

North Hertfordshire District Council

**Pirton**

**Neighbourhood Development Plan  
2011 - 2031**

**Independent Examiner's Report**

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19 December 2017

## Contents

	<b>Summary</b>	<b>3</b>
<b>1.0</b>	<b>Introduction</b>	<b>4</b>
<b>2.0</b>	<b>The role of the independent examiner</b>	<b>4</b>
<b>3.0</b>	<b>Neighbourhood plan preparation and the examination process</b>	<b>6</b>
<b>4.0</b>	<b>Compliance with matters other than the basic conditions</b>	<b>8</b>
<b>5.0</b>	<b>The basic conditions</b>	<b>9</b>
	<i>National policy and advice</i>	9
	<i>Sustainable development</i>	10
	<i>The development plan</i>	10
	<i>European Union obligations</i>	11
<b>6.0</b>	<b>Detailed comments on the Plan and its policies</b>	<b>13</b>
	1. <i>Plan Background</i>	13
	2. <i>Parish Portrait</i>	15
	3. <i>Key Themes</i>	15
	4. <i>The Neighbourhood Plan Vision and Objectives</i>	15
	5. <i>The Neighbourhood Plan Policies</i>	16
	- 5.1 <i>Housing and Development (Policy PNP 1)</i>	16
	- 5.2 <i>Design and Character (Policies PNP 2, PNP 3)</i>	18
	- 5.3 <i>Biodiversity, Environment and Heritage (Policies PNP 4, PNP 5, PNP 6, PNP 7, PNP 8)</i>	21
	- 5.4 <i>Amenities and Facilities (Policies PNP 9, PNP 10)</i>	29
	- 5.5 <i>Transport and Connectivity (Policies PNP 11, PNP 12, PNP 13)</i>	30
	6. <i>Non Planning Policy Issues</i>	33
	7. <i>Evidence Base Documents</i>	33
	8. <i>List of Abbreviations and Glossary</i>	33
<b>7.0</b>	<b>Conclusions and recommendations</b>	<b>33</b>
	<b>Appendix 1 List of key documents</b>	<b>35</b>
	<b>Appendix 2 Questions of clarification</b>	<b>36</b>

## Summary

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

The village of Pirton is first recorded in the Domesday Book as Peritone meaning pear tree farm and has a long and rich history with numerous listed buildings and a Conservation Area. Today the village has approximately 1300 residents. The Parish is situated on the slopes of the Chiltern Hills close to North Hertfordshire's border with Bedfordshire and the village lies some three miles northwest of Hitchin.

The Plan builds on earlier work carried out by the Parish Council which included work on a Village Design Statement, a Parish Plan and a Housing Needs Survey. The supporting documents and in particular the Basic Conditions Statement are very helpful and comprehensive documents that I commend to others.

In addition the Plan has been produced against the backdrop of a rather dated Local Plan and the emergence of a new Local Plan which is now at an advanced stage. It is clear that there has been close working and cooperation between the Parish and District Councils as well as exemplary and constant engagement with the community.

Whilst no site allocations are made for housing, all of the Plan's 13 policies are criteria based and will help to ensure that any development is sustainable and suitable for the Parish. This is a sensible way forward given the uncertainty at District level experienced during the Plan preparation period and will help to ensure that the Plan retains its purpose as well as addressing the community's concerns about development pressure.

During the course of the examination I asked for further information about a number of issues. I am grateful to both Councils for their attention to this and for enabling the examination to run smoothly.

I have recommended a series of modifications which by and large are to help ensure that the Plan is a more workable document that provides a practical framework for decision making. 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 North Hertfordshire District Council that the Pirton 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  
19 December 2017



## 1.0 Introduction

This is the report of the independent examiner into the Pirton 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 North Hertfordshire District Council (NHDC) with the agreement of the 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 North Hertfordshire District Council. The plan then becomes part of the 'development plan'

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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

for the area and 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 submitted which meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

The Plan has been underpinned by earlier work on a Village Design Statement (2005), Housing Needs Survey (2010) and a Parish Plan (2013). After a parish-wide meeting in May 2013 supporting the production of a neighbourhood plan, a Steering Group was established to take it forward.

Communication with the community has been through the monthly Parish magazine, the Parish Council newsletter, progress reports, websites including one devoted to the Plan, Facebook including one specifically for the Plan, emails and leaflet drops.

In June 2014, consultation took place on key themes via leaflets and stalls at events and through specific contact with key groups and organisations. This culminated in the publication of a Consultation Document on key themes circulated to each household and business in the Parish and included land owners. It was also available on websites and Facebook.

In the Autumn 2014, two questionnaires were produced; one aimed at youth. Exceptionally high response rates were achieved; over 80% from households and 90% from youth in those households. Feedback was given to the community about the responses.

The next stage involved the formulation of the vision, objectives and policies for the Plan. In July 2015 these were consulted upon and widely advertised. Feedback on responses was given. Work then began on the draft Plan itself.

Pre-submission (Regulation 14) consultation took place between 4 April – 16 May 2016. The consultation was publicised to each household by individual leaflet, posters around the village, on all communication channels, a public meeting, Steering Group meetings, a 'reminder' leaflet drop and day by day counters on Facebook.

A number of aims were defined for the consultation process and these are detailed on page 3 of the Consultation Statement.

Technical advice was received from a planning consultant. Throughout there has been liaison and cooperation with NHDC.

I consider there has been sustained and exemplary engagement with, and feedback to, the community throughout the process.

The Consultation Statement is a thorough, comprehensive and exemplary document that I commend to others as an example of excellent practice.

Submission (Regulation 16) consultation was carried out between 9 February – 23 March 2017. The Regulation 16 stage attracted a number of representations from different people or organisations. I have taken all the representations received during the Regulation 16 period of consultation into account.

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> Planning Practice Guidance (PPG), an online suite of planning guidance first published by the Government on 6 March 2014, but regularly updated confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other 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 amendments or additions are required.

Some representations have sought the allocation of sites. Whilst neighbourhood plans can allocate sites for development there is no obligation to do so. Neither is an individual neighbourhood plan the vehicle to test objectively assessed housing needs or the housing strategy for the District. It is clear that the Plan has been produced against a backdrop of an older Local Plan and considerable uncertainty about the emerging Local Plan. Although the Plan is not tested against the policies in the emerging Local Plan, the reasoning and evidence informing the Local Plan process is likely to be relevant.<sup>8</sup>

PPG<sup>9</sup> is clear that it is important to minimise any conflicts between policies in a neighbourhood plan and those in an emerging Local Plan. This is because any conflict must be resolved by the decision taker favouring the policy in the last document to become part of the development plan; in other words it is the most recently adopted policy that will take precedence should there be any conflict between policies. PPG suggests that neighbourhood plans should consider allocating reserve sites for example to ensure that emerging evidence of housing need can be addressed.<sup>10</sup> In this instance there has been close working between the Parish and District Councils. The Plan accepts that housing requirements may rise given the uncertainty at Local Plan level.

