



Intelligent Plans
and examinations

Report on the Redbourn Neighbourhood Plan 2020 – 2038

An Examination undertaken for St Albans City and District Council with the support of Redbourn Parish Council on the May 2022 submission version of the Plan.

Independent Examiner: Andrew S Freeman BSc (Hons) DipTP DipEM FRTPI

Date of Report: 20 December 2022

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Main Findings - Executive Summary

From my examination of the Redbourn Neighbourhood Plan (the Plan) and its supporting documentation, including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – Redbourn Parish Council;
- the Plan has been prepared for an area properly designated – the Redbourn Neighbourhood Plan Area – Figure 1 on page 4 of the Plan;
- the Plan specifies the period to which it is to take effect – 2020 - 2038; and
- the policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Redbourn Neighbourhood Plan 2020 - 2038

- 1.1 Redbourn is a village and civil parish in Hertfordshire within the administrative area of the City and District of St Albans. St Albans lies some 6km to the southeast with Hemel Hempstead to the southwest and Harpenden to the northeast. The village lies on Roman Watling Street. In contrast, the M1 motorway cuts through the western part of the parish.
- 1.2 The parish was designated as a neighbourhood area by the City and District of St Albans in November 2013 following earlier thoughts of a parish plan. Since then, plan preparation has proceeded in a number of phases. The resultant Neighbourhood Plan has a comprehensive vision statement, five objectives and 12 policies.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Redbourn Neighbourhood Plan by St Albans City and District Council with the agreement of Redbourn Parish Council.

- 1.4 I am a chartered town planner and former government Planning Inspector with over forty years' experience. I have worked in both the public and the private sectors. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"). The examiner must consider:
- Whether the plan meets the Basic Conditions;
 - Whether the plan complies with provisions under Section 38A and Section 38B of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
 - Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
 - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ("the 2012 Regulations").
- 1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the plan is compatible with the Human Rights Convention.

The Basic Conditions

- 1.8 The “Basic Conditions” are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan for the area;
 - be compatible with and not breach European Union (EU) obligations (under retained EU law)¹; and
 - meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires 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 2017.²

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of St Albans City and District Council, not including documents relating to excluded minerals and waste development, includes the saved policies from the St Albans District Local Plan Review 1994. There is an emerging Local Plan in the form of the Local Plan 2020 - 2038 but this is at a relatively early stage of preparation.
- 2.2 Planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

¹ The existing body of environmental regulation is retained in UK law.

² This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Redbourn Neighbourhood Plan 2020 - 2038, May 2022;
 - a map which identifies the area to which the proposed Neighbourhood Development plan relates (Figure 1 on page 4 of the Plan);
 - the Consultation Statement, May 2022;
 - the Basic Conditions Statement, May 2022;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Report, November 2021, prepared for Redbourn Parish Council;
 - the Redbourn Design Guidance and Codes, August 2021;
 - the Redbourn Housing Needs Assessment, January 2021;
 - the Redbourn Local Green Space Assessment, October 2021, updated April 2022; and
 - the request for additional clarification sought in my letter dated 1 November 2022 and the response dated 21 November 2022 from Redbourn Parish Council.³

Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 14 November 2022 to familiarise myself with it and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

³ View at: <https://www.stalbans.gov.uk/neighbourhood-planning>

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3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Redbourn Neighbourhood Plan has been prepared and submitted for examination by Redbourn Parish Council which is a qualifying body for an area that was designated by St Albans City and District Council on 21 November 2013.
- 3.2 It is the only neighbourhood plan for the Redbourn Neighbourhood Plan Area and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2020 to 2038.

