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# **Report on Sandridge Parish Neighbourhood Plan 2019 - 2036**

**An Examination undertaken for St Albans City and District Council with the support of Sandridge Parish Council on the June 2020 submission version of the Plan.**

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Date of Report: 22 December 2020

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## **Main Findings** - Executive Summary

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

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Sandridge Parish Council;
- The Plan has been prepared for an area properly designated – the Sandridge Neighbourhood Plan Area (Figure 1 on Page 6 of the Plan);
- The Plan specifies the period to which it is to take effect – 2019-2036; and
- The policies relate to the development and use of land for a designated neighbourhood area.

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

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

## **1. Introduction and Background**

### *Sandridge Parish Neighbourhood Plan 2019-2036*

- 1.1 Sandridge is a Parish on the northern side of the city of St Albans. It includes some of the residential area on the outskirts of St Albans, such as Marshalswick North and Jersey Farm, with Sandridge village itself being separated from the built-up limits of the city by a narrow strip of Green Belt. Smaller communities within the Parish include Coleman Green and Tower Hill. The Parish is also home to Heartwood Forest on the northern limits of the Parish. The population (2017) was recorded as being 11,576.
- 1.2 Part of the western boundary of the Parish is formed by the main line railway between Bedford and St Pancras, via St Albans. In terms of roads, the B651 passes through the Parish in a northeast to southwest direction, running towards the centre of St Albans. Various minor roads are used as through routes for east-west traffic.
- 1.3 Work on the Plan commenced in the Spring of 2014 when initial soundings of residents were taken. Thereafter, consultation proceeded in various phases and included the preparation, distribution and analysis of important residents' surveys that have been fundamental to the

preparation of the Plan. The draft Plan was ready for the first round of formal consultation under Regulation 14 at the end of July 2019.

### *The Independent Examiner*

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Sandridge Parish Neighbourhood Plan by St Albans City and District Council with the agreement of the Sandridge Parish Council.
- 1.5 I am a chartered town planner and former government Planning Inspector with over forty years' experience. I have worked in both the public and the private sectors. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft Plan.

### *The Scope of the Examination*

- 1.6 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"). The examiner must consider:
- Whether the plan meets the Basic Conditions;
  - Whether the plan complies with provisions under Section 38A and Section 38B of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"). These are:
    - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
    - it sets out policies in relation to the development and use of land;
    - it specifies the period during which it has effect;
    - it does not include provisions and policies for "excluded development";

- it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
- whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the 2012 Regulations”).

1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### *The Basic Conditions*

1.9 The “Basic Conditions” are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>1</sup>

## **2. Approach to the Examination**

### *Planning Policy Context*

2.1 The Development Plan for this part of St Albans City and District Council, not including documents relating to excluded minerals and waste development, comprises the saved policies from the St Albans District

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<sup>1</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

Local Plan Review (November 1994). This part of the Development Plan was to have been superseded by the emerging St Albans City and District Local Plan 2020–2036. However, this emerging Local Plan has been withdrawn.<sup>2</sup>

- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019 and all references in this report are to the February 2019 NPPF and its accompanying PPG.<sup>3</sup>

### *Submitted Documents*

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Sandridge Parish Neighbourhood Plan 2019 - 2036, June 2020;
  - a map which identifies the area to which the proposed Neighbourhood Development Plan relates (Figure 1 on Page 6 of the Plan);
  - the Consultation Statement, June 2020;
  - the Basic Conditions Statement, June 2020;
  - all the representations that have been made in accordance with the Regulation 16 consultation;
  - the Sandridge Neighbourhood Plan Strategic Environmental Assessment Screening Report, 27 July 2018, prepared by St Albans City and District Council; and
  - the requests for additional clarification sought in my letter of 10 November 2020 and the responses (both dated 23 November) from Sandridge Parish Council and St Albans City & District Council.<sup>4</sup>

### *Site Visit*

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 25 November 2020 to familiarise myself with it and visit relevant sites and areas referenced in the Plan and evidential documents.

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<sup>2</sup> View at: <https://www.stalbans.gov.uk/withdrawal-draft-local-plan-2018>

<sup>3</sup> NPPF Paragraph 214. The Plan was submitted under Regulation 15 to the local planning authority after 24 January 2019.

