

NEXUS
PLANNING

Harpenden Neighbourhood Plan

Legal Compliance Statement (including Basic Conditions Statement)

**on behalf of Harpenden Town Council and Harpenden Rural
Parish Council**

February 2018

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Contents

1.0	Introduction and general legal requirements.....	4
2.0	To have appropriate regard to national planning policies and advice	9
3.0	To contribute to the achievement of sustainable development.....	33
4.0	To be in general conformity with SADC’s Strategic Planning Policies.....	43
5.0	To meet the relevant EU obligations.....	64
6.0	Summary.....	65

1.0 Introduction and general legal requirements

1.1 This section details compliance with the general legal requirements of Neighbourhood Development Plans. In relation to relevant aspects of Schedule 4B of the Town and Country Planning Act, we make the following confirmatory statements (noting the modifications enacted by Section 38A of the Planning and Compulsory Purchase Act) [Legislation references in square brackets]:

1. Harpenden Town Council is a qualifying body (as a Parish Council) and is therefore entitled to submit a draft neighbourhood development plan to the local planning authority whose area it lies within (St Albans City and District Council). Harpenden Rural Parish Council is also a qualifying body and has provided a letter confirming its support for the submission of a Neighbourhood Plan encompassing the singular neighbourhood area including both Parishes [Schedule 4B 1(1)].
2. The submission includes a draft of the Harpenden Neighbourhood Plan [Schedule 4B 1(2)(a)].
3. The following statement summarises the Harpenden Neighbourhood Plan and sets out why they should be made in the proposed terms [Schedule 4B 1(2)(b)]:

The Harpenden Neighbourhood Plan is a Neighbourhood Development Plan developed and submitted by Harpenden Town Council and Harpenden Rural Parish Council. The Plan has been developed through ongoing community involvement and engagement, during which time contributors have helped to identify the key issues the Plan should focus on, assess sites, develop policies and refine the Plan itself. Following pre-submission consultation, which concluded on 6th December 2017, the Plan is submitted to St Albans City and District Council (SADC) along with this Legal Compliance Statement (including Basic Conditions Statement) and other supporting documents.

The Harpenden Neighbourhood Plan includes policies related to the use of land in Harpenden Town and Harpenden Rural Parishes only. The policies of the Neighbourhood Development Plan are arranged under six chapters:

- *Overall vision and spatial strategy (two policies);*
- *Employment and retail (eight policies);*
- *Environment and sustainable design (20 policies);*
- *Housing (10 policies);*
- *Social Infrastructure and Community Facilities (11 policies);*
- *Transport and movement (12 policies).*

The Neighbourhood Plan policies related to development in the neighbourhood area. Some policies relate to specific sites while some relate to all land in the neighbourhood area. Some policies only relate to development proposals over a certain scale.

The Neighbourhood Development Plan should be made in the proposed terms because it is prepared and submitted in accordance with the general legal requirements of a Neighbourhood Development Plan (as set out in Section 1 of this report) and confirms to the Basic Conditions of Neighbourhood Development Plans (as set out in Sections 2-5 of this report).

4. The Neighbourhood Development Plan is in a prescribed form as it has clearly identified planning policies supported by additional text as required [Schedule 4B 1(3)(a)].
5. The Neighbourhood Development Plan is accompanied by a number of supporting documents, including those prescribed by Regulation 15(1) of the Neighbourhood Planning (General) Regulations 2012, namely a map identifying the area, a consultation statement (demonstrating compliance with Regulation 15(2) and titled as an 'Engagement Report'), the proposed neighbourhood development plan and a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act (Sections 2-5 of this Legal Compliance Statement (including Basic Conditions Statement)) [Schedule 4B 1(3)(b)].

6. The qualifying body has sent to the prescribed persons a copy of the proposed Neighbourhood Development and all prescribed supporting documents [Schedule 4B 1(4)(a-c)].
7. The submitted Neighbourhood Development Plan conforms to the requirements of the Neighbourhood Planning Regulations (2012, as amended) relevant to the preparation and submission of a neighbourhood plan. Compliance with all aspects of the regulations related to consultation is set out in the supporting Engagement Statement [Schedule 4B 1(6)].
8. We request that the referendum area is identical to the Neighbourhood Plan Area (i.e. does not extend beyond its boundaries).

1.2 In relation to Section 38A of the Planning and Compulsory Purchase Act, we make the following confirmatory statements:

1. Harpenden Town Council is a qualifying body (as a Parish Council) and is therefore entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development plan. Harpenden Rural Parish Council is also a qualifying body and has provided a letter confirming its support for the submission of a Neighbourhood Plan encompassing the singular neighbourhood area including both Parishes.
2. The Harpenden Neighbourhood [Development] Plan sets out policies in relation to the development and use of land in the whole of the neighbourhood area and in certain policies in relation to parts of the neighbourhood area.
3. The requirements of Schedule 4B are taken into account in the preparation of this Neighbourhood Development Plan (taking into account the modifications set out at Section 38C) and this report expresses compliance with those policies.
4. The remainder of Section 38A does not relate to the duties of the qualifying body when submitting a Neighbourhood Plan.

1.3 In relation to Section 38B of the Planning and Compulsory Purchase Act, we make the following

confirmatory statements:

1. At Paragraph 1.5, the Neighbourhood Plan expresses the period over which it is will take effect (2018-2033).
2. The Neighbourhood Plan and its policies do not relate to excluded development, as defined by section 61K of the Town and Country Planning Act 1990, including County matters (such as minerals or waste development) and nationally significant infrastructure projects.
3. The Harpenden Neighbourhood Plan Area was designated by SADC on 17 March 2016, following an application made under the Localism Act 2011 and Neighbourhood Planning (General) Regulations 2012. Harpenden Town Council and Harpenden Rural Parish Council are qualifying bodies under section 61E of the Town and Country Planning 1990 (as amended). The Neighbourhood Plan relates to that single designated area only. A map is submitted in support of the Neighbourhood Plan showing the Neighbourhood Plan Area.
4. The Neighbourhood Plan policies are in accordance with the statements or other information in the Plan, however, we note that should any conflict be interpreted this would be resolved in favour of the policy.

1.4 This Legal Compliance Statement (including Basic Conditions Statement) demonstrates compliance with the "Basic Conditions". Neighbourhood Plans must conform to the relevant Basic Conditions set out in Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990. It is required by Regulation 15(1)(d) of the Neighbourhood Planning Regulations (2012, as amended). The Basic Conditions are:

- 1) To have appropriate regard to national planning policies and advice;
- 2) To contribute to the achievement of sustainable development;
- 3) To be in general conformity with the strategic policies contained in the development plan for the area of the local planning authority, in this case the saved policies of the 1994 District Local Plan Review; and

- 4) To meet the relevant EU obligations.

Structure of this Report

- 1.5 The remainder of this Legal Compliance Statement (including Basic Conditions Statement) addresses each Basic Condition set out at Paragraph 1.8 on a chapter-by-chapter basis.

2.0 To have appropriate regard to national planning policies and advice

2.1 National Planning Policy and Advice is primarily contained within:

- The National Planning Policy Framework;
- National Planning Practice Guidance; and
- Written Ministerial Statements.

The National Planning Policy Framework

2.2 The National Planning Policy Framework ('the Framework') sets out the approach to planning policy making and planning decision taking in England. There is a duty of Neighbourhood Plans to have regard to the statements made in the Framework. Each relevant section of the NPFF is set out below and accompanied by proportionate evidence demonstrating that the Harpenden Neighbourhood Plan and its policies have regard to its contents.

Achieving sustainable development

2.3 This section sets out the dimensions of sustainable development in the context of the planning system. These dimensions are considered in Section 3 of this report, when assessing the contribution of the Neighbourhood Plan in the context of the dimensions of sustainable development.

Delivering sustainable development

Building a strong, competitive economy

2.4 Paragraph 19 states that *'Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'*.

2.5 Paragraph 21 notes that *'Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In*

drawing up Local Plans, local planning authorities should:

- *set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;*
- *identify strategic sites ... to meet anticipated needs over the plan period;*
- *support existing business sectors;*
- *identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and*
- *facilitate flexible working practices such as the integration of residential and commercial uses in the same unit.'*

2.6 Paragraph 22 makes clear that *'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose'*.

2.7 The Harpenden Neighbourhood Plan contains a number of policies that support the sustainable economic growth of the Neighbourhood Plan area. Policy ER2 designates four strategic employment sites, which are protected from loss of employment uses unless clear evidence is provided that shows it is no longer suitable for employment use or there is no prospect of a new commercial occupier being found. Therefore, the Neighbourhood Plan is supporting the local economy through the protection of existing employment sites while not acting as an impediment to sustainable development in the event that employment use becomes unviable. In addition, Policies ER1 and ER7 set out support for appropriate new employment development in the Neighbourhood Plan Area, including for a range of different occupiers and in a number of different employment units.

Ensuring the vitality of town centres

2.8 Paragraph 23 states that *'Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.* It further states that *'in drawing up Local Plans, local planning authorities should:*

- *recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;*
- *define a network and hierarchy of centres that is resilient to anticipated future economic changes;*
- *define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;*
- *promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;*
- *retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;*
- *allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability.*

2.9 While the provisions of Paragraph 23 relate specifically to Local Plans, it is worth expressing how the retail approach in the Neighbourhood Plan upholds the general principle of this policy. The Neighbourhood Plan recognises the important role Harpenden Town Centre fulfils in the Neighbourhood Plan area and therefore designates it as the main retail area in the town and sets out a comprehensive retail strategy for the town centre. In doing so, it appropriately retains an existing market. The Neighbourhood Plan also sets out support for appropriate redevelopment in the High

Street, including through allocating Land at 61 High Street for residential development.