Neighbourhood Plan Preparation and Consultation

- 3.4 The Redbourn Neighbourhood Plan has been prepared in a number of distinct phases. Details are set out in the Parish Council's Consultation Statement dated May 2022.
- 3.5 Consultation with the public was carried out as early as May 2011 when a meeting was held to discuss the possibility of a parish plan. In the event, the results were carried forward and informed an early stage of neighbourhood plan preparation with designation taking place on 21 November 2013.
- 3.6 From 2014 to 2018, plan preparation proceeded with the then emerging Local Plan providing the essential context. The main focus was on the identification and allocation of development sites. Consultation on a related version of the Neighbourhood Plan took place in January and February 2018. However, the draft Neighbourhood Plan was overtaken by events with the withdrawal of the emerging Local Plan at an early stage of its examination.
- 3.7 From that time, the Neighbourhood Plan preparation entered a new phase. A new consultation event took place in December 2020 with supporting engagement material, including a video, as well as an on-line questionnaire. Consultation confirmed that the vision and objectives were well supported. However, a criteria-based approach to development and the establishment of design principles became the new focus, in addition to the review of ideas for policies and projects to help strengthen the High Street, its retail and visitor offer.
- 3.8 Following further engagement and comments, including feedback from the City and District Council, a revised Plan was finalised. Related consultation under Regulation 14 took place over an eight-week period

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between 1 December 2021 and 25 January 2022, subsequently extended until 14 April 2022 to allow for responses from statutory consultees.

- 3.9 The Regulation 14 consultation elicited 77 responses from a mixture of local residents, local organisations, those responding on behalf of the development industry and the statutory consultees. Details are set out in Volume 3 of the Consultation Statement with a summary of the process in Volume 1.
- 3.10 At the Regulation 16 stage (14 July 2022 to 9 September 2022), representations were made by some 26 different parties. They included the District and County Councils as well as developers and landowners, statutory consultees and local residents.
- 3.11 I am satisfied that, at both the Regulation 14 and the Regulation 16 stages, the consultation process met the legal requirements and there has been procedural compliance. Regard has been paid to the advice on plan preparation and engagement in the PPG.

Development and Use of Land

- 3.12 The Plan sets out policies in relation to the development and use of land in accordance with Section 38A of the 2004 Act.

Excluded Development

- 3.13 The Plan does not include provisions and policies for “excluded development”.

Human Rights

- 3.14 Redbourn Parish Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998). From my independent assessment, I see no reason to disagree.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) on behalf of Redbourn Parish Council, which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Report, I support this conclusion.
- 4.2 The Redbourn Neighbourhood Plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. The Plan area is not in close proximity to a European designated nature site.

Natural England agreed with this conclusion.⁴ From my independent assessment of this matter, I have no reason to disagree.

Main Issues

4.3 Having regard for the Redbourn Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are eight main issues relating to the Basic Conditions for this examination. These concern:

- Redbourn High Street
- Employment
- Natural Environment
- New Development
- Community Facilities
- Getting Around
- Design
- Built Heritage

4.4 Before I deal with the main issues, I have a few observations to make with regard to the representations. First, the Redbourn Neighbourhood Plan should be seen in the context of the wider planning system. This includes the saved policies from the St Albans District Local Plan Review 1994 as well as the NPPF and PPG. It is not necessary to repeat in the Neighbourhood Plan matters that are quite adequately dealt with elsewhere.⁵ Having said that, there may be scope to give emphasis to matters particularly relevant in the context of Redbourn.

4.5 Secondly, the Neighbourhood Plan does not have to deal with each and every topic raised through the consultation. In this regard, the content of the Neighbourhood Plan and the scope of the policies is largely at the discretion of the qualifying body, albeit informed by the consultation process and the requirements set by the Basic Conditions.

4.6 Thirdly, my central task is to judge whether the Neighbourhood Plan satisfies the Basic Conditions. Many of the representations do not demonstrate or indicate a failure to meet those conditions or other legal requirements. Similarly, many of the suggested additions and improvements are not necessary when judged against the Basic Conditions.

