

**Wheathampstead Neighbourhood Development Plan**  
**Responses to Independent Examiner's Initial Questions**  
**Prepared by Wheathampstead Parish Council**

**27 June 2022**

This response has been prepared by Wheathampstead Parish Council. We are grateful for the opportunity to provide further clarification on the points raised. Responses are set out below, where the numbering corresponds to that contained in the Clarification Note.

**Questions for St Albans City and District Council and Wheathampstead Parish Council**

**Q2 Policy W2 D – “Priority must be given to the allocation of affordable housing to those with a local connection”:**

**Is it possible to require such priority in a planning application/decision?**

The process for deciding housing allocations is set out in the St Albans Housing Allocations Policy: (<https://www.stalbans.gov.uk/sites/default/files/attachments/Housing%20Allocations%20Policy%20February%2021.pdf>). This includes giving priority to those with a local connection, which can be achieved through S106.

**Is this not the role of the housing authority/housing association?**

See previous answer.

**Is it the intention that all affordable housing should be first occupied by those with a local connection?**

Yes.

**If this were the case, what would happen if there were no applicants on the waiting list with a local connection?**

If there are no applicants with a local connection, which is very unlikely to be the case, then the priority would fall away.

**Q3 Policy W2 D – Local connection *at the time of sale*: Should this read “at the time of occupation” or similar?**

It is agreed that “at the time of occupation” would be a sensible approach.

**Questions for Wheathampstead Parish Council**

**Q4. Is the Parish Council satisfied that the Neighbourhood Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998)?**

The Neighbourhood Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998. The Parish Council is satisfied that the Neighbourhood Plan has done so.

**Q5. First Homes: Having regard to guidance in the Planning Practice Guidance (PPG) (Reference ID: 70-018-20210524), neighbourhood plans should take account of the new First Homes requirements. Please respond.**

The Regulation 16 Version Neighbourhood Plan was produced prior to the introduction of First Homes.

The Parish Council would be keen to include a clause on this new type of affordable housing, potentially at the beginning of Policy W2 (A), for instance:

“All new residential development within Wheathampstead must provide a quantity of affordable housing in line with the requirements contained within the St Albans District Local Plan Review or its successor. Affordable homes should be well integrated with market housing. The provision and mix of affordable units for new development must comply with the National Planning Practise Guidance on First Homes, which requires 25% of all affordable housing units to comprise of First Homes. The remaining housing mix for development proposals must contribute to meeting the identified housing needs of Wheathampstead parish.”

The introduction of First Homes gives neighbourhood planning groups the opportunity to prioritise those with a connection to the parish to be prioritised for this first 25% of affordable homes. We would keen to caveat the local connection part of Policy W2 with:

“At least 25% of the affordable housing units must be delivered as First Homes, with priority given to those with a *local connection* to Wheathampstead Parish”.

**Q6. Policy W1: Where is the settlement boundary? This does not appear to be shown on the Policies Map/Inset.**

An amended Policy Map showing the settlement boundary is attached with this response.

**Q7. Policy W1: What are to be regarded as “appropriate uses in the countryside”? Please identify the saved policies of the St Albans District Plan Review that set out such uses. By limiting “appropriate uses” to those that accord with the Local Plan Review, is there other development that would be precluded under the Neighbourhood Plan (for example, that identified in Paragraph 80 of the National Planning Policy Framework). If so, what is the justification for limiting the allowable uses to those set out in Policy W1?**

It is understood that a neighbourhood plan must be examined on the basis of the existing development plan. The area beyond the settlement boundary of Wheathampstead is wholly within the Green Belt. Policy 1 of the District Plan Review ([https://www.stalbans.gov.uk/sites/default/files/documents/publications/planning-building-control/district-local-plan-review-1994/District%20Local%20Plan%20Review%201994%20Saved%20and%20Deleted%20Policies%20Version%20\[July%202020\].pdf](https://www.stalbans.gov.uk/sites/default/files/documents/publications/planning-building-control/district-local-plan-review-1994/District%20Local%20Plan%20Review%201994%20Saved%20and%20Deleted%20Policies%20Version%20[July%202020].pdf), p. 12) sets out in paragraph 3, the uses that would be considered appropriate in the Green Belt:

Within the Green Belt, except for development in Green Belt settlements referred to in Policy 2 or in very special circumstances, permission will not be given for development for purposes other

than that required for:

- a) mineral extraction;
- b) agriculture;
- c) small scale facilities for participatory sport and recreation;
- d) other uses appropriate to a rural area;
- e) conversion of existing buildings to appropriate new uses, where this can be achieved without substantial rebuilding works or harm to the character and appearance of the countryside.

