

Kingsmead Area Neighbourhood Plan Consultation: November – December 2021

General Comments:

The Kingsmead Area Neighbourhood Plan (NP) presents a planning document that seeks to shape development and is responding to the development plan in a pragmatic and positive way. The plan's ambitious approach to sustainable transport, the protection of green spaces and the focus on enhancing Kingsmead's biodiversity is commended. However, further work is still necessary to ensure the policies are deliverable and produce the outcomes that are intended by the policy-makers particularly in the following areas:

- Clarity is needed around terminology used within policies to provide the decision-maker with a clearer framework within which to operate.
- Clarity on the deliverability and effectiveness of some of the policies to ensure they meet the basic conditions.
- It is also important that the positive approach set out in the policies, to influence development in the ward, is also reflected in the tone of the supporting text.

Once work has been undertaken to review the document following receipt of comments through this consultation, East Herts Council officers would welcome the opportunity to talk to the Neighbourhood Plan Group and work through any issues or modifications subsequently prepared particularly in relation to the comments below.

It should also be noted that there is a legal requirement for public bodies to ensure documents on their website meet accessibility requirements. Therefore, in order for East Herts Council to publicise the submitted plan in accordance with

regulation 16 of the Neighbourhood Planning (General) Regulations 2012, it will need to be accessible, as explained in national guidance: <https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps>.

Before submitting the revised Neighbourhood Plan to the Council you should be satisfied the document is accessible; East Herts Council Officers are happy to advise you on this process if required.

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General Comments		
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Introduction		
Para. 1.13	5	It is stated that the consultation will last 9 weeks, however the identified consultation period from 7 November to 20 December is six weeks.
Para. 2.1	6	The reference to 'modern streets' to the south-west of the ward boundary should be changed to add that the western ward boundary also includes part of the Hertford Conservation Area, where many streets are historical. It would be beneficial to include that part of the ward is located within the Hertford Conservation Area.
Objectives		
	10	Unclear how the plan will deliver a borough wide residential and business car parking scheme.
Policies Map		
Local Green Space Designation		Check consistency of the Green Space designation numbering, so it is consistent with Policy HKGE1.
Neighbourhood Plan Policies		
Policy HKGE1 Local Green Space	13	Criteria III- Whilst the importance of the management and stewardship of open space identified in criteria III is supported, consider rewording the criteria so the policy intent is clearer for the decision maker. The statement ' <i>where resulting from a development proposal or through other means</i> ' does not explain how management and stewardship arrangements will be progressed through land-use decisions. For example, is it to be secured through the use

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		of S106 funds or by the use of conditions in planning permissions?
Paragraphs 4.8-4.45	14-23	There is inconsistency between the LGS number reference in the policy and the supporting text. It is suggested that reference to LGS7, LGS8 and LGS9 on pages 16 and 17, should actually read LGS5, LGS6 and LGS7 in line with Policy HKGE1.
Important Views para. 4.47	24	The text within this paragraphs states that 10 special views have been identified; however there are 11 important views in Policy HKGE2. This should be corrected.
Important Views VPN9 – Mudlarks Allotment, para. 4.62	32	Whilst interesting, some of this text may not be relevant and the descriptive text should be focused to the importance of the view.
Policy HKGE3 Nature Conservation and Biodiversity	39	<p>Criterion II- Consider deleting as it reiterates District Plan Policy NE3 Species and Habitats (specifically criteria V and VI).</p> <p><i>Criterion II states that ' Developments located in areas coloured purple on the Hertfordshire Environmental Record Centre (HERC) Ecological Network Mapping (See Figure 25 – HERC Map) for the Neighbourhood Plan Area must deliver net biodiversity gains (in accordance with the latest version of Defra's Biodiversity Impact Calculator) and contribute towards enhancing ecological connectivity (in accordance with the HERC mapping).'</i></p> <p>Whilst the principal of delivering biodiversity is supported, the policy implies all developments must deliver net gain in accordance with the Defra metric. However, this may</p>

