



## **Hertsmere Borough Council**

### **Shenley Neighbourhood Plan Decision Statement (Regulation 18)**

4<sup>th</sup> December 2020

#### **1. Purpose**

- 1.1 This Decision Statement has been prepared and published in accordance with Regulation 18 of the Neighbourhood Planning Regulations 2012 (as amended). This statement sets out the Council's decision and proposed actions following receipt of the Examiner's Report into the Shenley Neighbourhood Plan.

#### **2. Summary**

- 2.1 Following an independent Examination, Hertsmere Borough Council ('the Council') has agreed that the Shenley Neighbourhood Plan proceeds to referendum subject to modifications set out in Appendix A below and other consequential changes to the supporting text. As revised according to the modifications set out below, the Plan would comply with the legal requirements and basic conditions set out in the Localism Act 2011, and with the provision made by or under section 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Shenley Neighbourhood Plan can therefore proceed to referendum.

#### **3. Background**

- 3.1 The Shenley Neighbourhood Plan relates to the area that was designated by Hertsmere Borough Council as a Neighbourhood Area on 8<sup>th</sup> February 2017. This comprises the entirety of the Shenley Parish together with the part of Shenley Cricket Club within Aldenham Parish. The area is entirely within the Local Planning Authority's area.
- 3.2 The Shenley Plan Steering group undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 between 18<sup>th</sup> July 2018 and 15<sup>th</sup> September 2018.
- 3.3 Following the submission of the Shenley Neighbourhood Plan to the Council in October 2019, the Council publicised the draft Plan for a six-week period and representations were invited in accordance with Regulation 16. The consultation period ran from 29<sup>th</sup> October 2019 to 10<sup>th</sup> December 2019.
- 3.4 The Council appointed Mr John Slater BA(Hons) DMS MRTPI, with the agreement of Shenley Parish Council, to undertake the independent examination of the Shenley Neighbourhood Plan and to prepare a report of the independent examination. Mr Slater determined that the Examination could be undertaken without the need for a public hearing.
- 3.5 The Examiner's Report was formally submitted to the Council on 26<sup>th</sup> May 2020. The Report concluded that subject to making the modifications recommended by the Examiner, the Plan meets the basic conditions set out in the legislation and should proceed to referendum. The Examiner indicated that in addition to modifications identified in his report the Parish Council and Hertsmere officers should ensure that the text of the Plan matches the policy

once amended in line with his recommendations. The Examiner also recommended that the referendum area should be the same as the designated Neighbourhood Area.

#### **4. The Council's Decision**

- 4.1 Having considered each of the recommendations made in the Examiner's Report and the reasons for them, the Council agrees with the recommendations in the Examiner's Report. It has decided to modify the plan as per these recommendations. This decision was taken by full Council on 14 October 2020.
- 4.2 Full Council also agreed on 14 October 2020 that any outstanding consequential changes to be made to the supporting text in the Shenley Neighbourhood Plan shall be agreed by the Head of Planning and Economic Development, in consultation with the Portfolio Holder for Planning, for inclusion in the Plan for referendum. These consequential changes were agreed through written communications between Council officers and the Parish Council between August and October 2020 culminating in final confirmation of the agreed changes from the Parish Council being received on 15 October 2020. These changes have now been agreed and included in the Plan for referendum.
- 4.3 Full Council on 14 October agreed that the plan, as modified, should then proceed to referendum.
- 4.4 The Examiner recommended that the Neighbourhood Plan should proceed to a referendum based on the designated Neighbourhood Area. The Council accepts this recommendation. The referendum area for the Shenley Neighbourhood Plan will therefore be based on the designated Shenley Neighbourhood Area.
- 4.5 The Returning Officer will schedule the referendum in due course taking into account the current Covid-19 pandemic. Currently the first available day to hold the referendum would be 6 May 2021.

#### **5. Documents**

- 5.1 This Decision Statement and the Examiner's Report are on the Council's website at <https://www.hertsmere.gov.uk/shenleyplan>
- 5.2 This Decision statement can also be viewed at:

##### **Hertsmere Borough Council (Civic Offices)**

Elstree Way  
Borehamwood  
Hertfordshire  
WD6 1WA

##### **Shenley Parish Council**

The Hub  
London Road  
Shenley  
WD7 9BS

## Appendix A – Modifications in line with Examiner’s recommendations

Examiner’s recommended modifications in bold. UPPER CASE indicates Examiner’s recommended change to wording in submitted Plan

