

**Review of the Croxley Green Neighbourhood Plan  
for Three Rivers District Council**



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## **1.0 The Brief**

1.1 Croxley Parish Council resolved to prepare a Neighbourhood Plan in 2013 and Three Rivers District Council (TRDC) designated the Area in January 2014. The Parish is currently consulting the public on a “Final Consultation Draft” of the Plan and Appendices dated 02 February 2016, which is the subject of this review. The consultation ends in June 2016.

1.2 In accordance with Regulation, TRDC have supported the Parish Council in the preparation of the Plan. They now require an objective opinion as to whether the Plan, as currently presented, is likely to be fit for purpose as a development plan document. More precisely, they require confirmation that:

- 1 the plan would meet the basic conditions;
- 2 the policies do not conflict with the NPPF and Local Plan policies; and
- 3 the policies would be useable as part of the development plan (for example by being realistic and not too restrictive in the control of development).

1.3 The following adopted development plan documents are relevant:

- TRDC Core Strategy 2011
- Development Management Policies LDD 2013
- Site Allocations LDD 2014

1.4 TRDC requires this report in good time to allow it to be considered and to provide feedback on the draft Plan to the Parish Council prior to its Annual Parish Meeting on 28 April 2016.

## **2.0 The Draft Croxley Green Neighbourhood Plan**

2.1 This section of the Review is an overview of the Plan, summarising its structure, and recording matters that are salient to the critique that follows.

2.2 The Parish Council sees the Plan as an opportunity for the community to be proactive by anticipating and shaping development whilst helping to protect local character and services:

*The Neighbourhood Plan is an opportunity for people to have control over the future of the Parish by actively planning for new sympathetic development and protecting those parts of the parish that are important to its character and function.*

*The essence of the Neighbourhood Plan is to plan a sustainable future and to ‘future-proof’ Croxley Green.* (paras. 1.1.2, 1.2.1)

*Three Rivers District Council will use our Neighbourhood Plan to provide a local context, which must complement the Three Rivers Local Plan and the National Planning Policy Framework (NPPF).* (paras. 1.1.3)

- 2.3 The Parish Council says the Plan reflects consultation with local people, businesses, social housing providers, TRDC officers and other stakeholders:

*...the Plan belongs to the people of Croxley Green and the vision behind it is based on consultation with the local people.*

*The Neighbourhood Plan has last been the subject of consultation with residents attending the Annual Parish Council meeting on 30 April 2015 and has been in the process of further refinement and consultation with business owners, social housing providers and other stakeholders since. The Plan has been forwarded to TRDC officers for further informal comment before Open Days to be arranged in 2016. Any public comments will be taken into consideration before the Parish Council approves the draft plan for submission formally to TRDC for independent examination. It is intended this process will be completed in 2016.* (paras. 1.1.4-5)

- 2.4 The Plan describes the changes the community faces in the mid to long term:

- Housing growth to help meet Government targets, with the local pressure for development putting strain on local health, education and public utility services.<sup>1</sup>
- The Metropolitan Line extension, with its travel and business opportunities.

- 2.5 The Plan sees a threat to the character of the “village” and says that consultation on a Community Plan in 2013 showed the top two priorities to be:

- *Protecting and maintaining our open spaces and woodlands (83% of respondents)*
- *Green Belt protection (80% of respondents).* (para. 1.2.5)

- 2.6 It follows from the above that there is an emphasis in the Aims and Objectives in para. 1.2.6 on the protection of open spaces and the local semi-rural and village character of Croxley Green. Also of importance is ensuring the Parish remains an area that is supportive of family life. The objectives recognise the importance of local shops and businesses and local social infrastructure, and it is proposed to create an inventory of community assets. It is said that the aims and objectives were developed through public and steering group meetings and *are the foundation of*

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<sup>1</sup> Later, the Plan says that based on TRDC’s current allocations it seems unlikely that the number of dwellings will increase significantly over the next 15 years (i.e. by no more than 250 to 300 or 5 to 6%) unless additional larger sites are forthcoming (para. 2.5.3).

*this Neighbourhood Plan. More focused aims and objectives have been developed for specific sections and to inform the policies.*

2.7 The Plan includes a fulsome description of the history, character and demographics of Croxley Green, all of which is well presented and very informative (section 2). It should contribute very well to the evidence required in support of policy making.

2.8 Section 3.0 of the Plan describes the nature of its policies in section 5.0:

*This part of the Neighbourhood Plan sets out policies and aims that will deliver the Plan's overall vision. Neighbourhood Plan policies must relate to the use and development of land. However there is no reason why the Plan cannot include non-planning related policies that local people would like to achieve. It is important that the Plan distinguishes between planning and non-planning policies. This is achieved by calling the former a "Policy" and the latter an "Aim".* (para. 3.1)

*Each topic has its own section structured in an identical fashion:*

- ***the objective of each policy or aim is set out in bold red text***
- *the importance of each objective is set out black italic text*
- *each objective is normally supported by one or more policies or aims*
  
- ***each policy is set out in bold and framed in a lined box***
- ***each aim is set out in bold and framed in a dashed box***
- *justification is provided in plain text to explain the context for the policies and aims.* (para. 3.3)

2.9 Section 4.0 of the Plan describes how the Parish has been divided into 8 urban and 4 rural "Character Areas". These are described in full in Appendix B of the Plan, which is a body of careful and well-illustrated work that should provide useful evidence in support of some of the policies and provide general assistance to those involved in the preparation and determination of planning applications.

