

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

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Mr Nigel Smith  
Strategic Planning Manager  
North Hertfordshire District Council

By email only

9 August 2019

Dear Mr Smith

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

Further to my letter of 9 July, I am writing to inform you that I have now concluded my review of the representations. In the light of that and having looked again at the evidence produced by the Council, I have some questions and queries to raise. In relation to some issues, it is clear to me that a further hearing session will be necessary. Where that is so, I have indicated accordingly. With regard to other issues, much depends on the Council's answers to the questions I have posed. In those cases, I will set out the way forward in due course.

I will say that, by and large, the issues set out here are not of the fundamental nature of those I raised in my previous letter. Many are very detailed points and, although potential soundness issues, are likely to be readily addressed.

As previously, I have numbered the following paragraphs to assist with any necessary cross-referencing.

1. Are there any points raised in the representations that leads the Council to consider that a further modification is required, either to one of the proposed modifications or to the Plan?

#### Availability of representations

2. Numerous representations say that a considerable number of representations made at the Regulation 19 stage have been lost and not published, and that people have consequently been excluded from the examination process. If so, that is a significant problem. Please can the Council explain the situation here. Have I been provided with all of the representations made? Have they all been published, or otherwise made available for other participants to see?

#### Villages for growth

3. Draft main modification MM010 amends the settlement hierarchy in Policy SP2. It removes five villages from the 'category A villages' tier of the hierarchy and identifies them as being villages "*for growth*". The modification also assigns housing figures to each of the five villages concerned. Many representations object to this draft modification. For the avoidance of doubt, I ask the Council to prepare a short paper briefly explaining the actual effect of this change, and why it considers the modification necessary for soundness. Given the nature of this modification and for reasons of fairness, I have decided that a hearing session will be needed on this point.

London Luton airport

4. It appears that plans for London Luton Airport have progressed since the hearing sessions were closed. London Luton Airport Ltd has announced its preferred option for the airport's growth – to expand the airport from its current cap of 18 million passengers per annum (mppa) to 32 mppa, which involves the construction of a second terminal to the north of the runway. How certain are these plans and what is the likely timescale involved? Are there any respects in which these plans affect the soundness of the Local Plan or the robustness of the evidence base underpinning it, for example in relation to traffic? Will it be necessary for the airport expansion plans to take account of the development included in the Plan, and the traffic associated with it?

Optional technical standards

5. Through Policies SP9 and D1, the Plan seeks to require adherence to the Government's optional national technical standards for water efficiency and the nationally-described internal space standards for dwellings. As you know, for such policies to be sound, they must be supported by clear evidence of need and evidence that viability has been considered. Following discussion at the hearings, and in the light of the representations, I remain concerned about the justification for this. Notwithstanding the Council's paper [HOU12], I am presently not persuaded that adequate evidence has been produced to support the inclusion of these aspects of Policies SP9 and D1. I therefore invite the Council to consider its position. In short, the Council should either seek to produce the evidence required, or it should propose to delete the requirements from the Plan.

Education provision

6. I note the comments from the County Council as the Local Education Authority ('the LEA') about education provision including, but not limited to, those about the Stevenage area. However, I am unfortunately struggling to fully understand the present position. From my reading of the representation, it appears that the LEA's calculations about the number of secondary school forms of entry required have shifted. But I am not entirely clear on this and I presently do not know the Council's reaction. I would therefore be grateful if the Council would provide a concise explanatory paper updating me on all of this, addressing all of the LEA's comments concerning education provision. This should, ideally, be drawn up with the LEA and clearly highlight the current differences between the position of the Council and the LEA. A position statement, Statement of Common (and uncommon) Ground, or a Memorandum of Understanding would be of considerable assistance. Until I fully understand the present position of the two authorities, I cannot tell whether a further hearing will be necessary on this issue – although unfortunately I suspect it likely will be.
7. In relation to site KB4, draft main modification MM288 clarifies that land north of Watton Road will be reserved for long term secondary education needs. Should draft modification MM178 therefore include deletion of the reference to an 'all-through' school, for consistency?
8. Among other things, draft main modifications MM224 to MM227 introduce to sites CD1, CD2, CD3 and CD5 in Codicote requirements relating to the provision of land on site CD5 for the expansion of the existing school to accommodate the additional pupils arising from each of the four sites involved. In short, site CD5 must be developed first and dwellings on the other sites cannot be occupied until the land for school expansion on site CD5 is secured. Concerns have been raised that this approach leaves delivery on sites CD1, CD2 and CD3 dependent on site CD5

being developed, and that this could either prevent or delay delivery. I have some concerns in this regard. On behalf of Taylor Wimpey North Thames, the *Education Impact Assessment Report* (25 February 2019) by EPDS Consultants considers alternative options. The representation from Warden Developments suggests a change to the wording of the draft modification. It would assist me considerably to know the Council's position on this. It would also help to know the Council's view about whether, if land on site CD5 or elsewhere is necessary, that land should be specifically allocated for the school in the Plan. My aim here is to ensure that the most appropriate strategy is taken to the provision of school places in Codicote, and to have adequate confidence in the delivery of housing proposed.

9. The Chair of Governors of Knebworth Primary and Nursery School has raised concerns about primary school capacity in the Knebworth area. What is the Council's position on this? Is this among the issues raised by the LEA?

