

Sent: 27 June 2025 14:20
To: Ben Glover
Cc: Shaun Greaves; Sam Dicocco; Kirkham, Alice
Subject: Re: *EXTERNAL:BK3 - Masterplan Compliance Update

Good afternoon Ben

Thanks very much for your latest email in relation to the Barkway S73 application. We note and welcome your stated desire to progress the application to prompt determination and the progress that continues in this regard. Please be assured that we have not reached our position lightly and this has only resulted from the considerable and ongoing delays in progressing the application, and the need to protect our position and right to appeal.

Nonetheless, in light of your email we have reviewed our position. Accordingly, I can advise that we would be prepared to delay submission of an appeal for now albeit this would need to be subject to the following being achieved by the Council:

1. We are confirmed on the agenda for the Planning Control Committee meeting scheduled for 17th July 2025, with a recommendation for approval (noting that this would be subject to securing a satisfactory Deed of Variation);
2. Ahead of any report being published and ideally next week, we are provided with the full proposed wording of any conditions that are to be amended (conditions 3 and 20); and
3. We (via our solicitor if necessary) receive a substantive response from your solicitor on our draft Deed of Variation (which has been with the Council for some weeks), either confirming it is acceptable or clearly setting out any changes they would want to see.

We hope that the above can be accommodated.

In response to the other elements of your email below:

- We have no objection to the suggested wording of the new condition;
- We note that a response of the LLFA is awaited however would draw your attention to the Written Ministerial Statement from Matthew Pennycook made on 10 March 2025 'Reform of the Statutory Consultee System'. In this statement, the Minister is clear that 'Decisions should not be delayed in order to secure advice from a statutory consultee beyond the 21 (or 18) day statutory deadlines unless there is insufficient information to make the decision...'. It is our belief that you have sufficient information before you to make a sound and reasoned judgement on the variation of condition 20, particularly in light of the comments received from the LLFA in respect of the pending reserved matters application (which have been re-provided as part of the submission to add condition 20 to the application);
- A draft Deed of Variation has been provided and resolution to grant consent could be issued by Members of your Planning Committee subject to the finalisation of this, particularly as the variation is simple and not contentious; and
- We note and appreciate the discretionary provisions of Section 70B of the TCPA (as amended). Redrow would only seek to appeal and submit a revised application should the Council continue to progress the pending application slowly and to protect its position. We would sincerely hope that the LPA would not seek to exercise these powers as to do so would not be in the spirit of bringing forward development on this allocated site and which would deliver much-needed homes to bridge the current housing land supply deficit of the district.

Finally, you will note the request to change the Applicant name in my email of 19 June (re-attached for information). Please can you confirm that this has been actioned?

I hope the above is clear and would welcome your response as to whether matters 1-3 can be accommodated.

Regards

Louise Simmonds
Senior Planning Manager

From: Ben Glover
Sent: 25 June 2025 16:07
To: Simmonds, Louise
Cc: Shaun Greaves; Sam Dicocco; Kirkham, Alice
Subject: RE: *EXTERNAL:BK3 - Masterplan Compliance Update

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THIS EMAIL ORIGINATED FROM AN EXTERNAL SOURCE.
CHECK THE EMAIL ADDRESS, AS IT MAY BE SPAM!

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Hi Louise,

I have copied in below a draft of the suggested new condition:

"Concurrent with the submission of the first Reserved Matters application, and any subsequent Reserved Matter applications, a Masterplan Compliance Statement shall be submitted to and approved in writing by the Local Planning Authority. The Masterplan Compliance Statement shall provide detailed explanation of how the proposal accords with the Masterplan Summary Report approved under application reference No. 18/01502/OP and dated March 2022, and plan numbers 1797-30-101 Rev E - Land Use Plan; 1797-30-103 Rev E - Access and Movement; 1797-30-104 Rev A - Urban Design Parameter Plan; and 1797-30-105 Rev A - Landscape Parameter Plan. Where the proposal does not accord with a specific principle or parameter within the approved Masterplan, the Masterplan Compliance Statement must provide clear and robust justification for each departure.

Reason: To ensure that the development as envisaged by the outline application is satisfactorily implemented in accordance with Policy SP9 of the North Hertfordshire Local Plan."

I am still in discussions with the team about which plans to include in an amended Condition 3. Sam is on leave until Monday, so I will review with him then.

I have also reviewed your email with the intention to appeal non-determination, and I have a couple of points to raise.

- The first being that we are still waiting on a response from the LLFA to the S73 application following agreement to include Condition 20 in the description.
- We do not have a legal agreement in place that would allow us to be in a position to recommend approval of the S73.
- Finally, if Redrow do submit another S73 application for the same site and conditions, which are subject to an ongoing appeal, we would have to consider powers under S70B of the TCPA (decline to determine).

Whilst I understand the frustration over the amount of time it has taken to determine the S73, we are actively working to get the application and associated conditions in a state that would allow progression of the site. Appealing at this time would likely only delay things further, and my advice would be to continue with the current application and work with us to get to a determination.

Kind regards,
Ben



Ben Glover
Senior Planning Officer
Major Projects



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