<sup>4</sup> View at: <https://www.stalbans.gov.uk/neighbourhood-planning>

### *Written Representations with or without Public Hearing*

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

### *Modifications*

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

## **3. Procedural Compliance and Human Rights**

### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The Sandridge Parish Neighbourhood Plan has been prepared and submitted for examination by Sandridge Parish Council, which is a qualifying body for an area that was designated by St Albans City and District Council on 24 April 2014.
- 3.2 It is the only Neighbourhood Plan for the Sandridge Neighbourhood Area and does not relate to land outside the designated Neighbourhood Plan Area.

### *Plan Period*

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2019 to 2036.

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 Details of plan preparation and consultation are set out in the Parish Council's Statement of Consultation, dated June 2020. Application for designation as a neighbourhood area was approved by St Albans City and District Council on 24 April 2014.
- 3.5 Consultation took place in several distinct phases, initially with a series of open meetings, group formation and questionnaire production up to the Summer of 2015. Analysis of the residents' surveys extended over the period Summer 2015 to February 2016, to be followed by development of a vision and objectives, business and school surveys and policy drafting through to Winter 2016. Initial drafting of the Plan and consultation on policies then took place between January 2017 and Winter 2017. Finally, in the period to July 2019 the Plan was prepared for consultation under Regulation 14 (29 July - 27 September 2019).

- 3.6 At the Regulation 14 stage, representations were submitted by approaching 30 statutory consultees, residents, land promoters and non-government organisations. Changes to the Plan were made with the aim of addressing the representations, all as documented in the Statement of Consultation. At the Regulation 16 stage (27 July - 21 September 2020), representations were received from a similar number of parties, as well as a response from the City and District Council.
- 3.7 I am satisfied that, at both the Regulation 14 and the Regulation 16 stages, the consultation process met the legal requirements and there has been procedural compliance. Regard has been paid to the advice on plan preparation in the PPG.

#### *Development and Use of Land*

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

#### *Excluded Development*

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

#### *Human Rights*

- 3.10 Sandridge Parish Council is satisfied that the Plan is compatible with Human Rights (within the meaning of the Human Rights Act 1998) and, from my independent assessment, I see no reason to disagree.

### **4. Compliance with the Basic Conditions**

#### *EU Obligations*

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by St Albans City and District Council which found that SEA of the Plan was not required. Having read the SEA Screening Report, I support this conclusion.
- 4.2 As part of the SEA Screening Report, the Sandridge Parish Neighbourhood Plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. The site is not in close proximity to any European designated nature site. Natural England agreed that the Plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect. From my independent assessment of this matter, I have no reason to disagree.

## *Main Issues*

- 4.3 Before I deal with the main issues, I have a few observations to make with regard to the representations. First, the Sandridge Parish Neighbourhood Plan should be seen in the context of the wider planning system. This includes the saved policies from the District Local Plan Review 1994 as well as the NPPF and PPG. It is not necessary, and it would be inappropriate, to repeat in the Neighbourhood Plan matters that are quite adequately dealt with elsewhere.<sup>5</sup>
- 4.4 Secondly, the Neighbourhood Plan does not have to deal with each and every topic raised through the consultation. In this regard, the content of the Neighbourhood Plan and the scope of the policies is largely at the discretion of the qualifying body, albeit informed by the consultation process and the requirements set by the Basic Conditions.
- 4.5 Thirdly, my central task is to judge whether the Neighbourhood Plan satisfies the Basic Conditions. Many of the representations do not demonstrate or indicate a failure to meet those conditions or other legal requirements. Similarly, many of the suggested additions and improvements are not necessary when judged against the Basic Conditions. Be this as it may, non-material changes, including suggestions and corrections set out in the representations, can be incorporated into the final version of the Plan.
- 4.6 The following section of my report sets out modifications that are necessary in order to meet the Basic Conditions. Some of the proposed modifications are factual corrections.<sup>6</sup> Others are necessary in order to have closer regard to national policies and advice. In particular, plans should contain policies that are clearly written and unambiguous.<sup>7</sup> In addition, the policies should be supported by appropriate evidence.<sup>8</sup>
- 4.7 Having regard for the Sandridge Parish Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are five main issues relating to the Basic Conditions for this examination. These relate to:
- Changed Circumstances;
  - Sustainable Development;
  - Sustainable Transport;
  - Sustainable Economy; and
  - Sustainable Environment, Health and Wellbeing.

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<sup>5</sup> NPPF Paragraph 16 f).

