

Three Rivers District Council

**Chorleywood
Neighbourhood Development
Plan
2020-2035**

Independent Examiner's Report

By Ann Skippers BSc (Hons) MRTPI FHEA FRSA AoU

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Summary

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

Chorleywood sits on the Hertfordshire – Buckinghamshire border. The Parish is varied in nature with four Conservation Areas and a large Common. It has a variety of development, is close to the M25 and good access into central London.

Work on the Plan has been led by a Steering Group and has built on work on an earlier Community Plan. The Plan does not contain any site allocations, but has 16 policies covering a diverse range of issues to guide future development.

It has been necessary to recommend modifications. In the main these are intended to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Three Rivers District Council that the Chorleywood Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI
Ann Skippers Planning
29 July 2020



1.0 Introduction

This is the report of the independent examiner into the Chorleywood Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Three Rivers District Council (TRDC) with the agreement of the Parish Council, to undertake this independent examination.

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions¹ are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.² It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check³ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁴

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Three Rivers District Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

² Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

³ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

⁴ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

3.0 The examination process

I have set out my remit in the previous section. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁵

PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁶ Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

A number of representators make suggestions for the inclusion of additional policies or supporting text. Whilst given my remit there is no need for me to include these in my recommendations, I feel sure the Parish Council will wish to consider these carefully in any future review of the Plan.

A representation refers to the process with regard to surveys and the referendum. There is nothing before me to indicate the correct processes have not been followed to date. After the examination stage, TRDC will arrange the referendum and there are a number of regulations as to how that will be done.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Council made comments and I have taken these into account.

PPG⁷ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.⁸

I sought clarification on a number of matters from the Parish Council and TRDC in writing on 22 June 2020 and my list of questions is attached to this report as Appendix 2. I am very grateful to both Councils who have provided me with comprehensive answers to my questions. The responses received (all publicly available) have enabled me to examine the Plan without the need for a hearing.

⁵ PPG para 055 ref id 41-055-20180222

⁶ Ibid

⁷ Ibid para 056 ref id 41-056-20180222

⁸ Ibid

I am grateful to everyone for ensuring that the examination has run so smoothly and in particular Lauren McCullagh at TRDC.

I made an unaccompanied site visit to familiarise myself with the Plan area on 11 June 2020.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing will be carried out and the Plan's presentation made consistent.

4.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

The Plan was prepared by a Steering Committee on behalf of the Parish Council. The Steering Committee included Councillors and residents.

Work on the Plan was informed by earlier work on a Community Plan published in May 2016 after research with the community including a questionnaire sent to all households in the area.

Pre-submission (Regulation 14) consultation took place between 12 November – 23 December 2018. The consultation was publicised on the Parish and Residents' Association websites, through the local Residents' Association newsletter and two other local newsletter publications as well as direct mailing and public notices. A number of drop-in events were held during the period to answer questions and discuss the issues.

Appendix 3 of the Consultation Statement details the pre-submission responses received.

I consider that the consultation and engagement carried out is satisfactory.

Submission (Regulation 16) consultation was carried out between 17 February – 30 March 2020.

The Regulation 16 stage resulted in 18 representations including three late representations which have been accepted by TRDC. I have considered all of the representations and taken them into account in preparing my report.

5.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

Qualifying body

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

Plan area

The Plan area is coterminous with the administrative boundary for the Parish. TRDC approved the designation of the area on 15 July 2014. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown in Annex A on page 43 of the Plan.

Plan period

The Plan period is 2020 – 2035. This is in the Basic Conditions Statement, but not confirmed in the Plan itself. A modification is made to ensure that the Plan period can be easily found within the Plan document itself. With this modification, this requirement will be met.

- **Insert the Plan period of 2020 – 2035 on the front cover of the Plan and confirm this in a suitable location within the Plan itself**

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should

be clearly identifiable.⁹ Subject to any such modifications, this requirement can be satisfied.

6.0 The basic conditions

Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. A revised NPPF was first published on 24 July 2018. This revised NPPF was further updated on 19 February 2019. When published, it replaced both the 2012 and 2018 documents.

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies and should shape and direct development outside of these strategic policies.¹⁰

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.¹¹ They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.¹²

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹³

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.¹⁴

Policies should also be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.¹⁵

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at www.gov.uk/government/collections/planning-practice-guidance which is regularly

⁹ PPG para 004 ref id 41-004-20190509

¹⁰ NPPF para 13

¹¹ Ibid para 28

¹² Ibid

¹³ Ibid para 29

¹⁴ Ibid para 31

¹⁵ Ibid para 16

updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous¹⁶ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.¹⁷

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.¹⁸ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.¹⁹

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out which chapters of the NPPF the Plan has had regard to. Although the 2018 version of the NPPF is referred to,²⁰ the most substantive Appendix 2 refers to the up to date version and I have had regard to the 2019 version in my own assessment.

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.²¹ This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.²² The objectives are economic, social and environmental.²³

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²⁴

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains a brief statement on how the Plan aligns with each of the three components of sustainable development outlined in the NPPF.

¹⁶ PPG para 041 ref id 41-041-20140306

¹⁷ Ibid

¹⁸ Ibid para 040 ref id 41-040-20160211

¹⁹ Ibid

²⁰ Basic Conditions Statement para 5.5

²¹ NPPF para 7

²² Ibid para 8

²³ Ibid

²⁴ Ibid para 9

General conformity with the strategic policies in the development plan

The development plan consists of a number of different documents.

The Three Rivers Core Strategy 2011 – 2026 (CS) covers the whole of the District and sets out in broad terms how future development will be planned for as well as promoting more sustainable development in general. It was adopted on 17 October 2011.

The Development Management Policies (DMP) sets out the criteria against which all planning applications within the District will be considered, alongside those set out in the adopted Core Strategy. It was adopted on 26 July 2013.

The Site Allocations Local Development Document (SALDD) supports the delivery of the Core Strategy and allocates specific sites to meet needs for housing, employment, education, shopping and open spaces. As part of this, changes are made to the Green Belt boundary. It was adopted on the 25 November 2014.

In addition to the above documents, the Hertfordshire Minerals Local Plan 2002 – 2016 and Waste Core Strategy and Development Management Policies 2011-2026 and Waste Site Allocations Development Plan Document 2011-2026 covering the whole County and produced by Hertfordshire County Council (HCC) relate to minerals and waste form part of the development plan.

Chorleywood is identified as a Key Centre in the CS's settlement hierarchy. New development is directed towards previously developed land and appropriate infilling opportunities within Rickmansworth and the Key Centres. The CS recognises that a review of Green Belt boundaries at the edge of settlements will be needed.

The Key Centres are described in the CS as being "fairly self-contained"²⁵ providing a range of services and facilities that primarily serve the local population and that public transport is generally good. CS Policy PSP2 sets out the expectations for new development in the Key Centres.

