

## Examination of the North Hertfordshire District Council Local Plan 2011-2031: Matters Statement

**From:** Savills (UK) Ltd on behalf  
of Newsells Park Stud Ltd

**Participant  
Number:** 13949

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**Subject:** Matter 11 - Barkway

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### Background

1. Savills (UK) Ltd is instructed by Newsells Park Stud Ltd to prepare and submit this Hearing Statement for consideration as part of the North Hertfordshire Local Plan 2011-2031 Examination.
2. This Statement relates specifically to proposed allocation BK3 'Land between Cambridge Road & Royston Road, Barkway' only. Newsells Park Stud Ltd continues to object to the proposed allocation for 140 homes and a local convenience shop.
3. Newsells Park is located immediately to the north of site BK3. It has operated as a stud in this location for over 100 years and currently employs 35 staff, the majority of these permanently on the estate contributing directly to the local economy. The stud is a successful specialist business and an integral link to the Horse Racing Industry operating across the region, nationally, and internationally. It is considered that the proposed residential development will have a detrimental impact upon the current function of the existing stud business.
4. There are approximately 250 stables at the stud and as such the operation requires a significant number of skilled and experienced staff to care for the horses and maintain the property; much more than would be required to staff a similar sized estate or farm that does not operate a thoroughbred stud operation. There are up to 340 horses on site during the Stud season, conservatively representing over £100 million in bloodstock. Due to the nature of this rural business, development at BK3 could have a detrimental impact upon the economic vitality of Barkway as a whole.
5. In respect of the operation of the stud, the land immediately to the north of the proposed BK3 site is the most established pasture at Newsells and part of Sir Humphrey de Trafford's original stud land from the 1920's. Newsells Park Stud, as advised by Roger Allman of the Farm Clinic in Lexington Kentucky, identify this land to be the best at Newsells for rearing foals due to its clay soil over chalk composition which retains moisture in a hot, dry summer providing good turf and grass for the young foals. The paddocks around 'Obelisk' and 'Manor' are used exclusively for mares and foals in the spring, summer and autumn months and are considered to be vital to the operation of the stud.
6. As detailed in previous representations the proposed allocation at BK3 could give rise to a number of impacts which cumulatively could have a detrimental impact of the current business operations at Newsells Park Stud. It is therefore requested that proposed allocation BK3 is removed from the emerging Local Plan because of its potential for impact upon the economic vitality Newsells Park Stud and of Barkway as a whole.

**Question 11. 5 – Is site proposed housing allocation BK3 deliverable? In particular:**

**a) Confirmed by all of the landowners involved as being available for the use proposed?**

7. Footnote 11 of the National Planning Policy Framework defines ‘deliverable’ sites as: “...sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site... that development of the site is viable...”.
8. Until recently proposed allocation site BK3 had two landowners. Throughout the plan making process the sites have been promoted individually and therefore the each site has been assessed by the Council separately under the Strategic Housing Land Availability Assessment (SHLAA) references:
  - Site 19 ‘Land west of Cambridge Road’
  - Site 22 ‘Land east of Royston Road’

Available

9. The SHLAA 2013 states that Site 19 ‘Land west of Cambridge Road’ is available and subsequent SHLAA Updates have maintained this position. Representations were submitted in November 2016 by Kaz Ryzner Associates (ID Ref: 14431) which state “*the site is readily available for residential development*”.
10. In the SHLAA 2013 Site 22 ‘Land east of Royston Road’ was recorded as ‘*failing one of the SHLAA tests*’. The SHLAA 2013 states at Appendix 2 that no response was recorded to the 2013 survey and as such the site was not considered to be available. This position was reflected in the Housing Options Growth Levels and Location 2011-2031 (Consultation Paper February 2013). However, subsequent SHLAA Updates in 2014 and 2016 state the site as being available. In November 2016 Strutt & Parker submitted representations (ID Ref: 16073) on behalf of the ‘Rand Brothers’ which confirmed that they were actively promoting the site for development. In addition, an outline planning application for up to 100 dwellings and a new shop (A1 use) at land within their ownership only (LPA Ref: 16/02759/1). This application was however subsequently withdrawn in May 2017.
11. It is understood that the Rand Brothers now have control of Land west of Cambridge Road in addition to Land east of Royston Road and therefore the entire BK3 site.

**b) Evidence to demonstrate that safe and appropriate access for vehicles and pedestrians can be provided?**

Vehicular Access

12. In respect of access the draft wording of draft policy BK3 states that Developers should: “*Explore opportunities for connecting road from Royston Road to Cambridge Road having regard to heritage considerations*” as such consideration need to be given to the possibility that the residential and retail development could be accessed by one or two access points.
13. Whilst the draft wording of draft policy BK3 requires the development to “*integrate with any future use of adjoining reserve school site*” it is unclear whether the land to the south is intended to be served by an independent vehicular access.

14. The local and strategic road impact has been summarised in the 'Site Information Matrix' (Examination document: HOU13). It states:

- Land West of Cambridge Road (SHLAA Ref: 19) "*Access widening, significant traffic along two way lane, capacity study required*" page 20.
- Land East of Royston Road (SHLAA Ref 22) "*Transport Assessment Required*" page 26.