Two representations from the Health and Safety Executive and Hertfordshire County Council - Highways sent to me in the bundle of documents related to another neighbourhood plan. In response to my query NHDC confirms that these documents were included in error and I have been sent copies of the ones made by these organisations at Regulation 16 stage in relation to this Plan.

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<sup>6</sup> PPG para 055 ref id 41-055-20140306

<sup>7</sup> *Ibid*

<sup>8</sup> *Ibid* para 009 re fid 41-009-20160211

<sup>9</sup> *Ibid* para 009 re fid 41-009-20160211

<sup>10</sup> *Ibid*

PPG explains<sup>11</sup> the general rule of thumb is that the examination will take the form of written representations,<sup>12</sup> but there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. I have sought clarification on a number of matters from the Parish Council and NHDC in writing and my list of questions is attached to this report as Appendix 2. I am very grateful to both Councils who have provided me with comprehensive answers. The responses received (all publicly available) have enabled me to examine the Plan without the need for a hearing.

I made an unaccompanied site visit to the neighbourhood plan area on 29 October 2017.

## **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**

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

### **Plan area**

The Plan area was approved by NHDC on 24 January 2014. The Plan area is coterminous with the Parish administrative boundary. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with the necessary requirements. The Plan area is shown on page 2 of the Plan.

### **Plan period**

The Plan covers the period 2011– 2031. This is clearly stated on the Plan’s front cover, in the Plan itself and in the Basic Conditions Statement (BCS).

### **Excluded development**

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement.

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<sup>11</sup> PPG para 056 ref id 41-056-20140306

<sup>12</sup> Schedule 4B (9) of the Town and Country Planning Act 1990



## 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. If I consider a policy or proposal to fall within this category, I will recommend it be moved to a clearly differentiated and 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>13</sup> Subject to any such recommendations, this requirement can be satisfactorily met.

## 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>14</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>15</sup>

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>16</sup>

I have also had regard to PPG in preparing this report. This is an online resource available at [planningguidance.communities.gov.uk](http://planningguidance.communities.gov.uk) which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning.

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<sup>13</sup> PPG para 004 ref id 41-004-20170728

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

<sup>15</sup> *Ibid* para 184

<sup>16</sup> *Ibid* para 17

PPG indicates that a policy should be clear and unambiguous<sup>17</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>18</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>19</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>20</sup>

Whilst this has formed part of my own assessment, the BCS sets out how the Plan has responded to national policy and guidance through commentary on how the Plan, its policies and community priority actions align with the NPPF's 13 elements for delivering sustainable development.

### **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>21</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>22</sup>

Whilst this has formed part of my own assessment, the BCS contains a table which sets out how the Plan's vision and objectives, policies and community priority actions align with each of the three components of sustainable development outlined in the NPPF.

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

The development plan relevant to this examination is the North Hertfordshire District Local Plan No. 2 (LP 1996) adopted in 1996 with various policies saved in 2007. A reduced version of the written statement to include the saved parts of the LP is available. NHDC's website explains that most policies remain broadly consistent with the the NPPF, but four (Policies 6, 25, 26 and 36) are inconsistent with the NPPF.

### ***Emerging Local Plan***

Work is currently underway on a replacement Local Plan 2011 -2031. At the time of writing, the Local Plan 2011 – 2031 was submitted to the Government on 9 June 2017 and an Inspector has been appointed to undertake the examination. The first hearing

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<sup>17</sup> PPG para 041 ref id 41-041-20140306

<sup>18</sup> *Ibid*

<sup>19</sup> *Ibid* para 040 ref id 41-040-20160211

<sup>20</sup> *Ibid*

<sup>21</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>22</sup> *Ibid* para 7

sessions were scheduled for week beginning 13 November and will continue into February/March next year. I have had regard to the emerging Local Plan and any relevant supporting material in this examination.

Given the dated nature of the LP, the Plan has been prepared with an eye on the emerging Local Plan and close liaison with NHDC Officers has taken place.

### **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>23</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 (EAPPR).

A Screening Determination dated April 2016 and undertaken by CAG consultants on behalf of NHDC has been submitted. The Screening Determination related to the Regulation 14 version of the Plan and concluded that a SEA is not required. The requisite consultation with the statutory consultees was undertaken. Only Natural England responded and their letter of 20 April 2016 agrees with the conclusion of the Screening Determination. I have taken this document to be the statement of reasons required by PPG.<sup>24</sup>

NHDC have confirmed that the SEA Screening Determination will be reviewed and finalised in accordance with the EAPPR once any modifications have been made post examination. This will then ensure that EU obligations in respect of SEA have been satisfied.

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<sup>23</sup> PPG para 031 ref id 11-031-20150209

<sup>24</sup> *Ibid* para 031 ref id 11-031-20150209

### ***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>25</sup> The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out another basic condition in addition to those set out in primary legislation as detailed in section 2.0 of this report.

One of the queries I raised was in relation to Regulation 32 and I asked what assessment had been carried out in respect of this basic condition and for any information to enable me to consider whether it had been complied with.

There are no European sites within the District. Three European sites fall within a 15km distance of the District; the Eversden and Wimpole Woods Special Area of Conservation (SAC), the Wormley-Hoddesdonpark Woods SAC and the Lee Valley Special Protection Area and the Chilterns Beechwoods SAC lies just outside that 15km distance.

The SEA Screening Determination refers to a HRA Screening Report of February 2013. Natural England's letter of 20 April 2016 concurs with the view in the Screening Direction that further Habitats Regulations Assessment is not required. In response to this query, NHDC directs me to the HRA Screening Report dated September 2016 for the emerging Local Plan.

Natural England's response at Regulation 16 stage indicated they did not wish to make any representations at that time [Regulation 16 stage] having previously reviewed the Plan.

Given the information before me, the response from Natural England, the nature, characteristics and locations of the European sites and the nature and contents of the Plan, I consider that a full HRA is not required and that the further basic condition set out in Regulation 32 is complied with.

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

The BCS contains a short statement about fundamental rights and freedoms guaranteed under the ECHR and the Human Rights Act 1998. There is nothing in the Plan that leads me to conclude there is any breach of the Convention or that the Plan is otherwise incompatible with it.

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<sup>25</sup> PPG para 047 ref id 11-047-20150209

PPG<sup>26</sup> confirms that it is the responsibility of the local planning authority, in this case NHDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is NHDC who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

## 6.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in *bold italics*.

The Plan is very well presented and easy for readers to use and digest. It begins with a foreword from the Parish Council Chair and a helpful contents page. Throughout the document there are a number of photographs which help to add to the individual flavour of this Plan. Maps and diagrams are clear.

### 1. Plan Background

This section sets out the rationale for the Plan, confirms important details including the designation of the Plan area and explains the strategic context for the area.

In places, it seems to me that the page reference numbers have gone astray and so in the interests of accuracy and clarity, I suggest that these are reviewed to make sure they are correct.

Pirton is identified as a Selected Village in the LP 1996 where Policy 7 applies. This indicates that development will normally be permitted if the site is within the main area of the village as shown on the Proposals Map, it is in line with the policy aims for the Visual Character Areas or involves retaining and improving a building that contributes to the character or visual quality of the village and would maintain or enhance the character or visual quality of the village and surrounding area.

