

Knebworth Neighbourhood Plan

Regulation 16 Consultation

Submission Version



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CONTENTS

1	Introduction	3
1.1	Context	3
2	Legal Requirements, National Policy & Guidance	4
2.1	Legal Requirements	4
2.2	National Planning Policy Framework	4
2.3	Planning Practice Guidance	5
3	Local Plan context	6
3.1	Adopted Development Plan	6
3.2	Emerging Development Plan	6
4	KNP Neighbourhood Plan Proposals	7
4.1	Vision and Objectives.....	7
4.2	Neighbourhood Plan Evidence Base.....	7
4.3	Neighbourhood Plan Policies	8
5	Conclusions	14
5.1	Assessment against Basic Conditions.....	14

1 INTRODUCTION

1.1 Context

- 1.1.1 These representations have been prepared to provide Gladman’s response to the consultation under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 to the Knebworth Neighbourhood Plan (KNP).
- 1.1.2 Gladman has land interests within the KNP designated area, and acts on behalf of the landowners of KB4 to promote the Site through the emerging North Hertfordshire Local Plan (NHLP). Comments made through this representation are therefore geared to reflect these interests as well as policies in the emerging North Hertfordshire Local Plan (NHLP) that seeks to allocate site KB4 for residential led development. The comments that are made are provided using the knowledge Gladman has gained through its work on KB4 to date, and also the landowners who remain heavily involved in the site’s promotion.
- 1.1.3 For ease of reference, the representations are structured as follows:
1. Section 2 – provides an overview of the requirements of the Neighbourhood Plan in statute and in national planning policy.
 2. Section 3 - Examines the local planning context.
 3. Section 4 - Analyses and comments on the proposed vision, objectives and policies of the KNP, together with supporting evidence.
- 1.1.4 For a neighbourhood plan to be made, it must meet the Neighbourhood Plan Basic Conditions as established by paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). Gladman has sought to provide constructive feedback, and where, for example, potential conflicts with the basic conditions have been identified, these are acknowledged along with suggested remedies to rectify the conflict.
- 1.1.5 Gladman is committed to ensuring the successful delivery of site KB4 in accordance with emerging policies in the emerging NHLP and the landowner’s visions. Given the advanced status of the emerging NHLP we are now considering our planning application and would welcome positive engagement with the Parish Council about the Neighbourhood Plan and site KB4, to ensure its successful delivery.

2 LEGAL REQUIREMENTS, NATIONAL POLICY & GUIDANCE

2.1 Legal Requirements

2.1.1 The following section sets out relevant legislation, policy and guidance that relates to neighbourhood plans. Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). These conditions are:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order;
- c) Having regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order;
- d) The making of the neighbourhood plan contributes to the achievement of sustainable development;
- e) The making of the neighbourhood plan is in general conformity with the strategic policies contained within the development plan for the area of the authority; and
- f) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

2.2 National Planning Policy Framework

2.2.1 The NPPF (2019) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements of the preparation of neighbourhood plans within which locally prepared plans for housing and other development can be produced. Changes to national policy reaffirm the Government's commitment to ensuring up to date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations.

2.2.2 Paragraph 13 of the Framework states that: "The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial

development strategies; and should shape and direct development that is outside of these strategic policies.” Site KB4 is of course relevant to this paragraph as it is an allocation in the emerging NHLP.

2.2.3 The NPPF sets out how neighbourhood planning provides local communities with the power to develop a shared vision for their area shape, direct and help deliver sustainable development needed to meet identified housing needs.

2.2.4 To proceed to referendum, the neighbourhood plan will need to be tested through independent examination to demonstrate that they are compliant with the basic conditions and other legal requirements before they can come into force.

2.3 Planning Practice Guidance

2.3.1 Following the publication of the NPPF (2018), the Government published updates to its Planning Practice Guidance (PPG) on 13th September 2018 with further updates being made in the intervening period. The updated PPG provides further clarity on how specific elements of the Framework should be interpreted when preparing neighbourhood plans.

