

## **Examination of the North Hertfordshire Local Plan 2011 – 2031**

### **Hearing Statement in respect of Matter 30 – Barkway and Site BK3**

**Prepared by Strutt & Parker on behalf of Rand Brothers (Jan 2020)**

#### **Matter 30 – Barkway and Site BK3**

##### **Introduction**

- 1.1 This Matter Statement has been prepared by Strutt & Parker on behalf of Rand Brothers, the land owners, in support of Site BK3 as housing allocation at Land between Royston Road and Cambridge Road, Barkway. MM389 shows the extent of the site both (before) as the proposed housing allocation in the submission version of the Local Plan and then (after) as an extended allocation to include a reserve school site.

##### **Background**

- 2.1 For reference a Chronology is set out in Appendix 1. In 2016 Rand Bros submitted an outline planning for up to 100 dwellings on the western side of Site BK3. This application was subsequently withdrawn on the basis the Council wanted to encourage a comprehensive development of BK3 and considered the application to be piecemeal not capable of delivering all the key objectives of Policy BK3 of the submission Local Plan. Following this, Rand Bros purchased the remainder of Site BK3 and as well as supporting the allocation through the emerging local plan, prepared and submitted a further outline application which demonstrates that the entirety of Site BK3 is developable and deliverable (see Latest Masterplan at Appendix 2) There are no objections from statutory consultees, Barkway remains a sustainable location and the development will now delivery all the key objectives of Policy BK3.
- 2.2 Furthermore, the landowners now have an agreement with Hopkins Homes, an award winning regional housebuilder, who are committed to delivering a high quality development as soon as possible following the approval of outline and reserved matters applications. As such, this site has the potential to come forward as identified in the April 2020 Housing Trajectory (ED191B) with 35 houses per annum from 2022/23 for four years to assist the Council's five year supply and help ensure that the Plan remains as up-to-date as possible. BK3 is a site the Council need to help provide them with a 5 year supply on their stepped trajectory approach, driven by their exceedingly poor record in housing delivery.
- 2.3 On behalf of our client, on 27<sup>th</sup> November 2020 Town Legal LLP wrote to the Inspector regarding the publication of note ED210, not only to raise concerns about the content of the Council's newly suggested modifications but also to ask for procedural confirmation from the

Council as to who had the authority to make such changes and whether this had been done under delegated powers by the Head of Development & Building Control in consultation with the Executive Member for Planning & Enterprise. To date the Council have provided no such clarification on this matter.

### **Schedule of Further Matters, Issues and Questions**

3.1 In the Inspector's Schedule of Further Matters, Issues and Questions, he has helpfully summarised the Council's reasons for their late change in position in respect of Site BK3 as follows:

- it appears to the Council that the housing proposed on Site BK3 (and in Barkway overall) "does not trigger a definitive need" to use the land proposed for primary education; and that
- "absent a requirement for the reserve school site to be utilised, there are significant concerns over the ability to satisfactorily integrate (the housing proposed on Site BK3) into the existing village in design and placemaking terms"; and that
- without the housing proposed on Site BK3, the Council considers that residential development in Barkway would be of a modest level more commensurate with that of a 'Category A village' rather than that of a village 'for growth'.

3.2 NHDC now seek to exclude BK3 as it does not trigger development of the reserve school site. However, this has never been the intention of the Policy. Clearly, development of the reserve school site is a matter for the County Council to bring forward in a planned manner through their schools development programme.

3.3 Fundamentally, the Inspector needs to consider whether the plan as submitted is sound. The NPPF (2012) establishes that the purpose of the planning system is to contribute to the achievement of sustainable development (para. 6). It identifies the three dimensions of sustainable development as economic, social and environmental (para. 7) and it is on this basis that Site BK3 has been assessed against the evidence base and sustainability appraisal and identified as suitable for inclusion in the submission version plan. At the time of the assessments it was not dependant on it being necessary to justify the continued allocation of the reserve school site, or that the housing would be the trigger for the school site to be developed, otherwise the school site would have been included in the original allocation and policy. These circumstances have not changed as the Council now suggests. As evidenced by the County Council's response to the current planning application (see Appendix 3) a financial contribution of £212,683 towards the expansion of Barkway First School, based on Table 2 of the County Council's Planning Obligations Toolkit is all that is necessary to make development acceptable from a first school educational point of view.

