

# Baldock, Bygrave and Clothall Neighbourhood Plan

## Report of Examination

**Report to North Hertfordshire District Council**

by the Independent Examiner:

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21 August 2020

<b>Contents</b>	<b>page</b>
Summary	3
1. Introduction	4
2. The Neighbourhood Plan - preparation and public consultation	7
3. The Neighbourhood Plan in its planning context	9
4. Overview	14
5. General policies	15
6. Policies for specific sites	16
7. Policies for the villages	20
8. Other matters	20
9. Referendum Area	21
10. Conclusions and recommendations	21

## Summary

1. From my examination of the submitted Baldock, Bygrave and Clothall Neighbourhood Plan, the supporting documents, and taking into account all the representations made, I have concluded that, subject to the modifications I **recommend**, the Neighbourhood Plan should proceed to a referendum.
2. I have concluded that the plan does meet the Basic Conditions. In summary, the Basic Conditions are:
  - a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.
  - b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
  - c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
  - d. the making of the neighbourhood plan contributes to the achievement of sustainable development.
  - e. 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.
  - f. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
  - g. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
3. I have concluded that the neighbourhood plan would meet the legal requirements in that:
  - It has been prepared and submitted for examination by a qualifying body;
  - It has been prepared for an area properly designated;
  - It does not cover more than one neighbourhood plan area;
  - It does not relate to “excluded development”;
  - It specifies the period to which it has effect – to 2031; and
  - The policies relate to the development and use of land for a designated neighbourhood area.
4. I conclude the Referendum Area should be the same as the designated area.

## **1. Introduction**

- 1.1 I am appointed by North Hertfordshire District Council, with the support of Bygrave Parish Council (the Qualifying Body), to undertake an independent examination of the Baldock, Bygrave and Clothall Neighbourhood Plan, as submitted for examination.
- 1.2 I am an independent planning and development professional of 40 years standing and a member of NPIERS' Panel of Independent Examiners. I am independent of any local connections and have no conflicts of interests.

### **The Scope of the Examination**

- 1.3 It is the role of the Independent Examiner to consider whether making the plan meets the Basic Conditions. These are:
  - a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.
  - b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
  - c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
  - d. the making of the neighbourhood plan contributes to the achievement of sustainable development.
  - e. 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).
  - f. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
  - g. prescribed conditions are met in relation to plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 1.4 Regulations also require that the Neighbourhood Plan should not be 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.
- 1.5 In examining the Plan I am also required to establish if the plan complies with certain legal requirements; in summary they are whether it:
  - Has been prepared and submitted for examination by a qualifying body;

- Has been prepared for an area that has been properly designated;
- Meets the requirements that they must not include excluded development;
- Relates to one Neighbourhood Area; and
- Relates to the development and use of land.

1.6 Finally, as independent Examiner, I must make one of the following recommendations in relation to the Plan proceeding to a Referendum:

- a) that it should proceed to Referendum on the basis that it meets all legal requirements; or
- b) that, once modified to meet all relevant legal requirements, it should proceed to Referendum; or
- c) that it should not proceed to Referendum on the basis that it does not meet the relevant legal requirements.

1.7 Second, if recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Neighbourhood Designated Area to which the Plan relates.

### **The Examination process**

1.8 I was formally appointed to examine the Neighbourhood Plan in August 2020, following a prolonged procurement period, the principle of my appointment having been first confirmed at the end of May. Having tentatively begun the examination in this lead-in period I raised some initial questions of the LPA and QB in early July; the LPA/QB response of 10 July was placed on the District Council's website. I had no further queries.

1.9 The default position is that neighbourhood plan examinations are conducted by written representations. I have completed the examination from the submitted material. I conducted an unaccompanied site visit.

### **The Examination documents**

1.10 In addition to the legal and national policy framework and guidance (principally The Town and Country Planning Acts, Localism Act, Planning and Compulsory Purchase Act, Neighbourhood Planning Act and Regulations, the National Planning Policy Framework, Written Ministerial Statements and the Planning Practice Guidance) together with the development plan, the relevant documents that were furnished to me - and were identified on the Council's website as the neighbourhood plan and its supporting documentation for examination - were:

- Submission Version Neighbourhood Plan; this included four annexes, together with a separate document: Design Guidelines
- Evidence Report document which incorporated:
  - Basic Conditions Statement; and

- Consultation Statement.
- SEA Screening Determination Statement
- Landscape and Visual Appraisal regarding land north of the Railway, Baldock (Nov 2019) by AECOM
- Eight responses received under Regulation 16 (referred to later).

