

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Correspondence address:

North Hertfordshire District Council, PO Box 10613, Nottingham, NG6 6DW

Telephone: (01462) 474000

Text Phone: (01462) 474800

DX324201, Nottingham 59



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Strategic Planning Team
North Hertfordshire District Council

Our Ref:
Your Ref:

By email

Contact Officer : Laura Allen

Direct Line : 01462 474826

Cc : Knebworth Parish Council

E-mail : laura.allen@north-herts.gov.uk

Knebworth Neighbourhood Plan– Regulation 16 Comments made on behalf of North Hertfordshire District Council

The District Council welcomes the publication of the Submission Version of the Knebworth Neighbourhood Plan and appreciates the significant amount of work undertaken by the Parish Council in reaching this stage in the preparation of the Neighbourhood Plan. The attached comments are made by officers and follow on from the comments that were made to the earlier drafts of the neighbourhood plan.

In reviewing the Neighbourhood Plan documents, it is clear that a significant amount of public consultation has been undertaken in the preparation of the neighbourhood plan and that this is reflected in the Consultation Statement.

All neighbourhood plans must meet certain “basic conditions” before they can come into force. These are tested through the independent examination, before a plan can proceed to a referendum. The basic conditions for neighbourhood plans are to:

- have regard to national policy;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies in the development plan for the area; and
- be compatible with EU obligations.

In terms of compliance with existing planning policy, the Neighbourhood Plan Regulations are clear that the neighbourhood plan should be in “general” conformity with the current statutory Local Plan. The adopted local plan for North Hertfordshire is the District Local Plan No. 2 with Alterations, 1996.

Although a draft neighbourhood plan is not tested against the policies in an emerging local plan, Planning Practice Guidance does state that emerging evidence is likely to be relevant to the consideration of the basic conditions. The District Council acknowledges that work that the Parish Council has undertaken to ensure that the neighbourhood plan has been prepared having regard to the emerging policies in the Local Plan, which is at a relatively advanced stage of preparation. We have, however, made a series of comments to ensure maximum conformity with both Local Plan and national planning policy.

North Hertfordshire District Council, Council Offices, Gernon Road, Letchworth Garden City, Hertfordshire, SG6 3JF

The District Council is satisfied that the Knebworth Neighbourhood Plan is in general conformity with the saved policies from the District Local Plan No. 2 with Alterations, 1996 and has regard to national planning policy. It is the Council's view that the Neighbourhood Plan meets the basic conditions, subject to taking on board the detailed comments in the attached schedule.

In submitting these representations, it should be clear that the District Council fully supports Knebworth Parish Council's ambition to put into place a neighbourhood plan and will continue to work with the Parish Council in the next stages of the neighbourhood plan.

Yours sincerely

Nigel Smith
Strategic Planning Manager

Knebworth Neighbourhood Plan – Regulation 16 Submission Version

Response from North Hertfordshire District Council

Page No.	Paragraph or Policy	Comments
18	3.2	Objective B: what is meant by 'built up area'? This would be good to define as a footnote or similar.
18	3.2	Objective C: the aspiration to retain and protect the 'high street' retail frontage is compatible with the North Hertfordshire District Council Saved Policy 43 and emerging Local Plan Policies ETC4, ETC5 and ETC6 to protect and encourage retail areas.
20	KBDS1	We are pleased to see that this policy has been effectively reworded since the last round of consultation.
21	KBDS2	<p>The AECOM work is quite high level and was produced at a point in time on fairly limited evidence base so does not really hold up too much scrutiny and as such can only be given very limited weight. It is acceptable to keep it as an appendix and retain the words 'in order to guide development in Knebworth'. The guidelines have some useful components to steer the masterplan</p> <p>The guidelines state an average density of 28-30 dph and do not identify a northern access for KB1 over Deard's End Lane Bridge, with a strong green buffer instead and require allotments and sports facilities on KB1.</p> <p>There seems to be quite a discrepancy between our open space calculations and the AECOM report. Our figures are much lower, and they identify 0.3 sites for both KB1 and KB2 for children and young people. Further work is needed on what green space is really needed, and in terms of function/design/multi-functional use. In conjunction, a land use budget would assist in determining at 30 dph how many dwellings can be built with an appropriate amount of green infrastructure in addition. In general, open spaces should be planned as part of a wider masterplanning approach, which delivers 'critical masses' of different uses.</p>
22	5.1	We support the reference given to the role of local hubs of shops, community spaces and small business units in reducing the dependence on motor vehicles and encouraging people unable to walk to the Village centre. This is particularly pertinent in light of the recent pandemic and is in conformity with the aims of the 2020 amendments to the Use Classes Order, emerging Local Plan Policy ETC6 and paragraph 92 of the NPPF.

