

East Herts District Council

# **Walkern Neighbourhood Plan 2017 - 2033**

## **Independent Examiner's Report**

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23 February 2018

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## Summary

I have been appointed as the independent examiner of the Walkern Neighbourhood Development Plan.

The Parish consists of Walkern village and two small hamlets of Bassus Green and Clay End. Walkern village is about a mile from Stevenage and the Parish boundary abuts the town at Box Wood. The River Beane valley, a rare chalk stream, bisects the area.

The Plan has been prepared against the background of an emerging District Plan. In addition permission was granted on appeal for some 85 homes on Froghall Lane. As this level of development satisfies the housing requirement for the village, no site allocations are made for housing. However, 20 policies seek to ensure that community facilities are supported and enhanced, areas of open space and biodiversity or habitat improved protected or enhanced, infrastructure is addressed, high quality development is encouraged and that this rural area thrives.

The Plan is clearly and well presented with planning policies clearly defined and supported by helpful explanatory text. I have recommended modifications that are intended to ensure that the basic conditions are satisfactorily met and largely to ensure that the Plan is clear enabling it to provide a practical framework for decision-making as required by national policy and guidance.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to East Herts District Council that the Walkern Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI  
Ann Skippers Planning  
23 February 2018



## 1.0 Introduction

This is the report of the independent examiner into the Walkern Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by East Herts District Council (EHDC) with the agreement of Walkern Parish Council, to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over twenty-five years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

## 2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The examiner is required to check<sup>1</sup> whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

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<sup>1</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

The basic conditions<sup>2</sup> are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and is:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site<sup>3</sup> or a European offshore marine site<sup>4</sup> either alone or in combination with other plans or projects.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.<sup>5</sup>

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case East Herts District Council. The plan then becomes part of the 'development plan' for the area and

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<sup>2</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

<sup>3</sup> As defined in the Conservation of Habitats and Species Regulations 2012

<sup>4</sup> As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>5</sup> The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

### **3.0 Neighbourhood plan preparation and the examination process**

A Consultation Statement has been produced. This explains the aims of the consultation process and that the production of the Plan was “resident-led”. The Plan has been in production since mid 2014. A community questionnaire to ‘scope’ the Plan, with specific sections for under 18s and over 60s, was developed. A separate questionnaire was produced for businesses. Questionnaires were delivered to every household and business in the Parish by volunteers as well as being available online and advertised in various ways. A total of 231 responses were received.

A dedicated website and Facebook page were established. An open day was held in April 2015 attracting some 70 people. A stand at the annual Walkern Fair to further increase engagement was taken. This was followed by another open day and public exhibition to seek feedback on draft policies.

Pre-submission (Regulation 14) consultation took place between 9 January – 20 February 2017. This consultation stage was advertised in the Hertfordshire Mercury, on Facebook and response forms being distributed to every household in the Parish alongside a summary of the Plan. Notification was given to over 70 consultees. A public event was held during the consultation period.

The Consultation Statement includes identification of the main issues arising from the consultation and how these were addressed.

I consider that the consultation and engagement carried out to be satisfactory.

Submission (Regulation 16) consultation was carried out between 5 October - 16 November 2017.

The Regulation 16 stage resulted in 19 separate representations from individuals, organisations or companies which I have considered and taken into account in preparing my report.

I have set out my remit earlier in this report. It is useful to bear in mind that the examiner’s role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).<sup>6</sup> PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other

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<sup>6</sup> PPG para 055 ref id 41-055-20180222

material considerations.<sup>7</sup> Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further additions or amendments are required.

In this regard some representators ask for additional or new policies or supporting text.<sup>8</sup> Whilst there is little doubt that such suggestions are useful, there is no requirement for a neighbourhood plan to include any particular types of policies or references and these are therefore not modifications I need to make in respect of my role. No doubt the Parish Council will wish to take account of these suggestions in reviewing or updating the Plan at some point in the future.

In addition, a representation refers to “land east of Gresley Way”.<sup>9</sup> EHDC has confirmed that this site is a proposed allocation in the emerging East Herts District Plan. A small area to the north of the site falls within the Plan area.

PPG<sup>10</sup> explains that it is expected the examination will not include a public hearing and that the examiner should reach a view by considering written representations. However, where the examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, a hearing must be held. After careful consideration of all the documentation and representations, I decided that neither circumstance applied and therefore it was not necessary to hold a hearing.

I did raise a number of questions and requested information from one of the representators. My list of questions is attached as Appendix 2. The questions and the responses to them are a matter of public record and available from EHDC or the Parish Council.

I made an unaccompanied site visit to familiarise myself with the Plan area on 8 February 2018.

Where I recommend modifications in this report they appear as bullet points in **bold text**. Where I have suggested specific changes to the wording of the policies they appear in ***bold italics***.

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<sup>7</sup> PPG para 055 ref id 41-055-20180222

<sup>8</sup> Herts & Middlesex Wildlife Trust, Savills on behalf of Thames Water

<sup>9</sup> Representation from Mr. Cooke

<sup>10</sup> PPG para 056 ref id 41-056-20180222

## 4.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

### **Qualifying body**

Walkern Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

### **Plan area**

The Plan area covers all of the Parish. The Plan area was designated by EHDC on 6 January 2015. The Plan area is clearly identified on page 4 of the Plan. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with the requirements.

### **Plan period**

The Plan covers the period 2017 – 2033 to align with the end date of EHDC’s emerging District Plan. The date is clearly indicated on the front cover of the Plan and also confirmed in the Basic Conditions Statement. This requirement is therefore met.

