

**Dacorum Borough Council**

# **Kings Langley Neighbourhood Plan 2020-2038**

**Independent Examiner's Report**

By Ann Skippers BSc (Hons) MRTPI FHEA FRSA AoU

15 August 2022

# Contents

	<b>Summary</b>	<b>3</b>
<b>1.0</b>	<b>Introduction</b>	<b>4</b>
<b>2.0</b>	<b>The role of the independent examiner</b>	<b>4</b>
<b>3.0</b>	<b>The examination process</b>	<b>6</b>
<b>4.0</b>	<b>Neighbourhood plan preparation</b>	<b>7</b>
<b>5.0</b>	<b>Compliance with matters other than the basic conditions</b>	<b>8</b>
<b>6.0</b>	<b>The basic conditions</b>	<b>9</b>
	<i>National policy and advice</i>	9
	<i>Sustainable development</i>	10
	<i>The development plan</i>	11
	<i>Retained European Union (EU) obligations</i>	12
	<i>European Convention on Human Rights (ECHR)</i>	14
<b>7.0</b>	<b>Detailed comments on the Plan and its policies</b>	<b>15</b>
	1. Introduction	15
	2. About the Kings Langley Neighbourhood Area	15
	3. A Vision for Kings Langley	15
	4. Spatial Strategy (Policy KL1)	16
	5. Housing (Policy KL2)	17
	6. Character, Heritage and Design (Policies KL3, KL4 and KL5)	18
	7. The Village Centre and Wider Employment Opportunities (Policies KL6, KL7, KL8 and KL9)	20
	8. Environment and Green Space (Policies KL10, KL11, KL12, KL13, KL14 and KL15)	23
	9. Transport (Policies KL16 and KL17)	30
	10. Community Facilities, Leisure and Recreation (Policies KL18, KL19, KL20 and KL21)	31
	11. Implementation and Plan Review	33
	12. Infrastructure Improvements and Community Projects	34
	13. Policies Maps	34
	14. Glossary	34
	15. List of Evidence Documents	34
	Appendices	34
<b>8.0</b>	<b>Conclusions and recommendations</b>	<b>35</b>
	<b>Appendix 1 List of key documents</b>	<b>36</b>
	<b>Appendix 2 Questions of clarification</b>	<b>37</b>

## Summary

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

Kings Langley is a large village with a population of approximately 5124 according to the Census 2011. The village sits in the Upper Gade valley with the Grand Union Canal and the River Gade to the east. This topography has meant the village has developed with a strong linear pattern with its local centre at the heart of the village. With an important and rich heritage, the Parish benefits from good links to London and the M25 and a wealth of shops and services. Beyond the village itself, the Parish is largely rural with the hamlet of Rucklers Lane, all falling within the Green Belt.

The Plan is presented well. Its 21 policies are well written and cover a wide range of issues from the designation of Local Green Spaces to the Grand Union Canal, from employment to allotments, from design to public realm. The policies do not repeat Borough level policy, but seek to add a local layer or address matters of importance to the local community. The Plan is supported by appropriate and comprehensive evidence documents and an exemplary Basic Conditions Statement and well written Consultation Statement.

It has been necessary to recommend some 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. These do not significantly or substantially alter the overall nature of the Plan.

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 Dacorum Borough Council that the Kings Langley 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 15 August  
2022



## 1.0 Introduction

This is the report of the independent examiner into the Kings Langley 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 Dacorum Borough Council (DBC) with the agreement of the Parish Council, to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

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 professional 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 conditions<sup>1</sup> 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, retained European Union (EU) obligations<sup>2</sup>
- 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.

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

<sup>2</sup> Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

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 and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.<sup>3</sup> 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 check<sup>4</sup> 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.<sup>5</sup>

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 DBC. 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.

<sup>3</sup> Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

<sup>4</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

<sup>5</sup> 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).<sup>6</sup>

Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>7</sup>

Often, as in this case, representations suggest amendments to policies or additional and new policies. 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.

In addition, PPG is clear that neighbourhood plans are not obliged to include policies on all types of development.<sup>8</sup>

Some representations encourage the Plan to put forward site allocations and housing development. PPG is clear that neighbourhood plans do not have to put forward housing development sites, but where they do this type of policy should take account of the latest and up to date evidence of housing need.<sup>9</sup>

PPG<sup>10</sup> 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.<sup>11</sup>

I sought clarification on a number of matters from the Parish Council and DBC in writing on 25 July 2022 and my list of questions is attached to this report as Appendix 2. I am grateful to both Councils who have provided me with comprehensive answers to my questions. These responses received (all publicly available) together with consideration of all the documentation and the representations made, have enabled me to examine the Plan without the need for a hearing.

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 chose not to make any comments.

<sup>6</sup> PPG para 055 ref id 41-055-20180222

<sup>7</sup> Ibid

<sup>8</sup> Ibid para 040 ref id 41-040-20160211

<sup>9</sup> Ibid

<sup>10</sup> Ibid para 056 ref id 41-056-20180222

<sup>11</sup> Ibid

I am very grateful to everyone for ensuring that the examination has run smoothly and in particular Jamie Glazebrook at DBC.

I made an unaccompanied site visit to familiarise myself with the Plan area on 26 July 2022.

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. It includes a useful summary of key engagement and consultation activity.

Work started on the Plan in 2019 but drew on earlier work on a village wide survey generated in response to DBC's work on the emerging Local Plan and on a Community Plan produced in 2018.

A Working Group was established to lead preparation of the Plan in 2019. Initial stages included the establishment of a website and engagement to gather key evidence from the community. Work progressed on the draft Plan in 2020 with a variety of commissioned studies to help develop ideas and evidence as well as surveys and reviews.

Regular updates were publicised in the Village News and Kings News newsletters, distributed to all households in the Parish. The website was regularly updated. Face to face meetings were held with a range of local organisations.

An informal draft Plan was produced and subject to consultation. This took place largely online due to the Covid-19 pandemic. However, zoom meetings were also held and specific contact made with interested parties for example the owners of the proposed Local Green Spaces. Feedback gained then informed the pre-submission version of the Plan.



Pre-submission (Regulation 14) consultation taking place between 19 June – 31 July 2021. The consultation stage was publicised through press releases, posters, social media and mailing lists. Both online and hard copy response forms were available with a flyer and summary document delivered to all households. Direct approaches were made to local organisations and owners with specific interests in the Plan. A stall was at the village market on two occasions and an online meeting held.

