



The Planning Inspectorate

Report to North Hertfordshire District Council

by Simon Berkeley BA MA MRTPI

an Inspector appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the North Hertfordshire Local Plan 2011 - 2031

The Plan was submitted for examination on 9 June 2017

The examination hearings were held between 13 November and 13 December 2017, 23 January and 27 March 2018, 23 November and 10 December 2020, and on 1 and 2 February 2021

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Abbreviations used in this report

AONB	Area of Outstanding Natural Beauty
AQMA	Air Quality Management Area
BCIS	Building Costs Information Service
BRMA	Broad Rental Market Area
EEFM	East of England Forecasting Model
ELR	Employment land review
HMA	The housing market Area
FEMA	The functional economic market area
IDP	Infrastructure Delivery Plan
IDS	Infrastructure Delivery Schedule
LEA	The local education authority
MoU	Memorandum/a of Understanding
NPPF	The National Planning Policy Framework published in 2012
OAN	The objective assessment of housing need
PPG	The Planning Practice Guidance supporting the NPPF published in 2012
SuDS	Sustainable drainage systems
WwTW	Wastewater Treatment Works

Non-Technical Summary

This report concludes that the North Hertfordshire Local Plan 2011 – 2031 ('the Plan') provides an appropriate basis for the planning of the district, provided that a number of main modifications are made to it. North Hertfordshire District Council has specifically requested that I recommend any main modifications necessary to enable the Plan to be adopted.

Following the hearings in 2017/2018 and those held in 2020/2021, the Council prepared schedules of the proposed main modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The main modifications were subject to public consultation for periods of at least six weeks. In some cases I have amended the detailed wording of the main modifications and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment, and all the representations made in response to consultation on them.

The main modifications can be summarised as follows.

- Reducing the objectively assessed need for housing in the district from 13,800 homes over the plan period to 11,500.
- Reducing the Plan's requirement for new housing to meet the district's needs from 14,000 homes over the plan period to 11,600.
- Introducing an updated housing trajectory.
- Basing the calculation of the five-year supply of land for new housing on a three-stepped approach using the 'Liverpool' method.
- Adding a new policy committing to a review of the whole Plan by the end of 2023 at the latest.
- Introducing an additional tier to the settlement hierarchy.
- Introducing a Key Diagram that properly represents the settlement hierarchy and the spatial distribution of development.
- Requiring all strategic housing sites to create integrated, accessible and sustainable transport systems.
- Removing from the Plan housing allocations where development has commenced or been completed.
- Requiring strategic masterplans for the strategic housing sites (and some others).
- Amending and clarifying the approach to, and requirements for, education provision.
- Ensuring that a number of sites create 'defensible' Green Belt boundaries.
- Setting out Garden City design principles against which developments in Letchworth should be considered.
- Making numerous alterations to site-specific policies to ensure their effectiveness.
- Modifying numerous development management policies to ensure their effectiveness and consistency with national policy.
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. Paragraph 182 of the National Planning Policy Framework 2012 (NPPF) makes it clear that to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. A revised National Planning Policy Framework was published in July 2018 and further revisions were published in February 2019 and July 2021. Paragraph 220 of the latter includes transitional arrangements which indicate that, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised national policy, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The North Hertfordshire Local Plan 2011 – 2031, submitted in June 2017, is the basis for my examination. It is the same document as was published for consultation in October 2016.

Main modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications necessary to rectify matters that make the Plan unsound or not legally compliant and thus incapable of being adopted. My report explains why the recommended main modifications are necessary. The main modifications are referenced in bold in the report in the form **MM1**, **MM2/FM1**, **FM2** etc, and are set out in full in the Appendix.
5. Following the various examination hearings, the Council prepared schedules of proposed main modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. Each schedule was subject to public consultation for at least six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal/habitats regulations assessment that has been undertaken.
6. Some of the modifications put forward by the Council are factual corrections or updates, changes which are consequential to main modifications, or amend typographical or other errors in the Plan. These do not amount to main modifications necessary for soundness, and so I have not recommended them. The Council is entitled to make these and any other additional modifications which (taken together) do not materially affect the policies that would be set out in the Plan if it was adopted with the main modifications.

Policies map

7. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as the "*Proposed Submission Proposals Maps*" [LP2a, b, c, d and e].
8. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published main modifications to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
9. These further changes to the policies map were published for consultation alongside the main modifications. Notwithstanding the preceding paragraph, they were labelled as main modifications, provided with a reference number and included in the draft schedule of main modifications.
10. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the draft schedules of main modifications as identified and explained in this report.

Public Sector Equality Duty

11. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including the provision of traveller sites to meet need and accessible and adaptable housing.

Assessment of the Duty to Co-operate

12. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
13. North Hertfordshire is a generally rural district, much of which is within the Green Belt encircling London. Letchworth Garden City and Hitchin are the district's two largest towns. Luton and Stevenage are broadly to the west and southeast of North Hertfordshire respectively. The local authority administrative areas of both Luton and Stevenage Borough Councils are drawn quite tightly to the built-up area of the two towns, as is the boundary of the Green Belt around them.
14. Housing and employment matters are among the strategic, cross boundary issues of greatest relevance to this Plan. As the Council's hearing statement and its Duty to Co-operate Compliance Statement (June 2017) [SOC1] ('the compliance statement') indicate, the key issues include the identification of the

housing and economic market areas, quantifying the need for development and ensuring that those needs are met. Closely linked to this are the questions of identifying the most appropriate locations for the new development required, and the existence or otherwise of the exceptional circumstances needed to 'release' Green Belt for development.

15. While I consider issues concerning the Housing Market Area (HMA) later, for present purposes it is sufficient to note that the vast majority of North Hertfordshire district is within the Stevenage HMA. A slender tranche to the west lies within the Luton HMA. It is clear that the Council has engaged actively with its neighbours in this regard. North Hertfordshire District, Stevenage and Luton Borough Councils are among a wider consortium of local authorities that jointly commissioned a study to identify and delineate HMAs in the area. Following on from this, the Council and Stevenage Borough Council jointly instructed the undertaking of a Strategic Housing Market Assessment to objectively assess the need for housing across the HMA. Helpfully, it also sets out a recommended apportionment of housing for each of the two local authority areas.
16. There are numerous other strategic, cross-boundary issues relevant to the Duty to Co-operate. They are set out in the Council's compliance statement, as are some of the details about meetings held with the relevant prescribed bodies. The latter provide a good indication that engagement has been constructive, active and ongoing.
17. Perhaps the most telling indicators in relation to the Duty to Co-operate, though, are the number, scope and content of the Memoranda of Understanding (MoU) the Council has entered into with prescribed bodies, along with the actual outcomes in terms of the content of the Plan. It sets out to deliver its portion of housing such that the needs of the Stevenage HMA are met. It also provides land for approximately 1,950 new homes to the east of Luton to help address the unmet needs of that neighbouring borough. Furthermore, it includes sufficient employment land to compensate for the identified shortfall in Stevenage of 11.5 hectares.
18. The provision of new school places required because of the housing proposed by the Plan is an important issue in relation to both the Duty to Co-operate and the soundness of the Plan. Hertfordshire County Council, as the Local Education Authority (LEA), objects to the Plan's proposals for providing school places on various counts and has argued that there has been a failure in relation to the Duty to Co-operate. I disagree. It is clear from the Council's compliance statement that it was fully aware of the LEA's stance at the point of the Plan's submission. The Duty to Co-operate does not demand agreement. Consequently, and considering the evidence of engagement between the two authorities, I do not regard the differences between them, irreconcilable though they may be, to amount to any shortcoming in relation to the Duty to Co-operate. The issues involved are, though, significant soundness matters. I consider them in detail later in this report.
19. In view of the above, and the evidence set out in the Council's compliance statement, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan. I consider that the Duty to Co-operate has therefore been met.

Assessment of other aspects of legal compliance

20. The Plan has been prepared in accordance with the Council's Local Development Scheme.
21. Consultation on the Plan and the main modifications was carried out in compliance with the Council's Statement of Community Involvement.
22. The Council carried out a sustainability appraisal of the Plan, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under Regulation 19. The appraisal was updated to assess the main modifications.
23. The Habitats Regulations Assessment (September 2018) [ED164] includes an Appropriate Assessment. This concludes that subject to main modifications – MM047, MM049 and MM185 – the likely significant effects of the Plan would be mitigated. The addendum to this Assessment supports those conclusions.
24. The Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.
25. The Plan, taken as a whole, includes policies designed to ensure that the development and use of land in the local planning authority's area contributes to the mitigation of, and adaptation to, climate change, notably through its policies relating to flood risk, sustainable drainage systems (SuDS), water efficiency and renewable and low-carbon energy developments.
26. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations (as amended).

Assessment of soundness

Main issues

27. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 19 main issues upon which the soundness of the Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors.

Issue 1: Whether the Plan's provision for new housing is justified, effective, consistent with national policy and positively prepared

28. In planning for housing under the transitional arrangements outlined above, local plans should be based on a strategy which seeks to meet objectively assessed housing needs (OAN), including unmet requirements from neighbouring authorities, where it is reasonable to do so and is consistent with achieving sustainable development. The starting point here is to identify the housing market area (HMA), as it is the housing need arising within the HMA that the NPPF says local plans should address. It is then necessary to consider the question of assisting with any unmet needs from neighbouring areas, and any other factors which might lead to setting a housing requirement in the local plan that is different – one way or the other – to the OAN.

29. Having established the housing requirement it is the function of the local plan to provide sufficient land to enable it to be met, including a 'rolling' supply of sites sufficient to provide five years' worth of housing when measured against the overall housing requirement. I consider each of these steps in turn below.

The housing market area

30. The Council considers North Hertfordshire to be predominantly within the Stevenage HMA, but that a limited area of the district to the west is within the Luton HMA. According to the Council's evidence, set out in *Housing Market Areas in Bedfordshire and Surrounding Areas: Report of Findings* (December 2015) [HOU2] ('the HMA Report'), and *Updating the Evidence on Migration* (June 2016) [ED25] ('the Migration Update'), between 98% and 99% of the district falls within the former.
31. The PPG says that HMAs can be broadly defined using information about house prices and their rates of change, household migration and search patterns, and contextual data such as travel to work areas and school and retail catchment areas. The HMA Report considers such factors in line with the PPG.
32. Travel to work patterns are analysed in the HMA Report, using the Travel To Work Areas published by the Office for National Statistics and commuting flow data from the 2011 census as a starting point. It also undertakes more refined modelling using census output areas. These exercises lead to the identification of commuting zones. The vast majority of North Hertfordshire is within the same zone as Stevenage, and a sliver of the district to the west lies within a zone that includes Luton.
33. Turning to household migration, the PPG indicates that, typically, a level of 70% 'containment' – that is, where 70% of household moves are confined within any particular area – represents a high degree of containment. Drawing on information about house moves from the 2011 census, the Migration Update considers the degree to which households are 'contained' within migration zones. Although not especially fresh data, I am told that it is the most up to date available and I have no compelling reason to suppose it is not representative.
34. Of relevance here is that Stevenage and Luton are among the migration zones identified, and North Hertfordshire is predominantly within the Stevenage zone. These zones are broadly reflective of the HMAs ultimately identified. The assessment, in effect, 'tests' the appropriateness of the zones through considering the degree to which they are or are not contained. For each, the analysis takes into account 'supply side' moves (where people already living in the area stay in the area), and 'demand side' moves (where people have moved to the area from elsewhere). To exclude long distance moves as the PPG suggests, moves involving distances of up to 20 miles and up to 50 miles are the focus of consideration.
35. For the Stevenage migration zone, the Migration Update shows that supply side moves exceed 70% containment irrespective of the distance involved. For the demand side, containment is at 80.6% based on the 2011 census data for moves of up to 20 miles. For moves of up to 50 miles, containment is at 68%. For the Luton migration zone, containment is more than 70% 'across the board'.

36. I consider all this analysis to be adequately robust, and that it represents a good indicator of migration trends. While containment for moves of up to 50 miles within the Stevenage migration zone is below 70%, it is only marginally so and, in any event, the PPG does not set this level out as any sort of policy demand or threshold to be applied rigidly. In my view, it clearly indicates a high degree of containment within both the Stevenage and Luton migration zones identified, including within North Hertfordshire.
37. House prices and rental values are considered in the HMA Report, which also draws on the Valuation Office Agency's Broad Rental Market Area (BRMA) boundaries. From Figure 37 of the HMA Report, it is apparent that there are similarities between the BRMA boundaries, and the commuting zones discussed above.
38. Looking at all of this in the round, I am satisfied that the evidence sufficiently supports and justifies the HMA boundaries identified by the Council insofar as they relate to North Hertfordshire. The basis on which the need for housing has been considered is therefore appropriate.

The objectively assessed need for housing

39. On submission of the Plan, the OAN identified by the Council was for 13,800 homes over the Plan period, being 2011 to 2031. This figure stems from 'Updating the Overall Housing Need' (August 2016) [HOU3] ('the OAN Update'). This is, in itself, an update of the Stevenage and North Hertfordshire Strategic Housing Market Assessment Update 2015 [HOU4] ('the SHMA') and is informed by it.
40. The PPG says that:

"Wherever possible, local needs assessments should be informed by the latest available information. The [NPPF] is clear that local plans should be kept up to date. A meaningful change in the housing situation should be considered in this context, but this does not automatically mean that housing assessments are rendered outdated every time new projections are issued."
41. The OAN figure in the Plan as submitted is founded on 2014-based projections. The soundness of this figure, and the methodology that led to its identification, was considered during the initial hearings in 2017. As set out below, this figure has been superseded by the release of more up-to-date projections and data that support my final findings. However, for the purposes of reaching the conclusions that follow, I consider the original OAN figure of 13,800 was robust on the basis of the evidence at the time.
42. As indicated above, during the examination, national 2016 and 2018-based household projections were published. Consistent with the guidance in the PPG, the Council has considered both. On the basis of 2018-based projections, the Council identifies an updated OAN figure of approximately 11,500 homes and concludes that this represents a meaningful change in the housing situation. Its assessment and reasoning are both set out in its paper 'The 2018-based household projections and Objectively Assessed Need' (August 2020) [ED191A] ('the OAN paper'). I turn now to consider the methodological approach taken to arriving at this new figure and whether the degree of change involved is meaningful in the terms of the PPG.

43. It is clear from the PPG that the nationally published household projections should provide the starting point estimate of overall housing need. The OAN paper considers the 2018-based household projections. Three projections are given. The principal projection is based on a two-year migration trend. The other two are based on five- and ten-year migration trends. There is no indication in national policy or guidance about which is to be preferred in any given situation. The Council has used the ten-year migration trend.
44. Migration is the key factor affecting the projections. At the hearing, the Council described migration levels in the district over the last two years – the length of time used by the national principal projection – as “*close to zero*”. From Figure 8 of the OAN paper, that is not too wide of the mark. But it is evident from the OAN paper that migration in the last two years is far from representative. Neither is the last five years especially characteristic, given the influence of the last two years within that period. It seems to me that if either of these trends were replicated it would likely lead to household formation being suppressed. That would not be appropriate, or consistent with the aim of ensuring that housing needs are met.
45. Additionally, one must bear in mind that the start date for this Plan is 2011. Migration levels during the earlier parts of the Plan period have been significantly higher than the average of the last two and five years. Rather than a projection, this is a reality relating to the first half of the period being considered here and cannot be ignored.
46. Considering these factors, it would be illogical to project forward either the two- or five-year migration trends, and to do so would risk stifling household formation going forward. Taking account of migration figures over a longer period is likely to reduce any skewing of the forward projections by unrepresentative short-term trends. The ten-year trend would be the most effective of the three in this regard. It is therefore, in my view, the most appropriate basis for identifying the OAN for North Hertfordshire.
47. Imbedded within the 2018-based household projections are estimates concerning household formation that draw on census data from the 2001 and 2011 census. The Council's approach, however, is to instead use census data from 1971 to 2011 to determine household representative rates. This reflects the method that was until recently used by the Government in its projections. On the Council's analysis, this leads to the need for an adjustment to the OAN, increasing it by 1,470 households. I consider this to be reasonable and necessary to help ensure that any suppressed household formation within the projections is addressed.
48. I recognise that the United Kingdom's exit from the European Union, along with the Covid 19 pandemic, may affect migration and/or household formation into the future. However, the precise nature and degree of any such effects, and their geographical impacts across the country, cannot currently be determined. To base North Hertfordshire's housing need on such factors at this point in time would be unsubstantiated and unreasonable. In any event, the Council has committed to undertaking a review of the whole Plan by the end of 2023 and has put forward a new policy setting out the detail of this commitment. I discuss this further later in this report. Any significant

changes as a consequence of these or other factors will be addressed through that early review process.

49. A 10% uplift is added to the figures in response to market signals. The SHMA undertakes a 'benchmarking' exercise, comparing house prices, rents, affordability, overcrowding and rates of development in the HMA to a number of identified 'comparator' areas and England as a whole. While the Stevenage HMA is under less housing market pressure than the areas used for comparison, these areas are themselves under greater pressure than the national average. So too is the Stevenage HMA in relation to several indicators, including house prices, rents and affordability. Taking these indicators together, I consider that it is appropriate to include an uplift to the demographically derived household projections in line with the PPG.
50. National planning policy and guidance do not specify the level of uplift that might be appropriate in relation to market signals. However, the analysis in the SHMA considers the whole HMA. The OAN for Stevenage informing its now adopted local plan is predicated on a 10% uplift, and the SHMA indicates that although different, the housing pressures in Stevenage and North Hertfordshire are broadly comparable. In this context, I consider the level of uplift to be reasonable and appropriate.
51. Finally, the SHMA considers any need to alter the OAN in the light of employment trends. On the assumption that out-commuting will remain at roughly the present rate, the SHMA concludes that the demographic projections would provide enough economically active residents to fulfil the jobs in the area. I recognise that this conclusion is drawn on the basis of the OAN and housing requirement on which the Plan was founded on submission. Both have been reduced through the course of the examination. But the proposed supply and anticipated delivery of housing has not. Given this, the SHMA's conclusion remains relevant and is not undermined. In the light of this, I consider that the Plan would lead to an appropriate balance between employment and housing, and therefore no further uplift is required.
52. Overall, much work has been done to assess objectively the need for housing in the HMA and to disaggregate an OAN figure for North Hertfordshire. As the PPG points out, establishing the future need for housing is not an exact science. Assessing objectively the need for housing is not and cannot be an endeavour involving any significant degree of precision – no single approach will provide a definitive answer. In arriving at an OAN of 11,500 homes the Council's analysis has drawn on relevant and appropriate sources, and the inputs and assumptions made are reasonable. In my view, the methodological approach is consistent with national policy and guidance and is satisfactorily robust.
53. The Council says that the 2018-based OAN figure represents a meaningful change in the housing situation when considered against the OAN of 13,800 upon which the Plan as originally submitted was founded. I agree. It is a reduction of 2,300 dwellings, amounting to a change of around 17%. As I see it, this is significant, and I regard it to be meaningful in the context of the figures involved. Consequently, the original OAN figure of 13,800 is not justified, and I consider the OAN for North Hertfordshire to be 11,500 homes for the period 2011 to 2031.

54. The Council has put forward **FM028** and **FM058** to clearly set out the revised OAN within the Plan. Both are necessary to ensure that the Plan is justified.

The Plan's housing requirement

55. Policy SP8 sets out the Plan's housing requirement. It:

- a) adds to the OAN an uplift for older persons' housing;
- b) sets out the resultant figure as the Plan's overall requirement for meeting the district's housing need and commits to releasing sufficient land to meet that requirement;
- c) disaggregates the aforementioned overall requirement for the district into two separate geographic requirements, one for each of the HMAs that North Hertfordshire lies within; and
- d) includes a separate housing requirement to help meet the need for housing in Luton.

I consider each of these elements of the Plan's housing requirement below.

The uplift for older persons housing

56. Based on the original OAN of 13,800, the Plan as submitted set an overall housing requirement of 14,000 (excluding the requirement to help meet Luton's housing need). An uplift of 200 homes was added to reflect a proportion of the need identified for communal establishments. In effect, this is an increase to address the need for older people, in recognition of the fact that people are increasingly living in their own homes for longer. I discuss and explain this point in greater detail later. I understand that this is a need for housing that is not otherwise encompassed within the OAN. Whether this increase should be added to the OAN figure or regarded as solely part of the requirement is somewhat academic. It is a type of housing that the Plan must cater for, and I consider the approach taken by the Council to be suitable.
57. In the light of the revised OAN identified, the Council has put forward a revised housing requirement for the district. I consider this shortly. Rather than 200 dwellings, the uplift to address the need for care home bed spaces is reduced to 100. Taking account of the institutional population in the 2018 based projections, this level of uplift is broadly commensurate with that in the Plan as originally submitted and caters for a similar proportion of the identified need. In my view, it is reasonable and justified to include this level of uplift to the OAN within the housing requirement.

The housing requirement identified for meeting North Hertfordshire's housing need

58. Paragraph 14 of the NPPF sets out the 'presumption in favour of sustainable development'. For plan making, this means that local plans should meet objectively assessed needs unless:
- a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF; or

- b) specific policies in the NPPF indicate that development should be restricted.
59. As I have already said, this Plan sets out a housing requirement that aims to meet the objectively assessed need for housing in the district. In the light of the NPPF and, in particular, considering the extent to which land that is currently in the Green Belt is proposed in the Plan for new housing, the fundamental question here is whether it should.
60. I consider Green Belt issues in detail later in this report. For now, it is sufficient to note that:
- a) I consider that land proposed to be 'released' from the Green Belt for new housing would, in many instances, lead to adverse impacts – in the Council's own evidence, many of the proposed housing sites make a significant or moderate/significant contribution to the purposes of including land in the Green Belt; and
- b) notwithstanding the above, I conclude that the exceptional circumstances necessary to justify the alterations proposed to the Green Belt boundaries to facilitate the housing sites proposed in the Plan do exist.
61. On the one hand, it is clear to me that much of the new housing development proposed in this Plan would cause significant harm to the Green Belt. This is a very important factor, and I give substantial weight to it. Some of the new housing would also lead to other negative effects, and I consider these in detail later in this report.
62. On the other hand, though, there are clear benefits to the Plan's approach. It is wholly apparent to me that the need for new homes in North Hertfordshire is both acute and pressing. Delivery has fallen short of identified need for some considerable time, including from 2011 until now – that is, the first half of the plan period. Allowing this pattern to continue would doubtlessly lead to a continued squeeze on the housing market, rising house prices and the continuation of household formation being suppressed. In short, many people seeking to live in their own home within the district would be unable to do so.
63. On this point, there is no realistic or present prospect of neighbouring local authorities helping to meet North Hertfordshire's housing needs. No such assistance has been volunteered in the plan preparation stage, and both Luton and Stevenage have similar Green Belt constraints to new development and little land in their administrative areas beyond that which is already built-up.
64. Moreover, I cannot see how North Hertfordshire's needs could be met within the district without resorting to a significant level of Green Belt 'release'. According to the Council's calculations, the district's 'non-Green Belt capacity' is a little under 6,350 dwellings, including a capacity of around 4,600 within existing urban areas. This is well short of the OAN identified.
65. Perhaps as important as the question of meeting the need for housing is the issue of where those needs are met. This Plan aims to meet them in the district – that is to say, where they arise – and to meet them in a sustainable way. I consider the distribution of new housing below. In summary, I conclude that the Plan aims to locate new homes in the most sustainable

places in the district, and that the distribution proposed represents a sustainable pattern of housing development.

66. The NPPF does not rule out the 'release' of Green Belt land for housing through the plan making process. Paragraph 83 says that "... *Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the local plan*". Whilst this is a high bar, it is not an absolute preclusion. Given my conclusion later in this report that such exceptional circumstances do exist, there is nothing in national planning policy to indicate that the housing allocations proposed in the Plan should be prevented or reduced on Green Belt grounds.
67. Overall, the benefits of meeting the identified need for new homes here, along with those of achieving a sustainable spatial distribution of housing, are factors which I give substantial weight. In my judgement, the adverse impacts to the Green Belt, even in combination with other harm the new housing would potentially cause, would not significantly and demonstrably outweigh these benefits when assessed against the policies in the NPPF taken as a whole, having regard to the conclusions I set out later in this report.
68. It seems to me that the Council's chosen approach of aiming to meet the identified OAN for the district is bold in the face of the adverse Green Belt and other impacts involved but is also justified and consistent with the NPPF. Consequently, I consider the element of the housing requirement that relates to meeting North Hertfordshire's housing needs, including the geographical disaggregation discussed below, to be justified and consistent with national policy, in principle at least.
69. Main modifications are needed, though, to reflect the revised OAN for North Hertfordshire that the requirement aims to meet. Main modification **MM035/FM057** sets this overall figure at 11,600. This is necessary to ensure that this aspect of the Plan's housing requirement is justified. This main modification also clarifies that the figures concerned are net figures, which I agree is necessary for effectiveness.

Dividing the district's overall requirement between the two HMAs

70. As originally submitted, Policy SP8 stipulates that of the overall 14,000 housing 'target', 13,800 homes should be within the part of the district that falls within the Stevenage HMA, and 200 dwellings within the sliver of the district that is within the Luton HMA. In my view, this disaggregation of the overall requirement figure between the two HMAs involved is appropriate. It divides the overall requirement for the district based on the resident population of North Hertfordshire living within each of the two HMAs at the time of the 2011 census. As I see it, this exercise is necessary to ensure that housing delivery meets needs where they arise geographically. In the absence of any more scientific or rational method, that is a reasonable approach and is suitable and proportionate to the task.
71. A revision to this split is necessary, though, altering the figures for the Stevenage and Luton HMA areas to 11,500 and 100 respectively. This is because of the revised OAN identified and the consequent reduction in the overall requirement for housing to meet the district's needs. Main modification **MM035/FM057** introduces this change and is necessary.

Helping to meet the need for housing in Luton

72. As part of the Plan's housing requirement, Policy SP8 commits to providing 1,950 new homes in the part of North Hertfordshire that lies within the Luton HMA to assist with meeting the housing needs of Luton. Of these, as **MM035/FM057** clarifies, around 1,400 are now expected to be delivered in the Plan period. All the part of the Luton HMA that is within North Hertfordshire is within the Green Belt.
73. The Luton Local Plan (2011-2031) was adopted in November 2017. Policy LLP2 identifies the housing need in the borough as 17,800 over the plan period. It makes provision for the delivery of 8,500 homes and recognises that there is an unmet need of 9,300 net additional dwellings. This conclusion was not arrived at lightly – it was justified by Luton Borough Council and subject to scrutiny by an Inspector during an examination where it is clear from the Inspector's report [ED3] that it was key issue. The policy also sets out Luton Borough Council's commitment to work with neighbouring local authorities to help ensure delivery of the borough's unmet needs under the Duty to Co-operate. It says that this work is to be informed by the Luton HMA Growth Options Study (November 2016) [HOU7] ('the growth Options Study').
74. It is clear that there has been a standing commitment both from North Hertfordshire District and Central Bedfordshire Councils to assist Luton Borough Council in relation to meeting its housing need. This has been unambiguously agreed under the Duty to Co-operate. I note the opposition of many in this examination to the Council's offer of assistance. But that is a matter for the Council, providing the approach is adequately justified and therefore sound.
75. However, bearing in mind the guidance in the PPG that I have previously mentioned, it is necessary to consider whether there has been a meaningful change in the housing situation in Luton. This is relevant because if there were to have been a material reduction in the level of unmet need identified in the Luton Local Plan – either because the need itself had reduced or the supply had increased – then this could:
- a) undermine the justification for the element of the Plan's requirement that is intended to assist meeting Luton's needs; and
 - b) affect the existence or otherwise of the exceptional circumstances necessary to 'release' Green Belt land for housing that is intended to address the unmet need.
76. I should say here that it is not for me to determine or reach conclusions about the precise level of housing need or supply in Luton. It is the role of Luton's development plan to set the OAN for the borough and set out the supply anticipated to meet it, and that is not the local plan I am examining. My considerations are limited to a broad 'sense check' of the housing situation in terms of need/unmet need and supply for the reason set out in the preceding paragraph. The following paragraphs should be read in that context.
77. On the question of need, the Council has worked jointly with Luton Borough and Central Bedfordshire Councils to assess the implications of the 2018 projections on housing need in Luton – in effect, to consider what Luton's

housing need figure might be if calculated on the basis of projections that are more recent than those on which the Luton Local Plan is founded. In short, this concludes that a figure of 16,700 would be the most robust at the level of analysis undertaken. That would equate to an unmet need of 8,200 homes, based on the supply anticipated within the Luton Local Plan. Clearly, this is lower than the 9,300 set out in the Luton Local Plan.

78. This exercise has not used the 'standard method' for calculating need that is set out in current national policy and would be used to establish need if Luton Borough Council were to submit a local plan for examination now. However, as I see it, the methodology used allows for a more direct comparison with the established OAN for Luton. As that is the purpose of the task, I consider the approach used to be appropriate and reasonable.
79. Regarding housing delivery in Luton, the agreed position of North Hertfordshire and Luton Borough Councils is set out in a Statement of Common Ground (December 2020) [ED224]. This points to figures in Luton's Strategic Housing Land Availability Assessment (November 2019) [ED189], being the most recent published by Luton Borough Council. It identifies 4,325 net dwelling completions in Luton between 1 April 2011 and 31 March 2019 and anticipates a further 6,578 new homes up to 2031. This amounts to a total of 10,903, which is clearly more than the 8,500 provided for in the Luton Local Plan.
80. I have been provided with volumes of detailed evidence from interested parties about housing delivery and planning permissions granted in Luton. I have taken account of all of this. However, Luton Borough Council is the authority charged with monitoring housebuilding in the borough and collating and analysing relevant associated data. As it is the responsible public authority concerned, I have based my considerations on the figures it has supplied through the Statement of Common Ground.
81. On the one hand, these housing need and supply figures indicate that the housing situation in Luton may have taken a favourable turn since the adoption of the Luton Local Plan, to one degree or another. On the other, though, all these figures remain untested through the scrutiny of examination and, as I have said, drawing firm conclusions on this evidence is outside the scope of my appointment. Consequently, considerable uncertainty remains, particularly regarding future levels of housing delivery in Luton until the end of its plan period.
82. Moreover, I note the point set out in ED189 and reiterated at the hearings. Simply put, while more housing has been delivered in Luton than expected, they are largely the wrong kind of homes. According to Luton Borough Council, 83% of all dwellings completed since 2011 have been for small one- and two-bedroom properties, when the acute need is for three- and four-bedroom family homes and affordable housing. From the Statement of Common Ground, this trend seems likely to continue, and the position in respect of affordable housing delivery also appears equally challenging. Overall, some of the supply provided may not have materially reduced the actual housing need, or at least not to the extent that might be supposed from simply comparing the raw overall numbers.

83. Looking at this issue in the round – albeit through a somewhat cloudy lens – I consider that, for the specific and limited purpose of this examination, the extent of any change in the housing situation in Luton should not be regarded as meaningful. To conclude otherwise would demand a leap of faith that denies the uncertainties involved here and could undermine the attempts of Luton's Local Plan to ensure the delivery of much needed family and affordable housing.
84. Establishing housing need and forecasting future housing delivery is not an exact science and the position and evidence can evolve and change on an almost daily basis, fluctuating one way or the other. However, at some point judgements have to be made. Continually delaying decisions to allow issues to be reconsidered and to wait for new data would mean it would be very difficult to ever adopt a local plan. It would also delay the much-needed delivery of new housing to meet the needs of real people in sensible and appropriate locations as well as prolonging affordability problems.
85. In this context, I consider that neither the 2018 projections nor the updated housing supply position in Luton render outdated the Luton Local Plan or the assessments underpinning it – at least not for the specific and restricted purposes of this examination. It is, therefore, the need and supply position set out in the Luton Local Plan that should form the basis of my considerations. Should it become clear at some point that there has been a significant change it is open to the Council to review the situation and to seek to formally update and change the Plan. Indeed, as I discuss later, the Council has committed to an early review of the whole Plan and the position in relation to this issue will be considered at that time.
86. Policy SP1 of the Central Bedfordshire Local Plan, adopted in July 2021, provides for 7,350 new homes to contribute to addressing Luton's unmet housing need of 9,300 dwellings. The 1,950 new homes committed to in Policy SP8 would ensure that the remainder of Luton's shortfall would be met. As a consequence, I consider this element of the Plan's requirement to be justified, in principle. Moreover, given my views set out above, I consider that the changes in the housing situation in Luton do not affect the existence or otherwise of the exceptional circumstances necessary to 'release' land in North Hertfordshire's Green Belt to help meet housing needs in Luton.

Overall and in summary

87. In light of the above, I draw the following principal conclusions.
- a) In the context of my conclusions below concerning the exceptional circumstances necessary to 'release' land from the Green Belt, the aims of Policy SP8 to meet the need for housing in the district, and to provide 1,950 homes to help address the unmet needs of Luton are justified, appropriate and consistent with national policy.
 - b) The OAN and housing requirement on which the submitted Plan was based are now unjustified.
 - c) The OAN for North Hertfordshire of 11,500 homes over the plan period is justified.

- d) The Plan's housing requirement (excluding the requirement relating to Luton's unmet need) of 11,600 is justified.
- e) The disaggregation of the Plan's housing requirement (excluding the requirement relating to Luton's unmet need) into two parts, being 11,500 for the part of the district that is within the Stevenage HMA and 100 for the portion in the Luton HMA, is justified.
- f) The Plan's housing requirement for 1,950 new homes within the Luton HMA to help address Luton's unmet housing needs is justified.

The supply of land for new housing

88. Paragraph 47 of the NPPF is central to this matter. It says, among other things, that to boost significantly the supply of housing, local authorities should:

- a) ensure that their local plan meets the full OAN in the HMA, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- b) identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing, when considered against requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market, although where there has been a persistent record of under delivery the buffer should be increased to 20%; and
- c) identify a supply of specific, developable sites or broad locations for growth, for years 6 to 10 and, where possible, for years 11 to 15.

The terms 'deliverable' and 'developable' are defined in footnotes 11 and 12 respectively.

89. The sufficiency of the overall housing land supply and the five-year housing land supply are therefore two strands that require separate deliberation. I consider them below.

The housing land supply overall

- 90. As I have already indicated, the Plan seeks to ensure that the need for housing, and the requirements set out within the Plan itself, are met. As with other matters, this is an area where the Council's precise position has evolved through the examination as a consequence of the passage of time. The most up-to-date sources of housing land supply on which the Council now relies to achieve this are set out in its paper '*Housing delivery and five-year housing land supply as at 1 April 2020*' (August 2020) [ED191B] ('the delivery paper'), among other places.
- 91. A chart within the delivery paper sets out the projected delivery for every site included within the supply – sites with planning permission and sites proposed in the Plan – on a year-by-year basis. As I understand it, much of this evidence has been produced with the involvement of the landowners and/or

developers involved. This significantly bolsters confidence in the Council's projected delivery estimations.

92. I should mention here that delivery on some sites is expected to continue beyond the plan period. The chart takes account of this. However, to ensure that Policy SP8 is clear about delivery on the sites involved during the plan period, **MM035/FM057** is needed.
93. The overall supply includes around 5,100 homes from sites that have planning permission, sites where development has commenced, and from 'other allowances' – in effect, windfall sites and from a 'broad location' in Letchworth. Main modifications **MM037/FM059** and **MM035/FM057** explain this, along with some further detail, and are necessary for effectiveness.
94. Including sites with planning permission in the supply is consistent with footnote 11 of the NPPF. It is also consistent with national policy to include 'broad locations' for years six to ten, in principle.
95. As submitted, the Plan's housing land supply includes delivery from two broad locations. The first, the aforementioned broad location in Letchworth, is identified to deliver 50 homes. The intention is that this relates to Letchworth town centre boundary as shown on the policies map. A main modification to clarify this (**MM037/FM059**) is necessary for effectiveness, and the policies map will need to be amended accordingly. I consider this to be a reasonable approach. It would allow a degree of flexibility that would, appropriately in my view, enable and encourage the delivery of new homes in the town centre. This is a modest number, and the Council will retain the ability to ensure that new developments are acceptable, including in relation to any effects on the Conservation Area.
96. Delivery from the Letchworth town centre broad location forms part of the supply in 2027. Depending on the precise timing, that may be wholly or partly in 2026/2027, being year five following the likely timing of the Plan's adoption, rather than from year six as the NPPF indicates. That is a result of the delays that have occurred during the examination process. It would be unreasonable to hold up the delivery of new homes in the town centre until 2027/2028 – indeed, to do so would be inconsistent with the wider aims of national planning policy and would be unjustified.
97. The second broad location was intended to deliver an additional 500 dwellings. However, without any meaningful indication of its geographical location whatsoever, this is not justified. Main modifications **MM022** and **MM037/FM059**, which remove reference to this source of supply from the Plan, are therefore necessary.
98. Also within the supply are 440 new houses on small windfall sites, and 257 on large windfall sites. Windfall delivery is planned for in both the first five years of the Plan from adoption and in the remaining years afterwards. The NPPF sets out specific criteria in relation to the former period. I discuss that below and confine my present considerations to the period after the first five years, that is, from 2027/2028 onwards.
99. The Council has set out a detailed justification for including both large and small windfall sites in its paper '*The supply of land for housing*' (November

2018) [ED140]. From this analysis, it is clear that both have provided a consistent source of housing supply since 2011, the beginning of the Plan period. Taking account of historic windfall delivery excluding that on gardens in built up areas, it seems to me that delivery from these sources has been generally consistent and reliable. I see no particular reason why this situation should alter radically in the remainder of the Plan period. The Plan does not introduce unduly stringent policies that would thwart windfall housing on previously developed land. Indeed, it allows new housing development within settlement boundaries and infilling within some villages.

