

THE GROVEHILL FUTURE NEIGHBOURHOOD PLAN 2016-2031

The Grovehill Future Neighbourhood Plan Examination,
A Report to Dacorum District Council

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Introduction

The Neighbourhood Plan

- 1 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.
- 2 This Report provides the findings of the examination into the Grovehill Future Neighbourhood Plan (referred to as the Neighbourhood Plan).
- 3 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.” (Paragraph 183, National Planning Policy Framework)

- 4 The Neighbourhood Plan was prepared by the Grovehill Future Forum, comprising members of the local community, businesses and Ward Councillors.
- 5 As set out on page 2 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Grovehill Future Forum is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).
- 6 This Examiner's Report provides a recommendation with regards whether the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Dacorum Borough Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Grovehill Neighbourhood Area.

Role of the Independent Examiner

- 7 I was appointed by Dacorum Borough Council, with the consent of the Qualifying Body, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 8 I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.
- 9 As the Independent Examiner, I must make one of the following recommendations:
 - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - that the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 10 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Grovehill Neighbourhood Area to which the Plan relates.

Neighbourhood Plan Period

- 11 A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Neighbourhood Plan clearly specifies that the document covers the period:

"2016 to 2031."

- 12 In addition, the Basic Conditions Statement submitted alongside the Neighbourhood Plan confirms, on page 2, that:

"Neighbourhood Plan covers the period 2016 to 2031. The duration was chosen to reflect the Council's adopted Core Strategy 2006-2031, prepared and adopted by Dacorum Borough Council in 2013."

- 13 Taking the above into account, the Neighbourhood Plan satisfies the relevant requirement in respect of specifying the plan period.

- 14 I note that the front cover of the Neighbourhood Plan also refers to the publication date of the Submission Version. This date would not be relevant to a made version of the Neighbourhood Plan, were one to be published. In this respect, I recommend:

- **Front cover, delete "March 2017"**

Public Hearing

- 15 According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 16 However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 17 Further to consideration of the information submitted, I confirmed to Dacorum Borough Council that I was satisfied that the Grovehill Future Neighbourhood Plan could be examined without the need for a Public Hearing.
- 18 In making the above decision I was mindful that the Neighbourhood Plan has emerged through robust consultation (see *Public Consultation*, later in this Report) and that people have been provided with significant and appropriate opportunities to have their say.

2. Basic Conditions and Development Plan Status

Basic Conditions

- 19 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*¹ following the Localism Act 2011. A neighbourhood plan meets the basic conditions if:
- 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 of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.²
 - An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.³
- 20 In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:
- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;

¹ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

² Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

³ The Convention rights has the same meaning as in the Human Rights Act 1998.

- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

- 21 Subject to the content of this Report, I am satisfied that these three points have been met.
- 22 In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

European Convention on Human Rights (ECHR) Obligations

- 23 I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.
- 24 In the above regard, I note that Information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. Representations have been made to the Plan, some of which have resulted in changes and the Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses and shows the outcome of comments.

European Union (EU) Obligations

- 25 There is no legal requirement for a neighbourhood plan to have a sustainability appraisal⁴. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.
- 26 In this regard, national advice states:
- "Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects."*
(Planning Practice Guidance⁵)
- 27 National advice then goes on to state⁶ that the draft plan:
- "...must be assessed (screened) at an early stage of the plan's preparation..."*
- 28 This process is often referred to as a screening opinion, determination, statement or report. If the screening report identifies likely significant effects, then an environmental report must be prepared.

⁴ Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance.

⁵ Paragraph 027, ibid

⁶ Planning Practice Guidance Reference ID: 11-028-20150209.

- 29 In the above regard, Dacorum Borough Council, working in conjunction with Grovehill Future Forum, commissioned a Strategic Environmental Assessment Screening Report and a Habitats Regulations Assessment Screening Report. This was published in September 2015. The Strategic Environmental Assessment Screening Report concluded that:

“The screening assessment...did not identify any criteria where significant effects are likely to result...As a result of this finding it is considered that it will not be necessary to undertake an SEA of the Grovehill Future NP.”

- 30 The statutory bodies, Natural England, Historic England and the Environment Agency were consulted on the Screening Opinion and each of them concurred with the above conclusion.