### **The Qualifying Body and the Designated Area**

- 1.11 Bygrave Parish Council is the Qualifying Body for the designated area that is the neighbourhood plan area. The Plan Area comprises a mix of parished (Bygrave and Clothall, respectively) and non-parished areas (Baldock). A single parish council (as a relevant body) can apply for such an area to be designated – see para 026 PPG ref ID: 41-026-20190509 – which was duly considered and confirmed by Cabinet on 25<sup>th</sup> July 2017. I was also furnished with the Area Designation supporting material.
- 1.12 The practical outworking of this has been the formation of a Neighbourhood Planning Group, made up of representatives from each of the three constituent areas, working within a formal constitution, tasked with the production of a Neighbourhood Plan for the whole designated area.

### **The Neighbourhood Plan Area**

- 1.13 The plan area is comprised of three constituents parts – the parishes of Bygrave and Clothall together with the market town of Baldock. Baldock is tightly enclosed by the A1(M) and the bypass (A505), with the parish of Bygrave extending to the north-east of the town and Clothall to the south-east.
- 1.14 Baldock is described as a compact, historic and attractive market town set within the rolling chalk hills of north Hertfordshire. With ancient origins, located at the convergence of two strategic routes, the modern town dates from its foundation by the Knights Templar in the 12<sup>th</sup> century. The town centre attracts visitors from beyond the town, has a growing range of independent retailers, food & beverage operators and hosts a number of events. The town has a strong community spirit and enjoys a range of good public services, well-regarded schools, churches, a railway service, together with supporting social and health services, some at or approaching capacity.
- 1.15 The village of Bygrave is in two parts: Upper Bygrave was a medieval village, with Lower Bygrave made up of two streets from a mid-1930's social experiment. There is a church, but no shops, and an infrequent bus service.
- 1.16 Clothall is a small village clustered round an ancient church; it has a village hall. At the southern end of the parish lies the hamlet of Luffenhall, comprised of houses and farms dispersed along a country lane.
- 1.17 The 2011 Census population of Baldock was 10,280 and there were 4,491 homes in the town. Bygrave parish comprised 304 people living in 108 homes; Clothall parish had 150 people accommodated in 67 homes.

## **2. Neighbourhood Plan preparation and public consultation**

### **The Neighbourhood Development Plan**

- 2.1 The document is very well presented and easy to follow, comprising seven sections (not numbered; nor are any paragraphs – my section 8 picks this up). There is a short introduction to the plan – between the cover and contents page, otherwise it is section 1 that forms the Introduction; section 2 explains how to use the plan.
- 2.2 Section 3 sets the scene, both in terms of the plan area today and, crucially, how it could change: This is because the neighbourhood plan is being prepared in parallel to the emerging Local Plan (see later), which proposes 3,298 homes to be built in and around Baldock by 2031, together with new employment land. The emerging Local Plan proposes to allocate a number of major sites (one a strategic allocation) – envisaged as extensions to the town of Baldock - and which will be substantially located in the adjacent parishes. The neighbourhood plan therefore does not allocate any sites itself but anticipates the Local Plan and its policies, proposals and allocations coming into force, focusing on providing additional safeguards and local requirements.
- 2.3 Section 4 sets out the neighbourhood plan's vision and its four key objectives. Sections 5-7 comprise the policy sections: Section 5 is the set of general policies, those that apply across the whole of the neighbourhood plan area; there are 6. Section 6 deals with specific sites, essentially those proposed in the emerging Local Plan. Section 7 sets out policies for the three villages. I deal with each of the three policy groups later in my report.
- 2.4 The neighbourhood plan has no policies map as such, possibly because of the nature of the plan, in that it has no spatial policies apart from those in the emerging Local Plan. Thus, Fig 2 – the equivalent of a policies map - shows the Proposals in the emerging Local Plan.
- 2.5 There are four annexes: A. How the plan was put together; B. List of policies; C. Buildings of Local Importance; and D. Maps of the villages. The plan's Design Guidelines are a separate document.

### **Strategic Environmental Assessment and Appropriate Assessment**

- 2.6 Under Article 3(3) and 3(4) of the Strategic Environmental Assessment (SEA) Directive 2001/42/EC an SEA is required of plans and programmes which “determine the use of small areas at a local level”. The District Council, as “responsible authority”, determines if the plan is likely to have significant environmental effects. They determined, in a Screening Determination of April 2019, that the plan would not require a Strategic Environmental Assessment.
- 2.7 The neighbourhood plan does not require an Appropriate Assessment, as there are no relevant sites within the plan area, or outside, which are likely to be affected by the proposals in the plan, bearing in mind that the plan does not have any allocations. The emerging Local Plan has been screened.

