

Responses to the Regulation 14 Consultation

Respondents:

- A. North Herts District Council
- B. Environment Agency
- C. Historic England
- D. Natural England
- E. Anglian Water (sewerage)
- F. Sport England
- G. Herts and Middlesex Wildlife Trust
- H. Guilden Morden PC
- I. Foresters Allotments

Ref	Respondent	Page/para	Feedback	Response from SG
General Comments				
1.	NHDC		<p>There are a number of policies throughout the neighbourhood plan which include some explanatory text. This should be deleted from the policies but could be included in the supporting text.</p> <p>Consideration should be given to the phrasing or the framing of the policies, for example consider replacing developments being “encouraged...” or expected to...” with “planning permission will be granted” or “proposals will be supported where...”</p> <p>Before the neighbourhood plan is submitted, all the references to progress on the emerging Local Plan will need to be updated. This is particularly relevant to the section “Local Policy”, paragraphs 1.11 – 1.14 but there may be other references in the neighbourhood plan.</p>	<p>Agreed. We will check wording and amend as required.</p> <p>The text of the Plan will take into account the guidelines on drafting policies, particularly ‘Lessons in vocabulary’. https://neighbourhoodplanning.org/toolkits-and-guidance/write-planning-policies-neighbourhood-plan/</p> <p>Noted. References to the emerging Local Plan in the Reg 16 submission version of the NP will be checked against the latest version of the emerging Local Plan. Changes will be made where necessary.</p>
2.	Natural England		No specific comments.	Noted.
3.	Guilden Morden PC		Considered by the PC – no comments.	Noted.
Introductory sections				
4.	NHDC	p. 16 para 2.5	The 3rd bullet point refers to the nearest railway stations being a “drive away”, is this pessimistic for Ashwell and Morden station which is two miles from the centre of the village?	We will change the wording of the paragraph to provide a clearer explanation.
5.	NHDC	p.18 4.1	In the final sentence, the neighbourhood plan states that the emerging Local Plan allocates a site for a maximum of 33 homes. This is not strictly correct, Policy AS1 allocates a site at Claybush Road with a dwelling estimate of 33 dwellings.	Agree and will amend to “an estimated 33 dwellings.”
Spatial Strategy				

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6.	NHDC	p.19 POLICY ASH1	<p>Several parts of this policy duplicate parts of the NPPF or policies in the emerging Local Plan, for example the settlement boundary, the acceptable types of development outside that boundary and the use of brownfield sites. Perhaps consideration should be given to a more positive policy which sets out what types of development would be supported within the settlement?</p> <p>ASH1 (B)(iv): The emerging Local Plan allocates one development site for Ashwell for the period up to 2031 and the neighbourhood plan covers the same period up to 2031. If the Local Plan is reviewed and further allocations made, the neighbourhood plan should also be reviewed. As this part of the policy is currently worded, could it be interpreted that development on any future proposed allocations in a Local Plan Review will be supported?</p>	<p>The ELP is yet to be adopted – previous examinations have been strict about not referencing or relying on unadopted Plans, hence recommend keeping the wording as it is for the moment (see reference in “Purpose of the Neighbourhood Plan, para 1.4).</p> <p>In the Implementation Section, we will include a requirement to review the Plan once the Local Plan is made.</p> <p>We will review the wording of Policy ASH1 to make it clear whether future proposed allocations will be supported.</p>
7.	Historic England	Policy ASH1	Consider that the policy should be deleted as it does not add anything to local or national policy. Retain in supporting text to the plan.	We wish to retain this policy, as the Emerging Local Plan has not yet been adopted.
8.	Anglian Water	Policy ASH1	Amend part (iii): “it relates to necessary utilities infrastructure.”	We prefer to retain the wording as it is because it will encourage local consultation.
Housing				
9.	NHDC	p.22 para 5.9	On a strictly pro-rata basis, using the 2011 population and household figures, Ashwell’s contribution to the total number of dwellings for the District would have been around 200 homes in the submission Local Plan and would have been around 170-180 homes using the latest figures. Therefore it is considered that the first sentence is not strictly correct.	The point has been included in Chapter 5 of the redrafted Plan, along with other amendments that put it into context.