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

Submission (Regulation 16) consultation was carried out between 3 December 2021 - 28 January 2022, allowing for more time over the Christmas period.

The Regulation 16 stage resulted in 38 representations. 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**

Kings Langley 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. DBC approved the designation of the area on 28 October 2019. 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 on page 5 of the Plan.

### **Plan period**

The Plan period is 2020 – 2038. This is clearly stated on the front cover of the Plan and within the Plan itself. This requirement is satisfactorily met.

### **Excluded development**

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

## **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.<sup>12</sup>

In this instance, actions and projects unrelated to the development and use of land are referred to in Section 11 of the Plan and listed in Section 12 of the Plan. This approach aligns with the approach advised by PPG.

## **6.0 The basic conditions**

### **Regard to national policy and advice**

The Government revised the National Planning Policy Framework (NPPF) on 20 July 2021. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.

The NPPF is the main document that sets out the Government's planning policies for England and how these are expected to be applied.

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 in local plans or spatial development strategies and should shape and direct development outside of these strategic policies.<sup>13</sup>

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.<sup>14</sup> 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.<sup>15</sup>

<sup>12</sup> PPG para 004 ref id 41-004-20190509

<sup>13</sup> NPPF para 13

<sup>14</sup> Ibid para 28

<sup>15</sup> Ibid

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.<sup>16</sup>

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.<sup>17</sup> Policies should 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.<sup>18</sup>

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](http://www.gov.uk/government/collections/planning-practice-guidance) which is regularly 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 unambiguous<sup>19</sup> 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.<sup>20</sup>

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>21</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>22</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan has responded to national policy and guidance. It considers both the Plan's objectives and the goals in the NPPF. It also contains a table which considers each Plan policy alongside the NPPF offering a detailed and helpful commentary.

### **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

<sup>16</sup> NPPF para 29

<sup>17</sup> Ibid para 31

<sup>18</sup> Ibid para 16

<sup>19</sup> PPG para 041 ref id 41-041-20140306

<sup>20</sup> Ibid

<sup>21</sup> Ibid para 040 ref id 41-040-20160211

<sup>22</sup> Ibid

achievement of sustainable development.<sup>23</sup> 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.<sup>24</sup> The three overarching objectives are:<sup>25</sup>

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

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.<sup>26</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement offers an excellent commentary on how the Plan helps to achieve sustainable development as outlined in the NPPF.

### **General conformity with the strategic policies in the development plan**

The development plan consists of the Core Strategy (CS) adopted in September 2013, the Site Allocations Development Plan Document (SADPD) adopted in July 2017 and the saved policies of the Local Plan 1991 – 2011 (LP), adopted in April 2004. In addition, the Grovehill Neighbourhood Plan, the Hertfordshire Minerals Local Plan Review 2002 – 2016, the Waste Core Strategy and Development Management Policies and the Hertfordshire Waste Site Allocations DPD also form part of the development plan.

### **Emerging Local Plan**

DBC are currently progressing a new Local Plan. Once adopted, this will replace the CS and the SADPD as well as the saved policies from the LP.

<sup>23</sup> NPPF para 7

<sup>24</sup> Ibid para 8

<sup>25</sup> Ibid

<sup>26</sup> Ibid para 9

At the time of writing, the latest position on the emerging Local Plan is that consultation took place on the Emerging Strategy for Growth from 29 November 2020 – 28 February 2021.

DBC is also working on a Joint Strategic Plan (JSP) for the South West Hertfordshire area. This will set out a long term strategic framework and shared priorities for the five local authorities and Hertfordshire County Council.

There is no legal requirement to examine the Plan against emerging policy. However, PPG<sup>27</sup> 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 qualifying bodies 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.<sup>28</sup> This proactive and positive approach is important to ensure that any conflicts are minimised because the law requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.<sup>29</sup> Timing can therefore be critical.

I note that some representations raise concern about the respective end dates for this Plan and the emerging Local Plan. The emerging Local Plan will cover the period 2020 – 2038 and so this has the same end year as this Plan.

There are also a number of references throughout the Plan to the emerging local plan. Given the early stage the emerging local plan has reached, **these references will need to be carefully reviewed to ensure they are up to date and clearly indicate the emerging status of the local plan** and may well have to be changed as the Plan progresses to its next stages.

The Basic Conditions Statement includes an assessment of the Plan's policies in relation to both the CS and the emerging Local Plan. I have also assessed the Plan against what I consider to be relevant strategic policies in the development plan and read the emerging Local Plan. I do not consider that there are any saved LP policies of relevance.

In addition whilst I have not specifically referred to any SADPD policies in my discussion of the Plan's policies, I consider that the Plan's policies are in general conformity with the strategic objectives of the SADPD.

## **Retained European Union Obligations**

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment,

<sup>27</sup> PPG para 009 ref id 41-009-20190509

<sup>28</sup> Ibid

<sup>29</sup> Ibid which in turn refers to section 38(5) of the Planning and Compulsory Purchase Act 2004

Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

With reference to Strategic Environmental Assessment (SEA) requirements, PPG<sup>30</sup> confirms that it is the responsibility of the local planning authority, in this case DBC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is DBC who must decide whether the draft plan is compatible with relevant retained 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**

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations, which transposed into domestic law Directive 2001/42/EC ('SEA Directive'), are to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination.

Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

DBC issued a Screening Statement on 9 April 2021. DBC has subsequently issued a Re-screening Statement dated 22 June 2022. DBC made the decision to rescreen based on emerging evidence prepared in relation to the emerging Local Plan, and more specifically the Footprint Ecology Report.

The Re-screening Statement concludes that the Plan does not require any further work on SEA. This mirrors the conclusion of the initial screening carried out in 2021.

In relation to HRA, the Re-screening Statement identifies two components of the Chilterns Beechwood Special Area of Conservation (SAC), namely the Ashridge Common and Woods and Tring Woodlands lying some 7.4 and 14.2 kilometres respectively from

<sup>30</sup> PPG para 031 ref id 11-031-20150209



the Parish boundary as being of relevance. It concludes that the Plan is unlikely to have significant effects on the SAC, either alone or in combination with other plans and projects and therefore screens the Plan out from requiring an appropriate assessment.