## **Human Rights and European Obligations**

- 2.8 I have no reason to believe that making the plan would breach or is incompatible with the European Convention on Human Rights or other EU obligations.

## **Plan period**

- 2.9 The neighbourhood plan clearly states, in the Introduction and elsewhere, that it covers the period to 2031, which is co-terminus with the emerging Local Plan.

## **Excluded development**

- 2.10 A neighbourhood plan cannot include policies for excluded development, such as minerals and waste. I have concluded that the plan does not do so.

## **Non-Land Use Policies**

- 2.11 A neighbourhood plan cannot include policies that are not concerned with the use or development of land. The plan does not include any; however, at the end of section 2 (Using the neighbourhood plan) the text explains that: *"...the process of producing the plan has inevitably identified some wider issues that the community would like to see considered. These are recorded in the evidence report that accompanies the plan, which has been brought to the attention of the District and County Councils."*

## **Public consultation and responses to the submitted plan (Regulation 16)**

- 2.12 The process of consultation involved a wide range of media and activities, supervised by the Planning Group. These included a website, newsletters and email contacts, advertising, community events, a Community Survey, design workshops and public meetings. Consultation began in earnest in May 2017 at the Baldock Street Fair with a stall inviting comments about aspects of the town's potential growth.
- 2.13 The Consultation Statement sets out clearly and fully the steps taken, including the way feedback and comments were processed, how the issues were selected and how the initial plan was drafted leading up to the Regulation 14 formal consultation – which took place between 2 May and 18 June 2019. The statement explains very clearly – in a set of tables - how the representations and comments were gathered, analysed and responded to in terms of drafting changes.
- 2.14 Consultation on the revised version of the plan took place between Wed 12th February and Wed 25th March 2020. A total of eight parties made representations to the submitted plan: three local residents (in support, one with a number of detailed comments or observations), the British Horse Society (about a bridleway), the County Council as landowner (HCC Property, who own virtually all the land allocated for development in the emerging local

plan), the County Council (as planning, highway and waste authority), District Council and Natural England (no comments). The statutory undertakers, including Natural England, such as the Environment Agency and Historic England, contributed to the SEA process.

### **3. The Neighbourhood Plan in its planning context**

#### **i. National policies and advice**

- 3.1 The neighbourhood plan must have regard to national policies and advice, contained in Ministerial Statements and guidance issued by the Secretary of State, and contribute to the achievement of sustainable development. Paragraph 16 of the National Planning Policy Framework (the Framework) sets the scene:

*“Plans should:*

- a) be prepared with the objective of contributing to the achievement of sustainable development;*
- b) be prepared positively, in a way that is aspirational but deliverable;*
- c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*
- d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*
- e) be accessible through the use of digital tools to assist public involvement and policy presentation; and*
- f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”*

- 3.2 The Framework then explains, at para 29, in relation to neighbourhood planning that:

*“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in strategic policies for the area, or undermine those strategic policies.”*

- 3.3 In relation to achieving appropriate densities, the Framework includes the following, at para 122:

*“Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- c) the availability and capacity of infrastructure and services—both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;”*

- 3.4 Planning Policy Guidance includes a range of guidance relevant to this plan; for example:

*“Plans should be prepared positively, in a way that is aspirational but deliverable. Strategic policies in the local plan or spatial development strategy should set out the contributions expected from development. This should include the levels and types of affordable housing required, along with other infrastructure. Neighbourhood plans may also contain policies on the contributions expected from development, but these and any other requirements placed on development should accord with relevant strategic policies and not undermine the deliverability of the neighbourhood plan, local plan or spatial development strategy. Further guidance on viability is available.”* (Paragraph: 005 Reference ID: 41-005-20190509. Revision date: 09 05 2019)

- 3.5 The plan must give sufficient clarity to enable a policy to do the development management job it is intended to do; or to have due regard to Guidance. For example, the Guidance explains that:

*“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.”* (ref 41-041-20140306).

