82 Appendix G identifies a list of projects which have been developed as part of the plan-making process. The Plan correctly comments that they fall outside the neighbourhood plan process itself. They are properly included in a separate part of the Plan as advised by national policy.
- 7.83 The projects include a series of environmental, community and traffic management issues. I am satisfied that they are both distinctive and appropriate to the neighbourhood area. Within the context of the Plan as a whole the following projects may prove to be particularly important:
- the feasibility of designation an additional conservation area;
  - the preparation of a conservation area character appraisal; and
  - the promotion of a village shop

Appendix D

- 7.84 Appendix D includes a series of information and policies supplied to the Parish Council by the Herts and Middlesex Wildlife Trust. They address the natural environment.
- 7.85 The approach taken is both effective and a sign of close collaborative working arrangements. However, in some cases the ‘policies’ are not land use in format and in other cases they included elements of description and analysis rather than planning policy. The situation is compounded as they are shown as policies in the same way as the land use policies in the main body of the Plan.
- 7.86 In all the circumstances I recommend that Appendix D is retained but as a series of working principles rather than policies. This would reflect their exclusion from the list of policies on page 4 of the Plan itself. This would involve modifications to the following elements of both the appendix itself and other parts of the Plan:
- modifications to the opening part of Appendix D;

- alterations to the way in which the working principles are displayed; and
- modifications to paragraph 10.25.

Otherwise it is a very helpful part of the wider Plan.

*In the opening paragraph of Appendix D*

- *in the first sentence replace 'Policies' with 'working principles'*
- *replace the second sentence with: 'The Parish Council confirms its agreement to, and support of, the following working principles for biodiversity. In the event that any inconsistencies arise between the land use policies in this Plan and any or all of the working principles the land use policies will be applied in the determination of planning applications'*

*In Appendix D change all Policy titles to Working Principle and remove the policy shading from the ten working principles*

*In paragraph 10.25:*

- *in the first sentence replace the two references to 'policies' with 'working principles'*
- *in the second sentence replace 'policies' with 'working principles'*
- *delete the third sentence*

Other matters

- 7.87 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for NHDC and the Parish Council 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.*

Monitoring and Review of the Plan

- 7.88 Section 12 of the Plan comments about its implementation and monitoring. A detailed project plan for the various Projects is included in Appendix G.
- 7.89 Paragraph 12.5 comments that the Parish Council will undertake a full review of the Plan every five years to ensure that it remains in line with local and national policies. This is good practice in general terms. However, in the circumstances which now exist between the respective timings of the emerging local plan and of the submitted Plan I recommend that the Parish Council considers the need for a review of any

made neighbourhood plan within twelve months of the adoption of the emerging Local Plan.

- 7.90 How the Parish Council proceeds will be a matter for its own judgement. On the one hand, the recommended modification incorporated within this report have been designed to future-proof the Plan. On the other hand, the adoption of the emerging Local Plan (as it currently exists with the Main Modifications) will include Green Belt designation for that part of the neighbourhood area outside the identified settlement boundary for Preston village. It will also include an allocated housing site within the settlement boundary. These matters may form the basis of a review of the neighbourhood plan.

*At the end of paragraph 12.5 add: 'Within the context provided by the emerging North Hertfordshire Local Plan 2011-2031 the Parish Council will assess the need or otherwise for a review of the neighbourhood plan within twelve months of the adoption of the emerging Local 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.
- 8.2 Following my independent examination of the Plan I have concluded that the Preston Parish Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

### *Conclusion*

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

### *Referendum Area*

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by North Hertfordshire District Council on 14 June 2016.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

**Andrew Ashcroft**

Preston Neighbourhood Plan – Examiner's Report

**Independent Examiner**  
**5 November 2019**