22	KBLE1	Retail Area: this would benefit from cross referencing of where the physical extent of this is shown on the Policies Map for clarity.
23	5.2	The end of the first paragraph seems to trail off. Should the sentence finish by stating, “the 30% increase in residential properties proposed in the North Hertfordshire District Council Local Plan.”?
23	KBLE2	We are pleased see that this policy has been effectively reworded following the last stage of consultation. In relation to the requirement for a minimal traffic impact, is this what is meant by the intention of the policy, or would it be more reasonable to state that “where impacts are predicted, they are sufficiently and effectively mitigated”? Development proposals inevitably bring with them residual impacts and through requirements such as Transport Statements/ Assessments, appropriate measures can be identified and required at application stage. This approach would enable conformity with the NPPF, which provides robust safeguards in this respect and which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe
23	5.3	Acknowledges the amendments to the Use Class Order to ensure legal compliance with reference to the application of the policy to predominantly Class E – commercial, business and service and B8 – storage and distribution uses.
24	KBLE3	We are pleased to see this has been reworded since the last consultation.
24	KBLE3	Village Centre: it would be good to define this somewhere for clarity
26	KBLE4	The thrust of this policy is beneficial in light of the economic recovery from the Covid 19 pandemic. Emerging Local Plan Policy ETC6 reflects such an approach and echoes the general shift towards flexibility between commercial uses in the 2020 amendments to the Use Class Order.
27	KBLE5	Whilst it may be premature to predict future homeworking trends, the survey results may not be reflective of current patterns given the recent pandemic. A caveat to the timing of this data collection should be made.
30	6.2	Reference to Starter Homes should be removed as this has been abolished by Government.
31	KBBE2	This policy would benefit being disaggregated e.g. parts A, B, C, D etc. The policy introduces requirements beyond the current and emerging Local Plan requirements which have not been subject to viability testing. Evidence would be beneficial to demonstrate deliverability.

		The wording of this policy could be improved, and we do not see the link to emerging Local Plan Policy SP9. The way it is worded does not introduce requirements as states 'wherever possible' and 'will be'. It is not prescriptive, and it would be beneficial if this could be made clear to ensure clarity at planning application stage. This is the same in relation to HQM.
32	KBBE3	The wording of the policy repeats guidance in National Design Guide and Building for a Healthy Life. It would benefit from being referenced in Policy KBBE5 so as to attribute greater weight. e.g. 'Developers should take account of the design guidance in Building for a Healthy Life; A Design Toolkit for neighbourhoods, streets, homes and public spaces.' The policy goes beyond current and emerging Local Plan requirements which have not been subject to viability testing. Evidence would be beneficial to demonstrate deliverability.
32	6.4	Building for Life has now been replaced by the Building for a Healthy Life design toolkit. We support reference to BFHL in promoting design quality in a comprehensive way. It would also be beneficial to reference adherence to the National Design Guide.
33	KBBE4	We are pleased to see the last paragraph of the policy has been reworded since the last consultation. This policy would benefit being disaggregated e.g. parts A, B, C, D etc
34	6.5	It is stated that removing the permitted right to convert a garage or parking space is the intention of the policy. This is not realistic as any conditions would be required to meet the tests for conditions, and particularly in relation to being enforceable.
34	6.5	The reference to 'Social Infrastructure Facilities Requirements can be calculated using AECOM's infrastructure model as shown in section 2.3 of the AECOM report' needs to be qualified. The social infrastructure requirements for sites KB1, KB2 and KB4 are set out in the site allocation policies in the emerging Local Plan and are supported by the Local Plan evidence base. The AECOM model outcomes can be used to inform any further social infrastructure if required and deliverable.
35	6.5	A range of parking arrangements should be provided, and they should be well integrated into the plot (i.e. do not disrupt the building line) and street, preferably with good quality hard and soft landscaping. With the move towards less car ownership/car sharing and electric cars, small pods of parking could work as this would a) get people to walk to the car and b) free up the streets for children to play in and to act as public space. In a 15-

