

**INDEPENDENT EXAMINATION OF THE WHEATHAMPSTEAD
NEIGHBOURHOOD PLAN**

EXAMINER: Andrew S Freeman BSc (Hons) DipTP DipEM FRTPI

Alison Eardley
Agent for Wheathampstead Parish Council

Wendy Frost
St Albans City & District Council

Examination Ref: 01/AF/WNP

31 May 2022

Dear Ms Eardley and Ms Frost

WHEATHAMPSTEAD NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Wheathampstead Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of preliminary questions for Wheathampstead Parish Council, one for St Albans City and District Council, and two for both Councils to which I would like to receive a written response(s) **by Monday 20 June 2022**.

1. Examination Documentation

I can confirm that I am satisfied that I have received a complete submission of the draft Plan and accompanying documentation, including the Basic Conditions Statement; the Consultation Statement and Appendices; the Strategic Environmental Assessment and Habitat Regulations Assessment Screening Determination Report; and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the draft Plan, I have not at this initial stage identified any very significant and obvious flaws in the Plan that might lead me to advise that the examination should not proceed.

2. Site Visit

I will aim to carry out a site visit to the neighbourhood plan area in the week beginning 20 June 2022. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from the Parish Council and the City and District Council, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response(s) **by Monday 20 June 2022**.

5. Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within 4-6 weeks of submission of the draft Plan. However, as I have raised questions, I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable will be extended. Please be assured that I will aim to mitigate any delay as far as is practicable. The IPE office team will seek to keep you updated on the anticipated delivery date of the draft report.

If the Parish Council or Local Planning Authority have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter and any subsequent response is placed on the Parish Council and St Albans City and District Council websites.

Thank you in advance for your assistance.

Your sincerely

Andrew Freeman

Examiner

ANNEX

From my initial reading of the Wheathampstead Neighbourhood Plan and the supporting evidence, I have 1 question for St Albans City and District Council, 21 questions for Wheathampstead Parish Council and 2 for both Councils. I have requested the submission of response(s) **by Monday 20 June 2022**, although an earlier response would be much appreciated.

Question for St Albans City and District Council

1. Does the City and District Council have any comments on the Neighbourhood Plan?

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

2. 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? Is this not the role of the housing authority/housing association? Is it the intention that *all* affordable housing should be first occupied by those with a local connection? If this were the case, what would happen if there were no applicants on the waiting list with a local connection?
3. Policy W2 D – Local connection *at the time of sale*: Should this read “at the time of occupation” or similar?

Questions for Wheathampstead Parish Council

4. Is the Parish Council satisfied that the Neighbourhood Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998)?
5. 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.
6. Policy W1: Where is the settlement boundary? This does not appear to be shown on the Policies Map/Inset.
7. 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?
8. 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?
9. Policy W2 C – “Strategic Housing Market Assessment”: Is this a reference to the Strategic Housing Market Assessment 2016?
10. 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?
11. 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?

12. 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?
13. 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?
14. 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?
15. Policy W8 A: Will “architectural variety in form and materials” be required in all cases?
16. Policy W8 B ii: Will a Heritage Statement be required in all cases?
17. Policy W8 C: Will a demonstration of compliance with the Building in Context principles be required in all cases?
18. Policy W10 A ii: Should this sub-paragraph refer to *renewable* low-carbon resources?
19. Policy W10 B: Specifically, what are the “current sustainable design and construction standards” with which alterations are expected to comply.
20. Policy W10 E: What are the relevant requirements within the National Planning Policy for Waste (now 2021 version) to which building works should adhere?
21. Policy W14 B: Is *any amount* of additional public off-road car parking space to be supported?
22. Policy W17 A – State education land including associated playing fields: Such land does not appear to be shown on the Policies Map.
23. 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?
24. Policy W25: Would a definition or explanation of the term “pop-up shops” be appropriate?