

**North Hertfordshire Local Plan Examination –
Statement to Matter 23**

On behalf of Vastint Land B.V.

Land west A1(M) Stevenage

26th February 2020

Turley

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Client
Vastint Land B.V.

Our reference
VASR3003

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1. Introduction

- 1.1 This Statement has been prepared on behalf of Vastint Land B.V. (herein referred to as Vastint) in response to Matter 23 of the Examination into the emerging North Hertfordshire Local Plan 2011 – 2031.
- 1.2 Vastint are promoting the land to the west of the A1(M) Stevenage, which is currently earmarked for safeguarding through the emerging Local Plan for future release under Policy SP8.
- 1.3 Vastint Land B.V. is part of the Vastint Group, an international real estate owner and developer with more than 25 years' experience. Vastint aim to deliver vibrant schemes with animated public spaces that are a delight to live and work in, with the spaces between buildings considered just as important as the buildings themselves.
- 1.4 The Local Plan was submitted prior to the implementation of the transitional arrangements and is therefore examined under the National Planning Policy Framework 2012 ('NPPF'). It is under this that this Statement is prepared and all references to NPPF refer to this iteration of the document, unless stated otherwise.
- 1.5 Vastint are committed to the delivery of their land interests at west Stevenage as set out in the Statement of Common Ground dated January 2018 (Examination Document ED71). The site has been in the planning system for nearly 20 years, with landowners and developers actively participating at the Structure Plan, Regional Plan and Local Plan levels as well as through planning applications and a Call-in public inquiry.
- 1.6 It is imperative that the 2011-2031 North Hertfordshire Local Plan sets a policy framework for land to the west of the A1(M) Stevenage that will ensure the timely delivery of this key housing allocation on non-green belt land, whilst recognising the complexities of delivering such large-scale development that the developers are being required to balance. Its current identification as safeguarded land will provide further certainty to the developers and landowner to achieve this prior to a future Local Plan Review and is in the interests of good and proper planning and in line with the NPPF.
- 1.7 This Statement should be read in the context that land within the jurisdiction of Stevenage Borough Council, under Policy HO2 (Stevenage West) has been allocated for 1,350 dwellings. We are aware that the developers are actively working on the submission of a planning application, with an Environmental Impact Scoping Opinion sought in September 2019¹.
- 1.8 This Statement should be read in conjunction with our client's submission under Matter 22.

¹ Reference Number 19/00552/SCO

2. Response to Matter 23: Green Belt Review and Site Selection Process

Issue: The Green Belt Review Update 2018 arrives at some different conclusions to that of the original Green Belt Review. Some sites are now considered to make a significant contribution to the purposes of including land in the Green Belt (which were previously assessed as making a lesser contribution).

Q: A) Should the change in the assessment of these parcels of land (including the safeguarded land to the west of Stevenage) lead to their allocation for development/identification as safeguarded land in the Local Plan being rejected?

2.1 The NPPF at paragraph 85 states that authorities should:

- *“ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;*
- *not include land which it is unnecessary to keep permanently open;*
- ***where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;***
- *make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;*
- *satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and*
- *define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.”*

[our emphasis]

2.2 It is plain to see that the Local Plan 2011 - 2031 has sought to meet the requirements of paragraph 85 of the NPPF and has proactively sought to plan for the future housing needs of the District, adjacent to the largest settlement within the housing market area, through the safeguarding of land west of the A1(M) Stevenage. It is not considered that the premise of this approach is in dispute.

2.3 Rather the pertinent issue appears to be the change in the ‘significance of harm’ found in the Green Belt Review Update 2018 and the Green Belt Review 2016 and whether, on balance, exceptional circumstances have been demonstrated to justify the release of land from the Green Belt compared to the ‘harm’.

2.4 The Council have sought to address the Inspector concerns through Paper B (Green Belt)² and Paper D (Proposed Safeguarded land west of Stevenage)³. It is our client's firm view that the change in assessment does not render the site unsuitable for identification for safeguarding and set out their case below.