100. The annual allowance of 50 dwellings made for small sites in the supply is well below the average of 63 achieved between 2011 and 2017, and the allowance for large sites reflects the average 43 per year during that period. That is an appropriate response.
101. It is suggested that the NPPF and paragraph 24 of the PPG, taken together, mean that windfall sites can (in certain circumstances) be included in the first five years of a plan but that thereafter any windfall element of supply should be through the identification of a broad location. While I understand the basis for the argument put, I disagree. As I see it, neither the NPPF nor the PPG preclude windfall sites in the supply beyond the first five years. Consequently, I regard the Council's approach to be consistent with national policy and guidance.
102. In any case, removing the windfall contribution from year six of the Plan – that is, from 2027/28 onwards – would have little effect. From the trajectory in the delivery paper, the number of homes involved is 371, and the remaining supply would still exceed the requirements by a margin. In any event, ignoring this source of supply in the figures would not alter the likelihood of delivery. On this basis, I consider it appropriate to take account of the windfall contribution anticipated.
103. Overall, taking account of the main modifications mentioned above, the various sources of housing land supply are anticipated to yield around 14,656 new homes. It is apparent that the Plan's housing requirements would therefore be met. Indeed, the supply stands at around 13% more than the overall requirement. Main modification **MM036** sets this out in the Plan, which is helpful for effectiveness.
104. A critical soundness issue here is whether or not this 'surplus', 'oversupply' or 'buffer' affects the consideration of the existence or otherwise of the exceptional circumstances necessary for the 'release' of land in the Green Belt for housing. I consider this below.

The housing land supply 'buffer'

105. I recognise that the Council has not set out to achieve any particular level of 'oversupply'. This is not a case where housing over and above requirements is deliberately sought to achieve some planning policy objective. I also accept that it could be possible to remove from the Plan some smaller proposed housing sites that are on land currently in the Green Belt and still be able to demonstrate sufficient housing numbers to meet the overall and five-year requirements, at least 'on paper' as a theoretical exercise.

106. Nevertheless, I am of the firm view that the level of the proposed housing land supply is fully justified. The last time the Council adopted a local plan allocating housing land was in 1993 – a long time ago. The levels of housing delivery since have been dismal. Notably, during the first ten years of this Plan housing completions have fallen significantly short of the district's annual average need. The picture here is one of prolonged and sustained housing under-delivery set against a background of significant and pressing need. This must not be allowed to continue and any risk to optimising the recovery from this position should be avoided or mitigated against.
107. To my mind, the 'buffer' is such a mitigation. It acts as a safety net. It lends reassurance that if sites prove to be undeliverable, yield less homes than expected or if there should be delays in the anticipated supply, then there is a reasonable chance that housing needs may still be met. Delivery in line with the trajectory cannot be guaranteed. It rests on the simultaneous delivery of a number of strategic sites where inevitably there is a risk of delay due to the complexities of their delivery, including in relation to infrastructure provision. This is something of a challenge, and for effectiveness the Plan should recognise this. Main modification **FM063** introduces appropriate text.
108. Against this backdrop, the buffer is a precautionary, counter-acting measure. It is, perhaps, particularly important in the first five years of the Plan from adoption, when a reduced supply would increase the risk that the Council would be unable to demonstrate a five-year housing land supply, even using the 'three stepped Liverpool approach' – which I discuss shortly – as the yardstick.
109. I note the points about the 'buffer' having altered at varying points during the examination. I also note that some argue for a smaller buffer, others a larger one. The size of this buffer is not a matter addressed in national policy or guidance, and reference to comparable local plan buffers is only of limited assistance. It is not a science; it is a matter of planning judgement.
110. On the whole, it seems to me that the 'buffer' brought about by the difference between housing requirement and supply here is reasonable to avoid jeopardising the priority outcome of meeting need. Taking account of all the points put to me, in the context of the housing situation in North Hertfordshire, I consider the extent to which the housing land supply exceeds requirements to be justified. Indeed, if one is to have the requisite degree of confidence in the Plan's effectiveness, it is a necessity. In addition, without this 'buffer', it is highly probable that the need for affordable housing – which I discuss below – would not be met. As a consequence, I consider that this issue has no material effect on the existence or otherwise of the exceptional circumstances needed to justify altering the Green Belt boundaries to facilitate new housing.

The five-year housing land supply

111. Paragraph 47 of the NPPF gives rise to two broad questions. The first is what the five-year requirement is. The second is whether the supply is at least equal to it. On the latter point, it is important to note that this is a 'rolling' five-year supply. It applies at any given point in time, rather than solely during the first five years from the Plan's adoption.

112. The Council's most up to date position concerning the five-year housing land supply is set out in its paper '*Housing delivery and five-year housing land supply as at 1 April 2020*' (August 2020) [ED191B] ('the delivery paper') and in its '*Note on the supply of land for housing*' (December 2020) [ED215] ('the supply note'). The delivery paper contemplates numerous options for setting the five-year requirement. To reflect the record of persistent under delivery, each applies a buffer of 20% moved forward from later in the Plan period. I agree with the Council that this is the most appropriate approach.
113. Of the options considered, the Council proposes to use the 'three-stepped approach' – which sets a requirement of 350 homes per year between 2011 and 2020, 500 per year from 2020 to 2024 and 1,120 per year between 2024 and 2031 – in combination with applying the 'Liverpool' method, spreading the shortfall in delivery since the beginning of the Plan period across the remainder of the Plan period. I shall hereafter refer to the proposed approach as 'the three-stepped Liverpool approach'. I am of the firm view that it is the most appropriate in this case and should form the basis for future calculations of the district's five-year housing land supply.
114. The anticipated timing of delivery is heavily 'back-loaded' – that is to say, the vast majority of new homes are expected to be delivered later in the Plan period. This is not surprising, given that the Plan relies significantly on strategic and other larger sites that are currently in the Green Belt and will inevitably take longer to be built. But the result is that delivery is considerably lower earlier on in the remainder of the Plan period. The 'three-stepped Liverpool approach' generally reflects the expected rates of delivery.
115. Of the approaches considered, it is the most likely to facilitate a positive outcome in terms of the Council being able to demonstrate a rolling five-year supply of land for housing. To demand that a more ambitious five-year requirement be set would increase the probability of failure in this regard, particularly in the earlier years. That could increase the risk of planning permission being successfully secured for less preferable sites not allocated in this Plan. Given that this Plan is providing a reasonable supply margin and is releasing land from the Green Belt to ensure the housing requirement is met, that is a situation that must be avoided.
116. It seems to me that the 'three-stepped Liverpool approach' sets the only measure against which the Plan would not be condemned to fail. In the circumstances, therefore, I agree that it represents an acceptable method of setting the five-year housing land supply requirement in the short term. However, this is not ideal and is a situation that should not be allowed to persist any longer than necessary. Indeed, I consider it appropriate only on the basis of an early review of the Plan.
117. The Council has put forward **FM190**, which introduces a new policy committing the Council to undertaking a whole plan review by the end of 2023 at the latest, to determine whether the Plan needs to be updated in whole or in part. Main modifications **MM043/FM065** and **FM066** reiterate and 'signpost' this commitment as part of the explanatory text in the Plan's housing section. Other main modifications (including but not limited to **FM192, FM193, FM194, FM195, MM375, MM376** and **FM196**) set out some further reasons why the early review is necessary – which I discuss

under separate issues in this report – and the Council's approach to undertaking the review. All these modifications are necessary to ensure that the Plan is justified in relation to the five-year housing land supply provided and the other matters described in the modifications, and for its effectiveness in those respects. I have made some alterations to the wording suggested by the Council in relation to **FM193** and **FM195** to ensure that they are consistent with **FM190** and properly reflect the Council's commitment to the review and update processes. Although these changes have not been the subject of consultation, they do not significantly alter the modifications as published, and they do not undermine the participatory processes undertaken.

118. There are other aspects of the Plan which rely on **FM190** for soundness. I discuss them later in this report. However, the plan period is one such factor. The Plan will cover a nine-year period from adoption. Paragraph 157 of the NPPF expresses a preference for local plans to cover a 15-year time horizon. Paragraph 47 expects local authorities to identify a supply of specific, developable sites or broad locations for years six to ten following adoption. The Plan cannot be said to be entirely consistent with national policy in this regard. The early review proposed is necessary to overcome this.
119. Considering all the above, it is also necessary to add to the Plan a policy which sets out the 'three-stepped Liverpool approach' to the five-year housing land requirement. The Plan should also explain the reasons for undertaking the calculation in the way proposed and replace the submitted housing trajectory chart with an updated one. Main modifications **MM040/FM064**, **MM372/FM187**, **MM373/FM188** and **MM374/FM189** achieve this and are needed for effectiveness.
120. As mentioned above, the five-year housing land supply includes a contribution from both small and large windfall sites. For the reasons given in relation to their inclusion in the overall supply, I consider the inclusion of the windfall allowance proposed to be justified in the terms of paragraph 48 of the NPPF.
121. From the housing trajectory paper, it is apparent that most of the new housing coming forward until April 2023 is expected to be from sites with planning permission. From that point, allocations proposed in this Plan rapidly 'overtake' as the primary source of supply.
122. When judged against the proposed method, and notwithstanding that the Council's figures in the delivery paper only run until April 2024, I consider that the Council will be able to show a rolling five-year housing land supply on the Plan's adoption up to and including the year 2028/29.

Conclusion on Issue 1

123. Considering the above, with the main modifications put forward by the Council and as discussed above, I conclude that the Plan's provision for new housing is justified, effective, consistent with national policy and positively prepared.

Issue 2: Whether the spatial distribution of new housing is justified, effective, consistent with national policy and positively prepared

The settlement hierarchy

124. Policy SP2 introduces a settlement hierarchy. Settlements are categorised as Towns, Category A and B Villages and Category C Settlements. The policy says that the majority of the district's development will be located within or adjoining the Towns. It allows general development within the defined boundaries of Category A Villages, infilling development which does not extend the built core of Category B Villages, and only limited affordable housing and facilities for local community needs in Category C Settlements.
125. The Council's '*Housing and Green Belt Background Paper*' [HOU1] provides a detailed account of the justification for the placing of each settlement within hierarchy. The status of settlements in the extant 'saved' policies of the 1996 Local Plan, and their sustainability credentials – such as the presence or otherwise of shops, services, schools and facilities – have been taken into account. Whether development should be prevented in a village because of the contribution it makes to the openness of the Green Belt has also been considered, as has the need to allow at least some small-scale development in each of the district's parishes. These are all relevant factors to weigh up in this exercise.
126. The hierarchy has evolved to some degree through the Plan's formulation. However, it is evident that Letchworth, Hitchin, Baldock and Royston are the most significant settlements with the greatest range of facilities and services, notwithstanding the variation between them in these respects. In short, it is clear that these are the most sustainable places. As such, their identification as Towns, and the focus for the vast majority of growth, is justified. It is also appropriate to include Stevenage (including Great Ashby) and Luton within this tier. While these towns are outside the Council's administrative area – or substantively are at least – their urban areas adjoin or lie partially within North Hertfordshire and are locations where this Plan proposes new housing.
127. Within each of the tiers there are settlements of different sizes, and some are doubtlessly more sustainable than others. That, though, is inevitable and generally does not indicate any flaw in the method or its outcomes. However, among the Category A Villages are five villages – Barkway, Codicote, Ickleford, Knebworth and Little Wymondley – where the Plan proposes noticeably more new housing than at the other villages within this category. The reasons for this generally relate to a mixture of their sustainability credentials, the location of sites put forward for housing development and the judgements made by the Council through the site selection process – which I consider later – regarding their appropriateness. Their inclusion as Category A Villages therefore does not properly reflect their role or place within the hierarchy. Grouping them in a new tier, between the Towns and Category A Villages, as the Council suggests through **MM010/FM039** and **MM012/FM041**, is an appropriate response and is necessary to ensure that Policy SP2 is justified and effective. For the purpose of this report I shall refer to these five settlements collectively as 'Settlements for Growth'.

128. Overall, with those changes, Policy SP2 clearly sets out a coherent hierarchy of settlements and, generally speaking, directs growth to the most sustainable of them. I am of the firm view that the hierarchy of settlements proposed is justified, and that each settlement is placed within an appropriate category.
129. Permitting 'general development' in the Category A Villages is appropriate. It will allow for some housing and other development to be dispersed around the district's more sustainable smaller villages. Other policies in the Plan will ensure that the Council retains the ability to prevent unacceptable harm being caused.
130. I note the suggestion that residential development should be allowed adjacent to Category A Villages where the land is not in the Green Belt. I see no particular reason why that should be permitted. Defining clearly where new housebuilding should and should not take place is among the primary tasks of this Plan – and one must draw the line somewhere. Given my conclusions about the overall and five-year housing land supply and bearing in mind the Council's commitment to an early review of this Plan, I am not persuaded of the need for further flexibility in the land supply at this stage.
131. That said, where additional housing development in a Category A Village or elsewhere has local support through a Neighbourhood Plan, this Plan should not stand in the way. Main modification **MM010/FM039** is therefore necessary for effectiveness in this respect. It introduces backing for development otherwise not sanctioned by Policy SP2 where this is supported by residents through a Neighbourhood Plan.
132. Oaklands is part of a settlement that is predominantly within Welwyn Hatfield Borough Council's area. It is proposed in this Plan to identify it as a Category A Village to reflect its identification as a 'specified settlement' under the 'saved' policies of Welwyn Hatfield's adopted development plan. No new development sites are proposed at Oaklands. In my view, the approach taken here is the most appropriate.
133. Paragraph 89 of the NPPF says that limited infilling in villages in the Green Belt is not inappropriate development. The approach taken to the Category C settlements is more stringent than this. However, I consider that to be justified. Given the generally small size and/or fragmented nature of the settlements concerned, they should not be regarded as 'villages' for the purpose of this part of paragraph 89 of the NPPF. That said, clarifying that the development allowed under Policy SP2 must also meet the detailed requirements of Policy CGB2, as **MM010/FM039** does, is necessary for effectiveness.

The spatial distribution of housing

134. As submitted, Policy SP2 does not give any indication of the level of new housing directed to each of the tiers or settlements in the hierarchy. Main modifications **MM010/FM039** and **MM038/FM060** add figures for each settlement in the two top tiers of the hierarchy and indicate the percentage of new housing directed to each of those categories. Main modification **MM011/FM040** elaborates on this and adds clarity about the Plan's primary focus for development being the Towns. This is necessary to clearly articulate the distribution of housing and improve the effectiveness of the policy.

135. This modification clarifies that around 80% of the district's new housing will be in the Towns and approximately 13% will be in the Settlements for Growth. From these figures, that the Towns are the focus for growth is unmistakable. So too is the obvious emphasis on the two top tiers of the hierarchy. As I see it, this is a suitable approach.

136. Through the Sustainability Appraisal (September 2016) [LP4], the Council has considered five options for the housing distribution. These are:

- a) Focus development on the four towns and 14 villages which may include limited development on greenfield sites
- b) Focus development on previously developed land within urban areas
- c) Urban extensions on greenfield land adjoining existing towns
- d) Build a new settlement
- e) Use smaller greenfield sites in the villages

The Council says the approach taken in the Plan involves a combination of all options save for option d) but is "*mainly a) and c)*".

137. I acknowledge that there is overlap between the options considered. Options a) and b) are explicitly not exclusive solutions – they invite combining with another approach to deal with provision that is not part of the main focus. None of this, though, represents any shortcoming or renders the work "*meaningless*", as some would have it. As I see it, all the options are reasonable to consider and assess through the appraisal process – all have the potential to be an essential ingredient.

138. The Sustainability Appraisal does not appraise different apportionments of housing between the Towns or the Settlements for Growth, either within each category or between the two tiers. However, in the specific context of this Plan, I do not regard that as a shortcoming. The reality here is that beyond the deliverable/developable sites proposed in the Plan, there is not a generous pool of surplus land rejected for allocation. From the housing and Green Belt background paper it is apparent that land put forward by landowners or developers but not included in the Plan would only yield around 1,860 additional homes – and these sites have been excluded for reasons that are fully justified. This position has not substantively altered through the various updates provided by the Council through the course of the examination. Consequently, the apportionment options are very restricted. The demand of the NPPF is limited to consideration of reasonable alternatives. There is little value in appraising undeliverable or otherwise unrealistic propositions.

139. On this point, I note that many argue for a new settlement as the most appropriate option. The Sustainability Appraisal does contemplate this. Indeed, Policy SP8 includes a commitment to the Council working to identify new settlement options in the district that can provide additional housing supply after 2026. Main modification **MM041** is needed for effectiveness, to ensure that the wording of paragraphs supporting Policy SP8 accurately align with it. Also for effectiveness, the Council's policy pledge in respect of a new

settlement should be embedded into the early review to which the Council has committed. Main modification **FM190** ensures this and is therefore necessary.

140. But local plans must be able to demonstrate that they are deliverable. I note the arguments made about a development company being established as a vehicle to deliver a new settlement, and the other comments and views expressed on this. Nonetheless, there is currently no evidence to suggest that there is a reasonable prospect of a new settlement being deliverable/developable within the period of this Plan – new settlements are not an easy delivery option.
141. I recognise that the level of new housing directed to each of the Towns is not based proportionately on the size of the settlements. Consequently, the extent to which each Town will grow as a result of this Plan varies. For example, the degree of change in Baldock will be far more significant than that in Letchworth. But, setting aside the question of environmental and other impacts which I consider later in this report, there is no reason why that should be a problem as a matter of principle.
142. Moreover, it is clear that the precise distribution of new housing between the Towns is largely the product of the absence of sufficient reasonable alternatives in the potential supply. In an ideal world the apportionment might be different, at least in some cases. But high hopes and wishful thinking cannot conjure deliverable/developable land of the right amount in the perfect location.
143. Indeed, as I see it, the Council has done all that could reasonably be expected of it to identify land for new homes and to set out a realistic and deliverable distribution of new housing development. In the context of the situation here, I consider the option pursued in the Plan to be the most appropriate. The distribution proposed in the Plan is consistent with the settlement hierarchy and is justified.
144. However, to articulate the Plan's approach to the settlement hierarchy and the spatial distribution of housing, among other things, a Key Diagram should be included in the Plan. The diagram put forward by the Council through **MM007** is a satisfactory representation of these aspects and is needed to bolster the effectiveness of Policy SP2.
145. No land for housing is proposed to be allocated in the Category B Villages or Category C Settlements. Given that they have relatively few services or facilities, that approach is entirely justified.
146. Some seek to move the placing of settlements within the hierarchy and/or to alter the level of housing earmarked to each, one way or the other. But neither the hierarchy nor the level of new homes assigned to each settlement has been arrived at on the basis of a wholly scientific methodology. Nor could that be so. Like many aspects within the sphere of town and country planning, the establishment of the hierarchy has inevitably been influenced by professional judgments, taking account of relevant factors such as those I have already mentioned. The precise level of new housing at each settlement is also greatly influenced by a range of considerations, the availability of deliverable land being high among them. I have neither read nor heard any arguments of such force that I am compelled to recommend further alterations

to the hierarchy or the distribution of housing between the settlements. To my mind, the approach taken to all of this is a legitimate one to take and, from the Council's evidence, the conclusions arrived at are reasonable and justified.

Conclusion on Issue 2

147. Considering the above, with the main modifications put forward by the Council and as discussed above, I conclude that the spatial distribution of new housing is justified, effective, consistent with national policy and positively prepared.

Issue 3: Whether the Green Belt Review and its update represent an adequately robust evidential basis for determining the existence or otherwise of the exceptional circumstances necessary to alter the Green Belt boundaries

148. As previously noted, paragraph 83 of the NPPF says that "... *Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the local plan*". This Plan proposes to alter Green Belt boundaries for the following reasons.

- a) To facilitate the allocation of land for housing, including for gypsies and travellers
- b) To facilitate the allocation of land for employment
- c) To facilitate the identification of one parcel of safeguarded land
- d) To identify additional land as Green Belt
- e) To define/redefine boundaries around settlements within the Green Belt

The question, then, is whether the necessary exceptional circumstances for the proposed boundary alterations exist.

149. Neither the NPPF nor the PPG define the term 'exceptional circumstances'. To determine the existence or otherwise of exceptional circumstances, it is first necessary to establish the nature and extent of the harm to the Green Belt. That is the fundamental purpose of the '*Green Belt Review*' (July 2016) [CG1] ('the Review') and the '*Green Belt Review Update*' (September 2018) [ED161A and ED161B] ('the Update'). I turn now to consider the robustness of this work.

150. The Review and the Update consider Green Belt issues in depth. The Review assesses the contribution made by parcels of land to four of the five purposes for including land in the Green Belt. It does not include an assessment against the fifth purpose of including land in the Green Belt, being to assist in urban regeneration by encouraging the recycling of derelict and other urban land. The Council considers that, in effect, the assessments against the other four purposes act as a proxy for this purpose. That is a reasonable stance to take, and I regard the approach taken here to be both suitable and proportionate. Looking firstly at larger swathes of land and then 'drilling down' to analyse much smaller sub-parcels, the Review also presents the view of its authors about the overall contribution made by each individual sub-parcel.

151. Potential development sites are also assessed in the Review, again against the same four purposes of including land in the Green Belt. This includes all the sites currently in the Green Belt that are proposed for allocation in the Plan. Criteria are used to represent each purpose, and a scoring system is deployed. For example, in relation to the purpose of preventing towns merging, one criterion used is the distance from the edge of the site to the nearest built-up edge of a town, and scores from one to three are assigned depending on the distance involved.
152. The Review also reaches a view about the overall contribution made by each potential development site to the purposes of including land in the Green Belt. The scoring for each of the individual Green Belt purposes has been considered and professional judgement applied to reach an overall conclusion as to whether the site makes a significant, moderate or limited contribution.
153. An analysis of the villages in the Green Belt is also performed by the Review. The purpose here is to establish, in the light of paragraph 86 and 89 of the NPPF, whether each of the villages involved should be excluded from the Green Belt or included within it and, if the latter, whether a boundary should be delineated to define where 'infilling' development may be allowed. The analysis includes consideration of village character and the relationship with the Green Belt, and the contribution made by the village and its immediate setting to the five purposes of including land within the Green Belt.
154. Finally, the Review undertakes an assessment of countryside beyond the Green Belt to establish the degree to which such land performs the purposes of including land within the Green Belt. Criteria and a scoring system are again used and applied to each of the parcels of land involved. Ultimately, the output here is a judgement as to whether each parcel makes a limited, moderate or significant contribution overall to the purposes of including land within the Green Belt.
155. The Council produced the Update following the judgement in the case of *Samuel Smith Old Brewery (Tadcaster) & Others v North Yorkshire County Council* [2018] EWCA Civ 489. Its purpose is to undertake an explicit assessment of the effect of proposed development on the visual dimension of the openness of the Green Belt in relation to the existing Green Belt parcels and sub-parcels, and the potential development sites. I note the subsequent Supreme Court judgement in *R (Samuel Smith Old Brewery (Tadcaster) & Others) v North Yorkshire County Council* [2020] UKSC 3. Simply put, the Court of Appeal judgement emphasised the need to consider the visual effects of development in relation to the openness of the Green Belt. The Supreme Court judgement, however, found that the necessity for such an exercise within the consideration of the effects on openness is a matter of planning judgement. Nevertheless, I agree with the Council's view, set out in its 'Note on the Supreme Court Judgement' (March 2020) [ED185]. Because of the nature, location and scale of the proposed allocations in the Green Belt, it is in this case appropriate to consider the visual qualities of the land concerned in relation to the concept of openness.
156. There is no prescribed methodology for undertaking Green Belt assessments of this sort. As I see it, the general approach and methodologies used by the Council are appropriate for the task. All the criteria used throughout the

various assessments are rational and suitable. Although laden with planning judgements on the part of the authors, that is inescapable and does not undermine the work in any way. I note that the assessments do not rely on desk top studies but have included field work and visits to the land in question. This is reassuring and bolsters the confidence one can place in the judgements reached.

157. One consequence of the methodology used is that it is possible for a site's overall contribution to the Green Belt to be judged as less than the contribution it makes in respect of some individual Green Belt purposes. For example, it is possible that a site considered to make a significant contribution in relation to checking unrestricted sprawl could be judged to make a moderate overall contribution. Some suggest that, as a matter of principle, the overall 'score' should reflect the highest contribution to any one of the individual purposes.
158. I disagree. In the absence of prescription, it seems to me logical to 'step back' and reach a rounded judgement taking into account the performance of the land in question in relation to all the Green Belt purposes overall. Without such a 'sense check', one purpose could skew the outcome. For example, almost any incursion of built development into the Green Belt would be at risk of falling foul of the purpose of safeguarding the countryside from encroachment. In an exercise where the purpose is to evaluate the relative value of land parcels to the Green Belt, that would not be helpful. To offer the facility of meaningful comparison, it strikes me as most instructive to consider performance against the purposes of including land in the Green Belt overall. On this point, therefore, I consider the Council's approach to be appropriate for the task.
159. In a number of cases the Update leads to different conclusions from the Review about the overall performance of sites in relation to the purposes of including land in the Green Belt, one way or another. However, this does not undermine the proposed allocations. In my view, taking account of the Council's sustainability appraisal work and the site selection methodology, which I consider later in this report, I am satisfied that the changes involved do not lead to other sites being preferable.
160. Some disagree with the judgements reached in some cases. That is not surprising – even two wholly rational and unbiased individuals can reach different conclusions where judgements of this nature are concerned. Others claim that the methodologies have been applied inconsistently. But I am not persuaded that any inconsistencies undermine the work overall or lead to any wholly unfounded or irrational outcomes.
161. Overall, I am satisfied that the Review and the Update, taken together, properly reflect the fundamental aim of Green Belts, their essential characteristics of openness and permanence, and the five purposes of including land in them. In short, these documents represent a sufficiently robust body of evidence that is comfortably fit for the purpose intended.
162. Having visited all the sites proposed in the Plan, I generally agree with all the conclusions drawn in the Update. There are a few instances where I differ to some extent, and my views are set out on a site-by-site basis later in this

report.

Conclusion on Issue 3

163. Considering the above, I conclude that the Green Belt Review and its update do represent an adequately robust evidential basis for determining the existence or otherwise of the exceptional circumstances necessary to alter the Green Belt boundaries.

Issue 4: Whether the proposed housing allocations are justified, effective, consistent with national policy and positively prepared

The site selection process

164. The issue here is how the Council has gone about selecting the sites proposed in the Plan for housing development, and whether this process is sufficiently robust. The approach taken to site assessment and selection is set out in a flow chart included in the Council's '*Paper B: Green Belt*' (November 2019) [ED172] ('the Green Belt Paper'). From this, it is apparent that, broadly speaking, a two-stage approach has been followed.

165. Firstly, the Strategic Housing Land Availability Assessment: 2016 Update (March 2016) [HOU9] ('the SHLAA Update') considers the suitability and availability of the 184 sites put forward by landowners or developers and sifts out those that do not meet both 'tests'. Of the remaining 126 sites, seven only passed the suitability and availability tests in part. These were sites of moderate size, such that it was possible to identify within each an area considered to be coherent and meaningful for housing development that met both tests fully. These revised parcels, along with the other 119 sites carried forward, were then considered in relation to achievability. This process of considering suitability, availability and achievability is referred to by some as the 'three tick' approach, and I shall adopt this term as a convenient shorthand.

166. The second stage of the site selection process is rather less linear and straightforward. All the three tick sites are appraised within the Sustainability Appraisal. Whilst those not meeting the three tick criteria are not, that is not a problem – in failing to be suitable, available and achievable, they are not reasonable alternatives. This, along with a wide range of other evidence, including that about the Green Belt, landscape, ecology, viability and heritage, has been taken into account by the Council 'in the round' to arrive at its site selection conclusions.

167. I recognise that the approach taken is not centred around a rigid method, such as some kind of overall scoring or traffic light system. But that is no shortcoming. Any selection process of this sort inevitably rests heavily on individual judgements, irrespective of whether these are expressed as scores or colours.

168. All the sites proposed are confirmed as having willing landowners. While I discuss some site-specific highways issues later, I note that the highways authority has raised no objections to any of the proposed allocations – at least, not as a matter of principle. Considering this and taking account of the need for infrastructure and viability matters, both of which I consider below, I

regard the proposed allocations to be deliverable and/or developable.

169. I recognise that an area of land known as 'Forster Country' – due to its links with the author E. M. Forster – lies within the district and that the site selection process does not consider this as a constraint. I fully understand its cultural interest and that it is consequently an area held dear by many. But it is not a designated heritage asset of any kind, and it is not recognised or protected in any way through planning law or national policy. Given this, there are no grounds upon which the site selection process could have taken the presence of Forster Country into account. To have done so would have been unjustified and inconsistent with national policy. Along with the district as a whole, the value and sensitivity of the landscape of this area has been taken into account. I consider the effects of proposed housing allocations on Rook's Nest – E. M. Forster's childhood home – later in this report.

Green Belt impacts

170. The three-tick approach does allow for sites to be rejected for suitability reasons whilst sites in the Green Belt are not, as a matter of principle, necessarily prevented from progressing to the second stage of the process. Some suggest, in effect, that this amounts to giving greater weight to other aspects of suitability than that afforded to protecting the Green Belt.

171. That may be so, to some degree. Nevertheless, I consider the Council's approach to be the most appropriate in this case. The context here is one of an acute and pressing need for housing, a somewhat restrained level of deliverable and/or developable land, and a consequently inescapable necessity to build new homes in the Green Belt to meet needs. Against this background, it would be both rash and illogical to rule out land on the basis that it is in the Green Belt, particularly as the NPPF specifically allows for such Green Belt 'release' through the plan-making process where exceptional circumstances exist. The same cannot be said of other site suitability factors, such as where there are unresolvable constraints or where unacceptable impacts cannot be avoided, for example in relation to flood risk.

172. In any event, it is apparent that the Council has not overlooked Green Belt impacts. On the contrary, as I have already indicated, a significant amount of work has been undertaken. Whilst a number of the proposed sites that are in the Green Belt make a significant contribution to it, that should not be a bar to progression through the three-tick process. In the context of the housing situation I have previously described, it is legitimate to conclude that even significant Green Belt impacts are preferable to either not meeting the need for housing or otherwise planning to meet need in less sustainable places.

173. I recognise that some sites, or parts of sites, have been rejected for Green Belt reasons. But as I see it, that is not an inconsistency in the methodology or its application. This is a matter of judgement – as the Green Belt Paper points out, an assessment of a site having significant Green Belt impacts should not be conflated with having an unacceptable Green Belt impact that should preclude development.

Traffic impacts

174. It is clear that the likely consequences of the proposed housing allocations on

traffic conditions have been considered by the Council. Modelling work has been undertaken that takes account of all of the proposed allocations along with the level of housing growth planned for in neighbouring local authority areas and other known development projects – both within and beyond North Hertfordshire's boundaries – that would likely have an effect. This is set out in the '*Technical Note: North Hertfordshire Local Plan Model Testing*' (September 2016) [TI4] ('the model testing note').

175. Many criticisms have been levelled at the modelling undertaken. But modelling of this nature is very difficult in that key assumptions and other factors that have a bearing can change relatively rapidly over the short to medium term. The work undertaken has gone to significant lengths to capture the cumulative effects of the growth anticipated in the district, and it is difficult to see what more could be done. Whilst this work might have weaknesses – and I discuss some later in this report – modelling of this kind can never be an entirely accurate prediction of future traffic levels in any given location. As I see it, it is a useful gauge for identifying potential significant issues rather than a precise insight into the future.
176. It is possible that the new housing proposed may cause some localised problems. Indeed, the model testing note identifies a number of problem locations. It also indicates potential mitigation measures, and the Plan's policies ensure that these, or any preferable measures identified, will be secured.
177. Overall, it seems to me that the level of new housing growth proposed in this Plan will inescapably have some negative impacts on the road network. It is not realistic to expect that it should not. I recognise that this may lead to more congestion and delays, which will cause inconvenience for drivers. However, nothing that I have read or heard is sufficient to persuade me that any such effects will inevitably be severe in the terms of paragraph 32 of the NPPF. In any event, the critical issue here is to ensure that much needed housing is delivered. The traffic impacts likely to occur should not stand in the way of that or lead to the level of new housing in any of the proposed locations being restricted.

Air quality

178. Some suggest that the site selection process has not taken proper account of air quality impacts. Paragraph 124 of the NPPF says:

"Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan."

179. As I understand it, particulate matter and nitrogen dioxide from vehicle exhaust emissions are the primary source of air pollution in the district. These pollutants cause harm to human health – this is a serious and significant issue. The question here, then, is whether the housing allocations proposed in the Plan are consistent with national policy in this regard.

180. Air quality is recognised in the Sustainability Appraisal as a key sustainability issue. Achieving good air quality is embedded in the appraisal framework as a sub-objective of reducing pollution from any source. As a consequence, it is specifically taken into account in the site appraisals. It is clear to me that the effect of the proposed housing sites, and the alternatives considered, has been considered through the Sustainability Appraisal and site selection process.
181. Perhaps most fundamentally, this Plan locates new housing in the most sustainable locations that are deliverable. The point here is that the spatial distribution of housing aims to maximise opportunities for people to travel by means other than the private car. In this regard, it seems to me that it aims to minimise the degree to which additional vehicular traffic is generated by the new homes.
182. In addition, through **MM045/FM001**, the Plan requires all strategic housing sites to create integrated, accessible and sustainable transport systems with walking, cycling and public transport to be the most attractive forms of transport. This modification also requires that the strategic housing sites provide pedestrian friendly streets and well-connected footpaths and cycleways integrated with the wider built and natural environment and communities. Again, these measures seek to minimise additional car trips and, therefore, associated emissions.
183. Notably, the Plan does not propose to allocate any new housing sites within or especially close to either of the district's two Air Quality Management Areas ('AQMAs'). Indeed, one potential site in Hitchin has been rejected based on its proximity to an AQMA.
184. While I consider the matter in more detail later, Policy D4 requires impacts on air quality to be considered through the planning application process and for proposals to include mitigation measures where necessary. As modified by **MM150**, it ensures that unacceptable effects on air quality are prevented.
185. It is recognised in the Sustainability Appraisal that "*air quality issues could become more significant with continued growth in development and traffic*". I do not doubt it. Notwithstanding the measures mentioned above, housing growth of the magnitude required in North Hertfordshire will inevitably lead to more traffic using the district's roads. So long as the vehicles in question emit pollutants at the current levels this will, in turn, affect air quality. But it is difficult to see how this Plan could prevent that. Thwarting or suppressing the delivery of much needed housing on these grounds would be unwarranted and inconsistent with national policy.
186. As I see it, this is a significant national issue, and this Plan should play its part. From the Council's hearing statement [ED62], beyond the aforementioned two AQMAs, there is no evidence that national objectives are being exceeded. As I mention later, the Council has rejected one site on the basis of its proximity to one of the AQMAs. Moreover, it seems to me that the Plan does all it reasonably can to facilitate the choice to not use private motor cars and thereby to address the district's air quality concerns. Overall, in relation to ensuring that compliance with national objectives is sustained, it takes appropriate and sufficient steps. I therefore consider the site allocations to be justified and consistent with national policy in this respect.

