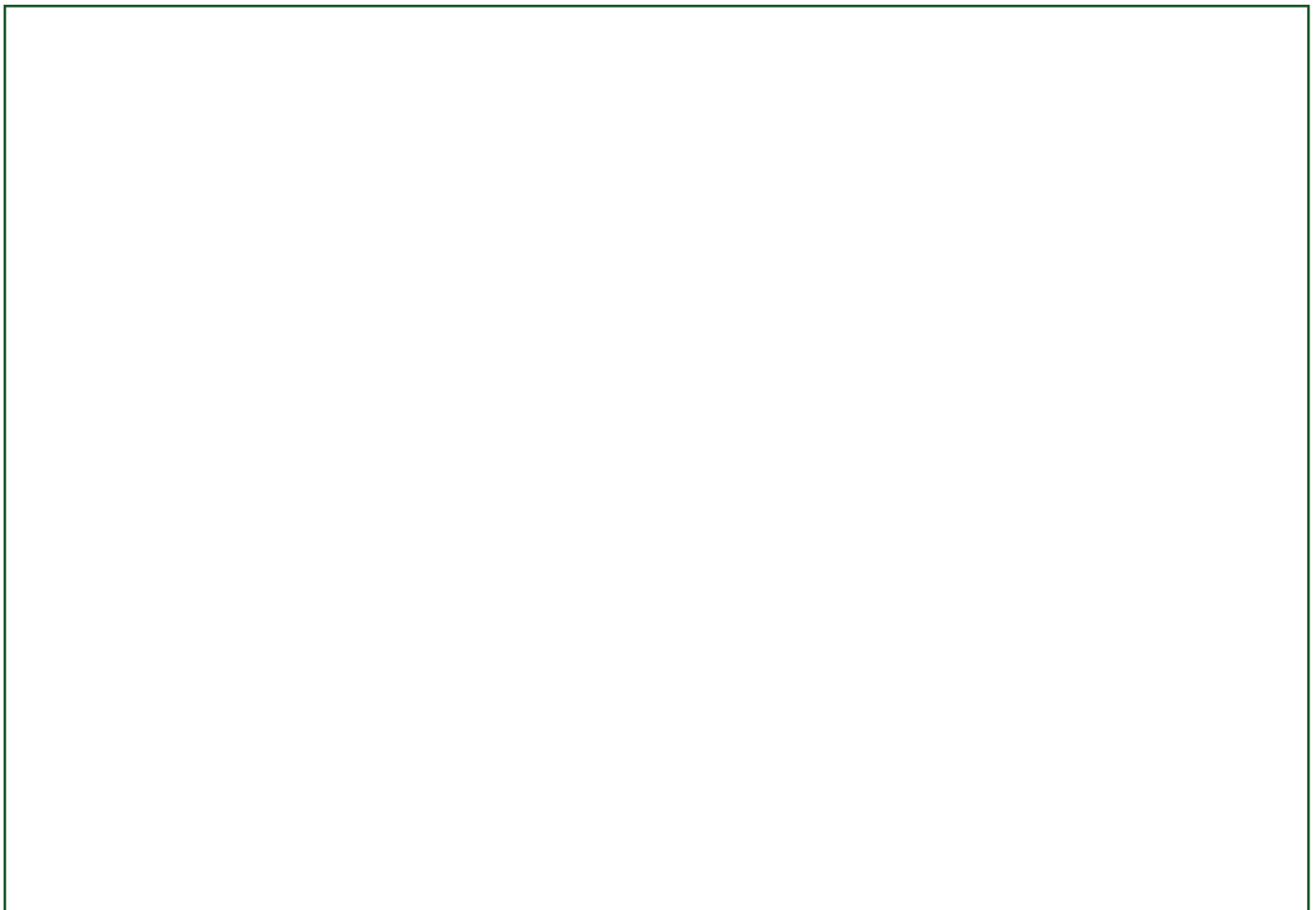




7a Pindock Mews, Little Venice, London W9 2PY, UK
T: +44 (0)20 3713 8500 E: contact@dominiclawson.co.uk
www.dominiclawson.co.uk

North Hertfordshire District Council Local Plan - Hearing Statement



Project: North Hertfordshire District Council Local Plan 2011-2031
On behalf of: Newsells Park Stud Ltd
Date: January 2021

DLBP Ltd is registered in England & Wales at the above address, number 7229435.
VAT registration number 260 6370 18.