In the SALDD Chorleywood is identified as a District Centre in the retail hierarchy.

TRDC have very helpfully confirmed that there are five policies in the DMP considered to be strategic in nature and of relevance to this examination and two policies in the SALDD. The policies are DMP Policies DM2, DM3, DM6, DM11 and DM12 and SALDD Policies A4 and SA5.

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out which policies of the CS and DMP it is considered the Plan generally conforms with. There is however no explanation of why or how the Plan conforms; it is merely a list and I would have found more information and analysis helpful.

²⁵ Core Strategy page 21

Emerging policy

TRDC is preparing a new Local Plan which will provide the planning policies and proposals for the District to 2036. The new Local Plan is at an early stage in its production.

There is no legal requirement to examine the Plan against emerging policy. However, PPG²⁶ advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the Plan is tested.

Furthermore Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging Local Plan and the adopted development plan with appropriate regard to national policy and guidance.²⁷

It is noted that the Plan period is to 2035. It seems a little odd that the Plan period does not coincide with that of the emerging Local Plan. In any case, it would be wise to review this Plan in the future to make sure it remains as up to date and relevant as it can as the new Local Plan progresses.

European Union Obligations

A neighbourhood plan must be compatible with European Union (EU) obligations. A number of EU obligations may be of relevance for these purposes including in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

PPG²⁸ confirms that it is the responsibility of the local planning authority, in this case TRDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is TRDC who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

Strategic Environmental Assessment and Habitats Regulations Assessment

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).

²⁶ PPG para 009 ref id 41-009-20190509

²⁷ Ibid

²⁸ Ibid para 031 ref id 11-031-20150209

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.²⁹ The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

A SEA and HRA Screening Report dated August 2019 has been prepared by Place Services.

The Screening Report confirms that the following European sites lie within 20km of the Plan area; South West London Waterbodies Special Protection Area (SPA), the Aston Rowant Special Area of Conservation (SAC), Burnham Beeches SAC, Chilterns Beechwoods SAC, Windsor Forest and Great Park SAC and the South West London Waterbodies Ramsar. The Plan area does not fall within the zones of influence for any of these European sites.

The Screening Report screened the Plan out for both SEA and HRA.

The requisite consultation with the statutory consultees, Environment Agency (EA), Natural England (NE) and Historic England (HE), was carried out. All three bodies concurred with the Report's conclusions.

I have treated the Screening Report to be the statement of reasons that PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.³⁰

Taking account of the characteristics of the Plan and the characteristics of the areas likely to be affected, I am of the view that EU obligations in respect of SEA have been satisfied.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

Given the nature, characteristics and distance of the European sites and the nature and contents of the Plan, I consider that a full HRA is not required and that the prescribed basic condition is complied with.

²⁹ PPG para 047 ref id 11-047-20190722

³⁰ Ibid para 028 ref id 11-028-20150209

Conclusion on EU obligations

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.³¹ TRDC does not raise any concerns in this regard including in relation to publicity and consultation requirements.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights. Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

7.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. As a reminder, where modifications are recommended they appear in **bold text** and where I suggest specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is presented in a straightforward way and contains 16 policies. There is an eye catching front cover. There is a foreword which sets the scene and a helpful contents page at the start of the Plan.

Introduction

This is a helpful introduction to the Plan that sets out the background to the Plan, what it seeks to achieve and how it has evolved. It sets out what are termed the ‘Special Characteristics’ of Chorleywood; these underpin what is important to the community and are central to the Plan.

Some natural updating on page 5 of the Plan will be needed as the Plan progresses towards its final version. I regard this as a matter of final presentation and do not make a specific modification in this respect.

There is a small syntax correction to make. There are two other small corrections in the interests of accuracy.

- **Delete the third “is” from the fifth paragraph under the heading “What is a Neighbourhood Development Plan?” on page 4 of the Plan**

³¹ PPG para 031 ref id 11-031-20150209

- Delete the word “Local” in the first sentence on page 5 of the Plan
- Change the word “consultants” in the fifth paragraph on page 7 of the Plan to “*consultees*”

The Policies – an overview

This is a list of the 16 policies which follow.

The Policies – in detail

Policy 1 – Characteristics of development within Conservation Areas

There are four Conservation Areas within the Parish and one immediately adjacent to the Plan area boundary to the south.

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.³² It urges plans to set out a positive strategy for the conservation and enjoyment of the historic environment.³³

The policy has six parts to it. The first element refers to development in the Conservation Areas, making reference to the Conservation Area Appraisal document. It indicates that any proposals should have regard to the character of the subzone of the Conservation Area, refers to subzones and architectural styles.

It is necessary to recommend a modification to reflect the statutory duty in the Planning (Listed Buildings and Conservation Areas) Act 1990. This indicates that in considering whether to grant planning permission for development in relation to any buildings or other land in a conservation area, the decision maker shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

The policy firstly refers to conservation which is not necessarily the same as preservation. It then refers to conservation and enhancement; this is a higher bar than the statutory duty which does not require enhancement. There is then no mention of appearance. It refers to architectural styles and character, but there may be other elements important to the conservation area. It refers to subzones of the conservation area, but a wider perspective might well be needed. Finally, it requires the use of matching materials; there should be greater flexibility as other types of materials may well be appropriate. These elements therefore should be changed.

³² NPPF para 184

³³ Ibid para 185

The second element concerns development near to conservation areas and references views and is clearly worded.

The third element seeks to embed the positive strategy referred to in the NPPF. One change is needed based on the comments above.

The fourth element refers again to conservation areas. With one change to add greater flexibility, this reads clearly.

The fifth element refers to conserve and enhance. In line with earlier comments, this is recommended for modification.

The final element again refers to conservation areas and deals with demolition. It is clearly worded repeating DMP Policy DM3 d) and e) in this respect. It therefore does not need to be included in this policy as duplication between plans should be avoided in the interests of providing a practical framework for decision-making.

HCC point out that the contents of the policy cover much more than Conservation Areas and I agree. A modification is therefore made to the title of the policy so it better reflects what is covered.

Lastly, a modification is made to reorder the policy to help with sense and flow.

With these modifications, the policy will take better account of national policy and guidance. It will generally conform to CS Policy CP12 and DMP Policy DM3 in particular and will help to achieve sustainable development.

