

Our Ref: KS/18041/KNP

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Strategic Planning and Projects Group  
North Hertfordshire District Council  
PO Box 10613  
Nottingham  
NG6 6DW

By Email Only: [neighbourhoodplans@north-herts.gov.uk](mailto:neighbourhoodplans@north-herts.gov.uk)

Dear Sir / Madam

**Representations on behalf of KB1 and KB2 to Regulation 16 Consultation on Proposed Submission Knebworth Neighbourhood Plan 2019 - 2031 – March 2021**

On behalf of our client, Countryside Properties PLC, we enclose representations to the Regulation 16 Proposed Submission Knebworth Neighbourhood Plan (KNP).

Countryside are working to deliver much needed housing within the District at the below sites allocated within the emerging North Hertfordshire Local Plan 2011-2031 (hereafter referred to as 'the Emerging Local Plan'):

- KB1: Land at Deards End
- KB2: Land off Gipsy Land

Countryside are a leading UK home builder and urban regeneration partner, using their expertise to develop larger scale communities in a comprehensive manner with a strong sense of place.

As set out at Paragraph 048 (Reference ID: 41-048-20140306) of the Planning Practice Guidance, landowners and the development industry should, as necessary and appropriate, be involved in preparing a draft Neighbourhood Plan. It also sets out that "*by doing this qualifying bodies will be better placed to produce plans that provide for sustainable development which benefits the local community whilst avoiding placing unrealistic pressures on the cost and deliverability of that development*".

Countryside supports the purpose of the Neighbourhood Plan in seeking to create a shared vision for Knebworth village. However, in reviewing the submission document, a few areas have been identified where proposed policies require amendment in order to make them more deliverable and effective. As such, some comments/suggested amendments to relevant KNP policies are set out below.



**Barker Parry Town  
Planning Ltd**

33 Bancroft, Hitchin,  
Herts SG5 1LA

T: 01462 420 224

E: [office@barkerparry.co.uk](mailto:office@barkerparry.co.uk)

W: [www.barkerparry.co.uk](http://www.barkerparry.co.uk)

**Steven Barker**  
Director (Managing)  
MA (Cantab) MA MRTPI

**Liz Fitzgerald**  
Director  
BA (Hons) Dip TP MRTPI

**Gae Parry**  
Director  
BA (Hons) Dip TP

**Registered**  
England & Wales No. 5314018.  
Registered Office same as  
office address



## Representations and Comments

### Inconsistency between Policy KBBE1 (Housing Mix) and other KNP Policies

Policy KBBE1 states that housing development proposals should demonstrate the extent to which they address current and future housing needs in the Neighbourhood Plan area, whilst meeting the housing mix requirement of the emerging Local Plan and providing a range of types and size of home. The supporting text for Policy KBBE1 specifically highlights that "*the provision of 1, 2, and 3-bedroom homes should be a priority*".

This approach to housing mix is supported and encouraged as it is consistent with both the emerging Local Plan and the National Planning Policy Framework (NPPF).

However, Policies KBDS2, KBBE6 and KBBE7 then contradict this position and state that densities should be appropriate to site boundaries, hedgerows, existing properties and the character of the surrounding areas. KBBE6 also makes specific reference to Deards End Lane Conservation Area, whilst KBBE7 references Stockens Green Conservation Area.

Reference to densities needing to "be appropriate to" the listed criteria is vague and whilst it is agreed that a sensitive approach needs to be taken, it is not clear whether this will be interpreted to mean 'must reflect'.