A. SUMMARY AND CONCLUSION

1. This Hearing Statement to the emerging North Hertfordshire District Council Local Plan 2011-2031 has been prepared by DLBP on behalf of Newsells Park Stud Ltd (NPSL).
2. NPSL has consistently raised objections to the emerging Local Plan in relation to the previous proposed allocation of land at 'BK3 - Land between Cambridge Road & Royston Road' for 140 dwellings and as part of this overall suitability for the expansion of Barkway.
3. NPSL notes the Council's position as set out in Examination Document (ED) 210. For the reasons set out in this response, NPSL support wholly the Council's position as set out in ED210. In particular, it is NPSL's view that:
 - BKS3 should be removed as an allocation from the Local Plan; and
 - MM010 should be rejected and Barkway should revert to its Category A village status as per the initial version of the proposed Local Plan;
4. NPSL notes the Council's position as set out in Examination Document (ED) 210. For the reasons set out in this response, NPSL support wholly the Council's position as set out in ED210. In particular, it is NPSL's view that:
5. This Hearing Statement responds to the questions posed as part of Matter 30 in ED219.

B. RESPONSE TO MATTER 30 QUESTIONS

The justification for allocating Site BK3 for housing

30.1 Should the site be allocated for housing, either with or without the land reserved for education purposes?

6. No. It is NSPL's view that Site BK3 should not be allocated for housing. This is the case whether the land reserved for education purposes is included or not, but clearly the position is even more pronounced if the land is not included.
7. NPSL has consistently raised objections to the emerging Local Plan in relation to the proposed allocation of land at BK3. NPSL's substantive objections to the BK3 are set out in its previous Hearings Statements and responses to the emerging Local Plan consultation stages.

30.1a) Is there a reasonable likelihood that the land identified for primary education will be needed for that purpose during the plan period?

8. No. Hertfordshire County Council's Hearing Statement for Matter 11 as part of the original hearing sessions stated in connection with education provision in Barkway that (paragraph 7):

*Current demographic analysis shows that the yield from the proposed new housing is likely to be able to be accommodated **within the existing school capacity**. (emphasis added)*

9. It was clear at this stage that new housing in Barkway, including that proposed in the emerging Local Plan, did not trigger a definitive need for new school provision in the plan period. If it had done so, the County Council would have set this out at the time. The County Council's Hearing Statement went on to say at paragraph 7 that:

However, the existing reserve school site needs to be retained in Barkway to ensure flexibility in the future should demand fluctuate from either the existing population or from new housing.

10. Whilst the need to ensure provision should future demand require it is acknowledged, this is not evidence that there will be such a requirement. Rather, it simply points to a potential need at some undefined point in the future and dependant on circumstances.
11. A decision on whether further school provision is required depends on a range of factors, rather than just the potential for new housing. If there is an increased future demand for increased capacity, there is no certainty that such provision would need to be on the reserve site. NPSL note that expansion of the existing schools in Barkway and Barley has been identified as difficult because of the constraints of those sites. But this is not saying that those sites categorically could not be expanded. A different and innovative design approach and / or the introduction of new technologies could very easily result in those sites being

expanded. As has been seen over the last year, albeit in very adverse circumstances, adaption to remote learning has taken place and this could have impacts for the future demand for school capacity.

12. Equally, a re-organisation within the schools could allow for flexibility, for example Barkway could take Nursery to Year 2 some years, Nursery to Year 1 other years, while Barley adjusts its year groups accordingly. This could result in any additional demand for places being met by the current facilities.
13. Overall, it is clear that there is no evidence to support the case that there is reasonable likelihood that the land identified for primary education will be needed for that purpose during the plan period.

30.1b) If the identified land were not to be developed for primary education purposes, is there a reasonable likelihood that housing on the remainder of Site BK3 would be capable of visually integrating into the existing village?

14. No. NPSL's view is that the development of the site based on the original proposed allocation and as per the current planning application (ref. 18/01502/OP) would be inappropriate in planning terms. NPSL note that the Council's view as set out in ED210 paragraph 11 is:

Through the Development Management process, it has also become more evident that, absent a requirement for the reserve school site to be utilised, there are significant concerns over the ability to satisfactorily integrate BK3 into the existing village in design and placemaking terms.