*Extract from Policy 1 of the St Albans District Plan Review*

Uses included in Para 80 of the NPPF, but not mentioned in either the St Albans District Plan Review or the Neighbourhood Plan, are:

- “a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”

**Q8. Policy W1: To qualify for an exemption under paragraph B, it is presumed that the requirements of sub-paragraphs i, ii and iii *all* need to be satisfied whilst sub-paragraph iv sets out a separate category of exemption (not dependent upon the other three sub-paragraphs). Is that correct?**

The Parish Council considers that in fact the development should be required to meet only at least one of the criteria and would be minded to substitute the word “and” to “or”.

**Q9. Policy W2 C – “Strategic Housing Market Assessment”: Is this a reference to the Strategic Housing Market Assessment 2016?**

This is correct.

**Q10. Policy W3 B i: Is it essential that, in the planting of trees and hedgerows, *all* stock shall be native species? How is “disease resistance” to be demonstrated?**

Native species are prioritised, in line with the recommendations of The Woodland Trust’s Emergency Tree Plan for the UK (<https://www.woodlandtrust.org.uk/media/47692/emergency-tree-plan.pdf>). This advocates protecting and restoring existing trees and native woodland, and investing in UK tree nurseries to enable a rapid expansion of UK-grown trees to reduce disease risk of importing trees. UK sourced and grown trees can reduce the risks of importing tree pests and disease into the country. The supporting text could be enhanced to reference this and provide clarity that disease resistance is radically reduced by the use of native species.

The group would be minded to use 'prioritised' in place of 'all'.

**Q11. Policy W5: To give appropriate clarity, is there a plan that identifies "the River Lea Corridor environment and approaches to it" or other way of confirming the land to which this policy will apply?**

The intention of the policy is to preserve the River Lea corridor including access and views. The definition of the corridor would mirror that of the Landscape Conservation Area 33 described in the South Hertfordshire Landscape Character Assessment: <https://www.hertfordshire.gov.uk/media-library/documents/environment-and-planning/landscape/landscape-character-assessments/area033.pdf>. Practically, given that the Environment Agency has a particular interest in land within 8m of the watercourses, the river corridor might be taken as including a strip of land 8m wide adjacent to the river.

**Q12. Policy W6: Are any of the proposed sites privately owned? If so, has there been direct consultation with the owners/any objection to designation from the owners?**

The following proposed Local Green Spaces:

1. **Diamond Jubilee Garden** - The land is under licence to the Parish Council from a local business. They were not consulted explicitly as part of the consultation.
2. **Rectory Meadow and Copse** - The Parish Council has the site on a lease from the church and it is maintained as an open space for residents. The Church was not consulted explicitly as part of the consultation.
3. **Glebe and Hitchens Allotments** - This area contains 192 allotment plots, most of which are let and are in active cultivation. Glebe Allotments are rented by the Parish Council from St Albans Diocese and Hitchens from Hertfordshire County Council. The Church was not consulted explicitly as part of the consultation.

Whilst under the Parish Council control, the sites will be retained as open spaces as per their current use.

**Q13. Policy W6 – sites in the Green Belt: Bearing in mind guidance in the PPG (Reference ID: 37-010-20140306), what additional local benefit would be gained by designation as Local Green Space given the protection that is already afforded by Green Belt policy?**

None of the green spaces proposed for designation are within the Green Belt. They are all within the core of the village (within the settlement boundary) and the village is excluded from the Green Belt.

**Q14. Policy W7 – Appendix C: What is the significance of the darker shading within some of the arcs of view, for example, views 4, 5 and 6?**

The darker areas represent the main focus of the wider viewing arc. For example, View 4 is a wide panorama but the main focus of the view is the steeple of the church as shown in the two photographs.

**Q15. Policy W8 A: Will “architectural variety in form and materials” be required in all cases?**

Development proposals should take their cue from the surrounding vernacular. The community engagement revealed strong support for avoiding ‘identikit’ housing, which may not respond to local character or, for larger scale developments, might consist of one overarching style.