2.3.2 Although a draft neighbourhood plan must be in general conformity with the strategic policies of the adopted development plan, a neighbourhood plan should aim to offer flexibility and give consideration to the reasoning and evidence informing the emerging Local Plan which will be relevant to the consideration of the Basic Conditions against which a neighbourhood plan is tested against.

2.3.3 Where a neighbourhood plan is being brought forward before the adoption of an up-to-date Local Plan, the qualifying body and local planning authority should discuss and aim to agree the relationship between the policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted Development Plan¹.

2.3.4 Overall, the KNP will need to take account of the latest guidance issued by the SoS so that it can be found to meet basic conditions (a) and (d).

¹ PPG Reference ID: 41-009-20160211

3 LOCAL PLAN CONTEXT

3.1 Adopted Development Plan

3.1.1 The basic conditions require neighbourhood plans to be prepared to conform to the strategic policy requirements set out in the adopted Development Plan. Whilst the Statutory development plan for North Hertfordshire is the adopted 1996 Local Plan, we suggest that the weight to be applied to its policies should be reduced, owing to the fact the Plan is now out of date in several respects and formulated using defunct guidance and policy. We therefore support that the KNP has been prepared with the emerging development plan in mind.

3.2 Emerging Development Plan

3.2.1 North Hertfordshire is advancing in preparing its emerging Local Plan (the NHLP). Guidance at Paragraph 48 of the 2019 NPPF ascribes that weight can be afforded to policies in the emerging plan according to:

- Its stage of preparation (the more advanced its preparation, the greater the weight that may be given).
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework the greater the weight that may be given).

3.2.2 As at the time of the KNP regulation 14 consultation, the NHLP remains at examination and being tested being against the policies of the 2012 NPPF (consistent with transitional arrangements as set out in Annex 1 of the 2019 NPPF). Since the close of the regulation 14 consultation there have been numerous additional examination hearing sessions and NHDC has recently launched a consultation into its further main modifications.

4 KNP NEIGHBOURHOOD PLAN PROPOSALS

4.1 Vision and Objectives

4.1.1 Section 3.2 of the KNP provides the objectives, noting that these were derived from the vision statement. The Plan's objectives cover a variety of topics and include for example, support for employment and retail development, but not explicit support for meeting housing needs. We suggest that the absence of housing need and supply within the Objectives creates tension with national planning policy and strategic policies of the Local Plan that seek to boost the supply of homes.

4.1.2 To address this tension and so conflict with basic condition (a), we suggest either an additional objective that states the KNP should meet local housing needs in full, or an amendment to objective (f) as this already refers to meeting housing tenure needs. Either of these options could be enhanced if reference were also made to the delivery of sites allocated for development in Knebworth - KB1, KB2 and KB4, which should be delivered in full by the end of the KNP plan period in 2031.

4.1.3 Gladman also query objective (g) and specifically the requirement for **all** new buildings to be carbon neutral. Whilst Gladman recognise and support the inclusion of low and renewable energy within construction, we are in a transition to this technology therefore at the immediate point that the neighbourhood plan is 'made' this would be high bar for development to pass. Our suggestion would therefore be a minor tempering of the requirement or alternatively a reference to Part L of the Building Regulations that offers a more direct way to control the implementation fuel and power conservation in construction. If accepted, consequential amendments would also be required to other text within the KNP e.g. Figure 10 (g).

4.1.4 Finally, Gladman would also suggest a minor amendment to objective (u) so that it to better aligns with basic condition (a) to state that protected views should be protected 'or enhanced', which enables the objective to balance mitigation that may be included in any development proposal.

4.2 Neighbourhood Plan Evidence Base

4.2.1 The Neighbourhood Plan comments on the details of the evidence base that has informed its preparation, including a report prepared by AECOM. Our regulation 14 consultation response provided our concerns as to the intended decision-making weight that should be attached to

this document, particularly in respect to the masterplan it had created for site KB4. Gladman acknowledge that the regulation 16 version of the document changes the emphasis given to AECOM report. Gladman agree with the sentiment on the final paragraph in Section 1.7 of the KNP that the AECOM report does not define or describe the ultimate layouts, and that these would be submitted by developers and subject to normal planning considerations as part of any application process.