- 3.6 There has to be appropriate evidence to support particular policies, notwithstanding it may express a strong and well-intentioned aspiration or concern of the local community. The Guidance at ref 41-040-20160211 states:

*“While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.*

*A local planning authority should share relevant evidence, including that gathered to support its own plan making, with a qualifying body .....*

*Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.*

*In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making”.*

- 3.7 The Guidance further explains what a neighbourhood plan should address:

*“A neighbourhood plan should support the delivery of strategic policies set out in the local plan or spatial development strategy and should shape and direct development that is outside of those strategic policies (as outlined in paragraph 13 of the revised National Planning Policy Framework). Within this broad context, the specific planning topics that a neighbourhood plan covers is for the local community to determine.*

*A neighbourhood plan should, however, contain policies for the development and use of land. This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see section 38(6) of the Planning and Compulsory Purchase Act 2004).*

*Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan. (Paragraph: 004 Reference ID: 41-004-20190509. Revision date: 09 05 2019).*

### 3.8 Also, in relation to Infrastructure considerations:

*“A qualifying body may wish to consider what infrastructure needs to be provided in their neighbourhood area from the earliest stages of plan-making (as set out in paragraph 102 of the National Planning Policy Framework) alongside development such as homes, shops or offices. Infrastructure is needed to support development and ensure that a neighbourhood can grow in a sustainable way.*

*The following may be important considerations for a qualifying body to consider when addressing infrastructure in a neighbourhood plan:*

- what additional infrastructure may be needed to enable development proposed in a neighbourhood plan to be delivered in a sustainable way*
- how any additional infrastructure requirements might be delivered*
- what impact the infrastructure requirements may have on the viability of a proposal in a draft neighbourhood plan and therefore its delivery*
- what are the likely impacts of proposed site allocation options or policies on physical infrastructure and on the capacity of existing services, which could help shape decisions on the best site choices*

*Qualifying bodies should engage infrastructure providers (eg utility companies, transport infrastructure providers and local health commissioners) in this process, advised by the local planning authority. (Paragraph: 045 Reference ID: 41-045-2019050. Revision date: 09 05 2019)*

And: “What should a qualifying body do if it identifies a need for new or enhanced infrastructure?”

*A qualifying body should set out and explain in their draft neighbourhood plan the prioritised infrastructure required to address the demands of the development identified in the plan”. (Paragraph: 046 Reference ID: 41-046-20140306)*

- 3.9 The Basic Conditions Statement (BCS) sets out most satisfactorily how the policies in the Neighbourhood Plan comply with the Basic Conditions and legal requirements. It explains, mostly in tabular form, how the plan has regard to national policies and how it contributes to sustainable development, and contributes to economic and social sustainability and how the plan contributes to the environment.

## **ii. Development Plan context**

- 3.10 The neighbourhood plan must be in general conformity with the strategic policies of the development plan for the area. The development plan is the District Local Plan No 2 with Alterations. This plan dates from 1996; the Saved policies from 2007. It is so out of date and contains so little of any relevance to current national policy, or the strategic direction of planning policy for the District, other than the Green Belt, that I give it very little weight. The section on Baldock (5.2) is very out of date with no strategic policies.
- 3.11 The key relevant strategic policy in the development plan is the designation of a Green Belt, which is drawn tightly around Baldock and extends into much of the surrounding parishes. Virtually all the currently planned development – as proposed in the emerging local plan – is located in areas that are currently Green Belt. The emerging local plan proposes to redraw the boundaries around the new development sites it proposes to allocate. The neighbourhood plan – which is now progressing ahead of the emerging local plan - does not (nor cannot) seek to redraw these boundaries. Instead, the neighbourhood plan *anticipates* the emerging local plan and those sites will remain in the Green Belt until the new local plan is adopted. Hence, the neighbourhood plan applies additional policies that, effectively, will only come into force once the local plan has been adopted.

## **iii. Emerging Local Plan**

- 3.12 The Local Plan 2011-2031 was submitted for examination in June 2017. Hearing sessions duly took place in late 2017 and early 2018; consultation on Main Modifications took place in the spring of 2019. Some additional hearings were being arranged for March 2020 but have been postponed due to the Covid-19 situation. It is understood that there is one Hearing Session set aside to discuss sites BA2, BA3 and BA4 (Matter 25) – see para 3.14. Main Modifications 386 and 387 proposed that some additional land was incorporated into the allocations for these sites. These are not reflected in the neighbourhood plan.
- 3.13 The District Council considered what weight to give the emerging plan at a

Cabinet meeting in December 2018, before the Main Mods consultation, and concluded that it was capable of attracting greater weight than the version submitted for examination. I give it enhanced weight now it is at examination.