### **Excluded development**

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

### **Development and use of land**

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community’s priorities for the future of their local area, but are not related to the development and use of land. Should I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated and moved to a separate section or annex of the Plan or contained in a separate document. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.<sup>11</sup> Subject to any such recommendations, this requirement can be satisfactorily met. I note that a “Project List” of non-planning related projects is to be found in the Consultation Statement.

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<sup>11</sup> PPG para 004 ref id 41-004-20140306



## 5.0 The basic conditions

### Regard to national policy and advice

The main document that sets out national planning policy is the National Planning Policy Framework (NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.<sup>12</sup>

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.<sup>13</sup>

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at <https://www.gov.uk/government/collections/planning-practice-guidance>. The planning guidance contains a wealth of information relating to neighbourhood planning and I have had regard to it in preparing this report.

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.<sup>14</sup>

PPG indicates that a policy should be clear and unambiguous<sup>15</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.<sup>16</sup>

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>17</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>18</sup>

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<sup>12</sup> NPPF paras 14, 16

<sup>13</sup> *Ibid* para 184

<sup>14</sup> *Ibid* para 17

<sup>15</sup> PPG para 041 ref id 41-041-20140306

<sup>16</sup> *Ibid*

<sup>17</sup> *Ibid* para 040 ref id 41-040-20160211

<sup>18</sup> *Ibid*

Whilst this has formed part of my own assessment, the Basic Conditions Statement considers how the Plan has had regard to each of the relevant core planning principles and themes in the NPPF. A “Policy Map” in Appendix A of the Basic Conditions Statement maps the Plan’s 20 policies against the sustainable development themes in the NPPF.

### **Contribute to the achievement of sustainable development**

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole<sup>19</sup> constitutes the Government’s view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.<sup>20</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement discusses how the Plan contributes to the achievement of sustainable development. Appendix A, referred to above, also helps to demonstrate the links.

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

The development plan consists of the saved policies of the East Herts Local Plan Second Review 2007 (LP 2007) adopted in April 2007 and the Minerals and Waste Plans produced by Hertfordshire County Council.

In addition, EHDC is currently preparing a new District Plan. In line with good practice, the Plan has been prepared with regard to both the adopted and emerging Local Plans. Appendix A of the Basic Conditions Statement contains a “Policy Map” which maps each of the Plan’s policies against the strategic objectives and policies of the emerging District Plan.

The “Policy Map” is a systematic and visually interesting way to demonstrate how the Plan has responded to the NPPF and the emerging District Plan and I commend the technique to others.

At the time of writing, main modifications have been identified as necessary to make the East Herts District Plan 'sound'. The changes proposed to the emerging District Plan have evolved throughout the examination process, before, during and after the hearing sessions. The modifications propose to amend the Pre-Submission version of the East Herts District Plan. The main modifications are out to consultation between 15 February – 29 March 2018.

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<sup>19</sup> NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government’s view of what sustainable development means in practice

<sup>20</sup> *Ibid* para 7

## **European Union Obligations**

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

PPG indicates that it is the responsibility of local planning authorities to ensure that the Plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive) when it takes the decision on a) whether the Plan should proceed to referendum and b) whether or not to make the Plan.<sup>21</sup>

### ***Strategic Environmental Assessment***

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations).

A SEA Screening Report dated June 2017 has been submitted. The requisite consultation with the statutory bodies was undertaken. All three statutory consultees responded. All three concurred that a SEA is not required. EHDC has issued a determination dated 25 August 2017 that a SEA is not required.

I am of the view that EU obligations in respect of SEA have been satisfied.

### ***Habitats Regulations Assessment***

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.<sup>22</sup> The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

The Plan area does not fall within any European sites or in close proximity to any European sites.

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<sup>21</sup> PPG para 031 ref id 11-031-20150209

<sup>22</sup> *Ibid* para 047 ref id 11-047-20150209

EHDC issued a determination dated 25 August 2017 that the Plan will not have a likely significant effect on any European sites. Natural England concurred with this conclusion.

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in primary legislation as detailed in section 2.0 of this report. In my view, requirements relating to Habitats Regulations Assessment have been met and the Plan complies with this basic condition.

### **European Convention on Human Rights (ECHR)**

The Basic Conditions Statement contains a statement on human rights. There is nothing in the Plan that leads me to conclude there is any breach of the fundamental rights and freedoms guaranteed under the ECHR or that the Plan is otherwise incompatible with it or does not comply with the Human Rights Act 1998.

## **6.0 Detailed comments on the Plan and its policies**

In this section I consider the Plan and its policies against the basic conditions. As a reminder, where modifications are recommended they appear in bulleted **bold text**. Where I suggest specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is presented to an exceptionally high standard with policies which are clearly differentiated from supporting text. It has an eye catching front cover and is full of photographs that give a unique feel to the Plan. There is a useful contents page at the start of the Plan together with a Foreword by the Chair of the Plan Group.

### **1. Introduction**

This well written section contains useful information. It also indicates that the Plan will be monitored by the Parish Council. Whilst this is not a current requirement for neighbourhood plans, I regard this as good practice and welcome this commitment.

### **2. Process Summary**

This is another well written section that contains useful background.

### 3. Vision & Objectives

The vision for the Plan is:

“The Walkern Neighbourhood Plan will shape the evolution of Walkern over the next 16 years by meeting the aspirations and needs of the local community. We are committed to preserving Walkern’s historic character and strong rural identity by ensuring that development in the Parish is sustainable, protects valued natural features, strengthens a sense of community and enhances wellbeing of new and existing residents. We want to make sure Walkern Parish remains a great place to live.”

The vision is underpinned by 13 objectives.

Both the vision and the objectives are clearly articulated.

