

Date: 19 January 2020

Representors: Carolyn Cottier

Subject: Examination of the North Hertfordshire Local Plan 2011 -2031

Public Examination: Matter 30 – Barkway and Site BK3

Background and explanation of the issues

In the Local Plan as originally submitted, Barkway is identified within the 'category A villages' tier of the settlement hierarchy set out in Policy SP2. Three sites are proposed to be allocated for new housing development in the settlement. Of those, Site BK3 is the largest and is anticipated to deliver around 140 homes.

30.1 Should the site be allocated for housing, either with or without the land reserved for education purposes?

If so:

- a) Is there a reasonable likelihood that the land identified for primary education will be needed for that purpose during the plan period?
- b) If the identified land were not to be developed for primary education purposes, is there a reasonable likelihood that housing on the remainder of Site BK3 would be capable of visually integrating into the existing village?
- c) If not, would the deletion of Site BK3 be necessary for soundness, or would there be a more appropriate course of action?

To answer that question I would like to present three main things:

- A package and its contents (attached in the form of 5 images/ appendices
- IMPORTANT Information about the NHDC Emergency General Meeting about the Local Plan – held on 8th October 2020 and its DELETION FROM THE INTERNET AND COUNCIL'S YOUTUBE CHANNEL.
- Newspaper coverage of that EGM and how/ why it all relates to Barkway and BK3.

HMPI begins his background explanation of the issues by saying, "*In the Local Plan as originally submitted, Barkway is identified within the 'category A villages' tier of the settlement hierarchy set out in Policy SP2. Three sites are proposed to be allocated for new housing development in the settlement. Of those, Site BK3 is the largest and is anticipated to deliver around 140 homes.*"

It is the phrase "*in the Local Plan as originally submitted*" is what I want to use as a starting point here.

This is the second sudden, unjustified, unexplained omission and adjustment that NHDC has made "*in the Local Plan as originally submitted*".

The first unjustified omission was of huge consequence. It was the new settlement that promised literally thousands of houses that would more than solve the problem that 85 per cent of the Plan's development is being proposed on Green Belt land and that this is not popular or reflective of Government Policy.

And yet whilst the new settlement/ New Garden City factually and materially existed, just like Barkway and BK3, it was simply left as an unexplained, open-ended, inconclusive, unjustified, not properly documented omission.

In spite of the new settlement being the ONLY residential development option that enjoyed the status of being an actual legal formation.

Which is a point I and several others have raised at more than five hearing sessions since they started in November 2017.

Now we have this second site removal too! Without apparently any explanation at all as to why. The Barkway site is not on the Green Belt, and yet it is being suddenly taken out of the Plan.

So whilst the Council are retaining many other sites *that are upon the Green Belt* and *do make significant contribution to it*, they decide that *this one* is somehow "special" and will exit the Plan.

Why?

They do not give any reason.

They have undoubtedly done a very strange thing here. Even they know that simply omitting a fairly uncontentious non-Green Belt site whilst insisting retention of others is rationally unsound.

This action seems so unjustified and inexplicable in fact, that I have been forced to consider another hypothesis for why it has occurred.

One hypothesis is this. There are observably very few planning officers actually involved with this Plan. There is Mr Nigel Smith, the Plan's signatory Cllr David Levett and sometimes Ms Louise Symes appears. However the NHDC councillors are all conspicuous by their absence and haven't really engaged very much, if at all, as far back as Regulation 19.

In fact I am starting to see this Plan is really quite a rudderless ship with maybe only two or three men are on-board.

When a few of the public consultees, angry at how much time they were having to devote to this whole five year escapade, questioned councillors as why they were not participating and helping them – the councillors generally replied that they did not understand the process and so they didn't know how to help.

Only this year were a few NHDC councillors made to take a basic introductory planning course. This is of course too little too late.

However I should like to point out at this stage that many of the Examination participants *also did not initially understand it* either. Clearly it is we who have picked up the tab for a witless body of NHDC and neighbouring authorities' councillors' lack of initiative and frankly; pure laziness.

The clear difference between the councillors who did not participate but should have, (in spite of them receiving their regular councillor budget and expenses), is that we; the public participants actually put in the effort and *worked very hard to understand it*. At great personal cost.

So now I am starting to see that really basically this whole thing is more of less being steered by only three people, but that the whole dire thing affects many thousands of people for over a century to come. Utter lunacy.

Before Christmas I received an envelope containing information from a source who apparently did not wish to be known, since the package arrived from an unnamed sender. It contained a lot of information relating to the new settlement, and whilst the level of detail makes me think it must have been from a source within the North Herts District Council, it would not be correct to surmise.

However all of the information contained therein was publically verifiable. So I worked through it all and indeed I cannot find anything which appeared incorrect nor outside of public record.

