
**Review of the Chorleywood Neighbourhood Plan
for Three Rivers District Council**

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1.0 The Brief

- 1.1 Chorleywood Parish Council (CPC) resolved to prepare a Neighbourhood Development Plan (NDP) in October 2013 and Three Rivers District Council (TRDC) designated the Area on 15 July 2014. The Parish consulted the public on a Draft Plan v12.3, dated 04 November 2018, which is the subject of this review. The six week consultation ran from 12 November to 23 December, 2018.
- 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 clear, realistic and not too restrictive in the control of development).
- 1.3 The following adopted development plan documents are relevant to the review:
- TRDC Core Strategy 2011
 - Development Management Policies LDD 2013
 - Potential Sites for Consultation, October 2018
- 1.4 In response to the Brief, a detailed review of all the policies in the NDP is provided in Appendix 1 with suggestions as to how policies could be improved either to meet the Basic Conditions or to strengthen them or to add clarity. This part of the report is an overview, which also includes suggested amendments to improve the Plan.

2.0 The Draft Chorleywood Neighbourhood Plan

- 2.1 This section is an overview of the Plan, summarising its approach and structure, and introducing some matters that are salient to the critique that follows.
- 2.2 **Community Plan** CPC began the process of preparing a NDP by forming a *Community Planning Steering Group* formed from community interest groups and associations. The Group consulted all households in the Parish by means of a questionnaire, covering many aspects of village life. The Group used the results from the consultation as the basis for a *Chorleywood Community Plan* that was published in May 2016.
- 2.3 From that sprung a *Neighbourhood Development Plan Steering Committee* to take forward the planning aspects of the Community Plan.
The Committee took the planning and development questions from the Questionnaire results to draft an NDP that fits with Chorleywood's residents' wishes whilst meeting the Basic Conditions...Three Rivers District Council have reviewed the draft plan and their feedback has been taken into account as part of getting to this point.
- 2.4 Too often draft neighbourhood plans struggle to focus on planning and core land use issues, drifting into matters such as education and crime and disorder that are, for the most part, not appropriate in an NDP. The CPC's approach of first engaging residents in all

aspects of village life and preparing a Community Plan may have been of value in ensuring that issues regarding non-planning matters are properly recorded but that a clear distinction is made between them and the purpose and content of the Neighbourhood Plan.

- 2.5 **Purpose** The Introduction to the Plan includes an over-arching statement of purpose: *The Chorleywood Neighbourhood Development Plan sets the policies that any development activity, large or small, within the Parish of Chorleywood must comply with so as to enhance the characteristics of the area in a sustainable way. This policy-led approach takes into account the Special Characteristics of Chorleywood and is underpinned by reasoned evidence.* (Page 4).
- 2.6 On page 7 there is a statement that the NDP does not allocate or identify sites for development. The main aim therefore comes across as being the preservation of the semi-rural character of the Parish in the face of pressure for development that might not always be respectful of that character. *The NDP takes a policy-led approach to ensuring that any development within the Parish takes into account, enhances and maintains the Special Characteristics of Chorleywood to achieve sustainable growth.* (Page 7)
- 2.7 The Plan defines specific places and buildings in the Parish that contribute to defining local character. A very long list is set out in Annex E to the Plan – almost 200 items, many of which are listed buildings or buildings in conservation areas, which already have a high level of protection in national and local policy.
- 2.8 Where the Plan can be effective in its own right is in giving additional protection to those buildings and areas that have no existing statutory and policy protection but which make a clearly evidenced contribution to the character of Chorleywood. This may require a more detailed appraisal of these places and buildings to support Policy 14, (which curiously comes at the end of the Plan). The Croxley Green Neighbourhood Plan, recently passed at referendum and made by TRDC, identifies twelve distinct Character Areas, with detailed descriptions, where development has to comply with the requirements of Policy CA1, the first policy in the Plan. That approach may involve a little too much detail, but may offer an effective means of protecting the character of Chorleywood.
- 2.9 At the foot of page 7 is a short paragraph *Underlying principles of the NDP*. However, the bulleted statements are not principles that underlie strategy or policy in the NDP; they are more to do with how the NDP should be applied in the consideration of planning applications. It might be clearer if the heading was changed to “How the NDP will be applied”. This is discussed further in Appendix 1.

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. 065. They are require NDPs to:

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- a. *have regard to national policies and advice contained in guidance issued by the Secretary of State.* The main source of such guidance for the NDP is the NPPF.
 - b. *having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order.* Not applicable to NDPs.
 - c. *having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order.* Not applicable to NDPs.
 - d. *the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.* A qualifying body must demonstrate how its plan or Order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures).
 - e. *the making of the order or neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
 - f. *the making of the order or neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.* Generally, the relevant directives would be those regarding Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA) and Habitats Regulations Assessment.
 - g. *prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order or neighbourhood plan.* This refers to Reg 32 and 33 of the Neighbourhood Planning General Regulations and covers habitat conservation on both land and sea and EIA development.