4.7 The following section of my report sets out modifications that are necessary in order to meet the Basic Conditions. Some of the proposed modifications are factual corrections.⁶ Others are necessary in order to have closer regard to national policies and advice. In particular, plans

⁴ See email dated 18 October 2021 in Appendix 1 of the Screening Report.

⁵ See NPPF Paragraph 16 f).

⁶ Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

should contain policies that are clearly written and unambiguous.⁷ In addition, the policies should be supported by appropriate evidence.⁸

Issue 1 – Redbourn High Street

4.8 Paragraph 1 of Policy RED 1 identifies uses that will be strongly supported in parts of Redbourn High Street. However, there are a number of clarity issues:

- The provision applies to the Primary Shopping Frontages and Class E shop frontage as shown on Figure 16 (and referenced in a footnote). However, the Class E frontage is inaccurately described in Footnote 12 as the “Class A frontage”.
- Figure 16 shows “Primary frontage of village centre uses”; but the notation also includes the Class E shop frontage. The two types of frontage should be separately distinguished in the figure.
- Paragraph 1 refers to various Use Classes together with a short description of those classes. To ensure accuracy, full descriptions of all the classes to which reference is made should be set out in the Glossary.
- For consistency, “pubs and drinking establishments” should be referred to as “drinking establishments” (the former Class A4 Use Class) throughout the policy.
- In Paragraph 1 and elsewhere, pubs and drinking establishments are referred to as “sui generis”. Such a description is unnecessary.

4.9 Paragraph 2 of the policy indicates that the loss of pubs and drinking establishments will “generally” be resisted. There will always be exceptions to the development plan where material circumstances dictate. For clarity, “generally” should be omitted. In addition, the sentence does not make clear from where any losses will be resisted. This is intended to be the combined Primary Shopping Frontage and the Class E frontage.⁹ Again, a clarification is needed.

4.10 The paragraph continues by saying that “Opportunities to protect these facilities (such as listing as assets of community value) will be supported”. This reference should be deleted. It has no bearing in regard to development management decisions.

4.11 Paragraph 3 refers to “such changes of use”. This refers to changes from Class E.(a) retail and should be clarified in a modification.

⁷ NPPF, Paragraph 16 d).

⁸ PPG Reference ID: 41-041-20140306.

⁹ See Parish Council’s response dated 21 November 2022 to my questions.

- 4.12 In Paragraph 4, the reference to Use Classes can be simplified by reference to an updated Glossary. There is also reference to “these frontages”. This means the Primary Shopping Frontage and the Class E frontage¹⁰ but this needs to be clarified in a modification. As to the sentence supporting short term leasing arrangements, this should be deleted. Leasing arrangements are outside the planning system. The policy should also be clarified with a definition of “pop-up” shops.
- 4.13 Finally, Paragraph 5 repeats the provisions of Paragraph 3 (as proposed to be modified) and should be deleted. This and all other changes would be made through proposed modification **PM1**.

Issue 2 – Employment

- 4.14 The first paragraph of Policy RED 2 refers to “small-scale” proposals. This is intended to refer to those schemes generating up to 500 sq m of employment floorspace.¹¹ Clarification is needed through a modification.
- 4.15 The paragraph continues by referring to conversions of existing buildings “across the Neighbourhood Plan area” but then to conversions “within the settlement boundary”. The former is intended to apply to conversions outside the built-up area.¹² Again, clarification is needed.
- 4.16 Further uncertainty arises in the use of the term “local green ventures” in the second paragraph of the policy. This term should be defined in the glossary in line with the intentions of the Parish Council.¹³ This and the other necessary changes to RED 2 would be achieved through proposed modification **PM2**.

Issue 3 – Natural Environment

- 4.17 Policy RED 3 identifies 10 sites as potential Local Green Spaces. Of these, I note that three fall within the Green Belt. These are Flamsteadbury Park, Ver Meadows and Millennium Site. In this regard, Planning Practice Guidance advises¹⁴ that consideration should be given to whether any additional local benefit would be gained by designation of Local Green Space. I have limited evidence to suggest that this is so.
- 4.18 I appreciate that at least one of the sites has been the subject of developer interest and designation as a Local Green Space would afford additional protection. However, this is a matter to be determined through the Local Plan process and an examination of whether there are exceptional circumstances for taking the site out of the Green Belt.

