



Anne McDonald – North Hertfordshire District Council

05.08.2022

Dear Anne

**Outline Application: 18/01502/OP**

**Outline application with all matters reserved other than strategic point of access onto Royston Road and Cambridge Road for the erection of up to 140 dwellings and a new shop (A1 use) with associated public open space, landscaping and drainage. Land Between Royston Road And, Cambridge Road, Barkway, Hertfordshire.**

**Comments on further supporting information and updated supplementary documents.**

1. Thank you for providing an opportunity to comment on the further supporting information and updated supplementary documents in relation to this planning application.

**Introduction**

2. Barkway Parish Council have consistently objected to the application and the allocation of the site in the emerging North Herts Local Plan (BK3) and continue to do so. We note your comments that the issue of BK3 staying in the emerging Local Plan, or not, will be discussed in the committee report. Therefore, the application should not be decided until the future of the emerging Local Plan is clearly set out, unless the decision is for it to be refused.
3. A significant proportion of residents of the village actively object to this planning application. In addition, the District Councillor (Gerald Morris), the County Councillor (Fiona Hill) and our MP (Sir Oliver Heald) also object. Sir Oliver Heald is particularly concerned about the impact on the River Quin, a matter about which he is very well aware in his capacity as President of the Friends of the Rib and Quin. The most significant employer in the village, Newsells Park Stud, maintains its ardent objection to the development to a housing estate on the edge of its grounds.
4. This letter of objection should be added to all previous objections to the development proposed on site BK3. The objection laid out below provides support for refusing the planning application

## Reasons for Objection

### The Emerging Local Plan

5. The applicants Planning Statement Addendum (para's 2.2 – 2.7) says that the BK3 site allocation has been retained throughout the Examination of the Local Plan. Although this is factually correct, the protracted and unexplained delay in the issuing of the Inspectors Fact Check report must throw some doubt on his opinion of the soundness of the emerging Local Plan, and therefore the likely imminent adoption of a Local Plan which includes BK3 as a site allocation.
6. Site BK3 is not a site allocation in an adopted Local Plan. It would be contrary to the saved policies of the District Local Plan No.2 (1996). There is no proven need for the development and the option of refusing the application and not developing the site would have no impact on the overall housing land supply for the district. The application should be refused.

### Principle of Development & the NPPF

7. The Planning Statement Addendum adds nothing to reassure residents or Barkway Parish Council, that granting planning permission for this outline planning application can be supported by a reasoned argument.
8. The Planning Statement Addendum falls back on the presumption in favour of sustainable development in the NPPF. This is where the applicant's argument falls down. This outline planning application does not constitute sustainable development evidenced by the District Council's own request to remove it from the Local Plan, among very many other reasons.
9. The fact that Barkway is a sustainable location just because it is beyond the Green Belt, reiterated in para 2.14 of the Planning Statement Addendum, is not a criterion of sustainability. Barkway is not a sustainable location, evidenced by all the previous submissions by Barkway Parish Council to both the planning application and the objections to BK3 being included as a site allocation in the Local Plan.
10. In an attempt to justify the proposals, the Planning Statement Addendum refers to Paragraph 48 of the National Planning Policy Framework. This paragraph gives three criteria for giving weight to relevant policies in emerging plans. The second criterion relates to the extent to which there are unresolved objections to the relevant policies. Barkway Parish Council maintains its strong and well evidenced objection to the allocation of site BK3 (Policy BK3) in the emerging Local Plan. The strength of the parish council objection and the fact that it remains unresolved should reduce the weight given to that policy and its role in supporting this application.
11. Paragraph 73 of the NPPF refers to how new homes can often be best achieved by significant extensions to existing villages provided they are well located and designed and supported by necessary infrastructure. This application represents

the growth of Barkway by about one third making paragraph 73 relevant. The paragraph text mentions the caveats of being well designed, well located and supported by necessary infrastructure.

12. Well designed: Despite the District Council's attempts to improve design through a Masterplanning exercise, design will only be judged when a full application is submitted, or through reserved matters applications.
13. Well located: The Masterplan Summary Report containing Illustrative Masterplan Revision D, shows clearly how the proposed development fails to integrate with the village. The location of the site, separated from the settlement by land held in reserve for a school site that is not needed, is a poor location. The residential development on site BK3 does not trigger a need to use the reserve school site and there is no evidence that it will do in the near or medium term future. The new housing estate will represent a form of development unsuitable for a small village and fails to meet the criterion of being well located.
14. Supported by necessary infrastructure: Previous objections by Barkway Parish Council have detailed the issue with transport infrastructure. There is also a fundamental issue with Sewerage infrastructure in Barkway.
15. The impact on the River Quin is subject of a comprehensive report submitted with this objection. (Please see Appendix A)