- **Change paragraph 1.1 of the policy to read: “Development proposals *in conservation areas should preserve or enhance the character or appearance of the conservation area* and use materials that *are appropriate* as defined in the relevant conservation area appraisal document.”**
- **Change the first sentence of paragraph 1.3 of the policy to read: “The historic heritage within the Plan area will also be conserved, *and wherever possible, enhanced through positive action.*”**
- **Add the words “*and take every available opportunity to*” after “...in terms of buildings and public spaces and...” in paragraph 1.4 of the policy**
- **Change paragraph 1.5 of the policy to read: “Development proposals which *enhance* a heritage asset...”**
- **Delete paragraph 1.6 and the final paragraph of the policy**
- **Change the title of the policy to “*Development within Conservation Areas and other elements of the historic environment*”**

- **Reorder the policy so that the order of paragraphs is 1.1, 1.4, 1.5, 1.2 and 1.3**

Policy 2 - Characteristics of developments in the Parish (including Conservation Areas)

The preamble to the policy explains that the Plan seeks to maintain and enhance the 'Special Characteristics' of Chorleywood referred to in an earlier section of the Plan.

The creation of high quality buildings and places is fundamental and the NPPF reminds us that good design is a key aspect of sustainable development as well as creating better places and making development more acceptable to communities.³⁴ The NPPF urges plans to set out a design vision and expectations.³⁵ Indeed neighbourhood plans play an important role in identifying the special qualities of an area and explaining how these should be reflected in new development.³⁶

It is also important that development and infrastructure is paced to align. This is recognised in the NPPF³⁷ as part of the three overarching objectives which achieve sustainable development in that infrastructure should be identified and coordinated in its provision to support growth.

The policy has six components which cover a wide range of issues. The first needs some amendment to ensure that it is flexible in supporting development that preserves the area's 'Special Characteristics' as well as enhancing them. To do otherwise would mean that the bar for development exceeded that in conservation areas as explained earlier in this report.

Then the policy requires the submission of a detailed site and contextual analysis. The NPPF is clear that information requirements should be kept to a minimum.³⁸ Some changes are therefore recommended to make this criterion more flexible and reasonable.

Thirdly, the policy seeks to introduce a presumption where the benefits of development must outweigh any detrimental effects. This is akin to the NPPF's presumption in favour of sustainable development except it reverses it. It is also similar to the principle introduced in relation to harm being weighed against public benefits in relation to heritage assets in that same document. I consider this to be inappropriate in a policy that deals with all development throughout the Plan area. It does not take account of the NPPF or necessarily help to achieve sustainable development. This element should therefore be deleted.

The other five elements that cover design, landscape and light pollution are all clearly

³⁴ NPPF para 124

³⁵ Ibid para 125

³⁶ Ibid

³⁷ Ibid para 8

³⁸ Ibid para 44

worded and will help to achieve sustainable development. There is one modification to increase flexibility and ensure that any supporting documents requested are necessary.

The supporting text on page 12 seeks to define “significant detrimental impact”. In response to my query on this the Parish Council helpfully confirms that this sentence should now be deleted as it referred to a previous iteration of the policy and no longer appears in the policy as currently drafted.

There is a quotation from PPG on page 13 of the Plan. I asked for clarification on this as I could not readily find it. It transpires that the quote has now been superceded with the passage of time. A modification is therefore made to ensure the Plan is accurate and up to date.

With these modifications, the policy will meet the basic conditions. It takes account of national policy and guidance, is a local expression of CS Policies CP1 and CP12 in particular, and will help to achieve sustainable development.

- **Change paragraph 2.1 of the policy to read: “All developments must demonstrate how they *are in keeping with, and where possible enhance, the Special Characteristics of Chorleywood, based on a proportionate site and contextual analysis which includes details of the suitability of the site and its location for the development.*” [delete sub-criterion ii]**
- **Alter paragraph 2.5 to read: “Major applications shall submit a *proportionate* landscape strategy *where necessary* which will...” [retain remainder of paragraph as existing]**
- **Delete the sentence which begins “For the avoidance of doubt the assessment of “significant detrimental impact”...” in the seventh paragraph on page 12 of the Plan**
- **Replace the quote from PPG in the third paragraph on page 13 which is in italics with “relatively undisturbed by noise from *human sources* that undermine the intrinsic character of the area.” [delete remainder of existing quotation]**

Policy 3 – Brownfield development

The Plan identifies a common issue where single houses are replaced by multiple units. Recognising that development on previously developed land is preferable to using greenfield sites, the policy seeks to promote development on brownfield land, but to ensure that it is of a high quality.

The NPPF is clear that policies should promote an effective use of land for housing and other uses including making as much use as possible of brownfield land.³⁹ However, it is also clear that the environment should be safeguarded and improved and safe and healthy living conditions be ensured.⁴⁰

The Plan rightly recognises that such land can also perform a variety of functions including for biodiversity, flood risk and so on.

The policy encourages development on brownfield land. It refers to density and the need to ensure that necessary infrastructure and parking and garden space is provided. It sets out the expectations for backland development. Finally, it introduces a presumption against the loss of gardens.

All the elements are clearly worded. However, the NPPF's definition of brownfield land/previously developed land specifically excludes residential gardens and it refers in a number of places to the desirability of maintaining character and local distinctiveness.

This then means that the loss of gardens could be regarded as inappropriate in also seeking to secure the efficient use of land. I have considered whether it is useful for this element to remain in the policy and whether any confusion arises. I have concluded that it is useful and appropriate given the character of the Plan area, but that the policy title and order should be altered given that not all of the paragraphs deal with brownfield land.

With these modifications, the policy will meet the basic conditions and in particular be a local expression of CS Policies PSP2, CP1 and CP3 and will help to achieve sustainable development.

I note that Thames Water supports the policy in relation to infrastructure requirements and suggests the inclusion of text to explain the situation in relation to wastewater. This is not something I need to recommend in respect of the basic conditions, but I commend this suggestion to the Parish Council.

- **Change the title of Policy 3 to "*The efficient use of land*"**
- **Reorder the policy so that the order of paragraphs is 3.1, 3.2, 3.4 and 3.3**

³⁹ NPPF para 117

⁴⁰ Ibid

Policy 4 – Housing to meet the needs of local people

The Plan explains that there is an increasing number of older people in the area. The need to provide housing for older people is widely recognised; PPG describes this as “critical”.⁴¹ A range of accommodation is needed to better suit their needs, be able to adapt to changing needs and to enable older people to remain independent for as long as possible.

Against this background, this policy introduces a presumption against converting or otherwise altering a bungalow to a multi-level dwelling in areas characterised by groups of bungalows. The supporting text identifies 11 such areas. I asked how these areas had been identified. I am advised that a visual survey was carried out. It is a pity that this survey does not seem to have been documented, but I am satisfied from this and my own observations at the site visit alongside some modifications to the policy that this is relatively and sufficiently self-evident in this particular instance.

I also asked whether the policy only applies to the areas identified in the supporting text. I am advised that at the present time these are the only roads matching the criteria, but it may be that others emerge in the future. Given this, I consider that the policy wording on this is sufficiently clear.

The second element of the policy supports housing for older and disabled people.

The third element seeks the provision of dwellings suitable for older or disabled people and smaller units on sites of 10 or more dwellings. I asked why this particular threshold had been selected. The response confirms this is to align with the definition of major development in the NPPF. This is a widely understood phrase in common usage.

