Examination in Public

Issue 4:
Whether the Plan provides satisfactorily for the provision of schools over the plan period?

Supplementary Statement
on behalf of
Taylor Wimpey UK Ltd
01367

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Questions 4.1-4.4
We have no comment

Question 4.5
Whether it is necessary to allocate land in any particular area and, if so, whether this should be part of a larger residential development as has been suggested, for example, at Woodside Road, Abbots Langley.

Synopsis
Taylor Wimpey (TW) propose a development of 100 dwellings contributing toward the shortfall in housing provision on land at Woodside Rd, Abbots Langley. This would require an alteration to exclude the requisite land from the green belt.

In dialogue with Hertfordshire County Council Education Authority (HCC) it has been ascertained that the land at Woodside Road is HCC’s preferred location for a new 2FE primary school required to meet an identified shortfall of capacity in the District and specifically within a catchment area focused on Abbots Langley. Through discussions with HCC, TW has configured its proposed housing development to account for the design and layout criteria of a school (where HCC has provided a school site layout) and has assessed all other infrastructure pre-requisites including the need for offsite highway works to account for the traffic that a 2FE school would generate. TW has offered the land, serviced, for the construction of the school for a peppercorn (£1) subject to the removal of the land from the green belt and the allocation of the adjoining area for residential development.

Three Rivers District Council (TRDC) has indicated that it does not wish to allocate land at Woodside Road for residential development, does not consider that a primary school is required in this location and should not be allocated in the Plan and has moreover indicated that it expects a primary school to come forward at some unspecified time in an otherwise unidentified location where its suitability and acceptability can be determined through the processes of development management.
TW considers that:

- It is the proper role of the SALDD to allocate land for specific infrastructure works such as the provision of a school
- That HCC are unlikely to secure an alternative site for the development of a suitable school in absence of its formal allocation
- The need for a school to meet an acknowledged shortfall of pupil places as there would be no capacity in the year 14/15 and a deficit in year 2015/16 (SOCG page 2 – Appendix B sets out the extent of shortfall and demonstrates that this increases sharply from year 2012/13)
- TW note that HCC seek a 2FE school to address this immediate shortfall and to provide for future demand which cannot be met in Abbots Langley other than by provision of a new school (SOCG page 2)
- The land at Woodside Road is the optimum site for a primary school having regard the capacity of existing schools, the sources of existing and projected demand and present catchment areas
- Land can be made available at nil effective cost to the public purse through the allocation of residential development on the adjoining site as part of a comprehensive approach towards planning and revision of the green belt boundary
- There can be no certainty that the land would be made available to HCC in the absence of such an associated allocation
- There can be no certainty that in the absence of an associated allocation that HCC could fund the purchase of the land as well as the construction of the school including the necessary on and off site infrastructure costs
- That no demonstrable harm would arise to any interest of acknowledged importance in relation to the establishment of a revised alternative green belt boundary that would accommodate the school and residential scheme proposed
- That any harm considered to arise from development to any other interest of acknowledged importance would be demonstrably outweighed by the benefits of providing a new school in the most suitable location, within a timescale that meets the needs of the Education Authority and which minimises the cost to the public purse.

**Case for the Objector**

We have a plan led planning system (Framework paragraphs 12 and 17 first bullet point) whose function is to ‘positively seek opportunities to meet the development needs of their area’ (paragraph 14), to ‘finding ways to enhance and improve the places’ (paragraph 17 second bullet point) and specifically to ‘support local strategies to improve health, social and
cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs' (paragraph 17 final bullet point).

There is absolutely no doubt that the plan should be identifying sites for schools that are acknowledged to be needed. It is a fundamental purpose of the development plan. Moreover accessibility to a school is one of the criteria classified as 'important' in the housing site selection criteria, emphasising the weight that should be attached to this key element of community infrastructure.

It is also essential in order to provide certainty and to guide development management decisions.

TRDC argue that a school can be provided 'through the planning application process once a suitable site has been identified' (SOCG page 4). This approach is both contrary to the principles of a plan led system and also raises the questions of what policy tests would be applied to any speculative application for a school and why, specifically, planning permission would not be granted for SCC's preferred site at Woodside Road?

The SALDD does not provide development management policies. The Core Strategy (CS) also does not contain a detailed suite of such policies. It does contain Policy CP12 which sets out 16 criteria and refers to a Design Guide SPD (which does not so far appear to have been produced).

The criteria contained in Policy CP12 are by definition strategic in nature and do not provide detailed guidance on what may or may not be interpreted to be acceptable. TRDC may seek to rely on any saved Local Plan policies for micro-testing any planning application submitted.

There is no indication, in absence of an allocation, as to whether any site can be identified – the Appendices to the SOCG indicate that TRDC and HCC have been seeking to find a site since at least May 2009 – and whether any site that might be available would be judged suitable for a primary school. There is equally no reason given why, specifically, the site at Woodside Road is not suitable in relation to adopted development plan development management policy.
The fundamental question is whether a primary school site needs to be excluded from the green belt? *Inappropriate* development is by definition, harmful to the green belt (Framework paragraph 87). Framework paragraph 89 outlines exceptions to the consideration that development in the green belt would be inappropriate. The exceptions do not include development for education purposes and the list is expressed as definitive, not as an illustration of the types of development to which others might be added at will. Paragraph 90 gives no further comfort.

It follows that proposals for a school in the green belt should not be considered as *appropriate*. Scope exists to argue that the need for a school constitutes very special circumstances (paragraph 88) but if that test is capable of being entertained at development management level it is fully capable of being exercised in the plan making process. To leave the selection of a site to the development management process is not to plan positively in the terms expressed by Framework paragraph 16.