#### Impact on the River Quin

16. The detailed report prepared for Barkway Parish Council by [Case Environmental](#) is summarised in the paragraphs below:
17. The Problem: The River Quin, which runs through Barkway, is a rare and ecologically important chalk stream, supporting a diverse range of species which is under threat. Since 2013 the river has been categorized as being in a poor condition by the Environment Agency owing to over-abstraction of water and overflows of untreated sewage into it from the Barkway Sewage Treatment Works (STW). The volume of water flowing along the river is variable and at certain times of the year it virtually dries up upstream from the sewage works ensuring that what is sent downstream from there is concentrated sewage. The risk of the River Quin becoming little more than a nature open sewer is very real and would be an environmental catastrophe for an endangered chalk stream.
18. Nationally, unacceptable levels of discharge/spillage of untreated sewage into waterways are acknowledged by government agencies and water companies. Barkway has a problem bigger than most and the problem is growing. In 2021, untreated sewage was discharged into the river for 734 hours. This equates to untreated sewage being discharged continuously into the River Quin for a whole month.
19. The Future: There is no provision in Thames Water's Five-Year-Plan to increase capacity at Barkway STW. The 140+ homes proposed in Barkway on site BK3

equate to a 30% increase in existing housing and a consequent discharge of approximately 30% more raw sewage into the River Quin. There is a major threat of a collapse of the wastewater treatment works in Barkway. This would result in the catastrophic and irreversible loss of the waterway and its unique eco-system (flora and fauna) below the STW. There is a compelling and valid argument that no further development should occur within Barkway Village until the fundamental and current issues discussed in Case Environmental Report afflicting the River Quin have been addressed.

20. The Solution: There should be a halt to further large-scale development in Barkway (including BK3) until the fundamental issues at Barkway STW that are afflicting the River Quin are resolved. The House of Commons Select Committee – Environmental Audit Committee (EAC) recommends that, in the process of approval of any new development in England, water companies ought to be empowered to require that any Community Infrastructure Levy payable by developers is used to enable separate surface water and foul sewers, in cases where provision has not already been made for such arrangements.
21. Action should be taken by both the Environment Agency and Thames Water. The Environment Agency should develop flow strategies including organisation of the maintenance of the River Quin upstream of the STW; monitor water quality and river flow rates downstream of Barkway STW; and organize frequent visual monitoring of the drainage ditch. Thames Water should investigate increasing the capacity and refurbishing of the reed filter beds at the STW.

### Archaeology

22. The outline application seeks to establish the principle of 140 homes on the site. The important further work undertaken by a local archaeologist on the site indicates that the site is more important than the appraisals submitted with the planning application suggest, despite the site being outside any of Barkway's Areas of Archaeological Significance. The [Barkway Local History Group](#) have been very active in further investigating the motte and bailey site on Periwinkle Hill, using drone flights and LiDAR technology. This new information must be taken into account prior to the decision on the outline application and the indicative Masterplanning that has been prepared without archaeological investigation.
23. We conclude that the potential impact on designated and non-designated heritage assets has not been properly considered.

Please refer to:

<https://www.britishmuseum.org/collection/search?keyword=Barkway&keyword=Hoard>

The Barkway Hoard – Roman artifacts now on permanent display at the British Museum.

(Also please see Appendices B, C & D)

### Village Store

24. The description of development includes the provision of a new shop (A1 use). The Town and Country (Use Classes Order) 1987 (as amended), most recently in April 2021, no longer includes such a use. There is now only a Commercial, Business and Service use (E). The description of development is incorrect.
25. At no point has the need for a village shop been addressed, despite repeated requests from the Parish Council for the applicant to demonstrate how this has been researched. The updated documents do not provide evidence that the provision of a village store within the development would be viable and that it would not impact on the popular village store and post office in Barley. If a village store in Barkway were to cause the closure of the village store in Barley, the village would also lose access to a local post office.
26. Granting outline permission for the principle of a village store as part of this development could result in the loss of facilities for the village making the development even less sustainable than it already is.

### Public Open Space

27. Public open space is included in the description of development. Despite it technically being reserved matter, the Design and Access Statement which was submitted in March 2022 (but which there has been no opportunity to comment to date) includes a land use plan on page 20. This shows that public open space has been located on the edges of the development to try and soften the impact of a housing estate up against an internationally renowned stud farm and to hide the development from the road on the southwestern approach to the village. Whilst the parish council agree that this is necessary, the principles of good design, to integrate public open space within a development, have been ignored.
28. The results of the Masterplanning exercise appear to confirm that most of the open space will be peripheral to the development. The only open space within the development is along the line of the existing public right of way.