The final element requires a minimum of 40% of such dwellings on sites of 50 or more dwellings. In response to my query on how this threshold was settled upon, this was considered to be a reasonable size of development given the population and its statistics and other evidence contained in the Plan. I accept this position and note that no one has raised any objection.

The first element of the policy restricts the conversion or replacement of existing bungalows to multi-level homes. Various alterations can be made to dwellings without the need to apply for planning permission and this should be recognised in the Plan.

However, the policy as a whole seeks to provide housing which is suitable for older or disabled people. It recognises that various types of properties can be suitable for these groups and adaption can form part of this supply; it does not seek to only provide bungalows. It seeks to ensure that a suitable supply is provided. I have recommended some changes to the wording of the policy to increase flexibility and clarity.

⁴¹ PPG para 001 ref id 63-001-20190626

There is also a more minor modification to remove reference to other Plan policies as this is unnecessary as the development plan is read as a whole.

With these modifications, the policy will meet the basic conditions taking account of national policy and guidance on meeting the needs of local people, reflecting CS Policy CP3 and helping to achieve sustainable development.

- **Change paragraph 4.1 of the policy to read: *“It is recognised that various alterations can be made to properties without the need to apply for planning permission, commonly referred to as ‘permitted development’.* In areas characterised by groups of bungalows *those developments which require the submission of a planning application will be carefully assessed to ensure that the supply of housing suitable for older and disabled people is not diminished. This will usually mean that suitable bungalows will not be able to be converted into multi-level dwellings.*”**
- **Delete “...subject to their compliance with other NDP policies.” from paragraph 4.2**

Policy 5 – The location and design of flatted developments

The Plan recognises that there is a high number of detached dwellings in the area. It recognises that flats can contribute to the efficient use of land and the need for new homes.

The first element of the policy seeks to support flatted and higher density development where they are located close to public transport or main arterial roads (which are deemed less suitable for family housing) and other sustainable locations. This chimes with the NPPF’s stance on achieving appropriate densities and making the best use of land in areas served well by public transport. I consider public transport includes opportunities for buses, car sharing and low emission vehicles. The inclusion of arterial roads is appropriate, but perhaps for different reasons such as the living conditions of those occupiers rather than necessarily being seen as a sustainable location. For this reason, a regrouping of the policy is put forward.

The second element of the policy limits such development to three storeys in height. In response to a query on this point, I agree there are few buildings over this height in this locality. Nevertheless the policy should have greater flexibility to ensure that it does not preclude well designed, higher density developments that may well be appropriate in their context in the locations specified by the first element of the policy.

Then, it is not necessary to cross-refer to other policies in the Plan as the development plan is read as a whole.

Given the changes, the title of the policy requires alteration to more accurately reflect its contents.

There is a small typo to correct in the supporting text.

With these modifications, the policy will meet the basic conditions. It will particularly be a local expression of CS Policy CP3 which refers to the promotion of higher densities in locations which are highly accessible to public transport, services and facilities.

- **Change the wording of paragraph 5.1 of the policy to read: “*Higher density developments are encouraged in locations close to public transport and other locations which are sustainable.*”**
- **Change the wording of paragraph 5.2 of the policy to read: “*Flatted development will be accepted if built in close proximity to public transport and other locations that are sustainable and near arterial roads (where it can be demonstrated the living conditions of the occupiers will be satisfactory). Flatted development will usually be limited to three storeys in height unless it can be clearly demonstrated that the proposal would be visually satisfactory in its context taking account of the topography and character of the surrounding area.*”**
- **Change the title of the policy to “The location and design of *higher density development including flats*”**
- **Correct “local carbon economy” in the last sentence on page 24 of the Plan to “*low carbon economy*”**

Policy 6 – Variety of hospitality and retail

This policy seeks to encourage a range of uses in the “Village”. It refers to the Town and Country (Use Classes) Order 1987 (as amended), particularly seeking Use Classes A1, A2 and A3. Use Classes A1, A2 and A3 cover shops, financial and professional services and restaurants and cafes respectively. It also refers to major developments.

As the intention of the policy was not clear to me, I raised a number of questions about this policy.

The first query was the location the policy was intended to apply to. The policy refers to the “Village”. A plan was produced to show me where the policy would apply. This showed frontages along Station Approach and Lower Road.

Chorleywood is classed as a District Centre in TRDC’s retail hierarchy. Within this there are primary and secondary frontages although the majority of units are within the primary frontage. In the primary frontages, the loss of retail units is resisted whereas in

secondary frontages a greater range of uses that would be complementary to retail uses are supported.

In addition, Chorleywood is a “Key Centre’ in the settlement hierarchy. CS Policy CP7 refers to town centres and shopping. It directs retail development to primary frontages and seeks to enhance the vitality and viability of retail cores by generally resisting the loss of Use Class A1 as well as promoting uses complementary to retail usually in the secondary frontages.

Primary and secondary frontages are identified in the SALDD. SALDD Policy SA4 resists the loss of retail uses in primary frontages whilst supporting complementary uses in secondary frontages. SALDD Policy SA4 encourages the retention of retail uses in secondary frontages.

TRDC advise there could potentially be a conflict between this policy and those in the CS and SALDD. This is because this policy promotes a wider range of uses in the primary frontages. The Parish Council indicate the community wish to see more variety in shops and restaurants available in the identified location so it is closer to a primary location rather than secondary. I suspect this is to misunderstand the retail hierarchy at District level despite the good intentions of the policy in relation to the aspirations of the local community. I am also unclear why Use Classes A2 would assist and do not regard these types of uses as falling within the retail or hospitality sectors referred to.

In considering the map provided to me by the Parish Council to identify the “Village”, I see that the lines on the map include the primary and secondary frontages identified in the SALDD and also extend the frontages.

Therefore I think that the map identifying the “Village” could potentially be regarded as a new primary frontage for the purposes of the Plan. This being the case, it would not be appropriate to include the car park within it. However, I do not consider the policy as currently worded would then either accord with the District level policies or achieve what the Parish Council tells me it wishes to.

By modifying this policy, I hope to remedy both issues to enable the policy to meet the basic conditions and therefore be retained in the Plan.

I also asked why major development had been referred to in the policy. The Parish Council explains that any such development will have an impact on the infrastructure and is likely to create a need for more “retail and hospitality”. I agree with this stance, but consider there is no need to refer to this in the revised policy in this way, but add a sentence to cover this.

With these modifications, the policy will meet the basic conditions. It will take account of the NPPF’s support for the ongoing vitality and viability of such centres and allow them to grow, diversify and respond to changes in the industry.⁴² The redefinition of

⁴² NPPF para 85

the primary frontage updates the District level policies whilst ensuring there is no direct conflict between the different layers of plans and plans positively for the area. It will help to achieve sustainable development.