187. I have been provided with a significant amount of detailed evidence on this issue. I note all the arguments put, including those about the adequacy of the Council's monitoring of air quality against objectives set out in the Air Quality Regulations 2010 and the exceeding of the air quality levels set out in those Regulations. However, none of the points raised undermine or alter my view set out in the preceding paragraphs, or otherwise persuade me that the proposed housing allocations are unsound.

Wastewater treatment

188. I note the arguments about the cumulative impact of the Plan's proposed housing sites, along with other developments outside the district, on Rye Meads Wastewater Treatment Works (WwTW). This WwTW is within the Lea Valley Special Protection Area. The points made raise questions about the capacity of the works, and the effect on the Special Protection Area. I consider the latter in more detail in relation to the Plan's policies relating to the natural environment. In terms of the treatment works' capacity, it is the responsibility of the utilities provider concerned to ensure that wastewater can be satisfactorily dealt with. From the Statement of Common Ground between the Council and Thames Water Utilities Ltd (November 2016) [MOU6] it is apparent that the provider is undertaking regular reviews of capacity and does not object to the sites proposed in this Plan.

Other impacts

189. It is clear the proposed housing sites will have a wide range of other impacts. All are assessed through the numerous documents that form the Council's evidence base. These effects have been considered through the Sustainability Appraisal and the site selection process. In short, they have been properly and thoroughly taken into account.

190. I consider the other effects of greatest importance to the soundness of the allocations on a site-by-site basis shortly, although I am not seeking to report on every issue raised in representations. Overall, I consider that there are no impacts of such magnitude that they would be unacceptable, or that any of the proposed allocations should otherwise be thwarted. However, numerous main modifications are necessary to ensure this. I consider and explain the necessity for them below in relation to each of the sites affected.

Education provision

191. As alluded to previously, the provision of school places is among the more controversial infrastructure planning issues in this examination. Alongside discussion with providers, a formula has been used to help establish the need for school places. That is an approach commonly used by LEAs in their forward planning activities. The Council has assumed that 500 new homes will give rise to the need for one form of entry for both primary and secondary education.

192. I note the arguments for a different formula. However, school place planning is inevitably an area of uncertainty. The formula adopted by the Council is that used by the LEA, which is best placed to understand the likely pupil yields from new housing here. Even if it transpires that it does over-egg the pudding, that may not be consistently so across the district and, in any case,

that is a consideration capable of being addressed on a case-by-case basis at the planning application stage. I am satisfied that the formula used here is suitable for the purpose of informing this Plan.

193. In general, the approach taken in the Plan is to require the provision of new education facilities on sites otherwise allocated for housing where the identified places cannot be provided through the expansion of existing schools. Given the Green Belt constraints in the district, that is the most appropriate and effective path. Moreover, it will help to ensure that the delivery of new housing and school places can be brought forward in a controlled and planned manner, avoiding periods of local school place shortages as much as possible.
194. There has been a dispute throughout the examination between the Council and the LEA concerning the Plan's provision of school places in the Stevenage Secondary Planning Area for the planning of secondary school places. Knebworth and Great Ashby lie within this area. The Plan proposes two new secondary schools – one on Site KB4 in Knebworth and one on Site GA2 in Great Ashby. The Council's intention is that each will comprise four forms of entry. This is a complicated situation affected by school place forecasting, current and anticipated provision, and the control over school admissions. The long and short of it is that taking account of the above factors, and its preference for larger schools, the LEA objects on the basis of the location and size of the two schools involved. However, through a Statement of Common Ground (December 2019) [ED177], both parties have agreed that with various main modifications to the Plan, this matter need not prevent it from being found sound.
195. As I see it, several main modifications are necessary to ensure that the policies affected are justified and effective. Policy SP18 is rather vague about the secondary provision required on Site GA2 and paragraph 4.214 refers to "... a modest level of secondary age provision". Main modifications **MM075/FM008**, **MM077** and **MM238** clarify that four forms of entry are required. Main modification **MM078** adds detail about the likely timing and explains that the school playing fields will need to be beyond the site boundaries on land currently in the Green Belt. That strikes me as an appropriate approach.
196. In addition, a number of modifications are necessary to address the numerous uncertainties which have led to the LEA's objection. Main modifications **FM067** and **FM068** add to Policy SP10 specific reference to monitoring projected demand to inform the review of the Plan in relation to secondary education in the Stevenage area, along with an explanation of the present situation in a new supporting paragraph. Main modifications **FM190** and **FM191** ensure that the local plan early review policy includes reviewing options for long-term secondary education provision in the Stevenage area, and clarify that it is the Government's expectation, rather than preference, that local plans be reviewed every five years.
197. Moreover, **MM288** changes the requirement in Policy KB4 to provide up to four hectares of land for education purposes to demanding that the land within the site to the north of Watton Road be reserved for long-term secondary education. This amounts to an increase in the land to be used for education, and in the circumstances is necessary to ensure that sufficient school places

can be provided. Main modifications **MM293/FM147** and **MM294** remove reference to an 'all through' school in respect of Site KB4 and explain the secondary education situation in Knebworth. In light of the evidence, these changes are appropriate and necessary.

198. Taken together, these modifications ensure that the Plan incorporates an appropriately flexible framework to secure the provision of the secondary school places needed in the Stevenage area. They ensure that sufficient provision can be secured whilst leaving the door open to alternative solutions – including any viewed by the LEA as preferable – being brought forward through the review of the Plan.

Sites where development has commenced or has been completed

199. The development of some housing sites in the Plan has either commenced or, in some instances, has now been completed. The Council has put forward main modifications deleting from the Plan the policies that allocate them for housing. In the circumstances, I agree that that is the most appropriate response, and would assist with the Plan's effectiveness. Main modifications **FM110, FM146, FM150, FM151, FM158, FM159, FM168, FM169, FM170, FM172, MM202/FM102, FM104** and **MM338, MM356/FM179** and **MM399**, which delete the policies and supporting paragraphs concerned, are therefore necessary. It will also be necessary for the Council to amend the policies map accordingly, as shown in the draft schedule of main modifications during the consultation exercise.

Restrictive covenants

200. In relation to two sites – one in Letchworth and another in Reed – I have been told that there is a covenant or some other legal instrument that prevents the housing proposed by the Plan. It is possible, therefore, that in some instances there may be a legal impediment to delivery. However, I see no reason why this should prevent the allocation of the sites in question. To remove these otherwise appropriate sites from the Plan would likely guarantee that they would not come forward and would be unwarranted.

201. Moreover, this issue affects only a relatively limited number of homes – less than 50, based on the figures in the delivery paper. Given this, and the 'buffer' between the Plan's requirement and the overall number of houses planned for, even if all the sites concerned were to be thwarted that would not amount to a soundness problem for the Plan's housing delivery overall. Indeed, uncertainties of this nature add to the justification for the 'buffer'.

Strategic masterplanning

202. I have mentioned previously that the Plan includes a number of strategic housing sites – Sites BA1, LG1, NS1, HT1 GA2, EL1, EL2 and EL3. I consider each in greater detail shortly. However, because of their scale and the consequent impacts they could give rise to, I consider it imperative that each be the subject of strategic masterplanning. Indeed, given the degree to which this Plan relies on these strategic sites, and particularly considering the extent to which these are in the Green Belt, I am of the firm view that the relevant policies should include significantly more detailed stipulations than they do as submitted.

203. Policy SP9 relates to design and sustainability. I consider most of its criteria later, however it is relevant here as it addresses the issue of strategic masterplanning. Main modification **MM045/FM001** adds to it a significant number of wide-ranging additional requirements to be addressed through the strategic masterplanning process. These are, by and large, related to matters of urban design and integrating developments within their urban and rural communities, but also cover issues such as adaptable housing, biodiversity, management and maintenance. These, and other site-specific requirements should also be included in the policies allocating the strategic housing sites.
204. In addition, to ensure the strategic masterplans genuinely shape the developments involved, the contribution made to the strategic masterplan should be taken into account through the planning application process. For the same reason, any planning applications relating to just part of a site should be prevented from prejudicing the implementation of that site as a whole.
205. Main modifications **MM058/FM004**, **MM061/FM005**, **MM068/FM006**, **MM072/FM007**, **MM075/FM008**, and **MM083/FM009** add all of these requirements. Main modification **FM002** introduces new text to paragraph 4.116 of the Plan. This helps to explain the policy's approach to strategic masterplanning. So too does **MM057/FM003**, which clarifies that strategic masterplanning will be undertaken pro-actively and collaboratively with the Council and other key stakeholders. In my judgement, all the demands set out in these modifications are not only reasonable but are also necessary to ensure that the large developments to which they apply provide high quality, sustainable places to live that are successfully incorporated into the surrounding environment.
206. As put forward by the Council, the main modifications mentioned above say that "*any planning applications should be preceded by and consistent with an agreed strategic masterplan*". But neither national policy nor guidance require that informal discussions should take place or that agreements should be reached ahead of submitting a planning application. Indeed, there is nothing to prevent the submission of a planning application at any time. Consequently, while this is all highly desirable in respect of the strategic masterplans involved here, there is no justification for demanding that they be informally agreed before a planning application is lodged, and policies based on this footing would not be effective.
207. That said, it is reasonable to encourage the production of a strategic masterplan for informal agreement with the Council before the submission of a planning application. This approach would allow informal collaboration with key stakeholders at an early stage. Among other benefits, that could lead to a more efficient application process. That, it seems to me, is about as far as the Plan can go in this regard. I have altered the wording of the main modifications accordingly. Although these changes have not been the subject of consultation, they do not significantly alter the modifications as published, and they do not undermine the participatory processes undertaken.
208. These main modifications recognise that planning applications relating to strategic sites may have already been submitted to the Council, which is indeed the case. But that should not prevent the production of the strategic

masterplans sought. Indeed, if they have not already been produced then undertaking the exercise may well help to inform the need or otherwise for alterations to the submitted schemes. In my view, this requirement is justified.

The housing allocations in the western and southern part of the district

The East of Luton sites

209. Sites EL1, EL2 and EL3 (the 'East of Luton sites') are in the Green Belt and in effect form one single land allocation. Extending eastwards from Luton's western built edge, they envelope the villages of Cockernhoe and Mangrove Green, and run up to properties at both Tea Green and Wandon End. In combination, these three sites are expected to deliver 2,100 new homes.

Green Belt impacts

210. Given their scale and the extent to which they protrude eastwards from the built edge of Luton, they represent a significant incursion into the open countryside. In short, I entirely agree with the conclusion to be drawn from the Green Belt Review Update that they would result in significant adverse impacts on the purposes of including land in the Green Belt.
211. Policy SP19 requires structural planting to help the new housing integrate into the surrounding landscape and to reinforce a long-term 'defensible' Green Belt boundary to the east. It also says that built development must be contained within the Breachwood Ridge and avoid adverse impacts on the wider landscape of the Lilley Valley. These measures will assist in reducing the visual effects of the sites' encroachment into the Green Belt, to some extent.
212. Perhaps more valuable in this respect, though, is the modification to the policy through **MM083/FM009** requiring a comprehensive strategic masterplan. To my mind, this is a key mechanism. It will guarantee that all three sites are planned holistically and as one cohesive whole. To my mind, considering the scale of the development involved here, this is critical to ensuring that the Green Belt impacts are ameliorated or reduced to the lowest reasonably practical extent.
213. It is plain that the development of these sites will lead to other impacts. These have been discussed at length at the hearings and I have been provided with a very significant amount of evidence from numerous parties. I do not address every argument here – rather, in line with the PPG, I focus below on those points which raise the most critical soundness issues.

Traffic impacts

214. Traffic impacts are considered in two documents from the Council – the '*East of Luton Urban Extension Stage 2 – Traffic Modelling Results*' (February 2016 [TI7] ('the modelling report')) and the '*Local Plan – Transportation – East of Luton Technical Note*' (September 2017) [ED2] ('the technical note').
215. The modelling report is a high-level overview of the potential highways impacts of the three sites. It is based on the Central Bedfordshire and Luton Transport Model, being the same model as that used by Luton to inform its

local plan. It makes a range of assumptions in relation numerous factors, for example the number and location of jobs and traffic levels and directions associated with schooling. On that basis, it models traffic flows in the morning and evening peak times. It compares the 'output' road network statistics – including vehicle speeds and delay times – for two scenarios, one without the East of Luton sites and the other with them, in 2031.

216. From this work, it is apparent that the East of Luton sites would increase traffic flows on all roads, and that most of the additional traffic is likely to be between the sites and Luton, although some school traffic in the morning peak is expected to go to Hitchin. A number of links in the eastern part of Luton's highway network, for example Vauxhall Way and Hitchin Road, are anticipated to be operating over capacity in 2031 even without the East of Luton sites. They would undoubtedly worsen the situation at existing congestion spots, but the modelling report's authors do not expect them to lead to the creation of new ones. Similarly, the modelling indicates that junction delays in the vicinity of the sites will increase because of the new housing, again including at Vauxhall Way and Hitchin Road. Further afield, the difference in flows around Luton town centre ring road is likely to be marginal.

217. The technical note re-evaluates the evidence of the modelling report. It is, in effect, a 'second opinion' about the Council's position that the East of Luton sites will not lead to severe residual cumulative impacts. It concludes that they will not.

218. In the light of the above evidence, it is clear that the proposed allocations will have adverse impacts on the road network in terms of congestion and that such impacts will largely be in Luton. It will, in all likelihood, be necessary to introduce mitigation measures to tackle this, and I understand that the most appropriate solution is actively being considered by the two local authorities. Crucially, though, the sites will lead to a reduction in network speeds of around 1% to 2% and will only increase vehicle delay and queue times by between 3% and 5% – for illustration, that amounts to adding half a minute to a ten-minute queue. To my mind, the degree of change would not be significant.

219. Much criticism has been levelled at numerous areas of the modelling work undertaken by the Council in terms of new development omitted from it. But as I understand it, although a simplification, the approach taken here has been to:

- a) reflect the growth planned for in Luton's Local Plan and in the draft Central Bedfordshire Local Plan as it stood at the point of publishing under Regulation 19,
- b) take account of any other elements of growth with a reasonable likelihood of coming to fruition, and
- c) not include any other, more aspirational projects or plans where there is a significant degree of uncertainty.

Consequently – as an example – the expansion of Luton Airport from 9 million passengers per year to 18 million has been accounted for, as has the number of jobs on which Luton's Local Plan is based, but the airport's longer-term

vision up to 2050 has not been. In my view, that is the most appropriate approach. It would be unreasonable to insist that the long-term aspirations of the airport and other businesses be accounted for unless and until there is a decent degree of certainty about the plans involved and that they will go ahead. Although the Regulation 19 draft of Central Bedfordshire's local plan is relied on, the plan as now adopted does not include any significant additional growth that has not been captured.

220. This modelling is based on 6,905 dwellings being delivered in Luton. The Inspector examining Luton's local plan increased the housing requirement from 6,700 dwellings to 8,500. Consequently, the transport modelling does not take account of approximately 1,600 homes. In addition, the modelling work assumes that traffic will be able to use Eaton Green Road to access Century Park and the airport. But Policy LLP6 aims to ensure that it is not used for this purpose. The traffic levels elsewhere on the network nearby are therefore underestimated. Even though the level of traffic concerned is not anticipated to be high, both these factors do amount to weaknesses in the evidence.
221. However, the Inspector examining the Luton local plan did not demand any update to the evidence before him. For reasons given in paragraph 207 of his report, he found the assessment based on 6,905 dwellings to be adequate. I concur with the rationale set out in that paragraph, and it applies equally here – the effects on the strategic road network have been adequately assessed at this stage and sufficient measures are in place to help mitigate adverse effects.

222. Paragraph 207 also says:

"This is an issue that should be re-visited in the early review of the [Luton] Plan when proposals to provide for Luton's unmet housing needs in neighbouring authority areas, potentially including in Central Bedfordshire and to the east of Luton are further advanced and the implications on transport infrastructure can be properly evaluated".

Policy LLP40 of the Luton Local Plan says:

"The Local Planning Authority will bring forward a full review of the plan. This will commence before the end of 2019 with submission of the review for examination by mid-2021. Specific matters to be addressed by the review include the following issues:

i. To address the outcomes of the Growth Options Study and decisions in neighbouring local plans about how and where Luton's unmet housing needs will be provided for including implications for transport infrastructure, as appropriate."

223. Consequently, it is wholly clear that the implications of these three sites on transport infrastructure in Luton is a matter to be reconsidered through the review of Luton's local plan and will therefore be comprehensively retested through the examination of that review. It is not something to be ignored in this examination – far from it, and I turn to the stance in Policy SP19 shortly – but the evidence produced by the Council must be seen against the background of this unambiguous commitment in Luton's development plan. In

this context, I consider the modelling report to be sufficiently robust for plan-making purposes and to require any re-run of the modelling would be disproportionate.

224. Moreover, and notwithstanding any delay to the progress of Luton's local plan, more detailed and up to date transport assessments will be necessary to support the planning applications for these sites. While the evidence before me is sufficient to persuade me that their allocation should not be resisted on highways grounds, that is not the same thing as granting planning permission. Much will likely depend on the specific schemes put forward and the mitigation measures necessary. The Council will retain the power to prevent severe impacts of the kind referred to in paragraph 32 of the NPPF. Main modifications **MM032**, **MM083/FM009** and **MM119** – which I discuss in more detail elsewhere in this report – introduce additional requirements to Policies SP7, SP19 and T1 to ensure the robust assessment of traffic impacts and provision of any necessary mitigation measures through the planning application process.
225. Although the modelling report indicates that most traffic movements to and from these sites will be to and from Luton, there will be an increase in traffic on North Hertfordshire's roads in the vicinity of the sites. These are generally narrow country lanes, Chalk Hill, Stony Lane and Lilley Bottom notably so. The increase in traffic here is not so much a question of congestion, but rather more one of highway safety. There are stretches where two vehicles cannot pass and I have been made aware of collisions that have occurred during the examination.
226. As I understand it, the Council's attitude here – and, I believe, the sites' developers' – is to avoid encouraging vehicle trips through this part of the network. I agree in principle that that is the most appropriate path. Wholesale widening of the lanes would diminish their rural character, as would the increase in traffic along them that would likely ensue. It has been put to me that the addition of further passing places, most probably along the longest of the narrow stretches, is the probable solution. That may be so. Although again a matter of detail to be decided through the planning application process, this possibility lends confidence that an approach can be found that both secures the safety of drivers – which is my primary concern – and preserves the rural feel of the area. Consequently, whilst an important matter to be resolved, this issue should not stand in the way of allocating the sites.
227. Overall, there are no transport issues that lead me to conclude that the East of Luton sites should be rejected. However, several main modifications are needed to ensure that the Plan properly addresses the issues discussed above. To help limit trips to and from the sites by private car, the local centre to be provided should include a mix of uses that serve a range of day-to-day needs. The sites should be required to provide for sustainable modes of transport and integrate comprehensively into existing pedestrian, cycle and public transport networks. Many of the new jobs in Luton are quite near to the East of Luton sites, and this measure will help to reduce commuting by car. Crucially, Policy SP19 should also include appropriate transport mitigation measures to address impacts on Luton. Main modifications **MM083/FM009** and **MM086** modify Policy SP19 and a paragraph supporting it accordingly and are needed to

ensure that the sites are justified and that the Plan tackles the issues involved effectively.

228. I have considered the need to modify Policy SP19 to address the safety issues in relation to the country lanes previously mentioned. However, Policy T1 (as modified by **MM119**, which I consider later in this report) already requires that developments do not lead to highway safety problems or cause unacceptable impacts on the highway network. No additional text in Policy SP19 is therefore necessary.

Landscape impacts and the AONB

229. All the three sites are within Character Area 202 – Breachwood Green Ridge within the '*North Herts Landscape Study*' (2011) [CG16] ('the landscape study'). The landscape character here is described in the landscape study. It reaches three main conclusions about this character area:

a) It is of moderate sensitivity

b) It is of moderate/low landscape value

c) Its capacity to accommodate large urban extensions over 5 hectares is low to moderate.

230. The landscape study says that large urban extensions would not be entirely appropriate here and explains why in terms of the effects that would be caused. The housing proposed will inevitably lead to some but, it seems to me, not all the impacts feared by the landscape study.

231. Large residential neighbourhoods form no part of the landscape character of this area. It is wholly evident that the East of Luton sites will have a significant impact. Features that are characteristic of Breachwood Green Ridge will be lost and replaced by housing. The peace and tranquillity of the area will be substituted for the noise and activity that accompanies residential districts. In the immediate vicinity and other places where visible, the new homes will be legible for what they are – a significant incursion of Luton's built area into the surrounding countryside.

232. However, most of the area proposed for allocation is southwest of the plateau ridgeline and stepped back from it. Whilst the sites do puncture the ridge at some point – generally around Stubbocks Wood – the areas of woodland would help to conceal the housing and blend it into the landscape, at least partially.

233. One area where this is not the case is between Chalk Hill and Stubbocks Wood. The illustrative masterplan provided as Appendix A to the statement of Bloor Homes shows this area as a football pitch and athletics track. Whilst the detailed arrangement of the site is a matter for the planning application process, this lends some reassurance that built development need not overtop the ridge in this more visible location.

234. Overall, I consider that these three sites will have an adverse impact on the character and appearance of the landscape here. That will perhaps unsurprisingly be most keenly felt from areas both within the developments and from areas closest to them where there are viewpoints. In more distant

views the new homes will appear as a visual imposition in the landscape. That said, the blocks of woodland in and around the sites will help to soften the extent of their intrusion.

235. On this point, the Chilterns Conservation Board and others argue that the proposed housing on these sites will have an adverse effect on the setting of the AONB. However, the sites are some way from the AONB – roughly between one and a half and two kilometres at the closest point. It is likely that the new homes could be seen from the AONB. But it seems to me that such views would be limited by the intervening topography, woodlands and other landscape features. The scale of the development would, in all probability, not be discernible. In any event, given the distance involved, I consider that any views of the housing would not erode the otherwise generally rural setting of the AONB or spoil the enjoyment of it.
236. To some extent, matters would be a little different during the night-time. Lighting from the new dwellings and streets would be noticeable. But their illumination would be set against the backdrop of lighting from Luton and the airport. Against this background hue, the effects on the AONB and the pleasure of those present after dark would be limited and would not be unacceptable.
237. Settlements and occasional scattered dwellings are identified in the landscape study as being characteristic of Breachwood Green Ridge. The development of these sites will undoubtedly result in the coalescence of Luton with Cockernhoe, Mangrove Green, Tea Green and Wandon End. The merging of these villages and hamlets with Luton will diminish that aspect of the landscape here.
238. The presence of a large residential district near to the narrow, twisting country lanes will erode their rural character, in the immediate vicinity at least, and the increase in traffic likely will add to that effect. However, this impact can and should be addressed – for example through hedgerow planting along the lanes – to ensure that the adverse effects are reduced insofar as it is possible to do so.
239. Disruption to the rights of way network and reduced access to the countryside is identified in the landscape study as the final aspect affecting the character area's capacity to accommodate development. For these sites, I see no reason why that should be a problem. Indeed, through **MM083/FM009** and **MM086**, requiring comprehensive integration into the pedestrian network, access from the built area of Luton into the countryside around it is likely to be improved.
240. The landscape study sets out a list of built development guidelines for the character area. The development of the proposed allocations would fall short when measured against these. That is not surprising – they are not guidelines aimed at residential development on this sort of scale.
241. Overall, I accept that the housing proposed on these sites would result in quite significant adverse landscape impacts. However, it seems to me that the Plan does all it reasonably can to address these effects. The delineation of the sites' boundaries also helps. Brick Kiln Wood is centrally located between Sites EL1 and EL2 but is not part of them and will be retained. As previously

mentioned, Stubbocks Wood – along with Brick Kiln Wood and other woods and plantations largely to the north – will assist in assimilating the housing into the wider landscape. All in all, the new homes need not undermine the rural character and appearance of this part of the district to an unacceptable degree.

242. I note that that Breachwood Green Ridge, among other land, has been put forward to Natural England to consider the merits of including it within the Chilterns AONB. An application was made in October 2013. The process firstly requires an initial assessment by Natural England of whether the land in question meets the statutory criteria of an AONB. Subsequent stages involve consulting the local authorities concerned and the public, considering those representations, modifying the boundaries if necessary in the light of the comments received, and submitting an order to the Secretary of State for consideration. As I understand it, Natural England's assessment process remains at an early stage.
243. The upshot here is that this area is currently outside the AONB. I cannot tell whether Natural England would consider that it should pass the initial assessment. Either way, there is no clear or present prospect of the AONB boundaries being altered to encompass the proposed housing allocations. Considering my overall conclusions about these sites, I am not persuaded that their allocation should be resisted on this basis. Meeting Luton's urgent need for housing is a matter that should not be put on hold to await the uncertain outcome of the AONB extension process.

Other impacts and issues

244. I fully appreciate that the sites' effect of merging Luton with the nearby villages and hamlets will have significant effects over and above those relating to the landscape. The people living here will experience significant changes to their surroundings – most fundamentally, their homes will no longer be in rural or semi-rural hamlets but will in effect be an integral part of a large new neighbourhood. I entirely understand that many do not want this and wish to retain the present, more pastoral living environment and the sense of rural living and community that accompanies it. The degree of change will be palpable.
245. However, the presence of the new housing need not lead to a poor or otherwise unacceptable local environment. On the contrary, the Plan's requirements for green spaces and outdoor facilities, structural planting, and a local centre, should lead to the creation of pleasant and agreeable surroundings once the development is complete. The continued presence of Brick Kiln Wood roughly centrally placed among the new homes will likely help to create a leafy feel, and the open countryside will remain close at hand.
246. I have heard much about the presence of biodiversity on and around the sites. In particular I have been told that there are corn bunting, newts, red kites, badgers, reptiles and bluebells in the area. Much of this, though, stems from a search of Natural England one kilometre grid squares. I therefore cannot tell with any certainty whether this flora and fauna is present on the sites themselves. I have also been told that badgers live in one of the woods. But the proposed allocations exclude the existing woodland. While development

may well have an impact, the loss of the clan is not a foregone conclusion and if necessary, the Council is able to insist on protective or other measures through the planning application process. Hertfordshire Ecology – a County Council service for ecological advice – has not identified any fundamental ecological constraint to the allocation of this site. The Sustainability Appraisal [LP4] has informed the site-specific policy requirements including the need for ecological mitigation to be informed by detailed site-specific assessments. I discuss the relevant development management policies in more detail under Issue 17 later, but Policies SP12 and NE6 in particular, as modified, allow for detailed consideration of these issues. Indeed, given this, it seems to me that there are no biodiversity features here that either in isolation or combination should prevent these sites coming forward.

247. Visiting the sites has confirmed to me the point that a herd of deer runs the land in this area. Although the new housing may well alter the area the herd frequents, that does not amount to a strong reason to resist the proposed allocations.
248. Putteridge Bury Grade II Historic Park and Garden is to the northwest of the three East of Luton sites. Open fields separate its parkland from Site EL3, the closest of the three to its boundary. Considering this and given that the entire southwestern boundary of the registered parkland abuts the existing built edge of Luton, I consider that the new housing would preserve the setting of this designated heritage asset.
249. As submitted, Policy SP19 requires the provision of “*up to 4FE of primary age and secondary age education provision*” on the East of Luton sites. For effectiveness, it is necessary to clarify that this means four forms of entry for each of the two age groups.
250. There has been some confusion between the Council and the local education authority about the level and/or timing of education provision needed on these sites to ensure that the schooling needs related to the Plan's housing growth is sufficiently accommodated. However, the two parties provided a Statement of Common Ground in December 2019 [ED177]. This confirms their agreement that all the Plan's policy requirements relating to education are sound, save for in relation to one matter that is not relevant here. That agreement was reached on the basis that Policy SP19 requires the secondary education solution to be designed to not preclude the potential for future expansion. For effectiveness, I agree that that is a necessary demand. Main modification **MM083/FM009** includes both the changes discussed above.
251. In addition, **MM085** explains that this approach is necessary to ensure the wider education need across the rural west of the district can be met, and that this matter will be kept under review. I see no reason why any school expansion here should not serve the wider education needs of North Hertfordshire. Just because the new homes serve to help address Luton's housing needs does not mean that pupils from parts of North Hertfordshire beyond the sites' boundaries should be barred from attending the school.
252. As submitted, Policy SP19 does not require affordable housing on the East of Luton sites. I have previously discussed the housing situation in Luton. Considering this, it should, and Policy SP19 should also require that

mechanisms are put in place to ensure that these affordable homes are earmarked to address the need arising in Luton. Main modification **MM083/FM009** adds both these requirements to the policy and **MM084** adds further detail to paragraph 4.219 of the Plan. Both are necessary for effectiveness.

253. As I understand it, part of the East of Luton sites has been landfilled in the past. A contaminated land preliminary assessment should therefore be undertaken. Main modification **MM083/FM009** adds this requirement and is needed for effectiveness.
254. Main modification **MM087** adds to the Plan a new paragraph explaining the wastewater drainage situation in relation to the East of Luton sites, being that, in short, upgrades to the existing infrastructure network may be necessary. A requirement for the submission of a detailed drainage strategy is added to Policy SP19 by **MM083/FM009**. In the circumstances, both are necessary for effectiveness.
255. I note the points raised by Luton Airport and others about the effects of noise from the airport in relation to the living conditions of those living nearby and the consequences of that on future airport expansion. However, there are already homes closer to, or at least as close to, the airport than the new housing proposed here will be. None of the proposed allocations are within the current noise contours. It therefore seems to me that the resultant relationship between the two uses would be satisfactory. While the airport may wish to alter flightpaths in the future, including as part of its longer-term expansion plans, decisions about the location of new homes cannot be based on second guessing future flightpaths. While I recognise the economic importance of the airport and its contribution to the UK's air industry, the Council's attempt to help meet the pressing housing needs of Luton should not be obstructed by the possibility that aircraft routes may need to change.
256. It is suggested that there is some overlap between the East of Luton sites with Century Park. The area referred to is not large. Consequently, even if that were to be the case, that would not render the allocations undeliverable as a whole.
257. A vast number of other arguments have been put to me, ranging from air quality issues to Boudica's last stand and many other points besides. I have taken account of them all. However, there are none of such compelling force that I am persuaded that the proposed allocations should be rejected as a matter of principle. Many of the issues raised are detailed matters, and where this is the case, they will be considered and dealt with through the planning application process accordingly.

Alternative options

258. The East of Luton sites have not been selected using the same site selection process as the other housing sites proposed in the Plan. They have been put forward under the Duty to Co-operate. However, the question of alternative options nonetheless has a bearing in the ascertainment of the existence or otherwise of the exceptional circumstances necessary to warrant the 'release' of the East of Luton sites from the Green Belt.

259. Under the Duty to Co-operate, the four local planning authorities for the Luton HMA agree that Luton Borough's unmet housing needs should be met on land located as close to the boundary of Luton as possible. The Council's position on this is a little more refined – it says that any such land should be in the sliver of North Hertfordshire that lies within the Luton HMA. Although that narrows considerably the 'area of search', I entirely concur that that is a logical stance and the most appropriate approach to take. This is a question of meeting needs where they arise. To stray beyond the housing market area would give rise to uncertainty about whether the identified need is being addressed.
260. To explore the possibilities of providing sites as close to Luton as possible, the four local planning authorities commissioned the '*Luton HMA Growth Options Study*' (2016) [HOU7] ('the Growth Options Study'). This considers numerous options for housing delivery around Luton. It assesses the sites considered in relation to constraints, access to services and facilities, Green Belt, deliverability and viability. Whilst it does not set out explicit recommendations about the most suitable sites, it provides a 'menu' of sites and notes their various advantages and drawbacks. It indicates that there is potential capacity within the Luton HMA to accommodate Luton's unmet housing needs. To help with effectiveness, the Plan should provide some explanation about the Growth Options Study, the role it has played in plan-making and its outcomes. Main modification **MM410** adds appropriate text accordingly.
261. I recognise that there are matters the Growth Options Study does not take into account such as the level of Luton Airport's growth, and it does not include detailed traffic assessments. It was never intended to be an in-depth exploration of that kind. Rather, it is a high-level study which aims to set out the strategic options for meeting the housing needs of the Luton HMA and to provide some comparison for the Council's concerned to then consider further. As an informed waymarker signalling possible routes for investigation, it is a proportionate and sufficiently robust study.
262. The East of Luton sites are the only potential growth location in North Hertfordshire that is evaluated in the Growth Options Study. Most other land within the Luton HMA is 'screened out' because of primary constraints – notably the presence of the Chilterns AONB and areas of higher landscape value/sensitivity. Taking account of all this, I agree that the East of Luton sites are the only appropriate potential growth location in North Hertfordshire.
263. Looking beyond the district's boundaries to land in neighbouring local authority administrative areas, it is clear that many of the other potential locations considered are not so close to Luton as the sites proposed here. Indeed, some are quite a distance away.
264. From the Growth Options Study, the Council says that there are not sufficient alternative growth locations with strong links to Luton – either through physical proximity or high-quality public transport accessibility – that would allow Luton's unmet housing needs to be delivered on land that is preferable in Green Belt terms to the East of Luton sites. From my reading, that does indeed appear to be the case. Consequently, it seems to me that the East of Luton sites are an essential ingredient of a balanced solution to addressing housing needs in Luton – that is, a solution which takes account of both the

harm to the Green Belt and the sustainability of the location in relation to access to and from Luton. This is a compelling point that points strongly in favour of including the East of Luton sites in the mix.

265. In any case, as I have previously mentioned, the Central Bedfordshire Local Plan has now been adopted. The vast majority of the other growth locations considered in the Growth Options Study are in that local authority's administrative area. The Local Plan includes a number of them, and overall provides sufficient land to deliver the quantum of housing Central Bedfordshire agreed to deliver to help address Luton's needs through the Duty to Co-operate. As a consequence, rejecting the East of Luton sites at this stage would leave Luton with a shortfall for which there would be no mechanism to remedy in this 'round of plan-making'. This housing need would therefore go unmet for a significant period of time.
266. The East of Luton sites perform relatively well in the analysis of the Growth Options Study. They also meet the 'three tick' criteria in the SHLAA Update. They now also represent the only realistic option for ensuring that Luton's unmet housing need is addressed without deferring the matter further. I see no reason to prolong Luton's delivery shortcomings. It is the role of local plans to tackle the thorny issues head on. That is what this Plan seeks to do, and I consider the East of Luton sites to be the most appropriate solution. In summary, in spatial terms, these sites represent an entirely logical extension to Luton.

Knebworth

267. Four sites are proposed for allocation in Knebworth. Sites KB1, KB2 and KB4 are in the current Green Belt. Development on Site KB3 has already started or been completed.
268. Broadly speaking, Knebworth is within a shallow bowl in the landscape. The centre of the village is at its base and is bisected by the East Coast Main Line. Sites KB1 and KB2 – anticipated to yield 200 and 184 new homes respectively – are on the western edge of the village, between it and the A1(M). The 200 dwellings delivered through Site KB4 would be along the eastern edge of Knebworth.
269. The Green Belt Review Update concludes that Site KB1 makes a moderate/limited contribution to the purposes of including land in the Green Belt, and that Site KB2 makes a moderate contribution. The former is a reduction from the conclusion of the Green Belt Review, which puts the contribution of KB1 at moderate.
270. As I see it, relative to the existing built envelope of Knebworth, these are reasonably large sites. Because of this, and the topography here, both would lead to the encroachment of numerous new buildings into the countryside beyond the existing built edge of the village. I consider the harm caused by each would be moderate overall.
271. However, a number of factors would ameliorate or reduce this impact. The new homes would not be so prominent in the wider landscape. The A1(M) and the trees along its route would help to conceal them, as would the undulating nature of both sites, which include depressed areas within the more generally

sloping topography. The northern part of Site KB1 begins to slope downwards, facing out towards Stevenage. Consequently, a visual impact assessment is needed to ensure that the visual aspects of the impact on the Green Belt are reduced to the lowest practical extent. Main modification **MM285** adds a requirement to Policy KB1 accordingly. The requirement in both policies to ensure that 'defensible' boundaries are created where currently they are less robust will also assist in this regard.

272. Site KB4's contribution to the Green Belt is judged by the Green Belt Review Update to be moderate/significant. Unlike Sites KB1 and KB2, it is not contained by the line of the A1(M). In my opinion, it consequently has a generally more open, exposed character. Overall, I agree that the new homes and school proposed here would lead to moderate/significant harm to the purposes of including land in the Green Belt.

273. In effect, this site 'wraps around' the current eastern built edge of Knebworth. Simply put, it is long and narrow, at least relative to its length, and will not extend the village eastwards significantly. There are a few farm buildings and other properties just beyond the eastern site boundary. Along with the structural planting required by Policy KB4, these factors will help to reduce the sense of encroachment into the countryside, to some degree.

