Louise St John
Programme Officer
PO Services
PO Box 10965
Sudbury
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CO10 3BF

10th March 2020

My ref: CJW/Barrow/NHDC Reps 2020
E mail: cjw_mazeplanning@btinternet.com

Dear Louise,

Ref: North Hertfordshire Local Plan 2011 – 2031 – Further Matters, Issues and Questions which will be heard at further Hearing sessions in late March 2020

Please find attached 3 x copies of a Statement which I have prepared on behalf of Mr and Mrs Peter Barrow, and a number of residents who live in Codicote which responds to the above matters, and with particular respect to the proposed allocation CD1 on land south of Cowards Lane, Codicote as listed in Appendix One of that Statement.

You will recall that we made detailed representations relating to the same site in 2015 and 2016 in response to the proposed site allocation CD1. We have also lodged detailed objections to the associated outline planning application made by Warden Developments Ltd ref 17/01464/1. That outline application is being held in abeyance by the local planning authority until a decision is made on whether or not the proposed replacement Local Plan for the period up to 2031 is found to be 'sound in law'.

The Inspector who is examining the proposed new Local Plan has asked for further comments from all parties who have an interest in those matters and which relate to those matters set out in his Schedule dated January 2020. Those matters include Matter 23 - the Council's Green Belt Review and its site selection process, and Matter 26 – Villages for Growth.

My clients have confirmed to you previously by the 3rd February 2002 deadline that they would want to be represented on the two days that these two particular Matters are to be discussed. I had originally intended to be in Italy in that period but have now, for obvious reasons cancelled that trip. I will therefore be attending to speak and participate on their

behalf at the Hearings on the 18th and 26th March respectively, and in respect of how they relate to the Council's proposed site allocation CD1, land south of Cowards Lane, in Codicote.

To summarise, it remains my clients' view that the proposed site allocation CD1 off Cowards Lane, Codicote should not proceed as part of any new Local Plan allocation since I do not consider that the harm caused to the Green Belt in this location can be mitigated and because of the way in which the Council undertook its Green Belt Review both originally and in 2018, as because a number of the conclusions in those assessments cannot be supported.

In relation to the issues around Villages for Growth, it is my view that all such a designation for the five such villages, including Codicote will do, is to place further unwarranted pressure on all existing local services and infrastructure by further speculative planning applications by developers before all the improvements needed to accommodate the huge changes and levels of traffic growth that will result from the site allocations in and around Codicote, are carried out.

Although not part of the attached Statement, because its scope has been strictly limited by the Inspector, I would ask again that he visits the site allocation CD1 and sees it on the ground, and as part of that site visit, he also sees it from Hollards Farm land holding.

We had asked for such a site visit previously by him but have as yet received no confirmation that he is prepared to visit the site to see for himself how its openness, visual amenities and rural character will be completely destroyed if the site is allocated and then developed for housing, for up to 83 dwellings (the number included as part of outline application 17/01461/1).

Yours Sincerely,

Chris Watts MRTPI DMS
Cc: Mr and Mrs P. Barrow

Examination of the North Hertfordshire District Council's

Proposed

Replacement Local Plan 2011-2031

Hearing Statement submitted on behalf of Mr and Mrs Peter Barrow and other local residents of Codicote for:

1) Matter 23 – the Green Belt Review work and the site selection process

2) Matter 26 – Villages for Growth

Chris Watts MRTPI DMS

10th March 2020

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1. Introduction

1.1 This Statement is being submitted on behalf of Mr and Mrs Peter Barrow of Hollards Farm, Codicote and a number of other local residents who live near to the proposed site allocation CD1, Land south of Cowards Lane. A full list of them is attached at Appendix One to this Statement.

1.2 The Inspector will recall that we made detailed representations relating to the same site in 2015 and 2016 in response to the proposed site allocation CD1. We have also lodged detailed objections to the associated outline planning application made by Warden Developments Ltd ref 17/01464/1 for 83 dwellings on site allocation CD1. That outline application is being held in abeyance by the local planning authority until a decision is made on whether or not the proposed replacement Local Plan for the period up to 2031 is found to be 'sound in law'.

1.3 The Inspector who is examining the proposed new Local Plan has asked for further comments from all parties who have an interest in those matters and which relate to those matters set out in his Schedule of Further Matters, Issues and Questions dated January 2020. Those matters include Matter 23 - the Council's Green Belt Review and its site selection process, and Matter 26 – Villages for Growth.

1.4 The following comments are made in response to those two Matters only. In stating that I should also say that my clients are fully supportive of all the points made by Richard Buxton Solicitors on behalf of Save Our Green Belt, the paper submitted by Save Our Green Belt itself; and a letter submitted to North Herts DC by Alison Hutchinson, of Hutchinsons who represents Save Rural Codicote, dated 15th March 2019 (see Appendix Six), and which are all made within the wider North Herts Green Belt context and involve commentaries on the implications for other site allocations in Codicote, as well as outside the settlement boundaries of the four other proposed 'Growth villages'.

1.5 We all share the same view that the proposed Local Plan is not 'sound in law', should not be supported, and if approved would have profound and harmful impacts on not just Codicote village, but all five villages now proposed to be designated as Villages for Growth.

Matter 23 – The Green Belt Review and the site selection process

1.6 In paragraph 23.1 of his Schedule, the Inspector summarises the approach taken by the Council in its assessment of Green Belt sites' selection as being two staged. I would agree broadly with that summary of the Inspector.

1.7 However, the Council's overall approach has been deeply flawed and the assessment results are in some cases not justified, including the original assessment results for site allocation CD1 Land south of Cowards Lane as well as the subsequent assessment results undertaken by the Council in its second Green Belt Review in 2018, again for site allocation CD1.

1.8 In relation to the Land south of Cowards Lane, Codicote site allocation, I would draw the Inspector's attention to Section 2 of our follow up representations on the Local Plan, pages 11 to 18 which is attached again as Appendix Two to this latest Statement and in which the defects of the Council's original Green Belt review for site CD1 are highlighted.

1.9 In relation to the more recent 2018 Green Belt Review, Appendix Three to this Statement contains extracts which relate in part to site allocation CD1.

1.10 I have reviewed the results of that latest Green Belt Review and am staggered that the Council does not seem to have properly weighted the harms to Green Belt openness, and to various purposes of Green Belt designation which will flow from any approval of residential development on this particular site.

1.10 For example, the latest 2018 Green Belt Review includes A Site Survey pro – forma with guidance notes for site allocation CD1 among others. That can also be found in Appendix Three.

1.11 There are a number of the Council's conclusions which could be reasonably be disputed:

- For **visual openness,** it must be clear that this should have been given a high significance, and not that the outcome was 'mixed'. **The site is completely open. Whether or not there are views into or out of the site is irrelevant in this regard;**
- For **Physical openness, we agree with the outcome** ie that the degree of openness is **high;**
- For **quality of the boundaries**, the outcome is said to be moderate, **but we do not agree.** The current boundary is a road with hedge and trees lining it. There does not seem to be any recognition in the assessment of the value of the hedgerows abutting the boundary with Hollards Farm on ecology or landscape terms. Indeed, what is not apparent from Cowards Lane or any longer distance views of the site is that the site allocation land actually drains towards the field boundaries to the south and onto Hollards Farm itself. The drainage patterns here will completely change if the site is developed for a residential scheme of 83 dwellings with profound implications for the farm and its highly valuable ecology. Appendix Four contains a photograph showing which direction the land drains towards. Appendix Five contains photographs of the existing high value ponds on Hollards Farm which are only 40m away from the boundary with site allocation CD1.

1.12 In relation to the Council's 2018 assessment of how each site allocation affects the various purposes of Green Belt designation, they advise that site allocation CD1:

- Makes only a limited contribution to checking the unrestricted sprawl of large built up areas because it is asserted that site CD1 does not adjoin large built up areas. **I would accept that this is a reasonable conclusion;**

- Makes only a limited contribution to preventing neighbouring towns merging into one another – **I do not agree with this conclusion**, and we have previously set out that site allocation CD1 **plays a very significant role in maintaining a strategic gap** between Welwyn and Codicote and that if this site is developed there will be very little to stop other land from following on and resulting in the merger of the two settlements;
- Makes only a moderate contribution in safeguarding the countryside from encroachment – **this conclusion cannot be reasonably supported**. The site is completely open, has archaeological and farming value, and has a high visual amenity value to all the local residents who live on Cowards Lane. Views have nothing to do with any assessment of this Green Belt purpose;
- Makes only a limited contribution to the preservation of the setting and special character of historic towns – **I do not agree with this conclusion either**. Codicote has a historic heart and a long – established High Street as well as a number of important listed buildings. The loss of this open and green site to housing will harm the southern setting of Codicote **significantly.**

1.13 The Council then advises that overall, site allocation CD1 makes only a moderate contribution to maintaining Green Belt purposes and that its allocation would 'tidy up' the wider Green Belt boundaries here. **These two conclusions cannot be supported on any viewing of the site and its current boundaries. The term 'tidying up' demonstrates that the Council is really only interested in maximising the extent of new housing, rather than the protection of key Green Belt sites such as CD1.**

1.14 I use the word 'key' deliberately because it seems to me that given the planning system is plan – led, the Council should not only be promoting a large number of site allocations and hoping somehow that as many as possible will come forward in a very haphazard and unplanned way, but that the proposed replacement Local Plan should surely include a new policy which seeks to prioritise the order of sites to be brought forward in a much more planned way.