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10.	NHDC	p.26 POLICY ASH2	There is some duplication in this policy with the emerging Local Plan and the way in which affordable housing is delivered in practice. The 2016 Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) Update covers district wide housing need and the advice given to Development Management Officers is based on this evidence including size, type and tenure. In addition, the District Council's programme of undertaking rural housing needs surveys of individual parishes in partnership with Community Development Action (CDA) Herts informs a more specific local need.	Noted, but see comment on the status of the ELP above (no changes made).
11.	NHDC	POLICY ASH2 (A)	The first sentence states that "Proposals should include a high proportion of smaller one, two and three bedroom dwellings.....Is it necessary to include "smaller" in the policy?	Agree – will delete 'smaller'
12.	NHDC	POLICY ASH2 (B)	<p>Housing development must meet existing and future housing needs and clearly set out identified housing needs in the neighbourhood plan area, including meeting needs of older residents and younger people entering the market and addressing underoccupancy (by tackling downsizing). This is where the rural housing needs surveys undertaken by CDA identifies specific local housing need, including type, size and tenure.</p> <p>The other issue really depends on the site itself and it may be difficult to address the needs of all priority groups, although the provision of smaller dwellings should help. The difficulty of addressing under occupation for people in market housing, particularly older people is reliant on some kind of sheltered scheme</p>	<p>The CDA surveys are indeed useful sources of information about local need. The Housing Survey 2015 carried out in Ashwell, whose results contributed to drafting the Neighbourhood Plan, covers similar ground. It may be useful to revisit needs in the future and the CDA may be helpful in this respect. The policy has been edited accordingly.</p> <p>Regarding sheltered housing, the ANP does not specifically mention it but Policy ASH2.B refers to the needs of older people being a consideration and this would include consideration of sheltered housing needs.</p>

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			such as that at Wolverley House (settle) or a market development such as accommodation provided by specialist developers, like McCarthy & Stone.	
13.	NHDC	POLICY ASH2 (C)	This part of the policy repeats Policy HS2 in the emerging Local Plan. The word “preference” in the final sentence of this criterion should be deleted. All planning applications are considered on their own merits, no comparisons are made between proposed schemes and therefore there cannot be a preference for one scheme over another. The wording could be amended to state that proposals will be encouraged or supported.	Agree that a wording change is appropriate.
14.	NHDC	POLICY ASH2 (D)	The integration of affordable housing in development is a Council policy requirement, this criterion is a duplication of that policy.	Noted – will delete reference to integration in the Policy
15.	NHDC	POLICY ASH2 (E)	There is provision in the emerging Local Plan for the provision of affordable housing off site or a commuted sum in lieu, but this is only in exceptional circumstances and requires a robust justification. Preference is always for affordable housing to be provided on site. Any commuted sums received cannot be guaranteed to be spent in Ashwell, although it must be spent in North Hertfordshire. The neighbourhood plan could also consider local requirements relating to self-build as an alternative route to home ownership. The District Council can provide further information if required.	Noted. Will take out (E) and replace with a statement on self-build.
Design and Heritage				
16.	NHDC	p.28 Para 6.2	The District Council resolved in July 2017 that the Ashwell Village Design Statement will be revoked upon the adoptions of a neighbourhood plan. If there are elements in this Design Statement which the Parish	Noted. Appendix E will include the entire design statement.

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			<p>Council wish to retain, it would be appropriate to include these in the neighbourhood plan, perhaps in Appendix E?</p> <p>Similarly, the five visual character areas referred to in this paragraph were originally included in the District Local Plan No.2 with Alterations and the Design Supplementary Planning Document 2011. Both of these documents will be replaced with the emerging Local Plan and a new Design SPD. The District Council has recently undertaken work to prepare a Conservation Area Character Statement for the village which might also be relevant.</p>	<p>Noted. The Ashwell Conservation Area Character Statement dated 18/10/2019 has informed the drafting of paragraphs 6.1 to 6.5 and policy ASH3.</p>
17.	NHDC	p.30 Policy ASH3 (A)	Is it possible for development proposals to “preserve” the conservation area? Would it be more appropriate for the wording to be amended to “conserve and enhance”?	Agree to amend.
18.	NHDC	p.30 Policy ASH3 (B)	Should the policy be amended to include the visual impact of other approaches into the village, for example public rights of way or “lesser” highway approaches?	Agree to include footpaths as well as the highway and add relevant markers to the Ashwell map. More appropriate to include in ASH9 ‘Locally significant views’.
19.	Historic England	Policy ASH3 (C)	We support the inclusion of a heritage criterion. Suggest wording amended as follows, to ensure consistency with NPPF: “Development proposals affecting designated and non-designated heritage assets (either directly or via a change in their settings), will be expected to respect, conserve and enhance their significance.	Amend as suggested by adding ASH3 D.
20.	NHDC	p.30 Para 6.8	The “Building for Life 12” has been updated to “Building for a Healthy Life” earlier this year. The neighbourhood plan should be updated to reflect these changes.	Amend as suggested.
21.	NHDC	p.33 Para 6.11 Bullet 3	Whilst sites of fewer than 11 units would not be obliged to provide any affordable housing within the NPPF definition they should be expected to meet local housing needs as in Policy HS3 in the emerging Local Plan and	Amend as suggested

