**Wallington Neighbourhood Development Plan**

**Responses to Independent Examiner’s Clarification Note**

**Prepared by the Wallington Neighbourhood Plan Working Group**

**24 November 2023**

This response has been prepared by Rushden and Wallington Parish Council (RWPC) in relation to the Wallington Neighbourhood Development Plan (‘the Plan’). We are grateful for the opportunity to provide further clarification on the points raised below.

1. ***Policy W1 -* The overall approach taken in the policy is very good.**

**However, is part C necessary given the contents of parts A and B? In addition, how would it be implemented and would the sequential testing approach be either reasonable or practicable?**

The [Wallington Housing Survey](https://rushdenandwallingtonpc.co.uk/wp-content/uploads/2023/07/Wallington-Housing-Survey_Summary-of-responses_personal-data-removed.pdf) undertaken by the Working Group (WG) asked some questions relating to the preferred location of any new development in the neighbourhood area. Question 13 revealed that 84% of respondents did not consider greenfield sites, either adjacent to the current village boundary or elsewhere in the area, to be suitable for development. There was a clear preference (80%) for the conversion of existing buildings (including farm buildings) to be prioritised. This chimes with the response to Question 2, which found that the most important priorities for local people was to protect the rural character and green spaces of the area.

RWPC would prefer to therefore retain the first part of Clause C, which specifically introduces and supports the concept of redeveloping farmyard land and buildings, where suitable. It is appreciated, however that the second part of the clause could be difficult to implement on a site-by-site basis, unless it forms part of the criteria against any future strategic or neighbourhood plan site allocations.

1. ***Policy W2 -* Does part A of the policy bring any added local value beyond the contents of the Local Plan?**

RWPC appreciate that strictly speaking, it is unnecessary to reiterate the need for the full quota of affordable housing, as set out in the Local Plan, to be delivered. This was, however, raised at community events with concerns about developers not delivering the % in full, for instance due to viability issues. The RWPC considered it important to emphasise this point in the policy.

The second part of Clause A is considered to be important, as affordable homes should be well integrated with market housing. This is not included in Policy SP 8 of the Local Plan and therefore adds additional local detail.

1. ***Policy W4 -* This is an excellent policy which is underpinned by the Design Guidance and Codes. In the round it is a very good local response to Section 12 of the NPPF.**

This is noted by RWPC.

1. ***Policy W5 -* The selection of non-designated heritage assets has been carefully considered.**

**Please can the Parish Council advise about the way in which it considers that part B of the policy has regard to national policy?**

RWPC would like the examiner to consider including the words **‘conserve or’** before ‘enhance’, in the first sentence of the policy, which would align with national policy.

RWPC’s delegated councillors have discussed the wording of Clause B and appreciate that, as written, the requirements set out in B) would impose the same test on proposals affecting designated and non-designated heritage assets, namely that they both are expected to conserve and enhance the significance of the assets and their setting where it contributes to their significance. This differs from the NPPF, where the Secretary of State’s aspiration for decision makers, when considering potential impacts of development on heritage assets, sets out a different test for proposals that affect non-designated heritages.

With respect to non-designated assets the test, as set out in paragraph 203 of the Framework, is that proposals are **not** expected to conserve or enhance the significance of the non-designated asset, but rather that there should be a balanced judgement to the scale of any **harm or loss** to the non-designated asset. That distinction reflects the lower status accorded to non-designated heritage assets, which are not subject to the statutory tests that affect listed buildings.

To reflect the NPPF’s lower threshold on non-designated heritage assets, of which Wallington as a number, RWPC considers that the aspirations of the policy, in respect of designated heritage assets are justified and can be retained. We would respectfully request the examiner to remove the words “***including non-designated heritage assets***” from the first sentence of the policy and add a sentence at the end to the effect: ***“Proposals affecting non designated heritage assets will be assessed having regard to the scale of any harm or loss against the significance of the heritage asset”.***

**Is part C of the policy intended to apply to designated and non-designated heritage assets?**

This clause is concerned with the need for proposals to consider the archaeological deposits (above/below ground) that may be present. The settlement of Wallington historically formed around a spring, close to the Icknield Way ancient trackway. There have been many finds, providing evidence of the rich archaeology locally. Some of these finds date to neolithic times, with significant evidence of human activity from the bronze age onwards.