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

<sup>7</sup> NPPF Paragraphs 15 and 16.

<sup>8</sup> PPG Reference: 41-041-20140306.

## Issue 1: Changed Circumstances

- 4.8 Two important changes have taken place since the submission draft of the Sandridge Parish Neighbourhood Plan was prepared. The first matter, as noted above, is the withdrawal of the emerging St Albans City and District Local Plan 2020 – 2036. The second relates to changes to the Use Classes Order.<sup>9</sup>
- 4.9 The Basic Conditions Statement sets out an assessment of the draft Neighbourhood Plan policies against both the extant saved policies of the Development Plan and the emerging Local Plan. This has regard to the advice in the PPG that, 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, and the emerging local plan and adopted development plan.<sup>10</sup> Accordingly, there are references to the emerging Local Plan throughout the document. Many of the references are inconsequential. However, of greater significance is the inclusion of Neighbourhood Plan Policy D7. This relates to a major allocation that was to have been made through the emerging Local Plan (East St Albans Broad Location). The inclusion of this policy, or otherwise, is discussed below.
- 4.10 It is unfortunate that withdrawal of the emerging Local Plan has come at such a late stage in the consideration of the Neighbourhood Plan and has affected the work of the Parish Council. However, I note that the Parish Council expects to review the Neighbourhood Plan once more details of the revised emerging Local Plan become available.<sup>11</sup>
- 4.11 Also discussed below are changes to the Use Classes Order. This affects the provisions of Neighbourhood Plan Policy C2 Retail Areas. The City and District Council had indicated that a review of the policy may be necessary in the light of a legal challenge to the law.<sup>12</sup> However, this matter has now been resolved.<sup>13</sup> There is to be no change to the law and the amendments to the Use Classes Order stand. Policy C2 is considered (below) in the light of the amended Order.
- 4.12 Other changed circumstances include publication, in February 2019, of a revised version of the NPPF, albeit there are no substantive issues arising that relate to the Basic Conditions.<sup>14</sup> What will be necessary however is amended reference to the emerging Local Plan. This is dealt with in

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<sup>9</sup> Town and Country Planning (Use Classes) Order 1987 (as amended).

<sup>10</sup> PPG Reference ID: 41-009-20190509.

<sup>11</sup> Response to Examiner's questions, Sandridge Parish Council, 23 November 2020.

<sup>12</sup> Letter accompanying submission of the Sandridge Parish Neighbourhood Plan, St Albans City and District Council, 30 October 2020.

<sup>13</sup> [2020] EWHC 3073 (Admin) – Judgement dated 17 November 2020. View at: <https://www.bailii.org/ew/cases/EWHC/Admin/2020/3073.html>

<sup>14</sup> References in the Plan to the 2018 version of the NPPF can be corrected at the discretion of the Council.

proposed modification **PM1**. With this modification in place, the Plan will meet the Basic Conditions by being factually correct and reflecting the evidence.

## Issue 2: Sustainable Development

- 4.13 Policy D1 defines a settlement boundary for Sandridge. In supporting qualifying development, one of the provisos is that “development meets or provides facilities that support the village community or its visitors”. However, what it is that the development is supposed to meet is not clear. To avoid uncertainty, the words “meets or” should be deleted.
- 4.14 Policy D1 continues by supporting qualifying development within the curtilage of an existing property. However, if this were a listed building, harm could be caused to the building’s setting and its significance as a heritage asset. An additional criterion, governing effects on heritage assets, should be added to the policy.
- 4.15 Necessary changes to Policy D1 Settlement Boundary are set out in proposed modification **PM2**.
- 4.16 The next policy in the Neighbourhood Plan, Policy D2, is entitled Potential Development Land. One matter of concern is reference to homes that are “social and affordable”. This reference is lacking in clarity but is intended to refer to affordable housing.<sup>15</sup> The policy should be modified to avoid uncertainty.
- 4.17 Policy D2 also refers to construction management plans, plans that “should be agreed in consultation with Sandridge Parish Council” and include statements on “construction routes and how and when repair to any infrastructure damage” will be rectified. Planning “agreements” supporting appropriate proposals are also called for. In these regards, there are a number of points to be made:
- An applicant, through a development plan policy, cannot be required to consult with the Parish Council (although this might be desirable and advisable). However, support can be given to proposals where consultation has taken place.
  - St Albans City and District Council would consult the Parish Council where it is a statutory consultee. However, as the local planning authority, the City and District Council is responsible for making decisions on planning applications.
  - Whilst construction routes can be difficult to enforce, they can in principle be the subject of planning conditions (and development plan policies).