1.15 Such a policy would enable, say in a village such as Codicote, a site allocation such as CD1 to **only be brought forward for development if others had already been developed (brownfield/previously developed land, then green field) in a much more sequential way**. It is of course our view that site allocation CD1 should be removed from the Local Plan for the reasons previously and now given, but if it is retained by the Inspector as part of the new replacement Local Plan then we have to think about how it sits in relation to other Green Belt allocations whose development may result in less harmful impacts than the loss of CD1 would result in.

1.16 Proposed Policy SP2 does not apply such a sequential approach. (See Appendix Seven) Proposed Policy CD1 does apply a form of a sequential approach which is based upon land for school expansion on site allocation CD5 to be secured prior to the occupation of

dwellings on this site, as well as the need for a Transport Assessment to be undertaken to consider the cumulative impacts of all site allocations around Codicote in advance. (See Appendix Eight) This is to be welcomed, but essentially my clients believe that the harm to the Green Belt is more obvious and evidenced on site allocation CD1 then is apparent on other proposed Green Belt allocations and they believe that this should be factored in within Policy SP2 and for that matter, Policy CD1 as well.

1.17 I turn now to refer to the Inspector's next set of questions ie Is the approach taken reasonable, and adequately robust and consistent with national policy? The Sustainability Appraisal is not influenced by the degree to which land does or does not contribute to the purposes of including land in the Green Belt. Should it be?

1.18 Richard Buxton Solicitors have responded to these questions far more eloquently than I can, so I can confirm that my clients support the following points made by Richard Buxton on behalf of the Save Our Green Belt (SOGB) organisation.

1.19 By way of context, SOGB notes that approximately 32% of the district falls within the Green Belt. However, 82% of the proposed housing in the proposed replacement Local Plan is proposed to be located within the Green Belt. This is a significant disparity that, in of itself, raises real doubt about whether or not the site selection process has been robust. This is all the more so given that the Green Belt should be given the highest level of protection, commensurate to the importance attached to it in national planning policy: see paragraph 79 of the NPPF.

1.20 In order to demonstrate "exceptional circumstances" for the purposes of paragraph 83 of the NPPF, it is necessary to demonstrate that all potential options for development on non - Green Belt land have been considered and rejected for good reason in the site selection process.

1.21 SOGB's position, which I share and repeat here, is that the site selection process took a fundamental "wrong turn" at the first stage in the site-selection process. As set out in Part B of the Council's response to the Inspector's letter of 9th July 2019, this was the "initial sift of sites" through the 2016 Strategic Housing Land Availability Assessment ("SHLAA"). Only sites that passed through this initial sift (on the basis that they were available, achievable and suitable) were considered further (see ED161A, paragraph 2.10).

1.22 However the SHLAA is now four years old. It is out of date, and does not form a reliable basis for the selection of housing in a plan which is proposed to be adopted in 2020 if found sound in law. Given the importance attached to the Green Belt, the Council should have been more proactive in identifying potential sites for development itself, rather than relying on developers submitting sites for inclusion in the SHLAA.

1.23 Given this, the Council has not adequately demonstrated that further development could not come forward on non-Green Belt land. It is noted, in particular, that the SHLAA only

identified a potential capacity for 2,826 homes to come forward on non-Green Belt land (741 homes on previously developed land within town/village boundary; 358 homes on greenfield land in the urban area; and 1,727 homes beyond the existing town and village boundaries but not within the Green Belt).

1.24 However, the SHLAA is a high - level desktop exercise that is reliant on information provided by developers. The Council has not adequately demonstrated that this truly represents the maximum extent of non-Green Belt land that is available, achievable and suitable for development.

1.25 The approach in the SHLAA to assessing the "suitability" of sites is inconsistent with national planning policy. In particular, the location of a site within the Green Belt (and the contribution that a particular site made to the Green Belt) was not treated as a constraint to development; whereas non-Green Belt constraints (such as access and landscape impact concerns) were. This does not reflect the importance attached to the Green Belt in the NPPF.

1.26 In its Part B paper, the Council sought to demonstrate that Green Belt factors were considered in the SHLAA (see Table A) in order to attempt to dispute the Inspector's suggestion that sites passed through the SHLAA "irrespective of the contribution made to it by Green Belt".

1.27 However, it is plain that this is not the case. Read fairly (and without the benefit of the Council's retrospective attempt to link the reasons given in the SHLAA to Green Belt considerations), the vast majority of sites rejected in Table A were clearly refused for non-Green Belt factors (such as the impact on the landscape). In addition, and in any event, inadequate attention was given to considering whether any issues raised in the SHLAA could be adequately resolved through mitigation.

1.28 I would also ask the Inspector to note that in paragraph 46 of the Part B paper (see attached as Appendix Nine), the Council has advised the Inspector that very few participants to the examination objected to the proposed allocations on the basis of the scale of harm to the Green Belt identified by the Council, or with reference to the original Green Belt Review.

1.29 **I would ask the Inspector to note that this is not the case with proposed site allocation CD1 which was clearly objected to on similar grounds in relation to the inadequacy of the original Green Belt Review and its conclusions by myself on behalf of Mr and Mrs Barrow both in writing in 2015, 2016 and 2017.**

1.30 The process adopted in "Stage Two" by the Council remains wholly unclear. It is said that there was a "consideration of all alternatives" and the Council made "a series of balanced planning judgments through iterative consideration against broader policy issues and evidence base": see the flow-chart appended to the Council's Matter 9 Hearing Statement. SOGB asks in which document in the evidence base this "series of balanced planning

judgments" can be found. Even now, over two years into the examination, this is completely unclear.

1.31 If the answer is that it is in the Sustainability Appraisal, the failure of that document to consider the contribution of each site to Green Belt purposes, is a fundamental flaw. The objectives against which the sites were assessed (as summarised in paragraphs 41 and 42 of Paper B) do not adequately reflect the purposes of including land in the Green Belt as set out in paragraph 80 of the NPPF.

1.32 For all of these reasons, SOGB contends that the approach taken is not reasonable, adequately robust and consistent with national policy, and I share that view.

Matter 26 - Villages for Growth

1.33 The Council's main modification MM10 amends the proposed settlement hierarchy in Policy SP2 (See Appendix Seven). It is proposed to remove five villages, including Codicote from their current Category A status and identified them as 'villages for Growth and along with the other four villages assigns housing figures to each settlement.

1.34 I can see why the Inspector has suggested this approach to the Council, for as he puts it, effectiveness and clarity, and secondly as a justification for the hierarchy of settlements proposed to be included in the new Local Plan for the period up to 2031. However, such as approach could easily have unforeseen consequences for all five villages including Codicote.

1.35 In responding to this proposed change to Policy SP2 the Inspector has asked respondents to focus on a number of questions:

- Why this new designation is not necessary for soundness;
- Why the designation of villages for growth is not justified;
- Why including the level of new housing proposed in Policy SP2 does not assist its effectiveness;
- That the proposed modification will lead to an increase, or alter the level of housing that may be delivered at each/one of the five villages involved.

1.36 My clients have kindly shared the latest representations from Hutchinsons (who represent Save Rural Codicote on Matter 26 Villages for Growth), and rather than slavishly repeat everything that is said in their statement, dated 27th February 2020, I am attaching it as Appendix Ten, **and would ask the Inspector to note that we share those views and would ask them to be taken into account in due course.**

1.37 However there are some further points that I need to make which differ from those made by Hutchinsons. These relate specifically to site allocation CD1 Land south of Cowards Lane.

1.38 Firstly, it remains our view that this site **should be excluded from any reference in Policy SP2 to housing numbers for Codicote in the Local Plan period (ie the 83**

dwellings currently proposed on the site by Warden Developments Ltd should be deducted from the housing total ascribed to Codicote in Policy SP2) because of the serious impacts described before and in previous representations on the Local Plan made on behalf of my clients. It should remain in the Green Belt in the Local Plan.

1.39 Secondly, it should be noted that Hutchinsons have recommended in paragraph 2.10 of their representations that some new text should be added either as a footnote to the Policy or in the supporting text to clarify the purpose of this change to Policy SP2 and the Local Plan, for the reasons they set out.

1.40 In my view that new text must be included in the revised Policy itself to have sufficient weight in law.

1.41 Thirdly, it cannot be right to include Codicote as a 'village for growth' when it is clear from a whole host of representations made over five years that the infrastructure of the settlement especially education and health services are at a maximum and cannot be increased without significant early investment and master planning.

1.42 This position may differ of course with the other four villages but I am tasked with defending my clients' 'patch' as it were.

1.43 How can Codicote be included in Policy SP2 with such a designation without any certainty over the provision of additional road, public transport, drainage, water services, education, health and public transport infrastructure in and around the settlement? It does not make any sense.

1.44 If there is no certainty of early investment in all these elements of infrastructure provision from the start of the new Local Plan period then how can Codicote be designated as a village for growth?

1.45 This new designation could also be in conflict with the Council's own proposed main modifications to Policy CD1 which deals with site allocation CD1 Land south of Cowards Lane (See Appendix Eight), and which now proposes that no development should be occupied on this site until land for school expansion site CD5 is secure, and until a formal Transport Assessment is undertaken to consider the impacts of this and other proposed site allocations around Codicote on the village centre and minor roads leading to Codicote.

1.46 It seems to me, a point I have previously made, that a sequential approach to delivering new housing in all settlements would be better proposed, and included in a new piece of text at the end of Policy SP2 which required that no Green Belt sites should be delivered until all previously developed and brownfield sites within all settlements in the District had been brought forward. This would be more logical and fairer, with smaller villages being enabled to support shops and small schools and other community services through new small - scale housing developments elsewhere other than in the designated five 'villages for growth'.

Chris Watts MRTPI DMS

10th March 2020

APPENDICES

APPENDIX ONE

This report has been prepared on behalf of Mr Peter Barrow and Mrs Sandra Barrow and the following local residents of Codicote, and is in the copyright of Maze Planning Ltd.