- 31 A Habitats Regulations Assessment is required if the implementation of the Neighbourhood Plan may lead to likely significant effects on European sites.

- 32 The Habitats Regulations Assessment Screening Report identified Chiltern Beechwoods Special Area of Conservation as being the only European site close to the Neighbourhood Area (being 6 km to the north west of Grovehill). The Report went on to state that:

“The Grovehill Future NP does not introduce a new development that would result in any effects that would be of a scale that would alter the findings of the previous HRA of the Core Strategy and Site Allocations document...it will not be necessary to undertake any further HRA, namely an Appropriate Assessment, for the Grovehill NP.”

- 33 Consequently, the Screening Report concluded that a Habitats Regulations Assessment is not required. Again, the statutory bodies were consulted and each concurred with this conclusion.

- 34 In addition to all of the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations” (Planning Practice Guidance⁷).

⁷ Planning Practice Guidance Reference ID: 11-031-20150209,

- 35 In undertaking the work that it has, Dacorum Borough Council has considered the Neighbourhood Plan's compatibility with European obligations and has not raised any concerns in this respect. Having regard to this and to all of the above, I am satisfied that the Neighbourhood Plan meets the basic conditions in respect of meeting European obligations.

3. Background Documents and the Grovehill Neighbourhood Area

Background Documents

36 In undertaking this examination, I have considered various information in addition to the Grovehill Future Neighbourhood Plan. This has included (but is not limited to) the following main documents and information:

- National Planning Policy Framework (the Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- Dacorum Core Strategy (2013) (Core Strategy)
- Dacorum Site Allocations DPD (July 2017)
- Dacorum Local Plan 1991-2011 (2004) (Saved Policies)
- Basic Conditions Statement
- Consultation Statement
- Sustainability Appraisal Report

Also:

- Representations received

37 In addition, I spent an unaccompanied day visiting the Grovehill Neighbourhood Area.

Grovehill Neighbourhood Area

38 Grovehill Neighbourhood Area corresponds to the neighbourhood generally known as "Grovehill," which has a population of 7,600 and is located on the north eastern edge of Hemel Hempstead.

39 The boundary of the Neighbourhood Area is shown on "Plan A" on page 12 of the Neighbourhood Plan. A plan of the Neighbourhood Area is also shown on page 3 of the Basic Conditions Statement.

40 The Consultation Statement submitted alongside the Neighbourhood Plan states, on page 13, that:

"In December 2012, after considering the comments received during the consultation period, DBC accepted and officially acknowledged the neighbourhood area for Grovehill."

41 Whilst factually correct, acknowledgement is not quite the same thing as designation and I note that Dacorum Borough Council formally confirmed the designation of the Grovehill Neighbourhood Area by public notice on 7th January 2013. Also, the reference to the Neighbourhood Area in Section 3.0 of the Neighbourhood Plan lacks clarity.

42 Taking the above into account, I recommend:

- **Neighbourhood Plan, page 12, delete third paragraph and replace with "The Neighbourhood Area covered by the Neighbourhood Plan is shown in Plan A. As required by law, the Neighbourhood Area was formally designated by Dacorum Borough Council further to a period of public consultation. Dacorum Borough Council published notice of its decision on 7th January 2013."**

43 This satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

4. Public Consultation

Introduction

- 44 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 45 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Grovehill Future Neighbourhood Plan Consultation

- 46 A Consultation Statement was submitted to Dacorum Borough Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*⁸.
- 47 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the Grovehill Neighbourhood Area, having regard to Paragraph 183 of the Framework.
- 48 Grovehill Future was created in 2011 (and was formally approved as a "Forum" in 2014). The idea of creating a Neighbourhood Plan for Grovehill was first considered at a public consultation event that took place at the end of 2011. Following this, in January 2012, a launch day feedback session was held and a dedicated website was set up.
- 49 Steering groups and working groups were created to develop the vision, issues, aims and objectives of the document and a comprehensive range of workshops were held throughout 2012 and 2013, to develop understanding and to progress work.

⁸Neighbourhood Planning (General) Regulations 2012.

