

NORTH HERTS LOCAL PLAN EXAMINATION - MATTERS 9.2b and 11,

HOUSING LAND AT ICKLEFORD

WRITTEN SUBMISSION OF ROBERT LEWIS (LPA objection no. 1868)

For the hearing on 30 November 2017

As instructed by the Inspector, this written submission does not repeat the points made by me in my objection to the local plan, all of which I stand by. Rather, it addresses a significant change that has occurred since the local plan was drafted and which, I argue, of itself makes the housing allocations in Ickleford unsound. In short, two new housing sites have emerged which, had they been known about at an earlier stage of the council's drafting of the plan, would undoubtedly have been included in the plan and would, in my view, have meant that site IC2 and, probably, site IC3 (or much of it), would not have been included. The two new sites are:

1. Ickleford Manor. On 31 July 2017 planning permission (ref. 16/02012/1) was granted for the development of 19 new houses on the site of Ickleford Manor. While this site is in the green belt, it is a long-standing, previously developed commercial site lying directly across the A600 from proposed site IC2.

2. Ickleford ("Bowman's") Mill. On 21 August 2017 an outline planning application (ref. 17/01955/1) was submitted for the development of up to 71 new homes on the site of Ickleford Mill, Arlesey Road, Ickleford. This too is an industrial site, used for flour milling but now declared redundant by its owners, Jas Bowman and Sons Ltd. The part to be developed is not in the green belt. While this application has not yet been decided, given that the site is covered by unattractive commercial units, including a number of very large grain silos, which are no longer needed and which would otherwise begin to fall into ruin, its approval is highly likely. At the time of writing, 11 public representations have been made to the application, only one of which is an objection, and that is on the ground that "Ickleford runs the risk of losing its identity if such a large development is allowed as well as so many more proposed building sites elsewhere in the village" (my emphasis).

The 90 houses that will be provided by these windfall sites alone is ten times the total number of houses (9) that Ickleford was expected to provide when the council published its Housing Options paper in 2013 (see p.63).

Key dates

In the case of the Ickleford Manor scheme now approved, the council was aware of the owner's wish to build houses on it at the latest by early 2016. According to documents available on the council's website, a pre-application consultation response was received from the council on **16 March 2016** which stated that there would be no objection in principle to the residential development of the site. The planning application was made on **17 August 2016**. It seems odd that the site was not added to the local plan given that it was a further 8 months before the council approved the plan for submission. The consultation on the submission draft of the plan took place between 19 October and 30 November 2016 and it would therefore appear that there would have been ample time to have added this site to the draft and to have considered what impacts its emergence might have on the need for the previously identified sites.

In the case of Ickleford Mill, again according to documents on the council's website, a pre-application meeting between council officers and the owners' agents took place on **26 January 2017**. I do not know how long before that meeting the council was first aware of the scheme, but I assume it was some time in 2016. I was personally unaware of it in November 2016 when I submitted my objection to the plan. At the pre-application meeting the council officer is recorded as saying that there would be no objection to the principle of residential development on the site given that adjoining land to the north was residential, and given the site's location within the village boundary. Again, one would have imagined that the council would immediately have considered whether the emergence of that site

justified a re-examination of the allocated sites in the village, particularly perhaps site IC2 which is a largely greenfield, green belt site on the village edge and which had previously been discounted by the council itself because of its contribution to separating the village from Hitchin*. But as far as I am aware no such thought occurred to them. Whether the council's development control officers alerted their colleagues in the local plan team to the site is something that I do not know. What is clear is that the site was known to the council as a probable housing site at least some 4 months before the local plan was approved for submission on **11 April 2017**.

While neither of these sites was known about by the council when it was first preparing its residential allocations for the local plan, they were known about well before it approved the local plan for submission. However, despite this, it does not appear that members were ever asked to consider adding them to the plan, or substituting them for the sites that had already been identified, or whether it was still right to include in the plan all the original allocations. It seems that officers regarded the plan as being like a huge ship, too cumbersome to have its course altered.

If it were to be the case that, given the need for a plan to be supported by other documents such as sustainability appraisals and the like, the council could not reasonably have been expected to amend the plan to take these two sites into consideration, it is surely not too late to do so now. The plan's 'soundness' must be considered as at the date of the Inspector's analysis, and in the light of the evidence now available, not at a date many months earlier, or otherwise a completely artificial approach would have to be taken.