In the emerging Local Plan, Pirton is identified as a Category A village where general development will be allowed in the defined settlement boundary. Such villages usually have a primary school as is the case of Pirton and have site allocations. However, the relevant emerging Local Plan policy is subject to a main modification and may change. I am informed that around 110 houses have been built or granted planning permission since 2011. Pirton is unusual in that it does not have any site allocations in the

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<sup>26</sup> PPG para 031 ref id 11-031-20150209

emerging Local Plan and this is a discussion that forms part of the hearing sessions for the emerging Local Plan.

Pirton is described as a medium sized village with a reasonable range of facilities including a primary school, church, village hall, chapel, a shop and public houses. The western part of the Parish is designated as part of the Chilterns Area of Outstanding Natural Beauty (AONB). A settlement boundary is shown whilst the remainder of the Parish is classed as rural area beyond the Green Belt, apart from a small section of Green Belt in the south-east of the Parish.

In relation to the economy, the emerging Local Plan refers to a steady demand for rural employment land and premises and that its general approach is to direct concentrations of rural business to Category A villages.

The Plan accepts the level of growth in the emerging Local Plan which of course is yet to be examined and may change. Most development will take place within the development boundary identified for Pirton. The proposed development boundary is shown on page 3 of the Plan and labeled as "(from Draft DLP)". With the passage of time, this has now been revised in the emerging Local Plan and whilst I recognise this may be subject to change, it would seem sensible to update it to reflect and align with the latest version of the emerging Local Plan.

The preferred options map from the emerging Local Plan is shown on page 4 of the Plan together with explanatory text at paragraph 1.3.7. This is both unnecessary as the emerging Local Plan has now moved on and confusing to include in this Plan. In order for the Plan to provide the practical framework required by national policy and guidance, it should be removed from the Plan.

Section 1.4 of the Plan sets out information relating to, amongst other things, the Strategic Housing Land Availability Assessment (although this is referred to incorrectly as the Allocation Assessment) and housing numbers. The most up to date information available should be sourced from NHDC and used in the interests of accuracy and completeness.

- **Review the references to page numbers to ensure they are correct including references in paragraphs 1.3.4 (to page 1 which should be the foreword), 1.3.6 (to page 4 which should be page 2)**
- **Update the development boundary map on page 3 of the Plan to reflect the most recent emerging Local Plan map and remove the references on the map to the draft Local Plan**
- **Delete the "Preferred Options Map" and paragraph 1.3.7 from page 4 of the Plan and any references to it throughout the Plan for example on page 20**
- **Update paragraph 1.4.3 to refer to the SHLAA update in 2016 and correct the title of the SHLAA to "Strategic Housing Land *Availability* Assessment"**

- **Update paragraph 1.4.6 with the latest housing figure available**
- **Consequential renumbering of paragraphs etc. will be needed**

## **2. Parish Portrait**

This section confirms that the community recognises and accepts the need for development, but seeks development that recognises the character of the area and the qualities that the community value. It refers to a number of statistics about Pirton and signposts other information and evidence in supporting documents.

There are some instances of the page number references going astray. In addition there is repetition between paragraphs 2.1.11 and 2.1.12. These should be remedied in the interests of accuracy.

NHDC also point out that the map on page 13 should be updated to reflect the most up to date position in respect to Priors Hill and in the interests of accuracy this should be done.

- **Review the references to page numbers to ensure they are correct including references in paragraphs 2.1.11 (to page 10)**
- **Delete the repetition between paragraphs 2.1.11 and 2.1.12 in relation to the Visual Character Area references on page 10 of the Plan**
- **Update the map on page 13 to reflect the revised boundary for the scheduled ancient monument at Priors Hill**

## **3. Key Themes**

A short section that identifies five key themes which emerged from community engagement and the main issues springing from those themes.

## **4. The Neighbourhood Plan Vision and Objectives**

The vision for the Plan is:

*“Pirton Parish thrives socially, economically and environmentally as a safe, tranquil, rural community where sustainable development of good and intelligent design enhances its distinctive character; its heritage, biodiversity and position, and respects and enhances its position in the landscape.”*

Eleven objectives underpin the vision. These range from the type of housing provision sought to conservation and enhancement of the local landscape. All are clearly

articulated and relate to the development and use of land and many are inclusive and forward thinking.

## **5. The Neighbourhood Plan Policies**

The preamble to this section explains how the Plan is organised. It makes a statement reflecting the statutory duty on decision takers to determine planning applications in accordance with the plan unless material considerations indicate otherwise. It includes a statement that makes it clear the Parish Council will work with applicants and other stakeholders to encourage acceptable schemes. This is a positive stance to take in line with national policy and advice.

Policies are arranged under the key themes identified. Each policy or group of policies is preceded by the objectives of relevance and is supported by a justification and evidence section. This makes the 'story' of the policy very clear and makes a direct link back to the overall vision and objectives.

### ***5.1 Housing and Development***

#### **Policy PNP 1 Meeting Local Need**

Two small points of inconsistency arise; the heading on page 19 refers to "Meeting Local and Wider Need", but the policy title refers only to local need. Secondly, objective 2 on page 19 is not exactly the same as objective 2 on page 16 of the Plan. In the interests of accuracy these inconsistencies should be remedied.

Turning now to the policy itself, this supports development within the development boundary subject to various criteria. Its overall approach is broadly in line with LP 1996 Policy 7 insofar it accepts development within the main area or boundary of the village. The Plan also has taken the opportunity to reconsider that boundary in line with the emerging Local Plan. Criterion 1.1 which refers to the development boundary should cross-refer to the boundary shown on page 3 of the Plan to provide clarity.

Criterion 1.2 imposes a limit of a maximum of 30 dwellings on any one site. The NP survey showed that most people wished to see smaller developments of up to 10 dwellings or between 1 - 25 dwellings. This is supported by the Character Assessment which assesses past development sizes. It has also been subject to public consultation.

None of the representations objecting to this have definitively demonstrated that individual developments of up to 30 dwellings cannot be designed in an appropriate manner, would not use land sustainably, are not deliverable or that housing growth could not be achieved in this way. There is no cap on the total number of houses. In my opinion this is not an arbitrary approach; rather it specifically seeks to maintain the



village's strong and established sense of place. This approach has regard to the NPPF, where it requires policies to recognise housing growth and respond to local character.

Other criteria relate to the type of housing sought including for young families and older people and these particular needs are evidenced well through a mixture of Census data, the Community Rural Profile, Parish Plan, Housing Needs Survey and NP survey. The policy pursues a mix of housing including self-build. Affordable housing in line with NHDC's policy and to meet local needs is sought subject to a legal agreement to ensure affordable housing in perpetuity. All are clearly worded, demonstrate an understanding of the needs of the community and, subject to one minor modification to enhance flexibility, will accord with the basic conditions.

However, two criteria raise issues in relation to the basic conditions. The first is criterion 1.7 which refers to construction management which is often subject to a condition attached to a planning permission. However, the criterion goes further than this by seeking assurance on how any damage to infrastructure caused by the construction process might be rectified. However desirable, this seems to me to go beyond what could be reasonably sought in relation to planning matters and the method statement for construction should avoid damage so the latter part of this criterion should be deleted.

