

HUTCHINSONS

Planning & Development Consultants

Representations on

Behalf of

Save Rural Codicote

North Hertfordshire District Council

Local Plan 2011-2031

Matter 11: Codicote

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2.	Railton TPC Ltd - Report on Transport Sustainability on behalf of Save Rural Codicote (SRC)	attached as separate document.

1 INTRODUCTION

- 1.1 These representations expand upon those submitted in November 2016 by Save Rural Codicote (SRC) in respect of the Proposed Submission Local Plan 2011-2031 which was published for Consultation by North Hertfordshire District Council in October 2016.
- 1.2 The original representations raised objections to Policies SP8, SP5, HS1 and HS2 and specifically to the proposed allocations in Codicote for development in the Proposed Submission Document. SRC continue to rely on those submissions and remain concerned at the level of growth being promoted for the village.
- 1.3 The earlier representations also provided SRC's concerns regarding each of the sites being proposed for allocation in the Submission Local Plan. SRC remains concerned that all the sites proposed to be allocated have issues around their development as outlined in their original submissions. It notes that additional representations, supported by SRC, have been submitted by residents of the village in respect of CD1 – Cowards Lane and indeed on all the allocations proposed in the village.
- 1.4 This document therefore seeks to answer the Inspector's questions regarding the proposed allocations in Codicote. Appendix 1 explains in more detail Save Rural Codicote's objections to specific issues raised by these allocations which are to be considered under Matter 11 of the Examination in Public and at the hearing scheduled for the afternoon of the 27 February 2018. It should also be read in conjunction with the Report produced by Railton TPC Ltd which addresses transportation matters and contained at Appendix 2.

2 INSPECTOR'S QUESTIONS

2.1 SRC have addressed the inspector's questions where relevant below:

Question 11.16 Are all of the proposed housing allocations deliverable?

2.2 SRC does not have information on this matter other than being aware that two of the sites are in the process of coming forward and assumes that the others would also.

Question 11.17 Are all of the proposed housing allocations justified and appropriate in terms of the likely impacts of the development?

2.3 SRC consider that all four housing allocations are not justified and are not supported by the evidence submitted by the Council. The report by Railton TPC Ltd (Appendix 2) addresses this question in respect of the transportation matters raised by the allocations

Question 11.18 Are all of the proposed allocations the most appropriate option given the reasonable alternatives?

2.4 SRC consider that the proposed allocations in Codicote are being advanced because the Council has failed to consider reasonable alternatives. There appears to be an acceptance that a new settlement is required in the district at some stage in the future but has effectively been put on the back burner because of the time that it will take to bring it on stream. SRC consider that the current draft Local Plan should have started to make provision for the new settlement so that it will be able to start coming forward at the end of the plan period and be available for the next. The current plan is short-sighted in this respect and, as a result, has sought to place large scale development in villages such as Codicote which are inherently, locationally unsuitable for such development because of the limited facilities and employment in the village and its poor transport links.

2.5 It is considered that by pushing back consideration of a new settlement until the next Local Plan, the delays attendant with bringing forward such settlements will need to be inbuilt into the next Plan with consequent implications on again trying to find land that can be development in the short term to allow the Council to maintain a 5 year supply of housing land. That is likely to place further pressure

on the boundaries of the green belt which is now being revised and set by the current Local Plan.

Question 11.19 Sites CD1, CD2, CD3 and CD5 comprise of land in the Green Belt. For each:

a) Do exceptional circumstances exist to warrant the allocation of the site for new housing in the Green Belt? If so, what are they?

2.6 SRC do not consider that any exceptional circumstances have been shown to justify the removal of these sites from the Green Belt. Whilst the Council has suggested that the need for housing represents exceptional circumstances, SRC do not accept that this is the case. In any event, the amount of land being removed from the Green Belt is not commensurate with the identified need. Of particular concern is the late proposed allocation of site CD5 for 140 dwellings which has emerged as an allocation only after the Objectively Assessed Need dropped from 14,400 dwellings to 13,800. SRC fails to understand how this reduction in need can be met by taking a further 13.9ha of land out of the Green Belt (2.1 ha + 11.86ha sites 31 & 313). More details on this matter are contained at Appendix 1.

b) What is the nature and extent of the harm to the Green Belt of removing the site from it?