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<sup>15</sup> See Response to Examiner’s questions, Sandridge Parish Council, 23 November 2020  
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- The carrying out of repairs to damaged infrastructure, and their funding, should be the subject of a planning obligation separate from any construction management plan.
  - Reference should be made to planning obligations (not just Section 106 agreements) since these would include unilateral undertakings.
- 4.18 All the necessary amendments to the policy are dealt with under proposed modification **PM3**.
- 4.19 Policy D3 is concerned with the provision of affordable housing. Under the policy, this will not be supported unless the affordable housing remains as affordable housing in perpetuity. In addition, the first offer of a tenancy is to be made to those with a strong local connection.
- 4.20 On the matter of perpetuity, the evidence indicates<sup>16</sup> that this can be counterproductive where shared ownership is involved. There could be circumstances where lenders' valuations are compromised and the home ends up being less affordable. As such, shared ownership should be excluded from the perpetuity requirement.
- 4.21 As to tenancy offers, I do not see any insuperable problem in demonstrating a strong local connection at the time a nomination is being considered. The need for the strong local connection would be repeated through the planning obligation or an informative on the planning permission. Other controls over the affordable housing should also be made via a planning obligation.
- 4.22 There remains the question of whether there should be Parish priority for affordable homes at the level suggested. This is a matter that may have to be re-visited in the Neighbourhood Plan review if major housing allocations are confirmed. For the time being, and given the likely modest levels of affordable housing provision within the Parish, I find that the provisions of Policy D3 are acceptable subject to the changes set out in proposed modification **PM4**. The modification includes reference to affordable housing (not affordable and social) and planning obligations (not agreements) as before.
- 4.23 Turning to Policy D4, this deals with housing development and building guidelines on schemes of less than 10 dwellings and applies to extensions and developments on brownfield land. Qualifying development that include the aspects identified in the policy will be "viewed favourably". As such, I note that they are not specific requirements. Nevertheless, there are two matters that need modification.
- 4.24 The first relates to off-road car parking with a minimum of two spaces being sought for one or two bedrooms and a further space for each additional bedroom up to a maximum of four. I appreciate that on-street

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<sup>16</sup> Regulation 16 representations of Hightown Housing Association.

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parking can be a problem. I observed examples on my site visit. However, the levels of provision suggested would have other impacts, for example, on sustainability, viability, visual appearance and effective use of land. This is in circumstances where most households in the Parish only have one or two cars. A reduction in the suggested standard would be appropriate.

- 4.25 A second matter is support for electric vehicle charging points and boxes that are “fully operational”. This wording raises questions of enforceability. Proposed modification **PM5** would meet the objective in a clearer way as well as dealing with the matter of car parking.
- 4.26 Policy D5 addresses housing developments with 10 or more dwellings. Amongst other things, there is a call for “realistic” car parking. However, this term is lacking in clarity. In this regard, I would expect the parking standards of the City and District Council to have been drawn up with attention to a variety of relevant factors. Proposed modification **PM6** references the City and District Council’s parking standards.
- 4.27 The next Plan policy is Policy D6, Sustainable Future Housing Design. The opening paragraph of the policy deals with health and wellbeing. There is reference to recommendations in the Hertfordshire Health and Wellbeing Guidance and Public Health England’s Spatial Planning for Health. For clarity, there should be links to the recommendations in those documents so that potential developers can identify and take into account the requirements of the policy.
- 4.28 As with other policies, Policy D6 identifies standards the meeting of which would warrant more favourable consideration. They include a porch, triple-glazing and enhanced insulation but these are not mandatory requirements. For succinctness<sup>17</sup> however, three points on solar gain could be combined into a single point. Proposed modification **PM7** refers and also deals with health and wellbeing.
- 4.29 I now turn to Policy D7. As indicted above, this relates to the East St Albans Broad Location which would have been a major allocation under the emerging St Albans City and District Local Plan 2020 – 2036. In this regard, I have considerable sympathy with the stance of the Parish Council. I can see the likelihood of development proceeding at the location and appreciate the wish of the Parish Council to have an influence over any development that might take place in advance of adoption of a new Local Plan.
- 4.30 Be that as it may, there has been a material change in circumstances. I cannot assume that the allocation provisions and the conditions set out in the withdrawn Local Plan will be the same. In addition, I do not know what changes might take place as a result of consultation and examination of a new Local Plan. In this changed context, it would be

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<sup>17</sup> See NPPF Paragraph 15.

wrong to recommend a development plan policy in accordance with which future applications should be determined.