Attached to this response are two documents. The first is a Monument Report prepared for the Plan by Hertfordshire County Council, to set out details of the wealth of archaeology in the neighbourhood area. This is supported by the second document, which is a spreadsheet of individual finds registered with the Portable Antiquities Scheme. This includes items dating back to the Bronze Age, Iron Age and Roman times. RWPC would be keen to include this within the evidence base for Policy W5.

This matter is also considered in the response received from The Gardens Trust/Hertfordshire Gardens Trust, who make the comment, *“the inclusion of non-designated heritage assets in the plan is welcomed although the possibility of the discovery of further heritage assets and their inclusion in the plan has not been addressed”.* Clause C seeks to address this very point.

RWPC consider that whilst Clause C could potentially be dealt with through the [NHDC Validation Checklist](https://www.north-herts.gov.uk/sites/northherts-cms/files/validation_checklist_v2.pdf), for instance in those parts of the parish where there is evidence of the possibility of archaeological remains, this requirement it is not currently included in that list, which is why it is set out in the Policy.

1. ***Policy W6* This is a very positive and forward-looking policy.**

This is noted by RWPC.

1. ***Policy W9 -* In the round this is a good policy and is underpinned by the details in Appendix F. Does the Parish Council have any comments on the representation made by the District Council about the proposed designation of LGS 1 and LGS6?**

RWPC have the following comments:

**LGS1: Mutcheaps Field**

The comment from NHDC is as follows:

*“In appendix F, it is acknowledged that LGS1 (Mutcheaps Field) is a privately owned residential garden. It is our view that this land is an important space in the Wallington Conservation Area. However, it does not meet the criterion set out in paragraph 102 of the NPPF as it does not say that it has any community use and therefore value to the community. Unless the land owner confirms to the designation, we feel that this site does not meet the requirements.”*

RWPC would like to emphasise that Para 102 of the NPPF does not require a local green space to have ‘community use’. Rather it states that the space must be *“demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife”.*

LGS1 has been identified because it is demonstrably special for its richness of wildlife, beauty and historic significance, as set out in Appendix F of the Plan. Planning Practice Guidance states that a local green space does not need to be publicly accessible (Paragraph: 017 Reference ID: 37-017-20140306):

*“Some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions. However, other land could be considered for designation even if there is no public access (e.g. green areas which are valued because of their wildlife, historic significance and/or beauty).*

*Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected.”*

The owner of LGS1 supports the designation, having originally proposed it as a local green space as a member of the Working Group. RWPC considers this space to be an important part of the network of green spaces which are uncultivated, or have low-intensity cultivation, in contrast to the surrounding high-intensity agricultural land. These green spaces link together to offer valuable wildlife pathways through the village and are vital to the peace and tranquillity of the area, which residents registered as a very high priority in RWPC’s informal consultation process.

**LGS6: Plough Paddock**

The NHDC response is as follows:

*“…we note that the landowner has objected to the site’s proposed local green space designation. We note that this land was previously part of the garden of the Plough when the building was a pub. The landowner rebuts the claim that the site is often used by residents for local events.”*

RWPC’s delegated councillors have carefully considered the comment. The space has been used in the past by the community to host the village fete. It is the only relatively flat piece of land near to the village hall that would be suitable for hosting such village celebrations. Other nearby spaces (e.g. the Wick) are very overgrown, uneven or steeper sloping.

The RWPC is minded to retain this space as a local green space to retain the potential for future community activity. We note that, following discussion with the landowners, they did not reiterate their objection at Reg. 16.

In addition, as for LGS1, RWPC considers this space to be an important part of the network of green spaces which are uncultivated, or have low-intensity cultivation, in contrast to the surrounding high-intensity agricultural land. These green spaces link together to offer valuable wildlife pathways through the village, and are vital to the peace and tranquillity of the area, which residents registered as a very high priority in RWPC’s informal consultation process.