Consultation with the statutory bodies was undertaken. The Environment Agency did not make any specific comments, Historic England agreed SEA would not be needed and Natural England agreed that neither SEA nor HRA would be needed.

I have treated the Re-Screening Statement to be the statement of reasons that the 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.<sup>31</sup>

I consider that retained 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 which provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Given the distance, nature and characteristics of the nearest European sites and the nature and contents of this Plan, I agree with the conclusion of the Re-screening Statement that an appropriate assessment is not required and accordingly consider that the prescribed basic condition is complied with, namely that the making of the Plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

## **Conclusion on retained EU obligations**

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.<sup>32</sup> In undertaking work on SEA and HRA, DBC has considered the compatibility of the Plan in regard to retained EU obligations and does not raise any concerns in this regard.

## **European Convention on Human Rights (ECHR)**

The Basic Conditions Statement contains a short statement in relation to human rights and includes an equalities assessment. 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.

<sup>31</sup> PPG para 028 ref id 11-028-20150209

<sup>32</sup> Ibid para 031 ref id 11-031-20150209

## 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 to a high standard and contains 21 policies. There is an eye catching front cover. The Plan begins with a helpful contents page.

### 1 Introduction

This is a helpful introduction to the Plan explaining its role and purpose and the planning policy context in which the Plan will fit. A useful summary of engagement with the community is included. The sustainability of the Plan is also referred to in the context of the Parish council's declared Climate Emergency.

There is one small correction to make.

- **Change "...18-year time...: in paragraph 1.11 to "20 year time..."**

### 2 About the Kings Langley Neighbourhood Area

This section provides an informative and thorough description of the Plan area as it has developed historically and sets out the challenges facing the Parish today.

### 3 A Vision for Kings Langley Parish

The Plan has a guiding principle and a vision. It explains that, as a result of work on the Plan, a series of community actions have been developed and that these are being pursued in parallel to the Plan.

The Guiding Principle states:

Any new major development within the village and wider parish will be expected to contribute to community benefits, over and above any CIL monies, in line with the policies outlined in this Neighbourhood Plan.

The overarching vision states:

To preserve and enhance what parishioners most value about Kings Langley in line with the priorities suggested by the 2019 Parish Plan Survey - the village status of Kings Langley, environmental action, greenbelt, proximity to open countryside, canal, woods and common, its thriving high street and strong sense of community.

The guiding principle and vision are supported by four objectives. All are articulated well, relate to the development and use of land and will help to deliver the vision.

## **4 Spatial Strategy**

### **Policy KL1: Location of Development**

The Plan explains that, apart from the village of Kings Langley itself and a residential area in the north of the Plan area, much of the Parish falls within the Green Belt.

The CS, adopted some time ago, required some 430 new homes to be built annually across the Borough.

Within the context of directing new development to the most sustainable locations, Kings Langley is identified as a Large Village in the settlement hierarchy. The Large Villages are in an area of limited opportunity. The CS recognises that the Large Villages will have an important role to play in meeting housing needs and in the provision of employment and services, both for local residents and adjacent rural communities. The general approach is to support development that enables the population to remain stable unless a small element of growth is required to support local community needs.

The housing figure for Kings Langley was around 110 new homes. CS Policy CS1 includes criteria for new development based on the distribution of development and CS Policy CS4 sets out how development will be guided to the most appropriate areas with settlements.

The more recently adopted SADPD supports development in Kings Langley that enables the population to remain stable and supports community needs.

The emerging Local Plan proposes to extend the existing settlement boundary to include a site known as Rectory Farm. Part of this site already has planning permission and was well under construction at the time of my site visit. However, the emerging Local Plan proposes to allocate a larger area for an additional 150 or so new homes.

The proposed settlement boundary is shown on Figure 4.1 and reflects the site currently under construction. This is a sensible and logical addition to the current settlement

boundary. I consider that given the stage the emerging Local Plan has reached, it is not necessary or appropriate to include the larger proposed allocation envisaged in the emerging Local Plan within the settlement boundary at this point in time.

It is noted that this Plan has the same end date of 2038 as the emerging Local Plan.

This policy directs new development to the most sustainable locations within the Parish and defines the new settlement boundary. It relies on Borough level policies appropriately and refers to the NPPF in relation to development within the Green Belt.

It seeks to encourage the use of brownfield land and supports the remediation of contaminated or similar land. It includes a caveat in relation to development in the Green Belt resisting coalescence with neighbouring settlements and seeks to retain the separate identity of Kings Langley. This issue is raised in the CS which recognises the countryside around Kings Langley has a role in protecting the character of the village and preventing coalescence with Hemel Hempstead or becoming 'outer' Watford.

The policy follows the lead of strategic policies both at national and Borough levels, but seeks to reinforce the identity of Kings Langley, encourage the use of brownfield and remediation of despoiled land and introduces a revised settlement boundary.

The policy meets the basic conditions in that it reflects the NPPF's stance on Green Belts, is in general conformity with CS Policies CS1, CS4 and CS5 and reflects the emerging evidence for the emerging Local Plan and will help to achieve sustainable development.

## **5 Housing**

### **Policy KL2: Meeting Local Housing Needs**

The premise behind this policy is to ensure that new residential development addresses local housing needs. As part of the work carried out on the Plan, a Local Housing Needs Assessment (HNA) for the Parish has been carried out independently by Urban Vision Enterprise CIC.

This work demonstrates, alongside other sources of information such as the Census data, that Kings Langley has a higher proportion of owner occupation, only around 14% of the stock is affordable and the private rented sector is growing. In relation to house type, the HNA showed a high proportion of larger, detached and semi-detached homes.

The Parish has higher age mean and median population ages of 41.7 and 43 than surrounding geographies, but older age cohorts are proportionally higher than comparative geographies. There is a noticeable increase in older age cohorts and ONS population projections project increases in the older age groups too.

The key message is an over-supply of larger homes leading to high levels of under occupation. This makes the housing market less accessible for those wishing to downsize or for smaller families or those seeking to find first homes.

The Neighbourhood Area Profile explains that house prices tend to be high with the potential for pricing out first time buyers and younger families. Therefore affordability is also an issue.

Policy KL2 therefore requires a mix of housing size, type, tenure and affordability and particularly encourages smaller homes. It supports community-led housing schemes including self-build.