2.10 In addition, three further Local Centres are designated. These are clearly shown in the context of Harpenden Town Centre, resulting in the definition of a hierarchical network of centres.

Supporting a prosperous rural economy

2.11 Paragraph 28 of the National Planning Policy Framework states that *'planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:*

- *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*
- *promote the development and diversification of agricultural and other land-based rural businesses;*
- *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and*
- *promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.'*

2.12 The Neighbourhood Plan Area is dominated by Harpenden and has a relatively sparse rural population. The rural areas are within the Metropolitan Green Belt and are predominated by agricultural and recreational land. The focus of most policies in the Neighbourhood Plan is the urban area of Harpenden. However, the Neighbourhood Plan does not seek to prevent appropriate development in the Green Belt.

2.13 While there are no centres within the Green Belt, the Neighbourhood Plan does support local centres

that serve rural communities, such as the shops in Kinsbourne Green (Policy ER4).

Promoting sustainable transport

- 2.14 Paragraph 29 states that *“transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”*
- 2.15 Paragraph 30 states that *“encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.”*
- 2.16 The Neighbourhood Plan objectives set out a clear preference for a reduction in car use and resulting pollution, with the ambition of improving air quality. They also clearly seek to create an environment where residents, workers and visitors wish to walk or cycle when making trips.
- 2.17 Policies T1 and T2 are vital in ensuring the impact of major development on the transport network (and thus health) is measurable. Policies T3 and T4 seek to ensure that new development proposals implement a travel plan with the intention of reducing the need to travel by car. Policies T5 and T8 seek improvements to the highway network that would reduce congestion through engineered solutions. Policies T6 and T9 try to improve the pedestrian and cyclist environment in support of a modal shift away from these uses.
- 2.18 Policy T10 supports an appropriate increase in parking in Harpenden Town Centre. This policy responds to a particular local issue of congestion in the town centre, as noted in the Baseline Report. The provision of additional parking could reduce congestion through negating the number of vehicles idling while waiting for spaces to become available. The Policy is worded to support appropriate increases in capacity only, so that there is no inadvertent increase in vehicle use due to more spaces being available.
- 2.19 Paragraph 32 states that *“all developments that generate significant amounts of movement should be*

supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

2.20 Policies T1 and T2 underpin the provisions of Paragraph 32 in seeking Transport Assessments and share the same threshold of “significant amount of transport movement”. The Policies add some additional detail to Paragraph 32, having regard to its general principles.

2.21 Paragraph 34 states that *“Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.”*

2.22 In only allocating sites for development within the urban area of Harpenden and generally within a close proximity to the Town Centre or a Local Centre, the Neighbourhood Plan has conformed with Paragraph 34. Designated Employment Locations (Policy ER2) are also within walking distance of a town or local centre.

2.23 Paragraph 35 states that *“plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed where practical to*

- *accommodate the efficient delivery of goods and supplies;*
- *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*
- *create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;*

- *incorporate facilities for charging plug-in and other ultra-low emission vehicles; and*
- *consider the needs of people with disabilities by all modes of transport."*

2.24 The Neighbourhood Plan supports Paragraph 35 through various policies. Policy ESD1 expects new development to make facilities available to pedestrians and cyclists while Policy ESD4 seeks to ensure new residential streets are designed in a way that prioritises pedestrians and cyclists. Policy ESD15 expects major developments to incorporate electric vehicle charging points. Policy T12 expects the transport network to adapt to users with disabilities, including through an appropriate provision of disabled parking spaces and a pedestrian environment designed in accordance with the needs of disabled people.

2.25 Paragraph 36 states that *"A key tool to facilitate this [sustainable travel] will be a Travel Plan. All developments which generate significant amounts of movement should be required to provide a Travel Plan."*

2.26 The Neighbourhood Plan expects Travel Plans in line with the threshold set in Paragraph 36, as set out in Policies T3 and T4. These policies set specific expectations of Travel Plans, including in particular for schools as set out in Policy T4.

2.27 Paragraph 37 states that *"planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities."*

2.28 The Neighbourhood Plan supports a balance of land uses in various ways, including through designating and protecting retail and employment areas throughout the Built up Area of Harpenden and supporting higher density residential development in highly accessible locations (Policy H5).

2.29 Paragraph 39 states that *"if setting local parking standards for residential and non-residential development, local planning authorities should take into account:*

- *the accessibility of the development;*
- *the type, mix and use of development;*
- *the availability of and opportunities for public transport;*

- *local car ownership levels; and*
- *an overall need to reduce the use of high-emission vehicles.”*

2.30 Policy T11 reinforces the use of the local planning authorities parking standards, while accepting reduced parking levels in the interest of promoting sustainable travel where robust justification to support this is provided.

2.31 NPPF Paragraph 40 states that *“local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles. They should set appropriate parking charges that do not undermine the vitality of town centres. Parking enforcement should be proportionate.”*

2.32 Policy T10 supports appropriate proposals to increase parking capacity in Harpenden Town Centre, through the expansion of existing car parks, which are convenient and safe.

Supporting high quality communications infrastructure

2.33 The neighbourhood plan does have any content concerning the development of new communications infrastructure. However, Policy SI11 expects major development proposals to demonstrate that adequate communications infrastructure is available, or will be provided alongside new development, in order to support the ability of new and existing residents to access high quality communications infrastructure.

Delivering a wide choice of high quality homes

2.34 The Framework states in paragraph 47 that local authorities should identify an Objectively Assessed Need for Housing and then deliver sites in accordance with that need, with a “supply” of sites ready to deliver that need ranging from 0-5 years, 6-10 years and 10-15 years.

2.35 St Albans City and District Council is in the process of preparing an emerging Local Plan and has confirmed it will adopt the government’s standard method for calculating local authorities’ housing need. Unlike with Local Plans, the NPPF does not set any requirement for Neighbourhood Plans to meet Objectively Assessed Housing Need nor does it allow release of land from the Green Belt to meet this need. The Neighbourhood Plan completed a comprehensive site assessment process, focusing on the delivery of sites outside of the Green Belt that it is able to allocate for residential development,

which would be inappropriate in the Green Belt (with the exception of affordable housing schemes). All assessed non-Green Belt sites that were deemed to be available, achievable and most suitable for residential development are detailed in Policy H10.

2.36 Paragraph 50 of the NPPF outlines that *“to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:*

- *Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*
- *identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*
- *where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”*

2.37 The housing policies in the Neighbourhood Plan seek to meet the various expectations of Paragraph 50, as follows:

- Policy H3 ('Dwelling Size and Type') requires major residential developments to submit a dwelling mix strategy setting out the mix of size and type of dwellings proposed, demonstrating how the proposal addresses a specific need as set out in the latest study prepared by SADC (i.e. the Strategic Housing Market Assessment or its successor);
- Policy H4 ('Residential Density') sets a minimum net density for major residential development, which seeks to ensure that the affordability of dwellings is maximised through space efficiency. Likewise Policy H5 supports higher density development in Harpenden Town Centre, which could allow more over 55's or starter homes in the form of one or two bedroom flats;

- Policy H6 ('Affordable Housing') adopts an expectation of 40% affordable housing subject to viability for major residential developments. This is based upon the SADC Strategic Housing Market Assessment findings and the policy notes that a new Local Plan target would supersede its expectations;
- Policy H7 expects new housing to be adaptable to the changing needs of residents over their lifetimes. In particular, it expects 10% of homes to be Wheelchair Adaptable in line with Building Regulations;
- Policy H8 supports specialist accommodation, including various types of residential care, in beneficial locations in the Neighbourhood Plan Area;
- Policy H10 includes an allocation for 23 affordable units and three major development allocations that would be subject to the expectations of policies in the housing chapter;

Requiring good design

2.38 The NPPF places great importance on the design of the built environment and states in paragraph 56 that '*Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.*' This statement is supported further in Paragraph 57, which states that '*it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.*'

2.39 The NPPF further states in paragraph 58 that '*Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:*

- *function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*

- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.'*

2.40 The Neighbourhood Plan has regard to the expectations of Paragraph 58 in the following policies:

- Policy ESD1 is an overarching design policies that seeks to ensure the design of all major developments can be understood through the production of a Design Brief. This will allow local people and the respective local councils to understand proposals before they are submitted. This would support the achievement of all of the design principles in Paragraph 58;
- Policies ESD2, ESD3 and ESD4 each contribute to the first, second and fourth bullet points of Paragraph 58 in seeking to support high quality design in support of the established character of Harpenden.
- Residential Policies H4 and H5 seek to make sure residential developments make the best use of their sites and Policy ER5 supports development in a range of uses in Harpenden Town Centre. These policies contribute to the third bullet point in Paragraph 58.

2.41 Paragraph 60 sets out that design policies should avoid unnecessary prescription or detail, stating that *'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'*

2.42 The Neighbourhood Plan has regard to the statement made at Paragraph 60. Policy ESD2 seeks to reinforce local distinctiveness, ensuring proposals have regard to local character within and outside of the Harpenden Conservation Area. Policy ESD3 supports, but does not expect, timber shopfronts with

large glass windows. However, no policies exist that seek to set a particular architectural style or stifle innovation, originality or initiative.

