

**EXAMINATION OF THE
NORTH HERTFORDSHIRE
DISTRICT COUNCIL LOCAL PLAN
2011 – 2031**

**HEARING STATEMENT ON BEHALF OF
PETER BARROW AND OTHER RESIDENTS**

**MATTER 11 – THE HOUSING
ALLOCATIONS AND SETTLEMENT
BOUNDARIES – CATEGORY A
VILLAGES**

**ISSUES ARISING IN RELATION TO
PROPOSED SITE ALLOCATION
CD1 – LAND SOUTH OF COWARDS LANE
CODICOTE**

**Responding in particular to points
11.16 / 11.17 / 11.18 / 11.19 / 11.20 on page 15
of the Inspector's Issues for the Examination document**

**Chris Watts MRTPI DMS
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12/01/2017

1. INTRODUCTORY REMARKS AND BACKGROUND

- 1.1 This Hearing Statement is submitted by Maze Planning Ltd on behalf of Mr Peter Barrow, Mrs Sandra Barrow, and a large number of other local residents who object to the release of Site CD1 (Land south of Cowards Lane, Codicote, from the Metropolitan Green Belt around the settlement of Codicote and its allocation for a development for 73 dwellings and associated car parking and roads.
- 1.2 I have also previously submitted on my clients' behalf comprehensive objections to both the draft Submission Version of the proposed replacement Local Plan for the period 2011 to 2031 in 2015, as well as objections to the final Submission Version of the proposed Local Plan in November 2016.
- 1.3 The Inspector will no doubt have read the last set of representations made and dated 24th November 2016 but my clients have asked that I include, as background reading, a full copy of those final representations objecting to the Local Plan now being considered at this Examination, as well as a copy of the separate individual representations made by Mr and Mrs Barrow themselves in November 2016.
- 1.4 The Inspector may not however be aware that the developer (Warden Development Ltd) who is promoting a residential development on Site CD1 has made an outline planning application already, (prematurely in my view), for **88 dwellings** with car parking and roads. The application ref 17/01464/1 was registered in June 2017 and is still undetermined. No decision has yet been made on that outline application.
- 1.5 I consider that given the number of serious defects with the application proposals which we have revealed as well as the fact that the site is still designated as being in the Green Belt, I have no alternative but to provide below the links to the Council's website pages which include a full copy of our objections to that outline application 17/01464/1 dated 27th July 2017 and the separate objections made by Mr and Mrs Barrow of Hollards Farm.
- <http://documentportal.north-herts.gov.uk/NorthgatePublicDocs/01455647.pdf>
<http://documentportal.north-herts.gov.uk/NorthgatePublicDocs/01453073.pdf>
- 1.6 The representations we have submitted in response to that outline planning application raise further fundamental and substantial technical defects with that application which impact on a number of the issues which the Inspector has set out under items 11.16 to 11.20 of his Issues for the Examination document.
- 1.7 I will however endeavour to keep the remainder of this Hearing Statement as succinct as possible. I turn now to address the key issues that the Inspector has identified as follows, but I have noted that the Inspector will visit all the proposed Site Allocations in due

course before they are discussed at the Hearing. This is essential but in addition, in relation to Site CD1 I would ask the Inspector to also visit Hollards Farm so he can see for himself the relationship between that adjacent land holding and Site CD1, as well as the close proximity of the two ecology sites located on Hollards Farm.

2. RESPONSE TO THE KEY ISSUES

2.1 My clients have asked me to respond as follows:

11.16 (a) The Inspector should be made aware that part of the site falls within the ownership of Mr and Mrs Barrow of Hollards Farm. This matter has been raised with the local planning authority already through the objections we have made in response to outline planning application 17/01464/1 but is as yet unresolved.

11.16 (b)

2.2 My clients appointed Cannon Consulting Engineers in 2015 to represent them in this matter and they have raised a substantial number of concerns in their various Technical Reports produced since then on behalf of my clients.

2.3 Cannon CE confirm that they have serious concerns about the way in which the capacity of the current road network and its relationship with the future traffic generation resulting from the Site Allocations around Codicote, including CD1 have been assessed and / or modelled as part of the Local Plan process for the local planning authority.

2.4 Mr Bruce Bamber of Railton TPC Ltd also expanded on this issue as well in his own Hearing Statement submitted on behalf of Save Our Green Belt and Save Rural Codicote (See the Railton TPC Ltd Reports dated October 2017 dealing with Matters 1 and 5, and the more recent report from Railton TPC Ltd dated 11th November 2017).