1. ***Policy W10 - This* policy is a very positive local approach to Section 6 of the NPPF.**

This is noted by RWPC.

1. ***Representations***

Does the Parish Council wish to comment on any of the representations made to the Plan?

* NHDC: RWPC would like to make the following comments on the representations received by the respondent:

In terms of meeting housing needs, the NDP does not allocate sites, rather it seeks to influence the type of housing (tenure, mix, size, affordability) within the neighbourhood area.

Wallington does not have a housing target (beyond contributing to windfall development) within the Local Plan, and there is no requirement for a Neighbourhood Plan to include a call for development sites. With these factors in mind, RWPC feels that, by adopting a positive approach to infill and by incorporating two significant farmyard spaces into the built core, it has taken a highly proactive approach to opportunities for appropriate, proportionate housing development in the NP area. The combined opportunities of infill and farmyard sites have the potential to exceed the volume of housing required by the community in the NP area.

RWPC acknowledges that there is unlikely to be a requirement for any developer to include affordable housing (Local Plan Policy HS2 (Affordable Housing) only requires affordable housing to be delivered on sites of 11 dwellings or more. There are few sites that could accommodate this in the neighbourhood area). The PC also notes that there is no requirement for the plan to address this specific need. Furthermore, the PC has already booked a meeting with the Hertfordshire Rural Housing Enabler at Community Development Action Herts to explore the possibility of any specific opportunities in the area. The PC considers that this work is compatible with and supported by the Neighbourhood Plan.

The table overleaf includes commentary on specific representations raised by NHDC.

(This is followed by comments on other representations received).