2.10 The remainder of the Plan, Section 5.0, comprises 9 policies and 18 aims in support of 20 detailed objectives.

### **3.0 The basic conditions**

3.1 At Examination, in order to allow a neighbourhood plan to progress to referendum the Examiner is required to confirm whether or not it has been prepared in such a way that it meets the "basic conditions" set out in the primary legislation, regulations and summarised in National Planning Practice Guidance (NPPG), para.65. A Basic Conditions Statement should be prepared by the Parish Council setting out

the reasons why it considers the Plan meets the basic conditions. The Council has not prepared a statement to date and so the following review has been based on a reading of the Plan itself. The review takes into account advice in NPPG, para. 069 onwards.

- 3.2 Condition (a) *the Plan has been prepared having regard to national policies and advice contained in guidance issued by the Secretary of State.*
- 3.3 A neighbourhood plan or Order must not constrain the delivery of important national policy objectives. NPPF para.16 says *neighbourhood plans or Orders should support the strategic development needs set out in Local Plans, including policies for housing and economic development...plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan.* More specifically paragraph 184 of the National Planning Policy Framework states that *neighbourhood plans and Orders should not promote less development than set out in the Local Plan or undermine its strategic policies.*
- 3.4 With reference to the table in Appendix 1 to this Review, the first column under each policy or aim of the neighbourhood plan indicates those NPPF policies that are relevant and the RAG (Red Amber Green) status indicates whether the neighbourhood plan policy or aim is consistent with them. For the most part the Plan policies are either consistent (status green) or will be if amended as suggested (status amber). A small number are red status and may have to be dropped from the Plan or dealt with quite differently.
- 3.5 In regard to the NPPF's golden thread of a presumption in favour of sustainable development it would be helpful if the Plan had an overarching policy confirming the local commitment to sustainable development, which would provide context for policies and aims regarding design constraints and bringing forward new sites.
- 3.6 It is considered that with some amendment the Plan will meet condition (a).
- 3.7 Condition (b) *listed buildings* relates to Orders and is not relevant to the Croxley Green NP.
- 3.8 Condition (c) *conservation areas* relates to Orders and is not relevant to the Croxley Green NP.
- 3.9 Condition (d) *the making of the neighbourhood plan contributes to the achievement of sustainable development.*
- 3.10 The Plan must contribute to improvements in environmental, economic and social conditions and consideration must be given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset by mitigation measures. It is very unlikely that anything in the Plan would have such an effect on the environment that an

environmental assessment would be required and there is no legal requirement for a neighbourhood plan to have a sustainability appraisal. However, the Parish Council may find this a useful approach for demonstrating how Plan meets this condition, the more so if the Council follows advice hereunder regarding the desirability of taking a stronger policy position on future development sites and opportunities such as the Croxley Station development.

- 3.11 Again, an overarching policy confirming the local commitment to sustainable development would be helpful. Otherwise, the majority of the policies and aims in the draft Plan do address the various facets of sustainable development and there should be little difficulty in meeting this basic condition.
- 3.12 Condition (e) *the making of the neighbourhood must be in general conformity with the strategic policies contained in the development plan for the area.*
- 3.13 Columns two and three of the table in Appendix 1 indicate which policies in the Core Strategy and the Development Management LDD are relevant to each policy and aim in the Neighbourhood Plan. Not all such policies of the LPA are strategic. Where there is inconsistency there are recommendations in the final column for changes to the Neighbourhood Plan policies and aims that will address the inconsistencies. If appropriate changes are made to the Neighbourhood Plan it will be likely to meet the requirements of this condition.
- 3.14 Condition (f) *the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.*
- 3.15 None of the policies and aims in the Draft Neighbourhood Plan would be likely to breach any of the seven European Directives incorporated into U.K. law and listed in para. 078 of the NPPG as being of possible relevance to neighbourhood planning.
- 3.16 Condition (g) *the making of the neighbourhood plan does not breach any other prescribed conditions and matters in relation to the plan.*
- 3.17 The NPPG at para. 079 refers to matters required to be considered under Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (relating to the conservation of habitats and species and EIA development) in addition to those above which are in the primary legislation. It is considered that neither will be breached by this Draft Neighbourhood Plan as it stands.
- 3.18 It is therefore concluded that with some amendment to the policies and aims of the Neighbourhood Plan it will meet the basic conditions.