274. Site KB4 is within the Green Belt between Knebworth and Stevenage. However, it would not cause the two to coalesce, and there would remain a sufficient Green Belt gap between the two to ensure that their individual identities remain distinct.

275. The level of new housing by the proposed allocations will add to traffic in Knebworth centre. I note that the B197 through Knebworth is quite a busy road, and whilst it is of reasonable width car parking to either side does create something of a pinch point. I do not doubt that this causes delays and inconvenience for many, especially when the A1(M) is busy and people use the B197 as an alternative. Main modification **MM295** explains the issues in more detail, which is necessary to help with effectiveness.

276. But Knebworth is the largest village in North Hertfordshire. It has a railway station on the East Coast Main Line route. All the proposed allocations are not far from the village centre. The new homes – or the vast majority of them at least – would be within a reasonable walking distance of the shops, railway station and other services there. They would certainly be within a short cycle ride.

277. In this context, it seems to me that the cumulative impact of the new housing proposed here need not lead to severe adverse impacts on the local highway network. There is little in the '*Local Plan Model Testing Technical Note*' (September 2016) [TI4], which takes account of all three proposed sites and other growth beyond the district, to indicate otherwise. To ensure that they do not, the policies allocating each of the three sites should require an assessment of their combined effects on key junctions and rail crossing points and the provision of any necessary mitigation measures identified through those assessments. Main modifications **MM285**, **MM286/FM145** and **MM288** introduce appropriate wording accordingly.

278. As I understand it, a scheme is in hand to introduce a 'smart motorway'

arrangement on the A1(M) between junctions 6 and 8, and that this is fully funded by National Highways. If implemented, it seems to me that this will also help to reduce traffic through Knebworth.

279. I have been told that trains from Knebworth station are at capacity and have insufficient carriage space. However, it is difficult to see what this Plan can do about that. Whilst it is possible that the Council may have some influence, these are commercial decisions taken by the train operating companies. It strikes me that the most forceful driver of supply is demand. The new housing proposed here will, in all probability, add to that.
280. I discuss issues relating to secondary education provision later under Issue 10. In terms of primary education, Policy KB2 requires that a one form of entry primary school be provided on that site. Main modifications **MM286/FM145** and **MM291** alter this so that the Plan instead demands that approximately two hectares of land to the south of Gipsy Lane and adjoining the settlement must be reserved for a primary school. I agree that this is necessary. There is some uncertainty about whether two forms of entry might be needed and the amount of land specified introduces suitable flexibility. Identifying the location is also appropriate. It will ensure that the school is away from the A1(M) and in the part of the site closest to existing homes and the village centre.

Codicote

281. Four allocations are proposed in Codicote, all of which are currently in the Green Belt. To the south of the village, Site CD1 is a field earmarked to deliver 73 dwellings. It is not large compared to many allocations proposed in the Plan, and while the homes on it will extend the village southwards, they would not run beyond the collection of buildings at Hollard's Farm. The Green Belt Review Update puts the harm to the Green Belt at moderate. In my view, given the size of the site and the relationship with the existing buildings here, it would be moderate at most. Indeed, it seems to me that the presence of Hollard's Farm would visually contain the new homes within the existing visual envelope of the village. This effect will help to ameliorate their impact on the Green Belt.
282. Site CD2 is at the northern end of Codicote and is expected to deliver around 54 homes. It was previously occupied by Wyevale Garden Centre, and whilst that appears to have now been demolished the site is previously developed land. Although not a large site, new housing here would form a relatively isolated protrusion northwards from the built edge of the village. I consequently agree with the Green Belt Review Update that moderate harm to Green Belt would be caused.
283. Notwithstanding that, the site is reasonably well contained by hedgerows. This will help to reduce the adverse Green Belt impacts. To ensure that outcome, Policy CD2 should require that the hedgerows be retained and strengthened. Main modification **MM225/FM121** adds such a requirement accordingly and is necessary for effectiveness.
284. To the east of Codicote, Site CD3 is a field to the rear of residential properties. It is not a large site and is expected to deliver around 48 dwellings. Initially assessed as making a moderate contribution to the Green Belt in the Green

Belt Review, the Council's position in the Green Belt Review Update has shifted and puts the harm to the Green Belt at limited. Considering its limited size and that it is enclosed on two sides by existing housing, I agree with the overall findings of the Green Belt Review Update.

285. The largest of the proposed allocations, Site CD5 is earmarked to deliver approximately 140 new homes. However, planning permission was granted on appeal (reference 3273701) in September last year for 167 dwellings. I note that this permission does include some 'pre-commencement conditions' which must be discharged prior to development starting. But there is nothing here out of the ordinary or otherwise especially onerous, and there is nothing to stand in the way of this permission being implemented. In his appeal decision, the Inspector concludes that the 'very special circumstances' needed to warrant the grant of planning permission do exist. As the High Court judgement in *Compton Parish Council v Guildford Borough Council [2019] EWHC 3242 (Admin)* makes clear, the exceptional circumstances test that applies in my consideration about the soundness of the proposed allocation is less demanding than the 'very special circumstances' test.
286. Aside from Green Belt matters, it seems to me there are two main issues concerning the proposed sites in Codicote – their effect on the local highway network and parking in the village, and the capacity of Codicote Primary School to accommodate the likely increase in pupils. I consider each in turn.
287. The B656 runs through the village and incorporates the High Street. It links the A1(M) at Welwyn to the south and runs northwards on to Hitchin. It is a busy road, and some describe Codicote as a 'rat run' at peak times. I note that it is used by HGVs travelling to and/or from a quarry nearby. I have no doubt that the proposed allocations will add to traffic and congestion here.
288. However, the Council's 'Local Plan Model Testing Technical Note' (September 2016) [TI4] does not identify any particular junction problems in the vicinity. This takes into account the cumulative effects of all the allocations proposed in this plan and known growth in other areas. At the strategic level, that is reassuring. However, I agree with the Council that the planning applications for each of the allocations should include transport assessments to consider the combined local impacts in greater depth and that any mitigation measures identified as a result should be secured. Main modifications **MM224/FM120**, **MM225/FM121**, **MM226/FM122** and **MM227/FM123** add these requirements to the policies, and **MM233** adds further explanation and detail. All are needed for effectiveness.
289. Site CD2 is adjacent to a sports field and community centre. Providing access to them through the site could help to facilitate shorter and more direct journeys that would otherwise involve travelling through the northern part of the village. Main modification **MM225/FM121** adds this as a policy requirement and is necessary for effectiveness.
290. Car parking is clearly also an issue in Codicote. This does not help with congestion and likely affects the shops and other local businesses in the village centre. However, all the sites proposed here are within a reasonable walking distance of the High Street. That some may park their cars partially across the footway does not alter this. Even if the B656 is not an entirely attractive

prospect for cycling, as some suggest, it remains an option. I note the points about the limited number of bus routes and frequency of services. But in this largely rural district, the fact that Codicote has access to public transport is an advantage.

291. Codicote Primary School is a single form of entry school that is at or above capacity at present. It has no space within its grounds to expand. The proposed housing allocations would lead to the need for something approaching two forms of entry. The Council's intention is that Site CD5, which is to the rear of and adjacent to the school, will provide a new playing field for the school to enable the school to expand onto its existing field. To ensure that the school places needed are provided when they are required, it will be necessary for Site CD5 to be delivered either ahead of or in parallel with the other allocations. For effectiveness, **MM232** and **MM227/FM123** are necessary to ensure that the Plan sets out the position clearly.
292. As I have said, Site CD5 now has planning permission. The appeal scheme is supported by a signed legal agreement securing the land transfer involved with providing the new school field. It therefore seems to me that the school capacity required is deliverable. However, to make sure of this, the policies for each of the four sites should include a requirement for an appropriate solution for the expansion of Codicote Primary School to be secured, along with a requirement for a contribution to that expansion. Main modifications **MM224/FM120**, **MM225/FM121**, **MM226/FM122** and **MM227/FM123** add such requirements.

Breachwood Green, Preston, Whitwell, Kimpton and Oaklands

293. Site KW1 in Breachwood Green is in the Green Belt and is expected to yield approximately 16 dwellings. It is an allotment site between homes to the north and new residential development to the south, with the remainder of the village beyond that. Given its size and position in relation to other properties, I concur with the Green Belt Review that it makes a limited contribution to the Green Belt. Policy KW1 requires that the western site boundary be reinforced, and this will help to ensure that impacts on the Green Belt are minimised. The policy also demands the provision of new allotments subject to an assessment of need. That is a critical requirement in justifying this allocation. The Council has put forward **MM282** to amend the policy requirement concerning the footpath to ensure that two footpaths in the vicinity are linked. I concur that that is necessary for effectiveness, to ensure a cohesive footpath network.
294. Although Kimpton is generally within the existing Green Belt, Site KM3 is not – it is an agricultural field with dwellings to either side and is within the existing Green Belt boundary around the village. It is adjacent to a Conservation Area and Policy KM3 appropriately requires a sensitive design. Main modifications **MM280** and **MM281** are necessary, though. These clarify that it is not only surface water but also groundwater flooding issues that will need to be addressed, and that development will need to achieve the equivalent of 'greenfield' run-off rates to avoid worsening the problem.
295. Preston is in the general swathe of land proposed as new Green Belt – I consider the new Green Belt land proposed under Issue 12 below. Site PR1 in Preston is a largely grassed area surrounded on three sides by residential

properties. Its western boundary faces onto Butchers Lane and comprises a hedgerow and several trees. To ensure that the development blends into the landscape and retains the leafy feel of the lane, it is necessary to retain these features. Main modification **MM327** adds a requirement accordingly.

296. Wain Wood, a Site of Special Scientific Interest (SSSI), is to the north of Preston. Natural England has expressed some concern about the potential impact on the wood. The issue here is that the new housing would increase the number of people visiting the wood, walking their dogs and the like. I fully appreciate the effects this can have on SSSIs. Such effects are considered in the Council's '*Assessment of the potential for recreational impacts on Wain Wood*' (September 2016) [NHE11]. Taking this into account, it seems to me that any additional impacts on the SSSI as a result of the 21 homes proposed for Site PR1 would be limited. The Council has put forward **MM328** adding a new paragraph supporting Policy PR1. This explains the issue and the requirement for mitigation measures. In my view, with this modification, Site PR1 is justified.

297. Whitwell is also within the new Green Belt. However, development of the proposed housing site there, Site SP2, has commenced, and I have already concluded that this site should therefore be deleted from the Plan.

The housing allocations in the central part of the district

Letchworth Garden City

Overview

298. Letchworth is the world's first Garden City. I fully recognise the significance of this, and of the importance of the Garden City movement. Ebenezer Howard's garden city principles, upon which Letchworth was founded, form part of the historic roots of the discipline of town and country planning in this country.

299. The town of Letchworth, though, is not in itself a designated heritage asset. Unlike Conservations Areas, for example, it is consequently not afforded any particular protection in law or through the national policies that apply to designated heritage assets. There is, therefore, no reason in principle why housing development in Letchworth should be constrained or controlled. Indeed, rejecting any of the proposed allocations on these grounds would be inconsistent with national policy and unjustified.

300. Whilst it is apparent that not all development in the town since its founding has followed the garden city principles, they have nonetheless shaped the town in a way that remains unambiguously palpable today. Because of this, I concur in no uncertain terms with the Council and others who suggest that future development in the town should have regard to those principles – not necessarily to replicate slavishly the urban form of the past, but to embed the fundamental philosophies of the garden city movement into the fabric of the town's growth.

301. To this end, the Council has put forward several main modifications to the Plan. Most fundamentally, **MM379** introduces a new appendix which provides a set of design principles. From my reading, these are all reflective of Letchworth's founding ideology and are fit to influence and shape future

development in the town. Other main modifications (**MM144**, **MM147**, **MM298** and **MM061/FM005**) require that developments in Letchworth accord with the design principles. This is a justified and effective approach and is necessary.

302. Some of the proposed housing allocations relate to land currently/last used for employment. Some consider this to be contrary to Garden City principles. I recognise that living and working locally is a central premise of the ideology. But the Plan aims to meet employment needs. A significant proportion of the district's employment land is in Letchworth. The Plan will not alter that, and opportunities for people living in Letchworth to also work there will remain. While the balance between homes and jobs in Letchworth might be different to that envisaged by Ebenezer Howard, times, trends and aspirations have moved on. Many living here will choose to travel to work elsewhere – including London – to access different and/or better job opportunities. To endeavour to precisely balance workers and jobs in any one town, including Letchworth, would be to deny the nature of the modern labour market. There is no compelling evidence to support such an attempt, and, in this regard, I consider the Plan to be sound.

303. Paragraph 13.225 of the Plan says that further school provision will be needed in Letchworth but that further work is necessary to determine school capacity and how the need for school places will be accommodated. This work has now been done. Main modification **MM315** alters this paragraph to clarify that aside from the new primary school on Site LG1, which I consider below, additional primary school places can and will be provided through the expansion of existing schools and the need for secondary places will be provided for through the expansion of Fearnhill School. These changes are needed for effectiveness.

304. Two specific junctions are identified in the Council's traffic modelling as requiring works to mitigate the growth in journeys over the plan period.

The housing allocations in the Green Belt

305. A strategic allocation, Site LG1 is to the north of Letchworth and is earmarked to deliver around 900 homes. The Green Belt Review Update indicates that the overall contribution made by this land to the Green Belt is significant. I concur – the impact on the Green Belt purposes is significant. To ameliorate this is something of a challenge. The site represents a significant incursion into the Green Belt, and because of its elevated position the housing on it will be clearly visible. However, Policy SP15 (which allocates it) requires structural planting to integrate the housing into the surrounding landscape and to create a defensible boundary. The requirement for a strategic masterplan – introduced through **MM061/FM005** – will ensure that such planting is considered as an integral part of the site's development. This main modification is therefore necessary for effectiveness. To my mind, these measures would address the adverse effects on the Green Belt as far as is reasonably possible.

306. The development of this site would result in housing extending towards the built edge of Stotfold to the north. The Council says the distance between the two would be around 800 metres, others put it at roughly 500 metres.

Whatever the precise figure, I consider that it would be sufficient to prevent them merging. In any event, it is the merging of towns that is among the purposes of including land in the Green Belt. Stotfold is not a town, and in my view the intervening space between it and the new housing proposed would be sufficient to ensure that Stotfold retains its sense of individuality.

307. Anticipated to deliver approximately 120 dwellings, Site LG3 is much smaller. It would not protrude further north-eastwards than the housing and industrial area to the northwest and southeast of it. In short, it would fill the gap between the two and the extent of encroachment into the Green Belt would consequently be much more limited than in the case of Site LG1. I consequently agree with the Council's assessment that the proposed residential development would result in moderate harm to the purposes of including land in the Green Belt. The structural planting required by Policy LG3 will help to ensure that this impact is satisfactorily ameliorated.
308. I disagree with the points about Site LG3 leading to Letchworth merging with Norton village. Development here would not be any closer to Norton than existing housing. While it might affect the separate identity of Norton to some extent, it seems to me that the degree to which Norton is distinct from Letchworth – in the physical sense at least – is already eroded by their proximity, and the proposed housing will not exacerbate matters significantly.
309. It is clear to me that building new housing on both sites will have other adverse impacts not related to the Green Belt. Hedgerows cross parts of Site LG1 – some of ancient vintage – and I have been told that there are numerous endangered and/or rare species on and near the site. However, the SHLAA has taken biodiversity constraints into account, and these have been considered by the Council through the site selection process. With respect to wildlife, the Council has also had regard to information provided by Hertfordshire Ecology. Further ecological investigation will undoubtedly be necessary in relation to Site LG1 as part of the planning application, and the Council will retain the ability to demand any measures necessary.
310. That said, I agree with the Council that the existing trees and hedgerows on Site LG1 should be retained where possible, and that losses should be kept to a minimum. Main modification **MM061/FM005** adds an additional criterion to Policy SP15 to this effect, **MM066** makes it clear that harm to existing green infrastructure should be limited, and both are necessary for effectiveness.
311. Site LG1 is located to the northern extremity of Letchworth and is not especially close to the town centre or the railway station there. It is consequently probable that its development will lead to a worsening of the parking situation in the centre, and at and around the railway station. It may also exacerbate the conditions along roads in the vicinity, including Grange Road. Site LG3 will also add to traffic in the town, including during peak and 'school run' hours.
312. Some impacts of this kind are largely unavoidable – the scale of new housing proposed, particularly through these two sites, will inevitably increase road traffic and parking issues. That said, Policy SP15 aims to tackle these negative effects in respect of Site LG1 insofar as it is possible to do so. It requires neighbourhood level retail and community facilities. For

effectiveness, though, this should clarify that this must include retail and food and beverage floorspace. In light of the evidence, it should also require a GP surgery. Main modifications **MM061/FM005** and **MM064** include these alterations and for the same reason, along with **MM063**, also makes clear that the education solution required is a two form of entry primary school to be provided on the site. It strikes me that providing these facilities on the site will help to limit traffic flows into the town centre.

313. Furthermore, **MM061/FM005** requires that Site LG1 is integrated into the existing pedestrian, cycle and public transport networks. While it may be that current networks are not comprehensive, it is difficult to see what else the development of this site could reasonably achieve. As I see it, this demand, along with the on-site provision of shops, community facilities and a primary school, will ensure that it plays its part in encouraging a shift from reliance on the private car to other more sustainable transport modes. Main modification **MM316** introduces a requirement for other developments in Letchworth to contribute to walking and cycling schemes in the town. This will help the situation and is both justified and necessary for effectiveness.
314. There is a WwTW approximately 600 metres from Site LG1. I agree with the Council and Anglian Water that odour impacts should be properly assessed and addressed if necessary to ensure that the living conditions on the site are satisfactory. Main modifications **MM061/FM005** and **MM067** add this requirement to Policy SP15.
315. Site LG3 abuts Norton Conservation Area to the northwest and industrial units to the southeast. In relation to the former, Policy LG3 requires sensitive design and/or lower density housing, to ensure that the character or appearance of the Conservation Area is not harmed. In terms of the latter, it requires the inclusion of measures to control noise levels within the new properties. This is an appropriate response. While noise and odours from the adjacent uses may be experienced in the gardens of the new homes, I note that there are already dwellings near to the businesses concerned, which suggests that they can co-exist in principle. In any event, anyone moving here would do so in the knowledge of their presence.
316. It is suggested that there is a 'bio-genetic corridor' running northeast to southwest, spanning from the Chilterns possible as far as The Wash, where chalk and underlying boulder clay result in good surface habitats which provide a wildlife corridor. While that may be so, there is little in the way of clear-cut or otherwise unquestionably convincing evidence to support this proposition. In this context, I am not persuaded that this matter should prevent the new housing proposed either in Letchworth or elsewhere in the district.
317. Of the adverse impacts raised through the examination, I consider none to be unacceptable in and of themselves, either in isolation or combination.

The housing allocations that are not in the Green Belt

318. Sites LG4 and LG10 both comprise grassed land surrounded by houses backing onto it. As submitted, both Policies LG4 and LG10 require that a justification be made for any loss of open space. However, as I see it, neither of these parcels have a genuine open space function. They are former playing fields that have long since ceased to perform that role. Even if they are used by

some to walk dogs or for other recreation purposes that, it seems to me, is incidental – such activities have been without the landowner's permission and should not be a factor of material influence. Consequently, it is necessary to delete the demand from both policies. Main modifications **MM300** and **MM304** do this and are needed to ensure that these policies are justified.

319. I fully appreciate that the undeveloped nature of both sites is valuable to those who live around them, and that they provide homes with a pleasant outlook. I entirely understand that building houses on them will alter views from the properties concerned. But there is no reason why the relationship between the existing and new housing here should be anything other than acceptable.
320. Some suggest these parcels represent an opportunity for green space – a green lung or a green with houses around. On the former point, the same could be said of any undeveloped, grassed area, and I see no compelling reason to prevent development on land that has no meaningful open space function. On the latter argument, I disagree. The houses here do not face onto the grassed area – indeed, they turn their back to it. To my mind, that is the antithesis of a village or town green and is not an arrangement with strong links to Garden City principles.
321. Earmarked for around 37 homes, Site LG10 is adjacent to a Conservation Area which includes several Grade II Listed Buildings. Access to it is via Cashio Lane and/or Croft Lane. Both are narrow, there are no footpaths in the immediate vicinity of the site access and children walk along the lanes to Norton School nearby. Adding to road traffic here is not ideal.
322. However, the highway authority says that the number of additional vehicular trips would not be significant. Given the relatively modest number of homes proposed, I concur, and any increase in the number of children using the lanes to walk to school would be limited accordingly. It strikes me that people living here would be well aware of the width of the lanes and their use by children during 'school run' times. It is highly likely that they would drive at low speeds and with significant care accordingly. There is no evidence to suggest that construction drivers would be any less considerate or aware of their surroundings and this would be for a very limited period. If need be, the highway authority is able to introduce measures to control driving speeds and calm traffic. I therefore concur with the highway authority and the Council that the allocation of this site would not lead to a highway safety problem.
323. Part of Croft Lane is lined by open fields. Along with its limited width, this lends the lane a rural character which contributes positively to the character or appearance of the Conservation Area. Although the increase in traffic resulting from the new homes would affect this, the increase would not be significant and, in my view, would not lead to a material change in the character of the lane.
324. Policy LG10 requires a sensitive design and lower density of development on the site. Considering this, and considering that only 37 dwellings are anticipated here, they need not materially harm the Conservation Area.
325. Sites LG5 and LG18 are both previously developed land that backs onto the railway line. I do not regard the latter to be a problem. It is common for

housing to be located adjacent to railways, and any noise attenuation measures necessary can be secured by the Council through planning conditions. Nor do I consider the fact that Site LG5 is in an area considered to be a long-standing industrial area to be a drawback. There is already housing in very close proximity and from my site visit I consider the vicinity to be somewhat mixed in terms of uses.

326. Policy LG5 requires the retention of any buildings on the site that are of historic and/or architectural interest. It does not specify which buildings and is consequently not effective. Main modification **MM301** adds to the policy text identifying the buildings concerned and makes clear that they are non-designated heritage assets.
327. Part of Site LG6 is occupied by an abandoned block of flats, while another portion is undeveloped land. This was formerly an orchard and an area of priority habitat. Policy LG6 requires the retention of the priority habitat, but the orchard trees have now been removed, or at least have mostly been.
328. In these rather unfortunate circumstances, the loss of the priority habitat should not go unanswered. However, this is a generally residential area. Thirty-five new homes are proposed on the site, and I see no reason why they should lead to unsatisfactory living conditions in any of the existing dwellings around them. In short, this is a site that is suitable for the new housing proposed. Consequently, I agree with the Council that the priority orchard habitat should be replaced off site. For effectiveness, this requirement is introduced through **MM302**.
329. I have been told that there are legal reasons why the former orchard land must remain undeveloped – either because of a restrictive covenant or through another legal instrument. Whether or not there is an insurmountable legal impediment is unclear to me. If there is, it will not be possible for the site to be brought forward. This does raise a question about its deliverability. However, rejecting this allocation would thwart the opportunity to overcome any legal obstacles and, in the context here, that would be unwarranted. Consequently, deleting it is not necessary for soundness. Even if, in the event, the site cannot be delivered, that would not undermine the supply of land for housing – it would simply lead to a modest reduction in the overall 'buffer' in the housing land supply.
330. Specialist care housing at Garden City Court has been built on part of a former school. Site LG9 represents the remainder, and is currently an open, grassed area. Policy LG9 requires a justification for any loss of open space. However, from all the evidence and my site visit, I am not persuaded that this land has any material function as open space. Consequently, to ensure that Policy LG9 is justified, **MM303** is necessary to remove this demand.
331. Site LG16 is occupied by an office building. Some suggest that it is one of the most up to date purpose-built offices in Letchworth. That may be so. However, it seems to me that neither its architectural qualities nor function are such that they should stand in the way of new housing here. Indeed, I understand that it already has a prior approval consent for conversion to 16 residential units. In the light of these factors, the proposed allocation is justified.

Hitchin

The housing allocations in the Green Belt

332. Five sites are proposed in Hitchin on land that is currently Green Belt. The largest by far is Site HT1, a strategic allocation which is expected to deliver around 700 new homes. The Green Belt Review Update concludes that this land makes a significant contribution to the Green Belt.
333. Perhaps the most critical issue here is that of preventing neighbouring towns merging. Some parts of the built area of Hitchin, particularly housing on Roundwood Close adjacent to the site, are quite close to Letchworth. The Green Belt between the two towns is not generous in width. Site HT1 would narrow the distance further, and I accept that this would be perceived for what it is – Hitchin edging closer to Letchworth.
334. Nevertheless, an unmistakable and obvious break would remain. Even though this would be, according to some, less than 300 metres, the distance would be sufficient to ensure that the towns neither merge nor give the illusion of doing so. In short, whilst new housing on Site HT1 would erode the separation between Hitchin and Letchworth to some degree, it would not do so to an unacceptable extent. The delineation of the site's eastern boundary by Stotfold Road would help in this respect. It provides a clear and unmistakable 'defensible' Green Belt boundary. Housing in Hitchin already follows the line of the road to the south of the site. Continuing this line of built form would appear as a natural and logical conclusion to the edge of Hitchin rather than an isolated incursion into the countryside towards Letchworth.
335. I note the comments about the vulnerability of the triangle of Green Belt land to the northwest of the site. That is a question for future development plans. The boundary of Site HT1 in this area is defined by the railway line. Raised above the level of the proposed allocation, it provides an especially strong boundary which is, in my view, capable of enduring. Overall, I consider that Site HT1 would have a significant adverse impact on the Green Belt here.
336. Turning to other impacts, it is apparent that there are localised traffic issues in and around Hitchin. Among others, the signalised junction of Woolgrove Road with Cambridge Road and Willian Road is identified in the Council's '*Technical Note*' (September 2016) [TI4] as a 'problem location'. I have been told that traffic 'backs up' here, and the technical note says that "*it does not have sufficient capacity to accommodate the future year level of growth*". Given its location to this junction and Hitchin town centre, it is likely that traffic to and from the site will worsen matters. I note the point about car parking in Hitchin town centre and it is likely that this site will add to the existing difficulties.
337. However, the traffic situation is plainly an issue known to the Council. Mitigation is planned in the form of an optimised signal junction – or 'clever traffic lights' which change in response to the real-time traffic situation. This has been costed, included in the Council's infrastructure delivery chart [ED74] and earmarked for funding through legal agreements in respect of this site and potentially others. That is an appropriate response.
338. Moreover, Policy SP17 requires the provision of neighbourhood level retail

facilities on the site, along with a new primary school. The proximity of these to the new housing will help to limit car journeys to and from the site, to some degree at least. That said, to further reduce the proportion of those trips that are by car, the strategic masterplan should require provision for sustainable modes of transport, and to ensure that the site is comprehensively integrated into existing pedestrian, cycle and public transport networks. Main modification **MM072/FM007** adds this to Policy SP17. With this modification, it seems to me that the Plan does all it reasonably can to minimise the impact of this site on traffic in the town. While some adverse impacts remain likely, I am not persuaded that they would be so severe that the allocation of this site should be prevented.

339. There is some uncertainty about whether the primary school required on Site HT1 will need to be for one or two forms of entry. Given this situation, it is necessary for the Plan to be flexible to ensure that the need for primary school places is met. I agree with the Council that reserving two hectares of land on the site for this purpose is a suitable approach. Main modification **MM072/FM007** alters this aspect of Policy SP17 accordingly and is necessary for effectiveness.
340. This site comprises a farm – Highover Farm – and land associated with it. Highover Farm includes a Grade II Listed threshing barn and other non-designated heritage assets. Policy SP17 does not recognise this. A main modification is therefore necessary to ensure that appropriately sensitive consideration is given to these elements. Also, given the previous use of the land for agriculture, it is possible that there is some contamination present. A contaminated land assessment should be undertaken to identify the need or otherwise to deal with any contamination. Main modifications **MM072/FM007** and **MM074** introduce new text to the policy and explanatory paragraphs accordingly, and these modifications are necessary for effectiveness. This modification also adds a requirement for an ecological appraisal in relation to Stotfold Road Verges and Hitchin Railway Banks Wildlife Sites. Given their relationship to the site, that is reasonably necessary for effectiveness.
341. I recognise that Site HT1 is adjacent to the railway line. However, my conclusions on this point in relation to Sites LG5 and LG18 in Letchworth apply equally here.
342. To the south of Hitchin, Site HT2 is a field enclosed by hedgerows adjacent to the built edge of the town. The Review Update says that it makes a moderate contribution to the Green Belt. On the one hand, being a site for around 84 homes it is of some size. On the other, it would not protrude far beyond the built envelope of houses to the north and west. Overall, I agree that the harm to the Green Belt would be moderate in nature.
343. To ensure that impacts on the Green Belt are ameliorated as much as possible, the hedging along the southern and eastern site boundaries should be retained and reinforced. Along with the road to the western boundary, this will also help to secure a Green Belt boundary capable of enduring. Main modification **MM249** adds this requirement.
344. A portion of site is within Flood Zone 2. Main modification **MM249** prevents residential development in this area. This is necessary to avoid flood risk

problems.

345. I understand that there has been an error on the policies map, and that the site boundaries include part of a neighbour's property. To remedy this, it will be necessary for the Council to amend the policies map as previously shown during the main modifications consultation exercise under the reference MM411.
346. To the west of Hitchin, Site HT3 extends westwards from the rear of Oughton Close Park House Estate. To the south of it are residential properties on Bowlers End and Lucas Land Sports Club. The latter includes a sizeable two storey building and high cricket fencing. While both are in the Green Belt, the sports club nonetheless forms part of the developed edge of Hitchin here. Because of its presence, the housing proposed on Site HT3 would, in effect, continue the rough line of the perceived edge of the town. Nestled between the sports club and housing to the north, the proposed homes would not appear as a significant incursion into the countryside. I concur with the Green Belt Review Update that the consequent harm to the Green Belt would be limited.
347. Policy HT3 says that access to the site should be from Westbury Way or Long Innings. To correct the name of the former, and because the latter involves third party land that may not be deliverable, this should be modified to require access from Westbury Close. Main modification **MM250** makes this alteration and is necessary for effectiveness. It also adds to the policy a requirement to retain and reinforce planting to the western and southern boundaries of the site. This is necessary to ensure that the Green Belt boundary is 'defensible' and capable of enduring.
348. Sites HT5 and HT6 lie to the north and south of Grays Lane respectively. Both are grassed fields earmarked to deliver 16 and 53 homes. The former is partially enclosed by hedging, the latter is more consistently so. To the north of Site HT5 is 'Lavender Fields', a care and nursing home. To the south of Site HT6 is a band of woodland. The new housing proposed by these two allocations would be between the two and would not protrude farther westwards than either. Indeed, there is a property to the west of Site HT5 and Gainsford House is immediately to the west of Site HT6. As a consequence, their impacts on the Green Belt would not be significant. The Green Belt Review Update indicates that the Green Belt harm caused by Site HT5 would be limited, and that of Site HT6 would be moderate. Considering the above and particularly the presence and position of other buildings here, I agree with that analysis.
349. Main modifications **MM251** and **MM252** add to Policies HT5 and HT6 requirements to retain and reinforce planting along specified boundaries of these two sites. For the same reasons given in relation to Site HT3, that is necessary for effectiveness.
350. Access to Sites HT5 and HT6 would be from Grays Lane. At this point, this is a very narrow lane with high hedges to either side. It consequently has a distinctly rural character that adds to the sense of place here. This should be preserved as far as is possible. Main modifications **MM251** and **MM252** introduce this requirement which is needed for effectiveness.

The housing allocations that are not in the Green Belt

351. Site HT8 was expected to deliver 50 dwellings. However, part of it has now been developed, and another part is no longer available. It is therefore necessary to modify Policy HT8 to indicate the anticipated yield to be 12 homes. Main modification **MM253** introduces this change. The Council will also need to amend the boundaries of the site on the policies map as previously shown under the heading MM390 during the main modifications consultation.
352. Main modification **MM253** also adds a requirement that development should not prejudice the future use of the safeguarded rail aggregate depot. That is necessary to ensure that Policy HT8 is justified and effective.
353. Allocated to deliver around 60 homes, Site HT10 is positioned at the junction of the A505 and B565. Travelling along the A505 from Letchworth to the east, under the railway bridge and up the incline, the site is in a 'gateway' position demarking a sense of arrival in Hitchin. Policy HT10 seeks to capitalise on this by requiring a high quality and innovative design. This is an appropriate response, especially given that the site is in the Conservation Area.
354. It has been suggested that this site should be used for retail or as a cinema. However, these are main town centre uses and the site is not in the town centre. So far as I am aware the site is not available for such uses and, in any event, it is clear to me that the housing proposed would contribute to meeting the pressing need for new homes.

Baldock

Overview

355. Eight housing allocations are proposed in Baldock. Taking into account the modifications for individual sites which I discuss below, completions and sites with planning permission, this amounts to approximately 3,600 new homes, although a proportion of those are anticipated to be delivered beyond the plan period. Consequently, this relatively small market town will roughly double in size.
356. To my mind, the proposed housing allocations here will give rise to four main issues – the effect on the Green Belt, on the landscape, on biodiversity and on the free flow of traffic in and through the town. The former two I consider on a site-by-site basis below.
357. At the intersection of the A507/B656 in Baldock town centre there is a signal-controlled junction ('Baldock junction'). Much of the traffic through it at peak periods is through traffic, and it is a known bottleneck.
358. The '*Local Plan Model Testing Technical Note*' (September 2016) [TI4] ('the technical note') undertakes road traffic modelling to identify locations where it is expected that mitigation may be required in future years because of all the new development proposed through the Plan. It is not limited to housing development, and so takes account of the employment allocation (Site BA10) in Baldock. The testing is informed by the 'Welwyn & Hatfield and Stevenage and Hitchin' model and uses an extended version of it to ensure that it most

accurately represents the highway network and development areas involved.

359. Baldock junction is identified in the technical note as a 'problem location' in both the morning and evening peak periods. The junction is at capacity during those times, causing queuing on all approach arms. The technical note indicates that during peak times, there is an average delay time of three minutes over that period. It concludes that without intervention, the junction would not be able to accommodate the growth expected in Baldock.
360. As I understand it, the Council plans for three separate measures to tackle this. The most direct of these is a signal optimisation scheme – 'clever traffic lights' which reduce signal stages and adjust to traffic conditions. Policy SP14 requires the provision of a link road through Site BA1 connecting the A507 to the A505. This, in effect, would provide a route for traffic from the north and east avoiding Baldock junction. Similarly, Policies BA3 and BA4 require that these two sites provide a link road through them connecting the B656 with Wallington Road to the south. This would offer drivers from the east and south an alternative to continuing through Baldock junction. The combination of these two link roads would offer an option for north or southbound traffic on the A507 to circumvent the junction, albeit a somewhat convoluted one.
361. To secure the most appropriate solution for the link road, Policy BA3 should allow it to connect directly with the A507 as an alternative to Wallington Road. Moreover, Policies BA3 and BA4 should require suitable vehicle, cycle and pedestrian links between the two sites, and seek to ensure that appropriate routes for all modes of transport are provided between them, Clothall Common estate and the wider transport network. On a different point, to facilitate the most efficient use of Site BA3, the policy should allow for some limited reprofiling of the bund to the east of it, and no new housing should be allowed on or beyond its revised alignment. Main modifications **MM207/FM106**, **MM208** and **MM409** modify these two policies and paragraph 13.30 accordingly and are therefore needed for effectiveness.
362. It has been suggested that queuing at Baldock junction is worse than the Council's evidence suggests – I have heard variously that queues are often a mile long, with delays of 15 minutes to half an hour. Lorries becoming stuck under the railway bridge unquestionably would not help. I do not doubt that the junction causes tailbacks and frustration for drivers. However, as I have said, the technical note sets out average delay times during the peak periods. I fully recognise that matters may be worse at some points during those times.
363. I recognise that the link roads required by the Plan would be used by both residents of the new housing to access their homes and by through traffic. But that is the point, and I see no reason why they should be hazardous or especially unfriendly routes for pedestrians. That depends entirely on their detailed design, and the Council will retain control of that through the planning application process.
364. On the one hand, it is apparent that Baldock junction is an existing pinch-point that causes congestion and delays. There can be no doubt that the new housing proposed will add significantly to traffic in Baldock. On the other hand, though, the Council and the highway authority are both clearly alert to

the issue and intend to improve the signalling at the junction, and that the Plan includes measures to alleviate the pressure that would otherwise mount.

