

Examination of the North Hertfordshire Local Plan 2011 - 2031

Response to Further Matters, Issues and Questions from the Baldock, Bygrave and Clothall Planning Group

Matter 25 – new land proposed for allocation through the main modifications

This further submission supplements our representations on **MM387 (extension of Site BA3 north-eastwards and amendment to boundaries of Sites BA3 and BA4)**. [Representation ID: 6925]

The submission is also relevant to our representations on the related modifications **MM207, 208 and 409** (all of which concern the proposed changes to the policies for sites BA3 and BA4).

The submission deals in turn with each of the specific questions posed by the Inspector for the new areas of land proposed through the main modifications, before summarising our position on why this modification is unsound and what needs to be done to remedy it. Our original representations cited paragraphs from the 2018 NPPF – this has been corrected below with references to the 2012 version which the plan is being examined against.

Since making our original representations on the main modifications, the Baldock, Bygrave and Clothall Planning Group has submitted a draft Neighbourhood Plan to North Hertfordshire District Council, which includes proposed policies relating to sites BA3 and BA4 in the Local Plan. Relevant documents are available on North Hertfordshire's web site and are referred to as appropriate below: <https://www.north-herts.gov.uk/home/planning/planning-policy/neighbourhood-planning/baldock-bygrave-and-clothall-neighbourhood-plan>

a) Is the inclusion of the new area of land for allocation necessary for soundness?

No. For the reasons set out in our original representations on MM387, extending site BA3 in the manner proposed by the Council is unnecessary for soundness reasons. It is not needed to accommodate the plan's housing requirement or to facilitate necessary infrastructure. On the latter point, it is not necessary to include this area within BA3 to facilitate a link road, as is evident from the treatment of the land between sites BA2 and BA3 – the policy for 'urban open land' which applies to that area now makes specific provision for "essential transport infrastructure": MM117).

Nor, as the Council have argued, is the modification necessary to:

- bring the line of the proposed link road entirely within one allocation for reasons of effectiveness: all of the land comprising BA3 and BA4 is in the ownership of Hertfordshire County Council, and in any event it is possible to deliver necessary infrastructure through conditions and/or legal agreements which relate to more than one site;
- distinguish between which land is currently Green Belt or not (BA4 as proposed to be revised is wholly outside the existing Green Belt rather than straddling the boundary): this is immaterial, as the previous status of the land is of no relevance once it has been removed from the Green Belt for development through the local plan;
- provide clarity about the status of this land – as the area not intended for development could remain as Green Belt (or, if it is felt necessary to remove it from the Green Belt, an alternative designation such as urban open land would provide more clarity than including it within the BA3 housing allocation).

b) Is the new area of land proposed deliverable? In particular, is it:

- (i) confirmed by all of the landowners involved as being available for the use proposed?**
- (ii) supported by evidence to demonstrate that safe and appropriate access for vehicles and pedestrians can be provided?**
- (iii) deliverable, having regard to the provision of the necessary infrastructure and services, and any environmental or other constraints?**

No. We do not question that the land proposed to be added to site BA3 could be made available in ownership terms (as it is all in the ownership of Hertfordshire County Council). However, in terms of providing vehicular access and services, and environmental constraints, it is important to note that this is made ground comprising material deposited during the construction of the Baldock bypass less than 15 years ago. As it stands, therefore, the land is potentially unstable and so unsuitable for development (para 121 in the 2012 NPPF). Substantial ground works would be required to level the land. In addition, the District Archaeologist has confirmed to us that the northernmost part of the site overlays the remains of a medieval leper hospital and burials, the extent and significance of which would need to be investigated before any development could be permitted.

The pictures annexed to these representations illustrate some of these points.

c) Is the inclusion of the new area of land justified and appropriate in terms of the likely impacts of the development?

No. The area which the Council propose to bring within allocation BA3 rises quite steeply from the adjoining residential area of Aley Way and Merchants Walk (apart from a corridor at the foot of this slope), so buildings on the raised land would not respond effectively to the surrounding built environment and landscape setting (again, see the pictures attached). This would also be true if the slopes rising up to the raised land were to be used or excavated to accommodate development, which would result in homes being set into excavated land with an overbearing rise in the land to their rear.

If/where the new area of land proposed for allocation is currently in the Green Belt:

a) Do exceptional circumstances exist to warrant its allocation? If so, what are they?

No. The Council has not demonstrated that any exceptional circumstances exist to remove this additional land from the Green Belt, for the reasons explained under the first question above.

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

While there would be only limited harm to the five purposes of Green Belt set out at para 80 of the 2012 NPPF, this is a prominent site at the edge of Baldock, so building on this additional land would add to the sense of countryside encroachment.

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?

This is unclear, as the Council's proposed modification to BA3 [MM207] fails to provide clear and effective guidance as to how much of the additional land would be developed. It refers to "*maintaining or re-profiling the existing bunding towards the east of the site with no housing*

permitted on or beyond its (revised) alignment” – which is vague and misleading, especially as no bunding exists in this location – rather it comprises an extensive area of elevated made ground.

If/where relevant:

d) If this new land 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 its allocation?

As above, it is unclear how much (if any) of the additional land would be developed. However, as this area is contained within the line of the Baldock Bypass, it is not considered that development would affect the Green Belt purposes of adjoining land that remains within the Green Belt.

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?

It would not need to be altered.

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

No. As explained above, excluding all of this land from the Green Belt is not necessary for delivering the plan’s strategy of meeting development needs in sustainable locations.

g) Has the Green Belt boundary around the new land 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?