I note that objective f refers to the preferential access to some new homes for people with a strong local connection. This is not followed through in any policy and EHDC indicate that the allocation of affordable housing would be through their own allocation policy and the Housing Needs Register which does provide for District connection priorities. I therefore regard this part of this objective as aspirational, but it is not necessary for me to recommend any modifications in this respect and the objective can be retained as currently worded.

### 4. The Parish of Walkern

This well written section sets out the context for the Plan giving a flavour of the Parish’s history and attributes today.

### 5. Neighbourhood Plan Policies

#### Policy 1: Sustainable Development

The Plan explains that the planning context for policy development has been national policy and guidance and the LP 2007, but that the Plan has been developed in parallel with the emerging District Plan. This is to be welcomed and indeed is in line with national policy and guidance.

The LP 2007 explains that development will be focused on the main settlements of Bishops Stortford, Hertford, Ware and Sawbridgeworth alongside Stanstead Abbots and St Margarets and Buntford. Development in the smaller settlements will be accommodated to support facilities and services and to meet housing and employment needs for that settlement and surrounding area.

Policy OSV1 of the LP 2007 identifies Walkern as a Category 1 village. Within the village, small-scale and infill housing development is supported together with suitable sized employment, service, leisure, recreation and community facilities subject to a number of criteria. Settlement boundaries have been designated for all Category 1 villages.

The emerging District Plan contains a development strategy for the villages based on a classification of villages; Walkern is identified as a Group 1 village. The latest position with regard to the emerging District Plan and the main modifications that have been agreed with the Inspector and which are now being consulted upon until 29 March 2018 is that at least 500 new homes will be provided in the period 2017 – 2033 across all Group 1 villages. Group 1 villages are regarded as the most sustainable and so in such villages, housing, employment, leisure and recreation developments and community facilities will be permitted. The emerging District Plan indicates that such growth will help to sustain services and facilities, deliver more affordable housing, provide job opportunities and other community benefits.

A minimum 10% increase in housing stock based on the 2011 Census and over the period 2017 – 2033 is required for Walkern equating to 55 units according to Table 10.1 in the emerging District Plan.

The presumption in favour of sustainable development that runs through the NPPF is acknowledged together with a strong commitment to the principles of sustainable development.

Policy 1 therefore gives support to development that accords with the principles of sustainable development set out in the NPPF and the emerging draft District Plan. Whilst the policy is clearly worded and sets an overall context for the Plan, the reference to the emerging District Plan does not, in my view, provide the practical framework for decision-making sought by national policy and guidance. This is simply because the emerging District Plan is currently at examination and may change. There is then some uncertainty around it. As a result, a modification is recommended that ‘imports’ the principles from the emerging District Plan into the policy so that it stands on its own two feet.

- **Delete the words “...and the (emerging draft) East Herts District Plan.” from the policy and replace with “...and help to create sustainable communities which embrace the principles of sustainable development using a coordinated approach to the delivery of homes, jobs and infrastructure and development that improves the economic, social and environmental conditions in the area.”**

## Policy 2: Views, Vistas and Landscape Features

Although the text of the policy refers to six views, seven are identified; I therefore recommend a modification to correct this typographical error.

Policy 2 identifies views of particular importance to the community. The seven views are identified on the Policies Map in Appendix C and described in Appendix D which also contains a photograph of each view. Appendix D together with evidence from EHDC's Landscape Character Assessment Supplementary Planning Document 2007 (SPD) and the Conservation Area Character Appraisal and Management Proposal adopted on 14 December 2016 provides the justification for each view. I also saw on my site visit that these views are important to the unique character and topography of the village and its landscape setting.

In addition, the policy makes reference to the River Beane valley. It refers to it as providing a "strategic gap" between Walkern and Stevenage. In response to my query, the Parish Council have confirmed that the Plan does not intend to designate a gap, but wishes to stress the importance of the gap. The Parish Council suggest the word "strategic" could be replaced with "important" if any confusion arises and I consider this to be a helpful suggestion.

LP 2007 Policy GBC14 requires development to conserve and improve local landscape character and makes specific reference to landscape features. The supporting text notes the particular importance of the District's river valleys for wildlife, but also for recreation and as a mode of transport.

The policy is clearly written. It would not preclude development, but rather seeks to ensure any new development has an acceptable impact on the key attributes of the identified views and the landscape. I consider this to be an appropriate balance between the presumption of sustainable development and the protection of local distinctiveness. The policy, with two modifications, one in the interests of accuracy, the other in the interests of clarity, meets the basic conditions.

- **Replace the word "Six" in the first sentence of the policy with "Seven"**
- **Change the word "strategic" to "important" when referring to the "strategic gap between Walkern and Stevenage" in the policy and paragraph 5.29 on page 25 of the Plan**

### Policy 3: Walkern Conservation Area and Heritage Assets

The NPPF recognises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.<sup>23</sup> Policy 3 takes its lead from this by seeking to protect and enhance the Walkern Conservation Area and its setting. Proposals that affect both designated and non-designated heritage assets are supported as long as they conserve or enhance the quality of the asset or its setting.

The statutory duty in the Planning (Listed Buildings and Conservation Areas) Act 1990 is that in considering whether to grant planning permission for development in relation to any buildings or other land in a conservation area, any decision maker shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

There are two important legal principles in relation to the statutory duty. These are that a neutral effect of preserving the conservation area i.e. a development that leaves the character or appearance unharmed is acceptable and that the effect on the conservation area as a whole should be considered in reaching any decision. Therefore to require that new development must add positively to the character of the Conservation Area does not accord with the relevant legislation and legal principles. Reference is also made to the emerging District Plan in the policy as well as the Walkern Conservation Area Character Appraisal and Management Proposal 2016. As the emerging District Plan is not yet adopted, this reference should be changed.