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| Section | NGDC Comment | RWPC comment |
| General comments | The Council welcomes the publication of the submission version of the Wallington Neighbourhood Plan and appreciates the significant amount of work undertaken by the Neighbourhood Plan Steering group and the Parish Council in reaching this stage in the preparation of the Neighbourhood Plan.The attached representations are made by officers and follow on from the comments that were made to the earlier draft of the neighbourhood plan in March 2022 and February 2023.We acknowledge and welcome the changes which have been made to the neighbourhood plan that have been made to recognise the adoption of the Local Plan.There is an error on the header on the top right-hand side of the document. It states that the document is the pre-submission version (regulation 14). This should be corrected to submission version (regulation 16). | Noted.Noted – this can be amended. |
| Page 3Para 1.3 | The 2021 Census data has been published. We suggest that the population figure in paragraph 1.3 should be updated. | Noted – the Census data is now available at a more refined level and we would be content to update this. |
| Page 10Para 3.2 | There is an error in paragraph 3.2 with regard to the percentage of respondents that took part in the Housing Survey. The Neighbourhood Plan states that 26 respondents out of 54 dwellings equate to 43%. However, this should be 48%. We made comments in respect of errors in statistics in the previous consultation version of the neighbourhood plan and maintain that these should be updated correctly.In paragraph 5.2, the plan states there are 61 dwellings and there are 44 dwellings located within the built core. However, in paragraph 3.10 (page 11) and paragraph 1.3 (page 3) it states there are 54 homes within the built core. In the AECOM Housing Needs Assessment 2021 it states that there are approximately 52 dwellings in the Neighbourhood Planning Area | Noted and this is a factual error that can be amended. |
| Page 10Para 3.7 | This paragraph talks about what respondents feel would be a reasonable number of new dwellings (from the housing survey) and is not actually based on identified need (Housing Need Assessment). Most respondents voted that no more than 10 new homes should be built. However, this means it is likely that market value housing can be delivered as it is below the Local Plan affordable housing threshold. The 16% increase in paragraph 3.7 is based on the 61 dwelling figure not the 54 dwellings in the built core. If the core housing figure is corrected to 54 homes, this percentage should be amended. | This is noted, however, this paragraph is purely a reflection of community feedback.Noted as previous comment. |
| Page 11Para 3.8 | The last line says, ‘up to ten new properties which is commensurate with the number identified in the survey.’ As noted in the point above 10 units were not identified as being needed but is the number of units residents feel is acceptable. | This is noted, however, this paragraph is purely a reflection of community feedback. |
| Page 11Para 3.9 | Paragraph 3.9 appears in conflict to para 3.7 as it refers to respondents’ views that more affordable homes should be prioritised.We suggest that the following bold word is inserted for clarity:There was commensurate support for **more affordable** smaller houses of one, two or three bedrooms **market homes** (69% support for 2 bedrooms, 45% for one bedroom and 81% for three-bedroom houses).This would a line with paragraph 3.10 which mentions that there are only 2 social (affordable) homes, and that private rental could represent an opportunity for lower cost entry into the village. | We would be happy to include this addition bolded text. |
| Page 12Para 3.14 | The desire to attract young families to the village may have influenced the view that 3-bedroom houses are the preferred size (81% saying “definitely or possibly needed”), and semi-detached houses the preferred size (87% said “definitely or possibly needed”). Again this is based on residents’ views and not an assessment of housing need. | This is noted, however, this paragraph is purely a reflection of community feedback. |
| Page 21Para 5.7 | This paragraph covers off some of the points that have been raised above including the affordable housing threshold issue at 3.7 and the conflict at 3.9. | Noted. |
| Page 22 Policy W2 | We acknowledge and welcome the amendments which have been made to this policy in respect of First Homes.We made comments in respect of duplicating policies in the previous consultation (regulation 14) of the neighbourhood plan and maintain that Policy W2 (A) should be removed. Guidance set out in the [Locality](https://neighbourhoodplanning.org/toolkits-and-guidance/write-planning-policies-neighbourhood-plan/) [guide, “Writing planning policies”](https://neighbourhoodplanning.org/toolkits-and-guidance/write-planning-policies-neighbourhood-plan/) suggests that neighbourhood plans should avoid duplication if the issues are already covered by policies in the Local Plan. We therefore maintain our objection to the inclusion of Policy W2 (A) in the neighbourhood plan | RWPC appreciate that strictly speaking, it is unnecessary to reiterate the need for the full quota of affordable housing, as set out in the Local Plan, to be delivered. This was, however, raised at community events with concerns about developers not delivering the % in full, for instance due to viability issues. RWPC considered it important to emphasise this point in the policy.The second part of Clause A is considered to be important, as affordable homes should be well integrated with market housing. This is not included in Policy SP 8 of the Local Plan and therefore adds additional local detail. |
| Page 25Policy W3 | We acknowledge and welcome the amendments which have been made to this policy in respect of infilling development. | Noted. |
| Page 28Policy W4 | We welcome the amendments that have been made to policy W4 (VI) which provides clear guidance on lighting in new developments. | Noted. |
| Page 31Paragraph 6.21 | We acknowledge that the neighbourhood plan now includes a criterion for developments requiring a Heritage Statement. This is included in paragraph 6.21. We would advise that this criterion should be included within the policy box of Policy W5. | We would be content to include this explicitly within the policy. |
| Page 35 Policy W6 | The policy requirement for electric charging points is redundant as this is a requirement of Building Regulations Part S to install an EV charging point with each new dwelling. | Noted and agree that this is now superfluous and can be removed. |
| Pages 44 Policy W8 | This policy requests a minimum biodiversity net gain of 10%. Biodiversity net gain is a requirement in the Local Plan under Policy SP9 and SP12. The 10% biodiversity and 30 years post-development habitat management requirement will become legislation under the Environment Act in November 2023 for major housing applications and in 2024 for minor housing applications. | Noted. |
| Page 45 | The Wallington Neighbourhood Plan designates 13 Local Green Space sites. In our previous consultation comments, we asked the Neighbourhood Planning Group to consider whether all 13 sites meet the NPPF requirement for the Local Green Space designation. Our comments remain the same for Policy W9:*In appendix F, it is acknowledged that LGS1 (Mutcheaps Field) is a privately owned residential garden. It is our view that this land is an important space in the Wallington Conservation Area. However, it does not meet the criterion set out in paragraph 102 of the NPPF as it does not say that it has any community use and therefore value to the community. Unless the land owner confirms to the designation, we feel that this site does not meet the requirements.*For LGS6 (Plough Paddock) we note that the landowner has objected to the site’s proposed local green space designation. We note that this land was previously part of the garden of the Plough when the building was a pub. The landowner rebuts the claim that the site is often used by residents for local events. The Council objects to the Local Green Space designation of LGS1 and LGS6. | See previous answers on these matters. |
| Page 52Paragraph 9.3 | We suggest that the following bullet point is deleted because the Local Plan was adopted in 2022. | RWPC would be content to delete this point. |
| Page 52Paragraph 9.4 | We would suggest that paragraph 9.4 is amended to say that the neighbourhood plan will be kept under review to ensure that the policies are effective and against the changing policy context that might arise from a new NPPF or the new Local Plan Review. | Noted and we are content to make this amendment. |