3.14 The emerging plan contains a section on Baldock (paras 13.13 ff), in which land for 3,386 homes<sup>1</sup> (3,290 during the plan period) is allocated across eight sites in the neighbourhood plan area; each site is covered by a separate policy (designated as BA1,2 etc):

- BA1 North of Baldock Road, for 2,800 homes
- BA2 S/W of Clothall Road, for 200 homes
- BA3 S/E of Clothall Common, for 245 homes
- BA4 E of Clothall Common, for 50 homes
- BA5 Yeomanry Drive, for 25 homes
- BA6 Icknield Way, for 26 homes
- BA7 R/o Clare Crescent, for 20 homes
- BA11 Deans Yard/South Road, for 20 homes
- BA10 Royston Road, for 19.6 ha of employment

3.15 There are a number of key relevant strategic policies, such as:

- SP2, which defines the Settlement Hierarchy, classing Baldock as a town. A new settlement boundary is shown on the Proposals Map, with land beyond this classed as Green Belt.
- SP3, which allocates 19.6 ha of employment on land east of Baldock – site BA10.
- SP 14, which allocates site BA1, the largest housing site, as a strategic housing site. The plan anticipates that 2,500 homes being completed within the plan period.

3.16 The non-strategic housing sites are designated as Local Housing Allocations with site-specific criteria. The emerging local plan also identifies two Designated employment areas in the neighbourhood plan area:

- BE1 Bondor Business Centre, of 2.5 ha; and
- BE2 Royston Rd, of 3.3 ha.

3.17 All these allocations are carried into the neighbourhood plan. The emerging plan also identifies (para 13.24 ff) local issues around infrastructure provision and mitigation, matters that are close to the core issues of the neighbourhood plan. It assumes that sites will be developed sequentially with those sites to the south of the town anticipated to be commenced first and used to support some of the upfront costs associated with the implementation of the strategic site to the north.

3.18 The emerging plan recognises local traffic pinch-points within Baldock and proposes a new road as part of BA1, to enable traffic to avoid them, and one junction in particular. Also that the development of BA3 &4 will contain a new

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<sup>1</sup> Table on pages 138-140

<sup>2</sup> See Table 4 Basic Conditions Statement

link road, providing the ability to bypass this junction.

- 3.19 Other relevant issues noted include Urban Open Land, heritage and archaeology, sensitive design and surface water flooding.

#### **4. Overview**

- 4.1 The neighbourhood plan has been prepared in parallel with the emerging local plan, though now finds itself proceeding in advance of it. This does not affect its approach, which is not to allocate any sites itself but to be based on the policies, proposals and allocations in the emerging plan; thus much of the plan is conditional on the eventual adoption of the new local plan - insofar as it relates to the neighbourhood plan area. Any changes in the emerging local plan would be dealt with by reviewing the neighbourhood plan.
- 4.2 The Basic Conditions Statement (BCS) explains that the neighbourhood plan seeks to provide additional safeguards to those in the emerging plan, rather than provide an alternative strategy. The BCS goes on to explain that: *“A key consideration in preparing the neighbourhood plan was the extent to which it could usefully add to the policies in the [emerging] local plan, and in doing so help address issues that were of a concern o the local community. To assess this in a structured way a “gap analysis”<sup>2</sup> of the policies in the emerging local plan was carried out, and forms part of the evidence base of the neighbourhood plan”* (BCS page 69).
- 4.3 The “Setting the scene” section of the neighbourhood plan (page 5) notes that the planned developments [in the emerging plan] are much larger than those required to meet local needs and so will bring additional people to the town to live and for work. It explains that one of the key concerns is the impact of this growth on the capacity of local services and infrastructure, particularly additional traffic on air quality and the road network. It goes on to specify that a number of improvements which would be required in the new local plan to address these concerns, including new schools, shops and health facilities; as well as new link roads to help limit the impacts of traffic growth on the centre of this historic town.
- 4.4 The neighbourhood plan seeks to avoid a town of two halves, separated as it is by the railway line, with the development of the strategic housing site on the north side; and to avoid too close a physical connection of that housing development to Lower Bygrave. The mitigation of the impact of climate change is also a plan priority.
- 4.4 Overall, the plan takes a very commendable approach to positive planning, supporting and promoting sustainable development and to achieving close alignment with an emerging local plan, which promotes significant growth in new homes and employment.

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<sup>2</sup> See Table 4 Basic Conditions Statement

## **5. General policies**

- 5.1 There are six general policies, which apply across the whole of the neighbourhood plan area, all prefixed by the letter G.

