

St Stephen Parish Council
(by email)

Dear St Stephen Parish Council

RE: Regulation 14 St Stephen Neighbourhood Plan Consultation

Thank you for consulting SADC on your draft Neighbourhood Plan. We congratulate the parish on the progress they have made in preparing this plan. The Neighbourhood Plan is for the most part written in a lucid style and is broadly consistent with local plan policy and the NPPF. The comments now made are raised in the interest of assisting the Parish Council resolving outlining issues ahead of the Regulation 16 Consultation.

Summary

The Neighbourhood Plan has been prepared to be in general conformity with the saved policies of the adopted St Albans City and District Local Plan Review (1994) and the National Planning Policy Framework (2019). However, as raised in previous discussions, we do have concerns in respect of land allocation, and will summarise these concerns in this letter. We also note supporting text included in the consultation material in light of SADCs now withdrawn Draft Local Plan 2020-2036. As these sites have been included in the Regulation 14 document, these concerns will be reiterated for the record.

Councillors have been made aware of the consultation and officers within Spatial Planning, Development Management and Conservation Teams have been given the opportunity to review and comment on the draft Neighbourhood Plan.

For ease of reference, the comments raised have been brought together and ordered into five categories;

1. Site Allocations
2. Policy Detail
3. Policies
4. Paragraphs
5. Others

We hope these comments will assist you in moving forward and we will be happy to continue to work with you further on the development of your Plan.

Yours Faithfully,



Daley Wilson
Spatial Planning Officer

1. Site Allocations within the Green Belt

As of the 23rd November 2020, the Draft Local Plan 2020-2036 has been withdrawn. Paragraph 136 of the NPPF sets out;

“Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.”

The current plan, the 1994 District Local Plan Review 1994 does not identify a need to change Green Belt boundaries. As such, there is no provision in the Development Plan to allow for amendments to the Green Belt boundaries through the neighbourhood plan.

A mentions previously in informal discussions an example of this can be seen in the Examiner’s report for Shenley in Hertsmere included in Appendix 1, particular between paragraphs 45 to 49.

“46 To be clear the land identified as the SSPA (Site Specific Plan Allocation) is Green Belt and the neighbourhood plan should not be preempting, within one development plan document, the potential for development conditional upon a future development plan document possibly releasing a site from the Green Belt.”

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“48 It will be the new local plan that will identify whether land will need to be released from the Green Belt. If it is concluded that releases are required, then it is the Local Plan that identify that location(s) and the quantum of housing that these sites will be expected to accommodate. That process is a strategic planning responsibility and is not a matter for inclusion within a neighbourhood plan.

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If the new local plan, once adopted, promotes changes to the Green Belt as part of its strategic policies, but does not define the new boundaries, then it is possible for detailed amendments to be made through a neighbourhood plan. My understanding is that the Borough Council’s approach is that the allocation of sites will be done through the local plan. The Parish Council can advance its arguments for the allocation of this London Road – CALA Homes site in the local plan, through the local plan consultation process but it should not be incorporating these matters within a development plan policy.

The supporting consultation text setting out the potential removal of these sites from the neighbourhood plan will now have to be engaged. The removal of all such site allocations within the Green Belt will be required, and this will need to be shown in any subsequent amended Neighbourhood Plan when submitted to the Local Authority for Regulation 15. For the avoidance of doubt these policies include S1, S2, S16, S20, S25-S29, and elsewhere as relevant.

The District Council’s new draft Local Development Scheme will be presented to Planning Policy Committee on the 8th December 2020.

2. Policy Detail

A number of concerns have been raised by Development Management Officers in respect of the requirements of development, and how this can be enforced at the assessment and determination stage of planning applications. These are set out in more detail in section 3. The Examiner's report for Shenley is again drawn to your attention, in particular paragraphs 51-53, which sets out;

"51. I have also concluded that some of the requirements in the policies and the design guidance are over prescriptive, not only in terms of what information is required to be submitted with the planning application, but also in terms of community engagement. This is a comment that is made by a number of the planning consultancies who have commented at Regulation 16 stage. Applicants can be encouraged to provide the statements or information as set out, but it cannot be a plan requirement. Information that is required to be submitted with the planning application can only be determined by the Local Planning Authority through the local validation requirements."

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53. I do commend the high-quality design guidance which forms part of the plan's documentation. However, it does, in some places, seek to impose technical requirements on new development, contrary to the Secretary of State's Written Statement to the House of Commons, dated 25th March 2015, which stated that neighbourhood plans cannot impose "any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings for new dwellings.". Some of the matters are covered by National Technical Standards published by the Secretary of State, but these can only be triggered by Local Plan policy. Equally the design guidance seeks to control matters that are beyond the scope of planning control, such as the sources of labour or building material for construction or matters that fall to be determined by Building Regulations such as acoustic performance and U values.

It is therefore advised that such requirements should be removed to minimise / remove complications at examination stage.