Shenley NP Policy	Key points raised and modified policy wording recommended by examiner	Action Taken
Policy SH1.1 Rural Character	<p>Examiner considered the policy treats all parts of the plan area the same whereas SH1.2 applies only to areas within the green belt and that there should be consistency within the overall policy SH1. He also considered that the policy duplicates design guidance set out in the Shenley Parish Design Principles and Code appended to the plan.</p> <p><b>Proposed change: replace policy with ‘Development WITHIN THE GREEN BELT AREAS OF THE NEIGHBOURHOOD PLAN WILL BE EXPECTED TO ensure that the design of the development RELATES POSITIVELY TO ITS SURROUNDINGS AND enhances the existing distinctiveness of the rural character of Shenley, by REFLECTING the special and valued features that are unique to the locality, the heritage assets and architectural features that contribute to THAT local character.’</b></p> <p>Supporting text to indicate that development within Porters Park will be assessed in design terms under Policy SADM30.</p>	Modification made
Policy SH1.2 Shenley Parish Design Principles and Code	<p>Examiner considered the policy to be too prescriptive. He also considered that the second part of the policy was not policy, but justification for the policy.</p> <p><b>Proposed change: policy to read: ‘Development proposals in the Neighbourhood Plan Area and located within the Green Belt on January 1st 2019 SHOULD have regard to the Shenley Parish Design Principles and Code.’</b></p>	Modification made
Shenley Parish Design Principles and Code – overall comment	<p>Examiner commended the quality and clarity of aspirations set out and indicated that it was particularly well illustrated. He considered parts to be too prescriptive and/or to not comply with the Secretary of State’s WMS which restricts neighbourhood plans from setting ‘any local technical standards or requirements relating to the construction, internal layout or performance of new dwellings’.</p>	
SC1 Local Patterns	<p>Examiner considered development within the neighbourhood plan area but outside the historic core of Shenley village should reflect local patterns of development in that vicinity.</p> <p><b>Proposed changes: second sentence of Principle to read: ‘Development proposals CAN take design cues from traditional and successful building typologies, streetscape, landscape and productive</b></p>	Modification made

Shenley NP Policy	Key points raised and modified policy wording recommended by examiner	Action Taken
	<p><i>planting demonstrated IN THE IMMEDIATE VICINITY AND WITHIN SHENLEY VILLAGE Conservation Area as a whole and in Listed Buildings in the Parish specifically.</i></p> <p>Code to read:</p> <p><i>a. Any development SHOULD take the opportunities available for protecting and enhancing the local rural character, setting, natural and built environment quality including archaeology. Proposals FOR DEVELOPMENT WITHIN OR CLOSE TO SHENLEY VILLAGE SHOULD respond positively to and enhance the distinct and recognised rural character of the listed and valued buildings and spaces in the Conservation Area, village and the neighbourhood plan area. They SHOULD demonstrate a thorough understanding of Shenley's built and natural environment, and the often defining spaces in-between buildings and the wider landscape setting.</i></p> <p><i>b. A comparative precedent study of existing positive local examples and innovation in 21st century rural forms of sustainable development COULD be presented in the Design and Access Statements and/or Heritage Statements.</i></p>	Modifications made
SC2 Design Scrutiny	<p>Examiner considered that a Design and Access Statement may be required for non-major development as well as major development, but that some of the details required to be included in a DAS to be unnecessary to meet the legal requirements set out in regulation 9 of the Town and Country Planning (Development Management Procedures) Order 2015.</p> <p><b>Proposed change:</b> second and third sentences of Principle to read '<i>WHERE a Design and Access Statement is REQUIRED to be submitted IT should EXPLAIN THE DESIGN PRINCIPLES AND CONCEPTS AND DEMONSTRATE HOW THE DESIGN HAS TAKEN INTO ACCOUNT THE LOCAL DISTINCTIVENESS AND THE RURAL CHARACTER OF SHENLEY PARISH IN THE DESIGN AND IT IS ENCOURAGED TO DEMONSTRATE HOW THE DESIGN HAS HAD REGARD TO THESE SHENELY DESIGN PRINCIPLES AND CODE.</i>' The rest of the text in Principle is deleted.</p> <p>Code a) to read: '<i>THE DESIGN AND ACCESS STATEMENT SHOULD PROVIDE TEXT AND ILLUSTRATIONS SHOWING THE JUSTIFICATION FOR THE PROPOSED layout, height, bulk, typical elevations with façade details and roofscape drawings TO ILLUSTRATE THE DESIGN PRINCIPLES ADOPTED, ALONG WITH AN INDICATION OF THE PROPOSED MATERIALS TO BE USED ON THE EXTERIOR OF THE BUILDING.</i>'</p>	<p>Modification made</p> <p>Modification made</p>
SC3 Rural Plot Size Patterns	<p>Examiner considered '<i>rural settlement pattern</i>' to be a more recognisable term than rural plot size pattern, and the term <i>convivial and social spaces</i> to be difficult to properly assess. He was also concerned that the plan should not stray into building regulations matters.</p> <p><b>Proposed change:</b> Principle to read: '<i>Major development WILL BE EXPECTED TO ADOPT A</i></p>	Modification made