The answer to the first question is yes. On the second question, we consider that it is important to keep this additional land permanently open due to the visual impact of development, its established recreational value (the importance of which will increase once BA3 and BA4 are developed) and its physical composition as ‘made’ land comprising material tipped during the building of the Baldock bypass.

Summary of implications for soundness

a) Why is MM387 unsound, having regard to the 2012 NPPF?

The modification is not effective, as it does not provide clear guidance on the appropriate extent of development in this part of Baldock.

It is not consistent with national policy as it:

- Potentially opens-up a much-used area of recreational land for development without any assessment of it being surplus to requirements, and no alternative provision being proposed [NPPF para. 74]
- Would allow development on potentially unstable land [para. 121]
- Would allow development on rising ground which, because of the topography, would relate poorly to its surroundings [para. 58]
- De-designates an area of Green Belt without demonstrating exceptional circumstances for doing so [para. 83]

b) explain how the Plan can be made sound

The plan needs to be modified further to provide clear guidance about the appropriate extent of development, and avoid new buildings on potentially unsuitable land. We consider the best way of doing this would be through one of two approaches:

- Designating the area that would not be developed as ‘urban open land’, in a manner consistent with the land between sites BA2 and BA3 (if this is necessary to allow for the proposed link road, if the latter is considered to be incompatible with the existing Green Belt designation; if it is not, then the Green Belt designation could simply be retained).
- Alternatively, if it is considered appropriate to bring all this land within BA3 as proposed by the Council, the text of BA3 should be modified to make clear that no new buildings will be permitted on that part of BA3 that comprises raised land to the east of the existing properties on Aley Way and Merchants Walk, and to the south of Royston Road (including the slopes leading up to this raised land). This is the approach which has been taken in the submitted Baldock, Bygrave and Clothall Neighbourhood Plan (Policy E7), and as such would be our preferred option so as to maximise alignment between the two plans.

c) explain the precise change/wording that is being sought

If the second approach above is adopted, it is suggested that an additional bullet is added to Policy BA3 reflecting the language used in Policy E7(b) in the submitted Neighbourhood Plan:

Policy E7 Cambrai Farm and south of Clothall Common

The development of sites BA2 and BA3 proposed in the new North Hertfordshire Local Plan should:

- a) incorporate a landscape buffer between the edge of the developments and the Baldock bypass, using an appropriate mix of native species, to provide visual screening, an enhanced green corridor and noise attenuation;
- b) avoid new buildings on that part of BA3 that comprises raised land to the east of the existing properties on Aley Way and Merchants Walk, and to the south of Royston Road⁴⁰, which should be retained and enhanced as space for informal outdoor recreation; and
- c) reinforce the planting between Hillside Park mobile home site and new residential development on site BA2, to provide a stronger green margin and additional screening, using an appropriate mix of native species.

Proposals to provide additional indoor and outdoor community facilities, suitable for use by children and young people, in association with these developments will be supported.

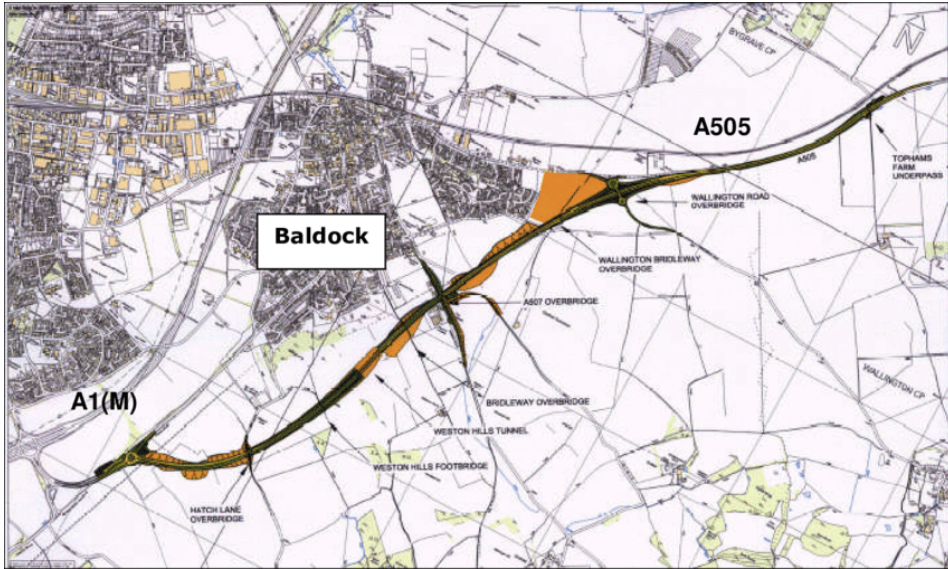
⁴⁰The area of BA3 referred to here is illustrated in Figure 7, and includes the slopes rising up to the raised land.



View from north end of Aleyn Way towards the raised ground immediately to the east, illustrating how the land rises quite steeply (as a result of which, development on this raised area would not be sympathetic to the landscape setting and would be likely to have an overbearing effect on houses in Aleyn Way and Merchants Walk). Image © WYG for Hertfordshire County Council.



View looking south from between Aleyn Way (to the right) and the raised land to the left, showing the narrow 'corridor' of relatively flat ground between the two. Image © Baldock, Bygrave and Clothall Planning Group.



The land to the east of Clothall Common formed part of the scheme of works for the construction of the Baldock Bypass (top left; image © Hertfordshire County Council). The image above illustrates chalk being deposited on the land east of Aley Way during construction (image © Laurence Brown). This land remains heavily-used for recreation, as the network of informal paths crossing it in this image from 2017 shows (left, imagery © Google).