### **Policy G1 Improving access and parking**

- 5.2 The policy seeks to support access and parking improvements in the town, identified in parts a) to d) of the policy. A particular focus is the provision of additional parking at Baldock railway station; another – albeit in the supporting text - is the suggestion of using small parts of the BA1 and BE2 allocations for extra parking, although the latter is part of an employment allocation. The plan's approach draws on both local consultation responses as well as consultants' reports, (see footnotes 3,5 and 6 to the supporting text).
- 5.3 The policy was the focus from three objectors - District, County Council (as planning authority) and HCC Property - but also two local residents, in support. The objections recognised local support for more parking at the station and have argued for a more balanced approach, to recognise the benefits of more sustainable modes of transport, including bus services; and to consider further parking restrictions. The District Council notes that changes were made since Reg 14. The District Council is cautious about the plan's suggestion for parking on employment land; but that is not part of the policy as such.
- 5.4 I have reviewed the evidence and am persuaded that local circumstances justify the plan's approach. Overall, I have concluded that the policy meets the Basic Conditions.

### **Policy G2 – Strategic green space**

- 5.5 The focus of the policy is the Scheduled Ancient Monument within Baldock, known as Walls Field (the site of a Romano-British small town and Late Iron Age settlement) and the adjoining open land to the south-west - the latter proposed to be designated as Urban Open Land in the emerging plan. Together, these make up a large area within Baldock.
- 5.6 The approach the policy takes is to first protect the predominantly open character of these areas; and second, to support only those development proposals in the vicinity that would improve their visual or recreational value. The supporting text notes that: "*There is considerable scope for taking a comprehensive approach to improving the condition and value of [these areas].*"
- 5.7 There were no objectors to the policy; local residents supported it. I conclude the policy meets the Basic Conditions.

### **Policy G3 – Creating well-designed spaces**

- 5.8 The policy seeks to secure high standards of design and a strong sense of

place at the new developments. It promotes an independent review process with community input, paid for by the applicants, an approach objected to by HCC Property, who argued for the normal process of consultation, as there was no special justification for the policy's approach. I agree.

- 5.9 I **recommend** that all the words after “design review process” be deleted, to meet the Basic Conditions.

#### **Policy G4 – Sustainable design**

- 5.10 Applications that adopt a sustainable approach in design and materials will be supported. There were no objectors, with local residents in support.

#### **Policy G5 – Baldock conservation area**

- 5.11 To conserve or enhance its appearance a range of principles need to be met (a-f). These draw on the Character Statement of the Conservation Area and the district-wide Urban Design Assessment. HCC Property felt it did not comply with the Framework in that it was insufficiently accepting of modern styles or materials in design; indeed it was not consistent with the plan's Design Guidelines, which accepted the merits of “contemporary interpretation.” It's a point well made so, to meet the Basic Conditions, I **recommend** that after the first line in (d) the words, “including their contemporary interpretation” be added before the dash.

#### **Policy G6 – Local heritage assets**

- 5.12 This policy seeks to safeguard the character or setting of those heritage assets identified as of local importance. The plan includes a plan (Fig 5) and a list at Annex C (for only Baldock). The County Council point out that there is no direct mention of undesignated or designated assets of archaeological interest in either G5 or G6, while the evidence suggests widespread archaeological remains. They suggested that, to meet the Framework's requirements, that G6 be modified to provide for known and as yet unknown below ground archeological remains. I agree, this addition would meet the Basic Conditions.
- 5.13 I **recommend** that the title of the policy be modified to read: “Archeological remains and local heritage assets”; and the text of the policy be modified, by the words “assets of archeological interest or” being inserted after the expression “that would affect...”.

### **6. Policies for specific sites**

- 6.1 There are seven polices in this section, which apply topical policies to certain allocated sites [as in the emerging plan] that each policy identifies:

#### **Policy E1 – Transport and air quality**

- 6.2 The policy seeks to mitigate the impact of traffic from the planned

developments (citing five main allocations – BA1-4 and BA10) and on air quality. To minimise the risks of increased congestion and/or air quality deterioration within Baldock a range of measures are identified (a-f), which involve provision, mitigation or contributions. Critically, this policy means that major allocated sites BA1-4 and BA10 in the emerging local plan should not be permitted if a particular town centre junction is operating at or above capacity, which might constitute as being severe.