- 4.31 I conclude that Policy D7 and related provisions should be deleted from the body of the Plan. Nevertheless, Policy D7 will provide useful non-statutory guidance in the consideration of proposals that may come forward before a replacement Local Plan is in place. Accordingly, I recommend a new policy in proposed modification **PM8**.
- 4.32 To conclude on sustainable development, proposed modifications 2 to 8 will be necessary. The Plan will then meet the Basic Conditions with particular regard to national policies and advice on preparing plans and policies.

### Issue 3: Sustainable Transport

- 4.33 Policy T1 deals with traffic congestion and road safety. Amongst other things, a traffic impact assessment would have to be provided for major developments (of 10 dwellings or more). In my experience, a simpler transport statement would suffice in some cases. Reference should be made to a transport assessment and/or transport statements as evidenced by the highway authority.<sup>18</sup>
- 4.34 The policy refers to mitigation schemes that will be supported under the policy. I note that these are suggestions, not requirements. Nevertheless, it would be inappropriate to include examples that are problematic. In particular, the suggestions regarding additional parking at Villiers Close have been questioned by the County Council.<sup>19</sup> As such, the wording of the proposed improvement should be amended.
- 4.35 Necessary amendments regarding traffic congestion and road safety are dealt with under proposed modification **PM9**.
- 4.36 The wording of Policy T2 Public Transport (Buses) raises questions of viability with regard to supporting bus services and related infrastructure. However, contributions are expected to be proportionate to the size of the development with development being served by bus services "wherever possible". The test set out in national policy will also apply.<sup>20</sup> As such, no modification is necessary.
- 4.37 The policy continues by referring to travel plans as plans that should be agreed by Hertfordshire County Council. However, travel plans would be addressed as part of the planning application and determined by the City and District Council, albeit in consultation with the County Council. Appropriate responsibility would be reflected through proposed modification **PM10**.

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<sup>18</sup> Regulation 16 representations of Hertfordshire County Council.

<sup>19</sup> Regulation 16 representations of Hertfordshire County Council.

<sup>20</sup> NPPF Paragraph 56.

4.38 The sustainable transport section of the Plan contains a third policy, Policy T3 Walking, Cycling and Recreational Travel. I do not consider that this raises any material issue with regard to the Basic Conditions. However, to reflect the evidence and avoid ambiguity, proposed modifications PM9 and PM10 are necessary so that the Sustainable Transport policies meet the Basic Conditions.

#### Issue 4: Sustainable Economy

4.39 Policy C2 on retail areas refers to the use classes that were in place prior to 1 September 2020. This change in circumstances will need to be corrected as in proposed modification **PM11**.<sup>21</sup>

4.40 Policy C5 deals with the promotion of visitor attractions. There is a requirement not to conflict with the purposes of Heartwood Forest but there are no details regarding the purposes or any indication of where those purposes can be found. For clarity, an appropriate link should be provided as in proposed modification **PM12**. Subject to the recommended modifications to Policies C2 and C5, the Sustainable Economy Policies comprising Policies C1-C5 will meet the Basic Conditions.

#### Issue 5: Sustainable Environment, Health and Wellbeing

4.41 Policy E1 addresses the natural environment, biodiversity and green infrastructure. However, the evidence indicates<sup>22</sup> that the provisions are lacking in clarity and effectiveness. Necessary amendments are set out in proposed modification **PM13**.

4.42 Policy E2 concerns landscapes, views and gaps. It is understood that, at the Regulation 14 stage, reference was made to "designated" views. However, although of significance, they are not "designated". This has been corrected in the policy but similar amendments need to be made in Paragraph 5.119 and in Figure 13.

4.43 Under the policy, an exception to protecting significant views is where appropriate mitigation is "agreed with the Parish Council as set out on the maps below". Although the Parish Council would expect to be consulted on any application, it is the City and District Council that will make the decision albeit by reference also to the made Neighbourhood Plan as part of the Development Plan for the area. The policy needs to be modified to recognise this point; also, to delete reference to maps. The only relevant map is Figure 13, and this does not show mitigation.