It is not explicit whether the Hertfordshire County Council as Local Highways Authority (HA) consider it possible to achieve safe and suite accesses to the draft allocation and whether the increase in vehicular movement upon the existing highway network is likely to be acceptable.

15. It is noted that the HA commented on the outline application for up to 100 dwellings and a new shop (A1 use) at 'Land east of Royston Road' (LPA Ref: 16/02759/1) (SHLAA Ref: 22). The HA response dated January 2017 did not object to the detailed access proposed on the basis that conditions would be attached to planning permission. The conditions sought:

- To control the detailed specification of the access to be constructed;
- To ensure provision of footways to connect the development to existing bus stops at Royston Road;
- Maintenance of visibility splays at the access; and
- Drainage details to control surface water drainage of roads and footways.

#### Non-Vehicular Access

16. As previously explained in the response to the 'Proposed Submission Local Plan' (Regulation 19 Consultation) Newsells Park Stud Ltd objects to proposed allocation at BK3 due to potential for impact upon the economic vitality of Newsells Park Stud. In respect of non-vehicular connectivity specific concern is raised about the intensification of existing Public Rights of Way (PROW) in the surrounding area which could impact upon the tranquil nature of Newsells for livery and therefore the stud business.

17. It is noted that North Hertfordshire District Council (Examination Document Reference: LP3) is proposing to amend the wording of Draft Policy BK3 to correctly reference the bridleway 'Barkway 017' which runs south to north along the central field boundary at the proposed allocation site. The bridleway then continues north to Newsells Park Stud Ltd. As highlighted within previous submissions there is genuine potential for conflict of users at the bridleways in particular horse riders, pedestrians, dog walkers and potentially motorists at the site and this needs to be properly considered.

#### **c) Deliverable, having regard to the provision of the necessary infrastructure and services, and any environmental or other constraints?**

18. To consider whether there is a realistic prospect that housing will be delivered at the site within the plan period, detailed consideration should also be given to the delivery of supporting infrastructure, services, and necessary mitigation measures. In order to do so the Council has produced an 'Infrastructure Delivery Plan' (IDP) (Examination Document Reference: T1).

#### Phasing

19. Examination Document ED3 'Housing and Green Belt Background Paper Partial Update September 2017: Housing Monitoring and Five Year Supply' incorporates at Appendix 2 a Housing Trajectory. This anticipates 140 dwellings to be delivered at site BK3 in the period 2027 to 2031. These timescales are replicated in the

supporting Infrastructure Delivery Plan (Examination Document Reference: T1 paragraph 4.18, page 24). To the contrary, it is noted within the Strutt and Parker representations that development at SHLAA Ref: 22 could come forward 'in the short term'. The anticipated timescales for delivery are important as they have consequential implications for supporting infrastructure requirements.

### Education

20. At present Barkway has one primary school: 'Barkway Voluntary Aided (Church of England) First School' which is reported by Hertfordshire County Council on 7<sup>th</sup> January<sup>1</sup> to have capacity to accept new pupils in Reception, Year 1, Year 2, Year 3 and Year 4. Land to the south of BK3 is referred to by the District Council as a 'Reserve School Site' although the submitted Proposals Map does not propose to formally allocate land for this use.
21. The Proposed Submission Local Plan highlights at paragraphs 13.39 and 13.40 that the existing First School site is constrained and is considered difficult to expand and it will therefore be necessary to explore options for a long-term education solution. Hertfordshire County Council state at paragraph 13.9 in their representations to the Regulation 19 Consultation that *"A total of 173 dwellings are proposed for Barkway, providing a pupil yield of 0.35FE. The existing school site is constrained and considered difficult to expand. HCC therefore support the retention of the existing reserve school site allocation in the emerging Local Plan."* As highlighted above North Hertfordshire Council is not proposing to formally allocate land for a new school.
22. In response to the outline application for up to 100 dwellings and a new shop (A1 use) at 'Land east of Royston Road' (LPA Ref: 16/02759/1), Hertfordshire County Council requested the financial contributions towards education facilities:
- Expansion of Barkway First School
  - Expansion of Roysia Middle School
  - Youth Service at Meridian Youth Centre for the update of the facility to support the delivery of the youth work curriculum.

### Utilities

23. The supporting Infrastructure Delivery Plan (Examination Document Reference: T1 paragraph 12.37, page 116) states at Table 11.2 identifies that there are no current capacity issues but the proposed growth 2027 to 2031, considered to be BK3, may require an upgrade. Paragraph 12.39/ Table 11.3 summarises that Thames Water will need to complete further investigations to determine whether an upgrade will be required.

### **d) Question 11.6 – Is the proposed housing allocation BK3 justified and appropriate in terms of the likely impacts of the development?**

24. Newsells Park Stud Ltd object to proposed housing allocation BK3 because of the detrimental impact upon the current function of the existing stud business as detailed in representations made in response to the Regulation 19 Consultation.