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			Policy ASH2 Housing Mix. With the aims to ensure the sustainability of the village and encourage/ give the opportunity for younger single people and families to remain in the village this is a sensible approach.	
22.	NHDC	p.34 Policy ASH4 (A) i. and ii.	The references to the Lifetime Homes Standard should be deleted as they are no longer used. Reference could be made to the national Technical Housing Standards, Part M of the Building Regulations and to the Hertfordshire Sustainable Design Toolkit .	Agree. Include references in policy ASH4A(i) and ASH7A, but not Part M, Building Regulations which we consider are more to do with building control than planning.
23.	NHDC	Page 34 Policy ASH4(vi)	The North Hertfordshire Parking Strategy 2019 – 2031 does not set out parking standards for new development. For residential development proposals, reference should be made to Appendix 4 in the emerging Local Plan or for non-residential development to the Vehicle Parking at New Development Supplementary Planning Document September 2011.	Agree and amend.
24.	Historic England	Policy ASH4	Support. Suggest (a) is amended as follows, to reference the historic environment: “Development is expected to demonstrate a high quality of design, which responds and integrates well with its surroundings, and meets the changing needs of residents. It should also minimise its impact on the natural and historic environment, respecting the topography and the issues that it may create with, for example, access and open views.”	Agree and amend.
25.	NHDC	Policy ASH5	There is a significant amount of guidance in the NPPF and the National Planning Practice Guidance about flood risk and the way in which it should be considered in development proposals. The emerging Local Plan also includes policy NE8: Sustainable drainage systems which states that planning permission will be granted if the most appropriate drainage solution is used taking into	We have updated the reference and mentioned the applicability of relevant NPPF and Planning Practice Guidance in ASH5A.

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			<p>account a wide variety of criteria and that drainage solutions should follow the Sustainable Drainage Hierarchy. The policy in the neighbourhood plan seems to replicate some of the guidance which is unnecessary. Some of the details included in the policy should be considered further:</p> <ul style="list-style-type: none"> • it would appear that the standards mentioned in the policy have been superceded with the DEFRA publication “Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems” March 2015; • it is not clear in what circumstances it is intended that this policy will be applied, is it for major development proposals, single dwellings or industrial premises or extensions? • it might not always be possible to demonstrate how the design of a SuDs scheme will enhance wildlife and biodiversity, for example tanked system is provided; and • It might not be appropriate to request maintenance plans in all circumstances. 	<p>Reference to standards changed.</p> <p>The policy relates to run-off from roofs and land, not ‘grey water’ or industrial effluent. The requirement would apply to all development, extensions to existing buildings and construction of industrial premises, so no qualification is needed. It may not be possible to show a biodiversity benefit but should at least be able to show there isn’t and adverse impact.</p> <p>Maintenance plans would only appropriate for larger developments (e.g. 10+ dwellings).</p>
26.	Environment Agency	Policy ASH5	Include reference within the policy to fluvial flood risk, to ensure compliancy with the NPPF.	Agree and amend: “including fluvial”. Relevant part is NPPF pp 155 - 165
27.	Anglian Water	Policy ASH5	<p>Reference is made to SuDs. Support requirement to include provision of these, as it would help reduce risk of surface water and sewer flooding as well as wider benefits, such as water quality enhancement.</p> <p>Update to reference 2015 standards.</p>	<p>Noted.</p> <p>Agree and amend.</p>

