

Knebworth Neighbourhood Plan Examination

29th November 2021

Dear Qualifying Body

Clarification Note from the Examiner to Knebworth Parish Council

Further to reviewing the Knebworth Neighbourhood Plan and supporting information, I am contacting Knebworth Parish Council (as Qualifying Body) in respect of the matters set out below.

At this stage, having considered the submitted information, I am not calling for a public hearing as part of the examination process. However, Neighbourhood Planning Independent Referral Service (NPIERS) Guidance¹ Paragraph 1.11.4 states that:

“The Qualifying Body will normally be given the opportunity to comment on the representations made by other parties...The opportunity for the Qualifying Body to comment on representations could be incorporated within an independent examiner’s clarification note...”

Therefore, I confirm that there is an opportunity for Knebworth Parish Council to respond to me in respect of the representations made during Regulation 16 (the Submission stage) consultation, should it wish to do so.

In addition to the above, I would also be grateful for any assistance Knebworth Parish Council can provide in respect of providing brief responses to the questions set out overleaf. If in doing so there is a need to refer to evidence relating to the Knebworth Neighbourhood Plan, please note that this should only comprise evidence that is already publicly available.

Thank you very much for your consideration of this Clarification Note.

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¹ NPIERS “Guidance to Service Users and Examiners.”

Policy KBLE1 – Please can you point me to information in respect of the location and/or nature of “*other existing commercial locations*” in the Neighbourhood Area.

I am mindful that the Retail Area is very small and the Policy thus appears to provide limited/restrictive support for business-related development, contrary to the aims of the Plan set out in the supporting text. Is the Policy intended to restrict new business development to those places where business development already takes place only and if so, please can you point me to evidence that such an approach meets the basic conditions ?

The Policy would rule out any development that had any (including the slightest) adverse impact on residential amenity, regardless of any benefits brought about by development. Is this the intention of the Policy ?

Is there any information you can point me to in respect of existing baselines for what “*traffic conditions*” currently comprise - ie, how will adverse impacts be measured, who by and on what basis ?

Policy KBLE2 – The Policy appears as a vague statement rather than a land use planning policy. Is the intention of the Policy to reflect Paragraph 84 of the National Planning Policy Framework (“the Framework”) ?

Policy KBLE3 – Is the village centre the same as the Retail Area ? If so, should the Policy refer to the Retail Area rather than village centre ? If not, please can you point me to information in respect of the boundaries of the village centre (noting that the Policy refers to development within and outside the village centre) ?

London Road is long. Please can you point me to evidence in respect of the deliverability and viability of a Policy requirement for any development along London Road to fix a building line of no less than 7 metres from the centre of the highway; and is there evidence you can point me to, to demonstrate that no building is currently located less than 7 metres from the centre of the highway?

Please can you point me to evidence to demonstrate: that the Policy requirements in respect of preventing change of use of land or buildings with an established business use to housing are not contrary to Permitted Development; that the Policy requirements do not conflict with Policy KBLE2, which does not support the creation of new business space other than on existing commercial sites; and that the Policy is deliverable/viable ?

Please can you point me to information in respect of how the loss of business premises will be “*resisted*” ?

Policy KBLE5 – Most homeworking does not require planning permission. Where planning permission is required, this is likely to be because the nature of the homeworking raises issues in respect of local character, residential amenity and highway safety. The Policy supports such development regardless of impact on local character, but it requires there to be no adverse impact, at all, on residential amenity (as opposed to providing for the balanced consideration of development proposals).

It is therefore difficult to understand what kind of development the Policy is intended to support. Please can you point me to information or evidence which supports the Policy as set out ?

Policy KBLE6 – Is this a Policy for major residential development ?

Policy KBBE2 – The requirements of the Policy appear to exceed national and local policy requirements without supporting evidence in respect of viability and deliverability.

Is the Qualifying Body happy for the intent of Policy KBBE2 to be reflected in a Policy that promotes and supports sustainable buildings/building techniques or if not, please can you point me to evidence in respect of the viability and deliverability of the approach set out in Policy KBBE2?

Policy KBBE3 – Similarly to Policy KBBE2, the Policy has laudable aspirations but there is nothing before me to evidence deliverability or viability. Is the Qualifying Body happy for the intent of Policy KBBE2 to be reflected in a Policy that promotes and supports accessibility and adaptability or if not, please can you point me to evidence in respect of the viability and deliverability of the approach set out in Policy KBBE3 ?

Policy KBW1 – Please can you point me to evidence in respect of the viability and deliverability of the requirements of the Policy; and to information in respect of why the requirements of the Policy are relevant to all commercial or residential development. Are the requirements of the Policy also intended to apply to the emerging Local Plan allocations ?

Policy KBW3 – “*Development*” is very wide-ranging. Is the Policy intended to apply to all development and if so, please can you point me to information that justifies the Policy requirements. If not, please can you point me to information in respect of what “*development*” the Policy is meant to apply to ?

Policy KBEF3 – Please can you point me to information in respect of what best practice comprises, who will judge proposals against this and on what basis; and why the Policy requirements are relevant to all forms of development ? Please can you also point me to the justification for exceeding national and local policy requirements and to information demonstrating the deliverability of the Policy.

Policy KBEF6 – Notwithstanding that the Neighbourhood Plan cannot “*permit*” development, please can you point me to information to demonstrate that the first paragraph of the Policy has regard to national policy ? As set out, it appears to misinterpret the requirements of Para 203 of the Framework.

Policy KBT1 – Please can you point me to information in respect of which “*developers*” and what “*development proposals*” this Policy is meant to apply to ?

Policy KBT2 – Please can you point me to information in respect of why the last two sentences of the Policy comprise relevant land use planning policy requirements that the Neighbourhood Plan can appropriately control ?

Policy KBT4 – How will the Policy seek developer contributions – who will do this and on what basis ?

Policy KBT5 – Please can you point me to information in respect of which “*developments*” the Policy applies to ?

Please note that the above queries do not imply criticism of the Neighbourhood Plan but are simply to help my understanding of it and to help to support its examination against the basic conditions.

Given the ongoing impacts of coronavirus, I am not setting a strict deadline for feedback, but would welcome as early a response as is practical. Thanks.