¹⁰ See Parish Council’s response dated 21 November 2022 to my questions.

¹¹ See Parish Council’s response dated 21 November 2022 to my questions.

¹² See Parish Council’s response dated 21 November 2022 to my questions. For consistency and accuracy, the term “outside the settlement boundary” should be used, as discussed later.

¹³ See Parish Council’s response dated 21 November 2022 to my questions.

¹⁴ PPG Reference ID: 37-010-20140306.

Strategic considerations should apply in this case. In the meantime, Green Belt protection will apply.

- 4.19 The Parish Council has argued¹⁵ that Green Belt status alone does not recognise the importance of the River Ver, particularly for wildlife; also, that designation as Local Green Space does not preclude the wider site coming forward for development at a later date. Be that as it may, I am also aware that designations should be capable of enduring beyond the end of the plan period.¹⁶ I see no overriding reason why national policy should not prevail.
- 4.20 The second paragraph of the policy sets out considerations that will apply to applications for development on the Local Green Spaces. However, the most important consideration is for policies managing development to be consistent with those for Green Belts.¹⁷ An appropriate reference to national policy needs to be added.
- 4.21 Paragraph 3 of the policy (not interfering with management regimes or existing burdens) is essentially for information. It should be moved to the supporting text rather than forming part of the policy. This and the other changes to RED 3 would be achieved under proposed modification **PM3**.
- 4.22 With the exception of the Green Belt sites, I consider that the identified spaces are appropriate for designation as Local Green Space and the policy would accord with national policies and guidance.
- 4.23 Policy RED 4 concerns biodiversity and, amongst other things, "aims to secure" a net biodiversity gain of at least 10%. In line with the provisions of the Environment Act 2021, I would expect a 10% net gain in biodiversity to be an unambiguous requirement, positively expressed, and linked to Natural England's Biodiversity Metric 3.1 (or subsequent version). This would be achieved through proposed modification **PM4**.

Issue 4 – New Development

- 4.24 Policy RED 5 addresses housing mix. However, two clarifications are required as set out in proposed modification **PM5**:
- In Paragraph 4, the allocation of affordable housing to those with a local connection will be supported. However, the allocation of property is not a planning matter. Rather, the policy should support the *occupation* of affordable housing by those with a local connection.
 - Paragraph 6 refers to the ten key design principles developed by the Housing our Ageing Population Panel for Innovation (HAPPI) group. For clarity, a link to the principles should be provided within the policy.

¹⁵ See Parish Council's response dated 21 November 2022 to my questions.

¹⁶ NPPF, Paragraph 101.

¹⁷ NPPF, Paragraph 103.