Shenley NP Policy	Key points raised and modified policy wording recommended by examiner	Action Taken
	<p><b><i>SETTLEMENT PATTERN THAT REFLECTS THE EXISTING PATTERN OF DEVELOPMENT WHICH HAS BEEN shaped by topography, landscape, views and vistas, sun path, wind and weather exposure, ‘in situ’ mature trees and hedges, watercourses and other natural features such as ponds and geology.’</i></b></p> <p>Code second sentence to read <b><i>‘The creation of a range of WELL DESIGNED AND ATTRACTIVE PUBLIC SPACES WILL BE EXPECTED, IN APPROPRIATE LOCATIONS.’</i></b></p> <p>Code second paragraph to read: <b><i>‘Proposals are EXPECTED to demonstrate a positive response to the site context. Due consideration SHOULD be given to quality of indoor and outdoor living environment, public spaces and potential environmental performance of the development, including, but not limited to</i></b>  <b><i>to:</i></b>  <b><i>i. Orientation</i></b>  <b><i>ii. Natural light levels</i></b>  <b><i>iii. Indoor air quality</i></b>  <b><i>iv. Thermal comfort</i></b>  <b><i>v. Water consumption</i></b>  <b>Last paragraph of Code deleted.</b></p>	Modifications made
SC4 Buildings – Shenley’s Rural Building Types	<p><u>Examiner considered</u> this set of principles and code of limited relevance and not justified with regard to most development likely to be taking place within the village.</p> <p><b><u>Proposed change:</u> Principle and Code deleted</b></p>	Modification made
SC5 Buildings – Loose fit and Long life	<p><u>Examiner considered.</u> The extent of the flexibility of internal spaces proposed goes well beyond what can reasonably required within planning policy.</p> <p><b><u>Proposed change:</u> Principle and Code deleted.</b></p>	Modification made
SC6 Buildings – Less is more. Simplicity	<p><u>Examiner considered</u> can be encouraged, but not required.</p> <p><b><u>Proposed change:</u> first sentence of Principle to read <i>‘Creating simplicity in form, purposefulness of each element of architectural detail demonstrating modesty and great restraint in expression, scale and proportion is ENCOURAGED.’</i></b></p>	Modification made

Shenley NP Policy	Key points raised and modified policy wording recommended by examiner	Action Taken
SC7 Buildings – Massing and Roofs	<p><u>Examiner considered</u> policy expectation to use roof spaces may run counter to aspirations elsewhere for simplicity and that bulky buildings at corner locations may not always be appropriate and could compromise restraint advocated in SC6. Reference to garden space not relevant.</p> <p><b><u>Proposed changes:</u></b> delete last sentence of Principle.</p> <p>First paragraph of Code to read <i>‘Buildings SITED at important corners or in mixed use centres COULD have a greater mass and height than the prevailing wider context suggests to emphasis their significance.’</i></p> <p>Second paragraph of Code to read <i>‘Using and maximising the space in roofs through creative design solutions are ALLOWABLE within an architectural language and form that is restrained and modest, celebrating valued rural roofs forms and bringing generous amounts of daylight into living spaces.’</i></p>	<p>Modification made</p> <p>Modifications made</p>
SC8 Building for climate change and environmental protection	<p><u>Examiner considered</u> the principle and code to go beyond the scope of planning control and to be contrary to the WMS that states ‘neighbourhood plans should not set any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.’.</p> <p><b><u>Proposed change:</u></b> Principle and code deleted.</p>	<p>Modification made</p>
SC9	<p><u>Examiner considered</u> additional flexibility would be desirable as it is not always sensible to produce detailed landscape plans early in the process, minimum distances can be too prescriptive and some residential streets may not be suitable for play streets. Making good of damage to the highway is not a matter for planning policy.</p> <p><b>Proposed changes:</b> Code SC9a) first paragraph to read: <i>‘NEW BUILD DEVELOPMENT WILL BE EXPECTED TO INCORPORATE APPROPRIATE LANDSCAPING THAT HAS REGARD TO THE FOLLOWING PRINCIPLES:’</i> Second sentence of point 4 to read <i>‘The concept of a ‘play street’ where pedestrians and children have priority over slow moving cars and other motorised vehicles should be considered WHERE IT IS APPROPRIATE TO DO SO.’</i></p> <p>Code SC9b) to read</p> <p>Type 1: Backing onto countryside  <i>‘GENERALLY a minimum of 30m between boundary/ open countryside and back elevation of a building SHOULD be maintained. Narrow in plan or single storey gable ended buildings are permitted closer to the boundary.’</i></p> <p>Type 2: Front elevation onto countryside  <i>‘GENERALLY a minimum of 10m between the boundary/open countryside and front elevations of gable ended buildings SHOULD be maintained. The design and materiality of the access lane is</i></p>	<p>Modifications made</p>