2.5 Our clients welcome the reference to the judgment in Calverton Parish Council vs Greater Nottingham Councils [2015] EWHC 10784 in Examination Document 143 (Matter 7: Countryside and Green Belt: the Green Belt review and approach to safeguarded land). It provides the guiding principles for the release of land from the Green Belt through the justification of exceptional circumstances. In summary the Calverton Judgement:

“sets out that the planning judgements involved in the consideration of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) of the Planning and Compulsory Act 2004 should, at the very least, identify and grapple with the following matters;

- i. the acuteness/intensity of the objectively assessed need (matters of degree may be important);*
- ii. the inherent constraints on supply/availability of land prima facie suitable for sustainable development;*
- iii. (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;*
- iv. the nature and extent of harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and,*
- v. the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonable practicable extent.”*

2.6 Each of these matters is taken in turn below:

the acuteness/intensity of the objectively assessed need (matters of degree may be important);

2.7 The Council's objective assessment of housing need covers the period to 2031 for the authority areas of North Hertfordshire and Stevenage. The submitted plans of both authorities seek to meet objectively assessed needs for housing in full over this time.

2.8 As both plans cover the period to 2031, there is presently no formal assessment of North Hertfordshire's housing needs for the period beyond this. However, it is possible to review existing information to ascertain potential needs beyond the current plan period.