NB Since this report was drafted and the fact check version issued, the Government has announced that Use Classes A , B1 and D will be revoked and new use classes introduced. This change will mean that Use Classes A1, A2, A3 will be interchangeable. The change will come into force from 1 September 2020.

- **Change paragraph 6.1 of the policy to read: “*Within the primary frontage identified for Chorleywood on Map X [number as desired], the loss of retail units will be resisted. Applications for new retail and restaurants and café uses (Use Classes A1 and A3) will be encouraged subject to the mix of uses along any part of the frontage supporting the vitality and viability of the area.***

Any schemes for redevelopment will be expected to include a range of retail and hospitality units to retain and enhance the vitality and viability of the area. Uses complementary to those retail and hospitality uses will be assessed on their impact on, and contribution to, the overall vitality and viability of the area.”

- **Inset the map currently identified as “Chorleywood Village Centre” into the Plan, number it Map X and rename it “Chorleywood Primary Frontage”, but remove the car park from the map**
- **Consequential amendments will be needed**

Policy 7 – Community facilities

This short policy seeks mitigation for any loss of a community facility. It also refers to Assets of Community Value (ACV) identifying a number in Annex E of the Plan including the library, village halls, the Parish Council office and an area of land.

ACVs can be land or buildings. The Plan or policy in itself cannot identify ACVs. This is because it is the District Council which assesses and lists any assets put forward for the designation and the list is managed by the District Council.

If an asset is listed by the District Council and that asset then comes up for sale, the community has the time to develop a bid and raise the money to bid to buy the asset when it comes on the open market. The idea behind this is to help local communities keep valued buildings or amenities that play a significant part in local life. However it should be noted that there is no community right to buy the asset; only to bid for it. It may well be that the community bids unsuccessfully.

I asked a number of questions about this policy. First of all it was not clear to me whether the policy applied to community facilities in general or only those facilities which have been designated as ACVs. In response, the Parish Council advise it is both.

A number of ACVs are listed in Appendix E. However, in response to my query, TRDC confirms that none are formally listed as ACVs. Therefore the first modification seeks to ensure that it is clear what the policy applies to and that those facilities listed are not formally listed ACVs as this designation has a specific meaning. In undertaking this change it would then be difficult to identify other community facilities which have not already been identified in the Plan. This is because those with an interest in those facilities would not have had any opportunity to make representations. This list could however be reviewed as part of any future update of the Plan.

One community facility listed in Annex E is “land behind Darvell’s Yard, Woodland Lane and Orchard Drive”. I asked for a map to make sure I had properly identified this area. This was helpfully provided. I am advised it is in private ownership and has been subject of a refused planning application in 2008. It appears that the land may have some meadow or wildlife value, but I have not been given sufficient information to be able to understand why this is a community facility given it is not publicly accessible. The land in question may have been more suitable for a different designation or policy. Therefore this is removed from the list in Annex E and therefore the policy would not apply to it.

I also asked what mitigation is sought by the policy. The Parish Council advises that protection is preferred but suitable replacement would be acceptable.

DMP Policy DM12 deals with community, leisure and cultural facilities. It sets out a number of criteria which must be met before any loss is countenanced. I have considered whether Policy 7 adds anything to this strategic policy and whether by linking the policy to those facilities identified in Annex E, this detracts from the protection DMP Policy DM12 gives to other community facilities in the Plan area. I have reached the conclusion that with some alteration to the policy, it can be successfully retained.

With these modifications, the policy will take account of the NPPF’s stance on the provision of facilities and services which communities need⁴³ and be a local expression of CS Policy CP1 and DMP Policy DM12 identifying those facilities particularly valued by the local community. It will help to achieve sustainable development within the Plan area as the intention of the policy is to retain local facilities for local residents.

- **Change the first sentence of paragraph 7.1 of the policy to read: “In the case of any development *or redevelopment* that would result in the loss of a community facility, the developer must *ensure that the community facility or service provided is relocated within the development itself or to another suitable location or in a way which is convenient to the local community or***

⁴³ NPPF para 91

provide satisfactory evidence to demonstrate the proposal complies with DMP Policy DM12 (26 July 2013)."

- **Change the second sentence of paragraph 7.1 of the policy to read:
“Community facilities subject of this policy and particularly valued by the local community are listed in Annex E.”**
- **Change the title of the subsection in Annex E on page 48 of the Plan which currently reads “Assets of Community Value” to “Community Facilities valued by the local community”**
- **Delete “land behind Darvell’s Yard, Woodland Lane and Orchard Drive” from Annex E**

Policy 8 – Chilterns Area of Outstanding Natural Beauty (AONB)

This is a short policy which seeks to ensure any development on land adjoining the Chilterns Area of Outstanding Natural Beauty (AONB) is not intrusive on landscape and protects views and access to the AONB.

Given this, I consider the title of the policy should be revised in the interests of clarifying where and when the policy applies.

AONBs are landscape designations of national importance. The NPPF⁴⁴ states that great weight should be given to conserving and enhancing landscape and scenic beauty in these areas.

Section 85 of the Countryside and Rights of Way Act 2000 requires all relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of AONBs when exercising and performing any functions in relation to, or so as to affect, land in AONBs. Therefore it is valid to consider the impact on the AONB’s setting or protection from development proposals that are located outside the AONB boundary.⁴⁵

PPG further explains that land within the setting of AONBS often makes an important contribution to maintaining their natural beauty and poorly located or designed development “can do significant harm”.⁴⁶ PPG specifically refers to long views and where the landscape character of land in and adjoining the AONB is complementary; development within these settings should take these impacts into account.⁴⁷

⁴⁴ NPPF para 172

⁴⁵ PPG para 039 ref id 8-039-20190721

⁴⁶ Ibid para 042 ref id 8-042-20190721

⁴⁷ Ibid

I consider the policy is clearly worded and particularly takes account of national policy and guidance. It is a local expression of DMP Policy DM7 (although this is not a strategic policy). It will help to achieve sustainable development. It meets the basic conditions and no modifications apart from changing the title are made.

- **Change the title of the policy to “*Development affecting the Chilterns Area of Outstanding Natural Beauty (AONB)*”**

Policy 9 – Nature Conservation Sites

The supporting text explains that the Parish Council wishes to see two areas –Waring’s Field and Grove Wood – be designated as Local Nature Reserves. These then are community aspirations and should be clearly and separately identified in this section of the Plan. Modifications are made to address this.

The policy itself then seeks to refuse any development on a designated special protection area, designated or candidate area for nature conservation, Site of Special Scientific Interest (SSSI), Local Wildlife Site or Local Nature Reserve. The second element of the policy requires surveys to be carried out.