### Public Right of Way

29. Bridleway, Barkway 018, is shown on the proposed masterplan as having to cross the primary traffic route through the development requiring walkers and riders to cross a road constitutes a significant reduction in amenity. The character of Public Rights of Way should be preserved or improved, not dissected and urbanised.
30. The National Planning Policy Framework (NPPF) paragraph 100 says "Planning ... decisions should protect and enhance public rights of way and access, ...". This section of the NPPF derives from the [Defra Circular 1/09 Public Rights of way – Guidance for Local Authorities](#). Paragraph 7.2 of the circular says "The effect of development on a public right of way is a material consideration in the

determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered." Paragraph 7.8 says "In considering potential revisions to an existing right of way that are necessary to accommodate the planned development ... preference should be given to ... paths through landscaped or open space areas away from vehicular traffic." The clear intention is that the character of Public Rights of Way should be retained and that the effect of urbanisation in rural areas should be minimal.

### Arboriculture

31. The updated Arboricultural Impact Assessment (rev A) (July 2022) confirms the removal of a group of trees and four lengths of hedgerow. We have no comment to make on this other than its contribution to the governments project target of a 10% biodiversity net gain in terms of hedgerows is underwhelming. It confirms that the application requires the part removal of 4 hedges.
32. At no point is the detail of the hedgerow to be removed discussed. It is merely glazed over. What is the length of the hedgerow to be removed? Despite the landscape plan being quoted as illustrative, there is a considerable amount of detail about trees and virtually nothing about hedgerows or the impact on the four breaks in the hedgerow that are created on the illustrative landscape plan.

### Ecology

33. The updated Preliminary Ecological Assessment (Rev B) (June 2022) records a Biodiversity Net Gain of only 1.05% for non-linear habitats. No attempt is made to achieve the governments projected target of 10% net gain in biodiversity. The conclusions of the report state that the proposed development achieves [by 0.05%] the measure by which applications are currently judged as acceptable, pending the bringing into force of the legislation to implement the Environment Act 2021.
34. The Ecological Assessment claims that planting of new hedgerows (linear habitats) will achieve a net gain of 57.95%. Hedgerows take years to mature, and the application includes the loss of mature hedgerows where access routes are cut into them.
35. The North Herts Climate Change Emergency is not mentioned in the planning submissions. The development of this site will immediately worsen the Climate Change Emergency declared in North Hertfordshire.

### Conclusion

36. There is nothing in the recently submitted documents that helps to support the applicant's claim that their application is sustainable. This renders the application contrary to the NPPF.

37. The impact on climate change and infrastructure is not addressed. The vital issue of failing sewerage infrastructure and how the discharge of excessive untreated sewerage from the Barkway Water Treatment Plant into the protected River Quin will worsen is completely absent, with no solution offered, NPPF.
38. The impact on archaeology is unknown and the impact on the public right of way is unacceptable in accordance with best practice and the NPPF.
39. The description of development for this planning application seeks to establish the principle of not only a quantum of development (and mixture of housing) but also the provision of a village store without the necessary evidence or infrastructure to support new homes or the need for a shop, NPPF.
40. Despite the attempts at Masterplanning, the location of the public open space predominantly on the edges of the development seeks to hide the development rather than providing usable space for residents, NPPF.
41. The Arboriculture and Ecology reports show the inadequacies of the development to improve biodiversity, NPPF.
42. Finally, the application should not be decided until the future of the emerging Local Plan is clearly set out, unless the decision is for the application to be refused.

Yours sincerely,

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Appendix A – Impact of BK3 on the River Quin  
Appendix B – Extracts from emails regarding Archaeology  
Appendix C – LiDAR photos  
Appendix D – Evaluation Trenching Report BK3

Cc: Mr Simon Ellis (NHC Development & Conservation Manager), NHC Planning Control, Dist. Cllr. Gerald Morris, County Cllr. Fiona Hill, Mr John Grossart (Representing Newsells Park Stud), Jacqueline Veater (Govresources Ltd), Cllr. Paul Clark (NHC Exec. Member for Planning & NHC Deputy Leader), Cllr. Elizabeth Dennis-Harburg (NHC – Leader of the Council), Cllr. Steve Jarvis (NHC Exec. Member Environment & Leisure), Sir Oliver Heald (MP for North Herts)