Mrs Rita Bryce		5, The Riddy ,	SG4 8UP
R	Gudgeon	2, The Riddy,	SG4 8UP
J H	Gudgeon	2, The Riddy,	SG4 8UP
Beryl Stimpson		4, The Riddy,	SG4 8UP
Trevor Sanders		4, The Riddy,	SG4 8UP
P	Batchelor	6, The Riddy,	SG4 8UP
G	Batchelor	6, The Riddy,	SG4 8UP
Trevor	Woolgar	7 The Riddy	SG4 8UP
Marion	Woolgar	7 The Riddy	SG4 8UP
Anne	Stuckey	8 The Riddy	SG4 8UP
Brian	Stuckey	8 The Riddy	SG4 8UP
Lisa Pardy		Highbury, Cowards Lane,	SG4 8UN
Susan Spurden		Oaklea, Cowards Lane,	SG4 8UN
Peter Spurden		Oaklea, Cowards Lane,	SG4 8UN
Dennis Linder		Greenacre, Cowards Lane	SG4 8UN
Gwen Linder		Greenacre, Cowards Lane	SG4 8UN
David Roads		Green-Ridge, Cowards Lane	SG4 8UN
E	Sparrow	Elda, Cowards Lane	
E	Gosling	Chatsworth Cowards Lane	SG4 8UN
Terry Gosling		Chatsworth Cowards Lane	SG4 8UN
Ian Woods		The Well House Cowards Lane	
Mark Whittle		The Well House Cowards Lane	
Neil Henderson		97, New Town	SG4 8UQ
Karen Henderson		97, New Town	SG4 8UQ
Ian Ruddlesden		Ullenhall, Cowards Lane,	SG4 8UN
Catharine Ruddlesden		Ullenhall, Cowards Lane,	SG4 8UN
Joan Burnett		Woodgates Cowards Lane	SG4 8UW
Jayne Kearey		Westbury Cowards Lane	SG4 8UN
David Williams		Westbury Cowards Lane	SG4 8UN
Max Cain		Westbury Cowards Lane	SG4 8UN
Alex Dale		187 High Street	SG4 8UD
Jane Dale		187 High Street	SG4 8UD
Charlie Dale		187 High Street	SG4 8UD
Harry Dale		187 High Street	SG4 8UD
Louise Woodward		181 High Street	SG4 8UD
Steve Woodward		181 High Street	SG4 8UD
Justin Burgess		37 St Albans Road	SG4 8UU
Emma Burgess		37 St Albans Road	SG4 8UU
Peter Barrow		Hollards Farm	AL6 9UH
Sandra Barrow		Hollards Farm	AL6 9UH
Karen Barrow		Hollards Farm	AL6 9UH
Ezel Hussein		Hollards Farm	AL6 9UH
Ross & Marlene Evans		Penwith House Cowards Lane	SG48UN

Steven & Sandy Archer	Taveta, Cowards Lane	SG4 8UN
Andrew Simpkins	72a St Albans Road Codicote	SG4 8UU

Rebecca Rose
Field House, Cowards Lane
SG4 8UW

Stuart Rose, Field House,
Cowards Lane, Codicote, SG4
8UW

APPENDIX TWO

EXTRACT FROM MAZE PLANNING LTD REPRESENTATIONS DATED 24/11/2016

other areas proposed for new housing developments within the East of England."

44. In addition, it should also be noted in terms of water abstraction from rivers to serve residential areas and agriculture that from April 2018, the Environment Agency are going to revoke the licence currently with Affinity Water, to abstract any water from the river at Fulling Mill (see extract, and more recent e mail my clients have received at Appendix Twelve) in order to protect the river Mimram.

45. In relation to current health services serving Codicote, Knebworth has a surgery but Woolmer Green does not. The Bridge Cottage GP Practice serves Welwyn, some (Welwyn side) parts of WGC including Knightsfield, Woolmer Green, Datchworth, Knebworth up to the round-a-bout (even though they have their own surgery), Kimpton (where they hold a small surgery each morning), Codicote, Driver's End, Rabley Heath, Oaklands, as well as some other small villages surrounding these areas. The parking spaces at The Bridge GP Practice in Welwyn are always full and the car park is at capacity and cannot be extended any further.

46. However they have 16,000+ patients already and expanded the surgery up to full capacity a few years ago. It must be questionable if they do indeed have there is no room or space for extra capacity for any more GP consulting rooms.

47. Their list includes two care homes which also have to be visited, almost daily by a duty doctor. Within the past 18 months, due to patient number pressure, casual surgeries have been discontinued, in favour of appointment only consultations. Appointments are scarce, with waiting times of two weeks or more. With an influx of so many extra patients, the GP practice may have to redefine its patient area, with a consequent impact on Codicote.

2. LAND SOUTH OF COWARDS LANE, CODICOTE (CD1)

2.1 Turning to the detail of the potential harmful impacts of developing the site on land South of Cowards Lane, which is shown edged in red on the site location plan at Appendix One, these would be significant.

2.2 The Submission Version of the Local Plan sets out on page 152 a number of key criteria which it considers should be addressed in order to bring forward 73 dwellings on this allocated site on the edge of Codicote. My clients, in their previous representations on the Preferred Options consultation document, set out a far wider and more detailed review of the sort of impacts and harms that development of this site would result in. They are repeated below, but before expanding on them, it should be noted that the criteria set out in the Submission Version on page 152 **do not include that**:

- The land is an ancient pasture, "Unploughed in living memory" A required assessment of landscape impacts is essential;
- A required assessment of the limitations and constraints in place now of Cowards Lane in terms of its width, character and proximity to other dwellings;
- A required assessment of archaeological remains likely to be found;
- A required assessment of the previous and current use of the land for informal recreation and access use;
- A required assessment of power, sewerage, education, health and other local infrastructure limitations and capacities;
- A required assessment on the effects on Mr and Mrs Barrow's ability to continue to maintain their land holding at Hollards Farm, which is adjacent to, and co-existing with the land south of Cowards Lane.

2.3 All these other and very serious potential constraints were identified by my clients as part of their previous representations on the Preferred Option consultation. It is completely unacceptable that the above constraints and issues are not included in the list of criteria set out by the Council on pages 152 of the Submission Version consultation document. In this context it is therefore important to repeat what we stated then as follows:

2.4 Our concerns regarding the development of site CD1 relate in the main to:

- The impact on the openness, character, appearance and visual amenities of this part of the Green Belt and the countryside, and this part of the village itself;

- The impact on the capacity of the local highways, sewerage and power infrastructure, and education and health facilities;

- The impact on the archaeology and ecology of the site and the surrounding land which includes a County Wildlife Site ref 43/042 (Hollards Farm Meadow) immediately adjacent to the site in question; and supporting two natural ponds;

- The impact on the current informal use of the land for recreation and as informal rights of way;

- The impact on my client's management of the land and holding at Hollards Farm itself.

a. Green Belt and countryside impacts

2.5 Although the National Planning Policy Framework (NPPF) allows for a comprehensive review of Green Belt boundaries as part of the development of a new or replacement Local Plan, it also advises that Green Belt designation can also mitigate against the Council in question being able to meet its objectively assessed level of housing need.

2.6 In addition the NPPF also advises that new Green Belt boundaries should be defined clearly, using physical features that are readily recognisable and likely to be permanent.

2.7 In the case of the land South of Cowards Lane, Codicote, this Green Belt guidance in the NPPF would certainly apply in my client's view. Firstly, the value of this site in Green Belt terms is such that it should not be released from the Green Belt, and secondly there is already a very clear, permanent and recognisable boundary between the settlement of Codicote, and this Green Belt land marked by Cowards Lane and the ancient hedgerow on the southern side of that road. The District Council has recognised this fact in its Green Belt Review documentation, Part 2, Table 7.

2.8 In addition, in the case of the review which North Herts District Council has undertaken of its own Green Belt boundaries, this has, from a review of the summary findings, substantially underplayed the impact of a residential development and major road improvements on this site, and on the openness, character and appearance of the Green Belt.

2.9 For example the spreadsheet in Appendix 2 to the Matrix of Sites advises for site CD1 that under the heading of 'suitability' it is capable of delivering a residential development. In addition, under the heading of 'achievability', that the site is green field with no obvious factors that would influence viability. This is attached as Appendix Two to this report.

2.10 These statements can still reasonably be challenged in my view on the grounds that the site is clearly not suitable for a high density residential development of the scale envisaged by the local planning authority (73 units) and that to achieve such a development would entail major engineering works at the point of access and all along Cowards Lane, as well as on site to facilitate all that housing, the internal road network and car parking. This would completely change the whole fabric and rural character of this end of the village, to its detriment.

2.11 The land rises up from Cowards Lane, and it could also be reasonably argued that the necessary street lighting and lighting from houses, and cars exiting the development would add significantly to light pollution, thus urbanising further this end of the village, and harming nocturnal wildlife, including owls and bats that breed in the adjacent nature reserve. The increase of domestic cats on the development would drastically affect the birdlife and small mammals that currently thrive on the nature reserve.

2.12 In addition, in the Green Belt Review documentation Report 1b, at page 44, the Table summarising the Council's assessment of the role of each site in Green Belt terms, it is concluded that site CD1 only makes a moderate contribution to the Green Belt overall. The summary table also advises that the site adjoins the built up area on two sides. The relevant pages are attached at Appendix Three.

2.13 This assessment can be reasonably challenged. In terms of the topography and landscape value of the site, the site makes a much greater contribution to the qualities of the Green Belt

than is assessed. The loss of the site would also result in the beginning of the erosion of the strategic gap between Codicote and Welwyn, a factor which the District Council itself acknowledges elsewhere must be taken into account.