2.7 SRC consider that the removal of the sites from the Green Belt will, to varying degrees, impact through encroachment into the countryside that surrounds the village. The countryside provides the rural setting for the village and ensures the separation of the village from the surrounding settlements such as Codicote Bottom. It is also in varying parts a valued landscape. The openness of the Green Belt will be reduced accordingly and the separation between Codicote and Codicote Bottom in the case of site CD5 will be considerably reduced. (See Appendix 1)

c) To what extent would the consequent impacts on the purposes of the Green Belt be ameliorated or reduced to the lowest reasonably practicable extent?

2.8 SRC consider that the low densities of the dwelling estimates being proposed for

the allocations are unsustainable and if development takes place along the lines suggested in the Local Plan, will result in unnecessary loss of Green Belt land. The alternative is that the developers will seek to increase densities to more commercial levels resulting in considerably more development both in Codicote and in other villages than the Local Plan anticipates. This will provide considerably more housing than is justified by the current OAN and again, tends to demonstrate that more land is being removed from Green Belt than is necessary.

d) If this site were to be developed as proposed, would the adjacent Green Belt continue to serve at least one of the five purposes of Green Belts, or would the Green Belt function be undermined by the site's allocation?

2.9 SRC accept that the remaining countryside beyond the allocation sites would be safeguarded unless further revisions to the Green Belt boundary are required in the next Local Plan review. However, there would be reduced area between Codicote and Codicote Bottom and the visual impact of development on the openness of the remaining area of land.

e) Will the Green Belt boundary proposed need to be altered at the end of the plan period, or is it capable of enduring beyond then?

2.10 SRC are concerned that the current review has not considered future requirements and that the current proposed boundaries will once again be changed to allow the Council to find more homes in the future. The proposed 'compensatory' Green Belt will place further pressure on villages such as Codicote as it will remove the potential for future development in the area it is now proposed to cover. Whilst those boundaries could be changed in the future, it appears to be illogical to propose a large area of new Green Belt only for it to be changed in a later review because insufficient non- Green Belt land has been left available to accommodate potential future development. SRC therefore consider that the current boundaries are unlikely to meet the fundamental aim of Green Belt policy – to keep land permanently open.

f) Are the proposed Green Belt boundaries consistent with the Plan's strategy for meeting identified requirements for sustainable development?

2.11 For the reasons set out above and in the appendices to this statement, SRC consider that the boundaries are not consistent with the Plan strategy.

g) Has the Green Belt boundary around the site been defined clearly, using physical features that are readily recognisable and likely to be permanent? Does it avoid including land which it is unnecessary to keep permanently open?

2.12 For the most part, SRC accepts that the boundaries of the sites being proposed follow some form of existing boundary.

Question 11.20 Is the proposed settlement boundary:

a) consistent with the methodology for identifying the settlement boundaries?

b) appropriate and justified?

2.13 SRC considers that the proposed settlement boundary for Codicote is not appropriate and has not been adequately justified in the Council's documentation. The representations contained at Appendix 1 provide more information on this.

3 CONCLUSIONS

- 3.1 Save Rural Codicote continue to consider that the Plan as proposed is unsound for the reasons set out in their original submission and expanded upon in Appendix 1 and 2 to these representations in respect of Matter 11. The sites proposed for development are all located within the Green belt and no exceptional circumstances have been demonstrated to justify the removal of these sites from the Green Belt. There is a general recognition that a new settlement is likely to be required to provide for the future housing needs of the district. SRC consider that this should have been considered as part of this Local Plan process as this is likely to have had a considerable impact on the need to target so much development in Codicote and to the need to allow development in the existing Green Belt.
- 3.2 SRC are also concerned at the level of development proposed in the village and the final likely numbers bearing in mind the suggested densities. Increased densities (as is evidenced by the Cowards Lane application and the proposed developers for site CD5) would have a significant further impact upon the abilities of the village to accommodate that additional development which does not appear to have been taken of as well as having a significant impact upon the highways due to the lack of public transport serving the village as highlighted in the Transport Report contained at Appendix 2.