The NPPF is clear that plans should distinguish between the hierarchy of international, national and locally designated sites.⁴⁸ Whilst there is no doubt that planning policies should contribute to and enhance the natural and local environment, this policy introduces a blanket restriction on development on the sites referred to. I therefore asked how the policy reflected the hierarchy in the NPPF. The Parish Council responded that it is not considered necessary to prioritise land by the level in the hierarchy and prefer to cover all designated sites as one. This approach does not accord with the norm and no evidence has been put forward to support it.

As presently worded the policy does not take account of the NPPF sufficiently which firstly distinguishes between the hierarchy of sites and secondly does not introduce a blanket ban on development. It also does not accord with DMP Policy DM6. I am left with little alternative but to delete this element of the policy.

With these modifications, the basic conditions will be met.

- **Delete paragraph 9.1 of the policy**
- **Delete the last sentence of paragraph two on page 29 of the Plan which starts “Two other sites...”**

⁴⁸ NPPF para 171

- **Move the third and fourth paragraphs on Waring’s Field on page 29 to become the second and third paragraphs under the section headed “Action” on page 30**
- **Move the photograph of Waring’s Field to page 30**
- **Move the second paragraph on page 30 on Grove Wood to become the fourth paragraph under the section headed “Action” on page 30**
- **Retitle the section headed “Action” to “Community Aspirations”**

Policy 10 – Transport

This policy firstly requires developments of 10 or more dwellings to provide a Transport Assessment to demonstrate how the development is accessible to Chorleywood Village centre via pedestrian and cyclist routes.

I asked for a map showing me where the “Village centre” is. A map was provided and this is the same map given as for Policy 6. Given the modifications I have made to Policy 6, this map therefore no longer serves a useful purpose for Policy 10.

The most straightforward thing to do is to alter the language to make it clear where the accessibility requirement relates to. A modification is made to achieve this.

The NPPF promotes sustainable transport and seeks to ensure transport related issues are considered from the outset. Amongst other things, opportunities to promote walking, cycling and public transport are specified.⁴⁹

In relation to Transport Assessments, the NPPF⁵⁰ restricts these to those developments that will generate significant amounts of movement. HCC has also commented that usually Transport Assessments are required for schemes over 80 units and Transport Statements for developments of between 50 -80 units. HCC puts forward some suggested amendments to the wording of the policy. I do however appreciate the particular circumstances of Chorleywood and the issues highlighted with public transport, the road network and the ease of parking in Chorleywood which I experienced myself during the site visit. Therefore with some word changes to enhance flexibility and clarity, a version of this element can be retained.

The second element seeks to ensure that electric charging points are considered in any development for 10 or more dwellings. This seems to me to help to achieve sustainable development as well as potentially help to improve air quality given that an Air Quality Management Area exists within the Plan area. I also note that HCC advise this is consistent with the adopted Local Transport Plan requirement.

⁴⁹ NPPF para 102

⁵⁰ Ibid para 111

I turn now to the supporting text. HCC has pointed out that the Plan section on safe routes and the extract from the London Cycling Design Standards (TFL) is not quite right and I consider it could be misleading. Therefore a modification is made to address this concern in the interests of clarity and accuracy.

Finally, there is an aspiration on page 31 of the Plan; in line with the modifications recommended for Policy 9, a modification is made in the interests of clarity and consistency.

With these modifications, the policy will meet the basic conditions.

- **Alter the wording of paragraph 10.1 of the policy to read: “Developments of 10 or more dwellings must *provide satisfactory information and proportionate evidence which* demonstrates that the development is or could be practicably made accessible to *Chorleywood station and environs around Lower Road...*” [retain as existing wording to end]**
- **Add the word “*proportionate*” before “...statement as to how the development will incorporate cabling...” in paragraph 10.2 [retain as existing wording to end]**
- **Delete the words “...whilst ensuring at least 1 metre separation between them.” from the second bullet point of the second paragraph on page 31 of the Plan**
- **Delete the extract from the London Cycling Design Standards (TFL) on page 33 of the Plan**
- **Add the word “*Community*” in front of the section headed “Aspirations” on page 31 of the Plan**

Policy 11 – Community leisure facilities

There are four elements to this policy. The first seeks to designate eight areas as Local Green Spaces (LGS).

The NPPF explains that LGSs are green areas of particular importance to local communities.⁵¹ The effect of such a designation is that new development will be ruled out other than in very special circumstances.

The identification of LGSs should be consistent with local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. It is only possible to designate LGSs when a plan is prepared or updated and

⁵¹ NPPF paras 99, 100, 101

LGSs should be capable of enduring beyond the end of the plan period. The NPPF makes it clear that this designation will not be appropriate for most green areas or open space. Further guidance about LGSs is given in PPG.

I requested that maps indicating the location of the proposed LGSs were provided. These should be incorporated into the Plan at an appropriate place. I saw the areas on my site visit.

Playing fields and tennis courts in Chorleywood House Estate The tennis courts are hard surfaced, but fall within an open space allocation in the SAP and are subject to SAP Policy SA5 which generally safeguards the designated areas as open space. The playing field does not fall within the open space allocation in the SAP, but lies adjacent to it.

Cricket pitch and golf course on Chorleywood Common provide specific facilities within the Common. The entire area is identified as an open space in the SAP and is a Local Wildlife Site.

Swilett Recreation Ground provides a play area in the southwest of the Plan area. It too is an open space in the SAP.

Carpenters, Whitelands and Hillas Wood are three areas of adjacent woodland. The Chilterns Way goes through this area of woodland which TRDC informs me is subject to tree preservation order (TPO) and is partially ancient woodland. The area is a Local Wildlife Site. The woods are identified as open space in the SAP.

Homefield Road hedgerow and Woodland running parallel to the service road up Shire Lane are close to the “Village” area and station and run parallel with Shire Lane. It is a noticeable historic landmark. TRDC informs me the hedgerow is covered by a TPO.

Groewood and Waring’s Field including adjoining paddock are two separate and distinct areas. **Groewood Close** is a roughly triangular shaped area of land and woodland surrounded by housing. TRDC confirms this is also covered by a TPO.

Waring’s Field and the adjoining paddock is off Stag Lane. It falls within a Local Wildlife Site. Both spaces are close to the communities they serve and both are identified as an open space in the SAP. They should be separated out in the presentation of the policy to avoid confusion.

Queens Drive recreational ground is a triangular area of land used for recreation close to housing to the south of the M25.

In my view, all the proposed LGSs meet the criteria in the NPPF satisfactorily except for one. The area I consider does not fall within the definition of LGSs are the tennis courts. This is because of the land defined for the LGS which only encompasses an area of hard surface rather than any green space. In making this deletion I am mindful there is some protection for this area through SAP Policy SA5.

I have also considered whether there would be any additional local benefit to be gained from the LGS designation⁵² for those areas subject to other designations such as the open space identified in the CS and updated in the SAP or TPO. However, the LGS designation helps to identify areas of particular importance to the local community.