- 50 The Qualifying Body attended various events, with an information stand, to promote the evolving plan; and as well as visits to local schools, carried out a Youth Survey, in March 2014, and an Issues and Options Consultation between September and October 2014.
- 51 Copies of the Issues and Options document were delivered to more than 3,500 households and were made available in various locations. Around 340 responses were received and these informed the plan-making process. The Forum also liaised with Dacorum Borough Council prior to the publication of the pre-submission draft plan.
- 52 Consultation on the pre-submission draft plan took place between September and November 2016. Like the Issues and Options document, the pre-submission draft plan was delivered to more than 3,500 households. Responses were invited via email, e-survey or by completing the feedback form provided. Copies of the plan were made available at various locations and the six week consultation period was supported by drop-in sessions at the local community centre.
- 53 In addition to the provision of information on the dedicated website and via social media, consultation was supported by coverage in the Hemel Gazette, which published numerous articles relating to the emerging plan. Leaflets, booklets and newsletters also kept the community up to date on plan progress and in addition, the Forum led a bus shelter campaign, an art competition and poster displays, all of which were aimed at the promotion of neighbourhood planning in Grovehill.
- 54 It is also of note that the Neighbourhood Plan recognises the *“excellent assistance and advice from Officers at Dacorum Borough Council.”* Successful collaborative working between the Qualifying Body and Local Authority greatly benefits neighbourhood plan making. Amongst other things, it can provide focused professional advice, helping to ensure that precious resources are focused on those things that matter most whilst avoiding common pitfalls. The positive working that took place between the Grovehill Future Forum and Dacorum Borough Council is a significant positive feature of the Neighbourhood Plan.
- 55 The Consultation Report provides evidence to show that the Neighbourhood Plan was supported by significant public consultation and that the Qualifying Body was highly proactive in encouraging community involvement in the plan-making process. Matters raised were considered and the reporting process was transparent.
- 56 Taking all of the above into account, I am satisfied that the consultation process was robust.

5. The Neighbourhood Plan – Introductory Section

- 57 There is a typo on page iii, under the definition of Listed Building, I recommend:
- **Page iii, Listed Building, change to “...the *curtilage*...”**
- 58 The definition of “*Open Land*” refers to a Proposals Map. The Neighbourhood Plan does not include a Proposals Map and there is no explanation as to why any Open Land in the Neighbourhood Area must be greater than one hectare in size. The definition introduces unnecessary confusion and detracts from the clarity of the Neighbourhood Plan. I recommend:
- **Page iii, delete “Open Land” definition. Also delete the second sentence of the “Open space” definition.**
- 59 All Neighbourhood Plans are different and distinctive to their locality. Taking this into account, I recommend:
- **Page 1, fifth Para, change to “...Council’s Local Plan. *The Neighbourhood Plan considers...*”**
- 60 The wording of legislation relating to neighbourhood planning is precise. Paraphrasing can run the risk of misinterpretation and so, for clarity, I recommend:
- **Page 1, fifth Para, change to: “...achieved. To be *made* by the Local Authority, the Neighbourhood Plan *must have regard to national planning policies and advice, be in general conformity with local strategic planning policies and receive more than 50% of votes in favour at a local Referendum.*”**
- 61 Taking the above into account, the Neighbourhood Plan misinterprets the basic conditions on page 6 to the extent of being factually incorrect and I recommend:
- **Page 6, delete the four bullet points and replace with “* *Be compatible with European obligations; * Have regard to national policies and advice’ * Be in general conformity with the strategic policies of the development plan.*”**

- 62 The first paragraph on page 7, commencing "These basic conditions..." is confusing and imprecise, I recommend:
- **Page 7, delete "These basic...will enhance Grovehill."**
- 63 The opening sentence of the next paragraph is incorrect and I recommend:
- **Page 7, change second Para to "...is that it *should be in general conformity with the strategic policies of the adopted...*"**
- 64 The first paragraph and part of the second paragraph on Page 8 effectively repeat information provided on the preceding page. This detracts from the clarity and precision of the Neighbourhood Plan and I recommend:
- **Page 8, delete heading and first Para ("A key...area."). Delete first sentence of second Para and change remaining sentence to "The *Dacorum Core Strategy includes specific...*"**
- 65 The final paragraph on page 8 is incorrect. A made Neighbourhood Plan is not a supplementary planning document. It comprises part of the Development Plan, alongside the District-wide plan and other relevant adopted planning documents. I recommend:
- **Page 8, end of first line change to "...will become part of the *Development Plan as it applies to the Neighbourhood Area. As such...*"**
- 66 I recommend a change to Page 12 earlier in this Report. The final two paragraphs on page 12 have been largely overtaken by events and would not be relevant in a made Neighbourhood Plan. For clarity, I recommend:
- **Page 12, delete last two Paras ("The Grovehill...Plan Area.")**