#### Retail and town centres

10. A number of proposed modifications, and particularly draft modification MM017, add specificity about the level and location of new retail floorspace. Some representations have suggested that greater flexibility is necessary in relation to Letchworth and Hitchin and, if I understand things correctly, that new town centre strategies are now being drawn up. I would be grateful to know the Council's stance on this, and especially whether or not it is necessary for soundness to modify the policies concerned. Does the Plan, and draft modification MM306, still reflect the Council's aspirations for Letchworth town centre, and does draft modification MM262 still reflect the Council's aspirations for Hitchin town centre? If there are uncertainties at present, might a commitment to reviewing the Plan's retail policies at an early stage be necessary for effectiveness?
11. Draft modification MM017 earmarks 6,800 square metres gross of retail floorspace for 'urban extensions'. As I understand it from draft modification MM020, these are the 'urban extensions' to Baldock and the East of Luton. Is that correct, and is it necessary for effectiveness to add clarification either to Policy SP4 or to the text in draft modification MM020?

#### Historic and natural environment

12. Historic England has raised a few issues, and it would assist me to know the Council's position on each. I will say that it presently seems to me that wording proposed through draft modification MM056 for Policy SP13 does not properly reflect paragraphs 132 to 135 of the 2012 NPPF, particularly in relation to the two-pronged approach concerning substantial harm and less than substantial harm to the significance of a designated heritage asset. I ask the Council to look again at this. In my experience, this is commonly an area of difficulty, and local authorities sometimes find the best way to be consistent with national policy on this point is to repeat it.
13. Does paragraph 4.200 of the Plan correctly identify the extent of Forster Country?
14. Introduced through draft modification MM157, Policy NEx refers to the Chilterns AONB. Policy NE3 is specifically about the AONB. Neither explicitly refers to the great weight that national policy says should be given to conserving landscape and scenic beauty in AONBs. Should they? In addition, how do these policies distinguish between the hierarchy of international, national and locally designated sites as set out in paragraph 113 of the 2012 NPPF, to ensure that protection is commensurate with their status?

Strategic sites and employment issues

15. In relation to Policy SP3 d, draft modification MM014 clarifies that an appropriate amount of employment land will be sought by the Council through the masterplanning of allocated housing sites on the edge of the district. I am not clear about the need for such a contribution to the employment land supply, or the quantum involved. In addition, I have reservations about the effectiveness of the draft modification as presently worded. Should it include at least some indication of the amount and/or type of employment uses required?
16. Is it intended that Policy ETC1 would allow a Household Waste Recycling Centre and a depot on site BA10? If so, does it?
17. In relation to masterplans to be produced for strategic sites, draft modification MM057 says that *"... the masterplan will normally be provided before or at outline application stage. It will be secured through conditions and/or a legal agreement"*. For effectiveness, should the latter sentence say *"Adherence to the masterplan will be secured through conditions and/or a legal agreement"*?
18. Is there any inconsistency between the wording of Policy ETC2, proposed through draft modification MM090, and the policies for strategic allocations, in relation to employment generating uses? Should text be added to include strategic housing allocations as appropriate locations for some employment generating uses?
19. In the light of the representation from Anglian Water concerning draft modification MM057, is it necessary for soundness to ensure that the masterplans for the strategic sites include flood risk and drainage measures?

Other matters

20. Does the Key Diagram illustrate the proposed amendments to the Green Belt boundary?
21. One representation indicates that site RD1 in Reed is subject to a legal covenant restricting its occupation. Is that right, and if so, is the site deliverable or developable?
22. Draft modification MM367 introduces to Policy WY1 a requirement for consultation with Stevenage Borough Council in relation to flood risk issues. Is that necessary for soundness?
23. There appears to be inconsistency between draft modifications MM010 and MM366 in respect of the housing figures for Little Wymondley. I ask that this be clarified and rectified if necessary.
24. I note that the Local Transport Plan 4 has now been published. Does this have any bearing on the soundness of the Plan, and are any modifications necessary for effectiveness in this regard?
25. Should draft modification MM043 be amended to reflect the national requirement to undertake a review of the Plan every five years to see if the Plan needs to be updated?
26. Sport England objects to draft modification MM300 regarding Policy LG4. Is it necessary for soundness?

The way forward

As I said in my previous letter, I cannot second guess how long it may take the Council to address the questions I have set out above, or to undertake the actions I previously identified. I would therefore

be grateful if you would provide me with a realistic timescale at the earliest opportunity, to assist me with programming for this examination and other work.

Once I have the Council's full response to my two letters I will confirm the full list of matters on which I consider an additional hearing to be necessary and I will set out further Matters and Issues, with specific questions to focus those additional hearing sessions. As I previously indicated, I will invite participants to provide statements addressing the questions therein, in due course.

As a reminder to the Council and others, as the Council undertakes the tasks I have set, I will not be accepting any further correspondence from other participants. There will be a full opportunity for others to have their say in due course. I ask the Council to place a message explaining this on the examination web page.

I hope that this letter is self-explanatory and of assistance. However, if you do have any questions then please do not hesitate to ask, as always via Mrs St John Howe. Please place a copy of this letter on the examination web page.

Yours sincerely

*Simon Berkeley*

Inspector