The second criterion is 1.8. This requires developments of 11 or more dwellings to address adverse impacts on the character of Pirton, the facilities in Pirton and on parking and public transport and to do so via a Section 106 legal agreement. Whilst it is not unreasonable to seek to ensure that development proposals should minimise or mitigate any harmful impacts arising from that development, it is not clear to me how this criterion would work in practice. For instance if there was an adverse impact on parking and public transport this could be dealt with through the usual planning application route that might include planning obligations. However, I can envisage many arguments regarding what impact on character and facilities might include and whether it was directly attributable to the development. This criterion therefore does not provide the clarity and precision sought by national policy and advice and I cannot find a way of modifying it satisfactorily as it is unclear what is meant. Therefore it should be deleted.

Subject to these modifications, the policy sets out the approach sought, takes account of national policy and guidance and will help to achieve sustainable development and the social dimension of sustainable development in particular.

- **Change the policy title to “Policy PNP 1 – Meeting Local *and Wider* Needs”**
- **Change the second objective on page 19 of the Plan to read “To *encourage* sensitive and innovative development in accordance...”**
- **Add to the end of criterion 1.1 “*as shown on the map on page 3 of the Plan*”**

- Amend criterion 1.5 so that it reads: “It provides a mix of homes (including *the provision of self-build plots where appropriate*)...”
- Delete the words “...and, how and when repairs to any infrastructure damage caused by the construction process will be rectified.” from criterion 1.7
- Delete criterion 1.8 in its entirety

## 5.2 Design and Character

### Policy PNP 2 Design and Character

Policy PNP 2 supports development proposals if they accord with the Pirton Character Assessment and the 13 criteria of this long policy. The Character Assessment is a major piece of work that underpins many of the Plan’s policies. In the main design guidance is to be found in Appendix 5 of the Character Assessment which updates a previously produced Village Design Statement.

Turning to the detail of the policy, the following criteria warrant further thought.

Criteria 2.3. and 2.5. refer to density and support a maximum density of about 22 dwellings per hectare “on merit” and where an identified need such as social and affordable housing is to be met or 17 dwellings elsewhere. A number of representations have expressed concern about this. The supporting text refers to the average density in Pirton being below 17 dwellings per hectare and the greatest as about 22, but there is little in the Plan or Character Assessment to indicate what assessments have been made.

The NPPF enables local approaches to density to be set out reflecting local circumstances.<sup>27</sup> However, in this instance there is little explanation for the maximum density and the imposition of a maximum figure may be unnecessarily restrictive and lead to an inefficient use of land.

It is important that the policy reflects the NPPF’s aim of ensuring new development functions well and adds to the overall quality of the area; responds to local character and history; and reinforces and promotes local distinctiveness. The imposition of a maximum density could prevent development at a higher density which is otherwise acceptable coming forward.

The NPPF is clear that good design (of which density is one consideration) is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.<sup>28</sup> It continues<sup>29</sup> that

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<sup>27</sup> NPPF para 47

<sup>28</sup> *Ibid* para 56

<sup>29</sup> *Ibid* para 65

permission should not be refused for development that promotes high levels of sustainability because of “concerns about incompatibility with an existing townscape” if those concerns are mitigated by good design.

In other words higher density may well be acceptable if there is a design-led approach. Therefore in order to take account of the NPPF this element of the policy should be reworded more positively and flexibly.

Criterion 2.6. refers to demonstrating compliance with the Chilterns Conservation Board – Position Statement Development affecting the setting of the Chilterns AONB Adopted June 2011 (Rev 1) or as updated. My understanding is that the position statement is guidance produced by the Chilterns Conservation Board. Therefore this criterion cannot require compliance as that would elevate this guidance to policy status, but it could encourage it to be taken into account. It is also unclear whether the Conservation Board has been contacted in this regard. A modification is made to achieve this.

In order to reflect the statutory duty in relation to Conservation Areas, an addition to criterion 2.9 is recommended.

Criterion 2.13 refers to Visual Character Areas (VCA). LP 1996 Policy 7 identifies four VCAs for Pirton namely Toot Hill, Western Edge, Eastern Edge and Rear of the Fox PH. The Character Assessment explains that the second and third of these areas are now redundant given the permissions granted in the intervening period. As a result it takes the opportunity to update and identifies six such areas (V1 – V6).

The criterion seeks a reduced building density and height and “considerable” open spaces to be provided in any development that affects a VCA. It continues that only in exceptional circumstances will proposals that “adversely affect” such an area be supported.

The Character Assessment in identifying six VCAs shown on page 11 of the Plan effectively surrounds the village with the exception of the opposite side of Priors Hill/Hitchin Road that fall within the Chilterns AONB. One of the VCAs (V1) also includes the site now granted planning permission and in any case falling within the village development boundary.

LP 1996 Policy 7 refers to proposal’s being in line with the policy aims for each VCA. No such aims have been identified for the updated VCAs although they are also referred to as transitional zones. Furthermore I note that the Character Assessment indicates “they should be maintained and protected”.

Taking all these issues together, there is firstly little hint as to how a decision maker might make a judgment about the effect on any of VCAs as required by the policy as there is little information about their particular and special characteristics. Secondly, density, height, spacing and open spaces are covered by other criteria. Thirdly, there appears to be a potential conflict between the wording of the policy and the Character Assessment. As a result this criterion should be deleted as it does not have the

precision and clarity required by national policy and guidance and does not provide a practical framework.

Given the first part of the policy indicates proposals will be supported if they accord with the Character Assessment and that document indicates that the VCAs should be maintained and protected, the first part of the policy also requires modification.

The NPPF is clear that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.<sup>30</sup> The policy also takes its lead from the guidelines in LP 1996 Policy 57. The other criteria are clearly worded setting out the quality of development expected for the area. It reflects the principles of good planning and will help to ensure that development reflects and respects the distinctive character of Pirton village and the Parish.

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

- **Reword criterion 2.3. to read: “*The density of any scheme should be consistent and compatible with the existing and prevailing density and reflect the locally distinctive character of the locality in which the new development is proposed so that the village feel is retained.*”**
- **Delete criterion 2.5. in its entirety (as this is now covered by reworded criterion 2.3)**
- **Alter criterion 2.6. to read: “*Should take into account the Chilterns Conservation Board Position Statement “Development affecting the setting of the Chilterns AONB June 2011” or as updated.*”**
- **Add “*or appearance*” after “...the special character” in criterion 2.9**
- **Delete criterion 2.13. in its entirety**
- **Change the first sentence of the policy to read: “Residential development proposals will be supported if they are in accordance with the *guidance contained in the Pirton Character Assessment and the following principles:*”**

### **Policy PNP 3 Residential Extensions (Excluding Those Covered by ‘Permitted’ Development)**

This policy sets out the expected quality for residential extensions requiring planning permission. This criteria-based policy is clearly worded and seeks to reinforce and promote local distinctiveness in line with national policy.<sup>31</sup> It updates and provides a

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<sup>30</sup> NPPF para 56

<sup>31</sup> *Ibid* para 60

locally distinctive context for LP 1996 Policy 28. It will help to achieve sustainable development. It is clearly worded. As a result it meets the basic conditions and no modifications are recommended.