² Examination Document ED172

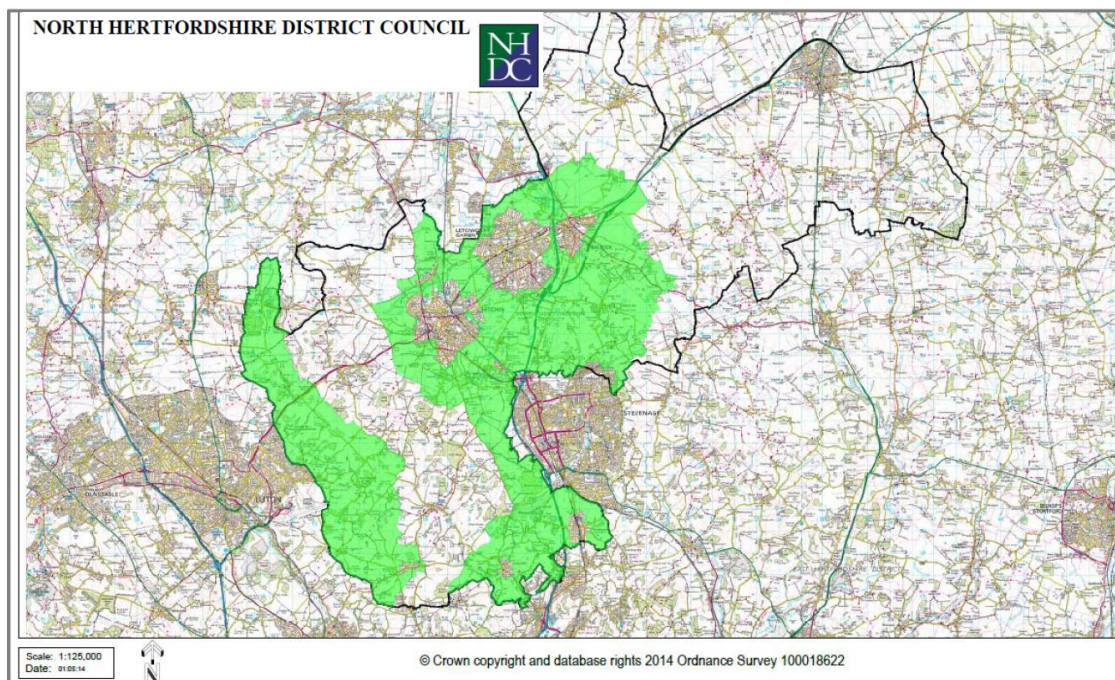
³ Examination Document ED174

- 2.9 The 'starting point' for estimating the objectively assessed housing needs, for this Plan, is the Government's 2014-based household projections. These cover the period to 2039.
- 2.10 The projections show that, for North Hertfordshire, household growth in the period 2031-39 is anticipated to continue at an average rate of 680 per year. This converts to a requirement of approximately 700 homes per year. Both figures suggest a broad continuation of housing need at the same average rate identified over the 2011-2031 period currently being planned for (690 homes per year).
- 2.11 Further, whilst not being used as a basis of this examination, any future Local Plan Review will be subject to the requirements of the NPPF 2019, which notes that to determine the minimum number of homes needed, strategic policies should be informed by a Local Housing Needs (LHN) assessment. The standard method for establishing the LHN is set out within the Housing and Economic Needs Assessment section of the Planning Practice Guidance. Our clients note that using the 2014-based household projection the LHN for North Hertfordshire would result in a need for **981 dwellings per annum**.
- 2.12 This represents an uplift of 42% compared to the current proposed annual need. It is therefore entirely logically to posit that this need for housing will remain acute and intense following any future Local Plan Review, thereby representing exceptional circumstances of which substantial weight should be attributed.
- 2.13 This matter is compounded when one considers paragraph 47 of the NPPF which notes that authorities should seek to meet needs in the relevant housing market area insofar as is consistent with other policies of the framework.
- 2.14 Evidence submitted to the examination shows the significant majority of North Hertfordshire, and the entirety of the land to the west of Stevenage, lying within the Stevenage Housing Market Area (HMA). This HMA encompasses the whole of neighbouring Stevenage as well as parts of Welwyn Hatfield, Central Bedfordshire and East Hertfordshire. The emerging plans of all these authorities make the case that exceptional circumstances exist to justify the release of Green Belt over their respective plan periods.
- 2.15 Table 1 of Appendix 7 of Examination Document 143, succinctly outlines the extent of the acuteness and intensity of future housing need across the wider HMA. An extract of which is provided below.

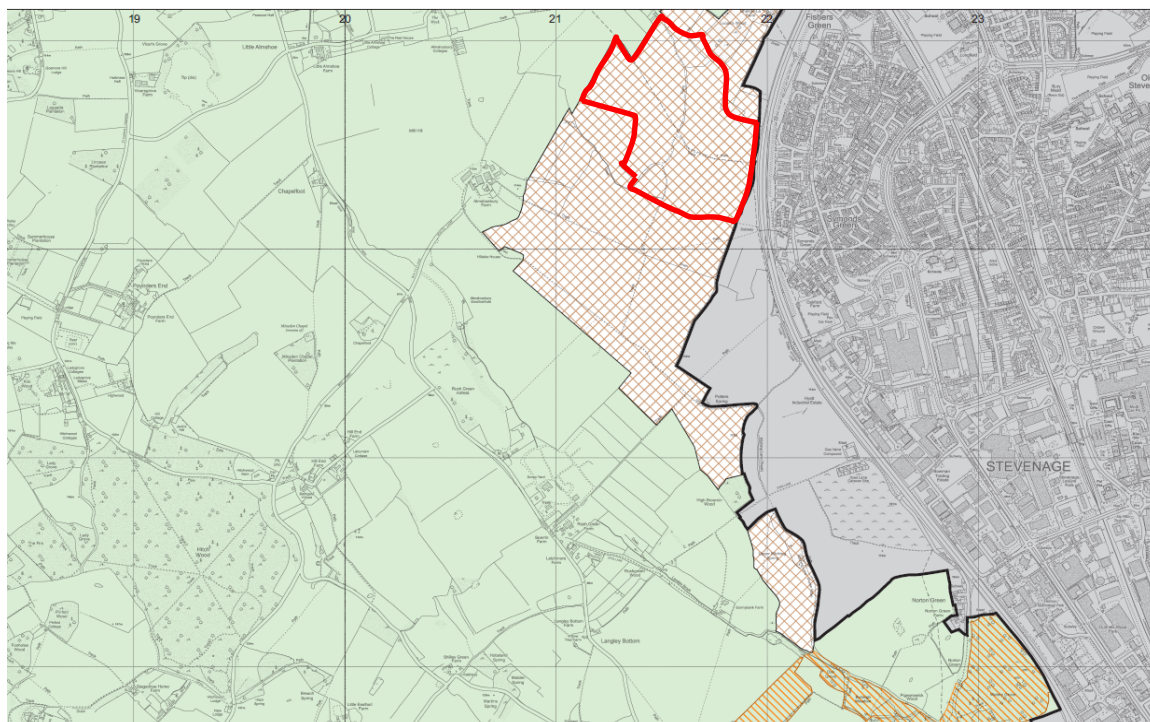
Table 1: Current housing needs and potential long-term requirements