Paragraph 5.17 would seem to sit more comfortably alongside Policy 3. Accordingly, a modification is made to accommodate this in the interests of clarity.

Therefore in order for the policy to meet the basic conditions, modifications are recommended.

- **Change the first sentence of the policy so that it reads: “In accordance with policies *at District level* and the guidance in the Walkern Conservation Area Character Appraisal and Management Proposal 2016 *or any updated document*, the *character or appearance of the* Walkern Conservation Area and its setting will be *preserved and where possible* enhanced.”**
- **Replace the word “quality” in the second paragraph of the policy with the word “*significance*”**
- **Move paragraph 5.17 to become paragraph 5.16 and to be inserted before Policy 3**
- **Existing paragraph 5.16 will then become paragraph 5.17**

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<sup>23</sup> NPPF para 126



#### Policy 4: Protected Recreational Open Spaces

Three open spaces are designated as Protected Recreational Open Space by this policy. All three spaces are clearly shown on the Policies Map in Appendix C and described in Appendix E. I saw each space during my site visit.

**The park on the High Street**, next to Walkern Stores is a recreational ground with play equipment in the heart of the village. The playground is recognised as making an important contribution to the character and appearance of the Conservation Area in the Conservation Area Character Appraisal and Management Proposal December 2016.

**The children's play area in Aubries** is a small area with play equipment close to residential development.

**The sports field at Walkern Sports and Community Centre** is a larger area used for recreation and village events.

Development that would involve the loss of the spaces is not permitted unless the facility is replaced by better facilities equally accessible to the local community. This reflects the stance of the NPPF in promoting healthy communities and LP 2007 Policy LRC1 which resists the loss of sport and recreation facilities. The policy is not based on needs as referred to in the NPPF and District level policies. However, in the context of this particular village and the location of all three spaces and their importance to the community, I consider all are suitably identified and the policy wording appropriate.

Paragraph 5.16 on page 19 of the Plan indicates that two of these open spaces are identified in the Conservation Area Character Appraisal and Management Proposal 2016. Having checked with the Parish Council, it has been confirmed that in fact only one of the open spaces is identified in that document and so, in the interests of accuracy, a modification is recommended.

- **Change the word “two” in the [existing] paragraph 5.16 to “one”**

#### Policy 5: Designated Local Wildlife Sites

Policy 5 refers to eight designated local wildlife sites shown on the Policies Map in Appendix C and described in more detail in Appendix G. The Policy seeks to protect and manage the sites.

Local Wildlife Sites are usually sites to be of significance for wildlife in at least a District context. The NPPF makes a distinction between different types of designations, the so-called international, national and local hierarchy of sites. It is important that protection is commensurate with their status, but that opportunities are taken to conserve and enhance biodiversity wherever possible. This policy deals with the locally identified

sites and I note that a representation from the Herts and Middlesex Wildlife Trust endorses the approach in the Plan.

The representation suggests additional supporting text to include in the Plan. I feel certain that these additions will be carefully considered for inclusion in any future version of the Plan, but they are not changes I need to recommend in respect of the basic conditions. The representation also suggests some modifications to the policy. I agree that the policy would benefit from these changes to ensure it has the clarity sought by national policy and guidance.

A number of changes are also needed in the interests of accuracy to the Policies Map and Appendix G.

- **Change the title of Policy 5 to “*Conserve and Enhance Biodiversity*”**
- **Change the first sentence of the policy so that it begins: “*Development should conserve and enhance biodiversity and deliver net gains to biodiversity. Wildlife and significant habitats...*” [retain the remainder of the policy]**
- **Add “*and Lords Wood*” after St John’s Wood in the policy**
- **Combine Coble’s Spring and The Bushes in the policy and amend the Policies Map to show this site as “*Coble’s Spring and The Bushes*”**
- **Amend the Policies Map to show Baron’s Wood as “*Baron’s Grove*”**
- **Notate the Policies Map to include the name of “*Bassus Green Road Verges*”**
- **Remove Site 23/004 Squitmore Spring and Plantation and Site 30/027 Walkern Road Verge from Appendix G**

## **Policy 6: Green Corridors**

It is widely recognised that green infrastructure delivers a wide range of environmental and quality of life benefits for local communities.<sup>24</sup> The NPPF is clear that the planning system should contribute to and enhance natural and local environment.<sup>25</sup> The Parish’s network of green corridors is protected and, where possible, enhanced by this policy. It introduces a buffer for the River Beane.

The policy is clearly worded and takes account of national policy and guidance, will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

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<sup>24</sup> PPG para 027 ref is 8-027-210211

<sup>25</sup> NPPF Section 11

## Policy 7: Local Green Space

This policy seeks to designate six Local Green Spaces (LGS).

The NPPF explains that LGSs are green areas of particular importance to local communities.<sup>26</sup> The effect of such a designation is that new development will be ruled out other than in very special circumstances. Identifying such areas should be consistent with local planning of sustainable development and complement investment. The NPPF makes it clear that this designation will not be appropriate for most green areas or open space. Further guidance about LGSs is given in PPG.

All of the proposed LGSs are shown on the Policies Map in Appendix C. Further information and justification for each designation is given in Appendix F.

I visited the proposed LGSs on my site visit. Taking each one in turn:

**LGS 1 and 2 Land either side of the River Beane at the Ford, Church End** is a focal point in the locality. The area affords views to the ford and it is a tranquil meeting place for the local community. There is evidence of bird life. The area also falls within the Walkern Conservation Area and is recognised as a notable and attractive feature in the Conservation Area Character Appraisal and Management Proposal 2016.