It should be noted that this policy cross references Policy PNP 13 which is recommended for modification later on in my report. However, the modification does not require any consequential modifications to this policy.

### **5.3 Biodiversity, Environment and Heritage**

#### **Policy PNP 4 Hedgerows, Trees and Verges**

This policy seeks to ensure that trees and hedgerows are surveyed as part of any development proposal and retained or replaced as appropriate. If it is necessary to remove a tree or hedgerow, a replacement of “no less arboriculture or amenity value” in an appropriate location is sought.

The policy also deals with village edge development and seeks the integration of new development through the retention of landscaping and the provision of new landscaping to enable softer and greener edges. Landscaping is required as an integral part of integrating new development.

The last criterion seeks to ensure that new development or construction processes for new development do not damage the Heritage Verge along Hitchin Road. I was not familiar with such a designation and so asked for further information. The Parish Council has advised that this is a local wildlife site and priority habitat managed by the Parish Council and the Hertfordshire and Middlesex Wildlife Trust. It is one of only two such verges in Hertfordshire. A map has been provided with the answer to my query.

The policy is not at odds with LP 1996 Policies 14 and 57. It will help to retain and establish a strong sense of place and ensure development is visually attractive in line with the NPPF.<sup>32</sup> It will help to achieve sustainable development. Subject to the recommendations below it will meet the basic conditions.

- **Show the extent of the Hitchin Road Heritage Verge on a map and include the map within the Plan**
- **Add the words “as shown on Map XX” at the end of criterion 4.5**

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<sup>32</sup> NPPF para 58

## Policy PNP 5 Wildlife

Policy PNP 5 seeks to ensure that appropriate consideration has been given to wildlife habitats including any legal requirements for surveys and seeks to encourage hedge planting as boundary treatment to encourage green wildlife routes.

The Character Assessment identifies flora and fauna. The Parish also has a number of wildlife sites and a Site of Special Scientific Interest (SSSI) which are shown on page 31 of the Plan. It is however not particularly clear where the SSSI is and a modification is suggested to address this.

In addition, the sentence drawing attention to the map on page 31 is duplicated in the text on page 30 and this should be addressed in order to assist with the presentation and clarity of the Plan.

The NPPF is clear that the planning system should contribute to and enhance the natural and local environment including through minimising impacts on biodiversity and providing new gains where possible.<sup>33</sup> I consider that this policy will help to achieve this. The policy also builds on LP 1996 Policy 14.

However, the requirement for all development proposals to demonstrate how wildlife habitats have been considered could be regarded as onerous; for smaller developments such as householder schemes, it would be reasonable to expect that a proportionate approach would be taken. An addition to the policy to make this clear would ensure that the policy is flexible on this point and not unduly onerous in its requirements about what supporting information is to be submitted with planning applications.

The suggested modifications would ensure that the policy takes account of the NPPF and in particular the need for neighbourhood plans to provide a practical framework within which decisions on planning applications can be made<sup>34</sup> and its stance on information requirements to be proportionate to the nature and scale of the proposal.<sup>35</sup>

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

- **Add a key to the map on page 31 of the Plan to indicate both the wildlife sites and the SSSI and ensure that the location of the SSSI is clear on the map**
- **Delete one of the duplicate sentences that reads “The map provided on page 31 shows the location of wildlife areas (shaded blue) and one Site of Special Scientific Interest (SSSI).” from page 30 of the Plan**
- **Add an additional criterion 5.4 to the end of the policy which reads: “5.4. It is expected that development proposals would meet this policy through the**

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<sup>33</sup> NPPF para 109

<sup>34</sup> *Ibid* para 17

<sup>35</sup> *Ibid* para 193

*submission of appropriate and proportionate information taking into account both the type of development proposed and its location.”*

## **Policy PNP 6 Local Green Spaces and Open Spaces**

Objective 1 on page 33 is not exactly the same as objective 8 on page 16 of the Plan. In the interests of accuracy this inconsistency should be remedied.

Policy PNP 6 seeks to achieve three things; it seeks to designate a number of Local Green Spaces (LGS), ensure that development around the boundaries of the LGSs is sensitive in its approach to design and that new green spaces are encouraged in new developments.

Taking the designation of LGSs first, the NPPF explains that LGSs are green areas of particular importance to local communities.<sup>36</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.

A table on page 33 of the Plan lists ten proposed LGSs and explains their significance. It should be clearly linked to the policy. The heading to the table is inconsistent as it refers to “designated green space” rather than LGS. A map on page 32 of the Plan seeks to show the proposed LGSs which is helpful, but they are not individually identified. In addition the map is labeled “Village Open Spaces” which could also potentially lead to some confusion. Furthermore two of the proposed LGSs (The Knoll and the Blacksmiths Pond) in the table are not shown on the map and so this needs to be remedied.

Two other areas (the Primary School Playing Fields and the allotments at Bannisters Close) are shown on the map, but are unfortunately not referred to in the table. There is therefore no justification put forward for the designation of these two spaces. There is also an objection to the designation of the Primary School Playing Fields. This makes what is probably a drafting inconsistency and lack of justification even more significant. Usually where there is a discrepancy between words and maps, words take precedence. Whilst recognising this will come as a disappointment to the Parish Council, I am left with no option in saying that these two areas cannot be considered as potential LGSs and should be deleted from the map. Therefore modifications are suggested to address these issues.

I visited each proposed LGS on my site visit and discuss each in turn on the next page.

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<sup>36</sup> NPPF paras 76, 77 and 78

**Great Green** This is a grassed triangular area with mature trees, seating, a may pole and bus shelters. It is described as the remains of a historic village green i.e. vestiges of an ancient green. Centre of the village and focal point for village activities e.g. the annual maypole dancing.

**Chipping Green**, also known as Village Green, Bury End . This is a grassed triangular area with trees and a village sign on the other side of the road from Great Green. It also consists of the remains of the historic village.

**Little Green**, junction of High St, Walnut Tree Road and Royal Oak Lane Historic Green. Described as a focal point in that area of the village which has a well-used wooden seat often used by the elderly, dog walkers and hikers as a resting spot or just to enjoy contemplating that part of the village; there is a map of the parish on the green.

**The Blacksmiths Pond** is close to, and nearly opposite Little Green. Described as a registered Common, this is an iconic area of the village, inhabited by ducks and other wild fowl, and popular with children.

**Middle Green, Coleman's Close recreation area**, is a grassed area with a play area on it and a number of trees. It is integral to the setting of the surrounding housing. It is described in the Plan as the last vestige of Middle Green, an historic Green now preserved as an open space and children's recreation area in the Coleman's Close development.

**The Knoll** Remains of an ancient Green at the Junction of High Street, Shillington Road, West Lane and Burge End Lane.

**Allotments, Little Lane** accessed by a single track lane and then footpaths only, this is clearly a well used allotment site.