Authority	Emerging Plan period	Annual average housing requirement		
		Current OAN	CLG h'hold projections from end of plan period to 2039	Proposed standardised methodology
North Hertfordshire	2011-2031	690	680	996
Stevenage	2011-2031	380	390	443
Central Bedfordshire	2016-2036	1,600	1,440	2,553
East Hertfordshire	2011-2033	745	690	1,111
Welwyn Hatfield	2013-2032	800	620	877

- 2.16 For all authorities in the Stevenage HMA, the proposed standard methodology would result in higher housing requirements.
- 2.17 It is therefore plain to see that based on present information, housing requirements in the wider HMA are likely to remain high beyond current plan periods.
- 2.18 Further the Council's recent 2019 Housing Delivery Test results (**44% of expected delivery**, resulting in the presumption of development being applicable) highlights that there has been significant under delivery in the District. The sensible safeguarding of land to the west of the A1(M) Stevenage, will no doubt allow the Council to plan more proactively to manage their supply. It also further evidences the extent of housing issues faced within North Hertfordshire.
- 2.19 Our clients strongly submit that the housing need at any Local Plan Review is likely to remain acute and intense and necessitate the need for further Green Belt Release. The safeguarding of land at west of A1(M) Stevenage is in the interests of good and proper planning.
- 2.20 Whilst, this question predominantly focuses on housing need, it is important to note that the Inspectors Report to the Stevenage Local Plan acknowledges the 30ha employment land requirement and the 11.5ha shortfall against this. Land to the west of the A1(M) Stevenage can support Stevenage in meeting this unmet need through a future Local Plan Review. This should also be weighed in favour of identifying this land for development.
- The inherent constraints on supply/availability of land prima facie suitable for sustainable development;***
- 2.21 The current designated area of Green Belt in North Hertfordshire is 14,247ha out of a total district area of 37,537ha (approximately 40%). An extract of Figure 2.2 of the Green Belt Review 2016 is provided below:



2.22 The approximate extent of our clients land interests, superimposed on the proposals map, in relation to the safeguarded land is shown below edged red:



2.23 This demonstrates that with the exception of Royston in the north-eastern corner of the District, all of the largest settlements within and adjacent to the District are abutted by Green Belt. It also demonstrates that the proposed Green Belt release is tightly contained to the settlement edge of Stevenage, with a significant gap remaining between the edge of Stevenage and Luton. On the face of it this means that in order to

focus development in the most sustainable locations in the district would undoubtedly require Green Belt release.

- 2.24 Given the forecast housing requirements, and the 42% uplift identified through the Local Housing Need Assessment, it is reasonable to infer that these constraints will remain through the future Local Plan Review and necessitate the need for further Green Belt release.
- 2.25 In addition, and whilst not directly relevant to this examination, the NPPF 2019 at paragraph 137 sets out that the strategic policy-making authority should be able to demonstrate that it has examined full all other reasonable options for meeting its identified need for development:
- a) Makes as much use as possible of brownfield sites and underutilised land;*
- 2.26 It is evident from the evidence base that the Authorities have fully explored development options on underutilised land and Brownfield land, through both the SHLAA and the Brownfield Register.
- 2.27 The latest Brownfield Register (2019) shows a small supply of available brownfield sites across the Plan Area, amounting to 23 sites with a dwelling capacity of 913⁴.
- 2.28 The Strategic Housing Land Availability Assessment (SHLAA) 2016 (subsequently updated through the 'Housing and Green Belt background paper') identified that there was a potential capacity for 18,262 homes to be built within North Hertfordshire over the plan period to 2031 (this figure including completions, permission and other allowances). There remains 14,420 dwellings available for allocation.
- 2.29 However, as set out within the Housing and Green Belt background paper, the District would not even meet half of its own housing needs if a policy of Green Belt restraint was pursued. The Housing and Green Belt background paper indicates that 11,857 dwellings of potential identified remnant capacity is within the Green Belt, representing 82% of that identified within the SHLAA.
- 2.30 It would be rationale to presume at a further Local Plan Review these constraints in supply would be remain.
- 2.31 Our clients would also highlight that the development of additional land in the vicinity of Stevenage, would likely improve the vitality and viability of its centre. This would reinvigorate brownfield assets as they become more viable to the market and will offer future opportunities to maximise brownfield land.
- 2.32 Within this context, our client submits that the Council has satisfied paragraph 137(a) of the Framework 2019 insofar as the Local Plan plans to make as much use as possible of suitable brownfield sites and underutilised land.