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		not be appropriate for some small scale development, particularly as the Defra calculator does not currently relate to householder applications and the small sites calculator (for developments between 1 and 9 units) is only at a test stage. Consider adding the words 'where appropriate' after the word 'must: <i>'must, <u>where appropriate</u>, deliver net biodiversity gains (in accordance with the latest version of Defra's Biodiversity Impact Calculator)'</i>
Policy HKGE5 Green Infrastructure and Sustainable Urban Drainage Schemes (SUDS)	42	District Plan Policy WAT1 states that <i>'Development proposals should neither increase the likelihood or intensity of any form of flooding, nor increase the risk to people, property, crops or livestock from such events, both on site and to neighbouring land or further downstream'</i> . This establishes the principal that all development should be designed to reduce the risk of flooding. In this context, it is suggested that you consider if criterion II and III of Policy HKGE5 are needed as they do not go much further than the requirements of Policy WAT1.
Policy HKGE6 Protected Recreational Open Space	43	Please check that Criterion II is grammatically correct as it is difficult to understand. Consider revising to make it clear exactly what type of development will be permitted in the recreation areas.
Policy HKGE7 Air Quality Improvement and Reduction in	46	This policy is welcomed to address air quality issues and reduce carbon emissions. However, it refers to development and refurbishment proposals. The Council does not always have control over refurbishment proposals so it is recommended that reference to 'refurbishment' is removed.

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Carbon Emissions to Net Zero by 2050		<p>Criterion I- With regards to ‘maintaining and protecting existing trees’ this requirement provides little more than District Plan Policy DES3 and the maintenance of trees falls outside of the planning system. This bullet point should be removed.</p> <p>Criterion IV refers to the need to reassess the Hertford Air Quality Management Assessment. Delete this sentence as it doesn’t relate to land-use and can’t be controlled via the determination of planning applications.</p> <p>It is also suggested that paragraph 4.88 and 4.89 are moved before the policy as it reads better. The last sentence of paragraph 4.89 appears as though it could be part of the policy rather than supporting text.</p>
Policy HKCA1 Valued Community Assets Policy HKCA2 New or Improved Community Facilities	47 48	The intention to protect community assets and facilitate their expansion where suitable is supported. It is noted that Pinehurst Community Centre is listed as an asset in Appendix E and that it is located adjacent to LGS9. If expansion of the centre, in line with the principals of Policy HKCA2, is supported, consideration should be given to any potential conflict with the green space designation.
Policy HKCA3 Provision of	49	We have concern about the deliverability of this policy. Whilst the supporting text emphasises the community demand for new healthcare facilities within the ward, there is

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Healthcare Facilities		no evidence from the NHS Clinical Commissioning Group about the feasibility of this aim and how it relates to the wider healthcare strategy for Hertford. It would be helpful to engage with the North and East Herts Clinical Commissioning Group and use their feedback to evidence the policy.
Policy HKBE1 Designated Heritage Assets	51	Consider deleting or revising criterion IV. It is unclear on the purpose and function of an ' <i>on-site interpretation of non-designated heritage asset</i> ' and therefore it is uncertain if it will meet the tests for S106 funding.
Policy HKBE2 Non-Designated Heritage Assets	52	Consider deleting or revising criterion III. It is unclear on the purpose and function of an ' <i>on-site interpretation of non-designated heritage asset</i> ' and therefore it is uncertain if it will meet the tests for S106 funding.
Paragraph 4.108	53	This site does not now appear as shown in the photograph. You may wish to remove this designation or update the information.
Policy HKBE4 Housing Supply	55	<p>Whilst the local support for three bed housing is recognised, it is not clear if the policy is suggesting a deviation from the housing strategy identified in District Plan Policy HOU1 Type and Mix of housing and Policy HOU3 Affordable Housing, which is based on the assessment of need in the Strategic Housing Market Assessment.</p> <p>If there is a deviation on these policies this needs to be justified with robust evidence. A local survey and census data does not replace the assessment of need, so more clarity is needed in the policy/ supporting text.</p>
Policy HKBE4 Design and	57	The principal of high quality, sustainable design is supported. Many of the criteria add detail to District Plan policies, particularly the Heritage, Design and Landscape policies (especially