2.43 Paragraph 61 builds on Paragraph 60 in stating that *“although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

2.44 The Neighbourhood Plan sees design as an issue not simply related to visual appearance and architecture of built structures. Policy ESD4 seeks to ensure streets are designed to be multifunctional, rather than to be dominated by cars, creating safe spaces for pedestrians and cyclists. Policy ESD10 seeks to ensure new developments create views to the surrounding countryside along streets and through open spaces where possible. Policy ESD11 requires new development abutting the open countryside to create and enhance access from the built up area of Harpenden to the open countryside.

2.45 Paragraph 62 seeks design review arrangements for major projects. In seeking a Design Brief in Policy ESD1, the Neighbourhood Plan is seeking to ensure local people have an opportunity to review the design of major development proposals.

Promoting healthy communities

2.46 Paragraph 69 states that the planning system can *‘play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions, in turn, should aim to achieve places which promote:*

- *opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;*
- *safe and accessible environments where crime and disorder, and the fear of crime, do not*

undermine quality of life or community cohesion; and

- *safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.”*

2.47 Policy H6 ('Affordable Housing') expects new major housing developments to provide 40% affordable housing, with a mixture of socially rented and intermediate tenure, on site, integrated with market housing. This policy makes a significant contribution to the achievement of Paragraph 69 bullet point 1. Various policies seek to ensure that residents are able to move safely around the Neighbourhood Plan Area, including Policies EDS4, T4, T6, and T12.

2.48 Paragraph 70 states that *'to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- *ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
- *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.'*

2.49 In response to the first bullet point of Paragraph 70, Policy SI3 seeks to encourage the availability of schools for out of hours community use and seeks to support the enhancement of existing and development of new community facilities. Policies SI4 and SI5 build on SI3 with specific support for new or enhanced sports and leisure and arts and cultural facilities. In addition, Policy SI6 supports the development of a new sports and cultural venue in Rothamsted Park.

2.50 In response to the second bullet point, Policy SI2 seeks to prevent the loss of buildings or facilities providing a community use without a suitable alternative location for that use or clear evidence that

the facilities are no longer required.

- 2.51 In response the third bullet point, there are a number of policies that seek to support established shops, facilities and services to develop in a way that benefits the community. For example, policies SI1, SI3, SI4 and SI5 support the development of facilities and services. In addition, policies SI6, SI8 and SI9 support the redevelopment of specific community venues, allowing modernisation of services in Harpenden. With regards to retail uses, Policy ER2 supports the development of Harpenden Town Centre and Policy ER6 supports the development of local centres. Policy ER8 expects major retail development to be supported by adequate infrastructure, including the use of latest technologies.
- 2.52 Policy SS2 seeks to ensure that new major residential development in Harpenden is within a reasonable proximity of other land uses, ensuring new residents are able to access a range of community facilities and services. In designating four employment locations in different parts of Harpenden in Policy ER2, the Neighbourhood Plan is ensuring that employment land is located within a reasonable proximity of most employment areas.
- 2.53 Paragraph 72 of the NPPF states that *“the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities”*. Policy SI1 sets out support for new school development where a shortfall of places is identified.
- 2.54 Paragraph 73 of the NPPF states that *“access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required”*.
- 2.55 In May 2016, SADC produced a *“Detailed Local Plan Technical Report: Green Spaces”*. This report found that as a whole Harpenden had a surplus of natural green space. However, it found that there was a deficit of allotments, amenity green space, parks and gardens, children’s play areas, teenage play areas and playing pitches across Harpenden. The current green spaces are shown at Figure 1, which is taken from the Detailed Local Plan Technical Report.

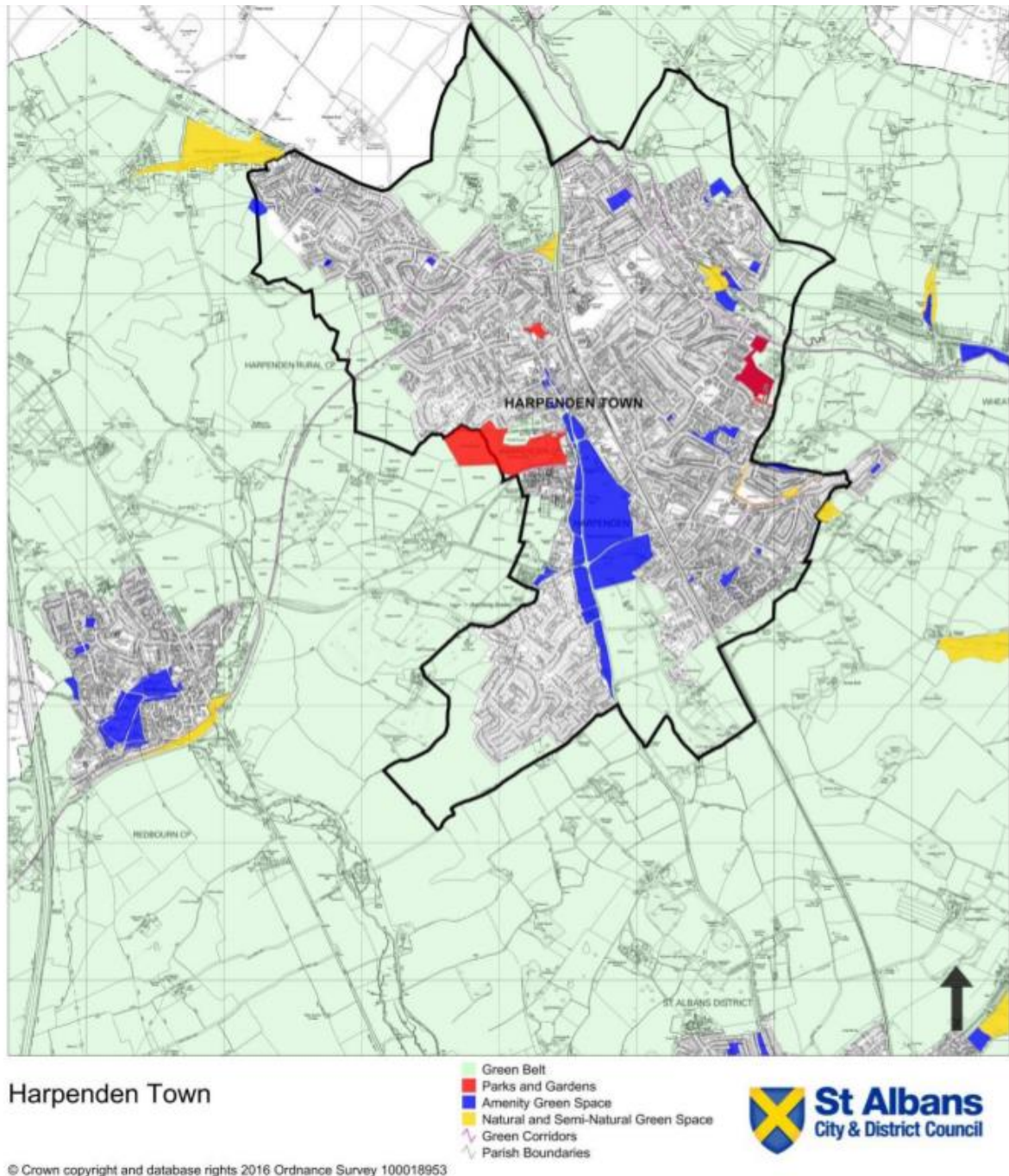


Figure 1. Green Spaces in Harpenden

2.56 In response to the deficit of all green spaces but natural green space, the Neighbourhood Plan seeks to protect existing green spaces insofar as possible. Policy ESD7 designates a comprehensive list of Local Green Spaces, protecting these spaces from inappropriate development except in very special circumstances. The Local Green Spaces include a range of parks, green corridors and informal

recreation space. ESD8 adds further protection to areas of ecological or landscape value. Policy ESD12 supports the protection of allotments.

- 2.57 One designated residential site included in Policy H10 relates to land previously used as allotments, HA2. While the Neighbourhood Plan recognises the need to retain green spaces, including allotments, it must be noted that this site is not currently in use as allotments and all units to be provided on the site will be affordable, which are pressingly needed in Harpenden.
- 2.58 In addition, a number of policies support the expansion of open space provision in the Neighbourhood Plan Area. Policy SS2 expects proposers of new significant developments to demonstrate that a sufficient amount of open space is available for new users (which could be facilitated through the incorporation of additional open space if necessary). Policy SS2 states that in the North East this must be provided alongside significant development, due to a lack of sufficiently sized or high quality open space in this area (as shown at Figure 1). Policy ESD8 expects all significant developments to incorporate some open spaces, including green spaces, which should be linked where possible.
- 2.59 NPPF Paragraph 75 expects planning policies to protect and enhance public rights of way. Policy ESD11 sets out this expectation.
- 2.60 NPPF Paragraphs 76-78 concern the designation of Local Green Spaces. Policy ESD7 of the Neighbourhood Plan has designated a number of Local Green Spaces in accordance with the NPPF. A separate Supporting Document (Supporting Document I) sets out in full the compliance with the NPPF Paragraphs as well as Planning Practice Guidance concerning Local Green Space designation.

