

Katherine Warrington School – Harpenden’s biggest Con trick?

Developments April 2019

In one of the most flagrant disregards of due process, developers of the Katherine Warrington School yesterday (30 April) installed an entirely unplanned and apparently unsanctioned internal access road. The road (pictured) links the “temporary” access adjacent to the Common Lane / Lower Luton Road roundabout to the car park area.



We can only speculate about the intended use and duration of the road but it would appear, from its build, to be designed for use throughout the whole construction period – however it would not be out of character if this was not another cost cutting exercise on the part of the school’s promoters and for the ‘on the cheap’ fix to be adopted as a permanent solution. Residents have already seen the Council back away from the £6m traffic measures its consultants found necessary in 2015 and a planned 20 week archaeological investigation apparently condensed into a couple of weeks’ work.

So what is wrong with this change? Put quite simply it is not in the planning permission or its associated conditions (available to view on the planning pages of www.hertfordshire.gov.uk – search for PL\0866\17 and PL\0930\18). These specify the design of the site and the construction plan – neither has provision for a road parallel to LLR and no new documents were added prior to construction. The road itself cuts across the area for the drainage pond and its outflow which were designed to protect the local area against flood risk, particularly the roads and premises between the corner and the River Lea.

In reality the original plan sequenced tasks so that two of the first required to be completed were the pond and the accesses to Lower Luton Road – the latter so all construction traffic could be routed on and off site to minimise loss of residential amenity and, in not too distant future, to ensure first year pupils were not in conflict with the ongoing construction traffic.

The original plan was significantly amended in early 2018, only to be amended again in December 2018. That amendment included providing 4 months use of the temporary access, originally granted solely for archaeological investigator access, for construction worker access and delivery of earth moving equipment which would remain on site. In parallel the plan called for construction of the LLR accesses to provide for all construction traffic access by April 2019 latest. This has not only failed to occur, but there are no plans for the inevitable traffic restrictions that would be required to make access onto LLR – these would appear (as they did for the Common Lane service entrance works) at least three months in advance on the Herts Highways roadworks notification webpage. They do not – the only conclusion there is no plan to undertake them in the foreseeable future – the simple Common Lane entrance took 3 months to commission and the challenges of the LLR accesses suggest a minimum of twice that time from when work starts.

The absence of commitment to abide by the Planning Conditions led RSRP to contact the Planning Enforcement Officers to ask why they were not enforcing and obliging the developers to adhere to the plan – that question, with supporting evidence, was put to the responsible group – Spatial Planning at HCC – in April. To date no response has been received. We also requested that a local Councillor in a different Council, one with more LPA (Local Planning Authority) experience than HCC, enquire what rules and processes apply when a Planning Authority fails to do its duty – although the Councillor has high functional familiarity with such matters and was contacted at the same time we have yet to receive a response. When we have this feedback we will publish a summary and what action RSRP propose taking.

Other Developments – confirming the previous concerns

Since our last publication Continuing Interest (CI) for secondary has taken. Herts County Council brought KWS into the standard allocation fold and the school has heavily pushed its availability. After one round it had 104 Priority Area applicants, which has now risen to 108 – HCC had advised that there was a demand for 240 Harpenden applicants in this peak demand year. Unfortunately the published statistics mask the areas of pupils – the data, only published in CI reports, suggests the most distant pupils in the priority area will be travelling 14km to the school – over 12 times as far as the most distant similar pupil at SJL. This is not surprising as HCC's statistic does not cover Harpenden Town or even Harpenden Education Planning Area but the entire St Albans district council area and beyond. RSRP can only estimate the number of Harpenden applicants at this time but suspect it is no more than 80 – about one third of the justification HCC put forward.

The school now has 1.5 forms of 'out of area' allocations above that – yes that's pupils from outside the county and remote county areas. The balance of the allocation, which still falls short of the school's target and well below HCC prediction despite shipping in numbers from distance, includes a class of pupils who did not choose the school but were simply allocated by HCC. Achieving 56% by sustainable transport when it appears over 50% are in areas without direct public service links is a promise waiting to be broken at the first attempt.

Looking to the future Primary numbers have again come in at their former much lower levels – 417 applicants in Harpenden Town ... the town has 517 places for them. RSRP has expressed concerns over the negative effects of this over-provision and the steps taken by some Trusts to counter this and recent developments suggest these are fully justified concerns.

What can / is being done?

RSRP has continually stated its commitment to representing the interests of local residents affected by bizarre education policy decisions. The commencement of a build of a school does not change

the decision of the Council into a correct one. Indeed local papers have carried stories of areas in St Albans apparently suffering similar crises to Harpenden. We have long held views about HCC ability and motivation to make the correct decisions – it remains a problem, and there is a bigger problem in the lack of accountability of the Council. Generally this where you would expect the first line of defence against bad practice (whatever its reason) to be the elected local Council Officers of the relevant Council – in this case the local elected officials have been consistent in their failure to hold their own Council to account. RSRP recently announced that it had taken a raft of problems with HCC to the Local Government Ombudsman (LGO) with a variety of complaints all with an underlying theme that HCC appears to consider itself unaccountable to anyone. RSRP has had its complaints assessed by the LGO and LGO has advised RSRP that there are grounds for a formal investigation – this week the LGO notified RSRP that the investigation has now begun.

At the outset of this update RSRP highlighted the apparent lack of planning enforcement – of course we should not forget the obvious – this is a project proposed by HCC, with HCC as a developer (who took the lead in planning submission) and the enforcement authority is none than HCC. HCC has previously stated and sought to assure the Courts that the Planning Authority arm of HCC in one wing of County Hall is entirely independent and uninfluenced by Development (Estates) and Education arms in other parts of the same County Hall and receives truly independent advice from all the expert opinions it seeks from other HCC departments. RSRP cannot comment on that approach, but anyone who wants to form their own opinion should simply look at the evidence alongside the Lower Luton Road (or further afield if you like, you should have any difficulty in noticing the site).

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