365. Modifications have been put forward by the Council through **MM058/FM004** that will assist. This requires that the local centre on Site BA1 must provide a mix of uses to provide for a range of day-to-day needs. It demands that the site be comprehensively integrated into the existing pedestrian, cycle and public transport networks. As submitted, Policy SP14 already demands the provision of new primary and secondary schools within the site and a rail crossing for pedestrians and cyclists in the vicinity of Ashville Way, not far from the centre of Baldock. It strikes me that all these measures are necessary to help ensure that the number of car trips from Site BA1 are limited insofar as they can be. They will assist in reducing car journeys through Baldock junction and will help to avoid adding to the pressure on the limited car parking spaces in the centre of the town.
366. Moreover, given the distances involved, it is likely that some people will either walk or cycle to the railway station, including for journeys to work. The links proposed through Site BA1 will help to improve this prospect. While I note the points about the effect of Welwyn viaduct on rail services, Baldock station provides decent services – for example, there are numerous services to and from central London stations that take under or around 45 minutes, including during peak periods. While these trains may be busy, it is difficult to see what this Plan could do about that, and this factor should not stand in the way of introducing new housing here.
367. It is likely that construction traffic will have a notable impact on traffic conditions in Baldock while the proposed sites are being developed. It is anticipated that delivery on the largest sites will overlap. However, if necessary to allow the developments, the Council could require the provision of the signal optimisation and/or link roads early in the construction phase. In any event, although not short-lived, these impacts would be time limited, and I see no compelling reason why inconvenience to road users should thwart the provision of much needed housing.
368. Overall, I consider that the new housing proposed in Baldock would lead to adverse effects on the local highway network, particularly at Baldock junction. However, in the light of the evidence produced and the measures planned to tackle the issue, I am not persuaded that the cumulative impacts would be severe in the terms of paragraph 32 of the NPPF.
369. The increase in traffic around Baldock will likely have an effect on air quality. I have already considered this matter in relation to site selection, and I discuss Policy D4, which relates to air quality, later in this report. Baldock has historically experienced air quality issues associated with traffic in the town. The Plan should clearly acknowledge this, and for effectiveness should clarify that the new road and pedestrian links required should help to ensure that air quality objectives are not exceeded as a consequence of growth. Main modification **MM212** introduces an appropriate new paragraph.
370. The development of the housing sites in Baldock will have negative effects on wildlife. The most significant of these impacts would be caused by Site BA1. That is almost inevitable with a site of this size in the countryside,

notwithstanding its present agricultural use. The Council says there is a wildlife corridor along Bygrave Road, which bisects the site, which is used by corn bunting and other protected species. Paragraph 4.185 of the Plan recognises this. Policy SP14 requires mitigation, compensation and/or enhancement of key features of biodiversity on the site.

371. As I understand it, the solution for corn bunting is likely to be the provision of a compensatory area with ongoing management arrangements. It may well be that that is appropriate. By and large, resolving these issues is a matter for the Council to address through the planning application process. For my part, there are so far as I can see no insurmountable ecological reasons to prevent the allocation of this site, or any of the other housing sites proposed here – Hertfordshire Ecology says these other sites are of low ecological value. In any event, there appears to me to be a reasonable likelihood that suitable and effective solutions to manage the wildlife and other ecological issues associated with the site could be found.

372. I note the arguments raised about Baldock lying 'in a bowl' and the effect of this in relation to air quality. However, I have considered air quality in relation to the site selection process above.

373. Considering Baldock's size, I do not doubt that many people living here know one another and that there is a strong sense of community. Notwithstanding the extent of growth proposed, that need not change. It strikes me that residents in much larger towns across the country sustain an active community spirit.

The housing allocations in the Green Belt

374. Site BA1 is estimated to deliver 2,800 new homes, around half of which are anticipated to be delivered in the plan period. This is, in short, a site of considerable size. In light of the Green Belt Review Update, the Council concludes that the site makes a moderate/significant contribution to the purposes of including land in the Green Belt. I concur. As I see it, the sheer scale of the incursion into the Green Belt, combined with the degree to which the new homes along the upward slope of the land would be visible from surrounding areas, would lead to a significant adverse impact on the Green Belt.

375. The incline of the hillside rises to a ridge to the north of the northern site boundary. Within the site, to the south of its boundary, is a shallower ridge. Criterion k. of Policy SP14 requires that built development must be contained to the south and southwest of that shallower ridgeline. My concern here is that the hillside's ultimate ridge to the north, beyond the site boundary, is not visually broken by the presence of the new housing, including in longer distance views. To achieve this, an appropriate 'stand-off' distance between the buildings and that ridge is necessary. Criterion k. ensures this and is a critical requirement. Visually breaching the ridge would cause the housing to wholly dominate the hillside and conceal the ridge. This in turn would give the illusion of housing flowing over and beyond the hilltop, leading one to wonder where it ends. That visual effect would, in my view, be unacceptable – it would lead to both the appearance of wholly unrestricted sprawl and a significant adverse landscape impact. Criterion k. provides the Council with

the control necessary to ensure these impacts are prevented and is effective in that regard.

376. Policy SP14 also includes a requirement for structural planting. This is a particularly vital demand for this site. It is necessary to ensure that unambiguous 'defensible' boundaries are created, particularly to the northern and eastern site boundaries. This would assist in minimising the adverse Green Belt and landscape impacts. Again, ensuring this will remain in the Council's control, particularly through the Policy requirement for a strategic masterplan.
377. Baldock lies in the base of a hollow surrounded by low chalk hills, and I agree that the sloping backdrop of the site forms part of the town's historic surroundings. The proposed housing will undoubtedly alter the relationship between the town and the rolling landscape around it, and that amounts to a negative impact. However, the site is not within the Conservation Area and is not a recognised heritage asset of any kind. Moreover, in the light of the preceding paragraphs, the ridgeline of the hill will remain as a clear demarcation between town and country.
378. I note the position of the site boundary in relation to Lower Bygrave to the northeast. In effect, the dwellings here form an enclave of homes to the southeast of, and physically separate from, the main village of Bygrave to the northeast of them. Because of this relationship, there is no question of Bygrave being subsumed within the new neighbourhood, or of the two merging. Even if they were to, that would not amount to a merging of towns, such that the purpose of the Green Belt would be undermined.
379. Some suggest that large areas of this site are subject to flooding. However, it is in Flood Zone 1 and the Council says that there are surface water issues. Addressing these through the provision of SuDS or other measures is a requirement of Policy SP14. That is an effective and necessary approach.
380. As I have already indicated, Site BA1 relies on two railway crossings – one for road traffic and another for pedestrians and cyclists. This gives rise to deliverability issues. From the Memorandum of Understanding (March 2018) [ED122] between the Council and Network Rail, it appears that Network Rail has no objections, is supportive of the project and is committed to working collaboratively on its delivery. A planning application has been lodged with the Council which, among other things, illustrates both rail crossings on the illustrative masterplan accompanying it. Overall, it seems to me that all parties concerned have the commitment necessary to ensure their delivery, and Policy SP14 demands it.
381. To meet the need for secondary school places arising from the new development on Site BA1, Policy SP14 requires primary provision of up to six forms of entry and the same for secondary education. However, there is the possibility that existing secondary school provision serving Baldock's current school population may need to be increased by two forms of entry, and that this could be met on the site. The wording of Policy SP14, as submitted, excludes this option. In my view, whilst demanding eight forms of entry is not entirely justified by the evidence before me, neither is ruling out this option. To enable further exploration of the issue through the planning application

process, up to eight forms of entry should be required by Policy SP14. Main modification **MM058/FM004** makes this alteration. It also requires that any secondary school on the site larger than six forms of entry should be located to the south of the site be provided with safe, sustainable and direct routes to Clothall Common. This is because, as **MM059** explains, any larger school would also serve pupils from Clothall Common. Both these main modifications are necessary for effectiveness.

382. It is estimated that Site BA2, which generally comprises of a number of fields, would deliver approximately 200 new homes. They would extend south-eastwards between a caravan park and the A507. The Green Belt Review concludes that this land makes a moderate contribution to the purposes of including land in the Green Belt.
383. As originally proposed, housing on this site would, in effect, 'round off' the corner formed by the caravan park and existing housing to the northwest. However, there are no clear features along the south-eastern boundary of the site. In addition, it would leave a narrow slither of land between the caravan park and the new housing and the A505. The contribution of this land to Green Belt purposes would be very limited indeed. I therefore consider it more appropriate to extend Site BA2 up to the line of the A505, including the part of the field to the southeast of the caravan park, to secure a Green Belt boundary capable of enduring. It is along this south-eastern perimeter of the site that a defensible Green Belt boundary should be created, rather than along the south-western boundary as Policy BA2 says. Main modification **MM206** alters this reference accordingly and is needed for effectiveness. There is, though, no strong soundness reason to increase the number of dwellings to be provided. The addition of this land would increase the size of the site to only a slight degree and taking account of this I consider the harm to the Green Belt caused by its development would be moderate.
384. Sites BA3 and BA4 are earmarked to deliver 200 and 95 homes respectively. The Green Belt Review Update considers that both make a moderate contribution to the Green Belt. They are separated by an area of 'white land' – that is, land within the settlement boundary that has no policy designation. This is an open, generally grassed, undeveloped parcel that runs broadly eastwards from the current settlement edge up to the A505 where the settlement and Green Belt boundaries are proposed. There are no policies in the Plan that would prevent development on it – indeed, the Plan allows for housing within settlement boundaries. Although this would result in a greater incursion into the existing Green Belt, the difference would be only slight. This has no significant impact on the analysis in the Green Belt Review Update and I consider that the consequent harm to the Green Belt would be moderate.
385. In the circumstances, I consider it more appropriate to include this parcel within one or the other of the two housing allocations, in effect creating one larger site. This is not a question of increasing housing delivery – I see no material soundness reason to demand that. The advantage here is that this will ensure that the development of all the land concerned will be comprehensively planned as a whole, including the 'white land', and will avoid the possibility of incremental development on the latter. This is an important factor, not least of all because the link road through Sites BA3 and BA4 would also cross this area.

386. It is therefore necessary to modify Policies BA3 and BA4. Main modifications **MM207/FM106** and **MM208** alter the estimated number of homes for each site to reflect their altered boundaries, although the overall figure remains the same.
387. The above change results in the merging of Sites BA3 and BA4 through the addition of the land between them and the amendment of the boundary of Site BA4 such that it lies wholly outside of the Green Belt. Given the resulting size of Site BA3 and the consequent degree to which new housing on it would encroach into the Green Belt, the overall impact would be significant.
388. The changes to the boundaries of Sites BA2, BA3 and BA4 discussed above have been consulted on – they were labelled as MM386 and MM387 during the consultation process. The Council will need to alter the policies map accordingly to ensure that Policies BA2, BA3 and BA4 are justified and effective. As I am not empowered to recommend alterations to the policies map, these changes are not included in the appendix to this report.

The housing allocations that are not in the Green Belt

389. Four sites are proposed for housing that are not in the Green Belt. Each is expected to deliver between 20 and 26 dwellings, and it is anticipated that they would yield around 91 homes between them in total.
390. Sites BA6 and BA11 are previously developed land. The former comprises a vacant factory building, the latter is a petrol station and a house. Site BA5 is an area of open grass enclosed by the rear of properties. Site BA7 is a largely disused allotment site which the Council confirms is surplus to requirements. All these sites would, to one degree or another, add to traffic, air pollution and other impacts in Baldock. I have already discussed these issues above. Any site-specific effects would be localised and not significant – in relative terms at least – and the policies allocating them include appropriate and necessary criteria to tackle the issues involved. Overall, I consider all these four sites to be justified and the associated policies to be effective.
391. One modification is necessary, though, in respect of Site BA5. The requirement in Policy BA5 to provide appropriate boundary treatment should apply to all boundaries of the site rather than just two of them. In addition, the green corridor that links the public footpath (Baldock 036) to Clothall Common should be retained. Main modification **MM209** alters the text of the policy accordingly and is necessary for effectiveness.

The sites to the north of Stevenage, including Great Ashby and Graveley

392. Four sites presently in the Green Belt are proposed for allocation to the north of Stevenage. Sites NS1 and GA1 abut the neighbouring local authority boundary, and the former borders land allocated for residential development in the Stevenage Local Plan (Site HO3). Site GA2 is adjacent to the part of the Great Ashby area of Stevenage that is within North Hertfordshire's administrative boundary. Site NS1 is expected to deliver approximately 900 dwellings, while Sites GA1 and GA2 are anticipated to yield around 330 and 600 new homes respectively.
393. Graveley is a village that lies a little to the north of Site NS1, and Site GR1 is

- in the northern part of the village. It is earmarked to provide eight dwellings.
394. Given their size and the extent to which they protrude into the Green Belt, it is clear to me that the development of Sites NS1 and GA2 would result in significant harm to the Green Belt. I agree with the conclusions drawn about them in the Green Belt Review Update, and that reached about Site GA1.
395. It seems to me, though, that either existing vegetation or proposed landscaping will ensure that the Green Belt impacts are reduced to the lowest reasonably practical extent. In relation to Site NS1, Policy SP16 requires structural planting to address various impacts including to create a defensible Green Belt boundary. This will assist in terms of the addressing the visual aspect of the site's openness. In addition, **MM068/FM006** requires a site-specific assessment to mitigate landscape and Green Belt impacts to the fullest reasonable extent. This directly tackles the Green Belt impact, which is necessary in this case. Site GA1 is already enclosed by high hedges and trees, including the block of trees at Round Wood. With regard to Site GA2, main modification **MM075/FM008** requires structural planting along the site boundaries to reinforce them and mitigate landscape impacts. This will help ensure that the impact on the Green Belt's openness is ameliorated and is necessary.
396. Site GR1 is clearly of a wholly different scale to these. It consists of a stable yard, equestrian buildings and a riding arena. While the site itself is quite open, it is reasonably well enclosed in the landscape, largely as a result of the high trees around its boundaries. The Green Belt Review Update concludes that the new homes proposed on it would lead to moderate Green Belt harm. In my view, the Green Belt impacts would be moderate at most, and the trees and other vegetation present will ensure that these effects are ameliorated as much as is reasonably possible.
397. Site NS1 extends northwards towards Graveley. The gap between the edge of the proposed allocation and properties at the Crow End part of the village is not wide. National policy is clear that preventing neighbouring towns merging into one another is among the purposes of including land in the Green Belt. Graveley, though, is not a town. However, it is legitimate to consider, as a separate matter, the question of the effect of new housing on the degree to which neighbouring settlements would retain their own individual identity. I address that issue shortly.
398. Aside from Green Belt matters, this cluster of sites to the north of Stevenage gives rise to several issues. Perhaps at the forefront is the cumulative effects of the housing proposed, along with other housing in the Plan and growth elsewhere, on the highway network.
399. Site NS1 is close to junction 8 of the A1(M). This junction serves north Stevenage. The highway authority says that it is under pressure from traffic to and from a number of places, Hitchin and Baldock among them. I have been told that this stretch of the A1(M) is often heavily congested and that drivers routinely divert onto the local highway network, including Graveley Road, Back Lane and others in the vicinity of the four sites. Adding to local traffic, this exacerbates congestion in the area. The four sites proposed here will increase this further. As the highway authority notes, because of its

narrowness and winding nature, Back Lane is not suitable for an increase in traffic. Overall, on the evidence, it is wholly apparent that something must be done if the three largest sites are to be considered acceptable in this regard.

400. It is apparent that National Highways recognises there are issues in relation to this part of the A1(M). It plans to convert junctions 6 to 8 to a 'smart motorway' and I am told has funding committed to the project. It seems probable that this would significantly improve the situation on the local highway network here. Furthermore, the highway authority is committed to investigating and taking action. It says that it is producing a 'Growth Transport Plan' which will inform a more detailed study with the aim of recommending a "*balanced package of measures*" to encourage modal shift and to urge drivers to use the most appropriate part of the network.
401. This is a reasonably sophisticated approach. It could involve improving some roads or junctions whilst deliberately doing nothing with others to avoid making the route more attractive. As the highway authority says, it is not practical to facilitate the use of the private car in all instances. Indeed, to my mind, neither would that be desirable – it would not further the Government's aim of reducing reliance on cars and encouraging more sustainable modes of transport.
402. Taking account of all this, I am satisfied that the housing allocations proposed here need not cause severe impacts of the sort referred to in paragraph 32 of the NPPF. However, it is vital that analysis of the sort planned by the highway authority is taken forward and that these developments play their part. To ensure that they do, such that the policies allocating these sites are justified and effective, several main modifications are necessary.
403. To help reduce traffic to and from Sites NS1 and GA2, local shops and other facilities serving the new homes should be provided. Policy GA2 already includes a suitable criterion, and I recognise that existing proposals for shops near Site NS1 may have a bearing on what should be provided there. For the same reason, the development of all three sites should have regard to the Stevenage Mobility Strategy and properly provide for sustainable modes of transport. For Site NS1, the development should take into account the cumulative effects on the adjacent road network and communities, including Graveley, and should include mitigation measures. Proposals for Sites GA1 and GA2 should assess traffic flows along Back Lane, and both identify and provide measures to manage them. Main modifications **MM068/FM006**, **MM069**, **MM070**, **MM237**, **MM239**, **MM240**, **MM075/FM008**, and **MM079** introduce suitable wording to the three policies and the paragraphs supporting them covering all these points and are therefore needed.
404. Access to the northern end of Site NS1 is likely to be at or close to the junction of Graveley Road and North Road. Paragraph 4.196 of the Plan recognises that a new junction arrangement will be needed and indicates that this might possibly involve a roundabout. However, this may not be the best solution. Main modification **MM069**, mentioned above, introduces more flexible wording accordingly, and is necessary for effectiveness.
405. Paragraph 13.100 of the Plan recognises that on-street parking is a significant issue in and around Great Ashby. For clarity, main modification **MM241**

points out that some elements of the potential solution lie outside the scope of the Plan, notably traffic regulation orders. Policy T2 sets out minimum parking standards for residential developments. This should ensure that the problem is not replicated in the new housing allocations proposed here.

406. The Infrastructure Delivery Plan suggests that the three larger housing allocations generate a need for two GPs. However, NHS England has not set out any specific requirements. Consequently, whilst it is necessary for the Plan to require the necessary medical infrastructure, it needs to retain flexibility. Main modifications **MM068/FM006**, **MM070**, **MM237**, **MM244**, **MM075/FM008** and **MM076** achieve this, and are necessary for effectiveness.
407. Policy SP16 says that Site NS1 should integrate with adjoining development in Stevenage and include a site wide solution for education. However, for effectiveness, the Plan should be clear that the requirement is for two forms of entry of primary education, to be provided either on the site or in conjunction with the education requirement arising from Site HO3 in Stevenage. Main modifications **MM068/FM006** and **MM070** alter the policy and paragraph 4.196 accordingly.
408. It has been suggested that there are 60 or more protected and endangered species on these four sites. I have been told that the data used to draw this conclusion is from a biodiversity data atlas approved by the Government. However, as I understand it, the search areas used relate to one-kilometre squares. It is therefore difficult to tell from this which species are unquestionably on the sites involved. While I do not doubt that there are protected species which either inhabit, grow on or otherwise use some or even all the sites, that is not to say that the proposed housing developments would inevitably result in unacceptable harm. Much depends on the detail – for example, the nature of the species and their presence on the site, the precise location of the new housing, its relationship to existing woodlands and other areas of existing and proposed vegetation and landscaping, and the mitigation measures deployed.
409. Hertfordshire Ecology has not identified any fundamental constraints. Policy SP18 requires mitigation, compensation and/or enhancement of key features of biodiversity, including identified protected species and priority habitats, on Site GA2. Main modifications **MM075/FM008** and **MM081** will ensure that green infrastructure connectivity and corridors to the wider countryside are retained and are necessary for effectiveness. One such corridor runs below overhead power lines crossing the site. To ensure that this corridor is not eroded in width, the health and safety clearance requirements should inform it. Main modification **MM082** ensures this. Policy GA1 requires the retention and sensitive treatment of priority woodland habitats surrounding the site to north and west. Policy NE6 applies to all developments. As modified by **MM166/FM100** – which I consider later in this report – it demands that adverse effects are avoided and/or satisfactorily minimised, among other things. Overall, whilst some impacts on wildlife and other aspects of biodiversity are unavoidable, I see no reason why unacceptable harm should be caused.
410. As I have indicated, the gap between the northern edge of Site NS1 and the

Crow End part of Graveley would not be wide. This gives rise to two intertwined issues – the effect on the character or appearance of this part of the Graveley Conservation Area and on the individual identity of the village. The boundary of the proposed allocation is not necessarily the same thing as the edge of the new housing. Indeed, criterion e. of Policy SP16 requires that the northern boundary of the site is provided with structural planting to create a defensible Green Belt boundary. This will also serve to further separate the new housing from the built edge of the village and the Conservation Area. In my view, there is no reason why it should not, over time, provide a suitably pastoral border. Consequently, the proposed allocation need not fail to preserve the setting and historic character of the Conservation Area and maintain the discrete identity of Graveley.

411. Aside from the Conservation Area, Policy SP16 aims to ensure that the development of Site NS1 is undertaken with sensitive consideration to other heritage assets. However, it does not refer to Rook's Nest – the childhood home of EM Forster – or St Nicholas Church. Both are Grade I Listed Buildings. Given this and their relationship to the proposed development, the Plan should be unambiguous about considering the impacts on these buildings. Main modifications **MM068/FM006** and **MM071** ensure this.
412. Two public rights of way cross Site NS1, including a stretch of the Hertfordshire Way. Policy SP16 requires their integration into the development. While their rural character will unavoidably be altered as they pass through the new housing, that is no strong reason to prevent the development.
413. I recognise the importance of the land included in these proposed allocations – particularly Sites NS1 and GA2 – to local people as places to walk and experience tranquillity and the natural environment. The housing developments proposed will undoubtedly change that. However, Policies SP16 and SP18 both require that the sites provide routes through to the wider countryside beyond. Local residents will therefore not be deprived of the opportunity to enjoy the rural surroundings here.
414. Site GA2 extends north-westwards towards Tile Kiln Farm. There are several Grade II Listed Buildings there, including the farmhouse and Brooches Barn, and the proposed allocation abuts the boundary of these dwellings, in part. Tile Kiln Farmhouse includes timber outbuildings of an agricultural form and style. Overall, the cluster of buildings have the appearance of a farmstead set in the open countryside. The fields around the buildings and the ancient hedgerows dividing them provide an agricultural setting which adds to this. Some of these fields are within Site GA2.
415. It is clear to me that new housing on the fields concerned will erode the rural setting of the Listed Buildings. This will lead to harm. However, substantial harm need not be caused. The portion of the fields between Site GA2 and Back Lane would remain. Criterion l. of Policy SP18 requires low intensity development and/or green infrastructure in this part of the site for the explicit purpose of minimising harm to the setting of the Listed Buildings. In this context, the Council will retain control through the planning application process to ensure that less than substantial harm results, such that the harm would not outweigh the public benefit of meeting the Plan's housing

requirement.

416. Policy SP18 requires the principal access into to Site GA2 to be from Mendip Way, which will involve providing a new road beneath overhead powerlines. While I note the point raised about electro-magnetic radiation, there are no objections from National Grid. Main modification **MM075/FM008** adds to Policy SP18 a requirement that the safety clearance requirements for pylon lines are respected and will assist with the policy's effectiveness. Overall, I have been given no compelling reason to suppose that this arrangement would be unsafe or otherwise unsatisfactory. For the effectiveness of Policy SP18, it will be necessary for the Council to include the access route within the site allocation on the policies map.

Ickleford

417. Immediately to the north of Hitchin, three allocations are proposed in Ickleford. Site IC1 is a small area of grassed, flat open land bounded by dwellings on two sides and is expected to deliver nine dwellings. Considering its size, its relationship to existing properties here, and given that it would be contained within the general built envelope of the village, I agree with the Green Belt Review Update that the harm to the Green Belt would be limited. Reinforcing the planting along its boundaries would assist in this regard and **MM268**, which requires this, is therefore necessary.
418. Site IC2 consists of Burford Grange and land associated with it which lies to the rear of dwellings on Westmill Lane. It is generally enclosed by hedging and other vegetation, and is expected to provide around 40 new homes. They would result in the village extending southwards towards Hitchin, and the remaining gap would not be wide. National policy is clear that preventing neighbouring towns merging into one another is among the purposes of including land in the Green Belt. Ickleford is not a town. However, it is legitimate to consider, as a separate matter, the question of the effect of new housing on the degree to which neighbouring settlements would retain their own individual identity. I address that issue shortly.
419. That point aside, Site IC2 would represent a relatively modest incursion of built development into the countryside beyond the existing built edge of the village. The vegetation around its southern and western boundaries would help to ensure that the moderate Green Belt impacts I consider would result from it would be ameliorated. To ensure this, those features should be retained, and **MM269** is therefore necessary to impose this requirement in Policy IC2.
420. Anticipated to yield around 150 homes, Site IC3 is somewhat larger. It is predominantly open agricultural fields but includes some dwellings and a large greenhouse structure. In the relatively flat landscape here, the new homes would be prominent, and this would have a considerable effect on the visual aspect of the openness of the Green Belt. That said, from most viewpoints – especially those from the north and west – they would be seen against the backdrop of the existing village. That tempers the impact, and I agree with the Green Belt Review Update that it would be moderate overall.
421. Policy IC3 requires the development to be informed by a site-specific landscape assessment. This will help to inform the best solution for

integrating the buildings into their surroundings, and therefore reduce the impacts on the openness of the Green Belt to the lowest reasonable practical extent.

422. Turning to other issues, many suggest that the proposed allocations are not necessary because of the existence of other 'windfall' sites, including Site LS1 (which I have concluded previously should be deleted from the Plan) and Ickleford Mill. I disagree. The housing land supply on which the Plan is based takes account of all sources of supply, including these sites. In any case, one must look at this issue holistically in the context of the district's housing need. Considering that, the overall housing requirement, and Ickleford's place in the settlement hierarchy, I regard the level of housing proposed here through the allocations to be appropriate.
423. Meeting the need for primary school places is among the most controversial issues raised in relation to Ickleford. Ickleford Primary is a one form of entry school. It has years where it is full and others when it is not, but overall is well attended. The proposed allocations would not lead to the need for one whole additional form of entry – using the formula adopted by the Council, the need generated is around 0.4 forms – but the school does not have sufficient capacity. Policy IC3 includes a requirement for an appropriate solution for primary education, and paragraph 13.161 says that the estimated number of homes for Site IC3 makes allowance for a two forms of entry school to be provided there. The point here is that the Plan seeks to replace Ickleford Primary with a new school on Site IC3.
424. It is wholly apparent from what I have read and heard that for many that live in Ickleford, the current school is the heart of the village and plays an important role in the community. I also appreciate that replacing this school with a new one, even if only four hundred or so metres away, could possibly erode the contribution made by the existing school. In short, I fully grasp the local sentiment and, as I understand it, so too do the Council and the LEA. I am therefore of the firm view that, if at all possible, primary schooling needs here should continue to be met in the existing school.
425. The question, then, is whether Ickleford Primary can accommodate the additional pupils arising from the proposed allocations. From an initial position of significant doubt, it seems that there is the possibility that it could. As well as from the village, the school admits pupils from Hitchin and other outlying rural areas. At the hearings, the LEA said that it is not its intention that Ickleford Primary should serve Hitchin, and that 'pushing back' on admissions from further afield might free up sufficient places. I have also been told that an in-depth assessment of the school's ability to expand has not been undertaken. In addition, notwithstanding the formula, one cannot be certain of the number of pupils the new homes will yield.
426. All in all, it seems to me that there can be some hope that Ickleford Primary might be able to provide sufficient school places but given the uncertainty it is critical that there is a 'Plan B'. For that, Site IC3 remains the only reasonable option. To make sure the Plan is justified and effective in this regard, several main modifications are necessary. Firstly, it is important that the Plan clearly articulates the situation, commits to monitoring the demand for places in Ickleford and ensures that all options for the expansion of Ickleford Primary

are explored. Main modifications **MM273**, **MM274** and **MM275** introduce appropriate text. To guarantee that the school places needed are provided, it is necessary to retain the requirement in Policy IC3. However, for effectiveness, this should be explicit that two hectares of land must be reserved within the site for a two form of entry primary school. Main modification **MM270** makes this modification.

427. Bedford Road – the A600 – is a rather busy road that runs from Hitchin through the western part of Ickleford. There is a mini roundabout at its junction with Westmill Lane and Turnpike Lane, and the latter runs through the centre of Ickleford. Whilst the Council's strategic analysis does not identify this junction as particularly problematic, the Council and highway authority acknowledge that it does get congested especially during peak periods. The proposed allocations will clearly add to this. Consequently, I agree that the development of Sites IC1 and IC2 should be informed by detailed traffic assessments. Each should take account of the impact of the other and that of Site LS1, the development of which has already commenced or been completed. Any mitigation measures necessary should be secured through the planning application process. Main modifications **MM269**, **MM270** and **MM272** add appropriate wording to the two policies and paragraph 13.158 to ensure this and are needed for effectiveness.
428. Access for Site IC2 is from Bedford Road. It is likely that turning right out of the site during peak periods might be something of a challenge. However, anyone choosing to live on the site would be aware of the road's busyness. Whilst this might cause the new residents inconvenience, I see no reason why that should prevent the development.
429. However, there is no footway on the western side of Bedford Road. Those living on Site IC2 would have to cross the road to walk into the village centre. To ensure that safe passage is provided, a pedestrian crossing is needed. Main modification **MM269** adds this requirement to Policy IC2.
430. As I have said, the remaining wedge of Green Belt between the new homes on Site IC2 and the built edge of Hitchin would not be wide. However, the two would remain separated by open land along the line of the River Oughton. Moreover, the requirement to retain the planting on the southern site boundary will help to clearly demark the new edge of the village here. As I see it, the separation distance between the two settlements and this strong, green boundary will be sufficient to ensure that the two remain visually distinct and separate.
431. An issue with sewer flooding in the village has been raised. Although not mentioned by the statutory undertaker, it is necessary to ensure that the new homes proposed do not create or worsen an existing problem of this sort. Consequently, the development of all three sites should include a detailed drainage strategy that identifies any water infrastructure required and the mechanisms for delivery. Main modifications **MM268**, **MM269**, **MM270** and **MM276** add this requirement to the three policies and paragraph 13.163.
432. After the Plan's submission, the County Council informed the Council of a potential mineral resource block and associated buffer to the north of Hitchin. Sites IC2 and IC3 are within this area. For consistency with national policy, it

is necessary to ensure that these potential mineral reserves are not needlessly sterilised by the housing developments. Main modification **MM277** introduces a new paragraph to the Plan explaining the situation and says that the development of these sites will be subject to consultation with the mineral planning authority to determine whether prior extraction of any minerals is necessary. Main modifications **MM269** and **MM270** add to Policies IC2 and IC3 new criteria preventing any unnecessary mineral sterilisation. That is an appropriate and necessary approach.

433. I note the point about badgers foraging in the area of Site IC2. Policy IC2 and Policy NE6, as modified by **MM166/FM100**, will ensure that appropriate measures are taken.

Little Wymondley

434. Site WY1 is the sole allocation proposed in Little Wymondley. It largely consists of agricultural fields. It is in the current Green Belt and is expected to deliver around 300 homes.

435. Stevenage Road runs through the village. Generally speaking, Site WY1 is on land that slopes quite steeply upwards and southwards from Stevenage Road. It is reasonably visually exposed to views from the north. Because of this, and the scale of housing proposed, the impact on the Green Belt would, in my view, be at least moderate overall.

436. As I see it, landscaping will be a critical factor in ensuring that the impact on the Green Belt is reduced to the lowest reasonably practical extent. Policy WY1 requires the submission of a site-specific landscape assessment. It is clear from the assessment that forms part of the Statement of Common Ground between the Council, New Road Property Developments Ltd and Bovis Homes Ltd (November 2017) [ED50] that much work has already been done on this. Indeed, that landscape work identifies a ridgeline to the south of the southern boundary of the proposed allocation.

437. Perhaps counter-intuitively, the Council has proposed that the allocation boundary should be altered to follow this ridge. I consider that that is necessary here. This is not a question of increasing the capacity of the site – the Council does not suggest that Policy WY1 should be modified in this regard. Rather, it will ensure that the ridgeline is within the area to be considered through the landscape assessment, such that any effect of the proposed buildings on the ridgeline are taken into account in the site's landscaping. It will allow greater flexibility to enable the site to be sensitively integrated into the village, as Policy WY1 demands. Consequently, for the effectiveness of Policy WY1, it will be necessary for the Council to alter the site boundary on the policies map. This should be in line with the change labelled as MM384 during the process of consulting on proposed modifications.

438. Access into the site is to be taken from Stevenage Road. Whilst the site itself is in Flood Zone 1, the road is on Flood Zone 3b. As I understand it, the road floods during more extreme weather events largely as a result of Ash Brook and the culvert it runs through. The County Council produced a report in 2014 which sets out recommendations to reduce the risk of flooding on this stretch of Stevenage Road. These relate to measures to be taken upstream. This is a pre-existing problem, and it would be unreasonable to demand that the

development of this site alone should resolve it. However, it is imperative that the new homes here do not make matters worse.

439. Put forward by the Council, main modification **MM367** includes adding to Policy WY1 a requirement for the submission of a site-specific Flood Risk Assessment to address this issue and to inform the provision of a sustainable drainage system or other appropriate solution. I agree that that is the most appropriate response in the circumstances. It is necessary to ensure that the site is provided with a safe and appropriate access, for the justification of the site's inclusion in the Plan and for the effectiveness of the policy. Main modification **MM370** adds more detailed explanation about the situation and possible measures needed. That is necessary for effectiveness.
440. Traffic in Little Wymondley is an issue. The Council says that whilst its strategic analysis does not reveal any significant problems, there is pressure at the junction of Stevenage Road with Arch Road and Blackmore End Road. Because of the traffic, the Council considers that Stevenage Road effectively severs the two parts of the village to either side of it. The proposed allocation would unavoidably add to that effect and exacerbate the problem. I therefore consider it necessary for Policy WY1 to require a transport assessment that identifies measures to mitigate this impact, and that such measures should include addressing accessibility in terms of walking and cycling. Main modification **MM367** includes appropriate wording accordingly, and **MM369** adds necessary detail and explanation to paragraph 13.355 supporting the policy.
441. Little Wymondley is among the villages where there is some uncertainty concerning school places. Wymondley Primary is a 0.5 form of entry school with the potential to expand to a full single form of entry. It is possible, therefore, that it may be able to accommodate pupils from Site WY1, but it is, put simply, a close call. Much will depend on the precise number of homes proposed. Policy WY1 requires that the site provides an "appropriate solution" having regard to up-to-date assessments of need. That is a flexible approach which leaves open the question of whether a new school will need to be provided on the site. The Council will retain the control necessary to demand one if that is necessary.
442. I understand that land within Site WY1 has been subject to landfilling operations, albeit some time ago. Nonetheless, considering this, I consider it necessary for effectiveness to require a preliminary contaminated land risk assessment. Main modification **MM367** introduces this demand.
443. I recognise that this allocation would lead to a significant increase in the size and population of Little Wymondley. But having regard to its relative sustainability credentials and consequent categorisation in the settlement hierarchy, that in itself is no good reason to reject Site WY1. Indeed, it is because of these factors that Little Wymondley is an appropriate place for the level of growth proposed.

St Ippolyts, Weston, Pirton, Offley, Sandon, Hexton and Lower Stondon

444. Immediately to the south of Hitchin are St Ippolyts and Gosmore. In effect, they form one settlement consisting of two built areas with an undeveloped, open swathe of Green Belt between them. One site is proposed in each

cluster. The Plan does not properly reflect the presence of these two distinct areas. Main modification **MM350** rectifies this and is needed for effectiveness.

