

# **North Hertfordshire Local Plan Examination in Public**

## **Statement in respect of Matter 6: Deliverability**

**October 2017**

**Prepared by:**

**Kate Ma and Alice Carrington, School Planning, Children's Services,  
Hertfordshire County Council**

## Contents

**Statement in respect of Matter 6**

**Appendix 1 – HCC response to Regeneris 260617**

**Appendix 2 – Final HCC DS Services reps to NHDC Reg 19 Local Plan Nov 20166**

**Appendix 3 – Response to PSE report**

**Appendix 4 – Land at Back Lane Preliminary site assessment report FINAL November 2017**

**Appendix 5 – HCC North Herts education strategy 02112017**

**Statement in respect of Matter 6 – Deliverability (the housing trajectory, infrastructure and viability)**

**Issues**

**6.2 Is the level and distribution of housing and other development based on a sound assessment of infrastructure requirements and their deliverability, including expected sources of funding? In particular:**

- a. Does the Infrastructure Delivery Schedule at Appendix 1 of the Infrastructure Delivery Plan (TI1) represent a comprehensive list of the infrastructure needed to facilitate the successful delivery of the housing and other development planned?**
- b. What reassurances are there that these elements can and will be delivered when and where they are needed?**
- c. Where, when and how will the infrastructure required as a result of the housing and other development planned for be delivered?**
- d. Does the Plan do all it should to help ensure the delivery of the necessary infrastructure?**

*In answering these questions, I ask the Council (NHDC) to produce a chart (Gantt chart or similar) showing the level of anticipated housing delivery from each allocated site on a year by year basis, along with the delivery of infrastructure needed to support the new homes. It may help to group sites on a settlement by settlement basis. This should tie-in with the revised housing trajectory I have requested above and should illustrate the timing of housing delivery and the delivery of the infrastructure needed to support it. A column indicating the likely costs, funding sources and mechanisms to secure funding would also be of considerable assistance.*

- 
1. The County Council does not consider that there is an appropriate pattern of secondary education infrastructure planned to meet the pupil yield arising from new housing and therefore does not consider the Local Plan to be sound.
  2. Hertfordshire County Council (HCC) Officers have met North Herts District Council (NHDC) Officers on many occasions in recent years to discuss the emergent Local Plan, including the location and scale of development and the resultant impact this would have on service and infrastructure provision. HCC has also provided written representations and advice to NHDC to help support preparation of the plan. HCC considers that NHDC has consistently failed to act constructively, effectively and co-operatively (i.e. failed in its Duty to Co-operate see statement in respect of Matter 1) which has consequently led to a failure to ensure strategic policies and allocations are in place to provide an appropriate pattern of secondary education.
  3. HCC has made clear that it strategically plans for infrastructure on the basis of 500 dwellings equating to 1 form of entry (fe) of pupil yield and has provided justification to evidence this position in all our Local Plan representations. NHDC commissioned the Regeneris report at

the end of March 2017 to challenge this position which HCC has rebutted. This rebuttal can be found at Appendix 1.

4. Through dialogue with and representations to NHDC since 2012, HCC has consistently requested identification of land for an 8fe secondary school site to serve the north of Stevenage (within North Herts) as well as primary provision to meet the needs of the new housing. NHDC has responded by offering *“up to 4ha of land at GA2 (Great Ashby) for education purposes subject to up-to-date assessments need including, at minimum, 2fe of primary age provision”*, and land for a further 4fe of secondary provision to the south of Stevenage in Knebworth.
5. HCC’s response outlined the clear demographic need for up to 8fe of secondary provision to the north of Stevenage. Analysis of the population living in Great Ashby and the St Nicholas area of Stevenage, north of Martins Way confirms over 9fe of children living in this northern part of the town. Our representations to NHDC’s Regulation 19 consultation are attached (ref para 4.44 -4.72) see Appendix 2.
6. HCC has a policy preference for secondary schools of at least 6fe as this offers improved opportunities for the delivery of a broad education curriculum and supports financial sustainability. Generally, there is educational benefit in schools being of sufficient size to be strong, viable organisations, able to offer a broad curriculum and flexible enough to respond to changing circumstances and demand over time. With the increasing financial pressures on schools and the National Audit Office highlighting secondary schools facing real-term funding cuts of around 8% to 2019/20, there is a continued need to ensure schools are large enough to be sustainable into the future.
7. Notwithstanding the educational and sustainability issues with a 4fe secondary school, the allocation at GA2 is not deliverable. On the grounds of:
  - Site area and school capacity  
It provides insufficient site area (at the proposed 4 ha) for the required primary and secondary provision.
  - Highways constraints  
Highways advice indicates that the scale of the proposed development at GA2 and the traffic generation from this along with the impact of up to 2fe of primary and 8fe of secondary provision would be significant, concluding that the existing infrastructure would be placed under considerable strain if it was expected to serve a development of the size proposed.
  - Affordability  
It is unaffordable as the current residential allocation in the draft Local Plan effectively renders the land too expensive for the County Council to acquire as it would attract residential land value\*.