**LGS 3 Meadow adjacent to the River Beane between Church End and Winters Lane** is a meadow that is a popular area to walk in and enjoy with two public footpaths and is also home to a variety of wildlife. There is an important hedgerow along the River Beane. It falls within the Conservation Area.

**LGS 4: Field adjacent to Allotments, Totts Lane** is important for biodiversity and falls within the Conservation Area. It is next to proposed LGS 3, but separated from it by a road. At the time of my visit there was a horse grazing. It is a peaceful and tranquil area which also adds a visual 'stop' to the village and relates well to proposed areas 3 and 5.

**LGS 5: Allotments, Totts Lane** is a well-used allotment site next to the River Beane used for growing food, valued for its views, rich in wildlife. It falls within the Conservation Area and is adjacent to proposed LGS 4.

**LGS 6: War Memorial** consists of a small grass triangle with a memorial that also marks the entrance to the village. It also falls within the Conservation Area.

I note that there are objections to the designation of proposed LGS 3. PPG is clear that even without public access land can be considered for designation. Designation does not in itself, confer any rights of public access over what exists at present and the legal rights of owners must be respected.<sup>27</sup>

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<sup>26</sup> NPPF paras 76, 77 and 78

<sup>27</sup> PPG para 017 ref id 37-017-20140306

I have also considered whether, as the proposed LGSs fall within the Conservation Area whether any additional local benefit would be gained by designation as LGS. Different types of designation achieve different purposes and I am satisfied that in this case there would be benefits to recognising these spaces as being of special value to the community.

In my view, the proposed LGSs meet the criteria in the NPPF satisfactorily.

The policy is clearly worded and sets out the type of new development that will be permitted in the LGSs. The policy therefore meets the basic conditions and no modifications are suggested.

### **Policy 8: Framework for Land South of Froghall Lane**

This policy relates to the land south of Froghall Lane site that has received outline planning permission on appeal. EHDC advise me that the permission is extant as two reserved matters applications have been submitted within the required timeframe and both have been approved. The site is shown on the Policies Map which is not referred to in the policy itself and for the sake of completeness, I suggest a cross-reference is inserted into the policy.

Policy 8 is a long policy with numerous requirements taking its lead from the consent granted on appeal. Reference is made to the Tibbalds Framework which, I understand, did not form part of the application that has been approved. The supporting text to the policy explains that a design brief will be required as part of any reserved matters application.

Given that a scheme has been granted planning permission, this policy once adopted would only apply to any new scheme for the site.

With the exception of a small typo error in the appeal reference, the policy is generally clearly written and sets out the expectations of the community. It provides clarity and will help to achieve a high quality and sustainable development. However, some modifications are necessary to ensure that it is clear that the policy provides a framework for any future development.

The penultimate criterion seeks new connections for pedestrians, cyclists and horse riders through the site between 68 – 70 Moors Ley. Whilst this in itself may be appropriate and achievable, no information is given in the Plan to indicate this and so this element is without evidence to support it. In addition the location of the link, whilst shown on the Tibbalds Framework, does not form part of the identified site on the Policies Map and appears to be in the ownership of third parties. For these reasons, it should be deleted.

The last criterion requires emergency access to be gated to avoid misuse. Again whilst this may be appropriate, there is no information to support this criterion. As a result it should be deleted.

Subject to these modifications, the policy will meet the basic conditions.

- **Add “*as shown on the Policies Map*” after “The site...” in the first sentence of the policy**
- **Change (APP/J1915/W/153127807) to (APP/J1915/W/15/3127807) in the first sentence of the policy**
- **Delete the words “In addition, all of the following conditions will apply:” and replace with “In addition, *any scheme should take account of the following principles as part of any detailed framework for the development of the site:*”**
- **Change the criterion that reads: “All existing trees and hedges will be retained and protected, where possible, during construction.” to “*All existing trees and hedges shall be retained unless otherwise approved in writing by the local planning authority. All trees and hedges identified for retention shall be suitably protected during the construction period.*”**
- **Add “where this is evidenced by up to date local needs housing evidence.” to the end of the criterion that begins “Affordable homes must include smaller units...”**
- **Delete the criterion that reads: “New connections should be made for pedestrians from the site into Aubries and a new public right of way for pedestrians, horse riders and cyclists should be created, through the site between 68 - 70 Moors Ley, to the existing public right of way on Froghall Lane (URC2).”**
- **Delete the criterion that reads: “Any additional emergency access should be gated to avoid misuse.”**

### **Policy 9: Housing Infill Sites**

The supporting text makes it clear that small-scale infill sites within or adjacent to the village boundary are supported by this policy. Brownfield sites are preferred to greenfield sites.

As the village boundary has been revised and is shown on the Policies Map, a reference to this should be included in the policy in the interests of completeness and providing a practical framework for decision-making in line with national policy and guidance.

The wording of the policy should be made clearer to reflect the supporting text and therefore a modification is suggested again in the interests of providing the practical framework for decision-making sought by national policy and guidance.

Reference is made to important views and open spaces that are important to residents and contribute to the character of the Conservation Area. Development on garden land is resisted. Given that the village boundary has been reviewed and few opportunities for infill found within it, this policy will help to meet local needs.

As the Conservation Area is referenced, a modification is made to include appearance as well as character so that the policy accords with the statutory duty contained in the Planning (Listed Buildings and Conservation Areas) Act 1990 that in considering whether to grant planning permission for development in relation to any buildings or other land in a conservation area that any decision maker shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Subject to these modifications, the policy will meet the basic conditions.