6. The Neighbourhood Plan – Neighbourhood Plan Policies

- 67 The Neighbourhood Plan Policies are split into Areas and Themes. This is a logical split and it provides for clarity.
- 68 However, a Policy is simply that and the use of titles including “*Policy Area 2*” and “*Policy: Theme 2*” introduce unnecessary confusion and detract from the clarity and precision of the Neighbourhood Plan.
- 69 It would be far clearer to simply retain the references to Areas and Themes in the supporting text (and the corresponding titles), but to refer to the Policies themselves simply as Policies and to follow a logical number sequence.
- 70 Also, whilst the provision of “*Policy Links*” might have been helpful information for draft versions of the Neighbourhood Plan, the references are somewhat selective and subjective, and are unnecessary in a made Neighbourhood Plan. Furthermore, policies change as new plans emerge over time and the references run the risk of becoming out of date. I also note that it is the purpose of the examination process to determine whether or not a Policy meets the basic conditions.
- 71 Taking the above into account, I recommend:
- **Change Policy titles to: *Policy 1: Henry Wells Square; Policy 2: Garage Blocks; Policy 3: Housing; Policy 4: Improving Access and Connectivity.*** (NB, this also takes into account recommendations set out later in this Report)
 - **Delete “Policy Links” after each Policy**
 - **Page 19, change list of Policies under “Policy Summary” to those identified in the first bullet point above. The photographs can remain (unless there is a wish to remove the photograph of the open space)**

Area based policies

Policy 1: Henry Wells Square

- 72 Policy 1 seeks to provide for redevelopment within Henry Wells Square with the aim of maximising the potential of this neighbourhood centre. As such, the overall aims of the Policy have regard to the Framework which, in Chapter 2 "*Ensuring the vitality of town centres*," recognises town centres as the heart of their communities and promotes policies to support their viability and vitality.
- 73 The aims of the Policy are also in general conformity with Core Strategy Policies CS15 ("*Offices, Research, Industry, Storage and Distribution*") and CS16 ("*Shops and Commerce*"), which together amongst other things, support new retail and business development in local centres, including at Grovehill.
- 74 Policy 1 commences with a statement rather than wording suitable to a land use planning policy. There is no substantive evidence to demonstrate that something that has not yet occurred will achieve the things set out in the first sentence. Further, in the absence of detailed information, it is not made clear how a proposal will complement, integrate and improve "*community cohesion*."
- 75 In a similar vein, the second sentence is also a statement, rather than appropriate land use planning policy wording. For example, no indication is provided of what might happen if the "*principles*" were not abided with. The policy is neither clear nor precise.
- 76 In this regard, Planning Practice Guidance⁹ is explicit:

"A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

⁹ Paragraph: 042 Reference ID: 41-042-20140306.

77 Notwithstanding the above, it is clear from the information provided that Policy 1 seeks to provide parameters for development at Henry Wells Square and in the interests of clarity and precision, I address this matter in the recommendations below.

78 Policy 1 contains a number of vague, ambiguous references. These fail to provide for clarity and do not meet the basic conditions. For example, the Policy states:

"...it may be appropriate...height to be determined...Consider..."

79 These are all phrases that are open to interpretation and do not provide developers with clarity or decision makers with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the National Planning Policy Framework (the Framework), which states:

"Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan."

80 No indication is provided of how a community centre building will provide space for all of the named users, why it must do so, or how this will be controlled. There is an absence of detail to support the requirements of the Policy in this regard.