Protecting Green Belt land

- 2.61 The Neighbourhood Plan includes a vast amount of land that is designated as part of the Metropolitan Green Belt. Paragraph 82 states that *“the general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. If proposing a new Green Belt, local planning authorities should:*
- *demonstrate why normal planning and development management policies would not be adequate;*

- *set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;*
- *show what the consequences of the proposal would be for sustainable development;*
- *demonstrate the necessity for the Green Belt and its consistency with Local Plans for adjoining areas; and*
- *show how the Green Belt would meet the other objectives of the Framework.”*

2.62 Paragraph 83 states that *“local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.”*

2.63 In accordance with Paragraph 83, the Neighbourhood Plan has not sought to review Green Belt boundaries, as this is explicitly regarded as something that can only happen during the preparation or review of a Local Plan.

2.64 Paragraphs 87 states that *“as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

2.65 Paragraph 88 states that *“a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- *buildings for agriculture and forestry;*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*

2.66 In accordance with Paragraphs 87 and 88, the Neighbourhood Plan has resolved not to allocate any land in the Green Belt for development. This is because all sites in the Green Belt submitted to the Call for Sites were made available for a form of inappropriate development, such as residential use.

2.67 Some policies support development that may be regarded as inappropriate in the Green Belt, most notably the creation of a new Sports and Cultural complex in Rothamsted Park and the development of Rothamsted Research to enhance its business offer. In both cases, it is considered that the benefits brought by the developments and the level of public support could constitute very special circumstances for inappropriate development in the Green Belt, something that the local planning authority would ultimately determine.

Meeting the challenge of climate change, flooding and coastal change

2.68 Paragraph 94 states that *“local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.”* While not a local planning authority, the Neighbourhood Plan does seek to mitigate the impact of climate change, including flood risk and water supply in Policies ES15, ESD16, ESD17, ESD18 and ESD19.

2.69 Paragraph 100 sets out various requirements to manage flood risk through plan making. Of these, some relevant aspects include directing development away from areas of high flood risk. The designated sites identified through the Plan are in Flood Zone 1 (least concern). While some of these sites have some identified surface water flood risk, the implementation of Sustainable Drainage Systems required by Policy ESD18 should mitigate the impact of this.

Conserving and enhancing the natural environment

2.70 Paragraph 109 sets out that *“the planning system should contribute to and enhance the natural and local environment by:*

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services;*
- *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and*
- *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

2.71 Policy ESD13 sets a number of requirements in support of providing net gains in biodiversity, including expecting major development to incorporate specific measures that support the local ecological network. Policy ESD14 expects proposals to retain trees and in the event that trees are acceptably lost, that at these are at least replaced on a 2:1 basis, providing a long-term net gain.

2.72 Paragraph 110 states that *“in preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework.”*In addition to Policies ESD13 and ESD14, Policy ESD20 seeks to avoid all forms of air, water, soil and light pollution.

2.73 Paragraph 111 states that *“planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally*

appropriate target for the use of brownfield land.”The site allocations in Policy H10 are mostly at sites that can be regarded as brownfield, with the exception of one site, the former Westfield Allotments. This equates to 78% of allocated dwellings in the Neighbourhood Plan.

2.74 Paragraph 125 states that *“by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*Policy ESD20 addresses light pollution and requires developments to have an acceptable light impact.

Conserving and enhancing the historic environment

2.75 Paragraph 126 states that *“local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- *the desirability of new development making a positive contribution to local character and distinctiveness; and*
- *opportunities to draw on the contribution made by the historic environment to the character of a place.”*

2.76 The Neighbourhood Plan Area includes a large number of Listed Buildings and the Harpenden Conservation Area. Conservation of these heritage assets, as well as undesignated assets, is imperative to the Neighbourhood Plan, which supports the delivery of the Framework-aligned heritage policies in the emerging SADC Local Plan.

2.77 The wording of Policy ESD2 with regards to heritage assets is written to be in accordance with Paragraphs 132-135 of the NPPF.

Facilitating the sustainable use of minerals

- 2.78 Mineral use is a County Matter and is therefore not considered applicable to the neighbourhood plan ('excluded development').

Plan making*Using a proportionate evidence base*

- 2.79 The Neighbourhood Plan has been produced using robust evidence, mostly taken from SADC's evidence base and referenced in the Plan. It is noted that there is no expectation on Neighbourhood Plans to assess housing and business needs or other issues unless required to justify a departure from the Local Plan evidence. The Harpenden Neighbourhood Plan is prepared in accordance with the evidence made available by SADC.

Neighbourhood Plans

- 2.80 The most relevant aspect of this section relates to the need for Neighbourhood Plans to conform to the strategic policies of the Local Plan, which is addressed in Section 3 of this Report.
- 2.81 Paragraph 184 states that *"neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies."*
- 2.82 The Harpenden Neighbourhood Plan is prepared without the support of an up-to-date Local Plan. Therefore, while it strives to be in general conformity with the 1994 District Local Plan, as discussed in Section 4 of this report, it also seeks to incorporate some more strategic policies to address the current lack of up-to-date strategic planning policy in the District. Crucially, its policies are based on evidence collated by SADC and it anticipates many of the future Local Plan strategic policies will

supersede its strategic policies.

- 2.83 Policy 185 is noted and a full comparison of the Neighbourhood Plan with strategic policies is set out in Section 4 of this Report.

National Planning Practice Guidance

[Open space, sports and recreation facilities, public rights of way and local green space \(Section ID: 37\)](#)

- 2.84 Please refer to Supporting Document I, the Local Green Spaces Assessment Paper, which sets out conformity with this section of Planning Practice Guidance.

[Neighbourhood Plans \(Section ID: 41\)](#)

- 2.85 This section advises on the neighbourhood planning system including key stages and decisions such as deciding neighbourhood areas, legal tests for neighbourhood plans, the preparation of a basic conditions statement and the process of independent examination and referendum.
- 2.86 This statement demonstrates how the Harpenden Neighbourhood Plan meets the basic conditions required to pass examination, as set out under paragraphs 065-068 (Ref: 41-065-20140306) of the NPPG.
- 2.87 In response to the question "Can a neighbourhood plan come forward before an up-to-date Local Plan is in place?", NPPG states that:

"Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan.

A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft neighbourhood plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.

Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- *the emerging neighbourhood plan*
- *the emerging Local Plan*
- *the adopted development plan*

with appropriate regard to national policy and guidance.

The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.

The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan."

Paragraph: 009 Reference ID: 41-009-20160211

Revision date: 11 02 2016

- 2.88 The Neighbourhood Plan is prepared in accordance with the evidence and direction of the emerging Local Plan, seeking to incorporate the emerging strategy from SADC. The approach taken by the Neighbourhood Plan is supported by SADC. The more strategic natured policies in the Neighbourhood Plan are formed in line with the evidence for the emerging Local Plan and it is anticipated that there will be no degree of variation between the strategic policies of the

Neighbourhood Plan and those of a future Local Plan. In the event that there is any variation, the Local Plan would take precedent over the Neighbourhood Plan.

- 2.89 The Neighbourhood Plan would have preferred to have identified sites to meet housing need, but given it is not able to release land from the Green Belt it has not found sufficient land to meet need. However, its policies are realistic to a future Local Plan allocating sites currently in the Green Belt for new growth and does not seek to prevent this.

3.0 To contribute to the achievement of sustainable development

3.1 The following sections outline how the Harpenden Neighbourhood Plan contributes to the achievement of sustainable development.

Role and definition of sustainable development

3.2 Paragraph 6 of the Framework sets out that *'the purpose of the planning system is to contribute to the achievement of sustainable development'*, noting that the remainder of the Framework defines the government's view of what constitutes sustainable development.

3.3 Paragraph 14 of the Framework that a presumption in favour of sustainable development is at the heart of the Framework and *'should be seen as a golden thread running through both plan-making and decision-taking.'*

3.4 Paragraph 7 of the Framework defines the *'dimensions'* of sustainable development to be economic, social and environmental. It further sets out roles of the planning system in relation to these dimensions as follows:

- ***'an economic role*** – *contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- ***a social role*** – *supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- ***an environmental role*** – *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.'*

- 3.5 This section reviews the Harpenden Neighbourhood Plan in the context of these dimensions, individually and collectively. The Objectives – Policies Matrix submitted in support of the Neighbourhood Plan (Supporting Document A) can be read alongside this section, as it identifies the connection between objectives and policies. Where aspects of the Neighbourhood Plan have an impact on more than one dimension of sustainability it is noted.

Assessment

Delivering economic sustainability

- 3.6 The Harpenden Neighbourhood Plan seeks to contribute to delivering economic sustainability. Although many of Harpenden's residents commute out of the town to work, there are a number of long-established employment sites in Harpenden. Employment and Retail Objective ERO7 seeks to ensure employment and retail centres are protected and that new employment uses are encouraged. Policy ER2 designates the four most significant employment sites in Harpenden as "Designated Employment Locations". These are Rothamsted Research, Southdown Industrial Estate, Coldharbour Lane and Batford Mill Industrial Estate. This designation ensures that the loss of the employment land at each site can be guarded against for as long as the sites remain appropriate for and desirable to businesses. This is crucial in a town such as Harpenden, where residential land values are high and there is a limited supply of remaining employment land. This Policy is designed to 'work alongside' recent Article 4 Directions that revoke office to residential permitted development rights for two of the sites, Southdown Industrial Estate and Coldharbour Lane. The four sites are currently designated in the 1994 District Local Plan Review, so the presence of ER2 alone may not affect the policy position substantially in the event of an application involving the loss of these sites. However, a new policy in the Neighbourhood Plan will add some 'planning balance' weight in favour of retaining employment use in the event that a planning application comes forward.
- 3.7 Policy ER4 takes a similar approach to ER2 with reference to retail areas, also seeking to meet the element of protection of objective ERO7. It designates Harpenden Town Centre as the main retail centre and four local centres in Southdown, Batford, Kinsbourne Green and North Harpenden. Policies ER5 and ER6 support policy ER4 in protecting retail uses within the designated centres. Policy ER5 seeks to maintain a mix of units in Harpenden Town Centre that will help it to maintain a healthy balance between retail uses, unless in exception circumstances where a new use brings a substantial community benefit that outweighs the loss of the balance of retail units. Policy ER6 seeks to prevent the loss of

convenience shops in local centres, which contributes to the economic sustainability of those centres but also to environmental sustainability through encouraging local residents to walk to a nearby convenience shop rather than travel to the town centre for day-to-day convenience shopping.

