

Inspector's Letter of 9 August 2019: NHDC response to Q6

This statement is submitted as a supplementary response to the information provided to the Inspector on November 29 2019. It addresses the one outstanding issue arising from the Inspector's letter of 9 August 2019. All references to 'the Plan' or 'the Local Plan' in this response are to the submitted Plan (LP1) as suggested to be altered by the Proposed Main Modifications issued in November 2018 unless otherwise stated. All references to the National Planning Policy Framework (NPPF) are to the 2012 version unless otherwise stated.

Paragraph 6: Education

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.

1. A Statement of Common Ground (SoCG) has been agreed with Hertfordshire County Council (HCC) and is attached. The proposed modifications appended to the SoCG are in addition to and / or amend the proposed modifications submitted in the Council's response of 29 November 2019. In light of this agreed way forward, the Council does not consider a further hearing will be necessary on this issue.

General points

2. The SoCG sets out that all education requirements within the Plan are now agreed as being sound and appropriate with the sole exception of secondary education provision in the Stevenage Secondary Planning Area (SPA) (Paragraphs 3 & 7). The SoCG further confirms that it supersedes any contrary statements, evidence, representations or similar previously submitted to the examination with the exception of this one item (Paragraph 4).
3. HCC's response to the proposed Main Modifications consultation (Respondent ID: 16753) suggested that further pupil yield modelling has been undertaken causing increases in forecast demand (Paragraphs 1.19 to 1.21 of that response). However, the SoCG now confirms that HCC's review of pupil yields remains ongoing and that

the ratio of 1 Form of Entry (FE) of education requirements per 500 homes remains appropriate (Paragraphs 5 & 6 of the SoCG). This is the approach used in the Plan and which informed the original hearing sessions held between November 2017 and March 2018. No further action is required on this point.

Stevenage Secondary Planning Area

4. HCC maintains its objections to NHDC's approach in this area whilst NHDC maintains that the approach in the Plan is appropriate and sound (Paragraph 9). Notwithstanding this difference, an agreed way forward is presented.
5. The SoCG clarifies that there *could* now be a long-term need for an additional 4FE of secondary provision in the Stevenage SPA beyond that currently planned for. This arises from potential changes in the existing schools estate, rather than from any change in assessment of pupil yields (Paragraph 12). However, this is a long-term issue which is subject to change given the particular complexities of planning and forecasting in this area (Paragraphs 13 to 15).
6. The SoCG clarifies that a final decision on long-term arrangements will not be made for some time and that the current strategy would not see a requirement for any secondary education provision within NHDC until the late 2020s (Paragraphs 13 and 16).
7. In light of the statutory review timetables for other authorities in the Stevenage SPA, it is agreed that the most appropriate means of addressing this issue is through an early review clause which aligns NHDC with the review timetables for East Hertfordshire and Stevenage and allows the authorities to collectively revisit this matter (Paragraphs 18 to 20). This will allow secondary education requirements in the Stevenage SPA to be re-looked at holistically once there is greater clarity on Academy and Free School arrangements and updated monitoring information relating to the actual and likely future implementation of currently planned development across the Stevenage SPA.
8. Stevenage and East Hertfordshire Councils have agreed in principle to the production of a wider Memorandum of Understanding relating to the monitoring and review of this matter (Paragraphs 21 and 22).

North Hertfordshire Local Plan 2011-2031

Examination in Public

STATEMENT OF COMMON GROUND

As agreed between North Hertfordshire District Council
And Hertfordshire County Council

Concerning education matters

December 2019

1. This is an agreed statement of common ground between North Hertfordshire District Council (NHDC) and Hertfordshire County Council (HCC) in their role as the local education authority. This statement relates to education matters in the North Hertfordshire Local Plan 2011-2031 (the Plan). The purpose of this statement is to provide the Inspector with a summary of the areas of (dis)agreement between the parties in response to his letter of 9 August 2019.
2. All references to 'the Plan' in this response are to the submitted Plan (Examination Library reference LP1) as suggested to be altered by the Proposed Main Modifications issued in November 2018 unless otherwise stated. All references to the National Planning Policy Framework (NPPF) are to the 2012 version unless otherwise stated.