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			<p>Criterion A: Amend as follows: “Only where it is demonstrably unviable unfeasible will an absence of any on-site SuDS provision be permissible in such developments”.</p> <p>Criterion A (ii): include reference to peak volume and flow being agreed with Anglian Water (and reference their Surface Water Policy). https://www.anglianwater.co.uk/developers/development-services/surface-water-policy/</p>	<p>Agree and amend.</p> <p>Specific reference to the peak volume and flow has been removed. Agree reference to surface water policy and will amend.</p>
28.	NHDC	<p>Policy ASH7 (B)</p> <p>Footnote</p>	<p>Planning policies are limited in what they can seek over and above the requirements set out in the Building Regulations. It may be that those elements of the policy which seek to achieve particular standards are taken out of the policy and included elsewhere in the plan as community aspirations.</p> <p>It should be noted that the policy can only be applied to those alterations which need planning permission.</p> <p>Footnote In the Conformity reference at the end of Policy ASH7 there is a reference to Policy D48 in the emerging Local Plan – should this be Policy D4?</p>	<p>Noted.</p> <p>Amend policy.</p> <p>Amend conformity reference.</p>
29.	NHDC	p.40 Para 6.25	The section heading should be amended, should the word “structure” be deleted as it is not clear what “buildings of structure or character” means?	Amend wording
30.	NHDC	p.41 para 6.29	The paragraph refers to the “Local List”, does this mean ‘Buildings of Local Interest’?	The wording has been changed to clarify what is meant
31.	NHDC	p.41	The policy as worded is contrary to paragraphs 194 and 195 of the	The policy now uses the wording recommended by Historic England

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		Policy ASH8 (A)	NPPF and should be amended.	
32.	Historic England	Policy ASH8	Recommend deleting references in the policy to designated heritage assets, as this repeats local and national policy. Suggest amendments as follows: “New development should seek to avoid harm to the heritage assets (designated and non-designated) within the ANP area. Development proposals that conserve or enhance the historic environment will be supported. Proposals that could affect the significance of the buildings or structures of character as set out in APPENDIX c of the ANP will be supported if they preserve, sustain and enhance the special character, significance, appearance and locally distinctive features of the asset/s affected, particularly in terms of scale, form, proportion, design, materials and the retention of features. Planning permission will not normally be granted for development that would result in the loss of these assets, and will only be supported where it can be demonstrated that the benefits of the scheme outweigh the scale of any harm or loss, having regard to their significance.”	Agree and amend.
33.	NHDC	p.42 para 6.34	The significant views are identified as V1, V2 etc. This is the same as the visual character areas V1 – V5. This could cause confusion, it would be helpful if the notation is amended.	Agree – amend the notation.
34.	Historic England	Policy ASH 8	Support.	Noted.
35.	Historic England	Policy ASH 9	Support.	Noted.
Natural Environment				

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36.	HMWT	Throughout	<p>Include detail on the need for biodiversity net gain including the use of the DEFRA biodiversity metric on all applications bigger than householder. This will enable real, measurable net biodiversity gain as required by the NPPF. Not including this may lead to ecological consultants making spurious, subjective and false net gains for their applications, as they do routinely at the moment.</p> <p>Example text provided.</p>	<p>Agree and include in the general text as well as into Policy ASH11.</p> <p>http://publications.naturalengland.org.uk/publication/5850908674228224</p>
37.	NHDC	p.56 Policy ASH11 (B)	<p>The wording of this criterion should be amended to reflect paragraph 175 (b) of the NPPF.</p>	Agree and amend policy ASH11 D
38.	Environment Agency	Policy ASH11	<p>Welcome this policy. Suggest stating within it that any development brought forward should seek to deliver net biodiversity gains using the most up-to-date biodiversity metric and to protect these gains in perpetuity.</p> <p>Clause (B): This part of the River Rhee (Ashwell Springs), although not a main river, does constitute a rare chalk stream habitat and SSSI, so we would like to see the river corridor protected from degradation and enhanced wherever possible. Suggestion: providing a buffer zone along the river's edge precluding opportunities for development. Also support opportunities to naturalise and protect it, will aid the river's natural processes and counter the risk of flooding to surrounding habitats.</p>	<p>Agree and add detail to justification.</p> <p>Agree and add change to policy ASH11. Will look at the map of green corridors, Fig 7.2. Check this map to see if it is what we want in the light of these comments.</p>
39.	Historic England	Policy ASH11	Support.	Noted.
40.	Anglian Water	Policy ASH11	Would like to remove Ashwell Water Recycling Centre (formerly wastewater treatment works) from the designated green infrastructure area.	We do not consider that policy ASH11 compromises the management of this facility and do not agree that it should be an exception.