3.4 The Council's letter to HCC Growth and Infrastructure Team dated 07 October 2019 appended to NHDC note ED210 at paragraph 5 states that in the view of the author "*the sustainability credentials of Barkway in education terms have deteriorated – even allowing for advice in the NPPF on rural vitality which states that development in one village may support services in another nearby*" (NPPF 2012 para. 55). This interpretation is clearly an unreasonable position as it is not the case that the capacity/size of the school, which has a pupil admission number (PAN) of 57 – 60 (depending on source), has in any way decreased.

Nor has the nursery or pre-school offer changed. As summarised in the February 2018 Ofsted Short Inspection Report (see Appendix 4), the new Federation arrangements are clearly operational matters rather than capacity issues. They appear to be delivering not only operational efficiencies, safeguarding the future of both Barkway and Barley First schools, but also provide greater choice and an improved educational experience for pupils. Obviously, further housing development in Barkway will also support the continuance of facilities in both Barkway and nearby Barley as well. More pupils will result in increased funding for the schools.

- 3.5 It is a recognised fact that rural settlements need to retain existing services and facilities to strengthen communities, a key objective of sustainable development. The rural villages make up a large part of the plan area and the emerging Local Plan recognises (see Local Plan para 2.65, Section 8 Housing and Policy HS4) that, household sizes are in decline due to an ageing population, consequently the numbers of first school age children will also be in decline unless new family housing is provided. Developments such as Site BK3 are essential to help sustain existing local services and facilities, not only within Barkway but also the surrounding hinterland, nearby villages and towns. This is fully in accordance with the local plan strategy set out in Policy SP1 which at paragraph b) seeks to:

**“Ensure the long-term vitality of the District’s villages by supporting growth which provides opportunities for existing and new residents and sustains key facilities;”**

- 3.6 The Council consider that the need to travel between Barkway and Barley for First School education purposes, a distance of approximately 2 ½ miles, means that Barkway has become a less sustainable settlement. It is worth noting that Site BK3 is on the north side of Barkway so is in fact only approximately 2 miles from Barley First School. It has to be recognised that in rural areas there will be a greater reliance on the car and opportunities for sustainable alternative travel modes will be more limited than in urban areas. Furthermore, it will not be the case that all students at Barkway First School will come from within the village as the school has a considerable catchment area, in a similar way to Barley First School (see Appendix 5). The distance between the two federated schools is not significant, neither will the number of pupils involved be significant by comparison to the remainder of the population of the settlements. As such, the overall benefits of the additional housing will only serve to support the improved teaching arrangements, far outweighing any limited transport dis-benefits. In addition, there is also a mini bus service being operated between the school sites which further assists in mitigating any perceived transport dis-benefits of the new operational arrangements.

## **Questions**

- 4.1 In response to the Inspector’s Specific Questions on behalf of our client’s we have set out our reasoned responses below:

### **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? If so:

- 4.2 The justification for the allocation of additional housing at Barkway was never simply the need to create additional capacity to help justify the need for a new school. Rather the allocation of land for additional housing is borne out of the need for new housing across the District and the spatial strategy which rightly includes allowing some growth on some sites on the edge of existing villages. Chapter 5 and Appendix 2 of HOU 1 explains the basis for the settlement hierarchy and growth at identified villages. The assessment that BK3 was in land use terms a suitable location for housing development at Barkway, a village lying outside the Green Belt, was precisely because it is a village with a school and other recreational and community facilities together with some employment opportunities and close to Barley, a village which also enjoys a shop, pubs, GP facilities and a school. As such, the allocation of Site BK3 was, and is, entirely sound.
- 4.3 The Council identified that the allocation for housing would also offer the chance to facilitate new community facilities, suggesting a new shop. The local plan makes clear that allowing growth in the villages to allow them to function, is part of the strategy. Both NPPF 2012 [55] and NPPF 2019 [78] support sustainable growth in rural areas. It would be entirely inconsistent and unjustified to now remove BK3 from the local plan, irrespective of what happens with regard to a reserve school site.
- 4.4 At no point was the development of BK3 dependent upon the delivery of a new school. The fact that the County owns land reserved in the 1996 Local Plan No 2 Alterations for Educational Use is neither here nor there in land use terms. The suitability of BK3 for housing does not depend upon the delivery of a new school on the County's land. Whilst at Reg. 19 stage HCC's representation "support the retention of the existing reserve school site" (13.10) they certainly did not suggest that the allocation of new housing at Barkway was dependent upon it.
- 4.5 The principle of BK3's suitability for housing was further established through the lack of any objections to it from statutory consultees when the 2018 outline application was made which further reinforces the deliverability of BK3.
- 4.6 In response to paragraph 30.1, we firmly believe that BK3 should be retained as a housing allocation, either with or without the reserve school land. While the Council suggest that its removal from the plan will represent a reduction from 13,250 to 13,110 homes, an overall reduction in the 'buffer' from 13% down to 12%, this needs to be considered against Council's development strategy set out in Policy SP1 and the spatial distribution of housing across the plan area in SP2.