⁴ Brownfield Land Register (2019)

b) Optimises the density of development, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations will served by public transport; and

- 2.33 The SHLAA 2016 sets out that where the capacity of the site has not been defined through a planning application or detailed pre-planning work, they were assigned a capacity range based on their setting, including:
- Infill development within existing town boundaries: 35dph
 - Small extension to existing town (<5 hectares (ha)): 30dph
 - Moderate extension to existing town (5 – 15 ha): 25dph
 - Large extension to existing town (>15 ha): 20dph
 - Land within or adjoining village: 20dph
- 2.34 The Councils have satisfied paragraph 137(b) in this regard insofar as development is planned to be optimised as far as reasonably possible and due regard has been paid to the character of each site.
- c) Has been informed by discussions with neighbouring authorities about whether they can accommodate some of the identified need for development.*
- 2.35 The Council have set out their position within the Duty to Co-operate Compliance Statement (June 2017), the Housing and Green Belt Background Paper and through their response to Matter 1 of the original Hearing Sessions.
- 2.36 Paragraph 4.28 of the Housing and Green Belt background Paper clearly sets out that against a need for around 37,000 homes across the Housing Market Area across the Plan period, there is considered to be capacity for less than 22,000 homes on sites outside the Green Belt.
- 2.37 It is clear from both the SHLAA and this analysis that a number of potential development sites in North Hertfordshire are constrained by policy, heritage, ecological or other considerations. It is equally plain that, if the Council were to impose blanket restrictions upon development on many (combinations) of the grounds above it would face severe challenges in meeting the identified needs for housing.
- 2.38 It is submitted that these issues are not unique to North Hertfordshire. Other authorities in shared market areas, and across a wider swathe of authorities, face similar constraints, particularly in relation to Green Belt. Both Stevenage and Luton being severely underbound and capacity constraints. A shared or consistent policy position that sought to restrict development across these wider areas would severely impact upon large parts of Hertfordshire and Bedfordshire.
- 2.39 There would be very limited scope for North Hertfordshire to impose restrictions within its own area and then ask other authorities to help meet unmet needs through the Duty to Co-operate as they would likely need to use sites covered by (some of) the same restrictions that North Hertfordshire relied on to justify its position of restraint.

- 2.40 The Councils have satisfied paragraph 137(c) of the Framework 2019 insofar as they have worked cooperatively with the adjacent authorities in order to ensure that the needs of the housing market areas are met.

Consequent difficulties in achieving sustainable development without impinging on the Green Belt

- 2.41 The Spatial Strategy for the emerging Local Plan (Policy SP2) is predicated on the principle that the majority of the district's development will be located within the settlement boundaries of the following towns:
- Baldock;
 - Hitchin;
 - Letchworth Garden City;
 - Royston;
 - Stevenage (including Great Ashby); and
 - Luton.
- 2.42 As noted above, the current designated area of Green Belt in North Hertfordshire is 14,247ha out of a total district area of 37,537ha (approximately 40%), with the designation surrounding or abutting all of the main settlements both adjacent and within the District, with the exception of Royston.
- 2.43 In relation to Stevenage, the settlement it is severely unbound and thereby its ability to meet its housing need within its jurisdiction is hampered. Stevenage Borough Council through the submission of Hearing Statements, explicitly outlined that beyond the 2031 plan period of their emerging Local Plan, there are likely to be very limited suitable, available and achievable sites on which to meet any future development needs within Stevenage. Stevenage are already relying on NHDC to provide over 11ha of employment land, as insufficient land was found within the Borough to meet all of our development needs.
- 2.44 Stevenage is one of the largest settlement in northern Hertfordshire. As a planned new town, it provides a sustainable mix of land uses. Due to the way in which the town has historically developed, any future development to the west of Stevenage would be in relatively close proximity to the town's main employment area as well as the station and town centre.
- 2.45 Land at west of the A1(M) Stevenage will be required to support the delivery of sustainable development in the District and Housing Market Area through any Local Plan Review.