The NPPF is clear that the Government's objective of significantly boosting the supply of housing should be supported and that the needs of groups with specific housing requirements are addressed.<sup>33</sup> Within this context, the size, type and tenure of housing needed for different groups in the community should be addressed and reflected in planning policies.<sup>34</sup> This includes the provision of affordable housing, housing suitable for families or older people and those wishing to build their own homes.<sup>35</sup>

I consider the policy achieves this whilst retaining flexibility based on the latest available evidence of local needs and viability considerations.

The policy therefore meets the basic conditions in that it has regard to the NPPF, in particular by seeking to boost the supply of housing needed for different groups in the community. It will help to achieve sustainable development and especially the social objective of ensuring a sufficient number and range of homes are provided to meet the needs of present and future generations. It is a local expression of CS Policies CS18 and CS19.

## **6 Character, Heritage and Design**

This chapter of the Plan details the characteristics of the Parish. It explains that there are three Conservation Areas within the village and a number of Scheduled Ancient Monuments. The linear nature of the village is largely due to its position within the River Gade valley, but also influenced by the Grand Union Canal and there is a distinct boundary to the east of the railway line.

An Urban Design Assessment published in 2006 identified four urban design zones within the village reflecting its historic development. I understand that this work was then revised in 2020 and updated in 2011. In relation to work on this Plan, the Urban Design Assessment has been updated independently by AECOM and Design Guidance and a Design Code have been produced. Nine Character Areas have been identified.

<sup>33</sup> NPPF para 60

<sup>34</sup> Ibid para 62

<sup>35</sup> Ibid

### **Policies KL3: Character of Development and KL4: Design of Development**

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.<sup>36</sup> It continues that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.<sup>37</sup>

It refers to design guides and codes to help provide a framework for creating beautiful and distinctive places with a consistent and high quality standard of design.<sup>38</sup>

The NPPF continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place and optimise site potential.<sup>39</sup>

In addition the policies have regard to the NPPF's stance on the conservation and enhancement of the historic environment.<sup>40</sup>

Policy KL4 refers specifically to the Design Guidance and Code produced by AECOM and reflects some of the design principles identified in that document.

In essence, both these policies seek to deliver locally distinctive development of a high quality that protects, reflects and enhances local character. Both are clear, detailed and well thought out based on a detailed assessment of the area. They reflect the NPPF and bring in many other principles and standards of national import which are widely regarded as best practice.

There is one modification made to Policy KL4 in the interests of clarity. With this modification, both policies will meet the basic conditions in that they have regard to national policy and guidance, are in general conformity with, and are a local expression of, CS Policies CS10, CS11, CS12, CS25 and CS27 and will help to achieve sustainable development.

There is a spelling to correct in the supporting text.

- **Change the second sentence of Policy KL4 from “In addition, they should minimise their impact on the natural and historic environment.” to “In addition, they should seek to minimise *any adverse impacts* on the natural and historic environment.”**

<sup>36</sup> NPPF para 126

<sup>37</sup> Ibid para 127

<sup>38</sup> Ibid para 128

<sup>39</sup> Ibid para 130

<sup>40</sup> Ibid Section 16

- **Change the word “stories” in paragraph 6.17 on page 30 of the Plan to “storeys”**

### **Policy KL5: Energy Efficiency and Design**

This policy supports measures that help to address the climate emergency. I note that Hertfordshire County Council, DBC and the Parish Council have declared climate emergencies.

It has regard to the NPPF’s emphasis on the creation of high quality, beautiful and sustainable buildings<sup>41</sup> and the need for plans to take a proactive approach to mitigating and adapting to climate change.<sup>42</sup>

It has regard to the NPPF’s support to transition to a low carbon future<sup>43</sup> and its statement that plans should take a proactive approach to mitigating and adapting to climate change.<sup>44</sup> It references landform, layout, building orientation, massing and landscaping.<sup>45</sup>

I do not consider the policy seeks to set standards but it does seek to ensure that new development considers the opportunities and takes them.

The last part of the policy refers to individual and community energy schemes. This part of the policy will help to take account of the NPPF’s stance on community led initiatives for renewable and low carbon energy which specifically refers to neighbourhood planning.<sup>46</sup>

The policy meets the basic conditions in that it has regard to national policy and guidance, generally conforms to the aims of CS Policies CS28 and CS29 which both consider the reduction of carbon emissions and sustainable design and construction respectively and will help to achieve sustainable development.

## **7 The Village Centre and Wider Employment Opportunities**

### **Policy KL6: Enhancing the High Street and Village Centre**

A Public Realm Strategy, prepared by Arup, is supported by this policy. The purpose behind it is to ensure that the village centre is enhanced and adapts to changing habits.

<sup>41</sup> NPPF para 126

<sup>42</sup> Ibid para 153

<sup>43</sup> Ibid para 152

<sup>44</sup> Ibid para 153

<sup>45</sup> Ibid para 157

<sup>46</sup> Ibid para 156

The High Street is at the heart of the village and provides local employment as well as a range of services and facilities.

The policy is well written, takes account of the thrust of national policy including the vitality and viability of centres with a mix of uses and purposes, local distinctiveness, the emphasis on high quality design and place making and responding to changing circumstances, is a local expression of CS Policy CS13 which encourages a high quality public realm and will help to achieve sustainable development. It therefore meets the basic conditions.

### **Policy KL7: Commercial Premises and Land**

Recognising the importance of employment opportunities being provided locally to give residents wider choice and in relation to sustainable travel patterns, Policy KL7 seeks to protect existing commercial premises from redevelopment unless certain criteria can be met. These include a lack of active use for 12 months and appropriate marketing.

The second element of the policy supports new employment uses subject to no adverse impacts on the amenity of surrounding areas and the site's accessibility. This includes both the expansion of existing space and start-up flexible space.

The development of a business hub is also supported; further recognition of the role of local businesses and employment post pandemic.

The NPPF indicates that planning policies should support economic growth<sup>47</sup> and set out a clear economic vision that positively and proactively encourages sustainable economic growth.<sup>48</sup>

The NPPF supports a prosperous rural economy through the sustainable growth and expansion of all types of businesses and through the development and diversification of agricultural and other land-based businesses.<sup>49</sup>

However, recognising that much of the Plan area falls within the Green Belt, a modification is made.

The phrase "amenity of surrounding areas" used in the policy is a little vague and I consider it would be useful to specify the amenity of existing nearby occupiers as well. This would reflect the NPPF's stance on ensuring that new development can be satisfactorily integrated with existing businesses and community facilities based on the agent of change principle.<sup>50</sup> I see this extending to residential properties as well.