- 6.3 This policy was supported by local consultation responses, as well as the evidence from a wide range of official reports – cited in footnotes 17-22 and referred to in the supporting text. The underlying aim is to avoid the adverse impacts of traffic from the new developments on air quality, on the town centre roads, which are already congested and are within a heritage context.
- 6.4 The policy attracted objections from the County (as planning authority) as well as HCC Property, while, in a substantive representation, it was strongly supported by a local GP. HCC Property felt it was too vague (with the word “severe” capable of a wide meaning) and questioned why it does not apply to the whole neighbourhood plan area. While not objecting to points a) to f), they recommend the opening paragraph be deleted and parts of a) to f) applied to the whole plan area, referencing BA1-4 and BA10 where appropriate.
- 6.5 The County Council argued for a more balanced approach, saying that one junction on its own is unlikely to result in a severe impact. They recommend greater alignment with the Framework through Travel Plans. I found this last point rather weak, as it’s only one aspect of the Framework. However, I agree with the point that one junction operating above its design capacity is not, on its own, a definition of severe.
- 6.6 Overall, I consider the focus of the policy on the identified allocated sites as well supported by the evidence and is appropriate. I **recommend**, for the reasons stated above, that the words “operating significantly above its design capacity” be deleted.

## **Policy E2 – Green infrastructure and outdoor recreation**

- 6.7 The policy seeks to secure suitable located and designed green spaces and recreational facilities in site allocations BA1-4 and BA10. A range of points need to be satisfied, listed as a) to h), all of which have to met, as drafted.
- 6.8 The policy was supported by local residents, while the British Horse Society argued for the plan to include a proposal to be included to upgrade Baldock Footpath 1 to a bridleway to improve wider access to Bygrave Bridleway 1. While no doubt having merit, its omission is not something that fails the Basic Conditions.
- 6.9 HCC Property, while agreeing with most of the policy’s text and objectives, nevertheless had a few drafting reservations. For example, the phrase “net benefits is not defined and hard to measure; the term “reflecting the wider landscape” may not always be the desirable or practical outcome. In part b)

they point out that there is no need for clear management arrangements to be agreed prior to permission being granted. Nor should all planning applications have to comply with every detail of a) to h) but should demonstrate that there will be satisfactory measures in place. I agree with these points, bar the reference to the wider landscape, which I regard as appropriate in the context; otherwise the policy needs minor modifications to meet the Framework.

6.10 I **recommend** that the following modifications be made:

- The last word of the introduction paragraph – “should” – be replaced with “the following”; and
- In a), second line, the word “net” be deleted; and
- In b), third line, add “where appropriate” before the expression “have clear management arrangements...”.

### **Policy E3 – Managing construction impacts**

6.11 The policy seeks to minimise the impact of construction, which will take place across a number of major sites and over many years. It is well argued and locally relevant; it has been widely supported.

### **Policy E4 – Building strong communities**

6.12 The policy seeks to secure active local engagement in the development of allocated sites BA1-4 and BA10, to achieve a strong and inclusive community of both existing and new residents.

6.13 HCC Property supports this policy, as do the local residents who made representations.

### **Policy E5 – Development north of the railway**

6.14 Site BA1 in the emerging local plan is proposed as a strategic allocation; it is the largest and most significant development in the neighbourhood plan area. This policy seeks to secure locally relevant measures, through a series of requirements, listed as a) to h), all of which have to be met, as drafted. One of the most contentious is the requirement for a gap between the new housing and Bygrave; in the footnote to point a) it is defined as “at least 170m”. The District Council acknowledges that this approach has been addressed by locally commissioned evidence. The local residents support it; in one case it is strongly supported in a well-argued representation.

6.15 HCC Property, as landowners, strongly object to part a) of the policy, with the reference to the specified gap, arguing for a more sympathetic transition to Lower Bygrave and that the question of integration should be considered more holistically. They, inter alia, reference back to a study commissioned as part of their Regulation 14 representation, which I have read. I am however, persuaded by the locally commissioned Landscape and Visual Appraisal from

AECOM in late 2019 and my own site visit. Having balanced the material before me, I do consider that the gap requirement has been robustly and proportionately evidenced and would not prejudice this strategic site's ability to deliver 2,800 homes.

6.16 HCC Property make some further points: that there is no justification in e) for retaining the existing houses; and should contain the provision "where possible" to be consistent with how f) is drafted. Nor is the requirement for a new community hall – to meet the need for parish council meetings – necessary to make the site acceptable in planning terms. I agree with all these points, to meet the Basic Conditions.

6.17 I **recommend** that the policy be modified in the following respects:

- In e) add the words "where possible" after "retain and incorporate"
- In e) delete the words "the existing houses on Bygrave Road"; and
- In h) delete the text in brackets

#### **Policy E6 – Royston Road**

6.18 The policy requires a coordinated approach to development of sites BA3, BA4 and BA10 to allow opportunities to enhance the appearance and accessibility of this corridor. The policy lists four requirements (a-d) and adds its application to site BE2 (also in this corridor) and that a landscape strategy be agreed prior to reserved matters applications on the listed sites. The local residents supported the policy.