15. NPSL agree with this. BK3 lies outside of the existing village boundary and, more importantly, is detached and disconnected from the main part of the village. Should BK3 be developed, it would concentrate and focus development on this area, to the detriment of the wider character of the village. This is especially the case having regard to Barkway's linear character.
16. There are no physical features which demarcate the application site from this land on the ground - currently forming part of a single field. The inclusion of this land therefore plays an important role in ensuring that the development of the wider land parcel could take place without substantial harm to the character of the village and from a landscape perspective (this comment is made without prejudice to NPSL's significant objection to any development on BK3 for the reasons set out in its previous Hearing Statements).
17. The negative effects of developing BK3 would occur whether the land for the school is within the site boundary or not, but is clearly increased in this latter scenario. The use of the reserve school site land is agriculture and it forms part a larger field; there is no boundary and the demarcates the differing land ownerships. The impact of developing BK3 based on the original proposed allocation and as per the current planning application would be significant. It would result in the school site land being retained for agriculture but it would

be of a size that would be practical to continue to use as such. There would be no proper access to it from Cambridge Road or from the developed land to the north. There is a very real risk that the land would not be maintained.

18. A Landscape and Visual Impact Assessment was prepared by James Blake Associates and submitted in connection with planning application 16/02759/1, which sought outline planning permission for up to 100 dwelling on the western part of BK3. This application was withdrawn prior to its determination. The LVIA assessed the effect of the proposed development, including on users of Public Right of Way (PRoW) 017 on eastern boundary of the site looking south-west. The LVIA sets out the baseline conditions at paragraph 6.6 as:

View 3 is representative of users of Bridleway BW017 on the eastern boundary of the site.

At this point the PRoW follows the internal boundary of the site from which these open views across the proposed site are possible. The southern boundary of the site is not defined on the ground while vegetation along the southern boundary of the arable field (the safeguarded land for a potential primary school) further encloses views south. The existing residential development along Royston Road is clearly visible beyond the hedgerow on the western boundary.

19. In terms of visual effects, the LVIA sets out that the 'Magnitude / Extent of Change' for users of the right of way will be 'Highly Negative' at one year after the construction of the development and 'Medium Negative' at year 15. The 'Scale of Effect / Importance' for both years is described as 'Major Adverse'. This is evidence that the development of BK3 without the inclusion of the school site land would have a negative landscape impact.
20. Overall, NPSL supports the Council's position that it would not be possible to satisfactorily integrate development on BK3 into the existing village in design and placemaking terms.

30.1c) If not, would the deletion of Site BK3 be necessary for soundness, or would there be a more appropriate course of action?

21. Yes, the deletion of Site BK3 is necessary for the Local Plan to meet the test of soundness. It would not be appropriate in planning terms to maintain the BK3 allocation.
22. Paragraph 14 of ED210 states that:

Consideration has been given to amending the criteria of BK3 to link its delivery to delivery of the reserve school site.

23. As the Council conclude, this would not be appropriate. The Council's most recent position on housing delivery and five-year supply as set out in ED191B indicate that, were the site allocated for development, completions would begin in 2023/24 and end in 2025/26. These dates are well before the end of the 2031 plan period. There is a live and current application to develop the site. To retain the BK3 allocation but link its delivery to delivery of the reserve school site would not be appropriate in this context. It would result in an allocation

that is unsound as the evidence indicates that the school will not be delivered in the plan period.

30.2 If the site is allocated for housing, should the land identified also be allocated for primary education purposes?

24. No, as there is no realistic prospect that the site will be delivered for education purposes in the Local Plan period. To make such an allocation would be unsound.
25. As noted above, the land in question is owned by the County Council and could at any point come forward for the development of a school when a need is identified. There is no planning justification for the allocation of the land for this purpose, as the Council's emerging Local Plan sets out a specific development management policy that deals with new education provision. Draft Policy SP10: Healthy communities (of the Main Modifications version) sets out that the Council will:

Work with Hertfordshire County Council and education providers to ensure the planning system contributes to the provision of sufficient school places and facilitates the provision of new or expanded schools in appropriate and accessible locations.