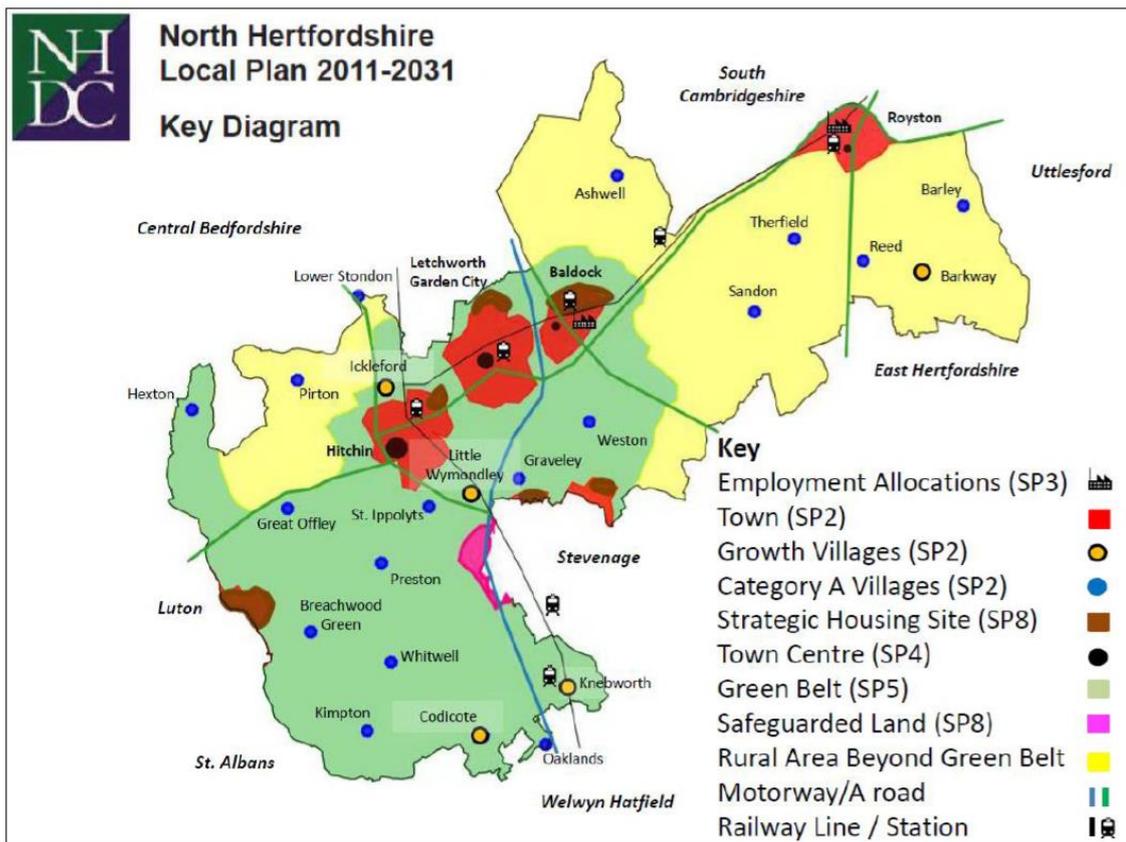


Figure 1: Para 3.7 PROPOSED SUBMISSION LOCAL PLAN INCORPORATING THE PROPOSED MAIN MODIFICATIONS

- 4.7 From Figure 1 above it can be seen that the majority of growth is already focused in the western, Green Belt half of the District, and that Barkway, one the five ‘Villages for Growth’ is the only non-Green Belt village in the eastern part of the plan area. Simplistically, using the figures in Policy SP2 for Towns and Villages for Growth, approximately 86% of all new housing development will be delivered in the Green Belt western side of the District, requiring the demonstration of ‘exceptional circumstances’ for site release through the Local Plan. Site BK3 is an important lifeline for those who wish to live in a village in this part of the District.
- 4.8 After Ashwell, which lies to the north of the railway and the A505, Barkway is the second largest of the remaining five villages in this part of the plan area. It has a close functional relationship with Barley which also has a good range of local (full list at para.13.42 of the Local Plan). The Local Plan states:
- 13.44 Whilst Barley is smaller than the neighbouring village of Barkway, it does have a wider range of facilities and so does attract visits from both Barkway and other nearby settlements. However, for many requirements residents visit the nearby town of Royston.
- 4.9 Both Barkway and Barley are a similar distance (approximately 7 km) from the nearest main town of Royston which is accessibly by bus. No housing allocations are proposed in Barley but clearly there is a strong interdependence between both settlements and new housing in Barkway will assist in supporting the continuance of services and facilities in both settlements. ED191B at paragraph 29 stated that “*constraining allocations too closely would result in failure to meet the 5 year supply*” and paragraph 43 “*recommended all of the proposed allocations in the plan are retained*”. The removal of BK3 is wholly unjustified given

the fragile state of the 5 year HLS starting from 1/4/2021; all the more so in the face of the 2020 HDT results.

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

4.10 We consider that this is primarily a matter for HCC as County Education Authority and can only comment that in response to the current outline planning application, the County Council have only sought a financial contribution towards the expansion of Barkway First School.

b) 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?

4.11 As set out in ED210 and the Council's letter to the County Council dated 7 October 2019 (Appendix to ED210), these concerns appear to relate to advice received from the Council's Development Management Team in respect of the current outline planning application which suggest that from an urban design point of view, without the development of the reserve school site, housing on Site BK3 would be divorced from the remainder of the village by the unoccupied school site. Furthermore, there is a perceived risk that the reserve site may become unmanaged and unkempt.

4.12 We strongly disagree with both these comments. There is no evidence to suggest that the land would become unmanaged or unkempt. Rand Brothers are the current tenants and could continue to productively farm the land on behalf of the County Council. We consider that a satisfactory layout and integration with the new and existing development could be achieved with or without the school land. All future residents of BK3 would be in walking distance of the community and recreation facilities in the north of the village. We also note that there has never been an 'in principle' objection raised on landscape or townscape grounds to development on BK3, nor could there sensibly be such an objection.

4.13 Clearly, the outline application as now proposed addresses the Council's previous concerns. The eastern side of the site addresses the Cambridge Road, with the village recreation ground and cricket ground on the opposite side of the road. Along the southern boundary of the site, on the same side of the Cambridge Road, is the existing Village Hall, Barkway Social Club and bus stops all a short walk. The outline application also proposes the inclusion of a shop on the frontage which will strengthen this part of the village as a community hub. All these important community facilities will be highly accessible to future residents and well related in functional terms to BK3. They could hardly be considered divorced from the site. To the south of the Social Club is the recently completed development of Site BK1, obviously not considered or in fact divorced from the village.

4.14 The site is also crossed north – south by Bridleway Barkway 017 which connects with Bridleway Barkway 018 which runs east – west along the northern boundary. Both of these will be incorporated into a scheme layout, improving accessibility both back to the centre of the village and also to the wider public rights of way network and countryside beyond and fully supported by the County Council Rights of way team.