APPENDIX 1

DETAILED OBJECTIONS TO PROPOSED ALLOCATIONS IN CODICOTE

PROPOSED ALLOCATIONS IN CODICOTE

1. Save Rural Codicote's (SRC) objections to the proposed allocation of the sites in the village are based on the following:
 - all the sites are within Green Belt and no justification has been provided by the Council to demonstrate that there are very special circumstances to justify the removal of these particular sites from the Green Belt.
 - Codicote has limited provision of employment and the development of site CD2 would potentially remove an existing employment site within the village.
 - Providing so many dwellings will have a significant impact on the rural road network that surrounds the village as residents will have little option but to use the private motor car to access facilities such as employment, secondary schooling, doctors' surgeries and recreational facilities. Facilities within the village and public transport provision are limited.
 - SRC consider that the numbers of dwellings being proposed in the Local Plan in Codicote are excessive and also are not realistic as they underestimate the likely numbers of houses that would be built, thereby under-estimating the impact on existing facilities and failing to make proper provision for their improvement/mitigation.
 - The lack of transparency in bringing forward Site Ref. CD5 – Land South of Heath Lane.

Green Belt

2. All the sites are located within Green Belt and SRC are can find no assessment of how the sites performed in Green Belt terms or assessment of exceptional circumstances which would warrant the setting aside of the Green Belt boundary in each of these locations.
 3. The purpose of the District Council's 2013/14 report - North Hertfordshire Green Belt Review - 2014 was to assess *'the contribution of Green Belt land within North Hertfordshire to the functions of Green Belt as set out in paragraph 80 of the National Planning Policy Framework (NPPF)'*.
 4. Although the report breaks down the North Hertfordshire Green Belt into the areas shown in Figure 2, no detailed assessment of sites around Codicote is provided. Instead, the review, simply assessed the function of these study areas in the assessment matrix at Table 5 in terms of how these areas met the existing purposes of the Green Belt. The relatively wide study area around Codicote is designated as Area 5 and is assessed as providing a limited contribution to Green Belt purposes in respect of 4 of the functions of Green Belt but is considered to make a significant contribution in safeguarding the countryside from encroachment and retain the rural setting of the village. In the overall balance, Area 5 was assessed as making a limited contribution to Green Belt purposes. The published review contains no review of the individual sites to assess how they specifically functioned in Green Belt terms although it indicates that these were set out in Tables 8, 9 and 10 together with Figure 8 which are not available on the Council's website.
 5. The resulting 2014 Preferred Options (December 2014), proposed the allocation of 179 dwellings on three Green Belt sites in Codicote - CD1 (Land south of Cowards Lane), CD2 (Codicote Garden Centre) and CD 3 (Land north of The Close) but it is not possible to establish what special circumstances were being advanced by the Council to justify their removal from the Green Belt at that time.
 6. The later Green Belt Review (July 2016) states that it combines previous documents but with amendments and refinements. Part 1 uses the same Study Areas as the 2014 Study but also breaks them down into smaller scale parcels to provide more detailed context for the evaluation of proposed sites.
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7. Table 2.4 shows that Area 5 – Codicote - is effectively downgraded in the 2016 report in terms of its function to preventing encroachment into the Countryside from 3 (significant) to 2 (moderate) whilst overall, the study area is deemed to make a moderate contribution to Green Belt purposes helping to prevent encroachment into open countryside.
8. Table 6.5 of the Report provides the more refined view of the Green Belt. Area 5 is divided into areas 5a and 5b. Both areas are now considered to make moderate contributions in checking unrestricted sprawl of large built-up areas by containing the growth of Codicote and through preventing the merging of neighbouring towns of Welwyn to the south (5a) and the settlements of Codicote and Potters Heath to the north (5b). However, the contribution to both areas in safeguarding the countryside from encroachment has been increased up to significant (3) from an earlier combined assessment of moderate (2).
9. The more detailed assessment of at Table 5.3 concludes that all the sites considered for development around the edges of Codicote make a moderate contribution to the function of the Green Belt. This is similar to virtually all the other sites being proposed for development in villages in North Hertfordshire and makes no differentiation between sites to enable an assessment of whether some may be more or less suitable for development. Indeed, the Council does not appear to have done any exercise to establish which sites are justified in being removed from Green Belt.
10. SRC consider this approach is flawed. The Council has asserted that housing need provides the exceptional circumstances for removing land from the Green Belt. However, its housing need is provided by its OAN but the emergence of the OAN has not coincided with any rationale in respect of Green Belt policy in respect of Codicote. As explained in SRC's earlier submissions, the changing OAN from 14,600 in 2013 down to 13,800 in 2016, a reduction of 6% was met with a rise in Green Belt allocations in Codicote of 160%. There was no assessment of how this decrease in housing requirement in the district provided the exceptional circumstances for such a significant increase in dwellings within the Green Belt. Table 1 below shows the chronology of OAN and allocations in Codicote.