Summary

3. It is now **agreed** that all of the policy requirements and statements relating to education within the Plan are sound and appropriate with the sole exception of the matter identified in Paragraph 7 below.
4. It is **agreed** that any statements, evidence, representations or similar that have previously been submitted to the examination and which set out any position to the contrary are superseded by this Statement of Common Ground, with the exception of those statements, evidence, representations or similar previously submitted in relation to the matter identified in Paragraph 7 below.

Overall approach to determining education requirements

5. HCC are currently in the process of reviewing their approach(es) to determining pupil yields in light of the revised National Planning Policy Framework (February 2019) and associated Planning Practice Guidance, guidance issued by the Department of Education and their own survey and consultation work.
6. However, the outcome of this process is currently unresolved. It is therefore **agreed** that the ratio of 1 Form of Entry (FE) of education requirements per 500 homes remains a robust and appropriate basis for the Plan. The Plan's overall approach to determining education requirements is **agreed** as being sound.

Secondary education provision in the Stevenage Secondary Planning Area (SPA)

7. It is **agreed** that the sole area of disagreement between the parties relates to the proposed distribution and size of future secondary education provision in the Stevenage area. The approach to dealing with this one area of uncommon ground is set out below.
8. The Plan makes provision for 8FE of additional secondary education. This consists of 4FE of provision within the proposed GA2 allocation to the north-east of Great Ashby and 4FE of provision within the proposed KB4 allocation to the east of Knebworth.

9. HCC maintain their objections to this planned provision in terms of its location, size and deliverability for the reasons previously given to the examination. NHDC maintain this is an appropriate and sound approach for the reasons previously given to the examination.
10. Notwithstanding the outstanding objections of HCC, it is **agreed** that the measures set out in this statement provide appropriate mechanisms for the ongoing monitoring and review and / or resolution of this matter;
11. Since the conclusion of the scheduled hearing sessions in March 2018, HCC has continued to update information relating to the potential capacity of the existing schools estate within Stevenage. Currently, all but one of the secondary schools in Stevenage is their own admitting authority and control their own admission arrangements. HCC has no control over the number of places they offer.
12. In light of this additional information, and at the present time, it is **agreed** that (potential future) change(s) in Academy admission arrangements and / or new Free School provision within Stevenage could now result in a long-term need for up to a further 4FE of additional secondary provision in the Stevenage SPA. This further 4FE is over and above that which was previously identified and which is currently planned for. This would be required to offset:
 - A potential reduction in admissions to the existing Barnwell Academy of 1FE;
 - The associated loss of previously identified expansion potential at this school of 1FE;
 - The present DfE approval for a new 6FE Free School in Stevenage, likely to be sited on the former Barnwell East site. This compares to a previous assumption of a new 8FE school at this location. This is a reduction of 2FE.
13. It is **agreed** that, if these changes were to be realised in full, there is likely to be sufficient capacity within the existing and proposed new secondary education estate within the administrative area of Stevenage Borough to accommodate demand arising from across the Stevenage SPA to the late 2020s. It is **agreed** that the current strategy is that these sites and options would be utilised in advance of any requirement to deliver additional secondary education provision within NHDC.
14. It is **agreed** that long-term forecasts of secondary education requirements in this area as well as the available capacity in the schools can change and therefore these will continue to be reviewed on a regular basis to inform an appropriate strategy to deliver sufficient education provision to meet need.
15. It is **agreed** that forecasting education demand that will arise from new developments over the long-term is challenging; It is difficult to predict with certainty how and when school places will be needed until developments are built and new families move in. It is further **agreed** that this is a particularly complex issue in the Stevenage area where housing developments have been proposed by three local authorities (North

Hertfordshire, East Hertfordshire and Stevenage) across a wide number and variety of sites contained in separate local plans.

16. Notwithstanding the outstanding objections of HCC, it is **agreed**, subject to the measures outlined below, that a final decision on long-term arrangements for secondary education provision in the Stevenage SPA that might involve land within NHDC will not occur until the time of (or beyond) the next round of local plan reviews within this area.
17. NHDC consider that the allocations and requirements collectively set out within these plans represent a sound and robustly evidenced means of addressing longer-term education requirements that could meet demand well into the 2030s. However, this point is not an area of common ground with HCC.
18. It is therefore **agreed** that this issue needs to be kept under review particularly as alternative sites and opportunities which supplement those identified in current Plans and / or better address the County Council's operational preferences may arise over the intervening period.