From NPPG Paragraph: 065 Reference ID: 41-065-20140306 Revision date: 06 03 2014

- 3.2 CPC must prepare a Basic Conditions Statement setting out the reasons why it considers the Plan meets the Basic Conditions. CPC 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. The CPC is advised to commence preparing the Statement in order to consider and resolve problems as early in the process as possible.
- 3.3 *Condition a) national planning policy* A neighbourhood plan or Order must not constrain the delivery of important national policy objectives. 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 paragraphs and local plan/DMD policies (see condition e) that are relevant. 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. It is therefore considered that with some amendment the NDP will meet this basic condition.
- 3.4 *Condition d) sustainable development* As well as taking into account para. 11 of the NPPF setting out the presumption in favour of sustainable development, the NDP must contribute to improvements in environmental, economic and social conditions and

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- 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 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 a sustainability appraisal is a useful and suitably rigorous means of demonstrating how the Plan meets this condition.
- 3.5 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 encouraging certain kinds of development. Otherwise the manner in which objectives and policies are expressed, with some amendment, is supportive of sustainable development.
- 3.6 *Condition e) general conformity with the strategic policies contained in the development plan for the area.* TRDC will have assisted in the identification of the relevant strategic policies. Para. 13 of the NPPF 2019 says:
Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.
- 3.7 The fact that the Chorleywood NDP is not making housing allocations means conformity is easier to achieve. Columns two and three of the table in Appendix 1 indicate which policies in the Core Strategy and the Development Management Document 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 them. With some amendment, it should therefore be possible to create a satisfactory alignment between the NDP and the Core Strategy/DMD and the NDP will be likely to meet the requirements of this condition.
- 3.8 *Condition (f) the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.* None of the policies and aims in the Draft Neighbourhood Plan would be likely to breach any of the European Directives incorporated into U.K. law and of relevance to neighbourhood planning and it is likely that this basic condition will be met.
- 3.9 *Condition (g) the making of the neighbourhood plan does not breach any other prescribed conditions and matters in relation to the plan.* It is considered that, as it stands, the Draft NDP would meet this condition.
- 3.10 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 indicates how each of the policies and aims of the Drafty NDP relates to policies in the NPPF, the TRDC Core Strategy and the Development Management Document. The degree of compliance is indicated by a RAG rating and where there are inconsistencies the implications are commented on in the Considerations column, with

suggestions for improvement. We highlight below some matters for consideration by the Parish and District Councils.

- 4.2 (a) The introduction to the Plan includes various statements about its nature, purpose and use but they are perhaps a little muddled. There is an over-arching statement in a box on page 4 which does not have any context or source. There is then a great deal said about the characteristics of Chorleywood, Assets of Local Significance and “Variety” and it is clear that it is the protection of Chorleywood’s existing characteristics that is the central aim of the Plan and its policies. That being the case, there needs to be a cogent rationale as to why that is a good thing and more evidence to justify the selection of the Assets of Local Significance. The NDP has a special role in the protection of locally cherished assets that fall outside conservation areas and that are not listed buildings because it can muster clear evidence of their local importance that can be used with confidence by TRDC in negotiating and determining planning applications. The evidence may be strengthened by taking a spatial approach as in the Croxley NDP and identifying the strongest Character Areas for special consideration.
- 4.3 (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 some 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 2 lists the characteristics of good planning policies in more detail.
- 4.4 (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 might 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.”

5.0 Conclusions

- 5.1 The Chorleywood 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.

APPENDIX 1 Policy review table SEPARATE ATTACHMENT

APPENDIX 2 The characteristics of good development plan policies

- 1 The presence of clear evidence of need for the policy, that it serves acknowledged planning purposes and is not contrary to regulation such as permitted development rights or building regulations. Policy must not be based solely on local opinion.
- 2 Clarity of purpose in the context of the aims and objectives of the Plan - clear about the outcomes of implementing the policy. Each planning policy should stem from the vision and help deliver at least one of the plan's objectives.
- 3 Not duplicating but being complementary to policies in the NPPF and the Local Plan. Any contradiction must be supported by strong evidence that there are compelling local circumstances that justify a different approach or that the NPPF or Local Plan evidence is out of date.
- 4 Clarity of language, without ambiguity or uncertainties. Developers must be clear what they have to do to meet the policy.
- 5 Reasonableness and proportionality relative to the desired outcome.