TABLE 1

Year	OAN	Allocations in Codicote
2013	14,600	121
2014		179
2015	14,400	
2016	13,800	315

11. The Council has not demonstrated why so many more houses are required to be taken out of the Green Belt in Codicote when its housing need (the Council's justification for exceptional circumstances) has actually decreased. In SRC's view the Council has failed to demonstrate exceptional circumstances and it has not seen any additional information presented to the EIP that yet provides an appropriate and commensurate justification.

Loss of Employment Site

12. Codicote Garden Centre (CD2) represents one of the few employment sites within the village. This would be lost with the redevelopment of the site for housing. The Council is not proposing any replacement or compensatory employment opportunities within the village and SRC is concerned that the loss of this site and its replacement with housing will contribute to an increasing outmigration of residents for work, with consequent impacts on the surrounding rural road network.

Impact on the Rural Road Network

13. Railton TPC Ltd's Report (Appendix 1) sets out SRC's concerns in relation to the traffic and transport issues of the allocations. The Statement provides an assessment of the lack of facilities within the village and the implications of adding this number of new dwellings and therefore private motor cars onto the rural road network that serves the village of Codicote.

Numbers of Dwellings

14. SRC are concerned about the numbers of dwellings now being proposed in Codicote which represents an increase to the village of some 31% or 36% if one takes account of the 46 existing commitments. SRC consider that this is excessive. The Council's Trajectory (Council's Statement for Matter 6) suggests that Cowards' Lane (CD1) Land south of Heath Lane (CD5) will largely come forward in the first 5 years, with Land north of The Close (CD3) coming forward in years 7 and 8. Codicote Garden Centre (CD2) will not be developed until 2030 (years 13 and 14). The Policies do not propose any phasing to secure a gradual release of land and building and it is clear that Cowards Lane is likely to come forward earlier than anticipated bearing in mind that a planning application has been with the Council for some 6 months (albeit undetermined). SRC are concerned that the potential development of all the sites in relatively quick succession would prevent proper integration into the village and would not allow the facilities to adapt to keep pace with the rate of new housing.
15. SRC also consider that the Local Planning Authority has applied unrealistic dwelling estimates to the allocation sites and that they are likely to come forward at higher densities, contributing to additional (and currently unplanned) pressure on facilities within the village and more traffic generated on the surrounding rural lanes. The planning application for Cowards Lane site is for 88 dwellings, a 20% increase over the Local Plan allocation of 73 dwellings. Furthermore, Codicote Parish Council has been informed by the prospective developers of site CD5 that they consider site CD5 can accommodate 215 dwellings rather than the 140 dwellings being suggested in the Local Plan, an increase of over 50%. Clearly any final density is subject to detailed approval, but the fact remains that two out of four allocated sites in Codicote are being promoted by developers as being capable of providing considerably greater numbers of housing than suggested in the Local Plan.
16. It is considered therefore that the low density of 20dph, is low and represents an underuse of valuable land and the loss of more land in the Green Belt than is necessary to achieve the overall housing requirement for the district.