Perhaps it was from a councillor who at this late stage feels guilty for not helping us more.

I hadn't seen the information laid out in this way before.

I attach what I received as "Appendix 1".

The new settlement was the only housing development option to have enjoyed actual legal status in the form of what appears to be an urban development corporation.

However the option whilst included at the "ATLAS STUDY" in the Examination Library was left open-ended - as unfinished business with no type of paperwork or assessment ever provided as to why it was suddenly abandoned in favour of choosing 85 per cent of the total housing development upon contentious Green Belt sites mostly making "significant contribution".

So yet again I raise this point BECAUSE we have a similar pattern of unsound judgement and impartial selection now arising from this latest Barkway and BK3 deletion.

But as to the true motif behind it – I am forced to consider that it might have been done *because it is so brazenly unacceptable*; in that it would give the Inspector just enough reason to send the Council back to the drawing board, to perform more work on the Plan - by his edict and not theirs'. But because it involves possibly the least contentious site in the entire plan, they are safe from developers suing them,

because it is only 140 houses, and the developer is unlikely to spend the amount of money required to challenge this if the profit is not that high.

This is relevant because at the 8th October 2020 Emergency General Meeting to vote upon the proposed reduction of the NHDC housing need numbers, councillors were told that if they did not vote to leave the figures as they were - that they would be opening the Council to a large number of legal challenges.

The councillors because they did not know any better, allowed themselves to be subjected to the illusions of Project Fear.

Having been largely absent from this Local Plan examination process, just enough of them simply crumbled, believed unquestionably what they had been told and just with a margin of four they lost the decision to lower the number so that it was more in line with the reality.

However this “advice” (“Project Fear”) was administered during a private/ un-public/ secret/ not broadcasted part of the meeting where the live broadcast was turned off and the councillors in attendance were ordered to go into a meeting.

THIS PART OF PUBLIC EXAMINATION NOT OPEN TO THE PUBLIC!

I was watching, as were many other people. It was aired on Youtube. The full account of what happened can be seen in this newspaper article published the day before and after in the Press. See Appendixes 2-4.

When people are watching Youtube Livestream, you can see their names in the chat box on the right hand side of the screen.

**The livestreamed meeting COULD be seen here:
<https://www.youtube.com/c/North-hertsGovUk/videos>**

IT HAS BEEN REMOVED FROM THE NORTH HERTFORDSHIRE DISTRICT COUNCIL'S YOUTUBE CHANNEL.

CAN THE INSPECTOR TELL THE COUNCIL TO REINSTALL THIS VIDEO?

IT IS A PART OF A PUBLIC MEETING AND IS RELATED TO AN ON-GOING PUBLIC EXAMINATION.

I know many people who also watched who would willingly give witness statements if so desired – to attest that we saw that in the live chat-box, someone using the name “Suzanne Ormsby” who was watching. We have no reason to suppose it was not *the* Ms Suzanne Orrmsby QC who has been providing legal advice to NHDC for this Local Plan Examination up until now.

For one hour midway through the public meeting, it was taken away from the livestream and all the councillors had attend a private meeting with an unnamed legal advisor.

We cannot say who gave the “legal advice” on the matter of not reducing the housing need numbers, however the councillors will all know well only too well *who spoke* to them, and we may also know the truth but are avoiding directly saying it here.

So during that time the councillors were told that if they suddenly voted to reduce the housing numbers then NHDC would be receiving legal challenges by the angry developers.

This is a definite red flag. Not to mention that now the video has been mysteriously deleted. Luckily I did do an mp3 recording of it! So we still have that as concrete evidence of what was said in the public part at least.

A group of Lib Dem Councillors had raised legitimate concerns that the Housing Need Numbers were overly inflated and needed to be reduced for the Plan to be sound and less contentious.

The Inspector has already said that only the Council themselves can choose to suspend the Examination process in favour of doing any extra work.

The extra work needed to reduce the housing numbers more towards the direction was the sane option.

And yet when they had this Emergency Meeting it was scuppered by a secret amateur “psychological-operation” now colloquially nick-named “Project Fear”.

There was this hour where they all just disappeared. I remember voicing my distain for such secrecy and lack of transparency in no uncertain terms in the chat box. The journalist picked up on this and quoted me. The full article is in **APPENDIX 4**:

...Excerpt from “The Comet Article” about the NHDC Emergency Meeting on Housing Need – published 9 October 2020:

“The introduction also touched upon the potential impact on the environment, with Cllr Collins referencing potential water shortages, reduced air quality in towns such as Hitchin and the planned “tearing up” of the Green Belt and North Hertfordshire’s countryside.

The evening’s atmosphere was tense, despite it being a virtual meeting of Full Council, as councillors from all political parties continued to interrupt one another.