The catchment for a new primary school is necessarily limited. It is specific to Abbotts Langley and such demand from that community cannot reasonably be expected to be provided other than in that community. HCC has indicated that land at Woodside Rd ‘represents the only opportunity to reserve land for a new school serving the area’ (SOCG page 3).

It must follow that no other site within the catchment area sufficiently meets all of the HCC’s criteria that determine suitability.

TRDC state that they consider the site is unsuitable – and that no other suitable sites have been identified (SOCG page 3). In Nov 2012 TRDC acknowledged that failure to identify a school site is *a significant area of weakness in this plan, and raises the matter of soundness* (SOCG Appendix A)

SOCG Appendix B Development Plans meeting 9 Feb 2011 and 28 Feb 2011 acknowledge that no potential alternative site is suitable for a primary school to meet the needs of Abbotts Langley and that only Site 21 at Woodside Road has any potential to provide a 2FE school.

The 28 September 2011 Officers Report notes that Woodside Road was rejected not because it is unsuitable for a school but because Members did not wish to allocate a joint scheme to provide a school with associated housing (although the housing element scored relatively well
against housing site selection criteria – Officer’s Report of 20 July 2011) Members rejected the scheme ‘primarily on the basis of impact on the green belt in this location’. There is no explanation however as to what that impact is and why it outweighs the benefits ascribed to it.

There appears to be no sound planning reason stated anywhere why the Woodside Road site should not be considered suitable for a primary school. That is merely reinforced by the conclusions of HCC, acknowledged by TRDC, that no other site including TRDC’s proposal at Ashfields, is suitable.

In the absence of any clearly stated reason why Woodside Road is unsuitable for a primary school, other than its impact on the green belt – which will be a common factor in any alternative – there are no sound planning reasons why the site should not be allocated and not to do so would render the Plan unsound as it fails to deliver the community, sustainability objectives and certainty that is the purpose of planning and moreover demonstrably fails to plan positively.

If there are no sound reasons that have been identified for not allocating a school at Woodside Road it is necessary to consider the consequences of doing so and whether demonstrable harm would arise that is not outweighed by the benefits of developing a school.

HCC has indicated that in absence of allocation it will be constrained to proceed with compulsory purchase of land at Woodside Road unless it can deliver the school as part of a joint scheme with housing. The cost to the public purse and the delay in securing the land together with uncertainty are all capable of being material planning considerations when there is an undisputed need for additional school places in this catchment area, where no other suitable sites have emerged over the past 4½ years, and where there is now an increasingly urgent need to provide for demand.

Other evidence to this Examination addresses the need for housing and whether the impact on the green belt in this location (the latter given, as noted above, as the primary reason for rejecting the scheme) is so significant that the proposition put by TW should continue to be rejected.
It is material however that the allocation of the land and its comprehensive removal from the green belt (sufficient to enable the development of the residential and primary school site) would enable the school site to be available to the community at a peppercorn, and that it would be serviced. In this instance servicing means not only providing the site with an access to the highway and the drainage and utility infrastructure that is needed to enable HCC to construct a school, but also to deal with off-site highway works that are necessary in order to accommodate the traffic flows that arise primarily from the school, as opposed to the residential element. Such off site highway works are described in duly made objection to the SALDD and include installation of a MOVA (Microprocessor Optimised Vehicle Actuation) controlled traffic light system at the Woodside Road/College Road/Horseshoe Lane junction which has been agreed with the Highway Authority and without which the development of a school at Woodside Road would generate congestion. The MOVA system will serve to reduce existing queuing and is itself a material benefit.

Consequently the public benefit of the scheme is not only financial in terms of the saved costs of acquiring the site but also in terms of its delivery. It is also a significant benefit that allocation would give rise to certainty and moreover that the delivery period would be compressed to the extent that the needs which are now present can be met as swiftly as possible.

**Conclusion**

No demonstrable harm arises from the removal of the site at Woodland Road from the green belt to enable the construction of a primary school. The school is needed (comparatively urgently in terms of the life of the plan) and the location is the only suitable site that has arisen after several years of consideration and searching for an alternative.

National Planning Policy indicates that the development plan should plan positively, should help meets the needs of the community for infrastructure. The purpose of the SALDD in its own terms is described at paragraph 1.4 where it states: ‘is to provide the local community, the local authority and developers with some certainty about what sites will be developed in the future and for what purpose’. Without an allocation of a primary school site the Plan is not doing what it has promised the community it will do and cannot be regarded in any respect as sound.
The sole reason for rejection of the allocation is related to the conjoining of the proposal with that of a residential development. There is a need for additional residential development, there is no evidence of demonstrable harm arising from a conjoined allocation as acknowledged by Officers following their assessment of sites and there are significant material benefits arising from doing so. These relate to the greater certainty that the development of a school will take place, to the timeliness of that delivery and to the saving in direct costs to the community through shared infrastructure funded by the residential development as well as from the commitment to make the residential site available at nominal cost.

The failure to allocate a site for a school, and specifically to allocate and remove from the green belt the land at Woodside Road which is the only suitable site for the purpose, renders the plan contrary to the basic tenets of development planning and to the specific direction of Government guidance. Only the allocation of the site for the required purpose would be a suitable remedy but to do so would render the plan sound in terms of its ability to address the community’s pressing need for an additional 2FE primary school at the earliest reasonable opportunity.
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