		<p>minute neighbourhood it would be possible to create a hub with such a parking pod and with access to public transport/workspace/shop/green space etc.</p>
35	KBBE5	<p>This policy would benefit being disaggregated e.g. parts A, B, C, D etc</p> <p>As a general point, this policy seems more about access and transport rather than wider masterplanning and placemaking principles, which encompasses much more. Could this policy title be reframed to better reflect the content. Further to this, the point about parking should come out and maybe join the supporting text for KBBE4 instead.</p> <p>Good practice states that a variety of parking typologies should be used to sensitively integrate cars into the street, block and plot design, rather than the predominate parking being on plot to the side or in front. The objective is not to let the car dominate the layout, and up to 50% of land use in a standard development is for the car.</p> <p>KBBE5 should just focus on accordance with SP9 and the AECOM guidelines. The reference to Building for A Healthy Life would be better placed in this policy.</p>
36	KBBE6	<p>Part c) requires green spaces along A1(M) facing side, incorporating allotment gardens and potential noise mitigation features. The applicant for KB1 will be required to undertake a masterplanning process, which will include the provision of green infrastructure. The suitability of different types of open space will be highly dependent on further information relating to surface water run-off, noise and land use layout.</p> <p>Part d) refers to the provision of outdoor sports facilities. A requirement such as this should be justified in quantitative terms, including reference to the NHDC Open Space Review and Standards. Management and maintenance arrangements should be clearly stipulated in the policy to ensure ongoing quality is maintained. It is acknowledged though that community consultation (as indicated at paragraph 7.2.4) that sports facilities are considered inadequate. The allocations KB1, KB2 and KB4 should be considered holistically in terms of their outdoor sports facilities requirement to ensure that the most appropriate type and location for such facilities is achieved.</p> <p>With regard to the parking requirement, this should be linked to the size of provision, which is currently unknown. Reference should be made to the NHDC car parking standards to ensure adequate car parking provision in relation to the scale of provision of outdoor sports facilities where this requirement is retained.</p>

		<p>The destination park envisaged for KB1 should ensure it becomes just that, by being well landscaped with new habitats/wildlife areas, a range of play areas and recreational and amenity space to meet the needs of all age groups. The policy criteria d should just say 'outdoor sports facilities' and then this can be determined through the masterplanning process. The same goes for KBBE7. Should the policy not reference the need for on-site allotments given they are shown in the AECOM concept plan for KB1 and a requirement of policy KBW5?</p> <p>In general, open spaces should be planned as part of a wider masterplanning approach, which delivers 'critical masses' of different uses.</p>
37	KBBE7	<p>Part c) requires green spaces along A1(M) facing side, incorporating allotment gardens and potential noise mitigation features. The applicant for KB1 will be required to undertake a masterplanning process, which will include the provision of green infrastructure. The suitability of different types of open space will be highly dependent on further information relating to surface water run-off, noise and land use layout.</p> <p>In relation to part e), further information is needed to determine suitable access and mitigation measures. This will form part of masterplanning work and in addressing the cumulative transport impacts required by main modifications to this allocation in the emerging Local Plan.</p> <p>Part f) refers to the provision of outdoor sports facilities. A requirement such as this should be justified in quantitative terms, including reference to the NHDC Open Space Review and Standards. Management and maintenance arrangements should be clearly stipulated in the policy to ensure ongoing quality is maintained. It is acknowledged though that community consultation (as indicated at paragraph 7.2.4) that sports facilities are considered inadequate. The allocations KB1, KB2 and KB4 should be considered holistically in terms of their outdoor sports facilities requirement to ensure that the most appropriate type and location for such facilities is achieved.</p> <p>In general, open spaces should be planned as part of a wider masterplanning approach, which delivers 'critical masses' of different uses.</p>
38	KBBE8	<p>Unlike KB1 and KB2 there is no requirement for outdoor sports facilities. Is this deliberate, as the location may be more suitable given the fewer site constraints and potential for integration with the community centre/ form a sports hub with Watton Road with shared stewardship etc? The allocations KB1, KB2 and KB4 should be considered holistically in terms of their outdoor sports facilities requirement to ensure that the most appropriate type and location for such facilities is achieved.</p>

		In general, open spaces should be planned as part of a wider masterplanning approach, which delivers 'critical masses' of different uses.
41	KBW1	<p>This policy would benefit being disaggregated e.g. parts A, B, C, D etc</p> <p>This policy relates to community facilities and services, however reference is made to commercial uses. It would be helpful if this was clarified and whether it connects to the Commercial E Class uses brought about by the 2020 amendments to the Use Class Order.</p> <p>The first and second paragraphs of this policy are written in a long-winded way and editing would be beneficial to ensure clarity. Reference should be made to sources of information relating to service provision, for instance the HCC Guide to Developer Contributions. This would enable applicants and case officers to understand the intentions of the policy and how to meet the requirements of the policy.</p> <p>The third paragraph of the policy refers to GP provision. It may bolster the intention of the policy to refer to resisting the loss instead.</p> <p>In relation to the fourth paragraph, does this relate to all planning applications, or just those relating to community facilities and services? This should be clarified as the provision of recreation space may not be reasonable or proportionate to all planning applications, e.g. small-scale applications or retail uses.</p>
44	7.2.4	Makes reference to the use of CIL, however North Hertfordshire does not currently have CIL in place and so this should be removed.
44	7.2.4	Reference is made to new indoor sports facilities, but as with outdoor sports provision this should be justified and linked back to quantitative evidence. The North Hertfordshire Indoor Sports Facilities Study (2016) would be particularly useful in this regard in drawing out the assessed need.
49	KBW3	Reference is made to current standards but the source of these are not referenced. It should instead refer to the NHDC Open Space Review and Standards.
51	KBW4	<p>We are pleased to see that this policy has been amended since the last stage of consultation.</p> <p>Part c) refers to better facilities but it would be beneficial for it to be clarified whether this means in terms of quality or quantity, or both.</p>