<sup>47</sup> NPPF para 81

<sup>48</sup> Ibid para 82

<sup>49</sup> Ibid para 84

<sup>50</sup> Ibid para 187



With these modifications, the policy will meet the basic conditions by having regard to the NPPF and Borough level policies including CS Policy CS14 and the aims of CS Policy CS15 and helping to achieve sustainable development.

- **Add a third criterion “C.” that reads: “*Sites falling within the Green Belt are subject to Green Belt policy.*”**
- **Change criterion B. i. to read: “there is no adverse impact on the *character and nature of the surrounding area from visual or operational impacts or on nearby occupiers of existing premises or residential properties; and*”**

### **Policy KL8: Supporting Sustainable Tourism**

Policy KL8 supports the visitor economy. Recognising that the Parish is located near the Elstree and Leavesden studios and that the Parish has much to offer, the policy supports the visitor economy including a Heritage Centre and accommodation subject to criteria being met. The criteria will all help to ensure that development is appropriate.

However, there is little mention of the Green Belt and I consider this does need to be recognised within the policy.

Subject to this modification, the policy will take account of the NPPF’s promotion of sustainable rural tourism and leisure developments which respect the character of the countryside as part of its support for a prosperous rural economy,<sup>51</sup> be in general conformity with CS Policy CS14 which recognises the contribution sustainable tourism can make to economic development and help to achieve sustainable development.

- **Add a second criterion “B.” that reads: “*Sites falling within the Green Belt are subject to Green Belt policy.*”**

### **Policy KL9: High Speed Broadband**

Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.<sup>52</sup> The NPPF continues that planning policies should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.<sup>53</sup>

The Plan also recognises the nature of the Parish’s employment offer and the increasing trend towards home working further emphasising the importance of good technological connections.

<sup>51</sup> NPPF para 84

<sup>52</sup> Ibid para 114

<sup>53</sup> Ibid

This policy supports such provision. It therefore meets the basic conditions, particularly having regard to the NPPF and helping to achieve sustainable development. No modifications are therefore recommended.

## 8 Environment and Green Space

### Policy KL10: Conserving and Enhancing the Network of Green and Blue Infrastructure

This policy seeks to conserve and enhance green and blue infrastructure. It is widely recognised that this can provide a network of multi-functional green and blue spaces alongside other natural features that delivers a variety of benefits including health and wellbeing as well as environmental.

The NPPF indicates that policies should aim to achieve healthy, inclusive and safe places and that this includes the provision of safe and accessible green infrastructure.<sup>54</sup> In addition, the NPPF recognises that green infrastructure can help with planning for climate change.<sup>55</sup>

The policy is a local expression of this and goes further in referring to net gains for biodiversity.<sup>56</sup>

It refers to ancient woodland, aged and veteran trees indicating any loss of such trees will not be supported. With regard to ancient woodland and aged and veteran trees, the NPPF resists its loss or deterioration unless there are wholly exceptional reasons.<sup>57</sup> This then goes beyond the NPPF's stance on such trees and so a modification is made to ensure the policy takes account of the NPPF.

The second element of the policy supports a biodiversity appraisal on appropriate sites to consider impacts and ongoing management.

Lastly, the policy promotes native species planting.

With the modification, the policy will meet the basic conditions by having regard to the NPPF, be a local expression of CS Policy CS26 which protects and enhances the green infrastructure of the Borough and help to achieve sustainable development.

- **Add the words “*unless there are wholly exceptional reasons as envisaged in the NPPF and a suitable compensation strategy exists*” at the end of criterion A. of the policy**

<sup>54</sup> NPPF para 92

<sup>55</sup> Ibid paras 153, 154

<sup>56</sup> Ibid para 174

<sup>57</sup> Ibid para 180

## Policy KL11: Local Green Spaces

13 areas of Local Green Space (LGS) are proposed. These are shown and described on maps within the Plan document. Figure 8.2 shows the location of the proposed LGSs, but I consider a modification should be made to the key in the interests of clarity. In addition I found it hard to decipher the extent of the LGSs when the numbers overlap so a further modification is made in this respect.

A comprehensive Local Green Space Review together with details of each proposed LGS in Appendix C also forms part of the evidence base. I note that this document has evolved from earlier stages of Plan preparation.

In addition, Figure 8.2 shows the location of each LGS clearly as does Appendix C, but the Policies Map should be made clearer.

The NPPF explains that LGSs are green areas of particular importance to local communities.<sup>58</sup>

The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.<sup>59</sup> It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.<sup>60</sup> The NPPF sets out three criteria for green spaces.<sup>61</sup> Further guidance about LGSs is given in PPG.

I saw the areas on my site visit.

1. **Shendish Manor: Gardens and Woodland** comprises garden and woodland accessible to the public and valued for recreational purposes. A dell in the centre of the woodland has, in the past, been used to host theatre productions. It sits within the grounds of the Manor Hotel which is Grade II listed. Some of the woodland is ancient woodland.
2. **Red Lion Allotments** are valued for their recreational purposes and as a meeting place, but also for growing food. I note that support for growing more food locally forms part of the CS's vision for the Borough too and this of course applies to all the allotments proposed as LGSs.
3. **Rucklers Lane playground** is valued as a children's play area and forms an integral part of this housing area.
4. **Green spaces at the top of Barnes Lane, Common Lane and Love Lane** are valued primarily for their informal recreational value as they are connected by a

<sup>58</sup> NPPF para 101

<sup>59</sup> Ibid

<sup>60</sup> Ibid

<sup>61</sup> Ibid para 102

public footpath. Located close to housing and the primary school, they are popular meeting places. I saw at my visit the spaces are integral to the character of the area laid to grass with a number of important trees.