* Brian Worrell: RWPC would be content to include reference to the Rights of Way Improvement Plan. The text provided, which describes the location of Wallington in relation to the public rights of way would also be a welcome addition to the justification for Policy W4. In terms of the specific improvements and upgrades suggested, RWPC is grateful for these and would be content to discuss further with the British Horse Society Hertfordshire and Hertfordshire County Council.
* Herts and Middlesex Wildlife Trust: The Trust fully supports Policy W8 and suggests adding the following clause: *“All suitable new buildings must include a minimum of 1 integrated swift box, 1 integrated bat box and hedgehog highways incorporated into gardens”. R*WPC would welcome this as a modification to the policy.
* Mrs Sara Hughes: RWPC would like to make the following comments on the representations received by the respondent on the following policies:

Extensive informal consultation has taken place with all residents, including calls for volunteers to join the working group. This is set out in the Consultation Statement.

The level of response from the local community (>40% response rate to informal consultations) demonstrates that residents had ample opportunity to engage with the process. In addition, the Parish Councillors have made their contact details freely available to local residents throughout the process. All communications, for example, promotion of drop-in events, stated that individuals were free to contact their PC representatives at any time if they were unable to attend in person.

Policy W1 (Location of Development): The RWPC carefully considered the definition of the Built Core which adds additional local detail to the policies of the Local Plan. A fully justification of how the Built Core has been defined is provided in Appendix B. The criteria used has been determined having reviewed the approach taken by other settlements when reviewing settlement boundaries. RWPC are keen to retain the farmyards within this built core as these present some of the only sustainable development opportunities for the village.

Policy W7 (Locally significant views): View KV20 has been identified in consultation with the community. The view was particularly valued as it takes in, from the public footpath, an uncultivated green field and surrounding greenery that offer a tranquil vista.

Policy W8 (Green and blue infrastructure landscape features and biodiversity): The respondent queries Figure 7.1 notably the location of significant areas of trees. The map mirrors the [Wallington Conservation Area Appraisal](https://www.north-herts.gov.uk/sites/default/files/Wallington%20CA%20Character%20Statement.pdf) and the trees shown are located within Wallington Chase and not the Paddock beyond. Appendix F describes the trees as being on the southern edge, which is correct.

Policy W9 (Local Green Spaces): The respondent objects to the designation of Chase Meadow as a local green space. As set out in the Consultation, this site was identified as part of the long list of potential local green spaces and consulted on with the community, both at events and as part of a community walkabout. Regarding the suitability of the Local Green Space, we note that it is identified as significant in NHC’s Conservation Area Character Statement and as an important space for wildlife, acting as a corridor to the wider green infrastructure network. In addition, it was highlighted as significant by residents during the consultation process.

It is considered therefore to meet the LGS requirements for the reasons set out in Appendix F of the Plan and this policy received strong support at the regulation 14 consultation.

Finally, RWPC considers this space to be an important part of the network of green spaces which are uncultivated, or have low-intensity cultivation, in contrast to the surrounding high-intensity agricultural land. These green spaces link together to offer valuable wildlife pathways through the village, and are vital to the peace and tranquillity of the area, which residents registered as a very high priority in RsxAZ 4’s informal consultation process.

Policies Map – The maps have been prepared using the Ordnance Survey detailed mapping data available to the Parish Council. The driveway noted by the respondent does not appear on the OS base mapping.

We are grateful for the opportunity to provide further clarification on this questions and points.

Kate Heath

Councillor at Rushden and Wallington Parish Council