2.14 It should also be noted that the government published further guidance on the protection of the Green Belt under the National Planning Policy Framework (NPPF) in early October 2014 and added this to the on line Planning Practice Guidance notes on 6th October 2014. The updated version is attached as Appendix Four.

2.15 An accompanying press release on 4th October by the Department for Communities and Local Government (DCLG) advise that brown field land should be prioritised and that Councils should use their Local Plan, drawing on protections in the NPPF, to safeguard their local area against urban sprawl, and protect the green lungs around towns and cities. DCLG also advise that once they have been established, Green Belt boundaries should only be altered in exceptional cases, and that this should be done through the preparation or review of the Local Plan. This is attached at Appendix Five.

2.16 That Press release confirmed that housing need does not justify harm to the Green Belt. This latest guidance makes clear that the NPPF should be read as a whole, and that housing need is not the only issue to be considered in drawing up a Local Plan, it is just the first stage in that consultative and plan making process.

2.17 In relation to the specific harm caused by any residential development of the scale anticipated by the local planning authority, it is firstly important to consider that the NPPF confirms that the fundamental aim of designating Green Belts is to maintain their openness.

2.18 In addition the NPPF also sets out five main purposes of such a designation. In the case of this particular site, it is considered that not only would the openness of the Green Belt be completely lost, but that several purposes of designating a Green Belt would be undermined.

2.19 In particular, the development of this site for housing for 73 units, would, in relation to the purposes of Green Belt designation:

- erode the strategic gap between Codicote and Welwyn and make it more difficult to stop the merger of those two settlements;
- add to encroachment of urban development in the open countryside; and
- not enable the regeneration of, and would weaken the ability of the local planning authority to achieve the delivery of derelict urban sites in Codicote and elsewhere as part of a sustainable and sequential approach to the delivery of new housing sites.

2.20 In addition that scale of development as proposed and estimated by the local planning authority to be 73 units, on a site which rises up on a slope to a hill top, would completely dominate the views and outlooks from the surrounding residential areas; Hollards Farm itself and public rights of way in the local area. The topography of the site does not lend itself to a residential development of up to 73 units, and the land form would be completely changed through such an urbanising form of development.

2.21 The introduction of this scale, high density and suburban nature of residential development would not only destroy the openness of the Green Belt, but significantly harm the character, appearance and visual amenities of the Green Belt as a result. For example, a development of 73 houses could well involve, more than the current parking spaces planned and the need for the introduction of for at least 110 - 146 car parking spaces/garages, based upon an average on - site provision of 1.5 – 2 spaces per unit.

2.22 It is in practice more likely that many of those dwellings would have at least 2 on site car parking spaces or garages. The site could not possibly accommodate all that car parking without a significant urbanising impact on the land itself. In addition if the local planning authority wished to restrict the amount of car parking on the site for that very reason then there would almost inevitably be a significant proliferation of car parking in surrounding streets.

2.23 However, the High Street is already full of cars parked when commuters return home from work, and until the next morning when they leave again for work. The pavement widths cannot be reduced to widen the road and try to improve traffic flows. There is no available adjacent site for more car parking and no space on the single track Cowards Lane.

2.24 A survey was conducted by my lead client earlier this year of the car parking situation along the High Street. The survey of parking was undertaken on Friday evening on 19th November 2016 at 18.50pm.

2.25 On the South side of the High Street, the High Street runs from S East (Welwyn end) to N West (Hitchin end) there were 68 cars and one motorbike noted as being parked with no spaces available to park in save the-driveways of houses. There were three cars parked in or straddling the marked bus 'pull in' and two cars straddling the disabled box. (Presumably, any bus stopping would stop and hold up the traffic?).

2.26 From the junction of Cowards Lane until house number 206, for a distance of about 25 metres, the cars had been parked on the narrow pavement, forcing pedestrians off the pavement into the road, or to cross it instead

2.27 On the opposite side of the High St, the Council has installed anti parking bollards on the pavement and the pavement is very narrow from The Globe PH until past the local Pharmacy with the result that there are now less parking spaces that are potentially available.

2.28 Cowards Lane and the hedgerow running along its southern side, would be completely dominated by the new residential development and required highway works and roundabout. Cowards Lane along the entire length has no pavement and for 80% of the Lane, it is a single track lane that affords little space for passing by. Drivers often using the driveways of houses on the northern side of the Lane. Cowards Lane is also used as a cut through from the B656 High St, to the St Albans Road for builders going to the quarry, apart from commuters.

2.29 The Lane, which is a single width lane with passing only achieved by using the access drives of the houses and drives along the lane very narrow and has no pavement for pedestrians at present and no room for car parking on either side, would have to be widened along its full length, which is not possible due to existing homes have new street lighting, and would cease to be rural in character containing features such as a mature hedgerow, which is consistent with the character of this part of the countryside.

2.30 However the Lane cannot be widened along its full length in any case because of the narrowness of the road.

2.31 The village would also lose an existing and long standing settlement boundary which is clearly defined and defensible in Green Belt terms. Once this site is developed, there would be nothing to stop other land between Welwyn and Codicote from also being developed, thus resulting in the potential merger of the settlements of Welwyn and Codicote, something which one of the very purposes of designating a Green Belt is intended to avoid.

2.32 The scale of the necessary new highway improvements along Cowards Lane and at its junction with the High Street and Codicote Road, B656, would also completely change the nature of this end of the village and result in a much harsher, engineered and car dominated urban form.

2.33 Because of the significant increase in car borne traffic which this development would also result in and as evidenced in the Technical Paper from Cannon Consulting Engineers,, other consequential alterations to the road through the village would also be required, which could in practice change its character from a self contained and pleasant village to a congested, polluted, and much more urban environment (see Cannon report 6.1-6.2)

2.34 It should be noted that it is quite likely that even if the scale and number of residential units were to be reduced in the future on this site, the scale of the required access and highway improvements would remain the same, ie a roundabout and the widening of Cowards Lane to the detriment of the character, appearance and visual amenities of the Green Belt and this part of the village. That position is confirmed by the report of Cannon Consulting Engineers.

2.35 It should also be noted that if it is the intention of the Council to rely on the release of such sites from the Green Belt to maximise the provision of affordable housing, and to

address the unmet housing needs of the District, then in this case, that assumption may not hold good.

2.36 It is extremely doubtful that a development of 73 dwelling units could be built here without serious harm being caused to the countryside and this part of the village. If the development was reduced to even 50 units in order to try to address those physical and visual impacts, then that reduced level of residential development would still need a significant and large scale new access with very costly engineering and drainage works to create a new roundabout, and links to Codicote Road, as well as the widening and improvement of all of Cowards Lane itself.

2.37 Cannon Consulting Engineers estimate that these highway improvement works could cost approx £1 million.

2.38 Such costs, as well as other Section 106 or future CIL Levy charges for education, sewerage, health facility and library improvements, would substantially reduce the financial viability of the development such that it would be likely that the developer would submit a viability appraisal with any planning application made in the future, to demonstrate that the Local Plan's affordable housing requirements could only be met, if at all, at a much lower level of on - site provision, or even only through some much reduced level of off – site financial contribution.

2.39 However the Council in Appendix 2 to the Matrix of Sites that are listed on page 21, and including site CD1 (land south of Cowards Lane) only advises that this is a green field site with no obvious factors that would influence viability!! (See extract attached as Appendix Two to this Report).

2.40 Firstly, the designation of the site within the Metropolitan Green Belt itself is not referred to here as it should have been, and secondly, as discussed above, there are several significant factors that would weigh heavily in relation to influencing the viability of a development of the site and a consequent reduced level of affordable housing that could be delivered, in viability terms.

b. The capacity of the existing highways infrastructure, sewers, power and education facilities in and around Codicote

2.41 The Technical Paper produced by Cannon Consulting Engineers demonstrates that firstly, the existing road network in and around Codicote could not cope with housing development of the kind proposed in the emerging Local Plan without significant harm arising through traffic congestion and other car borne impacts, in particular along the B656, the High Street in Codicote, and also within the immediate residential environs of the local school in Codicote, which is located within a Schools Safety Zone. The capacity is not there at present to deal with the additional population and consequent traffic increases.

2.42 Secondly, that significant changes and additions to highways infrastructure would be required to enable the development of land south of Cowards Lane in particular to be accommodated, even if the number of residential units proposed was reduced from 73. These changes are described in the Technical Paper from Cannon Consulting Engineers in more detail. These changes would include widening Cowards Lane and requiring new pavements, street lighting, drainage and urbanisation of this rural lane. The lane itself is narrow at its pinch point, being only approx 2.5 metres wide for a length of approx 120 metres.

2.43 In the view of my clients, those changes would in themselves cause harm to the Green Belt as described above, but also to the character, built form, and liveability and condition of Codicote, as a rural village set in the open countryside.

2.44 For example, the existing school in the village is already over capacity and would need to be expanded physically. There is not much room within the school site for new classrooms and associated new education and play facilities, but even if room was found, the impact of a significant number of new residents trying to park on the surrounding roads, which are designated a School Safety Zone, in order to drop off or pick up their children from the school would be substantial.

2.45 In fact there is no existing car parking available to allow for additional teaching staff to be able to park at the school, and potentially the existing external recreation and play space would have to be reduced to facilitate more buildings, and larger kitchen/dining areas. The concern of Codicote School, is that the expansion of such facilities and consequent reduction in external playing field and play space areas, could damage the health and well being of the children. This would be to the detriment of the childrens' health and fitness overall and contrary to the aims of chapter 8 of the Framework *Promoting Healthy Communities.*

2.46 The Council itself in the supporting evidence base confirms that there is a problem with the sewerage capacity in Codicote and that this infrastructure will have to be improved and increased if new housing is to be built here and on the proposed Green Belt sites.

c. Impacts on archaeology and ecology.