#### 4.0 Policy compliance review

- 4.1 Appendix 1 of this Report is a Policy & Implementation Review Table which indicates how each of the policies and aims of the Draft Neighbourhood Plan relates to policies in the NPPF, the TRDC Core Strategy and the Development Management LDD. The degree of compliance is indicated by a RAG rating and where there are inconsistencies the implications are commented on in the Implementation column with suggestions for improvement in red text. We would highlight here the following matters for consideration by the Parish and District Councils.
- 4.2 (a) The Plan uses the term “aims” in two different ways: firstly, in the widely understood sense of a high level aspiration from which a set of objectives will flow (described in para. 2.6 above). Secondly, it is stated by the Parish Council, as a non-planning policy (described in para. 2.8 above). However, the use of the term is made more confusing by the fact that a number of these detailed aims do in fact refer to land use planning matters. This ambiguity should be removed by reserving the term for the well understood meaning of a high level aspiration and finding a different expression for non-planning statements of encouragement or intent. This will improve the fit between policies in the Plan and the NPPF and TRDC development plan policies. Clarification in the use of the term “aims” will also improve the legibility of the Plan as a whole.
- 4.3 The Aims in the NP are a difficulty – as presented, they have the appearance of policies but are not and should be dropped from the NP or included within the supporting text as matters for action elsewhere, such as advice in a design guide. Alternatively, and with sufficient evidence, some may be elevated to policy.
- 4.4 (b) A number of the policies are poorly expressed. Some of them are too wordy to be easily and quickly understood by those that need to use them in the development management process. There are sometimes statements that are more in the nature of an objective of the policy or a justification that would sit better in the supporting text, leaving the policy itself as a clear set of requirements. It is not always achievable, but generally, less is more in policy writing. Clarity of purpose and clarity as to what a developer must do to satisfy the policy, without ambiguity, is essential if objectives are to be met and costly appeals avoided. Appendix 3 lists the characteristics of good planning policies in a little more detail.
- 4.5 (c) Some objectives are more likely to be achieved if the policies take a different approach to the problem. There are some conventions in planning policy writing that may be helpful in securing objectives. For example, rather than a policy that simply says no to a particular change of use it may be better to say that the change will be unacceptable unless a set of criteria can be met. Such reasonableness and flexibility in a policy is less likely to finish up at appeal than a simple “no.”

- 4.6 (d) By adding policies that support the concepts of sustainable development and lifetime neighbourhoods it will be possible to strengthen certain policy areas such as housing mix and design. As an example, Appendix 2 shows how control over gated development proposals may be handled more effectively.

## **5.0 Implementation review**

- 5.1 The affection of the Neighbourhood Plan Team for their Parish; their enthusiasm to protect it from change that might adversely affect the community's enjoyment of it; and their concern to protect the welfare of local residents and businesses is clear to see and underscores the value of the neighbourhood planning process. There is no argument in this review with the general sentiments of the Plan, but we have highlighted where the Plan could be strengthened.
- 5.2 A stated purpose of the Plan is to actively plan for new sympathetic development whilst protecting those parts of the Parish that are important to its character and function. A Plan is wanted that will 'future-proof' Croxley Green (para. 2.2 above). Yet policies give greater priority it seems to the preservation of character across the Parish than to the careful control of known development opportunities. Those are generally relegated to aims that are likely to be of limited effect. This is the case in respect of both residential developments coming forward in which the community has no particular interest other than in securing good design, such as the Metropolitan Line extension surplus land, and those such as the Croxley Station development and the creation of a village centre where the community has a considerable stake in the outcomes.
- 5.3 The Parish Council should not be deterred from policy making in these areas simply because it does not have the statutory powers of TRDC and the Highway Authority and it requires their support to achieve community objectives. The aims should be converted to policies that set out clear requirements. Where there is uncertainty as to exactly what is required on a site in terms of the balance of land uses, and where there is uncertainty regarding viability, a policy may require the preparation of a master plan or planning brief prior to the submission of a planning application. This should compel the landowner, the LPA and the Highway Authority to be engaged with the Parish Council and sign up to a programme of such work and to consider any funding requirements. It may be a simple matter of resources and that an adjustment to timing and the apportionment of funding responsibilities will secure their commitment.
- 5.4 Conferring a higher priority in the Plan to the control of development itself is not to give lower priority to the conservation of local character and improvements to the design of new buildings and extensions. The thorough Character Area assessments provide a firm basis for that. The Character Area assessments identify some excellent

examples of streets and individual buildings that have largely retained their original character and careful and detailed design control by reference to a design guide may be justified. However, expectations should not be raised too high in other less distinctive areas where a degree of latitude is normally exercised. Para. 60 of the NPPF says

*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.*

There is therefore a fine balance to be struck and it is recommended that the design policies in the Neighbourhood Plan are revised accordingly.

## **6.0 Conclusions**

- 6.1 The Croxley Green community has put an enormous amount of effort into creating the Draft Neighbourhood Plan and its supporting appendices. With suitable amendment the Plan is capable of employing strong and locally nuanced policies that will complement very well those of the District Council. That will ensure new development is sustainable, supports or improves local social infrastructure and complements those elements of local character that are special. The Parish and District Councils will find that the additional time taken to so amend the Plan will be time well spent.