

Proposed housing allocation Policy BK3, Barkway

1. Site 'BK3' is a proposed housing allocation in the emerging North Hertfordshire District Plan 2011-2031, currently at examination. BK3 is located in the parish of Barkway and adjoins the village of the same name in the rural east of the District. In the submitted Plan, BK3 has a dwelling estimate of 140 homes (LP1, p.144).
2. Since the site was selected in 2016 and the original hearing sessions were held in November 2017 and February 2018, the level of education provision available in the village has reduced.
3. Royston and the rural east of the district operates under a three-tier education system. This consists of First (Year R to Year 4), Middle (Year 5 to Year 8) and Upper (Year 9 and above) schools. The remainder of the District operates under a two-tier system of Primary (Year R to Year 6) and Secondary (Year 7 and above) schools (ED73, paragraph 6.46, p.81).
4. There is a First school in Barkway which, due to its small size, historically taught in mixed year groups whilst still catering for all years of first school provision. At the time of the original hearing, the village first school had federated with the school in neighbouring Barley, approximately 2½ miles away.
5. There is a reserve school site in Barkway, long held by Hertfordshire County Council after being compulsory purchased. HCC have consistently stated through the Local Plan process that it would be prudent to retain the reserve school site to ensure future needs can be catered for. At the time of the plan's preparation, BK3 was anticipated to come forward towards the end of the Plan period (ED3, Appendix 2, p.19). The planning status of the reserve school site was discussed (along with other relevant matters) at the original hearing in February 2018.
6. Following this, the Inspector asked the Council to consider the status of this land (ED95). Further correspondence with HCC reiterated their request to retain the reserve school site (ED103). A main modification was proposed to expand BK3 to encompass the reserve school site with relevant criteria added to the policy (ED148A, MM216 & MM389).
7. Since September 2018 the schools have implemented new arrangements whereby pupils are now taught in single age year groups with all Reception and Year 1 students from both villages taught at Barkway and Years 2, 3 and 4 in Barley.
8. This arrangement materially impacts upon the sustainability credentials of Barkway. As previously explained to the examination, the Villages for Growth were identified as those where more than 200 homes are proposed over the Plan period. Barkway was already the smallest of the proposed Villages for Growth whilst the remainder all benefit from a full range of primary school provision. The current arrangements mean that, uniquely among settlements with a school within the District, only two years of primary education are currently provided within the village of Barkway with all other age groups required to travel for education purposes. This compares with five years' worth of education provision in locations with a First School catering for all year groups and seven years in locations with a Primary School.
9. Notwithstanding this, the reserve school site and / or any changes to the current school federation arrangements would potentially provide the opportunity to redress this balance over the course of the plan period and provide a suitably sustainable arrangement.
10. An outline planning application for the residential element of BK3 was received in June 2018 (NHDC reference 18/01502/OP).