3.8 In addition to seeking to protect existing employment and retail locations, objective ERO7 also encourages new employment and retail development. That aspect of ERO7 is closely related to objective ERO1, which supports improvements to existing employment and retail areas. Policy ER1 sets out general support for appropriate improvement, enhancement and redevelopment of existing employment and retail sites, this could equally apply to mixed-use employment and retail development in Harpenden Town Centre. In particular, it supports smaller commercial units for use by local businesses and facilities for the use of flexible workers, which make up a significant proportion of the population as identified in the 2011 Census (7% of economically active residents in the Neighbourhood Plan Area compared to 3% across England). These additional aspects contribute to enriching economic sustainability by seeking to support growth and innovation, including start-up businesses, by supporting a flexible range of employment locations. Policy ER3 adds to ER1 with specific reference to Rothamsted Research, an innovative, successful and prosperous local employment site. This policy supports development that would enable Rothamsted Research to expand its operations, including through the provision of facilities for other complementary businesses, further expanding the support for small business development in the Neighbourhood Plan area. Policy ER5 supports the redevelopment of certain areas in Harpenden Town Centre, including Arden Grove, Station Approach and Harding Parade. It also sets some general principles for new development, including redevelopment, in the town centre. Policy ER7 supports the introduction of more employment uses (generally offices) above shops in Harpenden Town Centre and Southdown Local Centre, which provides opportunities for further employment generation in the Neighbourhood Plan Area without compromising the vitality of the retail centres. In addition to making a significant contribution to economic sustainability, these policies make a contribution to social sustainability by supporting provision of facilities for small local companies, potentially including start-up companies and home workers in the Neighbourhood Plan Area.

3.9 Innovation is another focus of the Neighbourhood Plan with regard to economic sustainability. Objective ERO2 has a particular focus on this, noting a need to have an adaptable employment and retail offer that is able to keep pace with technological developments. Policy ER8 expects major development proposals in retail and employment locations to demonstrate that sufficient infrastructure

is in place to meet the resulting increase in demand and that developments utilise latest technologies where possible.

Delivering social sustainability

- 3.10 As a community-led document, social sustainability is a theme that transcends the various chapters of the Neighbourhood Plan. This analysis examines the impact of each chapter on social sustainability.
- 3.11 The Overall Vision and Spatial Strategy contains Policy SS2, which introduces five 'Infrastructure Zones' in Harpenden. The purpose of this policy is to support social sustainability through ensuring that future significant development in Harpenden, expected to comprise residential-led developments, is supported by a network of social infrastructure for new residents and does not have an unacceptable impact on existing residents ability to access social infrastructure. The policy is seeking to ensure that sufficient highways, education, retail, open space, parking and other social infrastructure is available for new residents where required within each zone. In doing so, this policy also has a positive impact on environmental sustainability by reducing the need to travel by car to access social infrastructure. By requiring developers to demonstrate adequate provision of social infrastructure to support new development, including through providing additional facilities, the Neighbourhood Plan is seeking to ensure social cohesion in Harpenden.
- 3.12 The Employment and Retail Chapter has a strong focus on ensuring residents social needs are met in the local and retail offer. In addition to the focus on supporting local small businesses and home workers, which is discussed in the economic sustainability section, the chapter has a strong focus on a socially sustainable network of centres. Employment and Retail Objective ERO3 seeks to ensure Harpenden Town Centre remains attractive to residents, visitors and workers while objective ERO5 seeks to maintain an attractive eating, drinking and entertainment scene that supports the expectations of local people. Objective ERO6 supports the principle of residents' access to small local convenience shops. Policy ER5 seeks to achieve Objective ERO3 by setting an appropriate mix of retail units in the town centre. It also supports proposals for social infrastructure and community facilities proposals in the town centre. Policy ER6 seeks to protect neighbourhood convenience shops, which contributes to the achievement of social sustainability.
- 3.13 The Environment and Sustainable Design chapter is mainly focused on the achievement of environmental sustainability, however, some objectives and policies also make a contribution to social

sustainability. Objective EDO3 seeks to improve public access to green spaces. Policy ESD7 designates a number of Local Green Spaces, each of which carries a significance to local people, whether that is for informal play and recreation, sport or other uses. The designation of these Local Green Spaces makes a significant contribution to social sustainability. Policy ESD8 also meets Objective EDO3 in seeking to ensure that new significant developments provide a proportionate amount of public open space. ESD11 also contributes to social sustainability in expecting access to the natural environment to be maintained alongside new development, contributing to the wellbeing and health of local residents. Another Policy that meets objective EDO3 and improves social sustainability is Policy ESD12, which supports the protection of existing allotments and creation of new ones. Allotments can act as a vehicle for community building, assisting in developing social sustainability.

3.14 Objective EDO8 concerns the need to create a sense of place in new development through the careful design of streets. Other design orientated objectives such as ED05, which requires developments to promote sustainable living, EDO6, which seeks to conserve and enhance local character and EDO9, which supports renewable energy schemes, make some contribution social sustainability through the creation of better places and healthier communities, despite mostly having a greater focus on environmental sustainability. A number of policies meet these objectives, including ESD1, ESD2, ESD3, ESD4, ESD5, ESD6, ESD15, ESD16 and ESD17. Some of these policies make quite a significant contribution to social sustainability, including for example Policy ESD4, which seeks to create safe streets that children can play in and Policy ESD17, which supports community-led energy schemes.

3.15 The housing chapter is orientated towards social sustainability. Each of the four housing objectives seeks to support social sustainability through creating mixed and balanced communities that have a range of housing options that cater to various needs. The Neighbourhood Plan is seeking to maximise residential development in Harpenden and includes allocations for a minimum of 106 homes in Policy H10. The larger of these allocations, and future applications for major residential development, would be subject to the Neighbourhood Plan policies on the mix and tenure of units. This includes an expectation of 40% affordable housing, an appropriate mix of unit sizes in line with community needs and a requirement for homes to be adaptable to disabled residents. Specialist housing is also supported by objectives and policies, including 'downsizer' flats and specialist accommodation/care homes. While the housing chapter is not able to release sites in the Green Belt that could contribute to the achievement of housing need, its policies ensure that future developments in the Green Belt provide a range of housing suitable for a range of people, contributing to social sustainability.

3.16 Chapter 8, Social Infrastructure and Community Facilities, is also orientated towards the achievement of social sustainability. Each of the objectives seek to ensure residents have a high quality network of social infrastructure available, including schools, health and wellbeing services, utilities infrastructure, sports and leisure facilities, community facilities (for voluntary and faith organisations) and hotels. The policies of the chapter seek to deliver these objectives, including:

- Policy SI1, which seeks to support growth in education facilities proportionate to population growth in Harpenden;
- Policy SI2, which protects existing community facilities of value;
- Policy SI3, which supports the dual use of community venues, particularly out of hours use of schools;
- Policy SI4, which supports the development of accessible new sports and leisure facilities;
- Policy SI5, which supports the development of accessible new arts and cultural facilities;
- Policy SI6, which specifically supports the development of a new Sports and Cultural Venue replacing existing uses at Harpenden Swimming Pool and Sports Centre and the Public Halls;
- Policy SI7, which expects increases in healthcare capacity alongside new major residential development as necessary;
- Policy SI8, which supports the redevelopment of the Harpenden Memorial Hospital, including some healthcare use preferably as a health and wellbeing hub;
- Policy SI9, which supports the redevelopment of Harpenden Public Halls in order to facilitate a new cultural venue;
- Policy SI10, which supports development of new visitor accommodation in appropriate locations; and
- Policy SI11, which expects appropriate utilities infrastructure to be in place for new

major developments.

- 3.17 Each of the policies referenced above clearly make a strong contribution to community building and ensuring social cohesion of new and existing residents in Harpenden through seeking improvements to various social infrastructure aspects alongside growth. The chapter as a whole makes an important contribution to social sustainability.
- 3.18 The transport chapter is most closely related to environmental sustainability, however, in general the Objectives and Policies that seek to promote a modal shift away from the use of private vehicles contribution to social sustainability in encouraging social interactions between residents and an improvement to health and wellbeing. In addition, Parking Objective TMO7 supports appropriate parking provision and is supported by Policies T10 and T11, which respectively seek to ensure the right amount of parking for new homes and in the town centre. Finally, Policy T12 seeks to ensure the transport network is accessible to residents with limited mobility. This collection of policies make a contribution to social sustainability by improving access for all residents.