5. **The Biodynamic Allotments** is a historically important location as it falls within the grounds of Kings Langley Priory, a Scheduled Ancient Monument. The allotments are used to grow produce organically and valued by the local community.
6. **Green Park** is a park with play area valued as a recreational space. I saw at my visit it is adjacent to a popular Bowling Green and close to the heart of the village.
7. **Beechfield Green Space** Situated close to a public footpath, this peaceful area has a seat and is valued for its tranquility and views. The garages shown on the map have now been demolished.
8. **Beechfield playground and playing field** is a popular play area and playing field located adjacent to a housing estate. I saw the area afforded views too.
9. **The Village Garden** is a historically important space for the village having been gifted to it in 1961 for the benefit of people in the village. It is maintained by local people and is valued for its beauty and tranquility close to All Saints Church. It has a large tree and was a particularly tranquil and peaceful oasis in the heart of the village at the time of my visit.
10. **Sunderland Yard Allotments** situated adjacent to the River Gade and Grand Union Canal, the site has been in allotment use for many years. The allotments are valued for food growing, as a meeting place and for well-being.
11. **Home Park** valued as a recreational space in the south of the Parish often used by walkers.
12. **Langley Lodge Pond** is valued for its beauty and historical connections and is located at the intersection of three footpath routes. It has a seat.
13. **Havelock Road Green Space** is a triangular area valued as a recreational space.

In my view, all except one of the proposed LGSs meet the criteria in the NPPF satisfactorily.

I do not consider that Shendish Manor: Gardens and Woodland as proposed meets the criteria. This is not because there is no public access as PPG is clear that there does not have to be dependent on the reasons the green space is valued,<sup>62</sup> but because there is

<sup>62</sup> PPG para 017 ref id 37-017-20140306

an extant planning permission for a new pavilion building and other facilities within the area identified.

Whilst it would be possible for the remainder of the area to be identified as LGS, I saw at my visit that this area is closely related to in location, and is clearly part of, the hotel complex. PPG is clear that LGS designation will rarely be appropriate where land has planning permission for development.<sup>63</sup> The development proposed would not in my view be compatible with a LGS designation and I am not aware of any exceptional circumstances in this case to conclude otherwise.

I consider all the other proposed LGSs are demonstrably important to the local community, all are capable of enduring beyond the Plan period, all meet the criteria in paragraph 102 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given other policies in the development plan and this Plan.

I note that a number of the proposed LGSs, namely the Red Lion Allotments, Rucklers Lane playground, Biodynamic Allotments, Green Park, Beechfield Green Space, Beechfield playground and playing field, the Village Garden and Sunderland Yard Allotments are also identified in the Design Guidance and Code as important local green spaces.

I have also considered whether any additional local benefit would be gained by LGS designation given some of the proposed LGSs also fall within the Green Belt in line with PPG.<sup>64</sup> Different designations achieve different purposes and I consider that the LGS will send a signal and recognise the particular importance these spaces have for the local community.

Turning now to the wording of the policy, in setting out how new development might be regarded, it should have regard to, and be consistent with, the NPPF which explains the management of development in LGSs should be consistent with that in the Green Belt.<sup>65</sup> Therefore the policy needs modification to ensure that it takes account of national policy and is clear.

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

- **Change the key on Figure 8.2 so that 5. is alongside The Biodynamic Allotments**
- **Move the numbers for each LGS on Figure 8.2 so that the location and extent of each LGS is clear**
- **Make the locations of LGSs 2 (Red Lion Allotments) and 3 (Rucklers Lane playground) clearer on the Policies Maps**

<sup>63</sup> PPG para 008 ref id 37-008-20140306

<sup>64</sup> Ibid para 010 ref id 37-010-20140306

<sup>65</sup> NPPF para 103

- **Delete Shendish Manor: Gardens and Woodland as a LGS from the policy and all associated maps and figures**
- **Insert “*and on Figure 8.2*” after “...on the Policies Map...” in the first paragraph of the policy**
- **Change the second paragraph of the policy to read: “Development proposals within the designated local green space *will be consistent with national policy for Green Belts.*”**
- **Consequential amendments will be needed**

### **Policy KL12: Managing the Environmental Impact of Development**

The NPPF is clear that policies should contribute to and enhance the natural and local environment through protection in line with their statutory status or identified quality of the area concerned and by recognising the intrinsic character and beauty of the countryside.<sup>66</sup> It specifically refers to the importance of trees and woodland.<sup>67</sup>

In addition, the NPPF is clear that developments are sympathetic to local character including landscape setting.<sup>68</sup>

Policy KL12 seeks to conserve and enhance the natural environment, landscape features and the rural character and setting of the Parish.

In relation to trees, the policy encourages native woodland planting and native species, resists the loss of existing trees and woodland, introduces a buffer of 10 metres around priority habitats and 15 metres for ancient woodland and veteran trees and seeks appropriate management.

With regard to hedgerows, only loss for necessary vehicular access is supported.

Thirdly, the policy seeks open space within proposals that is usable, accessible, safe, landscaped and provided with facilities such as litter bins.

I consider the policy has regard to the NPPF through its identification of valued and important woodlands in the Plan area alongside the local wildlife sites and its stance on protection and enhancement. It is in general conformity with the aims of CS Policies CS10 and CS25 and will help to achieve sustainable development, particularly its environmental objective. It therefore meets the basic conditions and no modifications to it are recommended.

<sup>66</sup> NPPF para 174

<sup>67</sup> Ibid

<sup>68</sup> Ibid para 130

There is one modification to the supporting text; reference to paragraph 180 of the NPPF should, I think, be paragraph 174.

- **Change the reference to “...NPPF paragraph 180” in paragraph 8.13 to “NPPF paragraph 174...”**

### **Policy KL13: Grand Union Canal and River Gade**

The Plan explains the importance of the Grand Union Canal and the River Gade. This not only relates to their historical significance but also their contribution to the economic, social and environmental aspects of life in the Plan area.

The policy seeks to encourage appropriate development adjacent to, or within the settings of, the Canal and the River both to conserve their contribution but also to unlock potential. It sets out the criteria expected for development. These include design, landscaping and heritage considerations, safe passage, towpath enhancement and water quality.

The policy will help to achieve sustainable development in particular. It picks up on the NPPF’s stance on heritage, leisure and tourism, open space and visual amenity and is in general conformity with the aims of CS Policies CS31 and CS32 especially which focus on water management and quality. In addition one of the local objectives in the Place Strategy for Kings Langley in the CS is to maintain and enhance the role and character of the Grand Union Canal. The policy therefore meets the basic conditions and no modifications are put forward.

### **Policy KL14: Kings Langley Farming Landscape**

Farming remains an important activity in the area. The policy seeks to support agricultural activity by resisting proposals which adversely affect the agricultural viability and productivity of the land and by supporting rural diversification, including through renewable and low carbon schemes.