2.47 It should also be noted that the land south of Cowards Lane is also likely to contain archaeology of some value, and in particular iron - age remains. (See plan attached at Appendix Six) A major report on these matters was published in 1990 for North Herts Museum, in relation to the Hollards Farm land holding, which at the time included the site in question off Cowards Lane.

2.48 The report, which followed a series of trial trenches and ground tests shows that the site south of Cowards lane contains large areas of ridge and furrow, which is an archaeological pattern of ridges (Medieval Latin *sliones*) and troughs created by a system of ploughing used in Europe during the Middle Ages, typical of the open field system. An old quarry is also identified.

APPENDIX THREE

North Hertfordshire Local Plan 2011 - 2031

Green Belt Review

Update 2018

Table 1: Summary revised assessment of Strategic Green Belt parcels

Strategic Parcel	Openness		Contribution to Green Belt purposes	
	Visual	Physical	Safeguarding countryside	Overall
1 Lilley	Mixed	Mixed / High	Moderate	Moderate
2 Lilley Bottom	Mixed / High	Mixed / High	Significant	Significant
3 Peters Green	Mixed	High	Moderate	Moderate
4 Porters End	Mixed	Mixed	Moderate	Moderate
5 Codicote	Mixed / High	Mixed	Moderate	Moderate
6 Pottersheath	Low	Low	Moderate	Significant
7 Old Knebworth	Mixed	Mixed	Moderate	Moderate
8 Knebworth	Mixed	Mixed	Significant	Significant
9 Langley	Mixed	Mixed / High	Significant	Significant
10 Little Wymondley	Mixed	Mixed	Moderate	Significant
11 Gosmore	Mixed	Mixed / High	Significant	Significant
12 Oughtonhead	High	Mixed / High	Significant	Significant
13 Ickleford	Mixed	Mixed / High	Moderate	Moderate
14 Willian	Mixed / High	Mixed / High	Significant	Significant
15 Jack's Hill	Mixed / High	Mixed / High	Significant	Significant
16 Warren's Green	Mixed	Mixed / High	Significant	Moderate
17 Weston	Mixed	Mixed / High	Moderate	Limited
18 Baldock Gap	Low / Mixed	Low / Mixed	Moderate	Significant
19 Weston Hills	High	Mixed / High	Significant	Moderate
20 Baldock East	Mixed / High	Mixed	Moderate	Moderate
21 Bygrave	Mixed / High	High	Significant	Significant
22 Radwell	Mixed / High	Mixed	Significant	Significant

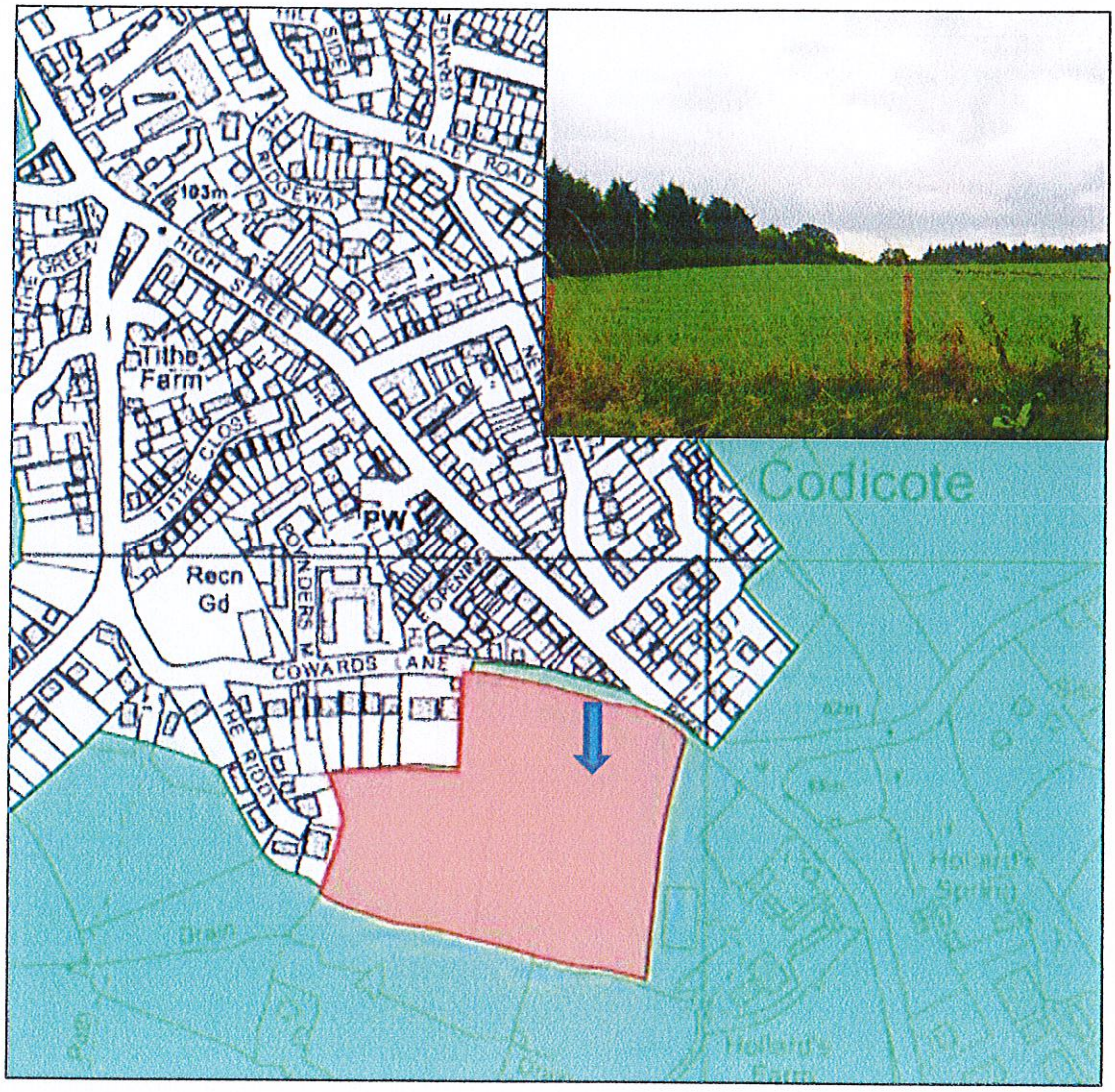
Table 3: Summary revised assessment of potential Green Belt development sites

Site ref	Address	Settlement	Parcel	Openness		Contri	
				Visual	Physical	Sprawl	Merge
	Housing sites						
212a	Land north east of Luton	Luton (adjoining)	2a	Mixed	Mixed / High	Significant	Moderate
340	Dancote, Cockernhoe Green, Cockernhoe	Luton (adjoining)	2c	Low	Mixed	Limited	Limited
ELW	Luton East (west)	Luton (adjoining)	2c	Mixed / High	Mixed / High	Significant	Moderate
ELE	Luton East (east)	Luton (adjoining)	2d	Mixed	High	Significant	Moderate
49	Allotments south of Colemans Road, Breachwood Green	King's Walden	2h	Mixed / High	High	Limited	Limited
51	Allotments west of The Heath, Breachwood Green	King's Walden	2h	Low	Mixed	Limited	Limited
29	Land south of Cowards Lane	Codicote	5a	Mixed	High	Limited	Limited
30	Land at Codicote House, Heath Road	Codicote	5a	Low	High	Limited	Limited
31	Land south of Heath Lane	Codicote	5a	Mixed	High	Limited	Limited
313	Land south of Heath Lane	Codicote	5a	Mixed	High	Limited	Limited
32	Land north east of The Close	Codicote	5b	Low / Mixed	High	Limited	Limited
315	Mansells Farm (B)	Codicote	5b	Mixed	Mixed / High	Limited	Limited
205N	Codicote Garden Centre, High Street (north)	Codicote	5b	Low / Mixed	Low / Mixed	Limited	Limited
205S	Codicote Garden Centre, High Street (south)	Codicote	5b	Mixed	High	Limited	Limited
52	Land at Deards End	Knebworth	8a	Mixed	High	Moderate	Moderate
335	Land rear of Redwood, Deards End Lane	Knebworth	8a	Low / Mixed	Mixed	Limited	Limited
58	Land north of Watton Road	Knebworth	8b	Mixed / High	Mixed / High	Moderate	Significant
55	Land north of Old Lane	Knebworth	8c	Mixed	High	Moderate	Significant
57	Land south of Swangley's Lane	Knebworth	8c	Mixed	High	Moderate	Limited
336	Land east of Old Lane	Knebworth	8c	Mixed	High	Moderate	Limited
53	Land at Gypsy Lane	Knebworth	8d	Low / Mixed	High	Moderate	Moderate
WSN	Stevenage West	Stevenage (adjoining)	9a - 9e	Mixed / High	High	Significant	Moderate
98	Land north of Pound Farm, London Road (St Ippolyts parish)	Hitchin	10a	Low / Mixed	High	Moderate	Moderate
SI/r3	Land south of Stevenage Road	St Ippolyts	10a	Low / Mixed	High	Limited	Limited
225	Land west of Hitchin Lane (St Ippolyts parish)	Hitchin	10a / 11d	Mixed	High	Moderate	Limited
110*	Oakfield Farm, Stevenage Road (A602)	Hitchin	10b				

Appendix 1 – Site survey pro-forma with guidance notes

SITE SURVEY

Green Belt Review Site reference:	29 (Local Plan site CD1)
Green Belt Review sub-parcel	5a
Site address	Land south of Cowards Lane, Codicote



Site Description

Visual Openness	**Mixed** – undulating site contained by hedgerows and adjoining residential development and agricultural land. Internally open but limited views in and out other than from immediate boundaries.
Physical Openness	**High** – Undeveloped greenfield site that abuts the southern settlement edge of Codicote.
Quality of the Boundaries	**Moderate** – Well-established field boundaries form outer edge to the south and east.