The search for residential sites

Although the council states in its Regulation 18 Statement of Consultation that it has a contact database of approximately 12,500 consultees, including business interests and landowners, I am told that the owners of both Ickleford Manor and Ickleford Mill have confirmed to the Ickleford Parish Council that at no stage during the preparation of the local plan did the council ever approach them to ask about their intentions for the sites. The search for sites conducted by the council appears to have been a largely passive exercise, relying on landowners to approach the council, which, of course, relied on owners being aware of the exercise in the first place. I do not argue that the council had an obligation to approach all commercial landowners, asking whether they intended to continue operations, but in my view they should have approached the owner of Ickleford Manor. I have lived opposite that site for over 25 years and in all that time it has appeared under-used. It appears to generate little traffic and is something of an eyesore. The boundaries in particular are in an appalling state - that to Turnpike Lane being seriously overgrown and unkempt, and that to the Bedford Road comprising an old wooden fence which is smothered by weeds and is so falling apart that it affords pedestrians with a view of abandoned shopping trolleys (five by my most recent count). When site IC2 was first mooted by the council it occurred to me that the Manor site would have been a far better choice, and I am surprised that the council did not seek to investigate whether its owner would have welcomed it being allocated for housing.

Approaches to the council

On 19 May 2017 I wrote to the council's Chief Executive asking the council to consider not defending all its Ickleford allocations before the Inspector in the light of the emergence of the two new sites. He replied on 26 June stating that it was too soon to make such a commitment but that the position could be reviewed once the structure of the examination was confirmed, and/or it reached some initial conclusions, and/or the council could begin to interpret a 'direction of travel' on these issues. It therefore appears that the council recognises that the emergence of the sites might justify an alteration

* That was the reason given why the site was designated as 'priority 3' in the February 2013 Housing Options paper. The reason for the priority 3 ranking was stated at p. 41 of the Strategic Housing Land Availability Assessment of December 2012 as being that its development would: "erode the narrow gap between Ickleford and Hitchin".

to the plan. Importantly, the Chief Executive did not say that the council's view was that the new sites did not call into question the correctness of the allocations.

I have previously sent copies of this correspondence to the Programme Officer but was told (understandably) that the Inspector was not willing to receive them at that stage. On 14 September 2017 the Programme Officer wrote:

“He (the Inspector) has asked me to confirm that he is not prepared to look at these documents at this stage of the examination, but that you can rest assured that he will be asking about availability of housing land in Ickleford in his Matters and Issues for discussion at the hearing sessions. The Inspector will invite representors to provide hearing statements in response to his Matters and Issues, and at this point you would be able to put these documents forward to the examination as part of your hearing statement.”

For ease of reference I submit them again as an appendix to this statement.

Subsequent to my correspondence with the Chief Executive, I am aware that representatives from Ickleford Parish Council took up the matter of the two new sites with the council's Cabinet Member for Planning, Mr David Levett. I understand that he expressed a similar view to that given by the Chief Executive. I expect that the Parish Council will expand on this in its own submission.

From these two approaches, it appears to me that the council would not be unhappy were the Inspector to reduce the land allocated for housing in Ickleford in recognition of the additional 90 dwellings that will be provided by the two new sites.

Implications for the test of 'soundness'

In my view these new schemes have three impacts on the soundness of the plan:

1. Whether or not the council can be faulted for not being aware of these sites sooner, or even for not including them in the plan so far, their emergence well before the plan's submission for approval is clear proof that the proposed allocations in the plan are not the most appropriate options given the alternatives. That is an objective test and one that is surely failed by site IC2 and (part of) site IC3. The test of 'soundness' includes **whether a plan is based on 'proportionate' evidence**, a phrase explained at para. 159 of the NPPF as requiring evidence to be "adequate, up-to-date and relevant ...about the economic, social and environmental characteristics and prospects of the area". When the allocations for Ickleford were settled, on 11 April 2017, they paid no regard to the new sites. The Parish Council will explain why the cumulative impacts of the allocated sites in addition to the new sites will be unacceptable. That analysis was never done by the council itself because it ignored the two new sites.
2. It shows that with regard to the allocated sites in Ickleford, the plan **is not justified** because the testing of reasonable alternatives has not been robust. Of course, sites additional to those allocated will emerge in the form of 'windfall' sites during the life of any plan, but in this case we have two substantial sites that emerged well before the plan was even submitted for examination. It cannot be right that they should be ignored when the suitability of the allocations – which involves a consideration of alternatives – is considered at this examination.
3. Their emergence means that the release of land from the green belt (other than the already developed Ickleford Manor site) can no longer be justified by exceptional circumstances. Ickleford Manor is in the green belt but is previously developed, and the part of Ickleford Mill that is to be developed lies outside the green belt. The plan is therefore **not consistent with national policy** set out at para. 83 of the NPPF.

What I would request of the Inspector

1. It would appear right for the two new sites to be included in the plan now. However, that is hardly needed as one has planning permission already and one is the subject of a current application.

2. I request that the Inspector recommends that site IC2 be deleted as a site for housing and be retained within the green belt, and that the village boundary be drawn so as to exclude it. Even in the council's eyes that was always a marginal site on account of its contribution to the green belt (in my view it was unacceptable, as explained in my originally submitted objection), and its inclusion as a housing site can no longer be justified.

3. As far as site IC3 is concerned, for the reasons set out in my submitted objection, I request that the major part of it, lying to the north of the public footpath running from Bedford Road to the village recreation ground, be deleted from the plan as a residential site.

Robert Lewis
16 October 2017