I turn now to the wording of the policy itself. The first element identifies the LGSs. A minor presentational modification is put forward.

Some modification is also needed to the second element in the interests of clarity; the policy does not support development, but then indicates development should take into account the setting of the LGS. This then leads to some confusion as to whether development is acceptable or not, but in any case neither element reflects the NPPF which explains the management of development in LGSs should be consistent with that in the Green Belt.⁵³

The third element of the policy supports a new public leisure facility. It offers blanket support for such a facility and would apply throughout the Plan area. This would mean that inadvertently development of this nature could take place anywhere. This element therefore needs revision in the interests of providing a practical framework for decision-making.

The final element of the policy refers to existing recreation land and facilities. It is difficult to know what this element seeks to achieve as it requires an assessment of the use and its viability and mitigation. DMP Policy DM11 covers any loss of recreational facilities and so as this criterion is currently worded it does not add anything. It should therefore be deleted in the interests of providing a practical framework for decision-making.

With these modifications, the policy will meet the basic conditions.

- **Delete the tennis courts at Chorleywood House Estate from the policy**
- **Insert maps of the retained LGSs into the Plan including the composite plan of all the retained LGSs**
- **Separate Grovewood and Waring's Field including adjoining paddock by adding a new bullet point**
- **Change paragraph 11.2 of the policy to read: "Development on Local Green Spaces will be managed in accordance with policies for managing development within the Green Belt. Any development should take into account the setting of the Local Green Space and conserve the Special Characteristics of the area."**
- **Change paragraph 11.3 of the policy to read: "Otherwise acceptable new public leisure facilities will be supported."**

⁵² PPG para 010 ref id 37-010-20140306, 011 ref id 37-011-20140306

⁵³ NPPF para 101

- **Delete paragraph 11.4 of the policy**
- **Consequential amendments will be needed**

Policy 12 – Flood risk

This is a short policy that requires development in areas of high risk to include appropriate details of how water ingress and surface water drainage will be dealt with. The supporting text explains that the area is at risk from surface water flooding given its topography.

The policy is clearly written and will help to ensure that flood risk is suitably managed. It therefore meets the basic conditions and in particular is a local expression of CS Policy CP1 and will help to achieve sustainable development. No modifications are recommended.

Policy 13 – Secured by Design

The NPPF is clear that planning policies should achieve healthy, inclusive and safe places and as part of this it is important to ensure places are safe and accessible so that crime, and the fear of crime, do not undermine the quality of life or community cohesion.⁵⁴

Secured by Design is a recognised police initiative that improves the security of buildings and their immediate surroundings.

This policy seeks to ensure that the Secured by Design specifications are included in any developments. It is clearly worded. It meets the basic conditions particularly adding local detail to CS Policies CP1 and CP12 and will help to achieve sustainable development. No modifications to the policy are therefore recommended.

Policy 14 – Street furniture and phone masts

There are five elements to this policy. All seek to minimise the visual impact of telecommunications masts and associated structures.

The NPPF supports high quality communication infrastructure, but recognises the number of masts should be kept to a minimum and equipment should be sympathetically designed and camouflaged where appropriate.⁵⁵

⁵⁴ NPPF paras 91 and 127

⁵⁵ Ibid para 112

The policy is flexibly worded and recognises the prior approval applications route. It meets the basic conditions and no modifications are suggested.

Policy 15 – Public rights of ways

This policy seeks to protect rights of way and where possible, through development, enhance them.

The NPPF indicates that planning policies should protect and enhance public rights of way and access and should take opportunities available to provide better facilities such as new links.⁵⁶

The clearly written policy takes account of national policy and advice and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

Policy 16 – Assets of significant local value

The Plan refers to assets of significant local value. It explains that these contribute to the ‘Special Characteristics’ of the Parish. They are detailed in Annex E.

The supporting text refers and identifies three such assets; the bank of trees along Shire Lane, the bank of trees along the south and north sides of Quickley Lane and the bank of trees and hedge running between Orchard Road and Homefield Road. These are identified in Annex E as “Areas of Local Importance”.

The supporting text also refers to them as Areas of Local Importance. However, the policy’s title and wording refers to assets of significant local value. In response to my query on whether they were the same thing, the Parish Council has advised that the phrase “assets” is appropriate as it can apply to structures as well as areas. It is unfortunate my question was not clear; my concern arose over the consistent use of language. I have decided to use the phrase “assets of local value” as this is similar to the wording which appears in the policy itself.

A modification is therefore made to refer to these features consistently and to help with sense and flow, the policy is also reordered.

The supporting text also needs alteration to ensure it is consistent with the other changes made. In particular it seeks the inclusion of the three assets referred to above into the Conservation Area. This then is a community aspiration rather than a planning policy and should be clearly identified as such.

⁵⁶ NPPF para 98

There is a minor spelling error to correct.

With these modifications, the policy will meet the basic conditions. It especially seeks to identify and protect the distinctive features of Chorleywood which in turn make a significant contribution to its local character and appearance.

Please also note my modifications to Annex E which should be read in conjunction with the modifications put forward on this section of the Plan.

- **Change the title of Policy 16 to “Assets of *local value*”**
- **Change paragraph 16.1 of the policy to read: “Development proposals which *affect an asset of local value listed in Annex E* must demonstrate that *the asset will be conserved according to its significance and take every available opportunity to enhance it.*”**
- **Alter paragraph three of the supporting text on page 42 of the Plan to read: “In agreement with the earlier TRDC appraisal, these hedges have now been identified in this plan as *assets of local value.*”**
- **Add a new community aspiration sub heading and include the following text underneath it: “*The Parish Council will also undertake, as a community action, to seek the inclusion of these assets of local value into the Chorleywood Estate Conservation Area.*”**
- **Delete the word “significant” from the “Evidence” paragraph at the bottom of page 42**
- **Correct spelling of “Quickly” to “*Quickley*” in the second paragraph on page 42 of the Plan**
- **Change the title of Annex E from “Assets of local significance within the Parish” to “*Assets of local value*”**
- **Consequential amendments will be needed, for example including on page 6 of the Plan which refers to “assets of local significance” which should be changed to “*assets of local value*”**

Annexes

There are a number of annexes to the Plan. These need to be presented clearly and consistently to enable decision-making to be practicable.

Annex A shows the designated Plan area.

Annex B is a list of open spaces and Conservation Areas.

Annex C is a list of brownfield sites, but it indicates none have been identified. There is no reference to this Annex in the body of the Plan. Given these two things, it serves no purpose and should be deleted.

Annex D contains the Conservation Areas maps.

Annex E is a list of assets of local significance. The title of this Annex is recommended for modification earlier in this report (Policy 16) as is the subheading of one section (Policy 7). I do not repeat those modifications here.