81 The phrase *"sufficient car parking to meet the needs of the local centre"* is undefined. There is no substantive information setting out what the needs are, or what level of parking would be regarded as sufficient to meet them. Indeed, the future uses of the site referred to are vague to the extent that it is not clear how many dwellings, shops, businesses or community facilities will be provided and what requirement for car parking development this will give rise to. The Policy is therefore ambiguous.

82 Policy 1 goes on to include more vague references, unsupported by definitions or evidence, such as:

"...convenient...appropriate...considerate...easy...adequate...a variety...adequate and aesthetic...good..."

83 These are all phrases that add to the ambiguous and imprecise nature of the Policy, leading it to appear contrary to the requirements of the basic conditions. I am also mindful that no indication is provided of how a land use planning policy in a neighbourhood plan might control the provision of highway signs that are the responsibility of the highways authority.

- 84 Part of the supporting text to Policy 1, on page 22, reads as though it comprises policy wording, which it does not.
- 85 Taking all of the above into account, I recommend:
- **Policy 1, delete current wording and replace with: “*Within Henry Wells Square, as defined on Map HW1, subject to the provision of safe and secure access and there being no significant harm to highway safety or the amenity of neighbours, support will be given to the provision of one to three bedroom flats above retail/business units; two storey dwellings towards the perimeter; new retail and B1 business units; and the provision of community facilities, including a community centre building. The retention and/or enhancement, or re-provision within the site, of existing medical and community facilities will be supported. Support will also be given to the provision of new public spaces and covered walkways.*”**
 - **Delete first Para of supporting text on page 22 (“Any large...to businesses.”)**

Policy 2: Garage blocks

- 86 The Neighbourhood Plan recognises community support for the appropriate redevelopment of existing blocks of garages. Garage blocks in the Neighbourhood Area are considered to under-utilise land. In addition, the local community consider them unsuitable for modern vehicles, resulting in their being used for storage and even appearing vacant or derelict, and lacking in natural surveillance.
- 87 In the above regard, I am mindful that the Framework encourages the effective use of previously developed land (Paragraph 17) and that, amongst other things, Core Strategy Policies CS11 ("*Quality of Neighbourhood Design*"), CS12 ("*Quality of Site Design*") and CS13 ("*Quality of the Public Realm*") seek to promote development that integrates with local character and provides for natural surveillance.
- 88 In the above regard, Policy 2, which promotes the redevelopment of garage blocks subject to impacts on local character and the facilitation of natural surveillance, meets the basic conditions.
- 89 However, as worded, it is not clear how the use of, or demand for, garage blocks can be demonstrated simply by consulting the immediate local community. No information is provided in this regard and consequently, this part of the Policy is ambiguous.
- 90 As with Policy 1, the wording of Policy 2 states that something "*will*" occur without providing substantive evidence to demonstrate that this will be the case and I address this in the recommendations below. It is also unclear how development proposals will prevent crime and no information is provided in this respect. Further, there is no indication of when it will and will not be "*appropriate*" to provide CCTV surveillance, or why this is a deliverable and viable land use planning matter, having regard to Paragraph 173 of the Framework, which states:

"Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable."

91 I recommend:

- **Policy 2, change first sentence to *“The redevelopment of garage blocks no longer required will be supported, subject to any proposal demonstrating that the scheme would respect local character, provide natural surveillance and incorporate landscaping and planting to soften visual impact.”***

Theme based policies

Policy 3: Enhancing Public Spaces

- 92 The supporting text to Policy 3 recognises the importance of open spaces to the Grovehill community. However, as set out, the Policy simply comprises a list of requirements that every development in the Neighbourhood Area “will” aim to provide. Also, it is not clear why “improvements,” as opposed to “new development” should be a matter for planning policy control. If improvements don’t comprise development, then there is no reason why they should be subject to the planning application process.
- 93 In the absence of substantive evidence, it is not clear how, having regard to Paragraph 173 of the Framework set out earlier in this Report, it will be viable and deliverable for all development to provide all, or any, of the requirements of Policy 3. Furthermore, no information is provided to demonstrate that the requirements have regard to Paragraph 204 of the Framework, which requires planning obligations to be:
- “...necessary...directly related to development...and fairly and reasonably related in scale and kind to the development.”*
- 94 Policy 3 does not meet the basic conditions.
- 95 In addition to the above, the list of requirements set out in Policy 3 is ambiguous. No definition is provided of what a “high quality and well designed public space” is. It is not clear what “environmentally sensitive” lighting is, how this will be measured, or who by. Also, it is not clear when such lighting may, or may not be necessary.
- 96 No indication is provided of what “adequate high quality street furniture” might be, or what “important routes” comprise. Similarly, it is unclear what “high quality seating and covered areas” are, why development should seek to provide these things or whether it would be viable to do so.
- 97 “Recreational facilities” could cover any number of things and the Policy is therefore unclear in this regard. It is not clear why, or where, the natural environment needs to be improved, or how the phrase “consider suitable wildlife corridors” might be implemented or controlled.