26. And the supporting text at paragraph 4.127 sets out that the Council will:

...work with Hertfordshire County Council, landowners, Academy Trusts and other relevant bodies to deliver appropriate solutions. Our Strategic Housing Sites will see the on-site provision of new primary and, where appropriate, secondary school facilities to serve the growing population. Some Local Housing Allocations will also result in new school places being provided, including at Ickleford, Codicote and Knebworth.

27. Clearly, each case and site must be considered on its own individual merits and there are other development management policies that will need to be considered in connection with a planning application to develop a new school on the site. But the emerging Local Plan sets out a clear presumption in favour of such development and so should a need be identified then the site could, at that time, be brought forward.
28. On this basis, there is no justification for the inclusion of the land being included as an allocation for primary education purposes.

The spatial strategy and Barkway's place within the settlement hierarchy

30.3 Depending on the preceding questions, what tier of the settlement hierarchy should Barkway be categorised as, and why?

29. Barkway should be classified as a 'Category A' village.

30. NPSL's previous Hearing Statements set out the justification for why the the inclusion of Barkway as part of the villages 'for growth' category is unsound and inconsistent with national policy as it will not result in sustainable development. These arguments are not repeated in this Hearing Statement.

31. Paragraph 4.13 of the emerging Local Plan (Main Modifications version) states that:

The Category A villages, normally containing primary schools, also have defined boundaries within which development will be allowed and sites have been allocated to meet the District's overall housing requirement. These villages are excluded from the policy designation (either Green Belt or Rural Area Beyond the Green Belt – see Policy SP5) which affects the surrounding countryside.

32. Barkway meets this description and so it is wholly appropriate for it to be classified as a Category A village. Barkway's characteristics are those of a Category A village, rather than the larger 'villages for growth'. Barkway's population is smaller and its facilities are more limited. It lacks sustainable transport links to larger settlements to facilitate large scale development.

33. A much lower level of new development associated with a Category A status would be much more commensurate with Barkway's characteristics. NPSL agree with the Council's comment at paragraph 16 of ED210 that "*Category A' includes a range of village sizes including those of a comparable scale to Barkway.*" NPSL also agree strongly with paragraph 17 of ED210.

34. It is considered that the level of development proposed in Barkway without BK3 is commensurate to the overall sustainability credentials of Barkway over the period to 2031 and consistent with national policy.

30.4 If it were necessary for soundness to delete Site BK3 from the Local Plan and no alternative land were proposed to replace it...a) would this affect or undermine the Local Plan's spatial strategy and the aim of directing new housing development to the most sustainable locations?

35. No. NPSL set out in detail in its Hearing Statement of February 2020 for Matter 26 why Barkway is not a sustainable location for growth. This is something that the Council has acknowledged also, with paragraph 13.35 of the emerging Local Plan which states that in Barkway:

...facilities are limited and so residents would be likely to travel to either Royston to the north or Buntingford to the south for many day to day items.

30.4 b) Would it be necessary for soundness to reject MM010 such that Barkway would remain a 'Category A' village?

36. Yes. In order to address the defects of the emerging Local Plan, MM010 should be rejected and Barkway should remain a 'Category A village'.

30.4 c) Would this affect or undermine the demonstration of the exceptional circumstances required to 'release' land from the Green Belt around other settlements for new housing?

37. NPSL's view is that there would be no effect on the requirement to demonstrate exceptional circumstances required to 'release' land from the Green Belt around other settlements for new housing.

The supply of land for housing

30.5 What bearing, if any, does this have on the supply of land for housing?

38. NPSL note the Council's comments on this as part of ED210 on the supply of housing and agree with them. It is clear that, whilst the removal of BK3 is significant for Barkway, in terms of the Local Plan as a whole the effect will be negligible. The Council will continue to be able to demonstrate a supply of land for housing, and so the new Local Plan will be effective and sound.

30.6 If it were necessary for soundness to delete Site BK3 from the Local Plan, would it also be necessary for soundness to allocate alternative land for housing, either in Barkway or elsewhere? If so, how much land, where and why?

39. For the reasons set out above, it is NPSL's view that it would not be necessary to allocate land in Barkway or elsewhere in the District to make the Local Plan sound. The removal of BK3 would not adversely affect the plan's soundness - rather, it would improve its overall effectiveness and result in a Local Plan that is sound.