11. HCC's response to this application in September 2018 showed that it did not trigger a definitive need to use the reserve school site at this time and that additional places might be provided in either Barkway (either at the existing first school or on the reserve school site) or Barley. Through the Development Management process, it has also become more evident that, absent a requirement for the reserve school site to be utilised, there are significant concerns over the ability to satisfactorily integrate BK3 into the existing village in design and placemaking terms.
12. In the context of the above, and the Inspector's July 2019 letter seeking further information on the additional land allocated for development, NHDC wrote to HCC seeking clarification for plan-making purposes (attached). A response was not received in time to inform the Council's response of November 2019 (ED175) or February 2020 statement on Matter 25.
13. A response has now been received (November 2020, attached). This reiterates HCC's view that it would be prudent to retain the reserve school site for flexibility. It does not express a view on whether there is a reasonable prospect of the reserve school site being required in the period to 2031 as requested by the Council's letter. Nor does it indicate the conditions under which it might be required.
14. Consideration has been given to amending the criteria of BK3 to link its delivery to delivery of the reserve school site. Similarly, it could be left to the Development Management process to determine the suitability of such arrangements on a case-by-case basis as and when any application(s) are determined over the Plan period. However, it seems likely on current information that these approaches could simply make the allocation undeliverable and therefore unsound. Leaving determination of this important issue to the Development Management process would not represent plan-led development.
15. Given this uncertainty, it is proposed that site BK3 (as proposed to be modified) should be considered for deletion and additionally excluded from the proposed village boundary.
16. In this scenario, it is suggested that Barkway itself would revert to its originally proposed 'Category A' status within proposed Policy SP2. Notwithstanding the matters above, it is considered that the advice in paragraph 55 NPPF on rural facilities and the evidence previously submitted to and considered by the examination continues to support this position in the settlement hierarchy and the principle of a modest level of development in Barkway. 'Category A' includes a range of village sizes including those of a comparable scale to Barkway.
17. In terms of the other proposed allocations within the village, site BK1 has been developed and completed since the original hearings and it has been proposed this allocation is deleted (ED191B, paragraphs 14&15, p.3). It is proposed that Policy BK2 be retained. It is considered that this level of development is commensurate to the likely sustainability credentials of Barkway over the period to 2031 and consistent with national policy.
18. Other relevant references within the Plan to Barkway and / or its status would be modified as appropriate.
19. The impact upon housing delivery and supply would be minimal. The Council's most recent position on housing delivery and five-year supply is set out in ED191B. A detailed proposed housing trajectory is contained in Appendix 1 of this document (pp.11-12). This shows anticipated delivery of 140 homes at BK3 across a four-year period (i.e. 35 homes per year) with the first completions occurring in 2022/23.
20. These 140 units contribute towards the overall supply, 'buffer' and five-year housing supply figures set out in ED191B. Removal of BK3 would (inter alia):
 - Reduce the total potential delivery identified in Paragraph 8 of ED191B and elsewhere from 14,656 to **14,516** homes;

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- Reduce the identified supply for North Hertfordshire's own needs in Paragraphs 20 and 21 of ED191B and elsewhere from 13,250 to **13,110** homes;
- Reduce the overall 'buffer' (the gap between the proposed housing requirement and identified supply) identified in Paragraph 24 of ED191B and elsewhere from 13% to **12%**; and
- Reduce the amount of development identified in the five-year periods beginning 1 April 2019 and 1 April 2020, as shown in the table beneath Paragraph 38 of ED191B, from 3,027 and 4,146 homes to **2,992** and **4,076** homes respectively.

21. Removal of BK3 would not undermine any of the arguments presented in ED191B on these matters. The Plan would continue to demonstrate sufficient supply to meet the proposed amended requirement with an appropriate 'buffer' for flexibility. The Plan would also continue to demonstrate a five-year supply as per Paragraph 41 and Appendix C of ED191B. The 'Years land supply' figures shown in the scenarios in Appendix C would generally decrease by approximately 0.1 years for each of the years shown.

22. It is considered that a decision to now advocate the removal site BK3 from the Plan should not have wider implications; it would be based upon a material change in the situation since the original hearing session in February 2018 that impacts upon the sustainability credentials of this site. Recent correspondence has not provided any clear indication that there may be a reasonable prospect of these concerns being addressed in the plan period to 2031. These are unique and very specific circumstances relating to schools' provision in Barkway that are not replicated at any other location in the District where development is being proposed.

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07 October 2019

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Growth and Infrastructure Team
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By email only

Dear Antony,

NHDC Local Plan Examination: Site BK3 / Application Ref No 18/01502/OP

Barkway is currently identified in the emerging new Local Plan (as proposed to be modified) as a 'village for growth'. These are the five villages in the District where more than 200 new homes are presently anticipated to be built over the Plan period 2011-2031.

Three housing allocations are proposed at Barkway. By far the largest of these sites is 'BK3' (140 homes) which sits at the north of the village between the Cambridge and Royston roads. In relative terms this is a significant allocation given Barkway's current size. Within BK3, at the south-east of the site, is land held by Hertfordshire County Council (HCC) as a reserve school site. This was Compulsorily Purchased for education purposes by HCC from the owner of the remainder of BK3.