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Layout		<p>DES4) and Water chapters of the District Plan. However we have some comments on the following criterion:</p> <p>b: refers to rainwater harvesting. Consider adding 'where possible', as it will not be feasible to deliver rainwater harvesting for all types of development.</p> <p>c: consider replacing the phrase <i>'to increase connection with outdoor spaces'</i> with <i>'to increase the natural surveillance of outdoor spaces'</i></p> <p>d: includes the application of local parking standards. In order to deviate from the district-wide standards there should be adequate evidence supporting these changes. This criterion encourages the use of cars as the primary transport and conflicts with the goals of the sustainable transport policies.</p>
Policy HKBE5 Landscape Design	59	<p>The emphasis on delivering accessible, high quality, wildlife friendly landscapes is supported. However consider adding the phrase, 'where possible' after the phrase: <i>'All the following criteria should be incorporated'</i>. It is not reasonable or deliverable for all landscape schemes to incorporate all the criteria as this will be determined by the scale and location of development.</p> <p>Criterion C- reference to cycle parking seems inconsistent with the policy focus on landscape design. Cycle parking is addressed more appropriately in policy HKTP4 Parking.</p>

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		Criterion d- consider if needed as reiterates requirements of Policy WAT1. Not clear what is meant by the phrase ' <i>reversible to green spaces.</i> '
Policy HKTP5 Traffic Congestion and Road Safety	64	The term 'significant development' in the third sentence of criteria I is ambiguous. It is suggested the wording is amended as follows: ' <i>Transport assessments for developments that will generate significant amounts of transport movement should demonstrate...</i> '
Policy HKTP1 Safe, Accessible, Joined Up Pedestrian Routes to Encourage Walking	67	Whilst criterion V is a positive approach, this does not relate to land use and should be deleted.
Policy HKTP4 Parking	72	Criterion I states that proposals to increase off-street parking will be supported where there is insufficient residents parking. It's unclear if the intention of the policy is to support the provision of car parks that provide parking opportunities for existing residents, or if the intention is to require new development to include off-street parking provision. It is suggested that the wording is revised to make the purpose clearer and also to consider how these are deliverable. Any deviation from the district-wide parking strategy will need to be justified with robust evidence.

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		<p>Criteria III relates to the provision of replacement parking, when residential garages are lost, in order to meet East Herts Council's parking standards. Whilst the principle of ensuring there is adequate parking is supported, in practice a replacement space may not always be required if the residual parking complies with the Council's parking standards. Any proposal that requires planning permission will be assessed against the parking standards in accordance with District Plan Policy TRA3 Parking, so it is unclear if this criterion adds any more value than existing policy. Also, in many cases residential garages can be converted without planning permission so the loss of garages in these circumstances cannot be controlled. Consider deleting the criterion.</p>
4.151	72	<p>The text references the Tamworth Road Industrial Estate as a business area. Does this reflect the fact Hertford Mill now has planning permission for residential development?</p>
<p>Policy HKBD1 Support of Business Development</p>	73	<p>The support for business development is encouraged. However, it should be noted that Class MA permitted development rights for change of use from commercial, business and service uses (class E) to residential (use class C3) limit the control the Council has on the loss of business uses to housing, even in designated employment areas.</p> <p>Criterion IV designates Dicker Mill as an employment area, but the allocation does not appear to be shown on the policies map. In any case Dicker Mill is already designated as an employment area in the District Plan. In accordance with District Plan Policies ED1 and HERT6 Employment in Hertford it is part of the Mead Lane employment area as shown on the policies map.</p>

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Policy HKBD2 Provision of local school places	74	Consider if this policy is deliverable for the decision maker. In practice, school place provision for new development will be subject to consultation/requirements of Herts County Council as the education authority.
Appendix B Local Greenspace Assessment		Check the numbering of the LGS designations, so that for clarity it is consistent with policy HKGE1 and the policy map.