the nature and extent of harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and

- 2.46 In relation to land at west of the A1(M) Stevenage, our clients note the amendments in the respective Green Belt Review's as follows:

- Green Belt Review 2016 - Site assessed under Parcel 9

Check unrestricted sprawl of large built-up areas	Prevent merging of neighbouring towns	Safeguard countryside from encroachment	Preserve setting and special character of historic towns	Overall contribution
Land making a significant contribution to Green Belt purpose(s)	Land making a limited contribution to Green Belt purpose(s)	Land making a significant contribution to Green Belt purpose(s)	Land making a limited contribution to Green Belt purpose(s)	Land making a moderate contribution to Green Belt purposes.

- Green Belt Review Update 2018 – Assessed under Parcel 9

Check unrestricted sprawl of large built-up areas	Prevent merging of neighbouring towns	Safeguard countryside from encroachment	Preserve setting and special character of historic towns	Overall contribution
Land making a significant contribution to Green Belt purpose(s)	Land making a limited contribution to Green Belt purpose(s)	Land making a significant contribution to Green Belt purpose(s)	Land making a limited contribution to Green Belt purpose(s)	Land making a significant contribution to Green Belt purposes.

- 2.47 Our clients would in the first instance highlight that overall the assessment has not changed. The Green Belt Review 2018 has only considered the revised consideration of openness in respect of the Green Belt purpose relating to safeguarding the countryside from encroachment.
- 2.48 Our clients would note that this criteria was significant in the Green Belt Review 2016, and therefore are unclear as to why the overall assessment has changed and therefore argue that the harm is 'moderate' rather than 'significant'. In any event consider the weight to be given to the exceptional circumstances outweigh the harm to the Green Belt, whether significant or moderate.
- 2.49 Our clients would also note that Stevenage Borough Council have already breached the long held defensible boundary of the A1(M) to Stevenage, through the allocation of land through their recently adopted Local Plan, with a planning application expected

imminently. This will change the character of the area to the west of Stevenage, especially as Policy H2 of the Stevenage Local Plan requires the proposals to facilitate the delivery of land within the North Hertfordshire and therefore will not necessitate a requirement for a completely defensible boundary in the first instance.

the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonable practicable extent

- 2.50 The Council through ED143 – Matter 7 identifies that although it is proposed to remove this land from Green Belt for safeguarding, there would be no impact at this time as permission for permanent development of land should only be granted following a Local Plan Review, which proposes the development.
- 2.51 ED143 – Matter 7, then goes on to note that at the time of a subsequent Local Plan Review, the Council will seek to mitigate Green Belt impacts through a variety of measures including, *inter alia*:
- Avoiding development on areas of the site(s);
 - Boundary treatments / reinforcements; and
 - Compensatory provision
- 2.52 Our client considers that the Council have the necessary controls for the first two measures to be identified in a site-specific policy at any future Local Plan Review. Our clients are willing to work with the Council to deliver this and set a Framework to ensure that a robust, defensible and permanent Green Belt boundary is delivered.
- 2.53 In addition land at Offley and Whitwell has been identified as Green Belt land to provide compensatory provision for the loss of Green Belt land to meet housing needs.

Summary

- 2.54 In summary, our clients posit that the change in assessment should not result in the removal of the identification of the site for safeguarding. The weight of exceptional circumstances is substantial and clearly outweighs the harm to the loss of Green Belt.

Q: B) If so, and bearing in mind the methodology used, why does the change in the assessment render the Local Plan unsound in this respect?

- 2.55 For the reasons set out above we do not consider the Plan unsound in this respect.

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