In this respect, it would not be possible to deliver 1, 2 and 3 bedrooms houses within KB1 and KB2 whilst mirroring the densities of the adjacent Conservation Areas. In particular, Deards End Lane Conservation Area runs along the full extent of the eastern boundary of the KB1 site and is characterised by very large, detached properties within extensive plots. It would not contribute to the achievement of sustainable development, a basic condition, to seek to reflect this density within KB1 where this land is being released from Green Belt on an exceptional basis. The NPPF promotes an effective use of land as an environmental objective, especially in areas where there are issues over housing delivery (see paragraph 117). The Government's Planning Practice Guidance (004 Reference ID: 66-004-20190722) also supports the effective use of land that are accessible to public transport stops. It is also not a sound approach to heritage and conservation to simply mimic existing built form. The emerging Local Plan also advocates a design led approach to development and density standards have not been prescribed within that plan. It notes at paragraph 8.21 that close to the railway stations, higher densities will be considered appropriate in principle but will require particular care in the design.

The NPPF is clear that Development Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. They should also serve a clear purpose, avoiding unnecessary duplication of policies. The lack of consistency between these policies, and the imprecise wording creates uncertainty as to how both a developer and the decision maker should apply them, or in fact which takes precedent as it is clear

that a developer could not comply with both the housing mix requirement in KBBE1 and KBDS2, KBBE6 and KBBE7, as they are currently written.

Furthermore, without amendment, the proposed policy approach does not seem to reflect findings of the AECOM report. This states at section 3.1.1 that:

*"In the case of new developments, density should be appropriate to the location and simultaneously respond to the character of the existing settlement areas. Where appropriate, proposals should include a diverse range of densities, building types and forms. Higher density development should be located around key movement nodes or areas that are highly accessible by public transport, walking or cycling. A varied density and land use distribution profile in case of large development sites (which is in the case for sites KB1, 2, and 4) adds interest and supports local facilities, public transport, and supports the legibility of the various character areas".* This more flexible and varied approach does not appear to be encouraged or supported by Policies KBDS2, KBBE6 and KBBE7. As such, it is suggested that the wording for these policies is amended to make them clear and less ambiguous, as follows:

~~"Development densities should be appropriate"~~ **have appropriate regard** to existing site boundaries, hedgerows, properties and the character of surrounding areas"

This amended wording will allow for densities to be suitably justified taking into account the relevant matters without necessarily making it a requirement to directly reflect existing characterises. It would also enable compliance with KBDS2, KBBE6 and KBBE7 whilst meeting the housing mix requirements set out by Policy KBBE1.

#### Status of the AECOM Design Guide

Reference is made throughout the KNP to the 'Knebworth Neighbourhood Masterplanning and Design Guidelines' (AECOM, Feb 2019) or 'the AECOM Design Guidelines'.

Policy KBBE4 (Design) previously referred to the AECOM report as a document setting out the design standards that will be expected and that it would form a *"statutory part of this Plan"*. The removal of reference to this guidance forming a statutory part of the plan is welcomed but nevertheless this report is still heavily relied upon throughout the Plan.

To date, the AECOM Design Guide has not been formally consulted upon as an evidence base document and yet would form a significant material consideration upon adoption of the KNP. The Report itself states that AECOM were commissioned to provide support to assist Knebworth Parish Council in producing a Neighbourhood Plan. The document has not been through the same process or rigor that a Local Plan evidence base document or Supplementary Planning Document would. Despite this, much of the report is now incorporated at Appendix

K of the KNP and through references in the Plan is effectively elevated to policy level "as a design code the Neighbourhood Plan" (KNP section 1.7).

The AECOM report also has out-of-date references to emerging Local Plan policies which have since been subject to change.

The added clarification of the status of the AECOM report in the Introduction of the KNP, including an emphasis that any layout plans and site access descriptions were purely illustrative is welcomed.

However, further clarity should be added, particularly at Section 1.7 of the KNP, that the AECOM Design Guidelines are a simply a potential tool for developers rather than a "design code".

### KBBE2 Sustainable buildings & KBEF3 Energy Conservation

The amendment to Policy KBBE2 in the March 2021 proposed submission version of the KNP has removed the absolute requirement for developments to be zero carbon and for 10% of energy by domestic scale energy generation is welcomed and instead now makes reference to 'wherever possible' which is considered more appropriate.