53	KBW5	It should be clarified whether this applies to emerging Local Plan allocations KB1, KB2 and KB4 in its intention? The requirement is high and could render other forms of open space difficult to deliver should this be prioritised. The requirement should be justified by a robust evidence base. It would be beneficial to provide a clear allotment requirement for each site KB1, KB2 and KB4 in terms of hectarage and number of plots this would provide. This should not just meet existing need but provide for new residents as well. This way, the allotments/community gardens would become a key aspect of the green infrastructure plan for each site.
55	KBS2	The first sentence of the policy should be removed.
56	KBS4 and paragraph 8.5	<p>The latest proposed modifications to emerging Local Plan Policy SP10 and associated supporting text of the District Council's Local Plan – agreed in principle with HCC - specifically recognises the challenges around predicting and providing for long-term education needs and that alternate possibilities may be identified in the intervening period. It is considered that this would provide a more appropriate basis for the commentary in the Neighbourhood Plan rather than the 'ins and outs' of the Local Plan Examination.</p> <p>The policy and supporting text effectively seek to apply Green Belt policy to land that would not be Green Belt if the Local Plan proceeded to adoption and this is not considered appropriate.</p> <p>However, the NHDC Local Plan does include a proposed 'urban open land' policy (Policy CGB5) for some specified areas of land elsewhere in the District where land is proposed to be released from the Green Belt and / or brought inside settlement boundaries but where it is still considered appropriate to exercise relatively strict control. The Neighbourhood Plan may wish to consider a similar approach for this area pending greater certainty over future requirements.</p>
61	KBEF2	<p>Existing legislation already covers these matters (apart from c). Nonetheless, inclusion may be appropriate to emphasise that these are issues of local importance and will help achieve sustainable development.</p> <p>In relation to part b) reference to the relevant guidance/ source for minimum requirements should be included.</p>
64	KBEF4	To ensure deliverability, 'seek to' rather than 'must' would be most appropriate.
83	KBT1	This policy is positive in promoting the use of sustainable modes of transport, which sits in conformity with paragraph 102 part c) of the NPPF.
84	KBT2	<p>The second paragraph duplicates emerging Local Plan policy for the relevant allocations listed.</p> <p>This policy would benefit being disaggregated e.g. parts A, B, C, D etc</p>

84	10.3	<p>In relation to KB2 and KB4, the neighbourhood plan makes reference to utilising existing narrow country lanes (Gypsy Lane and Old Lane, respectively) as pedestrian/cycle routes (plus vehicular access to existing dwellings) and providing separate routes for carrying traffic to/through new developments.</p> <p>Cumulative transport impacts will be considered as part of the masterplanning process for allocations KB1, KB2 and KB4, which will inform appropriate transport access arrangements and mitigation measures. As such, it is too early to stipulate exactly what transport measures will be suitable.</p>
85	10.3	<p>We do not consider that the Council is treating developments in a piecemeal way. This is demonstrated through the inclusion of main modifications in the emerging Local Plan to consider the cumulative transport impacts of sites KB1, KB2 and KB4 across different transport modes, and also the commitment to facilitating masterplanning/mitigation across these three sites.</p>
88	10.5	<p>The reference to 'As frontage properties are developed in future the building line should be brought back to be at least 7 metres from the existing carriageway centre to allow continued social distancing on the pavement' is not backed by an evidence base and relates to public realm works, which fall beyond the scope of planning policy. It should therefore be removed.</p>
90	KB11	<p>A cross reference to Appendix E would be beneficial.</p> <p>Developer contributions are sometimes sought to mitigate against impacts beyond the immediate area, for instance where there are strategic transport impacts, strategic healthcare impacts (such as hospitals) or air quality impacts. Due to this, essential developer contributions could be prevented from being sought if using this current policy wording, which would be a missed opportunity to fully capture the infrastructure needs generated by the scale of development envisaged over the plan period in Knebworth.</p> <p>It is advised that this policy is edited to align with the statutory tests in Regulation 122 (as amended by the 2011 and 2019 Regulations) and the tests in the National Planning Policy Framework. These tests require that planning obligations meet the following requirements:</p> <ul style="list-style-type: none"> • necessary to make the development acceptable in planning terms; • directly related to the development; and • fairly and reasonably related in scale and kind to the development.

98	Appendix E	Actions 1, 12 and 20 conflict with other policies in the Neighbourhood Plan aimed at promoting sustainable transport modes.
98	Appendix E	Action 4 should be backed by quantitative evidence and ongoing management and maintenance arrangements will be required.