Councillors then withdrew to a private room for an hour, where they received legal advice on the motion without members of the press or public invited to listen.

Those watching the YouTube live stream were exasperated by their decision to discuss in private.

Carolyn Cottier said: “This is BS. They should be voting in full view of us all. Why do they need to hide?”

Another user added: “What a joke. Secret meetings not involving the public. This is going to backfire for sure, grab the popcorn folks.”

At its peak, more than 110 members of the public tuned in to the extraordinary meeting last night.

Of course, last night's meeting was not the first bump in the road for North Hertfordshire's Local Plan.

The council's expenditure on the Local Plan already exceeds £700,000 – excluding the time planning officers have put in.

In July 2019, planning inspector Simon Berkeley wrote to the council to highlight “issues and reservations” with the Local Plan.

So back to how all of this ties in with the sudden Barkway deletion, which seems rather barking mad...

If the Council believes – rightly or wrongly – that it will be sued by developers if it dare alter the Plan's un-robust figures – even if they know the Plan is a complete and utter disaster, from their limited point of view only have the following options open to them:-

- a) Just allow their rudderless ship to head straight towards the rocks in an epic disaster of at least one Judicial Review, and potentially two (on other grounds).
- b) DO nothing and hope for the best – which is probably not going to work out all that well for them since it leads to either “Plan failed” or the “Option A” above.
- c) Decide that maybe they *do want to pull the Plan temporarily*, just to get rid of some of the Green Belt sites making valued contributions plus remove Villages for Growth sites and reduce the numbers so that they at least vaguely resemble something sane... But they will have to make it be upon the Inspector's shoulders - because he is the only person that can save them from the “looming spectre” of developers suing them. ...If it comes from him, they imagineat last they will be safe – for now.

Considering the developers are unlikely to have ANY grounds to sue the Council – since just needing to reduce housing numbers in line with a justifiable number reflective of reality, is not an act of planning offence. I think the Inspector needs to read the Council the “reality” otherwise known as “the riot act” regarding this, in case it is an underhanded attempt to skew judgement and make him their “fall guy” rather than taking good old fashioned honest responsibility themselves.

This is my own personal opinion, which is what I was asked for in combination as to how it affects legality, soundness, deliverability and justifiability.

APPENDIX 1 – The Documents I received:

See ATTACHMENTS as 5 files which are photographs of the pages.

APPENDICES 2-4 – The newspaper articles about the reducing of the housing figures during the Emergency General Meeting on 8 October 2020:

APPENDIX 2

Source: <https://www.thecomet.net/news/north-herts-local-plan-news-hearings-postponed-5443584>

The Comet > News

North Herts' Local Plan hearings grind to a halt as extraordinary meeting called

Jacob Thorburn

Published: 1:47 PM September 28, 2020 Updated: 8:20 PM November 1, 2020

NHDC's hearings on the Local Plan 2011-2031 have been delayed again. Picture: Archant - Credit: Archant

Don't Miss

- Flooding closes part of major road in Stevenage**
JACOB THORBURN
- Council warns of 'extremely high infection rate' in Stevenage ward**
GEORGIA BARROW
- Damage caused to Stevenage salon during burglary**
GEORGIA BARROW
- 'We're breaking' - Lister Hospital staff 'tearful' and 'on their knees'...**

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NHDC's hearings on the Local Plan 2011-2031 have been delayed again. Picture: Archant - Credit: Archant

Liberal Democrat councillors at North Herts District Council have successfully pushed for an extraordinary meeting that will see the long-awaited Local Plan hearings delayed further.

The ten Lib Dem representatives are calling for a re-evaluation of the projected housing need for the district, after they say predictions from the Office for National Statistics prove the need for housing in North Herts has reduced.

Now, an extraordinary meeting, which will be held on Tuesday, October 8, will call on the full council to debate a motion on projected housing in North Herts before the Planning Inspector can begin hearings.

Saturday, October 12 has been drawn up by NHDC as a potential new start date for the hearings to begin.

Of course, this isn't the first time that NHDC's Local Plan hearings have been postponed.

APPENDIX 3


Source: <https://www.thecomet.net/news/local-plan-hearings-north-herts-6623390>

Microsoft Word - Further MIQs for | X Proposed Submission Local Plan.p... X Home_England_Masterplannin... X Planning Court considers what | X Local Plan hearings begin for N | X


https://www.thecomet.net/news/local-plan-hearings-north-herts-6623390

[The Comet > News](#)

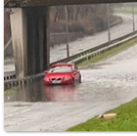



Second round of North Herts Local Plan hearings get under way

 Georgia Barrow

Published: 4:31 PM November 24, 2020 Updated: 10:48 AM December 15, 2020



Don't Miss

-  Flooding closes part of major road in Stevenage
JACOB THORBURN
-  Council warns of 'extremely high infection rate' in Stevenage ward
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-  Damage caused to Stevenage salon during burglary
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[Georgia Barrow](#)

Published: 4:31 PM November 24, 2020 Updated: 10:48 AM December 15, 2020



North Hertfordshire District Council. Picture: NHDC - Credit: Archant

A second round of hearings into North Hertfordshire District Council's Local Plan began yesterday, following delays caused by COVID-19 and an exceptional council meeting.