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41.	NHDC	p.57 Policy ASH12 (B)	The first part of this criterion simply sets out what is stated in the NPPF and should be deleted.	We would like to retain the wording for reasons of prominence and clarity
42.	Foresters	Policy ASH12	Object to the policy for a variety of reasons – see detailed letter	The view is that the objections do not outweigh the evidence to designate.
Business and Economy				
43.	NHDC	Page 60 - 61 Policies ASH13 and ASH15	<p>The Government has announced that there will be changes to the Use Classes Order from 1 September 2020 to make it easier for high street uses to change use without the need for a planning application. (The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020)</p> <p>A new “E” Use Class will be introduced which will include premises which were previously classified in the following use classes: A1, A2, A3, B1a, B1b, B1c, D1 and D2.</p> <p>In light of the changes announced by the Government to the Use Classes Order, the Parish Council will need to review both the policy wording and the supporting text to ensure that these neighbourhood plan policies are in conformity with the new Regulations and meet the Basic Conditions.</p>	Amend references to the Use Class Orders in policy ASH15, in line with recent changes.
Sport, Leisure and Recreation				
44.	NHDC	p.65 Policy ASH16 (A)	The word “strongly” should be deleted from the first sentence.	Agree and amend.

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45.	Sport England	Policy ASH16	Sport England recommend that any new or improved sports facilities are fit for purpose and designed in accordance with their design guidance. http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/	Noted. Add reference to the guidance in ASH16 A(i).
46.	NHDC	p.67 Policy ASH17	As mentioned above, the Use Classes Order will change on 1 September 2020 and the A4 Use Class will become obsolete. Pubs and drinking establishments will be classified as "Sui Generis" uses. The policy will need to be amended to ensure that it is compliant with the new Use Classes Order. The policy also duplicates some of the provisions included in Policy ETC7 of the emerging Local Plan which is unnecessary.	Noted – change reference to place pubs in 'Sui generis' class. Note earlier comments about the ELP not being 'made'.
47.	NHDC	p.68 Policy ASH18	The Council understands the aims of this policy. However, the new Use Classes Order places clinics and health care facilities in the new "E" Use Class. The Parish Council might wish to review this policy and the supporting text in conjunction with Policies ASH13 and ASH15.	Similar to points 43 and 46. Will amend references to Use Class Orders.
48.	NHDC	p.68 Policy ASH18 (C)	This criterion cannot be used to determine a planning application and should be deleted from the policy. It could be added to a separate section of the neighbourhood plan which includes other "community aspirations".	Noted: move to non-policy actions
49.	NHDC	Page 70 Policy ASH19 (B) and (C)	Criteria (B) and (C) should be deleted from the policy. The way in which the impact a development has on education provision is already considered by the District Council when considering a planning application and	Agree – delete ASH19 B and C and reflect in Non Policy Actions.

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			<p>developers are encouraged to seek advice from Hertfordshire County Council. This is explained in both the adopted Planning Obligations Supplementary Planning Document, 2006 and the draft Developer Contributions Supplementary Planning Document 2020.</p> <p>It is not possible to “ring fence” contributions for education to the parish. Any contributions secured for education are made to mitigate any impact on education provision and this may be required for facilities which are not available within the Parish.</p>	
Transport and Movement				
50.	NHDC	Page 72 Policy ASH20 (A) and (F)	<p>Could the policy be made more positive in its approach, as recommended in the guidance published by Locality “Writing Planning Policies : A toolkit for neighbourhood planners”? This could be achieved by re-ordering the criteria and re-wording criterion (A).</p> <p>Criterion (F) is not a planning policy but it could be added to a separate section of the plan which includes other “community aspirations”.</p>	<p>Agree and amend.</p> <p>(Refers to ASH20 E). Agree – move to Non Policy Actions.</p>
51.	NHDC	Page 72 Para 11.10	A reference should be made to Hertfordshire County Council’s current Rural Transport Strategy July 2019 – 2031 to ensure policy consistency, as reference is made to HCC’s current Rights of Way Improvement Plan 2017/18 – 2027/28.	<p>Agree and reference added</p> <p>https://democracy.hertfordshire.gov.uk/documents/s12089/Item%208a-App%20A-Rural%20Transport%20Strategy%202019-2031.pdf</p>
52.	NHDC	Page 74 Policy ASH21 (C)	Criterion (C) is not a planning policy which can be used to determine planning applications and should be moved to a “community aspiration” section of the	Agree – move to Non Policy Actions.

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			neighbourhood plan. Cambridgeshire Council should read as Cambridgeshire County Council.	
53.	NHDC	Page 74 Policy ASH22	Should reference be made to NHDC's current Parking Strategy 2019-2031 and Vehicle Parking at New Development Supplementary Planning Document 2011 to ensure policy consistency?	Agree and amend https://www.north-herts.gov.uk/home/parking/parking-strategy