- 4.25 I have considered whether Policy RED 5 (and other policies) should apply to the Hemel Garden Communities (HGC) project. This is a proposal for a major strategic urban extension to Hemel Hempstead that, although it would be adjacent to the northeastern quadrant of Hemel Hempstead and west of the M1 motorway, would be located within Redbourn parish.
- 4.26 The provisions of Policy RED 5, and other related matters, have been informed by the results of the Housing Needs Assessment for Redbourn parish, covering the period 2021-2036. The policy has been drawn up so as to meet the needs of the parish. It may well be that, when policies for the HGC project come to be determined, the evidence will support a different set of priorities. However, adoption of the new local plans for St Albans and for Dacorum (Hemel Hempstead) is some years away.
- 4.27 There is no certainty about the policies that will govern implementation of the HGC project. In the meantime, the Redbourn Neighbourhood Plan is at an advanced stage of preparation. It is appropriate for the Neighbourhood Plan to be determined on the basis of current known evidence albeit that future strategic policy may take a different direction.
- 4.28 Policy RED 6 (Suitable Sites for New Development) opens by saying that proposals for major developments will need to satisfy policies in the NPPF for development in the Green Belt and rural areas. Three clarifications are needed. First, not all such development will fall within the Green Belt or in a rural area. "As appropriate" should be added. Secondly, "major development" needs to be defined. Thirdly, the policy applies to new housing sites; but that is not stated.
- 4.29 The policy continues by making reference to "the built-up area". This is intended to be¹⁸ the area defined on the Policies Map accompanying the Local Plan. However, clarification is needed. For consistency with the Policies Map (and with Policy RED 7), the terms "settlement boundary" should be used.
- 4.30 A further policy provision concerns traffic noise such that major development proposals should "be situated away from the major road network and in low noise zones unless noise pollution can be mitigated through landscaping and noise buffers". This gives rise to a number of issues:
- "Low noise zones" are not defined. Whilst the Parish Council envisages areas where road noise averages below 55 decibels during the day,¹⁹ this is a crude measure that takes no account of matters including internal noise levels or night-time noise.
 - Landscaping and noise buffers *alone* are mentioned as mitigation measures. My own experience indicates that, although there may be a psychological benefit, landscaping is not very effective in reducing

¹⁸ See Parish Council's response dated 21 November 2022 to my questions.

¹⁹ See Parish Council's response dated 21 November 2022 to my questions.

noise nuisance. In addition, mitigation is not limited to noise buffers. Other measures include orientation of facades, development layout and use of double or triple-glazing.

- 4.31 All in all, the evidence does not support the provisions on traffic noise nuisance. An alternative form of wording is set out in the proposed modification.
- 4.32 With regard to scale, mass and form, the policy calls for development to be consistent with landscape character as defined in the Redbourn Design Guide and Codes. This requirement is appropriate in areas outside the settlement boundary. Elsewhere, there should be consistency with existing built form. Such a requirement should be added to the policy.
- 4.33 Finally, the policy makes reference to the "zone of influence around the Chiltern Beechwoods SAC".²⁰ For clarity, this needs to be defined and a link provided. See proposed modification **PM6** for relevant amendments.

Issue 5 – Community Facilities

- 4.34 Turning to Policy RED 7 (Redbourn Leisure Centre), this uses the term "settlement boundary". For clarity, a footnote needs to be added to refer readers to the Local Plan Policies Map. A suitable amendment is set out in proposed modification **PM7**.
- 4.35 The subject of Paragraph 2 of Policy RED 8 is new youth facilities. These will be welcome where they are "accessible to the community". This means in a physical sense as well as in terms of being "open to the public".²¹ However, this needs to be made clear. It should be noted that access by the public (for example, to the school) can only be achieved where practical. An alternative form of wording is needed.
- 4.36 Accessibility is also referenced in Paragraph 3.c) of the policy but this means just in a physical sense.²² Suitable clarifications are set out in proposed modification **PM8**.

Issue 6 – Getting Around

- 4.37 In Policy RED 9 (Active Travel), there is reference to a number of external documents. These are the District Council's Validations Majors Checklist; Local Walking and Cycling Infrastructure Plans; the most recent addition of the HCC Rights of Way Improvement Plan; and DfT Cycle Infrastructure Design TNL 1/20. For clarity, links should be provided in the policy to all these documents.

²⁰ Special Area of Conservation (SAC).

²¹ See Parish Council's response dated 21 November 2022 to my questions.

²² See Parish Council's response dated 21 November 2022 to my questions.

4.38 Paragraph 7 of the policy calls for “proposals for residential development” to provide secure cycle storage. This provision is intended to apply to new homes only, not for example householder developments.²³ Clarifications to the policy would be provided through proposed modification **PM9**.