The NPPF supports the development and diversification of agricultural and other land- based rural businesses.<sup>69</sup>

The policy meets the basic conditions as it has regard to national policy and will help to achieve sustainable development. No modifications are therefore recommended.

<sup>69</sup> NPPF para 84

## **Policy KL15: Protection of Significant Local Views**

This policy identifies 13 key views which are important to defining and reinforcing the sense of place and local distinctiveness.

It should be noted that view 11 is in both directions and it may be better to identify these as separate views as preferred but this is not a recommendation I feel I need to make in respect of the basic conditions.

The 13 views are shown on Figure 8.3 in the Plan and supported by evidence in Appendix D which includes a photograph and description of each view. The views have also been identified as part of the work on the Design Guidance and Code carried out by AECOM. The views along the Grand Union Canal and across the River Gade valley are specifically referred to in the Design Guidance and Code's design principles. The design principles indicate that views and sightlines to and from the existing built up areas should be preserved.

A representation suggests that the three views identified around Shendish Manor should be deleted (View 9) and amalgamated (views 8 and 10). In addition the representation offers support for views provided it is available from the public rights of way network and extends across the Gade valley. At my site visit, I viewed views 8, 9 and 10 from public footways. DBC confirmed in answer to my query that all these viewpoints are located on public rights of way.

I am satisfied, based on the evidence provided and my site visit, that the views selected are appropriate given the character, topography and setting of the Parish.

I note, as the Plan does, that some of the views are long distance and fall outside the Plan area. The Plan is clear that it can only relate to the land falling within the Plan area.

The wording of the policy does not prevent any development per se, but rather seeks to ensure that development does not have a detrimental impact on the views. I consider this to be an appropriate and sufficiently flexible approach. However, I recommend a modification to refer to the key features of the views to help with clarity.

There are also two further modifications in the interests of using consistent language.

With these modifications, the policy will have regard to national policy and guidance by recognising the intrinsic character and beauty of the countryside<sup>70</sup> and promoting and ensuring any development is sympathetic to local character including landscape settings,<sup>71</sup> is in general conformity with, and adds a local layer of detail to CS Policies CS10 and CS11 and help to achieve sustainable development.

<sup>70</sup> NPPF para 174

<sup>71</sup> Ibid para 130



Lastly, there is a syntax error just to correct.

- **Add the words “*key features of the*” after “...should be designed in a way that safeguards the...” in paragraph two of the policy**
- **Change the words “significant views” in the last sentence of paragraph two of the policy to “*locally significant views*”**
- **Change the title of Policy KL15 to “Protection of *locally significant views*”**
- **Change “Thirteens” in paragraph 8.27 of the Plan to “*Thirteen*”**

## **9 Transport**

### **Policy KL16: Protection and Enhancement of Key Movement Routes**

The NPPF is keen to ensure that transport issues are considered from the earliest stages of plan-making so that, amongst other things, opportunities to promote walking, cycling and public transport use are taken.<sup>72</sup> It indicates that planning policies should provide for well-designed walking and cycling networks.<sup>73</sup>

This policy encourages footpaths and cycleways networks and their connection to existing routes as well as signposting. It explains that monies collected from the Community Infrastructure Levy or via planning contributions will also be used for this purpose.

The policy is supported by a Walking and Cycling Network Proposals study from Sustrans.

It seems to me that this policy has particular regard to the NPPF, is in general conformity with the aims of CS Policy CS8 in particular and will help to achieve sustainable development. It meets the basic conditions and it is not necessary for me to recommend any modifications to it.

### **Policy KL17: Public Car Parking**

Given the rural nature of the area, there is high dependency on the private car with the Neighbourhood Area Profile explaining that there is higher than the national average level of car ownership with only 8% of residents having no access to a vehicle. Coupled with this is a desire to promote new and seek improvements to more sustainable

<sup>72</sup> NPPF para 104

<sup>73</sup> Ibid para 106

transport modes. There are currently two car parks within the village which are often full. The Public Realm Strategy's promotion of new village squares would result in the loss of some public car parking within the High Street.

This policy therefore supports the provision of additional car parking spaces to alleviate congestion on the High Street. It particularly supports the expansion of the Nap car park for 12 spaces. Alongside this, facilities for cyclists are encouraged with electric charging points.

I note that the Design Guidance and Code supports the creation of new on-street public car parking spaces (rather than off-street parking). However, having visited the village and seen the existing car park and its location within the village, I consider, in this case, this is an appropriate solution and can be considered alongside the benefits of the Public Realm Strategy.

The policy has regard to the NPPF which recognises there can be differences between the opportunities available in rural areas to maximise sustainable transport choices,<sup>74</sup> is a local expression of CS Policy CS8 and will help to achieve sustainable development. It therefore meets the basic conditions.

## **10 Community Facilities, Leisure and Recreation**

### **Policy KL18: Improving Opportunities for Community and Cultural Facilities, Sport and Recreation**

Policy KL18 covers a number of issues.

Firstly, it supports new community, recreational and leisure facilities or the enhancement of existing facilities subject to a number of criteria.

Secondly, the policy specifically supports the delivery of a number of specific improvements to various facilities including the Football Club, the secondary school and seeks the retention of the cricket square at the Steiner School site.

Thirdly, it seeks to protect community, leisure and recreational facilities unless alternative and equivalent facilities are provided.

The NPPF supports the retention of sports venues and open spaces amongst other things as part of its support for prosperous rural economies.<sup>75</sup> It supports policies that aim to achieve healthy, inclusive and safe places including sports facilities, allotments and high quality public spaces.<sup>76</sup>

<sup>74</sup> NPPF para 105

<sup>75</sup> *ibid* para 84

<sup>76</sup> *Ibid* para 92

The NPPF specifically refers to open spaces in setting out its social objective in relation to the achievement of sustainable development.<sup>77</sup> It indicates that planning policy should plan positively for the provision of open space, amongst other things, to provide the social, recreational and cultural facilities and services the community needs.<sup>78</sup>

Access to a network of high quality open spaces and opportunities for sport is important for the well-being and health of communities as well as delivering wider benefits for nature and supporting efforts to address climate change.<sup>79</sup>

The NPPF advises that existing open space, sports and recreational buildings and land should not be built on unless the facility is surplus to requirements or they would be replaced by equivalent or better provision or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the former or existing use.<sup>80</sup>

This policy seeks to retain local facilities, but sets out criteria where such a loss may be permitted. These include viability, replacement facilities and impact. The policy then supports the provision of new, extended or replacement facilities subject to a number of criteria. These include accessibility, effect on the local highway network and landscape character.