Shenley NP Policy	Key points raised and modified policy wording recommended by examiner	Action Taken
	<i>informal (no tarmac, kerbs or street lights) and can only be achieved by an unadopted private access status. (Local precedent: Nursery Close').</i> Code SC9c) deleted.	
SC10 Rural Landscape	<p><u>Examiner considered</u> the language of the guidance to be too prescriptive</p> <p><b>Proposed change:</b> first and second sentences of Principle to read '<i>Maintaining and enhancing rural landscape character and visual amenity is AN EXPECTATION. A successful integration of development within the rural landscape by applying great care in how the development and associated infrastructures is sited in the land- and street- and townscape must be GIVEN highest consideration.</i>'</p> <p>Penultimate paragraph of Code deleted.</p>	<p>Modification made</p> <p>Modification made</p>
SC11 Healthy Trees and Hedges	No comment	
Policy SH2 Shenley Village Special Policy Area	<p><u>Examiner considered</u> the policy to be problematic in that it is not possible for a neighbourhood plan policy to be compliant with national and local policy which indicates that inappropriate development is harmful to the green belt whilst supporting the expansion of the village's facilities and new housing into what is currently green belt. The Examiner concluded that the policy fails to meet basic conditions.</p> <p><b>Proposed change:</b> Policy SH2 deleted.</p>	Modification made
Policy SH3 Local Green Space	<p><u>Examiner considered</u> the Spinney to be demonstrably special, and that the extent of the designation should be set by reference to a map rather than aerial photo. Superfluous text to be deleted.</p> <p><b>Proposed changes:</b> replace Policy Map SH3 with an OS map. Policy SH3 to read: '<i>The Spinney Woodland and connected hedge system as marked up in Policy Map SH3 is designated as Local Green Space where inappropriate development will not be approved except in very special circumstances.</i>'</p>	Modification made
Policy SH4 Housing Mix and Choices	<p><u>Examiner considered</u> support for 1-3 bed and affordable properties to be substantiated by evidence but changes needed to reflect the wider definition of affordable housing and eligibility criteria for affordable and social housing.</p> <p><b>Proposed changes:</b> paragraph 1 of policy SH4 to read: '<i>Development proposals for new homes or</i></p>	Modifications made

Shenley NP Policy	Key points raised and modified policy wording recommended by examiner	Action Taken
	<p><b><i>alterations to existing buildings for residential use WILL BE supported where they increase SUPPLY IN THE NEIGHBOURHOOD AREA OF'.....</i></b></p> <p>Sub paragraph c) to read '<i>Affordable housing provided in a tenure-blind mix and</i>'</p>	
Policy SH5 Connecting Shenley Village	<p><u>Examiner considered</u> SH5.1a to be acceptable, but SH5.1b) to not meet the basic conditions as the development it seeks to focus at Key Locations within the green belt would be inappropriate and therefore contrary to both strategic local plan policy as well as national green belt policy.</p> <p><b><u>Proposed change:</u> criterion SH5.1b) deleted</b></p> <p><u>Examiner considered</u> in relation to SH5.2 that a development plan policy cannot determine how CIL money is spent.</p> <p><b><u>Proposed change:</u> SH5.2 deleted (can be moved to supporting text).</b></p> <p><u>Examiner considered</u> in relation to SH5.3 that the speed of broadband is a matter for telecommunications suppliers rather than the developer, and that a neighbourhood plan policy cannot require the submission of a connectivity statement.</p> <p><b><u>Proposed change:</u> SH5.3 to read '<i>Development proposals will be supported for either residential and/or business, that makes provision to connect the Internet BY THE INSTALLATION OF THE NECESSARY BROADBAND DUCTING AND INFRASTRUCTURE.</i>'</b></p>	<p><b>Modification made</b></p> <p><b>Modification made</b></p> <p><b>Modification made</b></p>
Policy SH6.1 Existing community infrastructure facilities	<p><u>Examiner considered</u> that the policy's support for improving facilities in the village needs to be consistent with green belt policy and be easy to use in a development management context; the policy also needs to recognise that some changes can take place under permitted development rights.</p> <p><b><u>Proposed change:</u> first 2 sentences of Policy SH6.1 to read '<i>Development proposals which retain or improve existing local community infrastructure facilities shall be supported SUBJECT TO COMPLIANCE WITH GREEN BELT POLICY. WHERE PLANNING PERMISSION IS REQUIRED,. development proposals which would have a significantLY DETRIMENTAL impact ON or result in the loss of existing local community infrastructure will demonstrate that:</i>'</b></p> <p><u>Examiner noted</u> that permission had been granted for change of use of The King William IV, pub to flats.</p> <p><b><u>Proposed change:</u> The King William IV, pub deleted from list of existing local community</b></p>	<p><b>Modification made</b></p> <p><b>Modification made</b></p>