\*This is for the following reasons:

- a) None of the land is owned by the County Council
  - b) A school site would need to be acquired for use for secondary education purposes
  - c) If provision of a complete school site and school funding were justifiable as a planning obligation that could be included in a s106 Planning Obligation and the site would transfer at nil cost to the County Council
  - d) However the forecast secondary school age child yield from the GA2 development area is 1FE from the 500 dwellings, and that is only 25% of a 4FE capacity secondary school or 12.5% of an 8FE capacity secondary school
  - e) Consequently a requirement for a nil value school transfer at the requisite size to provide a whole secondary school at 4FE or 8FE capacity would be excessive, and would not withstand the statutory tests set out in CIL Regulation 123
  - f) Consequently, should the County Council want or need to acquire a whole school site at this location it would need to use its powers to acquire land by agreement or by compulsory purchase
  - g) When acquiring land in that way, a local authority is required to pay market value for such land
  - h) Market value is established having regard to the code of compensation that applies for compulsory purchase, and is either the value for an existing planning authorised use, or for another use that has planning permission or would be capable of gaining planning permission (in the absence of the School scheme) now or in the foreseeable future, and there is a process (the 17 Certificate of Appropriate Alternative Development) by which it can be determined what that alternative planning permission would be, and when it could be expected to be available
  - i) In the case of the GA2 land, it is clear that the planning authority is allocating the land for housing development, and that any land within it that is needed for school development, over and above that needed for just the child yield from the scheme, would need to be acquired under Education powers and that the basis of price or compensation would be housing development land value
  - j) Housing development land values are very high in Hertfordshire, but central funding for additional school places is highly constrained, and s106 planning contributions for school place funding are also very constrained (owing to the impact of planning viability assessments etc.)
  - k) Consequently acquisition of school sites where the land value would be at housing land value is no longer economically viable as a new school development process
  - l) And is not viable in this case as either 75% or 87.5% of a new secondary school site at this location would need to be acquired at housing land value (the GA2 allocation makes a s17 certificate based on housing alternative use a certainty).
8. The allocation of 4ha in Knebworth for education provision is not deemed appropriate. The County Council does not consider the site to be large enough to deliver a secondary school large enough to be viable and secondary provision in village locations is not considered sustainable. Moreover, analysis of pupil flows suggests that although secondary provision in

this location would meet some demand from the south of Stevenage, it would also ease pressure for places in Welwyn Garden City by serving villages to the north of Welwyn Garden City and Knebworth. New secondary provision in Knebworth would therefore have minimal impact on the demographic pressures identified in the north of Stevenage and Great Ashby.

9. NHDC have commissioned PSE to report on the viability and deliverability of 4fe secondary schools in order to support its position in the EiP. Although it appears from the date on the report it was prepared between July and September 2017, HCC as the local education authority, was only made aware of the report in a telephone conversation between HCC and NHDC Officers on 12 October. A copy of the report was provided on 13 October at HCC's request, but with no opportunity to formally respond. HCC's response to this report can be found at Appendix 3.
10. In the absence of the District fulfilling its obligations, the County Council has undertaken significant site search work to assist the District in identifying an alternative deliverable site allocation for a new secondary school. The latest conclusions have identified a site at Back Lane/Chesfield Park as being both suitable in terms of size and location for new 8fe secondary provision. This study has been shared with both North Herts and Stevenage District Councils. See Appendix 4 for a summary feasibility report.
11. On the basis of the 4ha site at GA2 being undeliverable on the grounds of affordability and size, and the 4ha site in KB4 being undeliverable on the grounds of location, sustainability and size, the Plan does not ensure sufficient delivery of secondary education infrastructure in the right location to be considered sound.
12. The County Council has very recently received (17<sup>th</sup> October 2017) evidence from NHDC Officers on the deliverability and timescales of secondary education infrastructure required across the District over the Plan period. Having considered this, our response to it is attached as Appendix 5.

Word Count: 1,822