Delivering environmental sustainability

- 3.19 Environmental sustainability is an important theme of the neighbourhood plan. Objectives and Policies that seek to improve environmental sustainability are mainly contained within the Environment and Sustainable Design and Transport and Movement Chapters.
- 3.20 Conservation of the natural environment is a key theme of the Neighbourhood Plan. Objective EDO1 supports the maintenance and enhancement of the varied green spaces in the Neighbourhood Plan area and Objective EDO4 seeks to encourage and enhance biodiversity generally. The following Policies contribute to the protection and enhancement of the natural environment:
- Policy ESD7, which designates a number of green spaces, many of which accommodate natural habitats;
 - Policy ESD8, which requires developments to maintain the quality and character of open and green spaces, rivers and the natural environment, without causing significant biodiversity or landscape harm to these assets;
 - Policy ESD13, which seeks to protect and enhance biodiversity, including through the

creation of new habitats, such as green roofs and bat and bird boxes;

- ESD14, which seeks to protect existing trees and hedges alongside new development and expects lost trees to be replaced at a ratio of at least 2:1;
- ESD18, which expects developments to be designed in a way that reduces flood risk; and
- ESD20, which seeks to protect the natural environment (and humans) from air, soil and light pollution.

3.21 The policies set out above seek to ensure that the impact of growth on the natural environment is managed in order to reduce impact on important assets and where possible deliver a net gain to the natural environment, including flood risk and habitats. In doing so, these policies make a meaningful contribution to environmental sustainability.

3.22 Another important aspect of environmental sustainability is a reduction in consumption of resources such as energy and water and a general reduction in carbon emissions. The following Objectives seek to address this aspect of environmental sustainability:

- EDO5, which requires developments to promote sustainable living, incorporating an energy efficient design;
- EDO9, which encourages and supports renewable energy generation and storage that supports Harpenden's ambition to be a low carbon area;
- TMO1, which supports a modal shift away from use of private vehicles and towards walking, cycling or public transport;
- TMO3, which expects new school development to incorporate travel plans that discourage use of private vehicles; and
- TMO2, which supports a reduction in road traffic pollution and an improvement to air quality.

3.23 The following policies contribute to the achievement of the objectives set out above in relation to reducing carbon emissions and consumption of resources:

- ESD1, which requires major development proposers to set out the approach taken to reducing consumption of resources and use of green technologies;
- ESD15, which requires all developments to seek to minimise energy consumption, use sustainable materials, incorporate renewable energy and aim to be carbon neutral;
- ESD16, which expects major development proposals to demonstrate an improvement to the baseline Target Emission Rate in Building Regulations and to reduce carbon dioxide emissions using an energy hierarchy. The policy notes that its requirements are not applicable to designated heritage assets;
- ESD17, which supports community-led renewable energy schemes;
- T3 and T4, which expect travel plans to be prepared that prioritise a reduction in private vehicle use for major development proposals and school proposals;
- T5, which supports new road layouts that reduce congestion and associated pollution from emissions;
- T6, which supports improved pedestrian networks as a means to discourage use of private vehicles; and
- T9, which supports the establishments of sustainable transport routes that encourage use of sustainable means of transport.

3.24 The above policies, individually and collectively, contribute to the reduction of emissions and consumption across the Neighbourhood Plan area and support its transition to a low-carbon town. Therefore, a significant contribution to environmental sustainability is made.

3.25 The final relevant aspect of environmental sustainability relates to the maintenance of character and heritage, creating well-designed places. This theme is also important to the environment and sustainable design chapter and its objectives and policies. Most relevant are objectives EDO6, which seeks to conserve and enhance local character and heritage, and EDO2, which supports the protection of key views in the Neighbourhood Plan area. Policies ESD1 and ESD2 focus clearly on ensuring the design of new developments makes a clear contribution to local character and, where applicable, preserves heritage. A number of other policies also make a contribution to maintaining and enhancing

local character, such as ESD5, which provides standards for new car parking, and ESD6, which sets requirements for refuse and recycling stores.

Summary

- 3.26 This section demonstrates that the Neighbourhood Plan makes a substantial contribution to economic, social and environmental sustainability, balancing carefully its approach to ensure the contribution to each is significant and does not negate other aspects.

4.0 To be in general conformity with SADC's Strategic Planning Policies

Introduction

- 4.1 This section analyses the general conformity of the Neighbourhood Plan and its policies against the current adopted and emerging strategic planning policies in SADC. The Development Plan at SADC is composed of the saved policies (2007) of the District Local Plan Review 1994.
- 4.2 National Planning Practice Guidance makes the following comments on what is meant by the terms "general conformity" and "strategic policies":

'What is meant by 'general conformity'?

When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- 1. whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with*
- 2. the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy*
- 3. whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy*
- 4. the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach' (Paragraph: 074 Reference ID: 41-074-20140306)*

'What is meant by strategic policies?

Paragraph 156 of the National Planning Policy Framework sets out the strategic matters about which local planning authorities are expected to include policies in their Local Plans. The basic condition

addresses strategic policies no matter where they appear in the development plan. It does not presume that every policy in a Local Plan is strategic or that the only policies that are strategic are labelled as such. (Paragraph: 075 Reference ID: 41-075-20140306)

'How is a strategic policy determined?'

Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- *whether the policy sets out an overarching direction or objective*
- *whether the policy seeks to shape the broad characteristics of development*
- *the scale at which the policy is intended to operate*
- *whether the policy sets a framework for decisions on how competing priorities should be balanced*
- *whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan*
- *in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan*
- *whether the Local Plan identifies the policy as being strategic*

Planning practice guidance on Local Plans provides further advice on strategic policies. (Paragraph: 076 Reference ID: 41-076-20140306).

'How does a qualifying body know what is a strategic policy?'

A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner. (Paragraph: 077 Reference ID: 41-077-20140306).

- 4.3 On Friday 19th January 2018, SADC confirmed that the following saved 1994 District Local Plan policies are strategic in nature:

Policy Number	Policy Name
1	Metropolitan Green Belt
2	Settlement Strategy
4	New Housing Development in Towns
5	New Housing Development in Specified Settlements
7A	Affordable Housing in Towns and Specified Settlements
19	Overall Employment Strategy
20	Development in Employment Areas
23	Business Use Development
24	Unallocated Employment Sites
34	Highways Considerations in Development Control
39	Parking Standards, General Requirements
51	Shopping and Service Uses, Overall Strategy
55	Local Shopping Facilities
58	Major Retail Development Outside Existing Town Centres
60A	Hospital Services
65	Education Facilities
67	Public Meeting Rooms and Facilities
92	New Indoor Sports Facilities
99	Overnight Accommodation and Ancillary Facilities
102	Loss of Agricultural Land

104 Landscape Conservation

- 4.4 Officers further stated, "*A few of these policies may be considered to not be up to date, however you are advised in such cases to look at the overarching aims rather than the detail.*"

Assessment

- 4.5 Table 1 assesses the Neighbourhood Plan in the context of each strategic adopted policy that is relevant to the Harpenden Neighbourhood Plan Area. Policies that relate only to land outside of the Neighbourhood Plan Area are not included. While there is no basic condition relating to conformity with emerging planning policy (see NPPG Paragraph: 009 Reference ID: 41-009-20160211) and therefore there is no reference to these in this Statement, the Harpenden Neighbourhood Plan has been formed in collaboration with SADC with the aim of ensuring conformity with its emerging Local Plan.

Policy Name	Relevant aspect of Neighbourhood Plan	Assessment of general conformity
<p>1 – Metropolitan Green Belt</p>	<ul style="list-style-type: none"> Policy SS1; 	<p>Policy SS1 identifies a “Built up Area Boundary” for Harpenden, which is congruous with the Green Belt boundary set by Policy 1.</p> <p>Policy 1 sets out a list of acceptable forms of development in the Green Belt. Policy SS1 bases its definition of exceptions to inappropriate development in the Green Belt on Paragraph 89 of the NPPF. There are some small variations between the list set out in Policy 1 and Paragraph 89, but broadly the acceptable uses are similar. It is considered that Policy SS1 is justified in applying the NPPF list rather than the Policy 1 list as the NPPF is a more up-to-date document.</p> <p>Both Policy 1 and Policy SS1 state that other development in the Green Belt is only acceptable in very special circumstances. However, Policy SS1 adds another level of detail to Policy 1 by requiring applicants to demonstrate why the proposal cannot be located within the Built up Area Boundary of Harpenden. This does not undermine the approach of Policy 1 as the requirement ‘works alongside’ the requirement to demonstrate very special circumstances. This distinct local approach is taken due to the Neighbourhood Plan intention to grow in sustainable locations and maximise growth in the urban areas</p>

		<p>of Harpenden.</p> <p>The Neighbourhood Plan is in General Conformity with this Policy.</p>
<p>2 – Settlement Strategy</p>	<ul style="list-style-type: none"> • Policy SS1; • Policy ESD2; • Policy ESD7; 	<p>Policy SS1 establishes a Built up Area Boundary of Harpenden, which reinforces the Green Belt boundary of Harpenden, as referenced in Policy 2.</p> <p>Policy 2(i) states that the Council will safeguard the character of specified settlements and Green Belt settlements. Policy ESD2 seeks to protect the character of Harpenden, in accordance with Policy B(i), adding weight by defining a number of key character-related considerations, such as height, scale and design.</p> <p>Policy 2(ii) states that the Council will seek to safeguard green spaces within settlements. Policy ESD7 designates 16 green spaces within Harpenden as Local Green Spaces, protecting them from future development except in very special circumstances. Policy ESD7 adds weight to Policy 2(ii) while upholding its general principle.</p> <p>Policy 2(iii) details protection of Conservation Areas. Policy ESD2 adds detail to 2(iii) in requiring Heritage Statements for developments affecting the appearance of the Harpenden Conservation Area. It also sets out a process for judging whether a proposal that causes harm to the conservation area is acceptable, in line with the NPPF tests.</p>