Issue 7 – Design

4.39 Amongst other things, Policy RED 10 (High Quality Design) refers to character areas and “positive features” identified in the Redbourn Design Guidelines and Codes. Whilst defining features are tabulated in the Design Code, positive features are not actually identified as such. For clarity, reference should be made to defining features.

4.40 Paragraph 3.e) of the policy makes reference to “Lifetime Home Standards”. However, such standards are now contrary to Government policy as set out in a written statement to Parliament by the Secretary of State for Communities and Local Government on 25 March 2015.²⁴ The reference should be deleted.

4.41 Paragraph 3.g) calls for development to be orientated so as to maximise solar gain. However, the avoidance of overheating is also a relevant consideration. The provision should be qualified accordingly.

4.42 Amendments that would secure clarity, recognise the evidence and accord with Government policy are set out in proposed modification **PM10**.

4.43 Policy RED 11 deals with sustainable design. To a greater or lesser extent, this topic is covered in NPPF Section 14 (Meeting the challenge of climate change, flooding and coastal change). I find that there has been regard for national policy and that the Basic Conditions have been met.

Issue 8 – Built Heritage

4.44 In Policy RED 12 (Non-Designated Heritage Assets), there are two references to enhancement. The first says that development proposals should protect *and where appropriate* enhance non-designated heritage assets. The second says that all new development should seek to conserve *and* enhance any non-designated heritage assets.

4.45 In this regard, there is no evidence to suggest that, to meet the objectives of the policy, both protection/conservation *and* enhancement are necessary. Proposals that preserve the non-designated heritage assets would also be acceptable if enhancement were not possible. By analogy, to preserve or enhance would also accord with the statutory test

²³ See Parish Council’s response dated 21 November 2022 to my questions.

²⁴ View at: [Written statements - Written questions, answers and statements - UK Parliament](#)

contained in primary legislation.²⁵ In the light of the evidence, and to meet the Basic Conditions, proposed modification **PM11** is appropriate.

Other Matters

- 4.46 There are several instances where policies in the Plan refer to developments being “permitted”. As, strictly speaking, it is the local planning authority that grants or denies permission, in Policies RED 1, RED 3, RED 5 and RED 7 references to permitted should be replaced with “supported”. **(PM12)**
- 4.47 All policy areas have been considered in the foregoing discussion. With the modifications that I have recommended, the Plan would meet the Basic Conditions. Other minor changes (that do not affect the Basic Conditions), as well as consequential amendments, corrections and updates, could be made prior to the referendum at the Councils’ discretion.

5. Conclusions

Summary

- 5.1 The Redbourn Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Redbourn Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

²⁵ Planning (Listed Buildings and Conservation Areas) Act 1990, Section 69(1)(a).
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Overview

- 5.4 It is evident that a considerable amount of time and effort has been devoted to the development and production of this Plan and I congratulate those who have been involved. The Plan should prove to be a useful tool for future planning and change in Redbourn over the coming years.

Andrew S Freeman

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 25	<p>In the first paragraph of Policy RED 1, delete "(formerly Class A)". Replace all the text after "Figure 16," with the following:</p> <p>"uses within Classes E.(a)-(c), (e), (f), F.1 and F.2 together with drinking establishments (see Glossary) will be strongly supported".</p> <p>Replace the second paragraph with the following: "The loss of drinking establishments from the combined Primary Retail Frontage and the Class E frontage will be resisted."</p> <p>In the third paragraph, replace "Such changes of use" with "Changes from Class E.(a) retail".</p> <p>In Paragraphs 3 a) and b), delete "Use Class sui generis pubs and". Insert "(a)" after "Class E".</p> <p>Replace the first sentence of Paragraph 4 with the following:</p> <p>"The use of vacant premises for temporary uses that fall within Classes E.(a)-(c), (e), (f), F.1 and F.2 together with drinking establishments will be supported along the Primary Shopping Frontage and the Class E frontage."</p> <p>Delete the second sentence. In the third sentence, insert "(see Glossary)" after "pop up' shops".</p> <p>Delete Paragraph 5.</p> <p>In Footnote 12, change "Class A" to "Class E".</p>