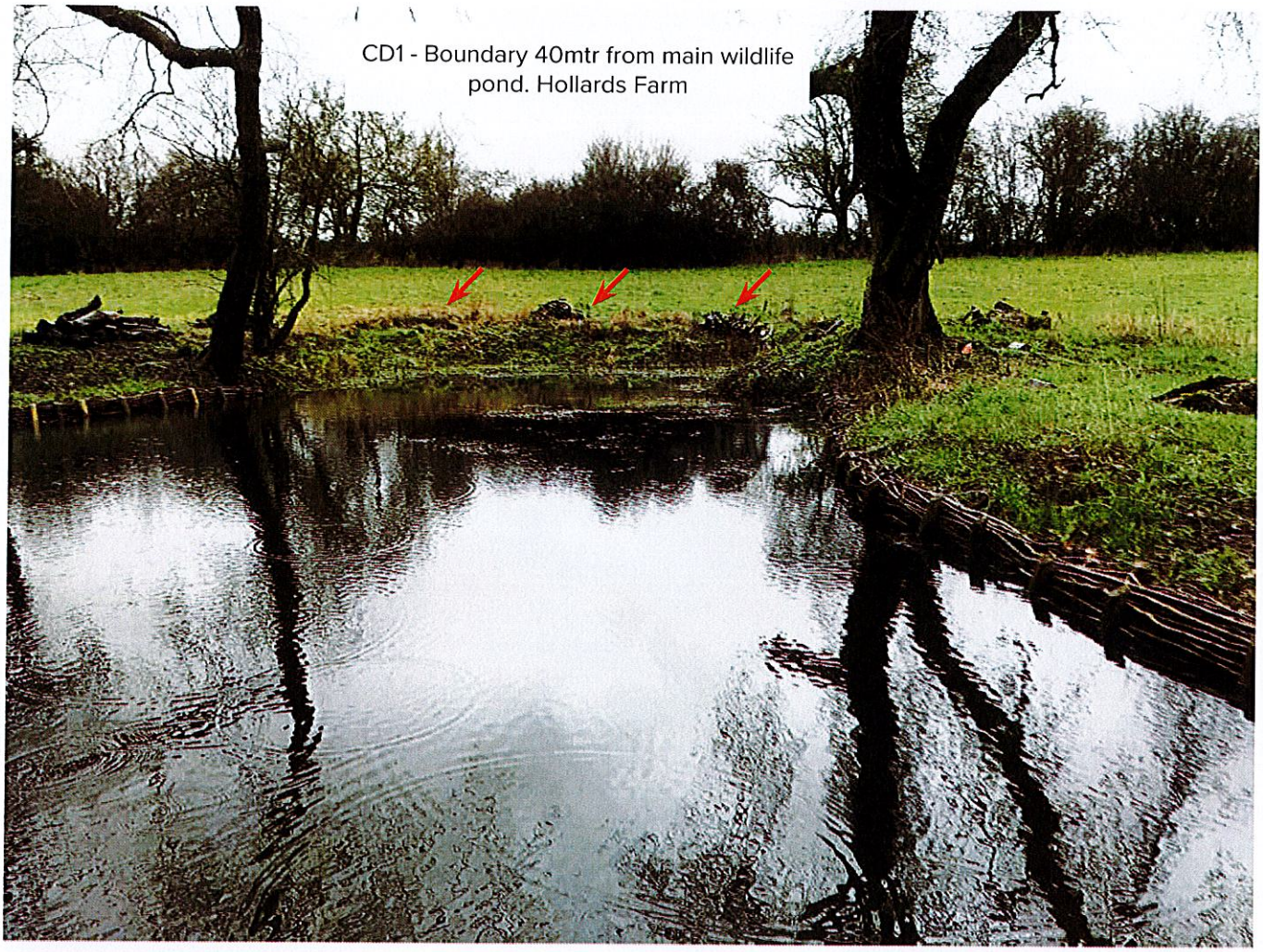
Contribution to Green Belt Purposes

Green Belt Purpose/ NPPF topic	Assessment Criteria: what is the contribution of the site in respect of …	Contribution to Green Belt Purposes / Explanation
To check the unrestricted sprawl of large built-up areas	…preventing the extension of an existing development into open land beyond established limits, in light of the presence of significant boundaries?	**Limited Contribution** – Site does not adjoin large, built-up area.
To prevent neighbouring towns merging into one another	…preventing the merger of settlements which might occur through a reduction in the distance between them?	**Limited Contribution** - Plays no role in preventing merger of neighbouring towns though does contribute to separation between Codicote and Welwyn.
To assist in safeguarding the countryside from encroachment	…maintaining a sense of openness, particularly in light of proximity to a settlement edge?	**Moderate Contribution** – Introduction of built form would cause some harm to this purpose but would not extend substantively beyond current southern limits of The Riddy while views are constrained from some directions.
To preserve the setting and special character of historic towns	…the proximity to, and degree of intervisibility with, the core (such as a Conservation Area) of an historic town or settlement?	**Limited Contribution** - No conservation area impact and no impact on setting
Overall Assessment of Contribution to Green Belt Purposes	…the overall contribution of the parcel/site to the Green Belt in light of the judgements made on individual purposes?	**Moderate Contribution** - Site immediately abuts existing settlement preventing outward spread of Codicote but small size limits extent of impacts should it be developed.
Permanence of the Green Belt (NPPF paragraphs 83 & 85)	…the quality of the proposed boundary, including opportunities for the re-definition or 'tidying-up' of the wider Green Belt boundary.	**Moderate** – Development of this site would require a new Green Belt boundary along the southern and eastern edge of the site.

APPENDIX FOUR

CD1 - Cowards Lane fall of land and drainage onto Wildlife Site

APPENDIX FIVE



CD1 - Boundary 40mtr from main wildlife pond. Hollards Farm

Main wildlife pond with drainage from CD1

East 2 - small pond

East 1 - small pond

Stream from main pond to East 2 pond

West small pond

CD1 - Cowards Lane drainage ditch

CD1 - Cowards Lane drainage ditch

Hollards Farm pond

Drainage from CD1 ditch

APPENDIX SIX

Our Ref: AEH/1186.01/L0001
15 March 2019

Strategic Planning and Projects Group
North Hertfordshire District Council
PO Box 10613
Nottingham
NG6 6DW

Dear Sirs

Main Modifications to North Hertfordshire Local Plan

We act on behalf of Save Rural Codicote (SRC) and have already submitted objections to the Local Plan and have attended various sessions of the Examination in Public. We now write in relation to the proposed Main Modifications to the Local Plan that were published by North Hertfordshire District Council in November 2018. This letter should be read alongside that submitted by Railton TPC dated 27 February 2019.

It is noted that the Inspector's Report on his findings following the Examination in Public has not yet been published and therefore there is no detailed explanation as to why these specific modifications are required. The short reason/source does not provide adequate justification for the proposed changes.

We consider that the published Main Modifications do not address SRC's objections to the Local Plan. Those objections related to the changes to the Green Belt Boundary, particularly in relation to Codicote and the large and disproportionate scale of housing proposed for the village. Very limited infrastructure improvements or provision are proposed to support this level of development and, as explained in Railton TPC's representations, the local highway network also is not capable of accommodating such large scale growth.

Of particular concern to SRC is the revised status of the village as now proposed in Policy SP2. The village is to be one of five villages proposed to accommodate 11% of the growth in the district and with Codicote confirmed as now providing 367 dwellings (the sum of the proposed allocations in the Main Modifications). The revisions also indicate that supporting infrastructure and facilities will be delivered to those villages whilst not presenting any information as to what and how these are to be provided. The main modifications do not make any provision for additional employment within Codicote for the expansion and provision of additional retailing or services other than through the provision of some extra land for the school (which we refer to later). There are very limited employment opportunities and the targeting of housing growth into the village without these necessary services and facilities will simply further ensure that Codicote remains solely a commuter village. This, together with the absence of appropriate public transport, will further force residents to use the unsuitable and inadequate highway network to drive their own cars to find employment. SRC consider that this is an unsustainable approach and cannot see

how a Local Plan can advocate growth in the way that it does without providing the necessary employment etc. to accompany it.

It is considered that the published Main Modifications simply 'tinker' at the edges and do not address these matters or deal with the fundamental concerns of SRC. Policy SP5 is largely unchanged and there are no modifications to the Proposals Map relating to Codicote. The Main Modifications do not remove the allocations proposed for Codicote in the submitted Local Plan, nor do they provide any justification as to why such large areas of green belt need to be developed or indeed, why the very large area of 'replacement' green belt is required in the location that is proposed in the Local Plan.

The Modifications do not amend the densities on the sites, despite the fact that applications have been submitted at considerably higher densities than those set out in the submission plan, suggesting that the identified housing need could be met by smaller sites and less land being taken out of the green belt.