3. Policies

Policy	Comments
S1	<ul style="list-style-type: none"> - <i>“They relate to necessary utilities infrastructure and where no reasonable alternative location is available; or”</i> <p>It is not wholly clear what is sought by the phrase “They relate to necessary utilities infrastructure and where no reasonable alternative location is available”, and likewise “visually intrusive location” is not clear either. Would this be simply better to refer to the exceptions set out in the NPPF. This could otherwise be open to interpretation.</p> <ul style="list-style-type: none"> - Point 2: should be <i>“preserve or enhance”</i>. - <i>“If located in the Green Belt, development proposals must be for an appropriate use or very special circumstances must be demonstrated.”</i> <p>Is wording tight enough to avoid unintended consequences? Should also reference ‘Exceptions’ as set out in paragraph of the NPPF.</p>
S2	<ul style="list-style-type: none"> - As has been raised in previous discussions between SADC and the Parish, the Districts Emerging Local Plan has now been formally withdrawn.
S3	<ul style="list-style-type: none"> - The wording of S3(1) could potentially be clearer, as it implies that larger dwellings would not be supported. - Is there a definition of ‘local connection’? What does this mean? Difficult to secure this in practice if no definition.
S4	<ul style="list-style-type: none"> - <i>“In particular development proposals should demonstrate how they have sought to address the following matters as they are appropriate to their scale, nature and location:”</i> <p>This is open ended and may cause issues as to how the planning officers will enforce this policy. Should set out the scale of development this policy will apply to. The policy seems to relate to all development and requires:</p> <p><i>“iv. Provides pedestrian and cycle connections to community facilities, local services and transport modes within the Parish, as well as to the surrounding countryside;</i></p> <p><i>vii. Features flora and fauna friendly design, for instance front garden space, using species that have a high UTAQ score¹⁹;</i></p> <ul style="list-style-type: none"> - <i>viii. Contributes to the provision, extension and maintenance of accessible green space, including green space for sport and children’s play areas, in accordance with St Albans open space provision and Hertfordshire County Council’s Planning Obligations Guidance”</i>

	<p>The above points seem to relate more to larger scale developments and would not usually be for considerations for small scale householders. It would appear difficult for householder development to demonstrate they would comply with these points.</p> <ul style="list-style-type: none"> - Part 2 relates to sustainable development. It is not clear whether the applicant needs to demonstrate if they would comply with these standards and how Planning Officers would assess this. - Policy S4(v) – why just concealed storage for recycling bins? What about other bins? - Policy S4(4) – has the impact of basements on groundwater source protection zones been considered? - BREEAM standards require specific assessment – how would we enforce or assess this? Would we require developers to pay for this assessment? How would we ensure that once the assessment is final (normally after completion) that the real grade isn't below the projected? - The policy contradicts itself – it asks for buildings with low embedded carbon profiles, yet asks for basements in the next section which have high embedded carbon profiles. - (vii) UTAQ score? What is this? Takes you to footnote 13 which is the Inspector letter.
S5	<ul style="list-style-type: none"> - Should set out the scale of development this policy will apply to. <p><i>“As they are appropriate to their scale, nature and location, development proposals should demonstrate that they address the following matters:”</i></p> <p>This is open ended and may cause issues as to how the planning officers will enforce this policy.</p> <ul style="list-style-type: none"> - <i>“Character and features of the St Stephens landscape”</i> <p>This is a very broad statement, the area has a variety of landscape. It is unclear what the intention of this policy is.</p>
S7	<ul style="list-style-type: none"> - List does not include Greenwood Park or the play area to the rear of Midway Surgery – are these covered elsewhere in the document?
S8	<ul style="list-style-type: none"> - Concern around the phrase ‘<i>exceptional circumstances</i>’ - definition or guidance needed. Presume the policy means it won't be allowed unless demonstrated it can't be provided elsewhere? Definition or changing of wording would be useful.
S9	<ul style="list-style-type: none"> - Refers to proposals being designed ‘<i>from inception</i>’ – this may be difficult to prove/assess as part of the policy.
S11	<ul style="list-style-type: none"> - Para 7.15 afterwards refers to parking standards in Policy S5 – This should be S4.

S12	<ul style="list-style-type: none"> - <i>“Contributions from new major development in the neighbourhood area will be used to support additional community bus services or, where appropriate, and improvements to public transport infrastructure. These contributions will be collected through Section 106 Agreements or the Community Infrastructure Levy mechanism.</i> <p>Does this need to link to national/district policy requirements, otherwise the requirement doesn't appear to 'hang' on anything else.</p>
S13	<ul style="list-style-type: none"> - <i>“Development that is immediately adjacent to a footpath or cycleway will be expected to: i. ensure the retention and where possible the enhancement of the path; ii. not have any detrimental impact on the path, and further assess and address the impact of the additional traffic movements on the safety and flow of pedestrians.”</i> <p>How is it expected to assess whether a proposal would have a detrimental impact on a path? Is this in terms of visual amenity/safety etc?</p>
S15	<ul style="list-style-type: none"> - Paragraph 1 isn't in line with paragraphs 8.3 and 8.4? Is there a need for this paragraph given paragraphs 3 of the Policy? Could Paragraphs 1 and 3 be combined?
S16	<ul style="list-style-type: none"> - Suggest adding the sentence in bold below. <p><i>“Major development that includes play grounds and leisure facilities for children and young people will be viewed favourably (subject to compliance with other relevant Policies in the Development Plan). They will be expected to demonstrate that the likely needs of the under-18 population have been assessed and have sought, where possible, to address these needs and included such provision in proposals.”</i></p>
S17	<ul style="list-style-type: none"> - Can this Policy be part of S15?
S19-S20	<ul style="list-style-type: none"> - Do these link or is there support for more than one retirement village?

4. Paragraphs and Figures

Paragraph	Comments
2.11	<ul style="list-style-type: none"> - Paragraph states that the villages have individual characteristics, which policies then ask to protect, however these characteristics are never described or defined.
5.15	<ul style="list-style-type: none"> - Consider if it should refer to new LHNA instead of SHMA
Figure 2.1	<ul style="list-style-type: none"> - Does not show all heritage assets within the area, just listed buildings and conservation areas, and notably misses the Scheduled monument at the BRE. This should be amended to accurately show the heritage assets, as defined in the NPPF and NPPG, or re-captioned. -
Figure 7.1	<ul style="list-style-type: none"> - shows pinchpoints 1,5 & 6 outside the NP boundary

5. Others

In light of the above comments, you may be asked to consider the implications of your SEA work