4.3 Neighbourhood Plan Policies

4.3.1 This section of the representations provides Gladman's comments on the draft policies of the KNP.

Policy KBDS1 Retention of Separation Between Settlements

4.3.2 The policy seeks to retain separation between Knebworth and nearby settlements. Given that the land that surrounds Knebworth is designated as green belt, we maintain our overall position and question the necessity of the policy as the NPPF makes clear that the fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open.

4.3.3 That stated, Gladman acknowledge that amendments have been made to the policy since the regulation 14 version of the KNP was published. Our previous representations identified potential conflict with basic condition (a) as the policy did not differentiate or exclude land allocated around Knebworth for residential development and to some degree these concerns still stand.

4.3.4 We would also suggest a minor variation to the wording of the policy to improve its function and ensure it did not prevent sustainable development coming forward, which would conflict with basic condition (d). Rather than state proposals inside or outside the settlement boundary that impacts on special character will not be supported, we suggest this is varied to, proposals inside or outside or outside the village boundary "*will be supported where they respect or enhance the special character of the village*". Development of any scale will inevitably impact on character as it involves change. The suggested variation would enable such change to be considered alongside existing context to determine whether that change is acceptable.

4.3.5 Finally, it is noted that within the supporting text of KBDS1 there is a reference to a strategic gap between Knebworth and Stevenage. As a matter of fact, there is no defined strategic gap between Knebworth and Stevenage, but notwithstanding this the land is green belt and a purpose of green belt policy is to prevent neighbouring towns merging (NPPF para 134). We

would therefore suggest some refinement to the text to better reflect the planning status of the land in question.

Policy KBDS2 Density of Housing Development

4.3.6 The policy requires *inter alia* that development density should be sympathetic to its surroundings and to a large extent, Gladman support the changes that have been made to the policy since the regulation 14 version of the KNP. We have however identified a potential conflict with basic condition (e), which is addressed below.

4.3.7 The policy stipulates that reference should be made to the AECOM neighbourhood and design guidelines report and we believe this reference would be better located in the policy's supporting text. As noted in the evidential section of the KNP, AECOM's report does not define or describe layouts and therefore any guidance on density should be regarded as suggestive only. Given that the test in the policy is to have regard to surrounding context, it stands to reason that an assessment should be informed by 'on the ground' factors, rather than document formulated at a single point in time. Whilst it is reasonable to have regard to what AECOM may have said about the neighbourhood area, this should be in the form of an evidential document rather than policy requirement.

KBLE2 Rural Businesses

4.3.8 Support for diversification in the rural economy is a key aim of National Planning Policy. As per our regulation 14 consultation response, Gladman is largely supportive of the policy but suggests a minor amendment to its wording to address a conflict with basic condition (a). The final sentence refers to traffic impact. To ensure any such impacts can be determined and assessed, we would suggest this sentence is revised to state - "*meets accessibility requirements and is supported by evidence to determine any transport and/or highway impacts, including details of mitigation where this is necessary to make the development acceptable*".

KBLE6 Telecommunications

4.3.9 Gladman note the amendments made to the policy since the regulation 14 consultation. Our minor observation relates to the reference in the policy to development scale, which remains imprecise (and so potentially in conflict with basic condition (a)). We would suggest this should be phrased as either a quantum of development or associated something that could be quantified through existing planning legislation or policy e.g. the definition of major development as set out in the Development Management Procedure Order.

KBBE1 Housing Mix

4.3.10 Gladman acknowledge the intention of the policy in aiming to secure an appropriate mix of housing but suggest it should align more closely with the NHLP and national planning policy to avoid tension (addressing a conflict with basic condition (a) and (e)). In this regard, we consider the policy should seek a broad mix of house types, sizes and tenures, with affordable housing provision in line with the latest District and/or Parish based survey of housing needs or its successor document(s).