- **Change the first sentence of the policy to “Within or immediately adjacent to the village boundary *as defined and shown on the Policies Map (Appendix C)*, small-scale infill developments *will be supported*. Brownfield sites are preferred to greenfield sites.”**
- **Add “or appearance” after “...important to the character” in the second sentence of the first paragraph of the policy**

## **Policy 10: Rural Homes**

PPG makes it clear that rural housing is essential to help ensure the viability of local facilities. All settlements can play a role in delivering sustainable development in rural areas and so policies restricting housing development in some settlements should be avoided unless there is evidence to support this.<sup>28</sup>

Three issues are dealt with by Policy 10. Firstly, high quality conversions of buildings of architectural merit to residential use are supported throughout the Parish. Secondly, exception sites are supported in Bassus Green and Clay End. Whilst this in itself may be acceptable, by their very nature such schemes are exceptional and are usually permitted elsewhere too, for example on the edge of Walkern. It is not clear to me why these two small hamlets have been singled out. Therefore a modification is recommended to address this concern and to take account of national policy and guidance.

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<sup>28</sup> PPG para 001 ref id 50-001-20160519

Lastly, other single homes are supported only if there is a demonstrable need for them to be located in the countryside. This element accords with the NPPF that seeks to generally avoid new isolated homes in the countryside,<sup>29</sup> but supports those who need to live and work in the countryside.

Subject to a modification, this policy will meet the basic conditions.

- **Change the second paragraph of the policy so that it reads: “Rural Exception Affordable Housing schemes in the two small settlements of Clay End and Bassus Green will be *particularly* supported, provided that they do not impinge on important views and do not conflict with other policies in the *Development Plan*.”**

### Policy 11: Affordable Housing

Policy 11 is a short policy which supports a mix of affordable types and tenures based on local housing needs and market assessments. It reflects the NPPF’s aim of delivering a wide choice of high quality homes, the creation of inclusive and mixed communities and to plan for a mix of housing based on trends and needs<sup>30</sup>.

The supporting text explains that a Housing Needs Survey was conducted and offers some support for the Parish Council’s view that local residents should be given priority. Although this does not form part of the policy itself, it sets down a marker.

The clearly worded policy takes account of national policy and guidance, will help to achieve sustainable development. It meets the basic conditions and no modifications are recommended.

### Policy 12: Design of New Development

High quality design is sought by this criteria based policy. It seeks to ensure that new development is appropriate and reinforces local distinctiveness. It will therefore help to achieve sustainable development. It takes account of national policy and guidance which particularly seeks good design indicating it is indivisible from good planning.<sup>31</sup> It accords with the NPPF’s emphasis on good design and its aims to create or reinforce a sense of place and to respond to local character and history.<sup>32</sup>

It is in general conformity with the LP 2007 and in particular Policy ENV1.

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<sup>29</sup> NPPF para 55

<sup>30</sup> *Ibid* para 50

<sup>31</sup> *Ibid* para 56 and Section 7

<sup>32</sup> *Ibid* section 7 generally and specifically para 58

The policy is generally worded clearly, but one criterion could be open to interpretation; it refers to building materials being “aesthetically pleasing” and I can envisage some lengthy discussions. Therefore a modification is suggested to address this concern.

- **Change the first bullet point to read: “Building materials should *respect or enhance their environment and* be characteristic of traditional village properties”**

### **Policy 13: New Businesses**

New businesses are supported by this policy in line with the NPPF’s aims of building a strong, competitive economy. The policy caveats this by ensuring that the type and scale of new business activity is appropriate to the rural setting and the Conservation Area.

This approach is broadly in line with policies at District level which recognise that small-scale employment can help to sustain the rural economy and provide local job opportunities.

Manor Farm is singled out for further development subject to very specific criterion regarding vehicular access. There are no other references in the Plan to Manor Farm or explanation of the situation with regard to access. Therefore as no evidence is presented to support this element of the policy, a modification is made.

Subject to this modification, the policy will meet the basic conditions.

- **Replace “...the main vehicular access is directly off the B1037.” from the last sentence of the policy with “...*suitable and safe vehicular access is provided.*”**

### **Policy 14: Diversification of Farm Businesses**

Diversification of farm businesses is supported subject to two criteria. The first is that the development supports the viability of the existing farm holding. The second is that the development is ancillary to the agricultural business. The two criteria are alternatives.

The NPPF<sup>33</sup> supports the rural economy through the conversion of existing buildings and well-designed new buildings. It promotes the diversification of agricultural and other land-based rural businesses.

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<sup>33</sup> NPPF para 28



LP 2007 Policy GBC8 supports farm diversification so long as the farm enterprise can continue and where existing buildings are reused where possible. LP 2007 Policy GBC9 supports the reuse of rural buildings for business, tourism, leisure, community and other uses suitable in a rural area subject to a number of criteria. This approach is maintained in the emerging District Plan.

The policy is local in approach and is clearly worded. It meets the basic conditions and no modifications are recommended.

### **Policy 15: New Infrastructure**

Renewable energy and telecommunications infrastructure is sought and supported by this policy. This is in line with one of the core planning principles in the NPPF that supports the transition to a low carbon future and encourages the development of renewable energy and the NPPF's support for high quality communications infrastructure.<sup>34</sup> It reflects LP 2007 Policy ENV28 in particular.

The caveats are appropriate for this local area. The policy is clearly worded and meets the basic conditions. As a result no modifications are recommended.

### **Policy 16: Flood Risk**

Policy 16 explains that development proposals in Flood Zones 2 and 3 will be subject to a sequential test and that a flood risk assessment must be submitted with any planning application.

The supporting text explains that Walkern is at risk from both surface water and river flooding as it lies within the flood plain of the River Beane.