4.15 The western half of the site, the southern boundary of which runs along the reserve school site, will then provide a secondary frontage onto the eastern side Royston Road. There is

existing frontage development on part of the opposite side of Royston Road. To the rear of this is Site BK2, which in terms of being divorced from the main settlement, arguably is further removed from the community facilities in the northern part of the village and the High Street than any part of Site BK3. On the eastern side the Royston Road to the north of the allocation is a ribbon of residential development known as Mill Cottages which provides a typical low density transition between the village and countryside. The development context along the Royston Road frontage is not strikingly unusual and at the detailed design stage a perfectly acceptable urban design response will be easy to produce. Even if the reserve school site remained undeveloped, it has an established hedge row along the frontage and an informal layby which appears to be used for overspill parking by the housing opposite, so the presence of undeveloped land would not be obvious or out of character. It is not uncommon in rural villages for there to be gaps in a street frontage, features such as village greens, grazing paddocks, burial grounds and large gardens are common. They are actually positive characteristics, which emphasise the rural context and add variety in the street scene. This is very much the existing character of the Royston Road experience as you walk along it from the Cambridge Road up to the allocation site frontage. Improvements to the pavement network in the vicinity of the site in Royston Road have been agreed with County Highways as part of the current outline application. Even if the reserve site is developed as a new school, the frontage will still be open to a significant degree allowing access to the new building which is likely to be set back within the site, again this would not be at odds with the existing pattern of development. The current indicative masterplan includes a potential pedestrian link directly into the school site and to the rear it adjoins the village hall, separated by Bridleway Barkway 017, offering further opportunities for pedestrian links to the school land.

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

4.16 Having regard to our responses above to questions 30.1, 30.1 b) and 30.4 below, we do not consider that it is necessary to delete Site BK3 from the plan; rather we strongly contend that its inclusion helps ensure the plan is sound. We also note that this appeared to be the view of the Council at the time of their response to the 2016 planning application and indeed this is repeated in ED191B. However, in the event the Inspector does not share our views in respect of urban design and place making, amendments could be made to the masterplan submitted under the current planning application.

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

4.17 Plainly the school land does not need to be allocated, let alone brought forward because there is capacity at the two existing schools under the federation arrangements. As the plan was originally submitted, it did not include the allocation of the reserved school site and Policy BK3 did not require a site to be safeguarded 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?
- 4.18 As part of the submission Local Plan, under Policy SP2 Barkway is classified as a 'Category A' village along with other villages in the District justified by HOU1. The proposed 'Villages for Growth' were introduced as a sub category (MM 010) to identify those villages where more than 200 new homes are proposed. It was not a response to any detailed revaluation of each settlements sustainability credentials. This distinction appears to have little bearing other than to suggest that these are villages which will be delivering a larger proportion of housing growth. There is no further policy distinction in respect of development proposals between the 'Category A' villages and 'Villages for Growth' and no evidence that the villages have been subject to a further assessment beyond that set out in HOU1 to trigger their elevation to 'Villages for Growth'. Indeed, as referred in the Spatial Planning Officer's policy response to the current planning application at paragraph 13 (see Appendix 6) the re-categorisation is stated to be "*no more than a presentational matter and does not in itself alter the proposed allocations or the apportionment of development across the District*". Accordingly, the sub-categorisation of Villages for Growth, is not considered necessary for the soundness of the plan.
- 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?
- 4.19 Regard must be had to NHDC's past record housing delivery and their five-year housing supply which currently stands 2.2 years (para. 5.71 NHDC AMR 2019-2020). The District's recently published housing delivery measurement for 2019 – 2020, is only 36% (including COVID-19 adjustment). This is a demonstrable fall from the 2019 measurement of 44% making the District one of the poorest performing authorities nationally. Where a measurement of less than 75% is recorded the presumption in favour of sustainable development is triggered and a 20% buffer to improve the prospects of achieving a planned supply is required. Clearly, there is an acute need for the Council to allocate and bring forward small and medium-sized sites, such as BK3, which are available and deliverable to redress the immediate delivery shortage, particularly when the emerging local plan relies on the successful release of a significant number of strategic Green Belt sites which underpin the development strategy. This is recognised in ED191B. It must also be remembered that large scale strategic allocations will be slow to deliver, whereas BK3 is available now and as set out above, the landowners have an agreement with Hopkins Homes, who are committed to delivering a high quality development as soon as possible.
- 4.20 Furthermore, there an acute need for affordable housing delivery. For the plan period 2011 – 2020 there have only been 518 affordable completions, 18.4% net completions (para. 5.70 NHDC AMR 2019-2020) against a target of 33%, a woefully low level of completions. Site BK3 could deliver a further 56 affordable dwellings, essentially a year's supply at the current delivery rate.
- 4.21 While it is acknowledged that the Local Plan is being examined under the NPPF 2012, the established national objective remains unchanged to significantly boost the supply of