It is noted that the site specific policies for Codicote have been modified in order to secure the school land before any dwelling is occupied on Sites CD1, CD2 and CD3 and these sites are required to make a contribution towards the school expansion on site CD5. CD5 is to come forward first to '*ensure availability of land for expansion of existing school to accommodate additional pupils arising from the allocated sites address.*'

This does not secure or ensure the actual expansion of the school before these developments take place. There is no policy requirement for the 'land' to be laid out as playing fields or for site CD5 to contribute to the school expansion other than through the provision of land, despite the fact that it will provide the largest number of houses of all the allocated sites and therefore likely demand for school places. There is no requirement for the school places to be provided in an appropriate timescale and the policies only require the land to be secured. This means that extensive development could proceed (and demand for additional school places exceed supply) well in advance of the land being properly laid out as a playing field and the Education Authority securing the appropriate permissions to develop on its existing playing field and build extensions to the school.

Furthermore, no consideration has been given to the location of the land and the fact that it is proposed as an extension to a primary school but is physically separated from it and bordered by well used public footpaths with consequent issues on safeguarding of young children. There has been no requirement for any proposal to permanently divert the public right away from the school or that the Education Authority has been consulted on any proposal or application. As a matter of the school's children's safety this will have to be agreed prior to any expansion being granted. It is noted also that the Plan, as proposed to be modified, does not provide any indication of the amount of land that is to be allocated for the school, nor does it tie it to the requirements of the school. This is a fundamental omission and allows the developer to provide a notional area of land rather than meet a specific requirement of the school. The inclusion of a specific area of land in the Local Plan as a matter of policy would provide clear guidance to residents and developers as to what is expected and required and would be in accordance with the plan led system.

It is considered however, that calculations based on the allocation numbers provided in the Local Plan will prove incorrect as these allocations are already being exceeded by planning applications and proposals as shown in the table below. The table below shows that virtually all the sites are proposing increases in the numbers of dwellings.

Sites CD1 and CD5 are current proposals with actual planning applications on hold. There has been a public consultation on Site CD2 for 72 dwellings and a planning application is expected at any time. No proposals for site CD3 have yet come forward but it is clearly logical that, based on the proposals for the other sites, that this also will deliver a higher yield than allocated in the Local Plan.

In addition to the above, SRC have calculated that some 87 planning permissions have been granted or are pending on windfall sites in the village from 2011 to date. This, combined with the 370 currently proposed for the allocation sites, means that Codicote would see a total increase of some 457 dwellings.

Local Plan and Current Planning Proposals of New Dwellings in the Parish of Codicote

Site	Submission Local Plan - No of Dwellings	Current proposals - No of Dwellings	Increase	% Increase
CD1	73	83	10	14.%
CD2	54	72	18	33.%
CD3	48	48*	0	0%
CD5	140	167	27	19 %
Windfall sites (from 2011 to date)	49	87	87	
Total	364	457	142	39%

* *Note: No proposals yet been promoted.*

Actual proposed increase to Codicote Parish and Village

Codicote	No of Houses	Total Number of Dwellings Proposed	% Increase to Village
Village	1100	457	42%

* *Note: CD4 Travellers site which has not been included*

The reality therefore, is that with windfall sites added into the equation, the number of dwellings which have or will be built within Codicote will be in the region of 457, a considerable increase of 39% over the Local Plan proposed allocation and anticipated numbers and some 42% of the total number of houses in the village. This increase in the size of the village is not matched by a similar increase in facilities and services.

Bearing in mind this very significant increase in the size of the village, SRC consider that the Local Plan should make clear and proper provision for the school's future needs if it is to properly serve Codicote residents and its catchment area.

It was clear at the Examination that the Education Authority considered that the school, if extended, would only just be able to cater for the allocation numbers

contained in the submission Local Plan but we are already seeing applications for development well in excess of those numbers. There is no guarantee that, even with the land being available, an expanded school will be able to accommodate the higher numbers that are now resulting from these and other sites in the village (as opposed to the notional numbers proposed in the Local Plan), nor indeed that other facilities serving the village will be able to accommodate the higher population. This does not appear to have been addressed in the Main Modifications.

It is also noted that the Codicote specific policies have been modified to require transport assessments to be submitted with each application and for them to consider the cumulative impacts of the allocation sites in Codicote. Railton TLC addresses the implications of this in their letter of the 29 February 2019 together with other concerns relating to the lack of any update to the strategic transport model. It remains SRC's concern that the submission Local Plan is seeking to place large scale development in locations which are fundamentally unsustainable, particularly in transport terms, without any proper appraisal as to how those developments will impact upon the local area and services. The inclusion of a new paragraph after paragraph 4.68 refers to mitigation but neither it, nor the policies, can guarantee that the sites would be able to achieve the necessary and permanent mitigation which is likely to be significant for Codicote in view of the surrounding highway network. That work should have been done prior to allocating the sites and the necessary mitigation identified in the Local Plan.

In summary, Save Rural Codicote considers that the published Main Modifications do not address SRC's objections to the submission Local Plan and in those circumstances, SRC's objections still stand.

Yours faithfully

ALISON HUTCHINSON
Partner
Email: alison@hutchinsons-planning.co.uk

Cc Save Rural Codicote

APPENDIX SEVEN

North Hertfordshire Local Plan 2011 – 2031

Schedule of proposed Main Modifications

November 2018

Ref.	Page (LP1)	Policy / Paragraph	Modification	Reason / source
MM 010	32	Policy SP2	**Policy SP2: Settlement Hierarchy and Spatial Distribution**[x] **Between 2011 and 2031, the plan seeks to make provision for at least 15,950 new homes.** **Approximately 80%** ~~The majority~~ of the District's **housing** development **and the substantial majority of new employment, retail and other development** will be located within **the adjusted settlement boundaries of** ~~or adjoining~~ the following towns: • Baldock **(3,298 homes)**; • Hitchin **(1,679)**; • Letchworth Garden City **(2,167)**; • Royston **(1,797)**; • Stevenage (including Great Ashby)[32] **(1,830)**; and • Luton[32] **(2,100)** **Approximately 11% of housing, along with supporting infrastructure and facilities will be delivered in five villages identified by this Plan for growth:** • **Barkway (209)** • **Codicote (367)** • **Ickleford (210)** • **Knebworth (736)** • **Little Wymondley (306)** **The remaining development will be dispersed across the District as set out below.** **In Category A villages,** ~~G~~general development will ~~also~~ be allowed within the defined settlement boundaries of ~~the Category A villages of~~: • Ashwell; • ~~Barkway;~~ • Barley; • Breachwood Green; • Cockernhoe **& Mangrove Green**; • ~~Codicote;~~ • Graveley; • Hexton; • ~~Ickleford;~~ • Kimpton; • ~~Knebworth;~~ • ~~Little Wymondley;~~ • Lower Stondon[32]; • Oaklands[32]; • Offley; • Pirton; • Preston; • Reed; • Sandon; • St Ippolyts **& Gosmore**; • Therfield; • Weston; and • Whitwell.	For **effectiveness** to better explain the spatial strategy of the Plan following Matter 2 Hearing Session (ED53, ED138)

Ref.	Page (LP1)	Policy / Paragraph	Modification	Reason / source
			Infilling development which does not extend the built core of the village will be allowed in the Category B villages of: • Blackmore End; • Kelshall; • Old Knebworth; • Great Wymondley; • Lilley; • Rushden; • Hinxworth; • Newnham; • Wallington; and • Holwell; • Willian. ~~Only~~ Limited affordable housing and facilities for local community needs **meeting the requirements of Policy CGB2** will be allowed in the Category C settlements of: • Bygrave; • Langley; • Peters Green; and • Caldecote; • Nuthampstead; • Radwell • Clothall; **Development outside of these locations or general parameters will be permitted where this is supported by an adopted Neighbourhood Plan. Under the provisions of national policy at the time of this Plan's examination, Neighbourhood Plans cannot allocate sites in the Green Belt or amend Green Belt boundaries** **[x] The figures shown in this policy for individual settlements are the total of planned, permitted and completed development for the period 2011-2031 as shown in Chapter 13 of the submitted plan. These figures are <u>not</u> a target and do not necessarily represent the maximum number of new homes that will be built.**	
MM 011	33	After paragraph 4.11 (new paragraphs)	**Based on the policies and allocations of this plan, it is anticipated that at least four in every five new homes delivered over the plan period will be built within the adjusted settlement boundaries of the towns. These will remain the primary focus for employment, retail and other development. The balance of new development will be distributed across North Hertfordshire's villages and the remainder of the District.** **Much of this growth will be delivered on sites allocated for development by this Plan. This will be supplemented by (often smaller) 'windfall' sites which come forward within the settlement boundaries and parameters identified in Policy SP2 as well as any further**	Consequential modifications to MM010 for **effectiveness** following Matter 2 & 8 hearing sessions (NHDC Matter

APPENDIX EIGHT

North Hertfordshire Local Plan 2011 – 2031

Schedule of proposed Main Modifications

November 2018

Ref.	Page (LP1)	Policy / Paragraph	Modification	Reason / source
			indicate the area within which further development will be allowed. The boundary has been drawn so as to encompass the existing developed extent but also allow for Codicote's future development needs.	MM010 [SP2] for **effectiveness** and for **legal compliance**
MM 223	152	Paragraph 13.77	Four sites are allocated in and around Codicote village for an estimated 315 new homes. A further ~~49~~ **52** homes have been built or granted planning permission with the parish since 2011.	**Positively prepared;** Updated housing monitoring information
MM 224	152	Policy CD1	Land south of Cowards Lane — 73 homes • Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery; • Sensitive integration into existing village, particularly in terms of design, building orientation and opportunities for cycle and pedestrian access; • **Land for school expansion site on CD5 to be secured prior to occupation of dwellings on this site;** • **Contribution towards school expansion on site CD5;** • **Transport Assessment to consider the cumulative impacts of sites CD1, CD2, CD3 and CD5 on the village centre and minor roads leading to/from Codicote and secure necessary mitigation or improvement measures;** • Sensitive design, particularly at north-east of site, to prevent adverse impact upon setting of Listed Buildings on High Street; • Preliminary Risk Assessment to identify any contamination associated with previous uses including mitigation; • Consider and mitigate against potential adverse impacts upon ~~Hollands~~ **Hollards** Farm Meadow Local Wildlife Site and adjoining priority woodland habitat.	For **effectiveness** following Matter 11 Hearing session and to correct factual error (ED96, ED148B)
MM 225	153	Policy CD2	Codicote Garden Centre, High Street — 54 homes • Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery;	For **effectiveness** as suggested in LP3 and following

APPENDIX NINE

approach represents a 'problem' with the soundness or legal compliance of the Sustainability Appraisal.

