

Shenley Neighbourhood Plan 2019 - 2036

Initial Comments of the Independent Examiner

Prepared by

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John Slater Planning Ltd

6th March 2020

Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Shenley Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents that I have been sent. I visited the plan area on Wednesday 4th March 2020. I spent some time walking in Shenley Park and had lunch in the café there, before spending the afternoon driving around the village and the surrounding countryside.
2. My preliminary view is that I should be able to deal with the examination of this Plan by the consideration of the written material only. I do still have to reserve the right to call for a public hearing, if I consider that it will assist my examination, but I feel that is very unlikely.
3. However, there are a number of matters that I wish to receive either clarification or further comments from the Parish Council or in some cases from Hertsmere Borough Council. Such requests are quite normal during the examination process and will help me prepare my report and come to my conclusions.

Regulation 16 Comments

4. Firstly, I would like to offer the Parish Council the opportunity to respond to any of the comments made in the representations submitted at the Regulation 16 stage. I appreciate that there are a substantial number of individual comments and I would only expect responses on the more substantive issues raised.

Plan Area

5. On a procedural point, I notice that the plan covers a small part of the adjoining parish. In order for me to be satisfied that the plan complies with Section 61F (2) of the Town and Country Planning Act 1990, can I be provided with documentary evidence that confirms that the Aldenham Parish Council has given its agreement that the cricket pitch within their jurisdiction can be part of the Shenley Neighbourhood Area.

Policy SH2

6. At the present time, the majority of the SSPA lies within the Green Belt and I note that the policy supports development that is in accordance with relevant policies in the NPPF and the Hertsmere Local Plan. In terms of the Secretary of State policy, the categories of development acceptable in the Green Belt are set out in para 145 and 146 of the Framework. The relevant Core Strategy Policy is Policy CS13 and Policy SADM26. If the policy is to meet the basic conditions, it has to have regard to national policy and be in general conformity with strategic local plan policy.
7. It is the role of the new local plan, once it has been through its statutory stages, to determine the overall level of development expected in the district, having looked at objectively assessed need and having regard to the duty to

cooperate and using the Standard Housing Methodology, and then to come up with a spatial distribution for that housing requirement, and that will ascertain the likely level of development within Shenley Parish. It is only the Local Plan that is the vehicle that will determine, if required, any required changes to Green Belt boundaries. These are strategic policies and once the strategic policy context has been established a general location for Green Belt changes, then the neighbourhood plan could draw up detailed boundaries. That would have to be a review of the current neighbourhood plan.

8. I am somewhat concerned that the neighbourhood plan appears to be seeking to influence that future strategic options that may or may not come forward as part of the preparation of the new local plan. It is perfectly appropriate for the Parish Council to make its submissions to Hertsmere Borough Council through the various stages of the Local Plan's process, but I am not sure that the neighbourhood plan, which itself will be part of the development plan, should be trying to pre-empt a future local plan.
9. It would help my understanding of the Hertsmere Local Plan process if the Borough Council could set out the rough timeline setting out the stages of the local plan's preparations and indicate where there will be opportunities for the Parish Council and the local community to input into these strategic matters.
10. My initial thinking is that much of Policy SH2.3, actually is not a policy that can be used to determine a planning application, but is much more about the process for taking forward proposals, which will be very much dependent upon the outcome of the local plan making process, where clearly no decisions have been made.
11. In the meantime, any planning applications that came in within the SSPA prior to decisions on the Local Plan and possible green belt releases, will only be able to support the classes of acceptable forms of development, as I set out in paragraph 6 above. I would welcome the Parish Council's response to whether these matters should actually be moved from Policy SH2 to the supporting text.

Policy SH3

12. Could the Parish Council assist me in explaining the process by which the community was able to demonstrate, that this particular area of green space was the only green space that that was so demonstrably special as to warrant the highest level of protection, as opposed to other green spaces in the village. I have read the questionnaire responses but these seems to be seeking to confirm public support for the NP designation, rather than the reason the community chose only Spinney Walk to be identified as holding this local significance over other green spaces.
13. Can the boundaries of the LGS be shown on an ordnance survey base rather than just using an aerial photograph?

14. Can the Parish Council confirm that the landowner(s) was alerted to the fact that their land has been proposed for a Local Green Space designation?

Policy SH6

15. On my site visit, I noticed that the King William IV public house was closed and appears to be undergoing work. Is the Parish Council able to confirm whether the landowner's intention is that the property is going to reopen as a pub or is it proposed for a new use?
16. Secondly, am I correct in my conclusion is that Arsenal's Training ground is now Watford FC's training base?
17. In Policy SH6.2 is the reference to development leading to the improvement of community infrastructure, referring to schemes that are liable for the Community Infrastructure Levy and is this an indication of the priorities that the Parish Council has, for spending its 25% share of CIL receipts, arising from development in the parish.

Policy SH7

18. The documents which are required to be submitted with a planning application are set out in Hertsmere's Local Validation Checklist. I would be grateful if the Borough Council could provide me with a copy of their validation requirements so that I can see what documents are required to be submitted with a planning application, as I was only able to see online those required to accompany a householder application.

Policy SH8

19. Is it appropriate that Policy SH2, which now sets out a list of criteria for assessing planning applications, should still be headed as "Building for Life TM Quality Mark" when accreditation appears to be granted *after* the grant of planning permission? Who is the body that assesses compliance with the standard - does the LPA have qualified assessors and does the Design Review Panel see every major planning application submitted?

Concluding Remarks

20. I am sending this note direct to Shenley Parish Council, as well as Hertsmere Borough Council. I would request that both parties' responses should be sent to me by 5 pm on **27th March 2020**.
21. I will be grateful, if a copy of this note and any subsequent responses are placed on the appropriate neighbourhood plan websites.

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Independent Examiner to the Shenley Neighbourhood Plan.

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