4.44 Amendments necessary to address these points are included in proposed modification **PM14**.

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<sup>21</sup> The Parish Council has indicated that the policy would still be applicable. See response to Examiner's questions, Sandridge Parish Council, 23 November 2020.

<sup>22</sup> Regulation 16 representations of Herts Middx Wildlife Trust.

- 4.45 Turning to Policy E3, this concerns the definition of Local Green Space and related policy. The proposed spaces are shown on Figures 15 and 16 in Appendix 8. Unfortunately, the scale of the plans is inadequate for development management purposes. Larger scale plans will need to be included within the Plan.
- 4.46 One of the spaces proposed for designation is Site 22 at Coleman Green. I saw that this is essentially an area of light woodland of varying depth, either side of Coleman Green Road, crossed in places by footpaths and used for walking. I would expect the space to be much appreciated by the local community. Whilst the PPG allows for land in private ownership to be designated as a Local Green Space<sup>23</sup>, it is also clear that landowners should be contacted at an early stage about proposals to designate any part of their land as Local Green Space.<sup>24</sup> In this instance the land is in private ownership and the owner has not had the specific opportunity of commenting on the proposed designation. On the grounds of natural justice, it would not be appropriate to proceed with the designation at this point in time.
- 4.47 The policy refers to the need to demonstrate very special circumstances where full or partial loss of Local Green Spaces is contemplated. However, for completeness, and in accordance with Paragraph 101 of the NPPF, the need for consistency with all aspects of Green Belt policy should be recorded.<sup>25</sup>
- 4.48 The various necessary amendments to Policy E3 and the related text are set out in proposed modification **PM15**. I am satisfied that, apart from the Coleman Green site, all the proposed Local Green Spaces would accord with national policy<sup>26</sup> and that the Basic Conditions would be met.
- 4.49 Policy E4 is on a theme similar to Policy E3 but deals with non-designated green spaces. There are two identical issues – the scale of the plans identifying the spaces and one site being in private ownership.
- 4.50 The land in private ownership is land surrounding “The Ridgeway Flats” in Marshalswick. I saw that this is mainly grassed open space, with some trees, of the sort typically maintained on behalf of tenants through a management company. There are also some “private” parking spaces. As with Policy E3, it would not be appropriate to proceed with the designation. Necessary amendments to the policy are addressed in proposed modification **PM16**.
- 4.51 In Policy E5 (Heritage Assets), there is uncertainty regarding the conservation area statement and the heritage assets to which reference is made. Clarification would be provided through proposed modification **PM17**.

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<sup>23</sup> PPG Reference ID: 37-017-20140306.

<sup>24</sup> PPG Reference ID: 37-019-20140306.

<sup>25</sup> See also NPPF Paragraph 145.

<sup>26</sup> NPPF Paragraph 100.

4.52 Under the terms of Policy E6 (Health Needs), major development would be required to contribute to various health care facilities. However, to accord with national policy,<sup>27</sup> it will be important to ensure that viability is not affected. The seeking of “proportionate” contributions would be sought under proposed modification **PM18**. With these modifications the Sustainable Environment, Health and Wellbeing policies will meet the Basic Conditions

#### *Other Matters*

4.53 All policy areas have been considered in the foregoing discussion. With the modifications that I have recommended, the Plan would meet the Basic Conditions. Other minor changes (that do not affect the Basic Conditions), including those suggested by the City and District Council, could be made prior to the referendum.

## **5. Conclusions**

### *Summary*

5.1 The Sandridge Parish Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.

5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

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

### *Overview*

5.4 It is evident that a considerable amount of time and effort has been devoted to the development and production of this Plan and I congratulate those who have been involved. The Plan should prove to be a useful tool

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<sup>27</sup> NPPF Paragraphs 34 and 57.

for future planning and change in the Parish of Sandridge over the coming years.