Conclusions

44. This supplementary paper, alongside the extensive evidence already submitted to the examination both verbally and in writing, clearly addresses the key concerns raised by the Inspector in relation to the consideration of Green Belt sites and the Green Belt Review Update. In summary:

- The level of assessed harm to Green Belt sites has been an integral part of the Council's site selection and decision-making processes. However, this has not been conducted in a strictly sequential or quantitative way. In particular, sites judged as making a significant contribution to Green Belt purposes generally offer opportunities of a very different scale and nature to those assessed as having lower potential harms; all these considerations have been factored into the Council's judgment whether exceptional circumstances exist to justify the release of land from the Green Belt and the allocation of the sites for development; clearly exceptional circumstances do exist to justify this. Land has not simply been allocated irrespective of the contribution made by it to the Green Belt or based upon an imperative to meet the District's identified housing needs at all costs;
- There remains sufficient justification and exceptional circumstances for allocating these sites now even in light of the enhanced contribution that some have now been found to make to Green Belt purposes; and
- Green Belt and / or contribution to Green Belt purposes are not factors that need to be directly considered by the sustainability appraisal. This is because Green Belt is a policy rather than an environmental designation.

45. The Council accepts that the GBRU alters the evidential basis on which the hearing sessions for a small number of sites were held. However it does not agree that it would be unfair to interested participants to proceed without exploring this point at a further session.

46. Very few participants to the Examination objected to the proposed allocations on the basis of the scale of harm to the Green Belt identified by the Council, or with reference to the original Green Belt Review. From a review of representations and statements to the examination it is clear that many objectors objected to the fundamental principle of land being released from the Green Belt at all. Many would have objected to their allocation irrespective of their Green Belt status. Whether the identified harm was said to be limited, moderate or significant had little bearing on the number and nature of the submissions made. Substantial objections were received to sites that, at the time, were assessed as having moderate harms. The Council does not believe that the re-grading of some of these sites to 'significant' is likely to substantively alter the cases already put to the examination by many objectors.

Paper B: Green Belt

1. The Inspector has requested that North Hertfordshire District Council (NHDC) provide further information to the Examination regarding the assessment of Green Belt. In his letter of 9 July 2019 (the Inspector's July letter), the Inspector raises a number of specific questions and queries on this matter. In particular, he has asked for clarity upon:

    - How the exercise of reviewing the Green Belt has affected the site selection process generally and how or whether the contribution made to the Green Belt by individual parcels of land has influenced their selection or rejection;
    - The apparent absence of sufficient justification for continuing to allocate sites which the Green Belt Review Update (GBRU) (ED 161) concludes make a significant, rather than a moderate, contribution to Green Belt purposes; and
    - The apparent absence of consideration of Green Belt matters in the Sustainability Appraisal

2. These issues are dealt with in turn below. All references to 'the Plan' or 'the Local Plan' in this response are to the submitted Plan (LP1) as suggested to be altered by the Proposed Main Modifications issued in November 2018 unless otherwise stated. All references to the National Planning Policy Framework (NPPF) are to the 2012 version unless otherwise stated.

Inspector's Query 1 – The role of the Green Belt Review in the site selection process

> *"…I am not clear from this, or from the previous hearing sessions, precisely how the exercise of reviewing the Green Belt has affected the site selection process. In particular, I am struggling to understand how, or indeed whether, the contribution – whether it be moderate, significant, or whatever – made to the Green Belt by any individual parcel of land has influenced its selection or rejection. Put simply, I cannot see how the conclusions of the Green Belt review exercise have informed the selection of sites."*
>
> *(Paragraph 14 of the Inspector's July letter)*

General principles

3. HOU1 and the Council's Statements to Matters 5, 7 and 9 explain that the housing strategy in the submitted plan is built on the principle that – having regard to the evidence – the Council should seek to reasonably maximise the provision of new homes within the District. This is wholly consistent with national policy:

> *Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area*
>
> (NPPF, paragraph 17)

4. The evidence before the examination is clear that NHDC cannot meet its objectively identified development needs without development in the Green Belt. The general

APPENDIX TEN

HUTCHINSONS

Planning & Development Consultants

Representations on

Behalf of

Save Rural Codicote

North Hertfordshire District Council

Local Plan 2011-2031

Schedule of

Further matters, Issues and Questions

Matter 26

HUTCHINSONS
15 Castle Gardens, Kimbolton, Cambridgeshire. PE28 0JE

1 INTRODUCTION

1.1 These representations are submitted on behalf of Save Rural Codicote in respect of Matter 26 – villages 'for growth' contained in the Inspector's Schedule of Further Matters, Issues and Questions issued in January 2020 and which is to be considered at the further hearings for the Examination in Public scheduled for the morning of the 26 March 2020.

2 INSPECTOR'S QUESTIONS

2.1 SRC consider that its previous objections submitted in respect of allocations and the growth of Codicote have not been addressed and remain outstanding.

2.2 With regard to the specific questions raised by the inspector in respect of matter 26, SRC consider that removing Codicote from the Type A village category and reclassifying it as one of five growth villages will place pressure on the village to accept further growth in the future and over the lifetime of the Local Plan. While it is noted that the modification was suggested by the Inspector, it is considered that the wording of Policy does not convey the intentions set out in the Inspector's questions.

2.3 It is noted also that the Council claims that the changes simply reflect in a clearer way what the Local Plan as submitted already proposes, and does not confer any sort of new 'status' on the five villages but SRC take a different view. It clearly does confer new status on the village.

2.4 The original submitted Local Plan had two tiers of villages. It now has three tiers of villages with Codicote (and 4 others) raised in the hierarchy to between towns and Category A villages. They have a new identified and stated status in the Local Plan as being for growth which they did not have before. The policy and therefore that growth is for the duration of the plan period i.e up to 2031. The Plan is aimed at increasing housing development within the district and it is clear that further growth is anticipated/allowed beyond the figure contained in the allocations as the following footnote has been added to the policy into the Main Modifications which states:

The figures shown in this policy for individual settlements are the total of

planned, permitted and completed development for the period 2011-2031 as shown in Chapter 13 of the submitted plan. These figures are not a target and do not necessarily represent the maximum number of new homes that will be built.

2.5 As a consequence, whilst it may have been the intention that the modification does not result in a more (or less) permissive approach to windfall development, and does not allow for further growth at the five villages than if they were identified under the 'category A villages' tier, as stated by the Inspector in his MIQ, it is considered that the introduction of a separate tier where growth is to be allocated and allowed does not support this contention.

2.6 It is not considered therefore that the policy says what the Inspector sets out in his understanding. Certainly it is not the way that SRC understand it and it is unlikely to be the way that future developers will interpret the policy. The 11% of housing is a notional percentage achieved, as we have already highlighted in previous objections, by a calculation of low housing density which is unrealistic and not endorsed by developers. Labelling a village as one for growth indicates that it is capable of accommodating growth for the duration of the plan. The plan does not limit this growth to the development of the allocated sites. These are likely to come forward in the early stages as applications have been submitted (for more housing than the allocation numbers) on 3 out of the 4 sites. As a consequence, Codicote will be regarded as a village where growth is expected and encouraged by the Local Plan for the duration of the Local Plan. This will apply to windfall sites. It is clear that, as modified, the Local Plan does not preclude further development in these villages and the footnote specifically confirms that the figures shown for villages for growth in this policy (i.e. 11%) are not a target and do not necessarily represent the maximum number of new homes that will be built.

2.7 SRC consider therefore that the policy needs to be amended to achieve what the Inspector considered to be necessary.

2.8 Whilst SRC do not agree with the proposed allocations, it considers that the main modification does alter the level of new housing that may be delivered at Codicote. It is considered that the policy needs to be clarified to make clear that the policy is not intended to result in a more (or less) permissive approach to

windfall development within the identified growth villages and that they are identified as villages for growth purely on the grounds of the scale of the allocations for each of the 5 villages.

2.9 The reason why this is necessary is because, regardless of the intentions of the Council or the Inspector, once adopted, the Local Plan will be interpreted as a standalone document without reference to extrinsic material which are neither incorporated into nor referred to in the LP: see Phides v SSCLG [2015] EWHC 827 (Admin) at para. 56. Therefore, even if neither the Inspector nor the Council intends for the phrase "Village for Growth" to confer a special status on Codicote, if this is not spelled out in the plan, there is a risk that developers will rely on it in the future.

2.10 Given this, to make the plan sound, it is necessary to add text (either as a footnote to the policy or in the supporting text to clarify the purpose of the change in the plan itself. SRC suggests the following text (which is adapted from the Inspector's MIQ (and in turn which reflects text provided by the Council):

"The title "Village for Growth" does not confer any sort of enhanced 'status' on the five villages. It does not result in a more (or less) permissive approach to windfall development, and does not allow for further growth at the five villages than if they were identified under the 'category A villages' tier."