**The Bury and Toot Hill** Scheduled Ancient Monument purchased for the village by the PPC and managed by the Bury Trust for the benefit of the village community. It is a well contained area, well used at the time of my visit by dog walkers and the grazing cows. It is a tranquil area that also affords glimpses of the surrounding countryside.

**Pirton Vicarage Nature Reserve** This is described as a wild space in the centre of the village created specifically by the village for quiet contemplation. The Pirton craft group has designed and made a beautiful mosaic seat. The hedging that encloses it is maintained in accordance with traditional hedging methods.

**Recreation Ground and Outdoor Sports Facilities, off Walnut Tree Road** This is a more formally laid out recreation and sports and multi-use games area with tennis courts, cricket pitches and other playing pitches laid out with floodlighting and changing rooms.

Some of the proposed LGSs fall within the village Conservation Area. I have considered whether there is any additional local benefit to be gained from designation as a LGS as



advised by PPG.<sup>37</sup> I consider that the LGS designation expresses the areas of particular significance and importance to the local community and therefore there is added value.

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

The second element of the policy seeks to ensure that development “on the edges” of these areas require a particularly sensitive approach to design. There is no supporting explanation of why this is important. In the light of this, and given the other policies in the Plan which seek a high standard of design and effectively cover this point, I consider this element to be unsatisfactorily justified. Therefore it should be deleted.

The last element of the policy encourages new green spaces within developments to be provided. This is in line with the NPPF which makes the point that access to open spaces can make an important contribution to the health and well-being of Communities.<sup>38</sup> The policy is sufficiently flexible in encouraging rather than requiring such spaces.

- **Change the objective on page 33 of the Plan to read “To *protect* important green and open spaces...”**
- **Identify each of the individual LGSs identified in the table on page 33 of the Plan on a map by revising the map on page 32 of the Plan and/or by the addition of new or more maps given the clarity needed**
- **Ensure that The Knoll and the Blacksmiths Pond are shown on the revised map**
- **Delete the Primary School Playing Fields and the allotments at Bannisters Close from the map**
- **Change the title of the map on page 32 (or its replacement) to “*Local Green Spaces*” removing the references to anything else including village open spaces**
- **Change the heading in the table on page 33 from “Designated Green Space” to “Designated *Local* Green Space”**
- **Add “*in the table*” after “The areas listed below...” in criterion 6.1 of the policy**
- **Delete criterion 6.2 of the policy in its entirety**
- **Renumber criterion 6.3 of the policy “6.2”**

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<sup>37</sup> PPG para 010 ref id 37-010-20140306

<sup>38</sup> NPPF para 73

## Policy PNP 7 Key Views and Vistas

Part of the Parish falls within the Chilterns Area of Outstanding Natural Beauty (AONB).

The first element of Policy PNP 7 supports development that does not “impact on an area of the Chilterns AONB”. The NPPF gives great weight to conserving landscape and scenic beauty in AONBs which it explains, have the highest status of protection in relation to landscape and scenic beauty alongside National Parks and the Broads.<sup>39</sup> The NPPF outlines the circumstances in which planning permission should be refused for major development and how planning applications should be determined. This part of the policy is too generalised in nature, imprecise and vague to enable me to conclude that it meets the basic conditions.

The second element of the policy refers to key views and vistas. It states that development proposals should take account of the visual impact of proposals on nine key views and vistas that are described and identified on a map on pages 35 – 39 of the Plan.

As the policy is currently worded, it is too imprecise and vague and will not achieve much as the views could be taken into account and then dismissed. However, it is clear from the supporting text that the intent behind this policy is to conserve the position of Pirton in the landscape given the expansive views around the village in relation to views and vistas to and from the AONB and surrounding rural landscape. This ties in with the Chilterns Conservation Board statement referred to on page 34 of the Plan and information in the Character Assessment. Although the Character Assessment identifies 16 views of importance, I have taken the nine identified in the Plan to be the ones identified by the community as being of particular importance.

During my site visit I saw how the village sits within the landscape and how important these views are to the unique character and topography of the village and its setting. The arrow for View 8 (View on entry to Pirton village at Holwell Turn across Elm Tree Farm field towards the Chiltern Ridge) is however shown differently between the Plan and the Character Assessment. In addition, this field has the benefit of planning permission for development and so the key features of the view have already been lost. Given the discrepancy between the Plan and the Character Assessment and this circumstance, I consider View 8 should be deleted from the policy in the interests of achieving sustainable development and so that the policy provides a practical framework for decision making in accordance with national policy and guidance.

Given that both elements of the policy are too imprecise, I recommend a modification that seeks to make the policy clearer and more precise to enable it to meet the basic conditions. It seeks to ensure that new sustainable development is not prevented, but that any such development respects the key aspects of the identified views and I have taken my lead from the supporting text. The new policy wording would be an

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<sup>39</sup> NPPF para 115

appropriate balance between sustainable development and the conservation of unique local character and distinctiveness.

- **Reword Policy PNP 7 to read:**

***“7.1. The Plan seeks to protect and enhance the setting of Pirton village in relation to the Chilterns Area of Outstanding Natural Beauty and the surrounding rural landscape. Any new development in an area within the views specified below, described on pages 35 – 39 and shown on the map on page 36 of the Plan must ensure that key features of the view can continue to be enjoyed including distant buildings and landscape features, sensitive village edges and rural approaches to the village.***

- 1. The view from Highdown north to the Bury, the village and the Pirton Lowlands beyond***
- 2. The view from Shillington Road and the Driftway looking southwards to Priors Hill (water tower) and St Mary’s Church Tower***
- 3. The view from Punch’s Cross on Hitchin Road north to the SE corner of Pirton village***
- 4. View across to the Chilterns AONB on the approach to the NE corner of village from Holwell Road***
- 5. The view from Priors Hill northeast towards Langford Water Tower and beyond***
- 6. View from Little Lane across the Pirton Lowlands***
- 7. View from Hambridge Way E across the Pirton Lowlands and Hertfordshire to the Letchworth ridge***
- 8. [number 9 renumbered 8] View NNW from the Baulk public footpath across Priors Hill towards the westwards extension of the Chiltern ridge and the famous local landmark of Sharpenhoe Clappers.”***

- **Delete View 8 from the map on page 36 of the Plan**
- **Delete the photograph and description of View 8 from the supporting text on page 38 of the Plan**
- **Renumber [existing] View 9 as “8” on pages 38/39 of the Plan**
- **For the avoidance of doubt the rest of the supporting text, descriptions and photographs of each view and the map should be retained**

## Policy PNP 8 Heritage Assets and Archaeological Heritage

Objective 1 on page 39 is not exactly the same as objective 6 on page 16 of the Plan. In the interests of accuracy this inconsistency should be remedied. Given that in this case the objective on page 39 is more comprehensive than the one on page 16, it is this one that should be substituted as it refers to archaeology as well better reflecting the policy.

Policy PNP 8 is a criteria based policy that sets out the circumstances in which development will be supported in relation to heritage assets. A core planning principle of the NPPF<sup>40</sup> is to “conserve heritage assets in a manner appropriate to their significance”. The NPPF applies to all types and scale of development. The NPPF<sup>41</sup> goes on to indicate the weight to be attached to designated and non-designated heritage assets. The policy does not refer to significance or differentiate between designated (including Scheduled Monuments, Listed Buildings, Conservation Areas) and non-designated heritage assets. Therefore so that the policy takes account of the NPPF, a modification is recommended to criterion 8.1.