KBBE2 Sustainable Buildings

4.3.11 Gladman note the revisions that have been made to the policy but maintain our earlier comments about being in a transition toward greater energy efficiency in construction, design and the ongoing operation of buildings. As drafted, the policy goes beyond national sustainable building standards and is therefore in conflict with basic condition (a). Gladman consider that standards outlined in Part L of the Building Regulations and in emerging NHLP should prevail.

KBBE4 Design

4.3.12 The importance attached by national planning policy towards achieving high standards means that policy KBEE4 is an important component of the KNP. To a large extent, Gladman support the content of the policy but suggest the reference to the AECOM report should be moved to supporting text rather than sitting within the policy. This is for the same reason as previously identified i.e. that the AECOM report should not attempt to prescribe standards but should instead be used as a point of reference.

4.3.13 In terms of the supporting text, we note that Figure 12 includes photographs from Hemel Hempstead and would suggest these should be replaced with examples from within the Neighbourhood Area. We also note the reference to low rise development and a preference for development not to exceed 2-2.5 storeys. We suggest this would be an overly onerous restriction and in conflict with basic condition (a) as it could prevent flatted development coming forward as part of an appropriate housing mix. It would also be contrary to advice provided in Building for Life (advocated elsewhere in the KNP) that notes appropriately placed, taller buildings can usefully serve as signature buildings and can promote wayfinding.

Policy KBBE5 Masterplanning and Placemaking

4.3.14 Gladman note the amendments to the policy and its alignment to policy SP9 of the NHLP. Whilst it is of course correct for the KNP to align with policy within the emerging NHLP, the Parish Council may wish to be aware that SP9 forms part of a further main modifications

consultation that is not yet closed, therefore its content may change if any elements are found not sound. Notwithstanding this the first sentence states that *"New developments proposed in the NHDCLP should be masterplanned together in accordance with NHDCLP Policy SP9 Design and Sustainability"*. We suggest deletion of the word 'together' in recognition of the fact that the sites are under separate ownership and being promoted by different organisations and landowners. This deletion would address a potential conflict with basic condition (e).

- 4.3.15 We would also suggest that the final paragraph of the policy that refers to the AECOM report should also be deleted as this is adequately covered in the policy's supporting text.

Policy KBBE8 Site KB4 Land East of Knebworth

- 4.3.16 Site KB4 is identified as an allocation within the submission version of the NHLP for around 200 dwellings. Having regard to relevant emerging policy in the NHLP, Gladman note that revisions have been made to the policy but have some ongoing concerns that are summarised below:

- As a precursor to the policy's detailed site design parameters, it states that **'all'** criteria listed should be adhered to. We would suggest this is too strong a requirement and should be tempered to either 'where possible' or 'where appropriate' to allow some flexibility in delivery.
- Criteria (b) requires a link to a recreation ground from the new school; however, it is unclear from the drafting where the link should be, and how it should be delivered.
- Criteria (c) requires the provision of a new community centre including early years facility, which is not a requirement of the NHLP allocation policy. This need is not evidenced, nor viability tested and conflicts NHLP so should be either deleted or included as an aspiration in the policy's supporting text.
- Criteria (e) and (g) replicate one another and could potentially be combined to state that any application should include details of proposals to improve the pedestrian environment on Watton Road and Swangleys lane.
- Criteria (f) we would suggest is not necessary. Given that Old Lane runs through the centre of the allocation site, it will become an intrinsic part of the site's masterplan.

- 4.3.17 To avoid conflict with the emerging NHLP and by consequence basic condition (e), we would suggest that it is necessary to make the above amendments to the policy KBBE8.

Policy KBW1 Community Facilities and Services

- 4.3.18 This policy requires development proposals to identify their likely impact facilities and services facilities and demonstrate how any such impacts with be addressed. Gladman note that any impacts on services and infrastructure from development allocated in the emerging NHLP will already have been considered as part of Local Plan examination process. As such, there should therefore be no requirement for additional evidence to be submitted by sites allocated in the NHLP. To do so would be contrary to basic condition (e).
- 4.3.19 The final paragraph of the policy also requires planning applications to demonstrate that all new services, amenities, facilities and buildings are suitable for access by people of all abilities. We suggest this requirement is unnecessary as accessibility is adequately covered in a number of policies in the emerging NHLP.