445. Site SI1 is an agricultural field to the south of the existing housing and is earmarked to deliver around 40 dwellings. There is a hedgerow along the southern site boundary and this gently sloping site is well enclosed in the surrounding landscape. Considering this, and its reasonably limited size, I agree with the Green Belt Review Update that it makes a limited contribution to the Green Belt. A continuous hedgerow to the site's southwestern boundary would ensure that the impact on the Green Belt is satisfactorily ameliorated. This requirement is added through **MM352** and is necessary for effectiveness.
446. As the result of a drafting error, the boundary of Site SI1 does not properly abut London Road as shown on the policies map. It will be necessary for the Council to rectify this on adoption of the Plan, to ensure that Policy SI1 is effective.
447. Proposed to provide around 12 homes, Site SI2 is a somewhat overgrown, generally flat parcel of land that is also largely enclosed by hedges, trees and other vegetation. Between the properties on Sperberry Hill and Stevenage Road, it would not extend this part of St Ippolyts in any direction. The consequent impact on the Green Belt would be limited.
448. The Council says that both Sites SI1 and SI2 are in a flight path for Luton Airport and that both developments should therefore include appropriate noise mitigation measures. In the circumstances, **MM352** and **MM353**, which add such a requirement to Policies SI1 and SI2, are necessary for effectiveness.
449. Weston is a village in the Green Belt between Stevenage and Baldock. Site WE1 consists of a field that is generally enclosed by hedgerows and is estimated to deliver 40 dwellings. The Green Belt Review Update concludes that this land makes a moderate contribution to the purposes of including land in the Green Belt. Considering its size, open and rural nature, and position adjacent to housing to the south, I concur with that evaluation.
450. To reduce the impacts of the proposed housing to the Green Belt, the hedgerow along the western boundary should be maintained and strengthened. Main modification **MM363** adds this requirement to Policy WE1 and is necessary for effectiveness.
451. I note the points about pedestrian connectivity between the site and the village. However, from the Council's note [ED148C] and my site visit, I am satisfied that the provision of footpaths to the village store and post office on Post Office Row, and to the school on Maiden Street, is satisfactory. There are some areas where there are no footpaths. Notwithstanding this, and even though traffic volumes may increase because of traffic from the new housing on Sites GA1 and GA2 using Back Lane, traffic speeds through Weston are not great – the roads are narrow and the speed limit through the village is 30mph. All in all, I consider that the allocation of the site would not lead to safety problems for existing or future residents.
452. No allocations are proposed in several of the Category A Villages in the central area. Whilst Pirton is in the Rural Area Beyond the Green Belt, around 110 homes have been built or granted planning permission in the village since the

start of the plan period. Similarly, planning permission for 73 new homes has already been granted permission in Offley and as discussed later, the settlement boundary to the west of the village presents the possibility of some further new housing. In Sandon, no sites put forward are considered by the Council to meet the 'three tick' tests, and Hexton is in the Green Belt, the AONB, and is almost entirely a Conservation Area. In this context, I am satisfied that further growth in these villages is not necessary for soundness.

The housing allocations in the eastern and northern parts of the district

Royston

453. As submitted, the Plan proposes to allocate eight sites for residential development. However, on Sites RY1, RY2, RY5 and RY8 development has either commenced or been completed.
454. Site RY4 is a large agricultural field enclosed by hedgerows on the edge of Royston to the south of the A505. Policy RY4 estimates that it would deliver 40 homes. However, during the examination, an existing planning permission on part of the site (which was no part of the dwelling estimate for the site) lapsed. The Council is content that 100 homes could be suitably accommodated on the whole site. I have no particular reason to differ, and consequently I agree with the Council that this figure should be reflected in the policy. In addition, taking account of the comments from Anglian Water and the relationship between the site and the water recycling centre, it is necessary to include a requirement demanding a demonstration that future residents' living conditions would not be harmed. Main modifications **MM307** and **MM346** make both alterations and are needed for effectiveness.
455. The Council has granted planning permission for Sites RY7 and RY10 and for part of Site RY11. Consequently, there is nothing to prevent the development of them, and I consider them to be deliverable. For effectiveness, Policy RY7 should be modified to reflect that the site will yield 60 homes rather than the 48 originally anticipated. Main modification **MM339** makes this amendment. Also, it is no longer justified to include in Policy RY10 a requirement that an appropriate solution be provided for education needs arising from this site and Site RY2 – as I understand it, Site RY1 has fulfilled this demand. Main modification **MM341** removes this from the policy.
456. Paragraph 13.301 of the Plan says that transport mitigation schemes in Royston will be identified. However, they now have been. Main modification **MM345** sets out what these are and requires development in Royston to contribute towards them and/or other schemes to improve walking and cycling in the town. This is reasonable and necessary for effectiveness.

Therfield, Reed, Barkway, Barley and Ashwell

457. Generally to the south of Royston are Therfield, Reed, Barkway and Barley. Barkway is identified in Policy SP2 – as modified through **MM010/FM039** – as a 'settlement for growth'. The other three are Category A villages in the hierarchy. Like Royston, all these settlements are in the Rural Area Beyond the Green Belt.
458. As submitted, the Plan proposes three housing allocations in Barkway.

However, Site BK1 has now been built and is among the sites I have already concluded should consequently be deleted from the Plan. Sites BK2 and BK3 are located to the northern part of the settlement.

459. Site BK2 is anticipated to deliver around 20 dwellings. Part of it is a public open space. Policy BK2 says that part of the site should be retained as open space. However, to ensure the effectiveness of the policy in this respect, it is necessary to remove the open space area from the site allocation. The Council will therefore need to alter the allocation as shown under the label MM388 during the public consultation on changes to the Plan. As a consequence, it is also necessary to remove the requirement to retain part of the site as open space from the policy. Main modification **MM215/FM111** does this and is needed for effectiveness.
460. Periwinkle Close and the houses on Site BK1 form a built edge in the northern part of Barkway. Two fields lie to the north. As submitted, the Plan proposes that the southern part of the field immediately to the north of the built edge should be 'white land' within the settlement boundary, and Site BK3 is proposed to deliver around 140 new homes to the north of this strip of 'white land'. The intention here is that the 'white land' is reserved for a new school if one is necessary at some point in the future – there is no clear evidence of such a need during the Plan period.
461. This arrangement gives rise to the question of the visual cohesion of the village. If, in the event, the 'white land' proves to be not necessary for education purposes, the new housing on Site BK3 would be separated from the main body of the village's built area by these fields. However, I do not see that as a problem. The 'white land' would appear as a green gap in the village. That is not an uncommon sight in villages. Moreover, the new housing would not be visually adrift from the village. From Cambridge Road, the social club and village hall would connect them. In northward views along Royston Road, the two pairs of semi-detached houses adjacent to the northwest corner of Site BK3 are clearly visible as one travels up the gentle incline. Because of this, there is already a sense that the 'white land' and the site are fields within the built envelope of a village. The exclusion of these dwellings from the settlement boundary does not alter this visual effect.
462. The difficulty here is that notwithstanding the County Council's ownership of the 'white land', there is nothing in the Plan to prevent its development for housing or any other use, in principle at least. In the circumstances, I agree with the Council that the most appropriate and effective solution is to include the 'white land' within the boundaries of Site BK3 and to add to Policy BK3 a requirement that approximately 1.5 hectares of the site be reserved for primary education. Main modification **MM216/FM112** modifies the policy accordingly. For the effectiveness of that policy, it will also be necessary for the Council to amend the site boundary as shown under the label MM389 during the public consultation exercise. These changes will increase flexibility here in terms of precisely where the housing and reserved land are situated and will improve the scope to ensure the most appropriate arrangement of the two.
463. During the examination, the Council proposed to delete Policy BK3, therefore removing the site from the Plan, and to consequently alter the position of

Barkway from a settlement for growth to a Category A village in the hierarchy. The primary concern here relates to education provision. The primary schools in Barkway and Barley have federated. Consequently, the first two years of primary education is now provided in Barkway, and the remaining primary years education is delivered in Barley.

464. The Council's point here is that Site BK3 may not definitively trigger a requirement for a new school on the reserved land. In the light of this, and given the new schooling arrangement, its development would lead to increased traffic movements between the two villages. I accept that if the new housing proposed on Site BK3 does not lead to the need for a new school on the reserved land, that is an inevitable outcome. That is not ideal, and this factor does reduce the sustainability credentials of Site BK3 and Barkway more generally.

465. However, it seems to me that it is quite common for those living in rural communities to have to travel by car to a neighbouring village for schooling. The distance involved here is not great – somewhere in the region of two to two and a half miles – and the number of additional school trips likely to be generated by Site BK3 would be reasonably limited. I have been told that a minibus service operates between the two school sites. That would undoubtedly help in this respect. Indeed, as I see it, it is necessary to require that both this site and Site BK2 contribute towards sustainable travel between them. Main modifications **MM216/FM112**, **MM215/FM111**, **MM219/FM114** and **FM115** add suitable wording to the policies and supporting paragraphs and are needed to ensure that Policies BK2 and BK3 are justified and effective.

466. Although the smallest of the Settlements for Growth, Barkway still retains some of the services and facilities associated with this tier of the hierarchy. It is not distant from Barley which has other community facilities. On this point, paragraph 55 of the NPPF says:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby."

As I see it, that is precisely what the new housing on Site BK3 would achieve.

467. I recognise that Site BK3 would bring housing close to Newsells Park Stud which is to the north of the site. Newsells Park is one of the largest stud farms in Europe – it encompasses some 1,200 acres, is a major 'global player' in the industry and a significant employer in the area. Because of the soil quality, the paddocks closest to the site are of particular importance to the stud farm operation. I note the concerns raised by Newsells Park about the effects of introducing new housing on Site BK3 on mares and foals in these top paddocks.

468. It seems likely to me that there would be some increase in noise and other disturbances. However, Site BK3 is separated from the paddocks by a rather wide footpath with high hedges to either side. The houses and horses would not be cheek by jowl. That said, to minimise noise and disruption the separation between the two should be maximised. Main modifications **MM216/FM112** and **MM220** require measures to minimise the impact on

Newsells Park Stud in terms of the proximity of built development, noise and increased activity. This is an appropriate and necessary measure. As is often the case, much will depend on the detail – for example in relation to the location and orientation of houses, and the position of internal roads and car parking. The Council will retain control of these aspects, and this main modification suitably equips the Council to resist any scheme that would cause unacceptable harm to the operation of the stud.

469. I note the points about people using the footpaths and bridleways in the area intruding onto the stud's private land and causing problems. But this Plan cannot control or mitigate for the behaviour of people using the public rights of way network. To reject the allocation of Site BK3, or any other, on the basis that the people living there would trespass or otherwise misbehave would be unwarranted.
470. Overall, I consider it unnecessary for soundness to delete Site BK3 or to amend Barkway's position in the settlement hierarchy. The main modification (**MM010/FM039**) identifying it as a settlement for growth therefore remains justified, effective and necessary.
471. In Therfield, Site TH1 is proposed to deliver 12 homes. It is adjacent to the Conservation Area and there are Listed Buildings nearby.
472. This land has been the subject of a planning application which was refused by the Council and a subsequent appeal (reference 3158998) was dismissed. That application was in outline with all matters save for access reserved for subsequent determination. It was originally described as being for 'up to 26 dwellings', but that numerical aspect of the description of development was subsequently removed, and both the application and appeal were decided on that basis.
473. It is clear to me that this site is sensitive in many respects. Both the Council officer's report and the Inspector's appeal decision detail the harm that the development then proposed would have caused in terms of the landscape character and appearance of the area. The Inspector concluded that there was insufficient detail to fully understand how the development would impact on the historic environment – namely the setting of nearby Listed Buildings and Therfield Conservation Area.
474. However, the context for my consideration of the site is different. Policy TH1 estimates that the site could provide approximately 12 dwellings. That number formed no part of the Council's decision on the planning application, and a sketch plan showing a possible layout for 12 dwellings was not taken into account by the Inspector through the appeal process. In addition, it is clear that both the Council and Historic England had serious concerns in relation to the planning application. That is not the case here. The Council has proposed the allocation having assessed it through the site selection process. English Heritage has said that "*In the case of Site TH1, there is an opportunity to enhance the existing site in a sensitive way to act as the entrance to the Conservation Area ...*".
475. Overall, it seems to me that there is a reasonable likelihood that a suitable housing scheme can be found for this site without causing unacceptable harm to the surrounding landscape and the setting of the heritage assets. Much will

depend on the detail in this case, and the Council will retain control through the planning application process. If any schemes coming forward would lead to unacceptable harm, then the Council could and should reject them. Ultimately, should no acceptable scheme be forthcoming that is not a problem for this Plan – failure to provide the 12 homes anticipated here would not lead to any overall delivery shortcoming.

476. However, Policy TH1 should be unambiguously clear that the development of this site should be designed with sensitivity to the nearby Listed Buildings and their setting. It should also require the development to provide a sensitive entrance into the Conservation Area. Both demands are included in **MM359**, and I consider this main modification to be necessary and effective in those respects.
477. The site lies between the main part of Therfield and the slightly separate cluster of homes to the south, which form 'Hay Green'. Although the settlement boundary encompasses both, I recognise that they are two separate and distinct places. The development of Site TH1 would bring them closer together. To retain their individual identities, they should be prevented from merging. It is therefore necessary to provide open space within the site between the two. Main modification **MM359** adds a new requirement to Policy TH1 accordingly. With this measure in place, I am satisfied that Therfield and Hay Green would not coalesce and their sense of individuality and separateness would be sufficiently preserved.
478. At the hearing, the Council conceded that there is no justification for requiring that the new housing should be frontage development facing on to Police Row. In this context, that requirement in Policy TH1 is not justified. As I understand it, the Environment Agency has been undertaking groundwater borehole testing in the vicinity. To avoid causing problems, I agree with the Council that any sustainable drainage or other features proposed should have regard to the boreholes. Main modification **MM359** amends the wording in the policy accordingly and is necessary.
479. Therfield First School is the only school in the village and is full. However, the demand for additional school places as a result of Site TH1 will be very limited. The local education authority says that the school has an inflow of pupils from outside the village, and that it is anticipated that this will be 'pushed back' over time such that those places are taken by pupils from Therfield. If it is necessary to allow the development, then the Council can secure financial contributions to ensure that additional school infrastructure is provided. Overall, considering the above, and given that the local education authority has raised no objections here, I am satisfied that a suitable solution could be found to ensure the provision of any additional school places needed.
480. Consisting of a field facing onto the A10, Site RD1 in Reed is to the west of the village. There is a row of houses to the south side of Blacksmiths Lane, and consequently the proposed homes would not extend the village further westwards. Policy RD1 recognises that the site is near to Reed Conservation Area and that some of the nearby properties are Listed Buildings. It requires that the development be sensitively designed, which will ensure that adverse impacts are avoided.

481. One site is proposed in Ashwell. However, the development of it has either commenced or been completed. It is consequently among the sites that I consider should be deleted from the Plan as previously discussed.

Exceptional circumstances

482. In order for the Council's approach to Green Belt 'release' for housing to be consistent with national policy, exceptional circumstances must exist to justify altering the Green Belt boundaries as proposed. In ascertaining the existence or otherwise of exceptional circumstances, one should – at least ideally – grapple with several relevant factors. I consider each of them below.

Acuteness of need and constraints on supply

483. I have already discussed the acuteness of the need for housing in North Hertfordshire and the inherent constraints on supply in relation to the Plan's housing requirement. In summary, the district's need for housing is acute and pressing. The supply of identified deliverable and/or developable land outside of the Green Belt falls well short of the need – indeed, it is less than half. Given this, the constraints in neighbouring local authority areas, the consequent inability of those authorities to assist in meeting the district's housing need and the absence of any agreement for them to do so, it is impossible to see how anything even close to approaching the identified need for housing could be met without a significant level of Green Belt 'release'.

484. Moreover, it is also apparent that the supply of any land for housing that is suitable, available and achievable – whether outside the Green Belt or within it – is limited. With regard to the Towns, no sites other than those allocated meet the 'three tick' approach in Letchworth. In Hitchin, only three sites have been rejected – two because of flood risk issues and another because of its proximity to the AQMA. All sites considered have been allocated in Royston save for the land at Royston Football Club – it has not been possible to identify an alternative site for the football use. In Baldock, one Green Belt site has not been proposed for allocation. Turning to the largest villages in the district, in Knebworth all sites considered have been allocated and none rejected, and only three relatively modest sites in Codicote have not been allocated. From all I have read and heard, it is clear that the picture is similar across the district. Indeed, as I have previously indicated, the existence of suitable, available and achievable sites has in and of itself had a notable influence on the distribution of housing. There is, overall, no plentiful pool of surplus sites that could have been selected in preference to those proposed – quite the opposite, this factor is a significant constraint.

485. With regard to the East of Luton sites, I have already considered the need and supply situation in detail above. The need for housing is acute, particularly in relation to three- and four-bedroom family homes and affordable housing. Within North Hertfordshire there is no preferable land in the Luton HMA and there is no prospect of the remaining portion of Luton's unmet housing need being met either in Luton or in any other local authority area any time soon. A fresh round of plan-making would be required and even then there is no certainty it could deliver given the constraints. In short, the East of Luton sites represent the only suitable, available and achievable land in the current supply in the Luton HMA that can confidently ensure that Luton's unmet need

for housing is fully addressed. These factors amount to a significant supply constraint.

Consequences for sustainable development without impinging on the Green Belt

486. This Plan sets out to meet North Hertfordshire's housing need in North Hertfordshire and provides new homes within the Luton HMA to help address Luton's unmet need. It seeks to deliver the new homes needed on sites that are, for a rural district such as this, well located for shops, services and public transport. In short, the selected sites would provide desperately needed new homes in the places they are needed, and which are, overall, the most sustainable of the locations that have been shown to be deliverable/developable in relation to the number of houses required.

487. Without impinging on the Green Belt, the consequences for sustainable development would be significant. This would involve either building new homes in considerably less sustainable locations – in all probability away from the areas where they are most needed – or not delivering them at all. The former would most likely lead to a significantly greater increase in use of the private car and could lead to the creation of communities that would be relatively isolated, particularly in terms of access to shops and services. The latter would deny many the opportunity to live in their own home close to their family, friends and work, and could stifle the local economy. To my mind, neither proposition would best, or even adequately, serve the achievement of sustainable development, particularly in respect of its economic and social dimensions.

Nature and extent of the harm to the Green Belt and the extent to which the impacts on the purposes of including land in the Green Belt can be ameliorated or reduced to the lowest reasonably practical extent

488. The nature and extent of the harm to the Green Belt, and the extent to which impacts can be ameliorated, are important elements of the environmental dimension of sustainability and are significant factors here. These are site specific matters and I have considered them on a site-by-site basis above.

489. From my site-specific analysis, it is clear that the development of a number of the proposed housing sites will cause significant harm to the Green Belt. Indeed, all the strategic housing sites would lead to significant harm, and the majority of the remaining sites will cause moderate harm. The harm from only seven sites would be limited.

490. That the harm caused by the strategic sites to the Green Belt is significant is perhaps not surprising – they are all large areas of open countryside immediately adjacent to the built-up edge of towns. On the whole, and although on a different scale, the same can be said for the other sites proposed in the Plan – they are, by and large, all sites effectively on the edge of the most sustainable settlements in the hierarchy. It strikes me that the Green Belt function of such land – particularly any parcel of a reasonable size – is almost inevitably significant or, at least, moderate in nature.

491. The impacts of developing the proposed site allocations can be ameliorated or reduced to some degree at least. I have discussed this in detail in relation to each site and in some cases I have required main modifications to assist in

this respect. However, broadly speaking, the landscaping and other measures to help counter the adverse impacts on the Green Belt can only do so much. One cannot conceal the presence of large residential developments in the countryside on the edge of settlements, or entirely prevent their effects on the purposes of including land in the Green Belt. That said, I am satisfied that the Plan, as modified, will reduce the impacts to the lowest reasonably practical extent and, in short, does all it realistically can in that regard.

Overall

492. On the one hand, it is clear to me that the development of most of the housing allocations proposed in this Plan would cause significant or moderate harm to the Green Belt, even with mitigation. That is a highly regrettable outcome and a very important factor. Indeed, I give substantial weight to it.

493. On the other hand, however, the need for housing both in North Hertfordshire and in Luton is acute. The proposed allocations would ensure that those needs are met where they arise in the most sustainable locations that are deliverable/developable. Rejecting these sites would delay meeting the pressing need for housing further, and not impinging on the Green Belt would mean accepting that those needs would not be met where they arise. Both would choke the local housing market. The home-making aspirations of many people, particularly those requiring affordable homes, would be shattered and the local economy would most likely suffer negative consequences. These too are matters of substantial weight.

494. In my judgement, on balance, the latter considerations outweigh the harm that would be caused to the Green Belt. Consequently, I consider that the exceptional circumstances necessary to alter the Green Belt boundaries to facilitate the allocation of the housing sites concerned do exist both in principle and in each individual case. This aspect, therefore, should not stand in the way of their allocation.

495. The Council argues, in effect, that the addition of land to the Green Belt proposed through the Plan is a matter which contributes to the existence of exceptional circumstances. There is no clear basis for this in the NPPF, and this has not affected my conclusion that exceptional circumstances exist.

Conclusion on Issue 4

496. Considering the above, with the main modifications put forward by the Council and as discussed above, I conclude that the proposed housing allocations are justified, effective, consistent with national policy and positively prepared.

Issue 5: Whether the settlement and Green Belt boundaries are justified, effective, consistent with national policy and positively prepared

497. The policies map identifies settlement boundaries around the Towns, the Settlements for Growth and the Category A Villages. It also identifies the boundaries of the Green Belt around settlements, including some of those within the new Green Belt proposed. Where the settlement is in the Green Belt, the settlement and Green Belt boundaries proposed are one and the same.

498. The Council has taken the boundaries in the Local Plan adopted in 1996 as the starting point. I am told that Council officers have walked around all the settlements, and that this survey work has led to some 'common sense' tweaking of the boundaries here and there – for example, where new developments or other factors have altered the settlement edge, or where the 1996 boundaries are otherwise no longer logical due to factors 'on the ground'.

499. Natural or other physical features – such as watercourses, hedgerows and roads – have also influenced the precise delineation of the boundaries. This is to ensure that the Green Belt boundary is 'defensible' and capable of enduring beyond the Plan period. In some instances the site allocation policies require the strengthening of site boundaries, for example through additional planting. In others, where site boundaries are not already defined by any existing features, the policies demand the provision of structural landscaping. Finally, with all the above factors in mind, the settlement and Green Belt boundaries have been defined around the edge of the proposed development sites.

500. All in all, the boundary setting exercise undertaken by the Council is not particularly sophisticated. But that is not in itself a shortcoming. All the factors considered are relevant, and in my view the approach taken is reasonable and suitable for the task.

501. Within the new Green Belt proposed in the Plan – which I consider under Issue 12 below – the question arises in respect of each settlement of whether to set settlement boundaries or to 'wash over' it, such that the entire settlement is covered by Green Belt policy. Paragraph 86 of the NPPF says the following.

"If it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt."

502. There are only three villages of any significant size in the new Green Belt area – Whitwell, Preston and Great Offley. All are Category A villages in the settlement hierarchy. The Review considers the contribution each makes to the five purposes of including land in the Green Belt and assesses their general character and sense of connection with the surrounding countryside. Perhaps unsurprisingly, given their size, the Review recommends that each of these three villages be 'inset' from the Green Belt rather than 'washed over'. I concur with this analysis. In response, the Plan introduces both settlement and Green Belt boundaries around each, following the method used elsewhere. In my view, this is an appropriate and justified approach.

503. As some point out, the Council could have sought to 'loosen' the settlement and Green Belt boundaries to provide further flexibility for new development to come forward. But this Plan aims to meet needs and the housing land supply exceeds the Plan requirement by some margin. The Plan allows development within the settlement boundaries and within the built core of Category B villages. Policies CGB2a and CGB2b, introduced through **MM108**, provide greater flexibility for the location of affordable housing and community

facilities, in certain specified circumstances. In the light of all this, I am not persuaded that it is necessary for the settlement and Green Belt boundaries to be loosened in any way. Such changes could only be made if exceptional circumstances were shown to exist, and I have been provided with little in the way of detailed or comprehensive evidence to persuade me that they do. Indeed, I consider the Council's approach and the conclusions arrived at to be justified and consistent with national policy, and the Plan has been positively prepared in this regard.

504. However, some changes to the proposed settlement and Green Belt boundaries are needed to ensure that they properly reflect the limits of built development and the land used in association with existing buildings. To ensure that the Plan's policies that rely on these boundaries are justified and effective, it will be necessary for the Council to make the adjustments it has suggested to the policies map in Hitchin, Offley, Whitwell and Therfield. These were labelled as MM391, MM393, MM395 and MM394 in the schedule of main modifications consulted on, although for reasons already explained I do not have the power to recommend them, and they are therefore not included in the appendix to this report.

505. Some other changes to settlement and Green Belt boundaries have been put forward by the Council as a consequence of modifying the precise extent of land allocated for development. I have considered the necessity for these in relation to the alteration to the individual sites in question.

506. Letchworth Hall Hotel is adjacent to the southern Green Belt boundary proposed around Letchworth. The hotel's operator seeks to have it included within the settlement boundary and excluded from the Green Belt. I am not persuaded that this is justified or necessary for soundness. It seems to me that the hotel grounds contribute to the openness of the Green Belt here. The Green Belt boundary has been defined on the basis of the approach I have described above. I note the proximity of buildings that are within the town and not in the Green Belt. But the Green Belt boundaries have not been set to exclude from the Green Belt all buildings around the edge of the district's settlements. One has to draw the line somewhere, and the boundary delineation proposed in this location strikes me as logical and capable of enduring. I have been told that Letchworth Hall is one of only two four-star hotels in Letchworth with conference facilities and that the attractive landscape setting, along with the neighbouring golf course, form part of its attraction. I do not doubt it. But these factors do not amount to the exceptional circumstances necessary to alter the Green Belt boundary.

507. Pirton is in the Rural Area Beyond the Green Belt. The settlement boundary to the west of this Category A Village has been delineated to include a small residential development that was implemented during the course of the examination. In this context and considering Pirton's categorisation in the settlement hierarchy and its general sustainability credentials, I consider the approach taken here to be the most appropriate.

508. In Therfield, the recreation ground to the east of Police Row is included within the settlement boundary. But that does not give any automatic licence to build on it. Indeed, Policy NE4 only allows the loss of open spaces in limited, specified circumstances.

509. Therfield's settlement boundary around the dwellings on Meadow Way in Hay Green is quite loosely delineated on the policies map. The Council has put forward a change to the boundary in the southeast corner of the village, removing the deep area of hedging and other vegetation to the east of Meadow Way from the settlement. This area adds to the rural feel of this entrance into and exit from Hay Green, and I agree that the Council will need to make this change to ensure that Policy SP2, and others which rely on the demarcation of settlement boundaries, are justified and effective. The Council consulted on this change under the label MM394.

510. I note that the boundary to the north of Meadow Way is not snugly fitted to the residential curtilage of the dwellings here. Rather, it follows the line of the field to the north. While it may be that this would leave the land here open to housing development, I do not regard that to be a problem. The area of land in question is rather limited in size, and if a modest number of new homes could be satisfactorily accommodated then I see no particular reason why the Plan should prevent that as a matter of principle.

Conclusion on Issue 5

511. Considering the above, with the changes put forward by the Council and as discussed above, the settlement and Green Belt boundaries are justified, effective, consistent with national policy and positively prepared.

Issue 6: Whether the Plan's provision for affordable housing and other types of housing are justified, effective, consistent with national policy and positively prepared

Affordable housing

512. The objective assessment of the need for affordable housing is established in the '*Strategic Housing Market Assessment Update: Volume 2 – establishing the need for all types of housing*' (August 2016) [HOU5] ('the SHMA Update'). It considers the range of affordable housing needs, including that arising from homeless households, those in temporary accommodation, concealed households, and households that are sharing accommodation. It takes into account data from the housing register, including the transfer list, and considers the ability of households to afford their housing costs, drawing particularly on figures relating to claimants in receipt of housing benefit. In short, the methodology used in the SHMA Update follows the guidance in the PPG. I consider that the assessment method used is adequately robust.

513. A need for 4,403 affordable homes is identified in the SHMA Update for the plan period. The principal question, then, is whether the Plan will deliver this.

514. Policy SP8 aims to ensure that 33% of all homes are affordable housing. To achieve this, Policy HS2 requires residential schemes to deliver 25%, 35% or 40% affordable housing, depending on the scale of the scheme. As I note later in this report, the viability of these demands has been taken into account and, with the addition of the 'viability clause' introduced through **MM125**, the levels of affordable housing required are justified. Based on the Plan's original housing requirement of 14,000 homes, the affordable housing need would, in all likelihood, be met.

515. As previously discussed, the Plan's housing requirement has been reduced. But the overall supply has not. As already noted, the various sources of housing land supply are anticipated to yield around 14,656 new homes. In the light of this, it seems to me that there is a strong prospect that the need for affordable housing could be met. While it may be that not all sites will deliver the quantum sought – for example because of site-specific viability issues – there is some 'headroom' here.
516. As I see it, the Plan does all it reasonably can to secure the affordable housing needed. In this context and taking account of the early review committed to by the Council through **FM190**, I regard further measures to increase affordable housing delivery to be unnecessary for the Plan's soundness.
517. Policy HS2 sets out the "*Council's starting point for negotiation [being] that 65% of [affordable] homes will be rented and 35% [will be] other forms of affordable housing*". This generally aligns with the conclusions of the SHMA Update and is adequately justified. Among other things, it also requires that regard be had to the housing needs of the area and relevant local authority housing register data. These are relevant factors to consider when making decisions about tenure. So too are Neighbourhood Plans and any local survey or assessments on the issue which, for effectiveness, should be added to the policy.
518. That said, a number of modifications are needed to Policy HS2. Whether or not the precise wording quoted in the preceding paragraph is effective is questionable. For certainty on this, the tenure split indicated should be set as a clear expectation. While it is appropriate to demand that affordable housing be delivered on-site, it is necessary for consistency with the NPPF to add a clause that that be the case unless an alternative arrangement can be robustly justified.
519. The Council has put forward a main modification demanding that affordable housing should be genuinely affordable to local people where rents or prices are linked to open market values. This chimes closely with the NPPF's definition of affordable housing. It is sufficiently consistent with it and introducing this requirement will assist the effectiveness of Policy HS2. In the light of this change, the requirement to take account of the likely affordability of the affordable housing proposed is unnecessary and should be deleted for effectiveness reasons.
520. Main modification **MM125** includes all the aforementioned changes to Policy HS2 and is consequently necessary for the reasons given in each case. It also introduces other changes, all of which I regard as necessary for the policy's effectiveness. Other main modifications (**MM126**, **MM127**, **MM128**, **MM129** and **MM130**) amend and add to the paragraphs supporting Policy HS2, introducing elaboration and clearer explanation. All these modifications are needed as they will help the effectiveness of the policy.

Housing mix

521. The NPPF requires local plans to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. In terms of housing type and size, the Council's housing and Green Belt background paper says that combining the housing

size requirements across both market and affordable tenures would suggest a broadly 30:70 split between the provision of smaller and larger units in the future.

522. Policy SP8 supports a broadly even split between smaller (one and two bedroom) and larger (three bedrooms and more) properties, for both market and affordable homes. This is not entirely consistent with the housing and Green Belt background paper's conclusion. However, the reason for the difference between the two is, in short, to introduce a policy intervention. As the Council points out, there is evidence of 'under-occupation' of the existing housing stock. Increasing the proportion of smaller units as proposed is a measure designed to create opportunities for older households to downsize. In addition, from the housing and Green Belt background paper, most households in the top preference bands of the Council's housing register require smaller homes. In the light of this, I am satisfied that Policy SP8 is justified in this respect.
523. Policy HS3 seeks "*an appropriate range of house types and sizes*" within residential proposals taking into account several factors including the most up-to-date Strategic Housing Market Assessment at the time. That is an appropriate approach. Paragraph 8.19 of the Plan points out that the majority of completions since 2011 have been for smaller units and some sites allocated in the Plan are specifically anticipated to focus on smaller homes. Paragraph 8.20 indicates that some 'balancing up' may be required – it says that on most suburban and edge of settlement sites, applicants should make an initial assumption of 60% larger and 40% smaller homes to ensure an overall mix is achieved. Taken together, I consider the approach here to be justified and effective.
524. However, some modifications are needed to Policy HS3. The overall target in Policy SP8 – that of a broadly even split – should be taken into account when deciding planning applications. So too should the most relevant evidence of housing need aside from the Strategic Housing Market Assessment. Other evidence sources, such as local needs assessments, should not be overlooked. Main modifications **MM131**, **MM132** and **MM133** alter Policy HS3 and the paragraphs supporting it accordingly. These changes are necessary for effectiveness.

Supported, sheltered and older persons' housing

525. The SHMA identifies a need for around 650 bedspaces in communal establishments/residential institutions for people in older age groups. To meet this need, the Plan takes a two-pronged path.
526. Firstly, Policy SP8 aims to ensure that the Plan delivers up to 350 bed spaces in suitable, supported accommodation to meet the needs of those who cannot live in their own home. In parallel, as I have previously discussed, an uplift of 200 homes was added to the OAN on which the Plan as submitted was based. For reasons already explained, the latter has been reduced to 100 homes.
527. The purpose of increasing the OAN rather than simply planning directly for all the identified need for communal establishments/residential institutions is to reflect the general trend for people to live in their own homes for longer. While there is inevitably some uncertainty here, I agree that this is an

appropriate approach. To make sure that the 350-bed space target in Policy SP8 is adequately justified, it should be set as a minimum rather than a maximum. Main modification **MM035/FM057** alters Policy SP8 accordingly.

528. From the Council's note [ED144], it is evident that 280 net additional bed spaces in use class C2 have been provided in the district since the beginning of the plan period. Consequently, it is necessary for the Plan to provide for at least a further 70 spaces.

529. In terms of meeting this identified need, Policy HS4 says that planning permission will be granted for older persons' housing subject to certain criteria, all of which are appropriate. For residential developments of 100 dwellings or more it requires provision of an element of those units to be for older people and it demands that the strategic housing sites provide some accommodation in use class C2. This is reasonable, and the viability of this policy approach has been assessed.

530. However, in relation to the strategic housing sites, the requirement for "*some accommodation in use class C2*" is not especially specific and leads to doubts about the effectiveness of this criterion. Moreover, on the Council's evidence in ED144, C2 uses need to achieve a 'critical mass' to be viable in an operational sense. In this regard, the Council says that schemes need to deliver 50 to 60 bed spaces. I have been given no compelling reason to doubt this.

531. In light of these issues, the Council has put forward **MM058/FM004**, **MM060**, **MM061/FM005** and **MM065**. The former two require that Site BA1 provides an appropriate site for a care home of around 50 to 60 bed spaces in accordance with the criteria in Policy HS4. The latter two introduce a similar requirement for Site LG1, subject to an up-to-date assessment of need and supply. Document ED144 explains that these two sites have been identified for these requirements taking into account a number of factors. This includes consideration of the relative share of accommodation that has been delivered in the two towns since the start of the Plan period. Although not based on a particularly scientific method, I consider the addition of these requirements to Sites BA1 and LG1 to be adequately justified, and they are necessary to ensure the Plan's approach to meeting the need for older persons' housing is effective. With these changes, it seems to me likely that the need for bed spaces could be met. In any event, given the review to which the Council has committed through **FM190**, I see no reason why it ultimately should not be.

532. The main modifications set out in **MM134**, **MM135** and **MM136** are also necessary. These amend Policy HS4 to remove the requirement for all strategic sites to make provision for C2 uses as a consequence of the above and add relatively detailed points of clarification to the supporting paragraphs which will assist with effectiveness.

Accessible and adaptable housing

533. Policy HS5 relates to accessible and adaptable housing. It requires that major residential schemes provide at least 50% of homes to the Government's optional technical standard for accessibility. It also requires that on schemes where 10 or more affordable units will be delivered, 10% of these should meet the wheelchair user standard. For such policies to be sound, they must be

supported by clear evidence of need and evidence that viability has been considered.

534. The SHMA Update considers the question of need in some detail. It recommends that a target requiring all new homes to meet the accessibility standard would be justified, subject to viability. It also identifies that roughly 7% of households living in affordable housing include at least one wheelchair user. The rates of wheelchair use among the older population are higher.
535. The '*Local Plan Examination Addendum (Viability)*' (January 2018) [ED72] ('the Viability Addendum') specifically analyses the viability of these aspects. This applies the same methodology as the main tranche of viability work, which I consider later in this report. For present purposes, it is sufficient to note that I regard the approach taken to be robust. The Viability Addendum concludes that the criteria in Policy HS5 appear to be appropriately judged and have the potential to be deliverable from a viability point of view.
536. Overall, in the light of this evidence and all I have read and heard, I am satisfied that there is a need for these optional standards and that requiring adherence to them is appropriate both in this respect and with regard to viability. I consider Policy HS5 to be justified and consistent with national policy as a consequence.