Way forward

19. It is **agreed** that, in light of the current matter on which agreement cannot be reached, the most appropriate means of addressing these issues in the Plan is through a focussed early review clause. This would commit to monitoring of forecast secondary education requirements and schools capacity to determine whether a review is required by October 2023. Proposed modifications that would give effect to this approach have been **agreed** and are attached at Appendix 1.
20. This proposed review timetable broadly coincides with the statutory five-year review requirements for the local plans of East Hertfordshire (EHDC) (adopted October 2018, statutory requirement to review by October 2023) and Stevenage (SBC) (May 2019 / May 2024) providing opportunity for a coordinated approach across the Stevenage SPA under the Duty to Cooperate or any alternate approaches to joint planning.
21. It is **agreed** that a separate Memorandum of Understanding (MoU) will be prepared between NHDC, EHDC, SBC and HCC outside of this current examination process. This will set out a program of actions and the nature of the working relationship for this monitoring and review process with the intention of agreeing a co-ordinated approach to this matter across the Stevenage SPA.
22. It is **agreed** that the proposed MoU should allow ongoing review aimed at giving transparency and clarity with regard to the strategic issue of secondary education provision. It should set out the future work needed to monitor, review and to potentially resolve issues relating to secondary education provision within the Stevenage SPA.

Conclusion

23. In the above context and subject to the modifications attached to this Statement it is **agreed** that the Plan can be found sound.

Councillor Paul Clark

Deputy Leader and Executive Member
for Planning & Transport

Signed on behalf of

North Hertfordshire District Council

09/12/2019

Councillor Derrick Ashley

Executive Member, Growth,
Infrastructure, Planning and the Economy

Signed on behalf of

Hertfordshire County Council

06/12/2019

Appendix 1: Agreed proposed modifications to the Plan

Text which would be added to the plan as a consequence of these modifications is shown in **bold**. Text which would be removed from the plan as a consequence of these modifications is shown ~~struck through~~. Changes included in the original Schedule of proposed Main Modifications (November 2018) are shown in black text. The further modifications now proposed are **shown in red text**.

Ref.	Page (LP1)	Policy / Paragraph	Modification	Reason / source / notes
MM xxx		SP10(e)	e. 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. This will include monitoring of projected future demand to determine by October 2023 whether a review of the secondary education strategy set out in this Plan for the Stevenage area is required in order to accommodate long-term demand;	
MM xxx		After Paragraph 4.127 (new paragraph)	Forecasting education demand that will arise from new developments over the long-term is challenging. It is difficult to predict with certainty how and when school places will be needed until developments are built and new families move in. This is a particularly complex issue in the Stevenage area where housing developments have been proposed by three local authorities (North Hertfordshire, East Hertfordshire and Stevenage) across a wide number and variety of sites contained in separate local plans. These plans set out allocations and requirements for secondary education that could meet demand well into the 2030s. However, this issue needs to be kept under review particularly as alternative sites and opportunities which supplement those identified in current Plans and / or better address the County Council's operational preferences may arise over this period. We will monitor long-term forecasts of demand with the County Council and determine by October 2023 whether any further action is required.	

Ref.	Page	Policy / Paragraph (LP1)	Modification	Reason / source / notes
MM xxx		Paragraph 14.32 and after Paragraph 14.32 (new paragraph)	<p>In addition to our monitoring, we recognise that other events may trigger a future review of the Plan. Local plans should normally set out where development will occur over a 15-year period from the point of adoption¹⁵⁷. This Plan shows how we will meet our needs over the period to 2031, 13 11 years from the anticipated date of adoption.</p> <p>Policy SP4 explains that the next round of town centre strategies will help inform a focused review of the retail strategy set out in this Plan. Policy SP10 explains that secondary education forecasts for the Stevenage area will be closely monitored. Reviews on these matters will begin by October 2023, well within the statutory five-year review period. There may also be grounds for commencing early, focussed reviews of particular (groups of) policies to ensure that new developments in the District best reflect changing national or local priorities and guidance on issues such as climate change.</p>	This amends a modification already proposed by NHDC in response to other matters raised by the Inspector. It is agreed with HCC insofar as it relates to education matters.