There is little doubt that consideration of flood risk will proactively help to meet one of the challenges of climate change. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.<sup>35</sup> It advocates a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property.<sup>36</sup> The NPPF sets out the circumstances in which a site-specific flood risk assessment will be required.<sup>37</sup> PPG advises that the general approach and requirements for site-specific flood risk assessments should be applied to developments in areas at risk from flooding.

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<sup>34</sup> NPPF Section 5

<sup>35</sup> *Ibid* para 100

<sup>36</sup> *Ibid*

<sup>37</sup> *Ibid* para 103

I note that this policy has largely been based on suggested text from the Environment Agency at pre-submission stage. Subject to some wording modification to bring it in line with the Environment Agency's suggestion, this policy will meet the basic conditions.

- **Change the last sentence of the policy so that it reads: “The Flood Risk Assessment must demonstrate that the development *is safe without increasing* the risk of flooding and, where possible, *reduces flood risk overall.*”**

### **Policy 17: Traffic Impact and Sustainable Transport Provision**

The supporting text explains that the local community has major concerns about traffic and congestion along the High Street and the impact of this, and parking. As a result this policy requires any proposal in the village to provide a traffic impact assessment.

The NPPF indicates that transport statements or assessments will be needed where proposals generate significant amounts of movement.<sup>38</sup> I note that the policy makes it clear that any such assessment should be proportional to the development sought and I consider this introduces sufficient flexibility to ensure that the requirement will not be overly onerous.

The second element of the policy seeks to ensure that any measures to mitigate such impacts will be agreed with the Highways Authority. Whilst this is a sensible way forward, it is not appropriate for the policy to require another authority to undertake further work. Therefore a modification is recommended to address this concern whilst ensuring that mitigation measures form part of the assessment.

The remainder of the policy seeks to promote sustainable transport in line with the NPPF<sup>39</sup> and will help to achieve sustainable development.

- **Add at the end of the first paragraph of the policy “*and any measures designed to mitigate such impacts.*”**
- **Delete the first sentence of the second paragraph and the words “In particular” from the second sentence of the second paragraph so that this paragraph begins “Further expansion...”**

### **Policy 18: Assets of Community Value**

Assets of community value can be land or buildings. If an asset is listed by the District Council and that asset then comes up for sale, the community has the time to develop a

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<sup>38</sup> NPPF para 32

<sup>39</sup> *Ibid* Section 4

bid and raise the money to bid to buy the asset when it comes on the open market. The idea behind this is to help local communities keep valued buildings or amenities that play a significant part in local life. However it should be noted that there is no community right to buy the asset; only to bid for it. It may well be that the community bids unsuccessfully.

The policy seeks to retain assets of community value subject to three criteria. The policy is clearly worded and has sufficient flexibility. It therefore meets the basic conditions and no modifications are recommended.

### **Policy 19: Community and Recreation Facilities**

Policy 19 seeks to retain community and recreation facilities unless alternative equivalent or enhanced provision is provided within the Parish. The NPPF is clear that plans should plan positively for the provision of recreation and community facilities.<sup>40</sup> In addition locally based facilities can assist those without access to a car or public transport within the more rural areas and are often important foci for the community.

This clearly worded policy supports the findings of the consultations with the community, has sufficient flexibility and meets the basic conditions. No modifications are therefore recommended.

### **Policy 20: Maintaining Existing Health Services**

This policy resists the loss of the surgery from its current location in the High Street, Walkern and supports its enhancement. The policy is clear that the only circumstance in which a loss may be acceptable is where a new health facility is provided subject to various criteria. This generally conforms to the stance of the LP 2007 which seeks to retain and provide local facilities in easily accessible locations for all sectors of the community. I also note that the emerging District Plan indicates tackling health inequality across the District is a Council priority.<sup>41</sup>

It is clear that the facility is of key importance to the local community. The supporting text recognises that the existing premises is privately owned. I saw at my visit that the existing surgery is centrally located, but has little provision for parking or other amenities. The current wording of the policy would not necessarily achieve what the community seeks. Therefore modifications are recommended to bring the policy in line with the explanation in the supporting text in the interests of clarity and providing a practical framework for decision-making.

- **Change the title of the policy to “Maintaining *and Improving* Health Services”**

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<sup>40</sup> NPPF Section 8

<sup>41</sup> East Herts District Plan Pre-submission Consultation 2016 page 238

- **Reword the policy to read: “*The existing GP surgery service should be retained or enhanced. Any loss of the existing facility will be strongly resisted unless new facilities are secured before the closure of the existing surgery premises. Proposals for the GP surgery to relocate to alternative premises will be supported provided it is in a suitable accessible location convenient to the Parish and adequate car parking is provided.*”**

## 6. Implementation

This section states that the policies may be amended at intervals in order to remain in line with the District Plan. This is to be welcomed, but for the avoidance of doubt, I recommend a little more explanation is given so that it is clear any such revisions will need to go through the proper procedures.

- **Add the words “*and any such review or update will be carried out in accordance with the process and procedures in place at that time.*” at the end of paragraph 6.1**

## Appendices

A helpful glossary and list of abbreviations is included at Appendix A. I consider it would be helpful to amend one definition to include rent.

Appendix B is a Policy Process Map.

Appendix C is the Policies Map. Some modifications to the Policies Map have been recommended throughout this report. In addition the Conservation Area boundary does not align with that shown in the Conservation Area Character Appraisal and Management Proposal 2016 and so the boundary shown should be checked and corrected in the interests of accuracy if necessary.

Appendix D contains details of the Views, Vistas and Landscape Features pertinent to Policy 2.