The proposed allocation of BK3 is / was predicated, in part, on the presence of the reserve school site. Any future use of that site would allow for education provision directly adjacent to the proposed housing as well as helping integrate the site into the enlarged village in a more holistic way. The presumption had been that development of BK3 would be the most likely 'trigger' for use of the school site. Throughout the Local Plan process, HCC have consistently sought the retention of the reserve school site to meet future needs.

The emerging Local Plan does not allocate sites in villages without schools provision. Villages with only limited schools provision generally have only limited (if any) housing allocations proposed within them.

As you will be aware, since the Plan was prepared and the initial hearing sessions were held, Barkway First School has become federated with Barley First School. Our understanding is that since September 2018 one head teacher now covers both schools. Only the years of nursery, reception and year 1 are now being taught in Barkway. Years 2, 3 and 4 are being taught in Barley and children are transported between the two school sites. In my view this means 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 (Paragraph 55 of 2012 version).

In this context, your response to the current planning application (dated 3rd September 2018) for the development of BK3 (our ref: 18/01502/OP) stated (emphasis added):

Additional first school places will be required at a point in time as a result of new housing and consideration will be taken as to the appropriate solution, which may involve Barley and Barkway Schools, if they are still in a federation. The project nominated to mitigate the impact of this development would provide additional places at Barkway First School but no decision has yet been made on whether those places will be physically located on the existing or reserve school sites or involve Barley First School.

From the response above it is clear that the current application for BK3 has not triggered a definitive requirement to make use of the reserve school site at this time. Indeed, under the options presented above, the balance of first school provision in this area could further tip away from Barkway.

Our Development Management team has recently advised the applicant that they are currently unable to support the application. This is, in part, on sustainability grounds linked to the above. They have also expressed concerns that, should the reserve school site remain unused in the long-term, it would not be possible to support development of housing on the remainder of BK3 in urban design terms as it would be divorced from the remainder of the village by the unoccupied school site. The whole of BK3 is currently in agricultural use. In the event the remainder of BK3 was developed, I suspect it would no longer be practical to manage the residual reserve school site land in this way. This would risk this part of the site becoming unmanaged / unkempt further accentuating this separation. The applicant has now agreed to a long extension of time to the planning application to allow for further consideration of these matters.

In the meantime, the Inspector examining the Local Plan wrote to the Council on 9 August 2019. Although this letter does not raise any specific queries relating to this site, he has now asked for additional information on the rationale for identifying the proposed 'villages for growth'.

This chain of events has raised a question in my mind over the continued allocation of Site BK3 in the Local Plan. If HCC now considers that BK3 and / or the cumulative impacts of development in the Barkway area is / are unlikely to trigger use of the reserve school site, I consider it would be difficult to sustain an argument in Local Plan terms that Barkway should absorb a level of development comparable to other villages in the District which benefit from a full range of primary or first school education.

Equally this may be an issue that is capable of resolution within the plan period; the reserve school site does remain available for potential future use, an alternate approach might be considered appropriate at some point before 2031 whilst the test for inclusion in the Plan relates to there being a 'reasonable prospect' of delivery.

However, I am presently unclear as to whether there is 'reasonable prospect' that development of BK3 within the plan period will trigger an appropriately sustainable education arrangement.

I would be grateful if the County Council could clarify their position on this matter. In particular could the County Council please advise whether there is a reasonable prospect of the reserve school site at Barkway being required for education use within the emerging Local Plan period to 2031?

I would also be grateful for any HCC view on the sustainability (in education terms) of making relatively substantial housing provision:

- (i) in locations with only limited schools provision (i.e. less than the full range of first or primary school provision dependent on the prevailing education model in the area);
- (ii) in locations which rely upon shared schools provision across two or more nearby villages to achieve the full range of first or primary school provision; and
- (iii) in locations with no schools provision; in my view, your response to the planning application does not explicitly rule out the prospect that all first school provision in this area may eventually be made in Barley.