The hearings – originally due to take place in March – were ordered by planning inspector Simon Berkeley, who had “issues and reservations” around the projected housing need and use of Green Belt land for a number of developments.

These sessions were postponed due to the coronavirus outbreak, and in September, a number of Liberal Democrat councillors at NHDC called for a last-minute extraordinary meeting challenging the expected housing need in the district.

The hearings finally got under way on Monday via Zoom, with a focus on the objective assessment of housing need and housing requirement.

Mr Berkeley quizzed NHDC’s Jonathan Lee on the housing need for NHDC and how the council arrived at the plans for more than 15,000 dwellings based on sets of ONS data.

APPENDIX 4: The Comet Article about the NHDC Emergency Meeting on 8th October 2020 Housing Need:

Source: <https://www.thecomet.net/news/local-plan-housing-motion-voted-down-by-councillors-6614278>

The Comet > News

Defeat for last-minute motion on Local Plan housing in North Herts

Jacob Thorburn

Published: 8:56 AM October 9, 2020 Updated: 7:04 PM December 14, 2020

The motion at NHDC's extraordinary meeting on the Local Plan was defeated. Picture: Tom Coates / NHDC - Credit: Archant

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- Credit: Archant

Councillors last night decided to vote down a last-minute motion that could have seen significant changes to future housing in North Hertfordshire's Local Plan.

At an extraordinary meeting of full council, called for by the Liberal Democrat group, 39 councillors debated the Local Plan's housing provision during a heated discussion.

During a three-hour meeting, that at times stoked the passions of those involved, councillors eventually voted to reject the motion that would have seen a council-led re-evaluation of the projected housing need in the district.

Several notable Labour councillors, including leader of the council Martin Stears-Handscomb and portfolio holder for IT and finance Ian Albert, voted against the proposed motion forwarded by their co-operative colleagues in the Liberal Democrats.

Proposing the motion as one of the 10 Lib Dem councillors, Cllr Sam Collins began with a speech.

He said: "I'm fully aware that this meeting is inconvenient, and slightly awkward for some of you, but I think this is perhaps one of the most important meetings of this council for some time.

"What we discuss here tonight, and the decisions we take now, will impact our area not only up until 2031 but for generations to come.

"We cannot shy away from this because it may seem difficult or challenging, this is our responsibility as councillors to do what is right for the future of our district and the residents we represent."

The motion proposed by the 10 Lib Dem councillors stated the council must recognise that as the proposed housing need for the district has reduced, as predicted by the Office for National Statistics, then the Local Plan should too be scaled back.

Cllr Collins' speech also referenced the fact councillors from all political parties previously had mixed opinions on the Plan's size and scope – with concerns raised about vital infrastructure such as schools, doctors surgeries and transport provisions.

The introduction also touched upon the potential impact on the environment, with Cllr Collins referencing potential water shortages, reduced air quality in towns such as Hitchin and the planned “tearing up” of the Green Belt and North Hertfordshire's countryside.

[READ MORE: How will NHDC's Local Plan impact my area?](#)

The evening's atmosphere was tense, despite it being a virtual meeting of Full Council, as councillors from all political parties continued to interrupt one another.

Councillors then withdrew to a private room for an hour, where they received legal advice on the motion without members of the press or public invited to listen.

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Carolyn Cottier said: “This is BS. They should be voting in full view of us all. Why do they need to hide?”

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At its peak, more than 110 members of the public tuned in to the extraordinary meeting last night.

Of course, last night's meeting was not the first bump in the road for North Hertfordshire's Local Plan.

The council's expenditure on the Local Plan already exceeds £700,000 – excluding the time planning officers have put in.

In July 2019, planning inspector Simon Berkeley wrote to the council to highlight “issues and reservations” with the Local Plan.

The subsequent public hearings that were planned for March this year had to be postponed due to the outbreak of the coronavirus pandemic.

That same month, the ONS released a 2018-based local authority population projection that indicated “significantly lower growth” in North Hertfordshire than previously thought.

In total, the projected figures for homes (11,500) has reduced by 11 per cent since the last published projection in 2016 (12,900).

No new date has been set for the Inspector's latest round of hearings.

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