Appendix E has details of the Protected Recreational Open Space referred to in Policy 4. In relation to the play area in Aubries, it indicates that the site is identified as an important open space that should be protected in the Conservation Area Character Appraisal and Management Proposal 2016. The site does not fall within the Conservation Area and therefore this statement is incorrect and should be deleted from Appendix E.

Appendix F has details of the Local Green Spaces subject to Policy 7.

Appendix G contains information about Wildlife Sites. I have recommended some modifications to this appendix earlier on in this report.

Appendix H contains the Tibbalds Framework.

Appendix I has details of car parking standards and refers to Policy 8.

Appendix J is the flood plain map. It will be important to ensure that users of the Plan seek the most up to date information available as this information may change throughout the lifetime of the Plan. For this reason I suggest that a sentence directing users of the Plan to the most up to date information is added to ensure that the Plan provides a practical framework for decision-making as required by national policy and guidance.

Appendix K is a list of background documents.

Appendix L contains acknowledgements.

- **Add the words “*or rent*” after ...“exclusively for sale...” to the definition of sheltered housing in the glossary contained in Appendix A**
- **Check that the Conservation Area boundary is shown correctly on the Policies Map and correct if necessary**
- **Delete “The site is identified as an important open space that should be protected in the Walkern Conservation Area Character Appraisal (2016).” from the description of the Play Area Aubries in Appendix E on page 53 of the Plan**
- **Add to Appendix J a sentence that reads: “*The information in this appendix is correct at the time of writing the Plan. Up to date information should always be sought from the local planning authority, the Parish Council or other relevant organization such as the Environment Agency.*”**

## 7.0 Conclusions and recommendations

I am satisfied that the Walkern Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to East Herts District Council that, subject to the modifications proposed in this report, the Walkern Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Walkern Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Plan should proceed to a referendum based on the Walkern Neighbourhood Plan area as approved by East Herts District Council on 6 January 2015.

*Ann Skippers* MRTPI  
Ann Skippers Planning  
23 February 2018

## **Appendix 1 List of key documents specific to this examination**

Walkern Neighbourhood Plan 2017 – 2033 Submission Version

Basic Conditions Statement Submission Version (includes Strategic Environmental Assessment Screening Report and a Strategic Environmental Assessment and Appropriate Assessment Determination)

Consultation Statement Submission Version

Report on the Walkern Housing Needs Survey February 2017

Walkern Conservation Area Character Appraisal and Management Proposal adopted 14 December 2016

East Herts Local Plan Second Review adopted April 2007

East Herts District Plan Pre-submission Consultation 2016

Other documents available on  
<https://www.walkernneighbourhoodplan.com/documents>

**List ends**

## Appendix 2 Request for further information and questions from the Examiner to the Parish Council and EHDC

### Walkern Neighbourhood Plan Examination

#### Questions of clarification from the Examiner to the Parish Council and EHDC

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

- In relation to Policy 2:
  - The policy refers to six important views and vistas, but seven are then identified in the policy and in Appendix D. Is this simply a typographical error?
  - Reference is made in the policy to the River Beane Valley as providing a strategic gap, but am I correct in my interpretation that the Plan does not seek to designate such a gap? Please explain the language used.
- Paragraph 5.17 would seem to sit more comfortably alongside Policy 3. Would the Parish Council agree?
- In relation to Policy 5:
  - The policy refers to eight local wildlife sites. It indicates all eight are shown on the Policies Map (Appendix C), but I don't think this is the case. Please could this be checked and advise me accordingly and provide an amended map if some are missing or there are additional sites shown.
  - Reference is made in the policy to Appendix G. One site, St. Johns Wood is referred to in the appendix as "St Johns Wood and Lords Wood"; is this the same site (it seems to be two different sites on the map) and should the policy refer to Lords Wood too if they are different sites?
  - Appendix G also refers to two other sites which are not referred to in the policy (Squitmore Spring and Plantation and Walkern Road Verge). Should these two sites be removed from Appendix G?
- Policy 8 refers to land south of Froghall Lane and the appeal decision, APP/J1915/W/15/3127807:
  - Please advise me of the latest planning position in relation to this site.
  - Please advise me of the relationship between any extant permission and the Tibbalds Framework.
  - Please confirm there are no issues arising from the inclusion of the Tibbalds Framework as an appendix (i.e. correct permissions been sought etc.)
- Policy 12 uses the phrase "aesthetically pleasing" in relation to building materials and I consider this may give rise to a variety of interpretations and so does not



provide the necessary clarity. Is there another form of words that the Parish Council might wish to suggest?

- In relation to the Strategic Environmental Assessment Screening Report, please confirm:
  - The dates of the consultation with the statutory consultees
  - Whether any responses were received and if so provide copies of those responses
- Please confirm whether the Plan area a) falls within any European site(s) and if so which one(s) and b) if the Plan area does not fall within an European site, whether it falls within any zones or within proximity of any European site(s) and if so which one(s).
- Please confirm the date of the Habitats Screening Decision, b) the version of the draft Plan the screening related to and c) whether any consultation was carried out on the Screening Decision and if so, please provide details.
- Please could EHDC provide a copy of the site location plan (appendix 1) referred to in the representation from Planning Potential on behalf of Welbeck Land. Although the page has been copied, it is blank.
- A representation from Mr. Cooke refers to land east of Gresley Way. Please could a map be provided of the land/site referred to and/or confirmation given by EHDC as to whether any of this land falls within the Plan area? If any of the land does fall within the Plan are, please set out the latest planning status etc. of the site.
- Please provide a copy of, or link to, the report on Walkern Housing Needs Survey. Community Development Action Hertfordshire, February 2017.

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks.  
Ann Skippers  
25 January 2018