housing. To unnecessarily omit a clearly deliverable site, especially one that is not within Green Belt, at this late stage plan preparation is clearly not necessary for the plan to be found sound, and actually should be considered to be at odds with the objective of the plan been positively prepared, justified, effective and consistent with national policy.

- 4.22 ED191B, (update to ED178), recognise the difficulties the District faces with housing delivery and five year land supply. The ambitious housing trajectory includes delivery from site BK3 between 2022 and 2026. It acknowledges there will need to be a “*step change in delivery*” (para 41) rising from 350 homes per year 2011 – 2019. It proposes a delivery of 500 homes per year for the four years from 2020 rising to 1,120 homes per year thereafter to the end of the plan period. Paragraph 43 (ED191B) concludes that “...*the Council recommends that all of the proposed allocations in the Plan are retained and that the revised housing requirement and supply trajectory is adopted*”.
- 4.23 Accordingly, it is considered that the deletion of Site BK3 at this late stage in the plan preparation process should be considered unsound.
- b) would it be necessary for soundness to reject MM010 such that Barkway would remain a 'Category A village'?
- 4.24 As set out above in response to 30.3 the sub-categorisation of 'Villages for Growth', is not considered necessary for the soundness of the plan.
- 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?
- 4.25 As referred to in our response to 30.4 a) above, the current development strategy relies on the release of a significant number of sites within the Green Belt. For the development strategy to be considered sound, alternative options should be considered ahead of Green Belt release. The deletion of Site BK3 therefore should be considered by comparison to all the proposed Green Belt allocations to demonstrate that exceptional circumstances still exist for the retention of those sites compared to BK3. Furthermore, the sustainability credentials of settlements will need to be reassessed through a comprehensive review of HOU1.

### **The supply of land for housing**

- 30.5 What bearing, if any, does this have on the supply of land for housing?
- 4.26 Please see response to Question 30.4 a) above.
- 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?
- 4.27 Please see responses to Questions 30.4 a) b) and c) above, we consider the 'where' and 'why' to be questions for NHDC but also note the content of ED191B.

## **Conclusions**

- 5.1 In conclusion, we do not consider that the main modifications suggested for consideration in the Council's latest note (ED210) to be necessary or justified in respect of the soundness of the plan.
- 5.2 We consider that the Local Plan, as originally submitted, is sound in respect of the identification of Barkway as a 'Category A Village' and the allocation of Site BK3, matters which have already been explored at the original hearing sessions. The case set out in the Council's note ED210 does not amount to a substantive change in circumstance at this stage in plan preparation and most certainly does not warrant the deletion of Site BK3, especially given the difficulties the District faces with market and affordable housing delivery.
- 5.3 Whilst our client does not object to the main modifications previously put forward by the Council (MM010 proposing to include Barkway as a village 'For Growth' in the settlement hierarchy, and MM216 and MM389 proposing that Site BK3 be extended southwards to encompass land to be reserved for primary education) we do not consider they are necessary for soundness. As set out in detail within this matter statement the justification and need to include the reserve school site is a matter for NHDC to agree with HCC, not for our client and certainly not necessary to make the allocation of Site BK3 sound.

**David Fletcher**  
**Director**  
**T: 01223 459433**  
**M: 07826 949603**  
**E: [david.fletcher@struttandparker.com](mailto:david.fletcher@struttandparker.com)**