Shenley NP Policy	Key points raised and modified policy wording recommended by examiner	Action Taken
	infrastructure.	
Policy SH6.2 New community infrastructure facilities	<p><u>Examiner considered</u> that the policy's support for new community facilities in the village needs to be consistent with green belt policy.</p> <p><b>Proposed change:</b> First sentence of policy SH6.2 to read '<i>Development proposals that improve the quality and range of community infrastructure, particularly for young people and/or located in any of the Key Locations identified in Map SH5, shall be supported where IT IS COMPATIBLE WITH GREEN BELT POLICY AND the development:</i>'</p>	Modification made
Policy SH7 Local Knowledge for Good Design Policy SH7.1 Good Design	<p><u>Examiner considered</u> that a neighbourhood plan cannot require documents additional to the LPA's validation list to be submitted alongside a planning application. He also considered that it is not appropriate for a neighbourhood plan to specify the early and pre-application design and consultation processes.</p> <p><b>Proposed change:</b> Policy SH7.1 to read: '<i>Planning applications for major development ARE ENCOURAGED TO demonstrate how they have addressed the quality of design by:</i>  <i>a. providing a statement of how they have had regard to the Shenley Plan Policies; and</i>  <i>b. Shenley Design Principles and Code; and</i>  <i>c. making appropriate use of tools and processes for assessing and improving the design of development THROUGHOUT THE DESIGN PROCESS.</i>'</p>	Modification made
Policy SH7.2 Design and Development Briefs	No change	
Policy SH7.3 Statement of Community Consultation and Neighbour Involvement	<p><u>Examiner considered</u> that the policy should retain the wording to the effect that applicants who undertake no community engagement will be looked at less favourably than those that do as the NPPF uses similar wording. However an application for an otherwise acceptable development could not be refused due to the absence of this engagement. The information should form part of an applicant's Design and Access Statement.</p> <p><b>Proposed change:</b> first sentence of policy SH7.3 to read '<i>Planning applications for major development that can demonstrate early, proactive and effective engagement with the community by providing the following information WITHIN THEIR DESIGN AND ACCESS STATEMENT will be looked on more favourably than those that cannot.</i>'</p>	Modification made

Shenley NP Policy	Key points raised and modified policy wording recommended by examiner	Action Taken
Policy SH7.4 Early Proposal Presentation	<p><u>Examiner considered</u> the policy should indicate encouragement rather than expectation and that the presentation would not constitute a part of complying with policy SH8 as this would be a matter for the LPA as decision-maker, rather than the Parish council to assess.</p> <p><b><u>Proposed change:</u> Policy SH7.4 to read ‘<i>Shenley Parish Council ENCOURAGE applicants to present their proposals for sites at an early stage and throughout the design development process.</i>’</b></p>	Modification made
Policy SH8 Building for Life	<p>Examiner considered that the policy should not require achievement of a particular status under a current assessment framework.</p> <p><b><u>Proposed change:</u> first sentence of Policy SH8 to read ‘<i>Major development proposals should, where appropriate, demonstrate IN THEIR DESIGN AND ACCESS STATEMENT how it has had regard to the following:</i>’</b></p> <p><b>Policy SH8.2 is deleted.</b></p>	Modifications made

Details of additional consequential changes made to the supporting text agreed with the Parish Council and which are incorporated into the referendum version of the neighbourhood plan, are available on request.