		<p>In Figure 16, show both the Primary Shopping Frontage and the Class E Frontage. Amend the key accordingly.</p> <p>In the Glossary, give the description of Use Classes E.(a)-(c), (e), (f), F.1 and F.2 together with drinking establishments and 'pop-up' shops. "Pop-up shops are temporary retail stores that are open for a short period of time in order to take advantage of a passing fad, seasonal demand or economic opportunity. They include holiday markets, Halloween and firework stores, certain niche retailers and limited engagement experimental retailers."</p>
PM2	Page 35	<p>In the first paragraph of Policy RED 2, insert "(up to 500 sq m of employment floorspace)" after "small-scale".</p> <p>Add "but outside the settlement boundary" after "across the Neighbourhood Plan area".</p> <p>In the second paragraph, after "local green ventures", insert "(see Glossary). In the Glossary, add "Local Green Ventures are local businesses that do not make any negative impacts on the environment, economy or community. They use environmentally sustainable resources and uphold socially responsible policies. They include those companies involved in the circular economy."</p>
PM3	Page 39	<p>In Policy RED 3 (and in the supporting text), delete reference to sites 2), 7) and 9).</p> <p>In Paragraph 2, at the end of the first sentence, add: "and in the National Planning Policy Framework".</p> <p>Move Paragraph 3 to the supporting text.</p>
PM4	Page 42	<p>In the first sentence of Policy RED 4, delete "aim to".</p>

		In the second paragraph, substitute "Natural England's Biodiversity Metric 3.1 (or subsequent version)" for "Natural England/Defra Biodiversity Metric".
PM5	Page 47	In Policy RED 5, Paragraph 4, substitute "Occupation" for "Allocation". In Paragraph 6, provide a link to the design principles.
PM6	Page 49	Change the title of Policy RED 6 to "New Housing Sites". After "major development", add a footnote "see NPPF Glossary". After "rural areas", add "as appropriate". Change "built-up area" to "settlement boundary" and add a footnote "see Local Plan Policies Map". Substitute the following for Paragraph 1 c): "be sited and designed so as to avoid exposure by residents, after any mitigation, to significant levels of traffic noise". In Paragraph 1 e), before "the landscape character", add "existing built form or". In Paragraph 3, provide a link to the source document showing the zone of influence around the Chiltern Beechwoods SAC.
PM7	Page 51	In Policy RED 7, after "settlement boundary", add a footnote "see Local Plan Policies Map".
PM8	Page 53	In the second paragraph of Policy RED 8, replace "accessible to the community" with "physically accessible to the community and, where practical, open to the public". In Paragraph 3 c), insert "physically" before "accessible".
PM9	Page 58	In Policy RED 9, provide links to the following documents: the District Council's

		<p>Validations Majors Checklist; Local Walking and Cycling Infrastructure Plans; the most recent addition of the HCC Rights of Way Improvement Plan; and DfT Cycle Infrastructure Design TNL 1/20.</p> <p>In Paragraph 7, replace "residential development" with "new homes".</p>
PM10	Page 62	<p>In the second paragraph of Policy RED 10, substitute "defining features" for "positive features".</p> <p>Delete Paragraph 3 e).</p> <p>At the end of Paragraph 3 g), add "whilst avoiding overheating".</p>
PM11	Page 67	<p>In Paragraph 1 of Policy RED 12, replace "should protect and where appropriate enhance" with "shall protect or enhance".</p> <p>In Paragraph 1 a), replace "should seek to conserve and enhance" with "shall conserve or enhance".</p>
PM12	Pages 25, 39, 47 and 51	<p>In Policies RED 1, RED3, RED 5 and RED 7 replace references to "permitted" with "supported".</p>