However, Policy KBEF3 retains a requirement that "*development proposals must demonstrate the use of best practice in energy conservation, water conservation and the re-use of building materials to ensure all new buildings are carbon neutral in construction and in ongoing use (see also Policy KBBE2)*". Despite the explicit reference back to Policy KBBE2, these policies are not consistent in their policy approach.

It would not be feasible to deliver this policy requirement and would place an onerous and potentially unachievable policy requirement upon development schemes. KBEF3 should therefore be amended to have the same 'wherever possible' requirement as KBBE2 to enable a proportionate and reasonable approach to be taken.

Additionally, no clarity is provided on the reference to 'best practice' and the supporting text does not refer to any such practice. The current policy wording is therefore not clearly written or unambiguous.

To require all new buildings to be carbon neutral in construction and on going use comes with a significant financial burden to any developer and goes far beyond the requirements of the emerging Local Plan and national policy. The Neighbourhood Plan is not supported by a viability assessment associated with the implications of the policies proposed, which potentially place significant financial burdens on developer if such onerous obligations are progressed. Policy KBEF3 on

its own has the potential to undermine the delivery of housing allocation sites through financial burden.

#### References to Emerging Local Plan Policy SP9

Policy KBBE5 (Masterplanning and Placemaking) has been updated in the March 2021 submission version to cross refer to the recent proposed main modification version of Emerging Local Plan Policy SP9 and the new Masterplan requirement. Similar references to SP9 are made in KNP Policies KBBE2, KBBE6 and KBBE7.

This is despite the fact that the introduction to the KNP clearly states that references to NHDCLP through the document relate to Local Plan (Proposed Submission Version October 2016), unless otherwise stated. This is evidently not the case for Policies KBBE2, 5, 6 & 7 which all refer to the new Masterplan requirement which was only added to emerging Policy SP9 in the latest 2021 further main modifications. However, this distinction has not been stated.

Additionally, Policy SP9 is not yet an adopted policy and may be subject to change, consultation on the proposed modifications to the policy is currently ongoing. If the SP9 Strategic Masterplan requirement is removed or altered, then these policies would no longer be in accordance with a strategic policy in the Local Plan, which is a basic condition all neighbourhood policies/plans must meet.

It is not known whether the KNP or LP will be adopted first but given typical Neighbourhood Plan timescales, it could well be the former. If KBBE5 ends up requiring masterplans for KB1/KB2 and the Local Plan does not, this will create complexities in how the KNP is applied and how the Local Planning Authority would engage with or resource a Masterplan process.

It is considered that references to the Masterplan requirements under SP9 should be removed from the KNP.

Presently, NHDC has contacted Countryside to confirm that, as drafted, both KB1 and KB2 would require Masterplans. As such, policy KBBE5 provides unnecessary duplication which the NPPF encourages Development Plans to avoid. Furthermore, removal of reference to SP9 would avoid the KNP being out of conformity with the strategic policies contained in the Local Plan if policies references or requirements are changed prior to the adoption of the final version of the emerging Local Plan.

#### KBBE6 Site KB1 Land at Deards End & KBBE7 Site KB2 Land off Gipsy Lane

Our concerns in respect of the references to Policy SP9 and approach to development densities in these two site specific policies (KBBE6 and KBBE7) have already been set out above.

A further concern is that Policy KBBE6 and KBBE7 both have the same requirement for new outdoor sports facilities to be provided including toilets and changing space to be provided. KBBE6 also sets out a specific parking requirement which should be adhered to in planning the detailed site design.

As drafted, no flexibility is provided to combine the need generated from KB1 and KB2 into a single, more coordinated provision or for this to be off-site i.e. in Lutyens Park or further along Park Lane in Old Knebworth.