2.5 Cannon CE have also raised specific concerns about highway safety and access in and around Codicote in terms of the traffic generated from Site CD1 and a development of up to 73 dwellings sited here, from 2015 onwards. They have also responded more recently on my clients behalf to outline planning application 17/01464/1 and maintained those concerns as far as an even greater number of dwellings would be involved ie 88 are now proposed by the developer.

2.6 It is my clients' view that even if a vehicular and pedestrian access could physically be constructed on and adjacent to the site, the impacts of that access would be significantly harmful in landscape, visual amenity and openness terms. Furthermore that as part of that new access Cowards Lane itself would need to be widened considerably thus destroying its present pleasant rural character and appearance, and this end of the High Street would be considerably more urbanised than it is at present.

- 2.7 My clients have questioned whether or not the development of Site CD1 for either 73 or 88 dwellings can be delivered having regard to the provision of the necessary infrastructure and services to support that scale of development, especially given other sites in the Green Belt around the fringes of Codicote are also proposed to be brought forward as specific Site Allocations. In our view the development of this site in particular would also have a devastating impact on the rural landscape of this part of the Green Belt, given the rising topography involved and the lack of any built development on the site.
- 2.8 The existing schools in Codicote are full; the GP Practice in Welwyn (which serves Codicote) is at full capacity; and the water and sewerage system needs to be substantially upgraded before any new dwellings here could be properly serviced and accommodated, and without putting the existing infrastructure referred to above under intolerable strain. Cannon CE's Technical Reports also confirm that the development of this site would have a substantial impact on the High Street and other component roads in and around Codicote where on – street parking already causes severe congestion at peak travel times.
- 2.9 These points are articulated in more detail in our previous representations in response to both the Draft and final Submission Versions of the proposed replacement Local Plan.

11.17

- 2.10 It is my clients' view that the Site Allocation CD1 on land South of Cowards Lane is not justified or appropriate in terms of the likely harmful impacts of the development of this site. That view is expanded on in more detail in our previous representations in response to the final Submission Version of the proposed replacement Local Plan, as well as in the more recent set of objections submitted in response to outline planning application 17/01464/1 dated 27th July 2017.
- 2.11 It may be of course that the Inspector will find that some of the proposed Site Allocations around Codicote and currently in the Green Belt would have a greater or lesser harmful impact than others.
- 2.12 It cannot be right that an 'all or nothing' approach to the proposed releases of land from the Green Belt as being applied by the local planning authority is accepted. If it is not, and the Inspector accepts that some of the Site Allocations around Codicote will have a much greater impact on issues such as local landscapes, views, openness and rural character, road capacity, and local infrastructure loading then it would be entirely right for him to strike out those most harmful sites from any proposed releases of land from the Green Belt around Codicote, without him being criticised or being seen as inconsistent with supporting a sustainable development strategy as underpinning the replacement Local Plan.

11.18

- 2.13 The question is asked whether or not all of the proposed site allocations in the Green Belt around Codicote are the most appropriate option given the reasonable alternatives. My clients do not accept that any land around Codicote which sits within the Green Belt needs to be released for housing in the Plan period. The reasonable alternatives for other housing allocations are there and have been promoted by others already, as well as by my clients in the Local Plan making process.
- 2.14 The local planning authority could have for example, as part of a sustainable development strategy, focussed on creating and delivering new housing and employment land, in a new ‘Garden City’ type settlement of 5,000 dwellings and employment land, as we have suggested from the outset, or alternatively, focussed more attention on allocating housing sites around settlements **outside the Green Belt** such as Barkway.
- 2.15 It would appear some sites outside the Green Belt around Barkway were actually proposed by the landowners involved but disregarded by the local planning authority. Furthermore the Council accepts in its written statements that such a new settlement is actually needed and Mott Macdonald and Atlas actually prepared a North Hertfordshire New Settlement Study for the Council in 2016.
- 2.16 However the Council has concluded that it cannot be delivered in the Plan period. Both these points were raised specifically at the Hearing under Matter 7 discussions by Andrew Parkinson, acting for Save Our Green Belt and Save Rural Codicote on November 20th, and we agree with the points he has made.
- 2.17 The Inspector must forensically determine whether or not the Council have, in reality, taken the easier route as part of a spatial strategy when a new settlement on land outside the Green Belt could provide a reasonable and sustainable alternative.