98 In the absence of information, it is not clear why the installation of temporary exhibitions in public areas is a land use planning matter, or how “*better public access*” will be measured. No definitive information is provided in respect of what “*leisure uses in urban green spaces*” currently exist, making it difficult to understand what a “*greater range*” might comprise.

99 Notwithstanding all of the above, I am mindful that the local community treasure Grovehill's public spaces. Taking this into account, I recommend:

- **Delete Policy 3**
- **Delete headings and supporting text on page 24**
- **Provide a new “*Community Project: The Grovehill Future Forum will seek to work with third parties to protect and promote the enhancement of Grovehill's public spaces. This will include encouraging developers to provide new and/or improve existing public spaces. Delivery Options: Liaison with HCC and developers. E.g. Identifying safe, welcoming and vibrant community places, providing comfortable seating, activities for all age groups and a possible area for the display and appreciation of artwork.*”**
- **For clarity and continuity, I recommend that the proposed Community Project becomes “*Environmental: Community Project 1 – Enhancing Public Spaces.*” It will thus become a Community Project (as per those on pages 30 and 31 of the Neighbourhood Plan). Consequently, the text in the bullet point above should move to the appropriate page in the Community Project section. Each Community Project number should be updated to accommodate the recommendation)**

Policy 4: Housing

- 100 Like previous Policies in the Neighbourhood Plan, use of the word “will” in the opening sentence of Policy 4 is unsupported by substantive evidence. Also, it is not clear how the Policy will control the integration of development with the “community,” as opposed to a land use planning function of providing for integration with the existing built and natural environment.
- 101 Whilst national policy, as set out in Chapter 6 of the Framework, “*Delivering a wide choice of quality homes,*” seeks to widen opportunities for home ownership and create sustainable, inclusive and mixed communities, there is no requirement for all housing development to provide a mix of new homes to meet local needs. I also note that this would not be physically possible for the development of say, a single dwelling.
- 102 Policy 4 states that “*regard should be given to*” smaller homes and larger family homes, accommodation for the elderly, properties for ownership, properties for rent, and the provision of live work units. This covers just about all types of housing and no indication is provided in respect of what “*giving regard to*” actually means in this context.
- 103 As a consequence of the above, part 1 of the Policy is ambiguous and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework. I am also mindful that there is no evidence that this part of the Policy has regard to Paragraph 173 of the Framework, in respect of viability and deliverability.
- 104 Chapter 4 of the Framework, “*Promoting sustainable transport*” encourages planning for sustainable mode of transport. To some degree, Policy 4 has regard to this, although no evidence is provided to demonstrate that it would be viable and deliverable for all (or any) development to provide well designed, designated pedestrian and cycle routes to link all parts of Grovehill.
- 105 Good design is recognised by the Framework as comprising:
- “a key aspect of sustainable development...indivisible from good planning.”*
(Paragraph 56)

- 106 Furthermore, national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework) and Paragraph 58 of the Framework goes on to require development to:

“...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation...”

- 107 In addition to the above, together amongst other things, Core Strategy Policies CS10 (“Quality of Settlement Design”), CS11 (“Quality of Neighbourhood Design”), CS12 (“Quality of Site Design”) and CS13 (“Quality of the Public Realm”) require development to meet high standards of design quality.

- 108 Taking all of this into account and notwithstanding the use of ambiguous language within its wording, the overall intentions of parts 3 and 4 of Policy 4, to promote high quality building and landscape design, are in general conformity with the development plan.