This policy has regard to the NPPF, is in general conformity with CS Policy CS23 which supports social infrastructure and helps to achieve sustainable development. The policy therefore meets the basic conditions. However, the policy and its supporting text refer to the retention of the cricket square at the Steiner School site as a proposed LGS. This is no longer the case and so a modification is made to update this.

- **Delete the words “...which is also designated as a Local Green Space within Policy KI11 (Local Green Spaces) of this Neighbourhood Plan” from criterion B. iii. of the policy**
- **Delete the words “The square is identified as a Local Green Space in Policy KL11.” from paragraph 10.9 in the cricket provision on page 75 of the Plan**

### **Policy KL19: Provision of Leisure Facilities for Children and Teenagers**

Recognising that some of the existing playgrounds need upgrading, this policy supports the provision of new and improved play areas and in particular encourages the provision of a playground in the west of the village which has a gap in such provision.

<sup>77</sup> NPPF para 8

<sup>78</sup> Ibid para 93

<sup>79</sup> Ibid para 98

<sup>80</sup> Ibid para 99

In line with the NPPF's stance on community facilities detailed in the discussion of the previous policy, this policy has regard to the NPPF, is in general conformity with CS Policy CS23 and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

### **Policy KL20: Allotments and Community Growing Spaces**

Allotments promote healthy communities and, as well as providing a meeting place and shared space and recreation facility, they provide the opportunity to grow food and can promote biodiversity.

The NPPF supports policies that aim to achieve healthy, inclusive and safe places including allotments.<sup>81</sup>

This policy supports allotments and community growing spaces in new developments and resists the loss of others unless appropriate and equivalent replacement provision is made.

I consider the policy is in line with national policy and guidance, is in general conformity with CS Policy CS23 and will help to achieve sustainable development. It meets the basic conditions.

### **Policy KL20: Allotments and Community Growing Spaces**

This policy supports the provision of accessible public toilets including a Changing Places facility. There is no public toilet provision currently and the Plan recognises the need for provision as a priority.

I consider the policy meets the basic conditions; it has regard to the NPPF which seeks to achieve healthy, inclusive and safe places and to provide the facilities and services the community needs,<sup>82</sup> it is in general conformity with CS Policy CS23 which supports the provision of social infrastructure and will particularly help to achieve sustainable development.

## **11 Implementation and Plan Review**

This is an important section that contains well thought through, detailed and appropriate actions to ensure that the Plan remains relevant. I welcome the intention

<sup>81</sup> NPPF para 92

<sup>82</sup> Ibid paras 92, 93

to monitor the application of the Plan's policies even though this is not a current requirement for neighbourhood plans.

## **12 Infrastructure Improvements and Community Projects**

This is a detailed section that explains how CIL monies may be used and sets out the current priorities.

## **13 Policies Maps**

A Policies Map with an Inset is included in the Plan and I welcome this initiative. They are well presented and detailed.

## **14 Glossary**

A useful glossary is included.

## **15 List of Evidence Documents**

A list of evidence documents is to be found in the Plan.

## **Appendices**

A number of appendices follow.

Appendix A is a profile of the Plan area.

Appendix B is the Design Guidance and Code. Both these appendices are separate documents because of their size.

Appendix C contains details of the proposed LGSs and includes a link to the LGS Review document. In view of the modification recommended in respect of Policy KL11, consequential amendments should be made to this appendix.

Appendix D details the locally significant views, subject of Policy KL15.

Appendix E contains definitions of accessible toilets in conjunction with Policy KL21.

## **8.0 Conclusions and recommendations**

I am satisfied that the Kings Langley 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 Dacorum Borough Council that, subject to the modifications proposed in this report, the Kings Langley 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 Kings Langley Neighbourhood Development Plan should proceed to a referendum based on the Kings Langley Neighbourhood Plan area as approved by Dacorum Borough Council on 28 October 2019.

*Ann Skippers* MRTPI

Ann Skippers Planning

15 August 2022

## **Appendix 1 List of key documents specific to this examination**

Kings Langley Neighbourhood Plan 2020 – 2038 Submission Version (Regulation 16) November 2021

Appendix A Neighbourhood Area Profile September 2020

Appendix B Design Guidance and Code Final Report May 2021

(AECOM) Basic Conditions Statement November 2021

Consultation Statement Submission Version (Regulation 16) November 2021

Re-screening Statement in the determination of the need for a Strategic Environmental Assessment (SEA) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and European Directive 2001/42/EC for the Kings Langley Neighbourhood Development Plan 22 June 2022 (DBC)

Local Green Spaces Review June 2021 (amended November 2021) Public Realm Strategy (Arup)

Housing Needs Assessment June 2020 (Urban Vision Enterprise

CIC) Walking & Cycling Network Proposals V1.0 July 2018

(Sustrans) Community Feedback on 2020 Engagement

Dacorum Borough Local Plan 1991 – 2011 adopted 21 April 2004

Site Allocations 2006 – 2031 adopted 12 July 2017

Core Strategy 2006 – 2031 adopted 25 September 2013

Dacorum Local Plan (2020 – 2038) Emerging Strategy for Growth November 2020

**List ends**

## Appendix 2 Questions of clarification

### **Kings Langley Neighbourhood Plan Examination**

#### **Questions of clarification from the Examiner to the Parish Council and DBC**

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 would DBC confirm when Regulation 16 period of consultation started.
2. Please confirm whether the Parish Council has made any comments on any or all of the representations received at the Regulation 16 stage of consultation. If comments have been made please could these be forwarded to me? I am keen to ensure I'm not missing anything.
3. With regard to draft Policy KL11, Local Green Spaces (LGS), please would DBC confirm whether the proposed area for the Shendish Manor LGS overlaps or is the same as the land covered by any extant planning permissions as per the representation made on behalf of the Shendish Manor Hotel. It may be useful for a simple map showing any overlap to be provided.
4. Please confirm whether there are any public rights of way in the vicinity of Shendish Manor, and if so, whether the viewpoints identified as 8, 9 and 10 in draft Policy KL15 are all "seen" from public vantage points.

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  
25 July 2022