Should HCC confirm there is a 'reasonable prospect' of an appropriate education solution for BK3 we would welcome further dialogue on this matter. Firstly, I think there would need to be a clear link in the emerging Plan between the delivery of BK3 and either the use of the reserve school site or an alternate solution which ensures appropriate school provision.

Secondly, in light of the issues raised through the current application, I would welcome further, joint consideration of the best location within BK3 (when considered as a whole) for any such school. This would include how the District Council, County Council and landowner might jointly address the urban design concerns set out above.

Without prejudice to any future detailed consideration, the edge of village location and adjoining land uses mean it may be preferable to look at alternate parts of this site to make any future education provision. This would potentially require negotiation between HCC (as landowner) and the site owner outside of the Local Plan or Development Management processes.

You will be aware that we have informed the Inspector of our intention to address all of his queries by Friday 29 November. I'd be grateful if you could provide a response to this letter in sufficient time that we might (at minimum) alert the Inspector to this issue within the timescale above. Given the need for consideration and clearance of any response, please could you provide an initial response by the end of October at the latest?

If you'd like to discuss the matters in this letter further or arrange a meeting, please contact me using the details above.

Yours sincerely



Nigel Smith
Strategic Planning Manager

From: Xavier Preston
Sent: 06 November 2020 16:55
To: Nigel Smith
Cc: Antony Proietti; Kate Ma; Robert Smyth; Robyn Haythorpe
Subject: HCC comments - BK3 matter - reserve school site - NHDC Local Plan Examination

Hi Nigel,

HCC has reflected on the letter dated 07 October 2019 and its contents. The letter refers to Site BK3 which is subject to further examination at the regulation 19 local plan hearings due in December 2020. The below is HCCs position on the questions posed within the letter;

1. Is there a reasonable prospect of the reserve school site at Barkway being required for education use within the emerging Local Plan period to 2031?

HCC wishes to maintain comments stated in our response at examination in public (Matters Statement 11: Category A Villages – Ashwell, Barkway, Barley etc) Para 7 stated that:

7. Current demographic analysis shows that the yield from the proposed new housing is likely to be able to be accommodated within the existing school capacity. However, the existing reserve school site needs to be retained in Barkway to ensure flexibility in the future should demand fluctuate from either the existing population or from new housing. As the proposed developments come forward the County Council will work with Barkway and Barley First Schools to ensure that local need can be met.

Pending the adoption of the Local Plan and the bringing forward of new homes, HCC wishes to retain the reserve school site. This is to retain all options and ensure that HCC can fulfil its statutory duty to ensure sufficient school places are available. Therefore the above response remains HCCs position.

2. NHDC would also be grateful for any HCC view on the sustainability (in education terms) of making relatively substantial housing provision:
 - a. In locations with only limited schools provision (i.e. less than the full range of first or primary school provision dependent on the prevailing education model in the area);
 - b. In locations which rely upon shared schools provision across two or more nearby villages to achieve the full range of first or primary school provision; and

In response to 2a & 2b, in general terms, not specific to BK3, this would need to be assessed on a case by case basis to explore whether there are options for appropriate pupil yield mitigation which could be implemented when required. This is in the context of, wherever possible, providing provision as local as possible to families living within these communities, while also balancing the future sustainability and viability of schools.

- c. In locations with no schools provision; in my view your response to the planning application does not explicitly rule out the prospect that all first school provision in this area may eventually be made in Barley.

As stated in the letter, HCCs response to the planning application was as follows;

Additional first school places will be required at a point in time as a result of new housing and consideration will be taken as to the appropriate solution, which may involve Barley and

Barkway Schools, if they are still in a federation. The project nominated to mitigate the impact of this development would provide additional places at Barkway First School but no decision has yet been made on whether those places will be physically located on the existing or reserve school sites or involve Barley First School

If further places are required, then the current arrangement between the schools will need to be explored and HCC would need to come to a decision on the possible options to mitigate an increased pupil yield from further development.

Kind Regards,



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