It would be more beneficial to both future occupiers of the sites and existing residents with Knebworth for these provisions to be accumulated into one, single higher quality provision of facilities. It would also allow for a higher quality provision and more effective maintenance and management procedures to be advocated, thus enabling the delivery of long-term place-making and sustainable development.

Each planning application submitted will also be subject to requirements for outdoor sports provision, as set out by Sport England, the calculations will inevitably generate a smaller requirement than that envisaged within these policies, such that the provision of sports pitches, changing facilities and parking etc would be excessive on each site. Further the policies do not qualify what is expected in terms of scale of the provision, a simpler approach would be to understand the cumulative requirement for all housing allocation sites and seek to have it provided in a single location.

This could then be offered to the Parish Council for adoption and can be held as a community facility.

### KBW3 Recreational Green Spaces

KBW3 sets out that 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.

Given the reference to contributions to fund 'additional' amenities it appears that further contributions will be sought on top of onsite provision no matter the quality of provision within the development. No clarity is set out as to whether this will be viability tested and/or if onsite provision can render the need for contribution to 'additional' amenities unnecessary. Therefore, this policy and/or the supporting text should be updated to ensure it serves a clear purpose and is unambiguous.

### KBW5 Allotments

Policy KBW5 states that a minimum of 1.5 Ha of land will be sought for use as allotments across all proposed major development sites, to meet local identified

demand. However, there is a lack of clarity on whether the 1.5ha requirement is cumulative for each development site or a total need.

It is also unclear how this provision will be sought and delivered. It would not be good planning to require the delivery of such provision in a piecemeal and disjointed fashion across each development site as this would not lead to effective place making or management and usability of the allotments themselves.

Additionally, the North Hertfordshire Open Space Review & Standards (2016) sets a standard of 0.25ha of allotment requirement per 1,000 persons. KB1 and KB2 should only be required to contribute (whether that be on-site or off-site) to the demand generated by the developments themselves, anything in addition to that requirement would need to be supported by an evidence base demonstrating why it is deemed appropriate to require developers to deliver in excess of an adopted SPD.

The wording of the policy would be more effective and deliverable if it either allocated one specific location for allotment provision in the village or requested financial contributions to off-site provisions from the need created by each development.

#### KBT5 Bus Routes

As drafted, KBT5 requires developments to provide a suitable route for public service buses through developments on sites KB1 and KB2, so that no dwelling is more than 400 metres from a bus stop.

This policy has been altered to state "should provide" from "are more likely to be supported" and so this policy has been made significantly more onerous and is quite likely to be unachievable. It is too prescriptive to say, 'no more than 400m', as it well established that the 400m distance is guidance and strict adherence to it is not something that should determine whether a development is supported or not.

It is considered that the wording in the Roads in Hertfordshire: Highway Design Guide 3rd Edition (2011) guidance would be more appropriate. This states that "*Bus stops should be located so that the maximum walking distance from any dwelling is 400m*" but in addition Policy KBT5 should refer to this being 'wherever possible'.

This would still emphasise the importance of proximity but would not as inflexible as "no dwelling". Inevitably within development schemes, some dwellings may fall slightly above this walking distance whilst many others will fall well below. This ensures there is flexibility to provide the most accessible and logical bus route possible, without dictating development layouts in a way which would not be conducive to good place making.



A more flexible approach would also reflect that developers are at the behest of the bus providers who may not be as flexible in terms of the number of bus stops to be provided or the routing available. Ultimately, on larger developments, a developer can only undertake best endeavours to deliver a bus stop within 400m of every new dwelling.

### **Summary**

We trust that these representations will be of use in the assessment as to whether the Regulation 16 version of the KNP meets all of the 'basic conditions' as required by paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.

Should you have any queries or questions in respect of the above and attached, then please do not hesitate to contact me.

Yours faithfully



**Kenya Sharland MRTPI**

Principal Planner

[Kenya@barkerparry.co.uk](mailto:Kenya@barkerparry.co.uk)