Relatives' and dependents' accommodation

537. Policy HS6 allows the adaptation or extension of dwellings to form relatives' and dependents' accommodation so long as certain criteria are met. These relate to matters such as the need for the accommodation and its size, including in relation to the main dwelling. The policy also says that the occupation of such accommodation will be restricted through planning conditions. In my view, this is appropriate.
538. Free standing annexes are permitted 'exceptionally' where the criteria are met and where the adaptation or extension of the main house is not possible. While that is reasonable in principle, in those circumstances I see no reason why permission would only be given 'exceptionally'. To ensure the policy is justified and effective, **MM138** deletes this word from it.

Self-build housing

539. The PPG says that the Government wants to enable more people to build or commission their own home and wants to make this form of housing a mainstream housing option. The SHMA Update identifies very limited demand for such properties. In response, Policy SP8 sets a target to provide 100 plots for self-build development over the plan period. Paragraph 4.109 explains that on strategic sites 1% of plots will be reserved for people with a local connection who wish to build their own home. The policies allocating the strategic sites require a specified number of serviced plots on each to be set aside for self-build development. Including 21 plots on Sites EL1, EL2 and EL3 to the east of Luton, this amounts to 80 plots in total.
540. It seems to me that there is a question of timing in play here. The requirement for local authorities to keep a self-build register started in April 2016 and the SHMA Update was produced in August that year. There was

little time for reaction between the two, either for the Council or for anyone else. It is consequently likely that the SHMA Update underestimates demand. Indeed, it is apparent that known interest in self-build had already increased by the time of the examination hearings in November 2017.

541. In the circumstances, in terms of identifying land to meet the quantified demand for self-build housing, the Plan does all it reasonably can. I say this in the context of the review of the Plan that the Council has committed to through **FM190**. Given this review, it would be disproportionate to delay the Plan's progress further because of this issue. Moreover, **MM011/FM040** adds a reference to the possibility of self-build opportunities coming forward through neighbourhood plans. That is appropriate and ensures that the Plan is positively prepared.
542. However, there is little justification for the 100-plot target figure given in Policy SP8. To rectify this, that figure should be replaced to instead reflect the number of plots proactively provided in the Plan. Sites EL1, EL2 and EL3 are allocated specifically to help address the unmet housing needs of Luton. Only 100 of the homes delivered on these sites relate to North Hertfordshire's housing need, and there is insufficient evidence before me about the demand for self-build plots in Luton to justify requiring them here. I note that Luton's Local Plan includes no requirement for self-build plots. Consequently, the 21 plots demanded through Policy SP19, which allocates the three sites to east of Luton, is unwarranted.
543. The rationale for the requirement for 1% self-build plots on the strategic housing sites is set out in the Council's note [ED144]. In summary, it is twofold – to ensure a 'critical mass' of plots that can be located together within a development without undermining its coherence, and to avoid such a proportion of self-build plots that they might disproportionately influence the overall scheme design and appearance. I consider that to be a reasonable stance that strikes a proportionate balance. To apply the 1% requirement to the 100 homes on the East of Luton sites would be inconsistent with the Council's approach and would risk causing problems of the sort the rationale seeks to avoid. Therefore, requiring any self-build plots on these sites would be unjustified and ineffective.
544. Consequently, the plot figure in Policy SP8 should be reduced to reflect the number of plots on the other strategic housing sites. In addition, the demand for 21 plots in Policy SP19 should be deleted in its entirety. Main modifications **MM035/FM057** and **MM083/FM009** do this and are necessary in those respects.
545. Notwithstanding all the above, I agree with the Council that modifications to the Plan are needed to clarify the approach to self-build housing. For effectiveness reasons, these alterations include explaining the distinction between windfall schemes that might constitute self-build projects and those that will not, and highlighting the proactive measures being pursued to address the requirements identified by those on the self-build register and to widen opportunities to access self-build. To this end the Council has put forward several changes through **MM011/FM040**, **MM044**, **MM065** and **MM131**. I agree that these are all necessary for effectiveness.

Starter Homes and First Homes

546. I have considered whether the Plan should do more to provide 'Starter Homes'. However, both the initiative and the guidance have since been withdrawn. This matter therefore has no influence on the Plan's soundness.

547. The current PPG supporting the NPPF published in 2021 introduces the concept of First Homes – a specific kind of discounted market sale housing that should be considered to meet the definition of affordable housing for planning purposes. However, the PPG includes transitional arrangements which mean that this Plan is not required to reflect the First Homes policy requirement. In line with the PPG, it will be necessary for the Council to consider updating the Plan in respect of First Homes when it undertakes the whole plan review by the end of next year.

Conclusion on Issue 6

548. Considering the above, with the main modifications put forward by the Council and as discussed above, I conclude that the Plan's provision of and policies for affordable housing and other types of housing are justified, effective, consistent with national policy and positively prepared.

Issue 7: Whether the provision for gypsies, travellers and travelling showpeople is justified, effective, consistent with national policy and positively prepared

549. Reflecting the needs of gypsies and travellers identified in the '*Gypsy, Traveller and Showperson Accommodation Assessment Update*' by ORS (July 2014) [HOU10], Policy HS7 of the Plan as originally submitted proposes to allocate seven pitches as an extension to an existing site known as Pulmer Water. However, this evidence has since been superseded by the '*Gypsy and Traveller Accommodation Assessment Update*' (January 2018) [ED60] ('the Update'). This takes into account the revised definition of 'traveller' set out in the Planning Policy for Traveller Sites published in August 2015 ('the PPTS').

550. The methodology used in the Update combines a desk-based review of the travelling population in the district and survey work involving interviews with the gypsy and traveller households identified. In relation to the latter, the method aims to secure interviews with all households, re-visiting multiple times where people are not present or unable to conduct an interview at the time of calling. The purpose of the interviews is to establish for each household the demographic characteristics, current and future accommodation needs, whether households are overcrowded or concealed, and the types of pitches that might be needed in the future. They also aim to identify the existence of any households living in bricks-and-mortar accommodation. All of this is appropriate and embeds measures to ensure that all reasonable endeavours are made to capture the views and needs of the district's travelling community.

551. This process revealed that there are four households in the district that meet the definition of 'traveller' in the PPTS. Two occupy pitches at Pulmer Water, the other two occupy the two existing pitches at the district's other gypsy and traveller site at Danesbury Park Road. This site has temporary planning permission until August 2023. Both sites are currently in the Green Belt.

552. The Update concludes that there is a need for ten pitches overall, comprising eight between 2017 and 2022, one further pitch between 2022 and 2027 and, again, one further pitch between 2027 and 2031. As I understand it, this figure can be broken down into need associated with each of the two existing sites. Eight additional pitches are needed at Pulmer Water – six as a result of a temporary planning permissions lapsing, and two as a result of new household formation expected on the site during the plan period. In respect of Danesbury Park Road, there is an overall need for four pitches – two because the existing pitches are regarded in the assessment as unauthorised (the temporary planning permission was granted subsequently), and two to provide for anticipated household formation.
553. However, it became apparent during the hearings that matters are not that straightforward. The planning history and current situation in respect of the Pulmer Water site is complicated, with a number of planning permissions overlapping. The Council's latest evidence on the matter is set out in its paper of December 2020 [ED228] ('the Council's paper'). It says that there is no evidence that the six pitches referred to in the Update have been occupied by households meeting the PPTS definition of 'traveller'. It also states that two other existing pitches at Pulmer Water are vacant and can accommodate household growth at that site. The Council's paper concludes that there is therefore no need to allocate additional land at Pulmer Water for the travelling community and the allocation is proposed by the Council to be deleted from the Plan. Moreover, it argues that the Danesbury Park Road site should instead be allocated to provide four pitches, being the remaining need identified in the Update.
554. As indicated above, I consider the methodology used in the Update to be adequately robust. Relying heavily as it does on the responses given by individuals in interviews, it is not especially sophisticated – but that is no criticism, as it does not need to be.
555. However, in this instance, there are some issues regarding the execution of the process. Paragraph 7 of the PPTS says that "*in assembling the evidence to support their planning approach, local planning authorities should ... pay particular attention to early and effective community engagement with both settled and traveller communities ...*". It appears that neither the original assessment in document HOU10 nor the Update indicate that any engagement has been undertaken with settled communities. The Council suggests that in this respect it relies on engagement with settled community advocates such as Parish Councils. But no such engagement has taken place in relation to producing the Update or putting forward the Danesbury Park Road site for allocation.
556. In addition, in relation to the pitches at Pulmer Water, no interviews have been undertaken with their occupants because they were not available. Instead, an interview has been conducted with the site owner/manager, who answered questions about his gypsy and traveller tenants. The use of a proxy in this way may be common practice and may be better than securing no information at all, but it is nonetheless not ideal. I note the point that the majority of gypsies and travellers at Pulmer Water are part of the site owner/manager's extended family. Although that might be encouraging, one

is nevertheless left to speculate about the extent to which his relations confide in him.

557. As I see it, taken together, and considering the importance of the interviews to the assessment of need, these two factors amount to a weakness in the Council's evidence. This reduces the confidence that can be placed in it, particularly in relation to the need for pitches generated by the community at Pulmer Water.

558. That said, I am satisfied that the evidence demonstrates that there is a need for four pitches brought about by those occupying the Danesbury Park Road site. The interviewing shortcomings relate only to Pulmer Water, and it is difficult to see how any deficiencies in engaging with the settled community could have a bearing on this matter. For effectiveness, the Plan should clarify that the identified need is for four pitches.

559. In addition, I concur with the Council that this identified need is most appropriately met at the Danesbury Park Road site. It is owned by a family resident on it and is therefore clearly deliverable. It is evident from this site's current occupation that there is an immediate need for two pitches, and this site can, as it presently does, meet that need. So far as I can see there are no undeniably deliverable alternatives. Aside from Pulmer Water no other sites have been put forward for gypsy and traveller occupation throughout the plan making process or during the examination. Given the complexity of the planning situation at Pulmer Water and the mistiness surrounding the question of need arising at that site, the Danesbury Park Road site represents the only option where immediate delivery can presently be said to be guaranteed.

560. I turn to the question of whether exceptional circumstances exist to warrant 'releasing' the site from the Green Belt. As I have already indicated, there is a clear and present need for two pitches for which this site is the only option which, on the evidence available, can be said with sufficient certainty to be deliverable. I accept that it may not be in the most sustainable location in terms of access to facilities by modes of transport other than the private car. But it nonetheless provides a settled base to enable the children of the families involved to benefit from local education and healthcare, and also offers access to local employment. Moreover, the site is owned by those occupying it, and so far as I am aware there is no other accommodation in the district available to them. I therefore conclude that the exceptional circumstances necessary to alter the Green Belt boundaries here do exist, such that removing this site from the Green Belt and insetting it as a traveller site only is justified.

561. In the light of all this, several main modifications to the Plan are needed. It is necessary to change references to the number of pitches allocated in the Plan from seven to four. An explanation of the situation concerning need should also be included, and a clear commitment to undertaking a robust and up-to-date assessment of need as part of the early review of the Plan previously discussed is critical. However, these amendments should not include text claiming that this provision would meet needs until the end of the Plan period – that will be a matter for the early review to establish. It is also necessary to delete the allocation of the originally proposed extension to the Pulmer Water site from Policy HS7 and to instead allocate the Danesbury Park Road site for use by gypsies and travellers.

562. Between them, **MM143/FM099, FM190, MM035/FM057, MM039/FM061, MM140/FM096, MM141/FM097, MM142/FM098, MM139/FM095, MM229/FM125, MM230/FM126** and **MM231** achieve all of this and are therefore necessary to ensure that the Plan is justified and effective. For the same reasons, the Council will need to amend the policies map so that the Pulmer Water extension site is within the Green Belt and the Danesbury Park Road site is excluded from it and shown as an allocated site.

Conclusion on Issue 7

563. Considering the above, with the main modifications put forward by the Council and as discussed above, I conclude that the provision for gypsies, travellers and travelling showpeople is justified, effective, consistent with national policy and positively prepared.

Issue 8: Whether the Plan's provision for new economic development is justified, effective, consistent with national policy and positively prepared

The functional economic market area

564. Based on the '*Functional Economic Market Area Study*' (July 2015) [E3] ('the FEMA Study'), paragraph 4.29 of the Plan identifies North Hertfordshire as lying within a wider functional economic market area ('FEMA') which includes Stevenage and parts of Central Bedfordshire. Among other things, the FEMA Study considers the present stock of employment premises, the geography of the commercial property market, its relationship with other property markets and market signals. In considering the labour market area it analyses travel to work patterns and 'self-containment' – the proportion of people who both live and work in the area. In short, the FEMA Study considers a wide range of relevant factors and is robust in this regard.

565. From my reading of the FEMA Study, there are several principal reasons why it supports the FEMA identified. The economic profiles and core advantages developed in each of the local authority areas involved are relatively complementary in employment and sector terms. There is little evidence to suggest that nearby commercial property market areas – such as Luton, Bedford and Watford – extend as far as the identified FEMA (although some overlap with Welwyn Hatfield to the south is noted). The levels of commuting for work between Stevenage and North Hertfordshire are quite high and around 70% of all workers employed within the identified FEMA also reside in the area. Taking account of all this, I consider it reasonable to regard the FEMA identified as being the most appropriate. That the adopted local plans of Stevenage and Central Bedfordshire have been predicated and found sound on this basis adds to my conclusion.

The need for economic development in the district

566. One of the primary objectives of local plans is to ensure that enough land is provided to meet the local economic development needs. This is chiefly about 'B Class' development – that is to say premises for offices, manufacturing or storage and distribution facilities – because these are the primary employment uses that require significant areas of land to support growth. I consider retail issues later in this report.

567. To this end, Policy SP3 sets out the Council's aim of providing an adequate supply and range of employment land to meet the requirements of the local economy. The Council considers that the Plan should provide 10.1 hectares of B Class land to meet the district's need during the plan period, and that this is anticipated to support 2,142 net new B Class jobs.
568. The FEMA Study analyses the potential growth in B Class jobs and the consequent need for employment land using the East of England Forecasting Model ('the EEFM') – a set of forecasts undertaken variously by Cambridge Econometrics and Oxford Economics. It compares EEFM projections from 2012 and 2013 with those from 2014. The Council's *'Employment Background Paper'* (February 2017) [E5] also considers these with the addition of EEFM figures from 2016.
569. Nine different scenarios are explored in the employment background paper, each based on EEFM model runs. These are presented in Table 1. It is apparent that the baseline B Class jobs and land requirement figures from the 2014 EEFM are significantly higher than the other baseline scenarios. I concur with the employment background paper that they are "*somewhat of an anomaly*". As the employment background paper points out, the EEFM forecasts are quite sensitive to relatively small shifts in the economy – the modelling, in effect, magnifies those changes because it replicates them over a 20-year period.
570. The need for B Class land identified by the Council – the 10.1 hectares – is derived from a scenario in the employment background paper that represents the average of the EEFM baseline forecasts for 2011 to 2016 ('the chosen scenario'). It is apparent that the identified need figure takes the 2014 EEFM projection into account. Notwithstanding its incongruity, I do not regard that as a problem. While the 2014 forecasts do obviously affect the chosen scenario, that projection does not rely heavily on 2014 alone. Indeed, it incorporates the lower baseline figures of other years, particularly 2011, which is quite a bit more subdued than all the others and indicates a contraction in B Class jobs. The point here is that the chosen scenario does not rely exclusively on the 2014 EEFM or more heavily on it than it does on the forecasts from other years. Consequently, the influence of the 2014 figure is substantially tempered.
571. The Council says that the 2014 EEFM forecast reflects a period of optimism following the 2009 recession, whereas the 2016 projection is less optimistic following the decision for the United Kingdom to exit from the European Union and a view from forecasters that this will have a negative effect on the economy. That may be so, and figures taking into account economic fluctuations experienced because of the Covid19 pandemic might lead to a yet more pessimistic outlook.
572. However, forecasting of this sort is more of an art form, not a precise science. Here, the Council has taken into account projections produced by two reputable forecasting companies and used an average from the figures they have published over a number of years. The chosen scenario encompasses forecasts for both rain and shine. That is not surprising, given that it considers several economic forecasts, each with its own sensitivity to the immediate economic climate at the time. Neither is it problematic. The use of

an average helps to prevent overly sunny or gloomy forecasts from excessively influencing the overall outlook. Whilst the sway of 2014 may well lead to figures that lean towards the former, the Council says that it is deliberately taking a positive attitude towards economic growth. I support that stance. A more negative approach would run the risk of failing to properly support potential growth in the district's economy at a time of significant economic uncertainty. In my view, that would be unacceptable.

573. I recognise that much of the modelling process involves reliance on assumptions. That is inescapable. One area of particular sensitivity is the derivation of employment land requirements from job forecasts. Appendix 5 of the employment background paper sets out the approach and the key assumptions within it. This is quite a sophisticated method which uses the national Standard Industrial Classification for Economic Activities and draws on the latest Business Register and Employment Survey data available at the time. On the face of it, the method adopted is logical and reasonable. Perhaps the key assumption is the conversion of full-time equivalent jobs for each use class into floorspace. For this, employment densities based on the Homes and Communities Agency's Employment Density Guide have been used. This is entirely reasonable and appropriate. In short, I consider that the methodology used is suitable and that it draws on appropriate information sources to inform key assumptions. The inclusion of the safety margins and the allowance of 10% to all floorspace requirements lends confidence that the land requirements arrived at will be sufficient.

574. Overall, I consider the evidence underpinning the need for economic development identified by the Council to be robust and the chosen scenario to be the most appropriate. I therefore regard the district's need for new B Class development over the plan period to be around 10.1 hectares, and I concur that this is likely to sustain somewhere in the region of 2,142 net new jobs.

The Plan's economic development requirement

575. In addition to the above, the Plan sets out to provide seven hectares of employment land to compensate for the loss of existing employment sites to housing. Setting the Plan's requirement for employment land is dependent on both the economic growth forecast and the amount of land in the existing supply. In terms of the latter, the NPPF says that the long-term protection of employment sites should be avoided where there is no reasonable prospect of them being used for that purpose. The '*North Hertfordshire Employment Land Review*' (March 2013) [E4] ('the ELR') undertakes a review of the district's supply, including a qualitative assessment, and considers whether each site should be protected for employment use. This review aspect of the ELR has been updated through the employment background paper. I regard this evidence to be robust.

576. On this basis, the Council has identified seven hectares of land that should no longer be included in the employment land supply. In the light of the NPPF and the Council's evidence, I agree that this should not be protected by the Plan's employment policies. Moreover, the quantum lost should be 're-provided'. As I understand it, the district's identified need figure has in effect been arrived at on the basis of that land being part of the existing supply for economic development. In this context, failure to compensate that loss would

mean falling short of the district's identified need. According to the Council's calculations, this land could host between 300 and 3,500 new jobs, depending on the use class taken up on it. Although this element of the Plan's requirement should possibly be considered as an additional element of the district's need, this is a theoretical point of little consequence. The important thing is that it is recognised as part of the Plan's requirement.

577. The Plan also seeks to provide a further 11 to 15 hectares to help address unmet economic development needs in Stevenage. The Stevenage Borough Local Plan 2011 – 2031 was adopted in May 2019, during the examination. Paragraph 5.23 of that plan was modified by the Inspector to clarify that the borough's need for employment land that is not met by the plan is around 11.5 hectares. It is apparent that the two local authorities agreed that North Hertfordshire would provide for this deficit through the Duty to Co-operate. As both are within the same FEMA, providing for that unmet need in North Hertfordshire is the most appropriate approach, and is justified.

578. Taking account of all the above, I regard the requirement for land for economic development to be addressed by the Plan to be around 29 hectares. The number of new jobs likely to be generated by meeting this requirement is in the range of 3,274 and 6,474, depending on the precise type of B Class development realised on the land and the employment densities achieved.

The supply of land for economic development

579. To meet the requirement for economic development, Policy SP3 proposes to allocate three sites: the former power station in Letchworth (Site LG12, which is 1.5 hectares); land east of Baldock (Site BA10, which is 19.6 hectares); and land west of Royston (Site RY9, which is 10.9 hectares). This amounts to 32 hectares. Table 6 of the employment background paper identifies a further 5.5 hectares of land within the supply, including sites with planning permission. The Council confirms that this figure includes Site LG12, such that 1.5 hectares have been 'double counted'. Consequently, the overall supply, taking account of all sources, is approximately 36 hectares.

580. Considering the above, the Plan includes sufficient land to meet the identified economic development needs of the FEMA. Indeed, the supply exceeds the requirement by roughly seven hectares. To my mind this is reassuring, as it would help to support churn and choice in the market. I therefore consider that the supply of land for economic development provided through the Plan is justified, effective and consistent with national policy.

581. Having said that, some main modifications to Policy SP3 are required. The references under paragraph a) should be re-focused to make it clear that the sites referred to are proposed allocations, and that it is the needs of the FEMA that are being met through their allocation. It is also necessary to delete from Policy SP3 reference to Site LG12 as an allocation, and to delete the policy allocating it – this site now has planning permission and it is more appropriate to identify it as an employment area through Policy ETC1. Other changes are needed to clarify the types of employment use permitted in various locations – including on the proposed allocations and in existing employment areas – and to clarify that the employment areas referred to are those shown on the policies map. Because of the modification to the Category A Villages tier in the

hierarchy and the introduction of the settlements for growth, **FM048** is necessary to clarify that rural businesses will be directed to larger villages. Main modifications **MM014/FM042**, **MM015/FM045**, **MM016**, **FM046**, **FM047** and **MM400** make all these modifications and are therefore needed for effectiveness. It will be necessary for the soundness of Policies SP3 and ETC1 for the Council to alter the policies map in relation to the former power station in Letchworth, as indicated above.

The site selection process

582. Compared to sites for housing, a relatively small number of sites have been put forward for employment uses. All of them have been considered in the Sustainability Appraisal, and this has helped to inform the Council's selection. As I understand it, there has been no site selection process as such, at least not one with any specific parameters. Rather the Council has looked at the sites in the round and applied its judgement. Given the modest scale of the task here, that is a suitable and proportionate approach.
583. The Council has appraised all the sites put forward for consideration. These appraisals are set out in the ELR. It is apparent that the alternatives put forward are few and that the Council's options have therefore been very limited. The reasons for rejecting sites are explained in the ELR. In broad summary, the alternative sites either are no longer available, have significant highways constraints for which no satisfactory mitigation has been found, are adjacent to a wildlife site, are in the Green Belt and make a significant contribution to it, or a combination of one or more of these factors.
584. Regarding availability, I agree that sites with a willing landowner should be preferred to sites without. While it is possible that the other drawbacks need not in and of themselves be a bar to allocation, it seems to me that the disadvantages identified render these alternatives less favourable options than the selected sites.
585. Overall, I consider the approach taken by the Council to selecting the land proposed in the Plan for employment to be reasonable and proportionate. The decisions made have been suitably informed by the Sustainability Appraisal and the exercise overall has been adequately robust.

The proposed employment allocations

586. As mentioned above, and taking account of **MM014/FM042**, the Plan includes two employment allocations. Being at Baldock and Royston, both are at settlements categorised as towns in the settlement hierarchy of Policy SP2. That is to say that both are at locations that are among the most sustainable in the district.
587. As discussed elsewhere, a significant amount of housing growth is proposed for Baldock. However, the town has a relatively low level of employment land per person, which presently contributes to out-commuting. The allocation of employment land here on Site BA10, which is largely in the Green Belt, will help to ensure that the town's residents have decent access to local job opportunities and will likely improve the containment of trips for work purposes. While the designated employment areas to the west of the A1(M)

are not distant, Site BA10 offers new prospects to accompany and compliment the growth of the local population.

588. In addition, the FEMA Study says that "... the key sub-market area that stretches from Stevenage to Letchworth and Baldock along the A1(M) route is considered to be best placed to meet the unmet needs for industrial space from Stevenage". Site BA10 lies squarely within this sub-market area, and 11.5 hectares of it is intended to address Stevenage's unmet need. Its allocation is therefore consistent with the evidence. Moreover, considering its location in the sub-market and its geographical proximity to Stevenage, it may well contribute to reducing out-commuting from the district to the neighbouring town.
589. Positioned towards the northeast corner of the district, Royston is away from the cluster of Letchworth, Hitchin and Baldock. Relatively speaking, it is a little more remote. Consequently, the inclusion of Site RY9 will assist by offering readily accessible additional jobs in the local vicinity. Considering the scale of new housing development proposed here, I consider that to be an advantage.
590. The potential environmental and other effects of developing the two employment sites have been considered through the Sustainability Appraisal, including any mitigation measures necessary. Policies BA10 and RY9 include measures to address identified site-specific impacts. Overall, there are none that indicate that it is necessary to reject either site, and I consider them to be justified.
591. Some additional criteria in relation to Site BA10 have been put forward by the Council. I agree that the development of the site should not impede views of St Mary's Church – it is a local landmark that demarks the historic centre of the town. So the ecological value of the railway corridor to the north of the site is not eroded, landscaping should be required to this boundary. In addition, a contaminated land preliminary risk assessment is necessary to ensure that the state of the land is suitable for employment uses. Main modification **MM211** introduces new criteria accordingly and is necessary for effectiveness.
592. It is confirmed by the Council that the landowners of both sites are willing for them to be developed for employment purposes. Both have existing access infrastructure and there are no insurmountable issues to prevent them coming forward. I therefore consider them to be deliverable.

Exceptional circumstances in relation to Site BA10 – land east of Baldock

593. There is a clear and present need for additional employment land in the district. While the requirement is perhaps not so sizeable in terms of land area, the need to meet it is pressing in the sense that the opportunities to do so are few. Failure to deliver here would be to betray the agreement with Stevenage Borough Council under the Duty to Co-operate. It would also mean forsaking the opportunity to meet the unmet needs of Stevenage in a location clearly supported by the FEMA Study. Indeed, if not through this Plan, it is difficult to see how the unmet needs of Stevenage would then be met at all.

594. On the question of alternative supply, it is apparent that North Hertfordshire has a somewhat limited capacity, particularly in respect of land outside of the current Green Belt. A little over 81 hectares of land has been considered by the Council for employment. Of that, only 18.4 hectares is not in the Green Belt, and all of that has been either allocated or granted planning permission for employment uses.
595. Around 3,360 new homes are anticipated to be delivered through the Plan's housing allocations in Baldock. Housing Site BA1 alone is expected to deliver a new neighbourhood of around 2,800 new homes incorporating a local centre and is immediately to the north. In this context, Site BA10 represents a clear-cut chance to support the Plan's approach of seeking to improve the geographical balance of employment and housing and in so doing to contribute to sustainable development. Simply put, the co-location of Site BA10 and Baldock's housing sites, especially Site BA1, would help to provide opportunities for people to work near to where they live. The advantages in terms of commuting and the consequent environmental impacts are obvious.
596. It is the eastern portion of this site that is currently in the Green Belt. Both the Green Belt Review and the Review Update conclude that this land makes a 'moderate' contribution to the Green Belt. Between the B656 to the south and the railway line to the north it is in a visually contained, relatively low lying and flat location. Once developed, it would be seen in the context of the housing proposed on Site BA1 to the north and on Sites BA3 and BA4 to the south and west. Consequently, it would not appear as unrestricted sprawl or a significant encroachment into the countryside. Neither would it result in the merging of two towns or harm the setting and special character of a historic town – there are no other towns nearby, and this quarter of Baldock is not among its most historic elements.
597. Policy BA10 includes measures to ensure that the consequent impacts on the purposes of including land in the Green Belt are reduced to the lowest reasonably practicable extent. However, requiring a strategic masterplan for the development of the site would significantly assist. Main modification **MM211** adds this to Policy BA10 and is needed for effectiveness.
598. If Site BA10 were to be developed as proposed, then the adjacent Green Belt would continue to serve Green Belt functions. The proposed Green Belt boundaries along the southern and eastern edges of Site BA10 are clearly demarked by the highway and the boundary of The Firs Kennels Cattery respectively. They are clearly capable of enduring beyond the plan period. Indeed, given the presence of the road and cattery, it is difficult to see how any pressure to expand Site BA10 could be accommodated. The site does not include any land which it is unnecessary to keep permanently open.
599. Considering all the above, in particular the need for economic development and the absence of any other alternative sites outside of the Green Belt, I conclude that the exceptional circumstances necessary to warrant altering the Green Belt boundaries to allocate this site do exist. Consequently, the allocation of Site BA10 is justified and consistent with national policy.
600. That said, for reasons related to the Green Belt, two further changes are needed to Policy BA10. To ensure a satisfactory transition from rural to urban,

I agree that requiring the use of 'green roofs' on buildings on the eastern part of the site is a reasonable and necessary step. To make sure the Green Belt boundary to the east endures, landscaping should be required. Main modification **MM211** introduces both prerequisites and is therefore necessary in these respects.

Development management policies

601. Policy ETC1 aims to ensure that existing Employment Areas shown on the policies map are reserved for employment uses and introduces several criteria to be applied when considering specific development schemes. Policy ETC2 relates to employment development outside of the Employment Areas. Taken together, these policies provide a suitable framework for safeguarding employment land and controlling development on it, whilst offering a degree of flexibility for businesses looking to locate outside of those areas. In my view, this is a justified stance.
602. However, neither of these policies refer to development on the two employment sites allocated through the Plan. For effectiveness, the same approach should be applied to these as to the Employment Areas. Main modifications **MM088/FM071** and **MM090** introduce reference to the new allocated sites and therefore ensures this.
603. The Council aims to ensure that, taken together, the Employment Areas and the allocated sites provide a range of uses that meet the need for different types of economic development. To ensure this, **MM088/FM071** and **FM076** spell out the Council's intention to limit uses on individual sites where necessary using planning conditions and legal agreements. That is a justified approach and the modification put forward is necessary for effectiveness. In light of the objective and approach to achieving it, the Plan should not seek to reserve certain areas for specified uses, as paragraph 5.4 suggests. As need, supply and the market fluctuate, this could hinder achieving the overall goal. For effectiveness, **MM089** deletes this paragraph.
604. Some Employment Areas shown on the policies map are also identified as Business Areas. Criterion a. of Policy ETC1 aims to restrict the use in Business Areas to office use. However, the Council concedes that there is no justification for this. Consequently, **MM088/FM071**, **MM398** and **MM377** are necessary. They delete criterion a. and remove the list of Business Areas from the Plan. The policies map will need to be changed to reflect this, and Business Areas will need to be removed from it.
605. Policy ETC2 allows employment uses outside the Employment areas where they are "*located consistently with the principles of sustainable development*". In my view, this is unnecessarily vague. The settlement boundaries and built cores defined in the Plan represent the most sustainable locations. The policy also allows employment uses that are major in scale where there is evidence that there are no more suitable sites within the Employment Areas. But providing for large employment uses is the role of the Employment Areas and the sites allocated in the Plan. As I have already said, the Plan includes sufficient land to meet the identified economic development needs of the FEMA. Therefore, allowing further major development outside of the areas intended for it is unjustified and runs the risk of undermining the Plan's

intention of locating large businesses in the most suitable and sustainable locations. It is therefore necessary to remove this aspect of Policy ETC2. Replacing it with a flexible approach to small scale employment development is reasonable. Main modification **MM090** alters the policy accordingly.

606. The circumstances in which the loss of employment uses on non-allocated sites is justified are set out in Policy ETC2. Among them is where the land or premises is no longer required to meet future employment needs. However, for effectiveness reasons it is necessary to indicate how the judgement about need will be made. Main modification **MM090** requires that that be demonstrated through at least 12 months of active marketing, and **MM091/FM077** sets out further detail. In my view, all of this is reasonable and necessary.

Conclusion on Issue 8

607. Considering the above, with the main modifications put forward by the Council and as discussed above, I conclude that the Plan's provision for new economic development is justified, effective, consistent with national policy and positively prepared.

Issue 9: Whether the Plan's provision for main town centre uses is justified, effective, consistent with national policy and positively prepared

The hierarchy of town and local centres and their capacities for town centre uses

608. Policy SP4 aims to provide for an appropriate range of retail and service facilities and to protect the vitality and viability of the district's centres. To this end, it identifies a hierarchy of town and local centres where proposals for main town centre uses – as defined in the NPPF and repeated in the Plan's glossary – will be supported, subject to certain criteria.

609. The categorisation of the centres in the hierarchy is based on both telephone and street survey work. The results are unsurprising. Whilst Letchworth, Hitchin, Baldock and Royston do not compete with the likes of Luton, Stevenage or Cambridge, they are clearly the main destinations within the district for shopping and leisure activities. Recognising that function, and that of the 13 existing local centres, along with that of the two new local centres proposed in the Plan on the housing sites to the east of Luton and north of Baldock is both appropriate and justified.

610. The '*North Hertfordshire Retail Study Update*' (June 2016) [E1] ('the Retail Study') projects the district's capacity for comparison and convenience retail floorspace, as well as food and drink outlets and other town centre uses. Some of these figures are re-visited and set out in the Council's note following the hearing session in December 2017 [ED117] ('the Note'). These commercial assessments start with analysis of population, local expenditure, existing retail space, turnover, and shopping/spending patterns. The balance between expenditure and expected turnover is taken into account. They then consider population and expenditure projections alongside estimations of quantitative and qualitative need to identify surplus expenditure capacity. Taking account of the ability of vacant floorspace to meet needs, the question of how growth should be accommodated is assessed. It seems to me that

these are all relevant factors to consider, and the methodology used is robust.

611. One fundamental aim of the Plan is to ensure that the district's towns maintain their role and market share of convenience and comparison retail, and of food and drink outlets. This is a fitting objective and is consistent with the national policy of ensuring the vitality of town centres. It is not, however, made plain in the Plan as submitted, and a main modification to Policy SP4 is necessary to set this out. To achieve this goal, Policy SP4 sets out the level of floorspace to be provided for these uses. The figures quoted are based on those in the Retail Study and the Note. However, for consistency with that evidence, the amount of convenience floorspace to be provided should be 8,600 square metres rather than 8,500, and the reference to 7,000 square metres of 'other town centre uses' should be modified to 'food and beverage outlets'. It is also necessary to alter the measure of floorspace from 'm²' in the submission version of Policy SP4 to gross 'square metres'. Although a simple drafting error, these are different things.
612. There has been some confusion about the projected retail capacity of the towns and precisely how the Plan seeks to deal with this. Through the hearings and the Note, it is clear that Letchworth, Hitchin and Baldock have significant leakage in terms of spending. Baldock lacks the physical space within the centre to accommodate its projected retail capacity, and there is uncertainty around the deliverability of the proposed allocations at Churchgate and Paynes Park in Hitchin, especially in the shorter term. The Council's intention is that whilst provision across the four towns should meet the district's identified capacity overall, there should be some skewing of provision. Put simply, this would mean that the identified retail capacity of some towns would be provided for in others, primarily in Letchworth and to a lesser extent in Royston. Considering the relationships between Letchworth and nearby Hitchin and Baldock, and as this approach would ensure that the district overall would retain its market share, I consider this to be a justified and effective stance.
613. However, the Plan as submitted does not clearly articulate the situation explained in the preceding paragraph. Neither does it indicate the level of new floorspace anticipated at each of the four towns, or the provision anticipated at the new local centres proposed on the strategic housing allocations. The Council has put forward **MM017/FM050** which introduces the clarity necessary for effectiveness to Policy SP4. It also includes the other modifications I have concluded are necessary in the preceding paragraphs. The further explanation set out in **FM051, MM018, MM255, MM256, MM306** and **MM403** is also necessary for effectiveness.
614. Notwithstanding all the above, I have some concerns about the retail capacities identified. As the Council itself points out, retail projections are rarely reliable beyond five years, and the Retail Study is now beyond that vintage. In addition, it strikes me that there have been notable changes in the national economy since the Retail Study was produced. Any effects on retailing and other town centre businesses resulting from either the United Kingdom's exit from the European Union or the Covid 19 pandemic have not been reflected in the projections. That is no criticism of the Council or its work – these factors could not have been accounted for at the time.

615. Nonetheless, I consequently agree with the Council that the uncertainty involved should be reflected in the Plan. It is necessary for the Plan to acknowledge the uncertainty and commit to the production of updated retail studies. The site allocation policies should include a caveat that town centre use floorspace requirements are subject to an up-to-date assessment of capacity and supply. Most fundamentally, the Council's commitment to a review of the Plan by the end of 2023 should include a pledge that the review will have particular regard to the identification of the needs for retail, leisure, office and other main town centre uses, among other things. Main modifications **MM021/FM055**, **MM262/FM131**, **MM263/FM132**, **MM310/FM153**, **MM311/FM154**, **MM312/FM155** and **FM190** introduce suitable changes accordingly. It is only on the basis of these modifications that I consider the main town centre use capacities and provision set out in the Plan to be justified.