		<p>Policy 2 states that “development will generally be concentrated in towns”. The spatial strategy in Policy SS1 upholds this principle.</p> <p>The policies detailed in this section add detail to Policy 2 while upholding its general principles.</p> <p>The Neighbourhood Plan is in General Conformity with this Policy.</p>
<p>4 – New Housing Development in Towns</p>	<ul style="list-style-type: none"> • Policy ER2; • Policy ER4; • Policy ESD7; • Policy H2; • Policy H6; and • Policy H10. 	<p>Policy 4 sets out a principled “presumption in favour” of housing development subject to criteria (detailed below). While the Neighbourhood Plan does not reiterate this position as such, it is clear that residential development is supported in the Built Up Area of Harpenden including through renewal of existing stock where appropriate (Policy H2) and new housing developments on allocated sites (Policy H10).</p> <p>Policy 4(i) supports development of a number of housing allocations in Harpenden. These sites are mostly delivered in the intended use, however, the Neighbourhood Plan does not seek to alter any allocations set in the 1994 District Local Plan Review. The Neighbourhood Plan updates 4(i) by identifying a number of new housing allocations in Harpenden in Policy H10.</p>

		<p>Policy 4(ii) states that residential use will not be permitted on sites that are necessary to keep in open use or if the land is required for another purpose. The Neighbourhood Plan includes some policies that add detail to these criteria, identifying the following locations as suitable for uses other than housing:</p> <ul style="list-style-type: none"> • Policy ER2, which identifies four employment locations, where residential use would not be acceptable; • Policy ER4, which identifies Harpenden Town Centre and four local centres, where ground floor residential use would not normally be acceptable; and • Policy ESD7, which protects Local Green Spaces from residential development. <p>Policy 4 states that the Council will normally seek to negotiate an element of affordable housing on sites over 0.4 hectares or sites below 0.4 hectares where 15 or more dwellings are proposed. This summarises the position in Policy 7A, which is considered in detail below.</p> <p>Policy 4 also references the need to ensure residential design and layout is acceptable. Policies ESD1, ESD2, ESD4 and ESD5 add a significant amount of detail to this aspect of the policy while upholding its principle.</p>
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		The Neighbourhood Plan is in General Conformity with this Policy.
5 - New Housing Development in Specified Settlements		This policy does not relate to the Harpenden Neighbourhood Plan Area.
7A - Affordable Housing in Towns and Specified Settlements	<ul style="list-style-type: none"> • Policy H6; 	<p>Policy 7A reiterates and adds detail to the reference to affordable housing in Policy 4. As with Policy 4, it states that the Council will normally seek to negotiate an element of affordable housing on sites over 0.4 hectares or sites below 0.4 hectares where 15 or more dwellings are proposed. Neighbourhood Plan Policy H6 concerns affordable housing and seek a provision of 40% affordable housing for proposals of ten or more units (major developments). Policy 7 does not set a target provision of affordable housing, instead noting that <i>“the Council will seek to negotiate a proportion of affordable housing based on site and marketing conditions and local housing need”</i>. The 40% expectation in Policy H6 can be seen as a distinct local approach that represents a change from the 1994 District Local Plan, however, this should be considered in the context of the robust evidence base that informed the now abandoned emerging Strategic Local Plan (SLP), which also set a target of 40%. The threshold of major</p>

		<p>developments (i.e. ten units or more) is lower than the 1994 District Local Plan but is considered appropriate in the context of the considerable shortfall of affordable, which led to the SLP seeking affordable housing on-site for schemes of over 4 units. The Neighbourhood Plan does not seek to reduce the affordable housing threshold to this level due to recent High Court decisions on the provision of affordable housing on small sites, as referenced in Planning Practice Guidance (Paragraph: 031 Reference ID: 23b-031-20161116). We consider that the small degree of conflict between the threshold in Policy 7A and Neighbourhood Plan Policy H6 is justifiable given the evidenced need for affordable housing. We also consider this comprises “general” conformity, as the Neighbourhood Plan upholds the principle of this aspect of Policy 4, which is to ensure affordable housing is provided as part of new housing developments.</p> <p>Policy 7A expects affordable housing to be provided on-site, which is echoed by Policy H6.</p> <p>Policy 7A includes some further specific expectations in relation to affordable housing provision, including:</p> <ul style="list-style-type: none"> • A requirement to reserve housing permanently for people with strong local connections (those who live in the District, those who used to live in the District
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		<p>but moved out due to a lack of affordable housing or those working in the District).; and</p> <ul style="list-style-type: none"> • That affordable housing remains affordable at the tenure it was first offered (sale, rent or equity) in perpetuity. <p>Policy H6 does not address these issues, but does not provide an alternative approach so does not undermine these policies.</p> <p>It is clear that, despite some subtle and evidence-based variations in approach, Policy H6 upholds the principles of Policy 7A.</p> <p>The Neighbourhood Plan is in General Conformity with this Policy.</p>
<p>19 - Overall Employment Strategy</p>	<ul style="list-style-type: none"> • Policy ER1; • Policy ER2; and • Policy ER3. 	<p>Policy 19(i) seeks to ensure sufficient land and floorspace is available for employment use, while avoiding excessive growth that would increase commuting in to the District. The Neighbourhood Plan seeks to support new or redeveloped employment sites in Policy ER1, protects existing employment sites in Policy ER2 and sets out potential support for expansion of Rothamsted Research, subject to an acceptable very special circumstances case, in Policy ER3. The Neighbourhood Plan does not identify any sites for new employment land, partially due to prioritisation of sites for residential use and the inability to release and then allocate Green Belt sites. However, no statement is made</p>

		<p>that seeks to prevent employment growth in the future. The Neighbourhood Plan is in accordance with the principle of Policy 19(i).</p> <p>Policy 19(ii) references employment areas, which are set in Policy 20. General conformity of the Neighbourhood Plan with Policy 20 is considered further in to this table.</p> <p>Policy 19(iii) references employment in Harpenden Town Centre, which is detailed in Policy 23. General conformity of the Neighbourhood Plan with Policy 23 is considered further in to this table.</p> <p>Policy 19(iv) supports the expansion of local firms when consistent with the other policies of the Neighbourhood Plan. Policies ER1 and ER3 echo this position and add some detail by supporting in particular Rothamsted Research, small businesses and home workers.</p> <p>The Neighbourhood Plan is in General Conformity with this Policy.</p>
<p>20 - Development in Employment Areas</p>	<ul style="list-style-type: none"> • Policy ER2; 	<p>Policy 20 identifies four employment areas that merit protection for change of use to non-employment uses. Policy ER2 identifies the same four employment areas, however with some minor adjustments to the Southdown Industrial Estate boundaries following some changes to the planning status of the site since 1994 (it also loses the “former Gas Works” aspect of the name). The Neighbourhood Plan Policy states that change of use</p>

		<p>from B-Class uses in these locations would not be considered acceptable, whereas the 1994 District Local Plan Policy states that only B1 Use Class would be available. However, the revised wording does not conflict with the ability to pursue B1 Use Classes only, should the District Council wish to. It is clear that in designating the same sites for employment use Policy ER2 upholds the principle of Policy 20.</p> <p>The Neighbourhood Plan is in General Conformity with this Policy.</p>
<p>23 - Business Use Development</p>	<ul style="list-style-type: none"> • Policy ER1; • Policy ER7; and • Policy H10. 	<p>Policy 23 states that employment use is only acceptable in certain circumstances/locations:</p> <p>Policy 23(i) is not relevant to the Harpenden Neighbourhood Plan.</p> <p>Policy 23(ii) sets out a number of sites allocated for employment use in Harpenden. One of these sites, Land at 63 High Street, is now allocated for residential use in Policy H10 of the Neighbourhood Plan. While this conflicts with the approach set out in Policy 23, it is because of a site assessment process undertaken over 20 years later and in the context of a pressing need to find sites to accommodate housing growth. The Neighbourhood Plan does not affect the other sites allocated in Policy 23(ii).</p> <p>Policy 23 (iii) supports employment development on the upper floors of premises in</p>