Criteria 8.2. and 8.4. require the applicant to consult appropriate sources of information and the Parish Council who are well placed to offer local knowledge. Whilst both criteria are worded flexibly and well, the policy would flow more to provide a practical framework for decision making if these two criteria were connected. A modification is suggested to achieve this.

The existing criterion 8.3. refers to development that affects archaeology alert areas which are then shown on a map on page 42 of the Plan. Whilst this criterion’s general thrust takes account of the advice in the NPPF,<sup>42</sup> this part of the policy should refer to all heritage assets with archaeological interest to align better with the NPPF. In addition it may be that the designation of the alert areas may change during the lifetime of the Plan. Therefore in order to take better account of the NPPF and to ensure that sustainable development is achieved, a modification is recommended. In addition, as I have suggested two of the other criteria are amalgamated, this one needs renumbering.

It is also useful to have a map of the local interest buildings on page 40 of the Plan and of the archaeological alert areas on page 42 which alongside the supporting text for this policy and the map on page 13, provide a sound basis for it.

Subject to these modifications, the policy will help to conserve and enhance the historic environment taking into account national policy and guidance, will be in general conformity with LP 1996 Policy 16 and will help to achieve sustainable development.

- **Change objective 6 on page 16 of the Plan to read “To ensure conservation and enhancement of Pirton’s rich *archaeology and heritage.*”**

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<sup>40</sup> NPPF para 17

<sup>41</sup> *Ibid* Section 12

<sup>42</sup> *Ibid* para 128

- **Reword criterion 8.1. to read: “Proposals conserve or enhance the heritage assets of the Parish and their settings *in a way that is appropriate to their significance*. Heritage assets include *designated* heritage assets and non-designated heritage assets;**
- **Join criterion 8.2. and 8.4. together making a new criterion 8.3.**
- **Change the first sentence of the existing criterion 8.3. to read: “*Development proposals on sites that include or has the potential to include heritage assets with archaeological interest and planning applications for development affecting the archaeology alert areas should be...*” [retain existing criterion as is]**
- **Renumber the existing criterion 8.3. to “8.2.”**

#### **5.4 Amenities and Facilities**

##### **Policy PNP 9 Community Facilities**

Objective 1 on page 44 is not exactly the same as objective 9 on page 16 of the Plan. In the interests of accuracy this inconsistency should be remedied.

There are four criteria in this policy. In general terms the policy plans positively for community facilities and guards against their loss in line with the NPPF.<sup>43</sup>

However, the first criterion, 9.1., supports all development that sustains and enhances community facilities. This ‘blanket’ support may inadvertently result in otherwise unacceptable development being permitted. A modification is therefore recommended to ensure this is avoided in the interests of clarity.

The second criterion requires development to identify their impact on facilities, services and infrastructure. Whilst I understand the rationale for this policy, this potentially is an onerous requirement particularly for smaller scale development. Therefore a modification is recommended to include flexibly in the policy so that a practical framework for decision making can be provided.

Like the first criterion, the third criterion supports development in a generalised way. Therefore a modification is made to address this in the interests of clarity.

The last criterion refers to the loss of community facilities and is clearly worded, relying on viability tests.

- **Change objective 1 on page 44 of the Plan to read “To sustain and enhance**

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<sup>43</sup> NPPF paras 28 and 70

**community facilities for the benefit of all residents *and the wider local community* (including those with a disability)”**

- **Reword criterion 9.1. to read: “*New or improved community facilities for the benefit of residents (including those with a disability) will be supported subject to their compatibility with other policies in the development plan.*”**
- **Add “*Non-householder residential development and major...*” at the beginning of criterion 9.2.**
- **Reword criterion 9.3. to read: “*Development which makes a contribution to the rural economy by creating, facilitating or improving opportunities to work in the Parish or by providing or enhancing recreational facilities and opportunities to improve health and well-being will usually be supported.*”**

## **Policy PNP 10 Support for Local Business**

Policy PNP 10 covers a number of issues taking a positive approach to sustainable new development that will help to promote a strong rural economy in line with the NPPF.<sup>44</sup>

As well as supporting business opportunities, home based working and the diversification of farm buildings, it promotes public transport and visitor access to the area. It meets the basic conditions and will help to achieve sustainable development with one exception; criterion 10.6. which refers to signage and information boards is not a development and use of land matter. Therefore this criterion should be removed from the policy, but can be included as a clearly identifiable community aspiration if desired.

- **Delete criterion 10.6. from Policy PNP 10 and include it as a community aspiration if desired**

## **5.5 Transport and Connectivity**

### **Policy PNP 11 Safety of Pedestrians, Cyclists, Equestrians and Motorists**

Similar to points made before in relation to other policies in the Plan, the policy begins by giving ‘blanket’ support to development that provides appropriate access. Therefore in the interests of clarity, a modification is made to address this. Subject to this modification the policy is clearly worded and will promote sustainable transport in the Parish in line with the thrust of the NPPF.

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<sup>44</sup> NPPF para 28

- Delete the words “will be supported that:” from the first sentence of the policy and replace with “Development proposals *will be required to:*”

## Policy PNP 12 Connectivity

The basic premise of this policy which is to protect and enhance connectivity and opportunities for the use of sustainable travel modes is in line with the basic conditions. However, the four criteria of the policy all need some revision to ensure that the policy is both reasonable and clear in order to provide the practical framework for decision making sought by national policy and guidance.

Again, similar to Policy PNP 11, the first sentence offers ‘blanket’ support for development proposals and so should be changed in the interests of clarity.

It is important that the policy has sufficient flexibility in providing a balance between ensuring that any opportunities are taken to improve connectivity and the viability and deliverability of any development proposal. This is particularly the case where it would be unreasonable to expect householder development to provide a new footpath link for example. In order to ensure this balance, a modification is made to criterion 12.1.

Criterion 12.2. requires some amendment to tie it to the routes provided as a result of the development as otherwise it is too widely applicable and some of the items listed are not development and use of land related.

Criterion 12.3 requires a small amendment at the start so that the policy reads well. In addition like criterion 12.1., it is important to ensure that a balance is struck and that such requirements would not prevent otherwise sustainable development from taking place.

The last criterion, 12.4., again requires more flexibility so that it provides a practical framework for decision making.