### Impact Upon Public Rights of Way

25. As already discussed at paragraphs 16 and 17 of this Hearing Statement there is likely to be an intensification of use of the existing public rights of way network.

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<sup>1</sup> <https://www.hertfordshire.gov.uk/services/schools-and-education/schools-directory/school.aspx?schoolcode=52>

26. Noise Impact

There is likely to be a cumulative increase in noise as a result of residential and retail development at the proposed allocation site, this could have a consequence upon the tranquil nature of the paddocks particularly those adjacent BK3. The young thoroughbreds who graze the paddocks are easily spooked and if exposed to excessive noise or disturbance there is an increased risk of accidents or injury which is of consequence to the operation of the existing stud.

Other Impacts

27. As highlighted throughout this Hearing Statement there are concerns about the robustness of the Council's supporting evidence base for the identification of this site for allocation particularly in respect of landscape and highways.

**Question 11.7 – Is the proposed allocation BK3 the most appropriate option given the reasonable alternatives?**

28. A number of sites were submitted to North Hertfordshire District Council for consideration for residential allocation. The NHDC SHLAA 2016 Update for Barkway identifies that three of the site fail to meet the tests set in the SHLAA and as such were discounted. The following sites are identified as 'meeting the tests in the SHLAA':

- Site BK/r04 'Land off Cambridge Road' (Draft Allocation BK1)
- Site BK/r02 and Site BK/r03 'Land off Windmill Close' (Draft Allocation BK2)
- Site 19 'Land west of Cambridge Road' and Site 22 'Land east of Royston Road' (Draft Allocation BK3)
- Site 18 'Land east of Cambridge Road'
- Site 21 'Land north of Nuthampstead Road'
- Site 23 'Top Field, Royston Road'

29. The NHDC Sustainability Appraisal Report (Appendix 13, page 6) and the Housing and Greenbelt Background Paper Appendix 2 both state the following reasons for selecting site BK3 for allocation: *"On edge of Category A village beyond the Green Belt. Currently designated as Rural Area Beyond the Green Belt. Ability to make significant contribution to additional overall housing numbers identified since Preferred Options stage and deliver supporting infrastructure to benefit of wider village. Site-specific criteria and proposed dwelling estimate allow for appropriate mitigation of potential impacts."* As highlighted throughout this Hearing Statement there are concerns about the robustness of the Council's supporting evidence base for the identification of this site for allocation.

**Question 11.8 - Is the proposed settlement boundary:**

- a) consistent with the methodology for identifying the settlement boundaries?
- b) appropriate and justified?

30. The settlement boundary for Barkway is proposed to be amended to include BK3. This change does not appear to be adequately assessed and justified within the evidence base.
31. The North Herts Landscape Study (Character, Sensitivity and Capacity) (2011) was prepared to inform the Council about policy development for future development plans.

32. The Barkway Plateau is discussed at pages 177 to 181c. The Key characteristics of Barkway are:
- Gently rolling landform
  - Arable land use
  - Regular pattern of field boundaries
  - Ribbon development following B1368 London Road
33. Page 181 concludes that the Barkway Plateau is considered to be of moderate landscape value and highlights the following landscape character sensitivities:
- *“The historic settlement pattern in the main settlement of Barkway is characterised by ribbon development along the B1368 and would be sensitive to inappropriate or unsympathetic development...”*
  - *“Cokenach historic parkland is a registered garden that falls partly within this Character Area, which could be a risk from development pressure...”*
34. Page 181ac considers the capacity of Barkway to accommodate development and page 181c provides some built development guidelines including:
- *“Conserve the traditional character of the village”*
  - *“Protect and preserve the pattern of narrow winding lanes and associated hedge banks, sunken lanes, verges and hedges”*
  - *“Retain the rural character of Barkway Plateau, ensuring that any new development is appropriately sited and of a scale, form and style appropriate to the Character Area”*
  - *“Avoid the location of new development in visual intrusive locations, such as on the edges of the plateau where it be visible on the currently largely undeveloped skyline”*
  - *“Ensure that lighting associated with new development does not create additional urbanising influences on the character area.”*
35. The North Hertfordshire Local Plan 2011-2031 Background Papers Site Information Matrix summarises:  
Site 19 and Site 22:
- Heritage: Development would affect the setting of the Grade II registered park and garden at Cokenach and encroach onto the open space separating Barkway and the park.
  - Landscape: Site is located on the edge of village providing an important part of the setting.
36. Page 181a of the North Hertfordshire Landscape Study (Character, Sensitivity and Capacity) (2011) states that *“small scale expiation of Barkway, carefully designed and in keeping with the existing character of the village, could possibly be accommodated.”* Although it is noted that the capacity for small urban extensions is considered to be *“moderate to low”* and that *“this type of development would not be entirely appropriate within this Character Area”*.
37. The supporting NHDC Draft Sustainability Appraisal (page 507) concludes that the *“significance of potential landscape impacts is unclear”*. The Council has identified development criteria within the wording of Policy BK3 but it is unclear whether these measures would appropriately mitigate the landscape impact of the site.