KBW3 Recreational Green Spaces

- 4.3.20 Gladman acknowledge the amendments made to the policy since the regulation 14 version of the KNP. We would however suggest a further amendment to avoid conflict with CIL regulations and so basic condition (a). The policy currently states "*Developer contributions will be sought to fund additional easy-access leisure amenities including play/climbing equipment and informal social spaces for a wider range of young people*". However, it is unclear whether offsite contributions would be sought in addition to onsite provision? If they were and assuming an application had already met adopted green space standards then this would conflict with CIL regulations as it would be going beyond development mitigation. To address any such conflict, we would suggest amending the above sentence to state "*Where there is an onsite deficit in green space against adopted standards then contributions will be sought to fund off-site green space...*".

KBW5 Allotments

- 4.3.21 Whilst Gladman support the inclusion of allotments, the policy conflicts with the emerging NHLP as this does not require allotment provision on site. To address this conflict with basic condition (e), we would suggest inserting "*where possible*" into the opening sentence of the policy.

Policy KBS4 KB4 School Site

- 4.3.22 The policy refers to land reserved for a secondary school on the north side of Watton Road. Our only observation is whether it is necessary for this policy to be included within the KNP as it replicates existing policy. The NHLP makes clear that this land is reserved for a school. Until the point in time that it is drawn on and a planning application approved, it will remain

in the green belt and the NPPF is clear as to the type of development that is appropriate in such locations.

Policy KBEF2 Environmental Protection

- 4.3.23 Gladman suggests some minor adjustments to the policy to better align with the basic condition (a). To be more precise, we would suggest amending criteria (a) to state major development proposals should *"be accompanied by appropriate air quality and noise assessments prepared in accordance with accepted industry standards"*. We would also recommend deleting the reference to lighting from **existing** roadways from criteria (c) as this is not something that could be enforced through a development proposal.

Policy KBEF3 Energy Conservation

- 4.3.24 As noted elsewhere in this statement, carbon neutrality remains a longer-term aim of the UK Government, which we are currently in a transition toward. To ensure that policies in the KNP do not affect deliverability of development (and so basic condition (e)), Gladman would suggest that the policy should be geared towards minimising carbon emissions in design, construction and operation or should be omitted in favour of Building Regulations.

KBEF4 Flooding and Drainage

- 4.3.25 Gladman largely supports this policy but notes that the final sentence conflicts with national permitted development rights and basic condition (a) as this specifically allows non-porous surfaces to be created within residential curtilage subject to meeting certain criteria.

Policy KBEF5 Views and Character Areas

- 4.3.26 The policy continues to establish 10 key views and two-character areas to be protected from "negative impact of development", Whilst these views have been identified, Gladman still considers that the evidence that has informed why these views are key is lacking. Nevertheless, to ensure the policy does not unreasonably restrict sustainable development coming forward we suggest amending the final sentence to state *"Proposals where an adverse impact is identified will be supported where appropriate mitigation measures can be delivered"*. The amendment from harmful to adverse better reflects guidance from the landscape institute on how to assess landscape effects from development. The policy should also not be used to prevent allocations from the NHLP coming forward as this would be contrary to basic condition (e).

5 CONCLUSIONS

5.1 Assessment against Basic Conditions

- 5.1.1 Gladman recognises the Government's ongoing commitment to neighbourhood planning and the role that such Plans have as a tool for local people to shape the development of their local community. As noted in the opening sections of these representations, to proceed to referendum and form part of the statutory development plan a neighbourhood plan must meet the basic conditions.
- 5.1.2 Having reviewed the regulation 16 version of the KNP Gladman considers that the plan unfortunately conflicts with basic condition A, D, and E. Details of this assessment is provided in the body text of these representations.
- 5.1.3 In providing a comprehensive representation our aim has been to provide constructive feedback that the Parish Council could then choose to utilise to expedite the delivery of the KNP. We therefore hope that the representations are received in this way and not taken as our being overly critical as this is not the manner in which they are intended.