		<p>retail frontages, but states that ground floor business development is not normally acceptable in those locations. Neighbourhood Plan Policy ER7 supports business use above shops in Harpenden Town Centre and Southdown Local Centre subject to an acceptable impact on shops below. This upholds the general principle of Policy 23(ii) and adds some detail to it with regards to protecting shops below.</p> <p>Policy 23 (iv) is addressed in the test of conformity with Policy 20.</p> <p>Policy 23(v) is not relevant to the Harpenden Neighbourhood Plan.</p> <p>Policy 23(vi) supports extensions or redevelopment of existing employment sites. Policy ER1 takes a similar position in supporting appropriate improvement, enhancement and redevelopment of existing employment sites.</p> <p>In addition to meeting the relevant criteria above, the Neighbourhood Plan sets out a distinct local approach with additional support for development that would support local small businesses and home workers. While this is not covered in Policy 23, it fits with the Overall Employment Strategy set out in Policy 19, which seeks to support local business.</p> <p>The Neighbourhood Plan is in General Conformity with this Policy.</p>
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<p>24 – Unallocated employment site</p>	<ul style="list-style-type: none"> • Policy ER1; • Design policies; • Transport policies; 	<p>This policy supports extensions and redevelopment of sites for B1 purposes. Neighbourhood Plan Policy ER1 supports this ambition with similar wording. The additional considerations set out in Policy 24, such as impact on conservation areas, highways considerations and impact on neighbouring uses, are supported by a number of policies in the Environment and Sustainable Design and Transport and Movement sections, which do not undermine the wording of Policy 24.</p> <p>The Neighbourhood Plan is in General Conformity with this Policy.</p>
<p>34 – Highways considerations in development control</p>	<ul style="list-style-type: none"> • Policy T1; • Policy T2; 	<p>Policy 34 requires development proposals that create a significant amount of traffic to be acceptable with regards to a number of criteria related to highways and vehicle movements. Neighbourhood Plan policy T1 expects transport assessments to be prepared for developments that create significant amount of transport movement. Where the impact of these developments on the transport network is severe negative, the policy states improvements or mitigation is required to make that development acceptable. Policy T2 adds some detail to Policy T1 with regards to impact on major roads. The approach set out in T1 and T2 is consistent with Policy 34.</p> <p>The Neighbourhood Plan is in General Conformity with this Policy.</p>

<p>39 – Parking standards, general requirements</p>	<ul style="list-style-type: none"> • Policy T11; 	<p>This policy sets out a number of criteria for parking standards. However, it was partially replaced by the revised parking standards, which were adopted in 2002. Policy T11 supports the introduction of parking alongside development in accordance with the 2002 parking standards. Therefore, the Neighbourhood Plan upholds the SADC approach in full.</p> <p>Policy 39 also includes a number of additional considerations with regards to parking provision. The Neighbourhood Plan does not go into this level of detail and therefore does not change the impact of these expectations.</p> <p>The Neighbourhood Plan is in General Conformity with this Policy.</p>
<p>51 – Shopping and service uses, overall strategy</p>	<ul style="list-style-type: none"> • Policy ER4; 	<p>Policy 51 identifies Harpenden Town Centre as a “minor District Centre” and Southdown as a Neighbourhood Centre. It also eludes to a number of local shopping facilities, which are contained in Policy 55. It states that in the centres the Council will seek to maintain and enhance the vitality and viability of each centre. Policy ER4 designates Harpenden Town Centre and Southdown as “Designated Retail Areas”. In addition, it identifies three parades of shops as further Local Centres, which are discussed in the assessment of Policy 55. Policies ER5 and ER6 include significant detail on how the vitality and viability of Harpenden Town Centre and Local Centres may be maintained. These criteria add detail to Policy 51.</p>

		The Neighbourhood Plan is in General Conformity with this Policy.
55 – Local shopping facilities	<ul style="list-style-type: none"> • Policy ER4; • Policy ER6. 	<p>Policy 55 identifies five “Local Centres” in Harpenden, where loss of retail use to other uses would not normally be accepted. The Harpenden Neighbourhood Plan designates three of these as Local Centres. It does not designate Nos 50-54 Westfield Road or 103-107 Station Road. However, it does not state that loss of retail in these locations is acceptable, so it does not undermine the implementation of Policy 55. Policy ER6 states that in Local Centres, including the three other centres in Policy 55, loss of retail would not be acceptable without replacement retail in the same area. This upholds the principle of Policy ER6.</p> <p>The Neighbourhood Plan is in General Conformity with this Policy.</p>
58 – Major retail development outside existing town centres		<p>This Policy is not relevant to the content of the neighbourhood Plan, which does not address retail warehouses and therefore does not affect the implementation of Policy 58.</p> <p>The Neighbourhood Plan is in General Conformity with this Policy.</p>
60A – Hospital services	<ul style="list-style-type: none"> • Policy H10; and • Policy SI8. 	<p>Policy 60A supports the expansion of the Harpenden Memorial Hospital provided important buildings are retained, proposals are acceptable in terms of access, parking and landscaping and would not negatively impact the amenity of future residents. Neighbourhood Plan Policy H10 allocates the Harpenden Memorial Hospital for a</p>

		<p>minimum of 34 dwellings with the condition that the healthcare element of the site is maintained. Policy SI8 sets out some expectations of a future healthcare facility on the site of the current memorial hospital. These policies work alongside 60A and are formed with the expectation that the historic building (the Red House) will be maintained and converted to flats. While the Policies add a distinct local approach to Policy 60A, the general principle is upheld with no conflict to the requirements of 60A.</p> <p>The Neighbourhood Plan is in General Conformity with this Policy.</p>
65 – Education facilities	<ul style="list-style-type: none"> • Policy SI1. 	<p>Policy 65 sets out requirements for expanded and new schools. The relevant Harpenden Neighbourhood Plan Policy is SI1. Policy SI1 supports the extension or expansion of schools in the Neighbourhood Plan Area provided that there is a demonstrable need to. It also adds a distinct local approach in supporting expansion wherever possible rather than creation of new schools. This is consistent with the ambitions to protect the Green Belt insofar as possible. However, it does not contradict any of the criteria in Policy 65, so would effectively “work alongside” this Policy.</p> <p>The Neighbourhood Plan is in General Conformity with this Policy.</p>
67 – Public Meeting Rooms and Facilities	<ul style="list-style-type: none"> • Policy SI2; • Policy SI3; • Policy SI4; 	<p>Policy 67 addresses both the protection of existing community venues and the provision of new community venues. With regards to protection of existing community venues, Policy SI2 contains near identical wording around only allowing change of use unless the</p>

	<ul style="list-style-type: none"> • Policy SI5 	<p>venue is re-provided elsewhere or surplus to requirements. It adds detail to Policy 67 by setting out a clear list of venues that may be considered as community venues.</p> <p>A number of policies, including SI3, SI4 and SI5 add significant detail to Policy 67, which makes a broad statement in support of new community venues. These policies, which set out principled support for new community development, uphold the principle of Policy 67.</p> <p>The Neighbourhood Plan is in General Conformity with this Policy.</p>
<p>92 – New indoor sports facilities</p>	<ul style="list-style-type: none"> • Policy SI4; • Policy SI6. 	<p>Policy 92 identifies a number of allocated sites for new indoor sports facilities. One of these sites is in Harpenden and is the now built Harpenden Indoor Swimming Pool. This site is now identified in the Neighbourhood Plan for a new sports complex, including a new indoor swimming pool in Policy SI6. Policy SI4 also sets out general support for new sports facilities. While the Neighbourhood Plan seeks to re-allocate the site for new development, this is justifiable given the time-delay between the plans. The proposed redevelopment of the site is led by SADC.</p> <p>The Neighbourhood Plan is in General Conformity with this Policy.</p>

<p>99- Overnight accommodation and ancillary facilities</p>	<ul style="list-style-type: none"> • Policy SI10 	<p>Policy 99 allocated a site off the Lower Luton Road for hotel development. The Neighbourhood Plan does not seek to alter this allocation. In addition, it sets out principled support for new hotels subject to criteria, including “environmental acceptability” and impact on neighbouring residents. Policy SI10 supports new hotels in appropriate locations in close proximity to town and local centres. This aligns with the expectations of Policy 99 and upholds its general principle.</p> <p>The Neighbourhood Plan is in General Conformity with this Policy.</p>
<p>102 – loss of agricultural land</p>	<ul style="list-style-type: none"> • Policy SS1 	<p>The Neighbourhood Plan does not allocate any agricultural land for development and expects new development to be prioritised in the Built Up Area of Harpenden rather than on greenfield sites. Therefore, the principle of this policy is not challenged.</p> <p>The Neighbourhood Plan is in General Conformity with this Policy.</p>
<p>104 – Landscape conservation</p>	<ul style="list-style-type: none"> • Policy ESD7; 	<p>This Policy sets out support for “Landscape Conservation Areas” (LCAs). One of these LCAs, Upper Lea Valley, passes through Harpenden. Policy ESD7 protects the Lea Valley Walk from inappropriate development through designating it as a Local Green Space. While this is a distinctive approach to protecting the site, it upholds the principle of protecting the walk.</p> <p>The Neighbourhood Plan is in General Conformity with this Policy.</p>

5.0 To meet the relevant EU obligations

5.1 The table below sets out how the Harpenden Neighbourhood Plan meets the relevant EU obligations.

Obligation	How the Neighbourhood Plan is in conformity
The requirement to screen for and (if necessary) prepare a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended)	SADC has screened the Neighbourhood Plan to assess if an SEA is required and has concluded one is not. This is included at Supporting Document J.
The requirement to screen for and (if necessary) prepare a Habitats Regulations Assessment in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended)	The SEA Screening considers this matter and concludes there is no need for a Habitats Regulations Assessment.
Requirements with regards to Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively).	There are no Special Protection Areas within the Neighbourhood Plan Area nor in close proximity to the Neighbourhood Plan Area. There are also no Sites of Community Importance relevant to the Neighbourhood Plan. The SEA Screening does not raise any concerns with regards to protected habitats including those of wild birds.

6.0 Summary

- 6.1 This Legal Compliance Statement (including Basic Conditions Statement) demonstrates that the Harpenden Neighbourhood Plan meets the legal requirements (including basic conditions) required of Neighbourhood Development Plans.
- 6.2 We therefore recommend that SADC allows the Neighbourhood Plan to proceed to consultation prior to examination

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