- 109 Whilst statutory requirements must be met as a matter of law, a Ministerial Statement in 2016¹⁰ established that housebuilding standards should be incorporated into new building regulations and that optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need. The Statement added that:

“Neighbourhood plans should not be used to apply the new national technical standards.”

- 110 Consequently, it is not appropriate, having regard to national policy and advice, for Policy 4 to seek to impose building standards.

- 111 No evidence is provided to demonstrate that it would be viable, deliverable, or even appropriate in all, or any circumstances, for trees to be “planted elsewhere within existing woodland areas.” Amongst other things, this raises matters of land ownership not considered by the Neighbourhood Plan.

¹⁰ Ref: Ministerial Statement 25th March 2016.

112 Taking all of the above into account, I recommend:

- Delete the text in Policy 4 and replace with ***“Where new homes are provided, the provision of a mix of tenures and types will be supported. New residential development should provide safe access for cyclists and pedestrians and the provision of new footpaths and cycle routes will be supported. New homes should reflect local character, including Grovehill’s low skyline, local vernacular and open attributes. The provision of new and the enhancement of existing wildlife corridors will be supported. New development should include landscaping and planting to soften its visual impact and the provision of high quality public spaces and play facilities will be supported.”***
- Page 25, under “Policy Intent,” second line, change to ***“...and enhances the neighbourhood...”***

Policy 5 – Improving Access and Connectivity

113 Paragraph 75 of the Framework states that:

“Planning policies should protect and enhance public rights of way and access.”

114 To some degree, Policy 5 supports the enhancement of public rights of way and has regard to national policy.

115 As set out, Policy 5 imposes a requirement on all new development. However, there is no evidence to demonstrate that it would be viable or deliverable for all new development to meet with the requirements of the Policy. For example, it would be highly unlikely that it would be viable, or even relevant, for a household extension to incorporate shared footpath and cycle routes. Consequently, the Policy does not have regard to Paragraphs 173 or 204 of the Framework, as set out earlier in this Report.

116 The Policy also includes a number of ambiguous and unsupported references, such as “...appropriate...” and “...consider...” Also, no indication of what “environmentally sensitive lighting” comprises is provided, and it is not clear, in the absence of supporting information, what “clear wayfinding” is, or why it is a land use planning matter appropriate to the Policies of the Neighbourhood Plan. In this respect, the Policy lacks precision, having regard to National Planning Guidance, as highlighted earlier in this Report and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

117 The second paragraph of supporting text under Policy intent does not make grammatical sense and this is addressed in the recommendations below.

118 Taking all of the above into account, I recommend:

- **Re-word Policy 5 as “The protection and enhancement of existing public rights of way and access, and the provision of new shared footpath and cycle routes will be supported; and the removal of underused and unpopular underpasses and their replacement with street level crossings will be supported.”**

- **Page 27, second Para of "Policy intent" text, change to *"The Neighbourhood Plan supports the provision of safe, accessible...that order, along with the provision of safe and suitable access for people with disabilities."***

7. The Neighbourhood Plan: Other Matters

119 The recommendations made in this Report will have a subsequent impact on Policy and page numbering. For example, the recommended deletion of Policy 3 will mean that Policy 4 becomes Policy 3, and Policy 5 becomes Policy 4.

120 The recommendations will also have an impact on the Contents/List of Policies pages at the beginning of the Plan.

121 I recommend:

- **Update the Policy and page numbering, as well as the Contents/List of Policies pages, taking account of the recommendations contained in this Report.**

8. Summary

122 Having regard to all of the above, a number of modifications are recommended in order to enable the Neighbourhood Plan to meet the basic conditions.

123 Subject to these modifications, I confirm that:

- 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 of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

124 Taking the above into account, I find that the Grovehill Future Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

125 I recommend to Dacorum Borough Council that, subject to the modifications proposed, **the Grovehill Future Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

126 I am required to consider whether the Referendum Area should be extended beyond the Grovehill Neighbourhood Area.

127 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

128 Consequently, I recommend that the Plan should proceed to a Referendum based on the Grovehill Neighbourhood Area approved by Dacorum Borough Council and confirmed by public notice on 7th January 2013.

Nigel McGurk, September 2017
Erimax – Land, Planning and Communities



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