- Delete the words “will be supported that:” from the first sentence of the policy and replace with “Development proposals *will be required to:*”
- Add the words “*wherever it is appropriate given the scale of the development and there is an opportunity to do so*” at the end of criterion 12.1.
- Change criterion 12.2 to read: “Ensure that streetscape features along *any* pedestrian or cycle routes *provided or improved by the proposal are of a design which reinforces or enhances* the character of Pirton.”
- Change the first word in criterion 12.3. “Improves” to “*Improve*” and add the words “*wherever there is an opportunity to do so in relation to the network of public footpaths in the Parish*” at the end of this criterion

- **Add the words “*unless a satisfactory alternative providing equivalent or better provision can be achieved.*” to the end of criterion 12.4.**

### Policy PNP 13 Car Parking

This policy seeks to ensure that sufficient parking is provided for new developments. It refers to NHDC requirements, but increases the provision for larger houses of 3 bedrooms or more. The present NHDC requirements are currently contained in a Supplementary Planning Document (SPD) “Vehicle Parking At New Developments”, adopted by NHDC on 10 November 2011. The same standards are contained in Appendix 4 of the emerging Local Plan. For one bedroomed properties, the standard is a minimum of one space is required and for two or more bedrooms, a minimum of two spaces. Both documents explain that a reduced provision will only be considered in exceptional circumstances.

Policy PNP 13 refers and relies on NHDC standards, but in relation to three or more bedroomed houses seeks “at least 3 car parking spaces”. It therefore introduces a new tier of parking standard differentiating between two and three bedroomed houses.

The NPPF<sup>45</sup> permits the setting of local parking standards. The policy has been derived taking the level of car ownership in the Parish into account as well as concerns about narrow village roads, congestion and the availability of public transport. The policy’s justification provides a case to introduce a higher standard for this size of house to help manage the local road network. In addition, the policy also offers flexibility in the provision of parking bays if on-site provision cannot be achieved. However, the requirement for “at least 3 car parking spaces” in effect means that four would be required. This is excessive and little compelling evidence has been presented to support this figure. Therefore to ensure that the policy is reasonable and mirrors the language used in NHDC’s standards, thereby providing a practical framework for decision making in line with national policy and guidance, a modification is recommended. This will mean that three spaces are to be provided as a minimum, one more than the District currently seeks.

It should be noted that page 71 of the Character Assessment refers to “at least” three spaces. Given the modification recommended below, consideration should be given to ensuring that the two documents are consistent.

- **Replace the words “at least” in criterion 13.1 of the policy with “*a minimum of*”**

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<sup>45</sup> NPPF para 39



## 6. Non Planning Policy Issues

The first part of this section encourages developers to have an ongoing dialogue with the Parish Council and the community. This positive stance is to be welcomed.

The second part refers to monitoring. Whilst this is not a mandatory requirement, I regard this as good practice and I welcome its inclusion in the Plan.

## 7. Evidence Base Documents

A list of supporting documents and links is usefully included.

## 8. List of Abbreviations and Glossary

Again both lists are helpfully included. There are two minor revisions; under “Examiner”, examiners do not have to be sanctioned by Locality and the definition of strategic policies is confusing so in the interests of accuracy these should be modified.

- **Delete the words “sanctioned by Locality” in the explanation of “Examiner” in the glossary of terms on page 54 of the Plan**
- **Change the definition of “Strategic Policies” on page 55 of the Plan to read: *“The policies in the Local Plan which cover such matters as housing, employment, retail, leisure and other commercial development, infrastructure, health, community and cultural facilities, climate change, natural and historic environments and other strategic policy issues that the Neighbourhood Plan must be in general conformity with.”***

## 7.0 Conclusions and recommendations

I am satisfied that the Pirton 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 North Hertfordshire District Council that, subject to the modifications proposed in this report, the Pirton 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 Pirton 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 Pirton

Neighbourhood Plan area as approved by North Hertofrdshire District Council on 28 January 2014.

*Ann Skippers* MRTPI  
Ann Skippers Planning  
19 December 2017

## **Appendix 1**

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

Pirton Neighbourhood Development Plan 2011 -2031 Pre-Examination Version October 2016

Basic Conditions Statement dated October 2016

Consultation Statement dated October 2016

Strategic Environmental Assessment Screening Determination dated April 2016 (CAG consultants)

District Local Plan No.2 with Alterations, Saved policies under Planning and Compulsory Purchase Act 2004 Written Statement September 2007

Vehicle Parking At New Developments Supplementary Planning Document (adopted November 2011)

Local Plan 2011 – 2031 Proposed Submission October 2016 and Sheet 1 Side A Hitchin, Letchworth Garden City and Baldock Areas

North Hertfordshire Local Plan 2011-2031 Schedule of Proposed Additional Modifications

North Hertfordshire District Council Habitat Regulation Assessment Screening Report September 2016

Various documents on the neighbourhood plan website:  
[www.pirtonneighbourhoodplan.org.uk](http://www.pirtonneighbourhoodplan.org.uk)

**List ends**

## Appendix 2

### Questions of clarification to NHDC and the Parish Council

#### Pirton Neighbourhood Plan Examination

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

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.

1. Two representations from the Health and Safety Executive and Herts County Council refer to the Wymondley NP. Please can NHDC confirm that these are sent to me or made in error and whether any representations were received from these organisations in respect of the PNP. I appreciate you may need to check with the organisations before coming back to me.
2. A Strategic Environmental Assessment (SEA) Screening Determination dated April 2016 has been submitted. Please i) confirm which version of the PNP was assessed, ii) whether the statutory consultees (Environment Agency, Historic England and Natural England) were specifically consulted on the Screening Determination, iii) whether any reply was received from either the Environment Agency or Historic England and if so please send me copies of those replies and iv) confirm that publicity for the determination made has been undertaken in accordance with Regulation 11 of the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).
3. 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. Only Regulation 32 is applicable to neighbourhood plans and this states “The making of the neighbourhood plan is not likely to have a significant effect on a European site<sup>46</sup> or a European offshore marine site<sup>47</sup> either alone or in combination with other plans or projects.” Please advise me what assessment has been carried out in respect of this basic condition or provide me with sufficient information to enable me to consider whether this basic condition can be complied with.
4. Please update me on the latest position in relation to any planning applications on the site referred to as PT2 in the PNP. Please also draw my attention to any other applications or appeals for sites in the Parish of relevance to housing numbers or housing supply or send me the latest relevant information in this respect.
5. The PNP uses the proposed village development boundary for Pirton from an earlier version of the emerging Local Plan as I understand it. This seems to have been

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<sup>46</sup> As defined in the Conservation of Habitats and Species Regulations 2012

<sup>47</sup> As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

revised in the submission version of the emerging Local Plan. Is this correct and would there be benefit in updating the village development boundary to align with the emerging Local Plan whilst recognising this is subject to examination? If not, why not?

6. In relation to the proposed Local Green Spaces (LGS) subject to Policy PNP 6, it is helpful for the proposed areas to be shown on a map on page 32 of the PNP, but I must admit to finding it quite hard to locate each of the ten proposed spaces on it. Would it be possible to indicate on the map where each proposed LGS is please or to provide more detailed maps of each proposed area so I can be certain to view the correct areas on my site visit.
7. On a related matter, a representation from Herts County Council suggests that the map and the table on pages 32 and 33 respectively do not tie up. Is this correct? If so, please let me know what the differences are and how this should be remedied.

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  
10 October 2017

The following further query was raised on 30 October:

8. A Heritage Verge is referred to in Policy PNP 4. I cannot find any reference to this anywhere else (apart from a photo in the Character Assessment) and I am not familiar with this designation. Could more information be provided as to its nature and extent please?