In addition because of the changes made through modifications, I consider it would be better if this Annex was divided into two separate annexes. The first would be to detail the statutory designations of national importance such as the Conservation Areas and listed buildings. This would form a new annex. Those elements of Annex B as well as Annex D would be brought into this new annex.

The second would be to group all the non-designated assets including those locally listed buildings for example and those assets identified as part of the Plan process through local knowledge and expertise as Annex E for the purposes of Policy 16.

Annex F refers to biodiversity.

Annex G is supplementary to Policy 8.

Annex H is supplementary to Policy 9.

Annex I is a glossary.

Annex J is a list of members of the Steering Committee.

- **Delete Annex C**
- **Separate Annex E into two separate annexes which are labeled and titled separately. The first will contain nationally important statutory assets such as Conservation Areas and listed buildings as well as the information concerning Conservation Areas in Annex B and the maps and information in Annex D and any information on Article 4 Directions. The second will contain those assets identified for the purposes of Policy 16 so will be those assets listed under “locally listed”, “unlisted buildings”, “areas of local importance”, “assets of community value”, “surviving thatched houses” and “thatched” on pages 45 to 48 of the Plan**
- **Consequential amendments will be needed including the deletion of Annex D and the renumbering of the retained and new annexes**

Maps

No maps specific to the Plan were submitted with it except for one showing the Plan area. At various points in the report I have recommended maps/plans be included to show the areas subject to various policies in the Plan.

8.0 Conclusions and recommendations

I am satisfied that the Chorleywood Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Three Rivers District Council that, subject to the modifications proposed in this report, the Chorleywood Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Chorleywood Neighbourhood Development Plan should proceed to a referendum based on the Chorleywood Neighbourhood Plan area as approved by Three Rivers District Council on 15 July 2014.

Ann Skippers MRTPI
Ann Skippers Planning
29 July 2020

Appendix 1 List of key documents specific to this examination

Chorleywood Neighbourhood Development Plan

Basic Conditions Statement January 2020

Statement of Consultation January 2020

Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Report August 2019 (Place Services)

Review of the Chorleywood Neighbourhood Plan for Three Rivers District Council March 2019 (Stephen Tapper (Planning) Ltd for Planning Officers Society Enterprises Ltd including Appendix 1)

Second Review of the Chorleywood Neighbourhood Plan for Three Rivers District Council October 2019 (Stephen Tapper (Planning) Ltd for Planning Officers Society Enterprises Ltd)

Community Plan for Chorleywood

Parish Council comments on Regulation 16 representations

Three Rivers District Council Core Strategy adopted 17 October 2011

Three Rivers District Council Development Management Policies Local Development Document adopted 26 July 2013

Three Rivers District Council Site Allocations Local Development Document adopted 25 November 2014

List ends

Appendix 2 Questions of clarification from the examiner

Chorleywood Neighbourhood Plan Examination

Questions of clarification from the Examiner to the Parish Council and TRDC

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. Please could TRDC advise if any representations were submitted late and if so, which ones.
2. Please could TRDC advise of any policies in the Development Management Policies Local Development Document or the Site Allocations Local Development Document which are considered to be strategic in nature and relevant to this particular examination.
3. The seventh paragraph on page 13 of the Plan refers to what the assessment of “significant detrimental impact” will mean, but the policy following does not include any such phrase. Is this definition on page 13 now redundant?
4. Please let me know the full reference for the Planning Practice Guidance quote in relation to tranquil areas quoted on page 13 of the Plan.
5. With regard to Policy 4 (Housing to meet the needs of local people), various queries arise:
 - a) The policy refers to “areas characterised by groups of bungalows”; a number of roads are then specified on page 18 of the Plan. Is it the intention the policy applies only to those specified roads?
 - b) Please direct me to the evidence base/work carried out to identify those roads.
 - c) The policy introduces a threshold of 10 or more dwellings in 4.3 and for 50 or more dwellings in 4.4. Please explain the rationale for selecting these thresholds.
6. Policy 5 (The location and design of flatted developments) introduces a height restriction. What work has been carried out to justify this?
7. In relation to Policy 6 (Variety of hospitality and retail), a number of queries arise:
 - a) I am struggling to understand what is intended by the policy. Please explain.
 - b) Please provide details of where the policy applies; the policy refers to “the Village”. A map of this has been provided, but this seems to include some of the primary and secondary frontages. Does the PC wish to send another plan?
 - c) How does this policy relate to those at District level? Is there any conflict between them?
 - d) Please explain the reference to “major development” in the policy.
8. Policy 7 (Community Facilities) refers to “existing community facilities” and “assets of community value”.
 - a) Is the intention the policy applies to the assets of community value only?
 - b) The assets of community value are listed in Annex E on page 48 of the Plan. Please confirm these are all formally listed as assets of community value by TRDC and what their status is.
 - c) Please identify the land behind Darvell’s Yard, Woodland Lane and Orchard Drive on a map (assuming this is one area of land).
 - d) What mitigation (referred to in the policy) is sought?

9. Policy 9 (Nature Conservation Sites). Please explain how this reflects the hierarchy outlined in the NPPF.
10. Policy 10 (Transport) refers to "Chorleywood Village centre". Should this be identified on a map? Is it the same area as referred to in Policy 6?
11. Policy 11 (Community Leisure Facilities) identifies a number of proposed Local Green Spaces (LGS).
- a) I have already requested maps of each area and these have already been provided.
 - b) Please also provide a composite map that shows the location of all the proposed LGSs in the Plan area.
 - c) Please point me in the direction of any evidence or assessment undertaken as to how each space meets the criteria in the NPPF.
 - d) Please identify those areas which are allocated open spaces in the Site Allocations Local Development Document pointing out any differences (this could be part of the mapping provided).

Please do not send me evidence which is not already in the public domain.

12. Policy 16 (Assets of significant local value).
- a) Are assets of significant local value the same as areas of local importance? If so, which phrase is preferred? If not, should this policy refer to areas of local importance and/or those assets identified through the NDP process as being of local importance?
 - b) What work has been carried out to identify the areas of local importance?

Also please see the next question which is related.

13. Annex E contains a long list of assets of local significance. These include those of national importance such as listed buildings. It also details "Locally Listed" buildings or features and then "Unlisted Buildings of architectural and historic interest".
- a) What is the difference between these two categories? I assume that the "Locally Listed" category is those locally listed by TRDC; is this right?
 - b) If the "Unlisted Buildings" have been identified as part of the NDP process, please provide the evidence base for these (but noting only that information already in the public domain should be sent to me please).
 - c) What status do the "surviving Thatched Houses" and "Thatched" categories on page 46 of the Plan have?

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. These queries are raised without prejudice to the outcome of the examination.

Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks,
Ann Skippers MRTPI
Independent Examiner
22 June 2020