*Andrew S Freeman*

Examiner

## Appendix: Modifications

<b>Proposed modification number (PM)</b>	<b>Page no/ other reference</b>	<b>Modification</b>
PM1	Pages - various	Edit the Plan so as to delete references to the emerging St Albans City and District Local Plan 2020 – 2036.
PM2	Page 19	<p>In the third sentence of Policy D1, delete the words “meets or”.</p> <p>Add an additional criterion to the policy: “The development does not have a material negative impact on any heritage asset.”</p>
PM3	Page 21	<p>In the third numbered paragraph of Policy D2, replace “social and affordable” with “affordable housing”.</p> <p>In the first sentence of the fourth numbered paragraph, substitute “has been” for “should be”. At the end of the paragraph add “...enforced as necessary through a planning obligation”.</p> <p>In the fifth numbered paragraph, replace “Section 106 agreements or planning conditions” with “Planning obligations or conditions”.</p>
PM4	Pages 21 and 22	<p>In the first paragraph of Policy D3, after the word “supported” add “other than for shared ownership”.</p> <p>In the second paragraph, change “S106 Agreement” to “planning obligation”.</p> <p>In the final paragraph, change “affordable and social” to “affordable housing”. At the end of the paragraph, change “Planning Approval” to “planning obligation”.</p>
PM5	Page 23	In Policy D4, change the fourth numbered point so that it reads “New development and extensions including a new bedroom provide off-road parking with a minimum of two spaces.”

		Change the sixth numbered point so that it reads "Provision of electric vehicle charging infrastructure up to and including the charge-point either individually or communally."
PM6	Page 25	In the fifth numbered point in Policy D5, replace the first seven words with the following: "Provide resident and retail car parking to the standards set by St Albans City and District Council".
PM7	Page 26	In relation to Policy D6, provide links to the recommendations in the documents "Hertfordshire Health and Wellbeing Guidance" and "Spatial Planning for Health".  Replace numbered points 3, 7 and 8 with the following: "Increased thermal mass and improved solar control through direction of windows and solar shading to reduce the need for mechanical heating or cooling."
PM8	Page 28 and elsewhere	Delete Policy D7 and related text and transfer them into Appendix 5.  Insert a new policy: "In advance of publication of a Local Plan in place of the withdrawn St Albans City and District Local Plan 2020–2036, Appendix 5 of the made version of the Sandridge Parish Neighbourhood Plan shall be used as a guide to future planning in the area known as East St Albans Broad Location."
PM9	Pages 36 and 38	In the second paragraph of Policy T1, change "traffic impact assessment" to "transport assessment or transport statement".  In the first measure listed under Paragraph 5.62 (Villiers Crescent), delete "Introduce additional parking places and".
PM10	Page 39	In the third paragraph of Policy T2, delete the words "agreed with Hertfordshire County Council".
PM11	Page 51	In numbered Paragraph 1.a, substitute "E and F.2" for "A1".  In numbered paragraphs 2 and 3, delete all references to Class A5 and substitute "hot food takeaways".

PM12	Page 55	In relation to Policy C5, provide a link to the purposes of Heartwood Forest:  <a href="https://heartwood.woodlandtrust.org.uk/">https://heartwood.woodlandtrust.org.uk/</a>
PM13	Page 58	Substitute the following for the opening paragraph of Policy E1: "Positive improvements to green infrastructure and a measurable net gain in biodiversity, by reference to DEFRA biodiversity metric, shall be achieved as a result of all development proposals other than householder applications. Net gain calculations shall show a minimum of 10% improvement in biodiversity units from the baseline score. Mitigation and compensation measures can be located either on or off site."
PM14	Pages 59 and 60	In Policy E2, modify the final bullet point so that it reads "Protect significant views of important landscape features and heritage assets into and out of Sandridge village, as indicated on Figure 13, unless appropriate mitigation takes place."  In the first line of Paragraph 5.119, change "designated" to "significant".  In the title of Figure 13, change "Designated" to "Significant".
PM15	Pages 61 – 63 and Appendix 8	Include within the Neighbourhood Plan a set of plans showing the designated Local Green Spaces at a larger scale.  Delete reference to the Coleman Green site.  Insert the following at the beginning of the final paragraph of Policy E3: "Planning applications will be determined in accordance with Green Belt policy."
PM16	Page 64 and Appendix 8	Include within the Neighbourhood Plan a set of plans showing the Non-Designated Green Spaces at a larger scale.  Delete reference to The Ridgeway Flats.
PM17	Page 65	In the opening paragraph of Policy E5, add "heritage assets noted on the District website," before "conservation area".  Replace Paragraph b. with the following:

		“Development must maintain the local character and landscape and not cause reduction or loss of views within and/or around heritage assets as detailed in the Character and Conservation Statements for Sandridge – see Appendix 4.”
PM18	Page 67	In the opening paragraph of Policy E6, add “proportional to the size of the development” before “as follows”.