6.19 HCC suggested that in d) the policy should identify the need for the introduction of measures making the corridor focus on sustainable travel modes and discourage private vehicles. This would be consistent with the Framework and I **recommend** that d) be modified by adding the words "make the corridor a focus for sustainable travel and to" at the start of the sentence.

#### **Policy E7 – Cambrai Farm and south of Clothall Common**

6.20 The policy seeks to deal with the impact of development bordering the bypass, which could be particularly intrusive; three requirements (listed as a-c) need to be met. The policy is well evidenced and well supported locally, through the consultation process.

6.21 HCC Property argue that the approach in b) should be in the policy and not hidden away in a footnote. I agree, so as to meet the need for clarity in a development plan document and so meet the Basic Conditions. I **recommend** that the words in footnote 40 be inserted into part b) of the policy – between a new set of dashes - in place of the footnote marker.

## **7 Policies for the villages**

- 7.1 There are two policies in this section - one covering Bygrave and the other both Clothall and Luffenhall.

### **Policy V1 – Bygrave village**

- 7.2 This policy requires developments within or immediately adjoining the village (defined as both Lower and Upper Bygrave) to meet four requirements (listed as a-d). These include development appropriate to the Green Belt – as the settlement remains in the Green Belt – preserving the physical separation between the two parts of the village, maintaining their distinctive character and not introducing lighting that might hamper the rural character. It is locally supported.
- 7.3 The District Council argued for the addition of the phrase “except in very special circumstances” in a) to be consistent with the Framework (para 143); I agree; this to meet the Basic Conditions. I therefore **recommend** that the phrase be added to the beginning of the sentence.

### **Policy V2 - Clothall and Luffenhall**

- 7.4 This policy is similar but reflects the smaller size and distinctive characters of the settlements (albeit, Luffenhall is not recognised as such in the emerging local plan).
- 7.5 Again, the District Council argued for the addition of the phrase “except in very special circumstances” in a) to be consistent with the Framework (para 143); I agree. I therefore **recommend** that the phrase be added to the beginning of the sentence, to meet the Basic Conditions.

## **8 Other matters**

### **Chapter and paragraph numbering**

- 8.1 The plan needs to function as an easily referenceable development plan document, to meet the Basic Conditions. As such I **recommend** that each chapter is numbered and that the paragraphs within each chapter follow a clear and consistent order (such as 1. Introduction; 1.1 first paragraph etc). Sub-headings don't normally need numbering unless it's appropriate to do so. I also **recommend** that the text on the inside cover be subsumed into the Introduction and suitably numbered.

### **Design Guidelines**

- 8.2 The plan explains, at page 3, and in specifically citing them in policy G3, for example, that the Design Guidelines are an intrinsic part of the neighbourhood plan. HCC Property is supportive “provided they aren't too rigidly applied to stifle originality and innovation”. They were concerned that a statement such as building heights “should not normally exceed three storeys” might prove to

be overly restrictive. Having read the document as a whole, this statement should not be taken out of context; nevertheless the guidelines are well researched and derived from the local context. I have concluded that their inclusion meets the Basic Conditions.

## **9 Referendum Area**

9.1 The Planning Practice Guidance on the Independent Examination explains:

*“It may be appropriate to extend the referendum area beyond the neighbourhood area, for example where the scale or nature of the proposals in the draft neighbourhood plan or Order are such that they will have a substantial, direct and demonstrable impact beyond the neighbourhood area.”*  
Reference: 41-059-20140306

9.2 There are no formal development site allocations in this plan and in my view the nature and scale of what it proposes would not *have a substantial, direct and demonstrable impact beyond the neighbourhood area*. I therefore **recommend** that the Referendum Area be the same as the designated neighbourhood area, if the plan goes forward to referendum.

## **10. Conclusions and recommendations**

10.1 Overall, from my examination of the submitted Neighbourhood Plan, together with the supporting documents, including having regard to all the representations made, I have **concluded** that, subject to the modifications that I am recommending, the plan will meet the Basic Conditions and the legal requirements. I have set out my findings, in the Summary, on page 3.

10.2 In conclusion, I **recommend** that the Baldock, Bygrave and Clothall Neighbourhood Plan should proceed to referendum. I further **recommend** that if the plan does proceed to referendum then the Referendum Area should be the same as the designated neighbourhood area.

10.3 Finally, my thanks to both the District Council and the Planning Group for their support in undertaking the examination.

John Parmiter FRICS MRTPI

21 August 2020

Independent Examiner

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