CD5 – Land south of Heath Lane - 140 dwellings

17. Whilst SRC remain concerned about the overall level of housing within the village that was proposed at the Preferred Options stage and carried forward into the Submission Local Plan (CD1, CD2 and CD3), SRC are also concerned at the way that even more housing has come forward in the Submission Local Plan with the addition of Site CD5.
 18. Prior to the Submission Local Plan, proposals for land to the south of Heath Lane comprised a relatively small site of 2.1ha (Site no. 31) with a dwelling estimate of 42 dwellings. Appendix 8 of the 2014 Sustainability Appraisal and SEA identified 4 weaknesses of this site, including the fact that it was close to a designated wildlife site and that it was potentially contaminated.
 19. The December 2014 Preferred Options, based on an OAN of 14,200 dwellings, did not propose the allocation of Site No 31 but included the other three sites (CD1, CD2 and CD3).
 20. The Council updated its OAN to 14,600 in June 2015.
 21. The Council's document NHDC Local Plan – New Sites 2015 referred to site 313, a larger site to the south of Heath Lane (11.86ha with notional dwelling estimate of 237 dwellings in Table of Sites) and stated that the sites were being assessed by officers. The March 2016 SHLAA Update considered the site was suitable in part but that it had largely the same constraints as Site 31 but did not identify contamination although there had been previous concerns regarding Site 31. Later assessments did consider the larger site to be likely to be contaminated.
 22. The summary for both Sites 31 (42 dwellings) and 313 (125 dwellings) (Appendix 4, 2016 SHLAA) considered there was scope for a comprehensive scheme of sites 31 and 313.
 23. The report Updating the Overall Housing Need (August 2016) advised that the OAN for the district should be reduced from 14,400 to 13,800 (690 per year) (Ref: HOU3 Paragraph 17), a reduction of 600 dwellings.
 24. Notwithstanding the reduction in the OAN, Sites 31 and 313 were amalgamated into
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proposed allocation CD5. The September 2016 Sustainability Appraisal and SEA identified a number of issues with development of the site including its lack of access to public transport and likelihood of increased use of the private car (in common with other sites within Codicote), its location between several designated wildlife sites and within area 205: Codicote Plateau which has moderate sensitivity and moderate landscape value and also its proximity to listed buildings and conservation area. The Appraisal also raised concerns that the site was likely to be contaminated and is above SPZ 2 or principal aquifer.

25. When considered in total, the site scored 7 negative impacts compared to 5 neutral and only 2 positive impacts. Notwithstanding this fact and the fact that the Council was looking at a lower OAN, the Sustainability Appraisal supports the allocation of Site CD5.
26. There appears to be no document which considers the implications of reducing the gap between Codicote and Codicote Bottom to the southeast, a factor which is ignored in the various assessments and reviews of Green Belt.
27. It is noted that part of the allocation is to be used to expand the school and whilst this would be welcomed, SRC consider that there are inherent issues with the proposed policy and with developing this site in addition to those recognised in the SHLAA and Sustainability Appraisal.
28. Firstly, the allocation should make provision for a specific rather than general area that is to be provided to the school and should require that it be levelled and made suitable for use by the school prior to any occupation of any dwelling. This is a matter which should not be left to conditions.
29. Secondly, any site for the school will be separated from the remainder of the school by public footpath 15 with consequent child safety issues.
30. Thirdly, the site forms a green wedge into the village and being on the higher ground, development will be prominent and remove an important area of countryside within the village which is valued and appreciated by Codicote residents. There are similar concerns in respect of the prominence of and visual impact of the sites at Cowards Lane, Land to the north of The Close which are also on the edge of the village and on rising ground.

31. Fourthly, access to the site will involve the loss of existing vegetation and the opening up of the site from Heath Road which will adversely affect the character of this part of the village and the adjacent wildlife areas.

32. SRC do not consider that their concerns relating to this site can be mitigated through conditions of any planning permission as they relate to fundamental problems of developing this site.