11.19 (a) and 11(b)

- 2.18 My clients do not accept that ‘exceptional’ circumstances exist to warrant the release of any of the sites in the Green Belt around Codicote, especially Site CD1.
- 2.19 The Review of Green Belt boundaries which has been much referred to already at the Hearing was flawed and the impacts of a major residential development substantially underplayed and under – assessed by the local planning authority in that Green Belt Review. This is articulated in more detail in paragraphs 2.5 to 2.22 of the representations report dated 24th November 2016 which was submitted on behalf of my clients in response to the final Submission Version of the replacement Local Plan.
- 2.20 In particular, my clients believe that Cowards Lane as a lane and strong hedge line should be retained as a strong permanent boundary to the Green Belt, and that the new

boundary as proposed would not be able to fulfil that role. The new boundary whilst being marked by a hedge with intermittent trees is physically a weaker boundary.

2.21 In any case should this development ever be approved it should, in my professional view, be accompanied by a strong open buffer zone to the south right up to the boundary with Hollards Farm so that the built development sits on the lower levels of the site and does not intrude above the high points, which would be very harmful in landscape impact terms.

2.22 Furthermore the Green Belt Review carried out by the local planning authority includes in Report 1b, on page 44, a Table summarising the Council's assessments of the role of each of the proposed Site Allocations in Green belt terms. The Review concluded that Site CD1 made only a moderate contribution to the purposes of the Green Belt.

2.23 The outcome of that Review as affecting Site CD1 is challenged as being flawed in my view.

2.24 If one reviews the role that this site plays in maintaining the purposes of the Green belt then it is quite reasonable to conclude, instead, that Site CD1 must be retained in the Green Belt firstly, in **order to retain the strategic gap between Codicote and Welwyn** (which has already been eroded on the opposite side of the B656); secondly **to safeguard the open countryside; to ensure that a sequential approach to bringing forward housing in and around Codicote uses brown field sites and urban land before any Green Belt land needs to be released; and to protect the openness and visual amenities of the Green Belt, as well as to maintain the rural and farmed nature of the landscape on this side of the village.**

2.25 Planning Practice Guidance (PPG) and the government's further guidance on the protection of the Green Belt which were both published in 2014 make it clear that housing need or a lack of a 5 year housing supply do not always justify the release of Green Belt land to meet those needs. Appeal decisions elsewhere in the Green Belt around London reflect that view.

11.19 (c)

2.26 We do not consider that it is possible to ameliorate or mitigate the worst effects of the proposed development of Site CD1 without significantly reducing the number of dwellings proposed in conjunction with such measures. At present the developer has increased the number from 73, to 88 in his outline planning application 17/01464/1.

2.27 The sort of mitigation measures that are essential here if ever Site CD1 was released for development include a major open buffer zone between the built development and the boundary with Hollards Farm, including more woodland trees; a SUDs based solution to surface water run - off issues; childrens' play areas; new drains, as well as a package of

financial contributions through either a Section 106 Agreement or a Community Infrastructure Levy (CIL) to contribute to new education; utilities; and health service provision in and around Codicote.

11.19 (d)

2.28 It is my view that should this site be released from the Green Belt then this would put at risk in the short term the land currently maintained by Hollards Farm and undermine its role in supporting three of the five purposes of Green Belt designation, as well as the fundamental aim of Green Belt designation as set out in paragraph 1.34 above.

11.19 (e)

2.29 My clients believe that if the land south of Cowards Lane is released from the Green Belt then there would be nothing to stop pressure from building later on in the plan period to release further land from the Green Belt, although Mr and Mrs Barrow have no intention of promoting their land at Hollards Farm through a future Local Plan preparation route whilst it is in their tenure.

11.19 (f)

2.30 My clients consider that the release of Site CD1 from the Green Belt would conflict with a sustainable development strategy in the very many ways we have set out in our more detailed representations on the final Submission Version of the Local Plan, as well as in response to outline planning application 17/01464/1.

11.19 (g)

2.31 In our view the site contains open land which it is essential to keep open, and in a rural landscape form and character in order to retain the close relationship between the village and the farmed landscape with which it is closely associated.

11.20

2.32 We do not accept that the proposed new settlement boundary is consistent with the Council's own methodology for identifying those new boundaries and therefore they are not justified or appropriate in the context of Site CD1.

2.33 Over and above the points made in paragraphs 2.20 to 2.24 above, I would draw the Inspector's attention to the Hutchinson's Notes also submitted to the Hearing and which raises specific concerns about the 2016 Green Belt Review, which they advise '*makes no assessment of the suitability of taking sites out of the Green Belt in terms of whether or not 'very special circumstances exist to justify their development'*'.

2.34 The Hutchinson's Notes are referred to explicitly in the Hearing Statement submitted by Save Our Rural Green Belt and Save Rural Codicote in responding to Matters 5, 7, 9 and 15.

Chris Watts MRTPI DMS
13th January 2018