Wheathampstead benefits from a range of styles which is a strong contributing factor to its character. It is important that new developments recognise this.

**Q16. Policy W8 B ii: Will a Heritage Statement be required in all cases?**

This would be required as appropriate to the scale, nature and location of the development. The level of detail should be proportionate to the importance of the assets and no more than is sufficient to understand the potential impact of the proposal on their significance. This policy was supported by Historic England in their response at regulation 14.

**Q17. Policy W8 C: Will a demonstration of compliance with the Building in Context principles be required in all cases?**

We would wish to strongly encourage this, specifically for proposals affecting a designated and/or non-designated heritage asset and/or its setting.

**Q18. Policy W10 A ii: Should this sub-paragraph refer to *renewable* low-carbon resources?**

Yes, this is an autocorrect error.

**Q19. Policy W10 B: Specifically, what are the “current sustainable design and construction standards” with which alterations are expected to comply.**

For Residential developments:

- i. Energy efficiency: 19% carbon dioxide reduction improvement against Part L (2013)<sup>1</sup> through the energy efficiency of the building and;
- ii. Water: Total mains consumption of no more than 110 litres per person per day<sup>2</sup>.

For Non-residential and Multi-residential<sup>3</sup>:

Major: Building Research Establishment Environmental Assessment Method (BREEAM) Excellent<sup>4</sup>

<sup>1</sup> This standard is equivalent to CO2 emissions allowed under Ene 1 of the former Code for Sustainable Homes Level 4

<sup>2</sup> The optional enhanced national standard is defined within the 2015 Approved Document G, Building Regulations ‘Sanitation, hot water safety and water efficiency’, March 2015, pp.15 G2(3)

<sup>3</sup> Multi-Residential as defined by the Building Research Establishment (BRE). These developments can include: student halls of residence; key worker accommodation; care homes; sheltered housing; and other multiresidential

buildings that have communal areas making up more than 10% of the total net internal floor area

<sup>4</sup> Major non-residential development is defined as Development over 1,000 sq/m; or development on a site of 0.5ha or more. Major residential is defined as Development of 10 houses or more; or development on a site of 0.5ha or more

**Q20. Policy W10 E: What are the relevant requirements within the National Planning Policy for Waste (now 2021 version) to which building works should adhere?**

The Parish Council is minded to remove this requirement, which would be dealt with at the more strategic level.

**Q21. Policy W14 B: Is *any amount* of additional public off-road car parking space to be supported?**

The Parish Council considers that provision will be supported where it conforms to – and ideally exceeds – the St Albans City and District Revised Parking Policies and Standards (January 2022)

[https://www.stalbans.gov.uk/sites/default/files/documents/publications/planning-building-control/planning-policy/examination-library/SP\\_Infrastructure\\_RevisedParkingStandards\\_2002\\_tcm15-48847.pdf](https://www.stalbans.gov.uk/sites/default/files/documents/publications/planning-building-control/planning-policy/examination-library/SP_Infrastructure_RevisedParkingStandards_2002_tcm15-48847.pdf)

The current standard is unrealistically low resulting in the paving-over of gardens and excessive on-street parking.

**Q22. Policy W17 A – State education land including associated playing fields: Such land does not appear to be shown on the Policies Map.**

A revised map is attached with this response, which shows this land.

**Q23. Policy W22 (and Policy W24) – “Notwithstanding permitted development rights”: Should the policy read “subject to permitted development rights” (or similar) or is there some intention to override permitted development rights?**

It is correct that the wording should say “subject to permitted development rights”. There is no intention to override permitted development rights.

**Q24. Policy W25: Would a definition or explanation of the term “pop-up shops” be appropriate?**

The Parish Council agree that a definition would be useful for example:

**Pop-up shop:** A pop-up shop is a short-term, temporary retail space where brands—usually ones without a physical presence—can interact in person with current customers and communicate their message to potential new ones. It can also accommodate seasonal businesses.

We are grateful for the opportunity to provide further clarification on this questions and points. Copies of Clarification Note and this response note have been placed on the neighbourhood plan website.

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Wheathampstead Parish Council



**Amended Policy Maps - overleaf**