616. Supporting Policy SP4, paragraph 4.48 of the Plan says that "*further allocations and broad locations are identified within our main towns ...*". However, the policies map does not identify any such broad locations for the purpose of Policy SP4, and this is not the Council's intention. This reference to broad locations should therefore be deleted. Main modification **MM022** does this and is therefore required.

The Plan's approach to meeting the need for main town centre uses

617. National policy is clear the identified need for main town centre uses should be met through the allocation of land. That is precisely what the Plan sets out to achieve.

618. Two primary strands of supply are included in the Plan – site allocations that are specifically aimed at delivering town centre uses as part of a wider mix of uses, and the provision of main town centre uses within new neighbourhood centres required on the strategic housing sites identified in Policy SP8. That is an appropriate path to take and is consistent with national policy.

The proposed site allocations

619. Sites in Letchworth (Sites LG19, LG20 and LG21), Hitchin (Sites HT11 and HT12) and Royston (Site RY12) comprise the former strand and collectively would provide most of the land. The site selection process has been similar to that for choosing employment sites. In short, all the sites put forward have been considered by the Council. All of those regarded as reasonable alternatives have been assessed through the Sustainability Appraisal and constraints have been taken into account, as have the Town Centre Strategies for each of the towns. Judgements have been made in the light of all this and the adopted Town Centre Strategies, and the reasons for selecting or rejecting sites are set out in the '*Retail and Town Centres Background Paper*' (September 2016) [E2]. By and large, lack of availability has proved a decisive factor. In my view including sites which are not available for the proposed use would not be justified or effective.

620. All in all, site selection has been undertaken in an appropriately straightforward manner proportionate to the task. From the retail and town centres background paper and bearing in mind the analysis in the Sustainability Appraisal, I consider the sites selected to be the most

appropriate options.

621. That said, I recognise that there are questions around deliverability in relation to the proposed allocations, perhaps most particularly in respect of Hitchin and Site HT11 at Churchgate. I have heard and read much evidence about this, and it is apparent that the situation is long running and rather complicated, involving various issues such as leasing arrangements, car parking and the operation of Hitchin market. Furthermore, and perhaps more fundamentally, it is apparent that the adopted Town Centre Strategies have had influence in the process. Rightly so, in principle. But none of these are recent. All pre-date the Retail Study by some considerable time – the most up to date is that for Royston, which was adopted in June 2008. Bluntly put, the Council's evidence and thinking about the district's town centres – at least insofar as it is expressed in these strategies – is outdated.
622. The Council recognises this. It has put forward **MM017/FM050**, **MM019/FM052** and **MM313** committing to commencing work on the preparation of new Town Centre Strategies within twelve months of this Plan's adoption, to using these to inform the approach to town centres through the early review, and to monitoring and reviewing these strategies throughout the life of the Plan. It has also committed to initiating a concept framework/masterplan to address the requirements of the Churchgate and Payne's Park sites in Hitchin. Main modifications **MM258**, **MM260**, **MM262/FM131** and **MM263/FM132** embed the production of the concept framework/masterplan in Policies HT11 and HT12 and their supporting paragraphs and introduce other appropriate alterations to them.
623. As submitted, the policies allocating the proposed sites, and the paragraphs supporting them, refer to the provision of main town centre uses and some all-ward residential accommodation on upper floors. The Council has put forward main modifications (**MM257**, **MM259**, **MM262/FM131**, **MM263/FM132**, **MM310/FM153**, **MM311/FM154**, **MM312/FM155**, **MM314** and **MM404**) seeking redevelopment led by main town centre uses and introducing the possibility of residential development on upper floors for all the sites and on basement floors where applicable. In my view, these changes introduce greater flexibility in terms of uses – there is no compelling reason to rule out elements of residential development – and will ensure a more holistic approach to development on these sites. That is necessary for effectiveness, especially considering the uncertainty involved here. From the evidence, I agree that a site-specific flood risk assessment is also needed in relation to Site LG19. Main modification **MM310/FM153** introduces this requirement and is needed for effectiveness.
624. The modifications referred to in the preceding paragraphs ensure that the Plan includes a framework for allowing town centre uses to come forward in the shorter term whilst also enshrining within it a more positive and proactive route forward. This is critical to the justification for the proposed allocations. Although far from ideal, it is the most appropriate response in the circumstances. Demanding that this work be done through this examination would lead to yet further delay including to the progress of housing delivery and would be disproportionate and unwarranted.
625. I have previously discussed traffic issues in Hitchin and the Council's plans for

tackling them. It is appropriate that schemes for main town centre uses in the town should contribute to the solutions, including walking and cycling projects which aim to influence 'modal shift'. Main modification **MM264** adds this requirement and is necessary for effectiveness.

626. I note the concern that allocating Sites LG19, LG20 and LG21 could prevent other schemes coming forward in Letchworth until the review process has taken place. But I see no particular reason why acceptable schemes should be thwarted. To ensure that they are not, the Plan should spell this out. Main modification **MM313** does this and is necessary for effectiveness.

The provision for main town centre uses on strategic housing sites

627. It is clear to me that the strategic housing sites should provide local neighbourhood centres, as the Council proposes. These sites are of such significant scale – between 600 and 2,800 new homes – that some residents, particularly those occupying the outer reaches, would otherwise be undesirably distant from day-to-day shopping and other local services and facilities. The centres for the two largest sites – at Baldock and to the east of Luton – should include a wider range of retail facilities, and **MM020/FM054** is necessary to clarify this.

628. In addition to addressing the scale of floorspace needed, the Plan also sets out to tackle the question of the type of floorspace. District-wide figures for comparison and convenience goods, and for other town centre uses, are set out in Policy SP4. At the site-specific level, though, different types of uses are generally not disaggregated. The intention here, as I understand it, is that this would allow flexibility depending on both the detail of the schemes that come forward and the prevailing market. That is a legitimate stance, in principle.

629. Policies relating to the two largest strategic housing sites, being Site BA1 for 2,800 houses in Baldock and Sites EL1, EL2 and EL3 which, in effect, combine to form one site for 2,100 homes in total to the east of Luton, already set parameters regarding the types of different town centre uses required. Because of their scale and the consequent distance of more peripheral homes from existing shops and other facilities, I consider the greater degree of direction appropriate to ensure a wider range of uses are provided.

630. Overall, taking account of all the sources of land identified by the Council, I consider there to be a reasonable likelihood that the provision needed for main town centre uses, being that set out in Policy SP4 as modified, could be met. In any event, given the process of reviewing both capacity and provision embedded within the Plan through the modifications I have described above, I regard the Plan to be adequately justified and effective in this respect.

The town centre boundaries and the primary and secondary shopping frontages

631. The policies map defines town centre boundaries and, within them, primary and secondary shopping frontages. This is necessary for the operation of Policies SP4, ETC3, ETC4 and ETC5, and represents an appropriate approach consistent with national policy.

632. As I understand it, the precise delineation of these boundaries and frontages has been arrived at drawing on a range of evidence sources, including the district's Local Plan adopted in 1996, the Town Centre Strategies and, perhaps most pertinently, from site visit and survey work. The Retail Study also considers the demarcation of the town centre boundaries and shopping frontages. The aim here has been to define the concentration of current main town centre uses to inform and set suitable locations for new uses. Although this exercise has involved professional judgements about precisely where to draw the line – literally in this case – that is unavoidable in a task of this kind and is no drawback.
633. Overall, I regard the approach taken by the Council to be sufficiently robust. In the light of this, and from my site visits, I am satisfied that the Plan's policies that identify the boundaries and frontages defined on the policies map are adequately justified for the purpose of this Plan.
634. However, the concerns I have already expressed about the datedness of the Retail Study and the Town Centre Strategies apply equally in relation to the setting of the town centre boundaries and the primary and secondary frontages. However, as I understand it, it is the Council's intention that these should be re-visited as part of the production of new Town Centre Strategies and the review of the Plan's approach to the town centres. I am of the firm view that they should be.

Development management policies

635. Policy ETC3 sets out the criteria against which applications for main town centre uses will be assessed. It is necessary to clarify that the uses in question are those set out in the Plan's glossary, to ensure the policy is effective. Criterion b. requires the submission of impact assessments "*based on locally set thresholds*". For consistency with the NPPF this should be modified such that impact assessments are only demanded where the development is outside of any town centre. The locally set thresholds are set out in paragraph 5.19 of the Plan. However, it would improve the effectiveness of the policy to include those thresholds within it. For the same reason, the Council's intention to use planning conditions or legal agreements to limit uses to ensure that the provision of main town centre uses identified in Policy SP4 (as modified) are met, should be included within the policy. Main modifications **MM092/FM078**, **MM094** and **FM081** set out all these changes and are therefore necessary.
636. The NPPF specifically allows the use of locally set thresholds of this sort. Those proposed here stem from the Retail Study. I agree that considering the scale and relative health of Hitchin town centre, it would be difficult to justify a threshold lower than the NPPF's default of 2,500 square metres. Bearing in mind the relative sizes of the other three centres and the higher vacancy rates in Letchworth and Royston, the 1,000 square metre threshold proposed for Letchworth and the 500 square metre threshold assigned to Baldock and Royston are all justified.
637. Paragraph 5.13 of the Plan aims to explain the preferences for the location of main town centre uses under the 'sequential approach' set out in the NPPF. However, for consistency with national policy, no distinction should be made

between the primary and secondary frontages and elsewhere within the defined town centres, and the latter should also be the first preference for leisure facilities. Main modifications **FM079**, **MM093/FM080** and **MM407** rectify these inconsistencies and are therefore necessary.

638. Policies ETC4 and ETC5 set out criteria to be applied to applications for development in the primary and secondary shopping frontages respectively. As with Policy ETC3, references in each to town centre uses should be clearly linked to the definition in the Plan's glossary. Both policies state that some specified main town centre uses will be granted planning permission but that permission for others will only be granted "exceptionally" and provided that certain other criteria are met. I see no reason for the former caveat, given the latter stipulations. Main modifications **MM095/FM082** and **MM096/FM083** provide suitable remedy to all these matters and are therefore needed to ensure that the two policies are justified and consistent with national policy.
639. A further modification to Policy ETC4 is also necessary. This is to clarify that main town centre uses other than retail will be allowed in the primary shopping frontages so long as the use would not detract from the centre's vitality and viability or undermine its daytime function. Main modification **MM095/FM082** achieves this and is therefore also needed in this regard.
640. Paragraph 5.25 of the Plan explains when evidence about predicted footfall, opening times and linked trips will be required as part of planning applications. For effectiveness, it is necessary to clarify that this relates to applications seeking to meet part b. of Policies ETC4 and ETC5, and to make it clear that the reason for this evidence is to assess the impact of the proposed development on the daytime function, vitality and viability of the shopping frontage. This illumination is set out in **MM098/FM087**.
641. As submitted, paragraph 5.25 of the Plan required a shop unit within the primary and secondary shopping frontages to have been vacant for six months before a change of use to one of the other main town centre uses listed in part b. of both policies would be permitted. The Council now suggests that one year would be a more appropriate period. I agree that this would provide a more robust test. It would help to avoid the loss of shops that could, given time, prove viable and successful. Main modification **MM098/FM087** alters this time period and is consequently necessary for effectiveness.
642. Policy ETC6 sets out the criteria to be applied to applications for development in local centres. For effectiveness, it is necessary to clarify that this also applies to those local centres proposed on the strategic housing sites allocated in the Plan. Main modification **MM099/FM088** does this and is therefore needed in this regard.
643. As submitted, this policy demands that the majority of units in local centres are and remain in retail use. However, it seems to me that this degree of prescription is unjustified. Whilst one or more shops is a key ingredient of a thriving local centre, so too is the provision of a mix of other main town centre uses. Main modification **MM099/FM088** alters the wording, introducing a greater degree of flexibility and placing the onus on meeting day-to-day needs and ensuring the vitality and viability of the local centre concerned. That is a

more appropriate policy response and is necessary for the policy's effectiveness.

644. I recognise that paragraph 5.29 of the Plan says that "*a predominance of shops is considered to be necessary ...*". But to my mind a 'predominance' of shops is not the same as most units within the centre being shops – for example, one local supermarket could lead to a predominance of retail use in a local centre. However, local retail needs should be met as a priority and to be effective the Plan should be unambiguous on that point. Main modification **FM089** adds text to this effect and is therefore needed.
645. Supporting Policy ETC6, paragraph 5.32 indicates that other uses may be appropriate in local centres, such as surgeries or other community and leisure uses, where they would meet a local community need. That strikes me as an appropriate position to take. While the Council has put forward a main modification to delete this paragraph, I consider this to be unnecessary.
646. Policy ETC7 sets out criteria for considering proposals relating to local community shops and services that are not in local centres. As submitted, it allows small scale shops and services within existing settlements. I regard this to be an appropriate stance. However, to ensure that the policy is properly effective, it is necessary to introduce greater certainty about the term 'small scale'. Reflecting the threshold in the Use Classes Order, 280 square metres represents an appropriate level. To ensure flexibility and allow for the application of professional judgement, this should be used as a guide rather than a stringent rule. In addition, to ensure that such new units are appropriately located, they should be within defined settlement boundaries, within the built core of Category B villages or, in the case of Category C settlements, the 'rural exception' criteria in Policy CGB2 – which I consider later in this report – should apply.
647. This policy also aims to prevent the loss of shops, services or facilities unless there is another such use "*within a convenient walking distance*" or where the unit in question has been vacant for a year or more. In my view, this is a reasonable objective. For effectiveness reasons, though, the walking distance referred to should be defined. I concur that the 800 metres suggested by the Council is reasonable. Moreover, it would be unreasonable to resist the loss of premises where the use is demonstrably no longer required to meet local community needs. Evidence of unsuccessful active marketing should be shown to establish this and demanding that this be undertaken for at least 12 months is appropriate and will assist the policy's effectiveness.
648. Main modifications **MM100/FM092**, **MM101** and **MM408** include all the changes discussed above. For the reasons given these modifications are necessary.
649. Tourism related development is covered by Policy ETC8. This policy is supportive of such development. While that is appropriate, there is no justification for allowing tourism related development as an exception to the sequential test in Policy ETC3. Moreover, there is no reason why tourism schemes should be required to show why they could not be accommodated within existing settlements. Rather, the NPPF says that planning policies should enable sustainable rural tourism and leisure developments which

respect the character of the countryside. It says that policies should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. This element of Policy ETC8 should therefore be deleted. Main modifications **MM102** and **MM103** alter the policy and paragraph 5.41 supporting it accordingly. They are necessary to ensure consistency with national policy and effectiveness.

Conclusion on Issue 9

650. Considering the above, with the main modifications put forward by the Council and as discussed above, I conclude that the Plan's provision for main town centre uses is justified, effective, consistent with national policy and positively prepared.

Issue 10: Whether the housing and other development proposed in the Plan is deliverable, having regard to the infrastructure requirements and other policy obligations

651. Based on the Council's assessment of infrastructure requirements, the Plan's policies allocating land for development include site specific demands for the provision of various types of infrastructure. This transparent approach aids certainty and effectiveness. However, the NPPF is clear that local plans should be deliverable. While the Plan should ensure that it provides for the infrastructure necessary to deliver the development identified, the costs of that infrastructure and meeting other policy obligations in the Plan should not threaten viability. It is consequently necessary to consider the robustness of the assessment of infrastructure requirements, and the effect of the cost of providing it on the viability of the development planned for, taking account of other policy requirements in the Plan.

The assessment of infrastructure requirements

652. The Council's Infrastructure Delivery Plan has been updated during the examination, and the latest iteration is the January 2018 Update [ED73] ('the IDP'). This considers the full range of potential infrastructure likely to be needed to enable the growth anticipated in the Plan, and specifically considers the baseline requirements in relation to highway improvements. An Infrastructure Delivery Schedule ('the IDS') is set out in Appendix 1 of the IDP.

653. It is clear from the IDP and the hearing sessions that consultation and dialogue has been ongoing between the Council and the key infrastructure providers. This has informed both the IDP and the IDS. The latter lists the infrastructure identified as necessary, and provides an estimate of the likely costs, funding sources, delivery partners and timescales.

654. In addition to this, the Council produced an '*Infrastructure Table*' (November 2017) [ED74], which it subsequently updated in 2018 [ED142] and in its 2020 hearing statement. These show each of the proposed housing allocations, the year-on-year level of housing delivery from each, along with the specific infrastructure required and the timing of its delivery relative to the associated housing. Several Statements of Common Ground between the Council and

site promoters have been provided, agreeing the infrastructure needed in relation to the Plan's strategic allocations on a site-by-site basis.

655. I recognise that the Infrastructure Table does not include windfall sites. However, as I see it, it need not. The overall level of windfall delivery anticipated is not so significant in scale, and it is likely that it would be more dispersed around the district rather than in one place where it might materially increase pressure on local infrastructure. In any event, any infrastructure improvements necessary to make any given windfall site acceptable can be secured through legal agreements or planning conditions through the planning application process.
656. Overall, the Council's evidence sets out what infrastructure is needed, where and when it is needed, how it will be delivered and who is expected to pay for it. In my view, these documents and the evidence underpinning them amount to a detailed 'deep dive' assessment of the district's infrastructure needs. Involving infrastructure providers and site promoters as the Council has done is a laudable approach which lends confidence that the delivery of necessary infrastructure has been properly thought through.

Viability

657. Paragraph 173 of the NPPF says that the judgements to be made about viability are whether:
- a) the normal development costs, and the costs arising from policy and other requirements have been accounted for;
 - b) there will be a competitive return for a willing landowner and willing developer; and, taking account of all this, whether
 - c) the viability of the development will be threatened.
658. Viability has been considered through the plan making process. A viability assessment was produced in November 2014 based on the emerging preferred options for the Plan. Building on this work, the Local Plan Viability Assessment – Update (August 2016) [TI2] ('the Viability Update') supports the Plan as submitted. The Local Plan Examination Addendum (Viability) (Proposed Policies HS4 and HS5) (January 2018) [ED072] ('the Viability Addendum') has also been produced by the Council.
659. The Viability Update is based on the residual valuation method. To summarise, for a range of modelled development site scenarios, or 'typologies', development costs are subtracted from completed sales values to arrive at a residual value. This is compared with a benchmark value, referred to as the threshold land value. The threshold land value is the value required for the land to come forward for the development concerned. This sort of methodology is commonly used to support local plans, and I consider this an appropriate approach.
660. From information sources such as the Land Registry, Rightmove and Zoopla, it is apparent that there is a significant variance in house prices across the district. The Viability Update sets eight house value levels to reflect this. Each of the site typologies have been tested against each of these value levels.

This satisfactorily ensures that the house type mix and geographical distribution of new residential development planned for is adequately considered.

661. Numerous assumptions are made in relation to key factors influencing the residual value. Building Cost Information Service (BCIS) data has been used to inform build costs. The figures have been re-based to reflect costs in North Hertfordshire. To account for external works, 10% has been added to the BCIS build cost and for small sites an allowance of £4,500 per dwelling has been used. A build cost contingency of 5% has been added, and so too has an additional 2% of build costs to support sustainable design and construction. Marketing and sales costs are assumed at 3% of the gross development value (GDV), and £750 per unit is included for legal fees.
662. In respect of planning obligations, £3,000 per dwelling plus £100 per square metre has been used as a fixed cost assumption. The Council says that this is based on what is happening locally and experience of the local obligations regime.
663. Also included is an assumption that schemes will be wholly debt financed at a rate of 6% interest until the point at which the return is sufficient to support the development costs. To put it another way, no allowance is made for equity at the point of commencement. This is a cautious presumption and is appropriate.
664. Developers' profit is set at 20% of GDV for market housing and 6% for affordable housing. It is reasonable to distinguish between the two in this way.
665. It is clear that the Plan's policies have been taken into account, notably in relation to affordable housing and the accessible and adaptable housing. Regarding the latter, the Viability Addendum makes sure that both strands of Policy HS5 are considered – that is, the 'tightest' point at which both sets of requirements apply.
666. Overall, it is clear to me that the range of relevant costs have been considered and that both the value levels and costs used are based on relevant and adequately reliable sources of information. Moreover, it strikes me that an appropriate degree of caution has been exercised – for example, through the assumption about debt financing – and that the undertaking of this 'high level' appraisal work has included a decent dose of realism.
667. While the Viability Update includes site-specific appraisals for four of the six strategic sites, the remainder of the sites proposed within the Plan are not explicitly considered in the modelling. However, I do not regard that as a problem. The scheme typologies and site sizes (in terms of number of dwellings) broadly reflect the residential developments planned for and anticipated during the plan period, and a good range of potential development scenarios have been considered.
668. The outputs of the appraisals are set out in Appendix II of the Viability Update and the appendix attached to the Viability Addendum. On the whole, the tables presented paint a positive picture of development viability in the district. While some types of development in some parts of the district are

shown to be unable to bear the full policy requirements, most are. As I see it, there is little here to indicate that the viability of the housing development set out in the Plan will be threatened. By and large, on the evidence, it is reasonably probable that it will not be.

669. That said, it is important to bear in mind that appraisals of this kind are very 'high level'. They are based on a wide range of assumptions and are sensitive to many of the assumed inputs. The work undertaken here does not purport to reflect properly the full realities of developing sites. While perfectly adequate for the purpose of plan making – that is, the intended purpose – one should not rely on the outputs of the appraisals without question or take them as absolute proof of viability. A measure of circumspection is prudent.

670. Consequently, it is important that the Plan's policy demands – at least, those with the potentially most significant impacts on development viability – are framed to allow for the consideration of viability issues. This is necessary for effectiveness, to ensure that developments are not rendered unviable by policy burdens. Main modifications **MM032** and **MM034** amend Policy SP7 and paragraph 4.83 of the Plan accordingly. Main modification **MM125**, which adds a 'viability clause' to the affordable housing requirements in Policy HS2, is therefore also necessary. Main modifications **MM145** and **MM179** ensure that viability issues are taken into account when applying the Plan's sustainable design and drainage requirements. For the reasons set out, that is an appropriate and necessarily flexible approach.

Conclusion on Issue 10

671. Considering the above, with the main modifications put forward by the Council and as discussed above, I conclude that the Plan is based on a sound assessment of infrastructure capacity and requirements, and the implications for the deliverability of strategic housing growth. In this respect I regard it to be adequately justified and effective.

Issue 11: Whether the Plan's provision for safeguarded land is justified, effective, consistent with national policy and positively prepared

672. The NPPF says that when defining Green Belt boundaries local authorities should, where necessary, identify in their local 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. Policy SP8 identifies one such area. It "*seeks to provide long term certainty by safeguarding land to the west of the A1(M) at Stevenage for up to 3,100 dwellings in the period beyond 2026 subject to a future review of this Plan*". This safeguarded land abuts the western edge of Stevenage and is currently in the Green Belt. The question of the existence or otherwise of the exceptional circumstances necessary for the alteration of the Green Belt boundaries involved is at the heart of the justification for including it in the Plan.

673. I have previously described the acuteness of the need for new housing and the pressing need for employment development in the district. There is no formal assessment of the need for housing beyond the plan period. However, it strikes me as highly likely that the need for new homes will continue to bring significant pressure to bear here and in the wider HMA. This Plan 'steps up to the plate' in terms of meeting needs. But it only achieves this until 2031 – a

period of nine years, which is short of the ten or fifteen years of supply indicated in the NPPF. It is highly likely that the Council will need to bring further land forward at that point.

674. It is possible that the early review of the Plan may reveal a more urgent situation. The Plan only provides a rolling five-year supply of land for housing on the basis of the 'three-stepped Liverpool approach' which, as I have said, is a situation that cannot be prolonged. The need to continually demonstrate a five-year housing land supply will undoubtedly add to the difficulties.
675. Moreover, it is apparent that the need for housing and economic development is pressing across the wider Stevenage HMA. While the Stevenage Local Plan does meet its identified housing need, that plan also runs only until 2031. This Plan has already assisted in meeting Stevenage's need for employment land.
676. There are significant constraints on supply in North Hertfordshire and the wider HMA. This district is largely rural and a significant portion of it is in the Green Belt. The Plan introduces new Green Belt land. There are sound reasons for this which I set out later, but this nonetheless adds to the future challenges.
677. The Stevenage built edge is at the limits of the local authority area in several locations. In others the town effectively crosses the administrative limits, such as at Great Ashby. This is a significant constraint for Stevenage Borough Council. In terms of plan-making beyond 2031, it seems to me there is a strong likelihood that North Hertfordshire will again be asked to assist with future development needs under the Duty to Co-operate.
678. In terms of future plans, then, the options for growth are somewhat limited. The Council is clearly committed to exploring new settlement options – but that is unlikely to be a swift process leading to early delivery. In this regard, the safeguarded land would provide a further option for consideration. Given the limited range currently foreseeable, that is a distinct advantage.
679. So far as I am aware, there are no alternative options for safeguarding land – of any meaningful scale at least – that are not in the Green Belt. The land in question here is recognised in the SHLAA as a suitable location for potential development. It is quite close to one of Stevenage's main employment areas and is not distant from the town centre and railway station.
680. The Green Belt Review Update concludes that this area of land makes a significant contribution to the purposes of including land in the Green Belt. However, this Plan does not propose that it should be developed, only that it should be removed from the Green Belt and safeguarded. Although the land would no longer be in the Green Belt it would be protected from development as safeguarded land and would remain open for the plan period.
681. Taking account of all this, I consider that it is justified to include safeguarded land in this Plan and that the exceptional circumstances necessary to warrant 'releasing' the area proposed from the Green Belt do exist.
682. However, I see no reason why this Plan should seek to specify the type and quantum of any future development on the land. As I understand it,

Stevenage Borough Council argues that this Plan should specify that the land is safeguarded to meet the future development needs of Stevenage. To my mind, prescription of this kind would rather 'jump the gun'. Much will depend on the needs and land supply in future plan-making, both in North Hertfordshire and in Stevenage, and any agreements reached through the Duty to Co-operate or any successor arrangements. In this context, it is most appropriate for this Plan to avoid pre-emptive direction, and there is no justification for any greater degree of specificity. Main modification **MM035/FM057** removes the reference to 3,100 dwellings in Policy SP8 and replaces it with alternative suitable wording accordingly.

683. Whilst Policy SP8 refers to safeguarding the land identified and paragraph 4.104 says that the Plan safeguards it for future use, there is nothing that makes it explicitly clear that it is not land for development. Main modification **MM042** rectifies this and is necessary for both the justification for 'releasing' the land from the Green Belt and for effectiveness.

684. Some suggest that this land should be allocated for development in the Plan, either as an alternative to one or more of the allocations proposed or in addition to them. I disagree. It is apparent that there are some delivery issues to be overcome, notably in relation to access which will involve crossing the A1(M). Land to the east in Stevenage is allocated for housing through Policy HO2 of the Stevenage Local Plan. That requires the development there to demonstrate that it can be expanded into this safeguarded land in the future. It is therefore evident that development on the safeguarded land is dependent on that site coming forward. Moreover, the Council, Stevenage Borough Council and the majority of landowners concerned have agreed through a Statement of Common Ground [ED71] that identifying it as safeguarded land is the most appropriate path at the present time. I concur. It will provide greater certainty for future plan-making and will help incentivise investigation into tackling the barriers to future delivery.

Conclusion on Issue 11

685. Considering the above, with the main modifications put forward by the Council and as discussed above, I conclude that the Plan's provision for safeguarded land is justified, effective, consistent with national policy and positively prepared.

Issue 12: Whether the Plan's provision for new Green Belt land is justified, effective, consistent with national policy and positively prepared

Exceptional circumstances in relation to identifying additional land as Green Belt

686. The Green Belt in North Hertfordshire is part of the Metropolitan Green Belt around London. It covers most of the district. To the west is a band of Green Belt around Luton. Much of the eastern part of the district comprises Green Belt around the Stevenage, Hitchin, Letchworth and Baldock areas. However, these two expanses of Green Belt are separated by a relatively narrow, long swathe of land that is not Green Belt. This strip – the width of which, according to the Council, ranges from between just over one mile to nearly three miles – is predominantly countryside but includes a number of settlements, including Great Offley, Preston and Whitwell. This is shown on the *Current Green Belt Map* [ED44a]. As illustrated on the *Proposed Green*

Belt Map [ED44b] and shown on the policies map, the Plan proposes to include this swathe within the Green Belt. To my mind, the combination of several factors leads to the existence of the exceptional circumstances needed to justify this.

687. I have already described the intense need for housing in the district. It is apparent that the situation in neighbouring authorities is similar, and the pressure for new housing in this part of the country is acute. There is no reason to suppose that this is likely to wane in the future, beyond the plan period. To ensure that Green Belt boundaries are capable of enduring beyond then, it is reasonable and consistent with national policy to consider whether land that is not Green Belt actually performs Green Belt purposes.
688. That is precisely the exercise undertaken by the Review. For the purpose of analysis, it divides the area considered into smaller parcels. Each is considered against four of the five purposes of including land in the Green Belt. It does not assess the fifth purpose for reasons I have already explained, and I consider the stance taken to be reasonable.
689. The Review's analysis is geographically limited to the countryside between the two existing areas of Green Belt in the district. It does not consider the area ultimately identified in the Plan as the Rural Area Beyond the Green Belt. That is because this is a significantly more remote part of the district where pressures for growth are less and where the land has less potential to contribute to Green Belt purposes. In my view, that is an appropriate and proportionate approach.
690. All in all, I regard the Review's assessment of the swathe of land in question to be robust. While it relies on professional judgements, they are arrived at through addressing a consistent set of criteria and the opinions reached have been informed by site visits.
691. For the new Green Belt area proposed in the Plan, the Review concludes that all the constituent parcels would make a moderate contribution to Green Belt purposes overall. However, all the parcels are judged to make a significant contribution in relation to the purpose of safeguarding the countryside from encroachment. As I see it, these conclusions underpin the justification for the new Green Belt proposed.
692. Stepping back and looking at this at the strategic scale, this ribbon of countryside is generally open. Considering this, and its position between the built-up areas of Luton and Stevenage/Hitchin, its openness does contribute to checking unrestricted sprawl and preventing these towns from merging. Indeed, the Review concludes that "*In particular, the parcels to the south of the A505 Luton to Hitchin dual carriageway which are directly between the towns of Hitchin and Luton and Luton and Stevenage could perform a key role in maintaining the separation of these towns*". This refers to the area in question, and I concur with this analysis.
693. According to the Council, the Green Belt to the eastern edge of Luton is typically less than 2.5 miles wide. Around Hitchin's western edge it is less than 0.75 miles wide in places. In short, neither has an especially wide Green Belt. Adding the remaining land between them to the Green Belt would bolster the ability to maintain the separation of these two towns and help to

retain the openness of the land dividing them.

694. The fundamental point here is that this land serves Green Belt purposes. It is, therefore, most appropriate that it be identified as Green Belt. To do otherwise would risk eroding the Green Belt functions performed by it. Understandably, unlike the Green Belt policy regime, the Plan's 'normal' development management policies do not seek to protect openness by restricting certain types of development, and do not set out other policy demands specifically related to openness. Realistically, only the imposition of Green Belt policy can assure the continuation of the openness of the area and the role this plays in restricting sprawl, preventing the merging of towns and especially in checking countryside encroachment.
695. It strikes me that the degree of pressure for new housing in the district, both from within North Hertfordshire itself and areas beyond, is a significant change in circumstances since the present Green Belt boundaries were set. It is highly doubtful that pressure of this magnitude was foreseen at that point in time. Either way, against this background, it seems to me that adding to the width of the existing Green Belt as proposed would help to counter the pressure for new housing development or, perhaps more accurately, redirect it to preferable locations.
696. On this point, the approach is wholly harmonious with the Plan's housing strategy. Indeed, as I see it, simultaneously directing new development to the most sustainable settlements while severely restricting development in less sustainable areas – such as this swathe of open countryside – amounts to a twin pronged, cohesive strategy for achieving sustainable development. It would contribute towards meeting related, more specific objectives set out in the NPPF, such as ensuring the vitality and viability of centres, and promoting sustainable communities and sustainable transport.
697. Finally, it is apparent that the proposed Green Belt boundary alterations would be consistent with the development plans of adjoining local authority areas. The new area of Green Belt created would only abut one neighbouring local authority – Welwyn Hatfield Borough Council – along the short stretch of its southern boundary. At this point, the land in Welwyn Hatfield is also identified as Green Belt, such that this new addition would represent a northwards extension of it.
698. I recognise that this will result in settlements, individual buildings and gardens or other associated land being brought into the Green Belt. Extensions, new buildings and other developments will be subject to more stringent controls than those presently in place. But that is the whole point here – to apply Green Belt policy to ensure the continued openness of the general area. The inclusion of existing buildings and associated land in this policy regime will help to achieve this aim. In any case, there is no indication in national policy that Green Belt boundaries cannot or should not be re-drawn to incorporate existing properties or land related to them. Indeed, the NPPF explicitly recognises that there are buildings in the Green Belt.
699. The Plan does exclude some settlements from the new Green Belt. I have considered this under Issue 5 in relation to the setting of settlement and Green Belt boundaries.

700. Overall, taking into account the above factors, I consider that the exceptional circumstances necessary to add land to the Green Belt by altering the Green Belt boundaries as proposed do exist.

701. Two of the parcels considered through the Review are not proposed for inclusion as new Green Belt in the Plan. Parcel H is assessed as making only a limited contribution to Green Belt purposes overall, and on this basis I concur that its inclusion would be unjustified. Parcel G is considered to make a moderate contribution overall. Whilst that is the same outcome as the parcels that are included in the proposed new Green Belt, the primary difference here is that this land lies within the Chilterns AONB. As such, it is already covered by significant policy protections in relation to new development. Paragraph 82 of the NPPF is clear that if proposing a new Green Belt, the local planning authority should demonstrate why normal planning and development management policies would not be adequate. I concur with the Council that those policies which are relevant to the AONB – particularly Policy NE3 – would be sufficient and, consequently, it would be inconsistent with national policy to include this parcel. Moreover, this area lies to the north of the A505. This road creates a clear and unambiguous defensible boundary for the new Green Belt proposed, and there is no evidence to suggest that another boundary within Parcel G would be more appropriate.

Conclusion on Issue 12

702. Considering the above, with the main modifications put forward by the Council and as discussed above, I conclude that the Plan's provision for new Green Belt land is justified, effective, consistent with national policy and positively prepared.

Issue 13: Whether the policies relating to the Green Belt, Rural Areas Beyond the Green Belt and Urban Open Land are justified, effective, consistent with national policy and positively prepared

703. Policy SP5 provides the Plan's strategic steer in relation to the countryside and the Green Belt. Among other things, it introduces onto the policies map both the Green Belt proposed in the Plan and the Rural Areas Beyond the Green Belt. All of this is appropriate.

704. However, it says that only development that is not inappropriate will be permitted in the Green Belt. For consistency with the NPPF it is necessary to clarify that this is the position unless very special circumstances exist. Main modification **MM023** achieves this.

705. Some local plans set out a suite of policies regarding Green Belt that, by and large, repeat paragraphs in the NPPF. That is not the case here. Aside from the very broad approach to inappropriate development mentioned in the preceding paragraph, the Plan instead relies on the application of national policy. That is a reasonable response and I see no reason why this approach should not be effective. Although paragraph 6.3 explains this, paragraph 4.56 – which supports Policy SP5 – says that proposals will be considered against national guidance. For effectiveness, this reference to guidance should be changed to refer to policy. Main modification **MM025** makes this modification and is there needed.

706. In relation to the identified Rural Areas Beyond the Green Belt, Policy SP5 says that a "*policy of restraint*" will operate. For effectiveness, it should be explained that this will be brought about through the application of the related policies in the Plan. Main modifications **MM023** and **MM027** add appropriate text covering these points and are therefore necessary.
707. In the Rural Areas Beyond the Green Belt, Policy CGB1 provides much of the 'restraint'. It allows development of different kinds in certain circumstances, for example where it is necessary for the needs of agriculture or is a modest scheme for rural economic development or diversification. On the whole, the criteria of this policy are reasonable. They do not, though, seek to cover every type of development in detail. Consequently, it is necessary for the Plan to be unambiguous about this and to be clear that where schemes fall within one or more of the types of development mentioned in this policy then other policies in the Plan specific to the kind of development proposed will also apply. Main modification **MM106** provides appropriate remedy in these respects.
708. It is, though, necessary for effectiveness to avoid confusion between these areas and 'rural areas' as referred to in national policy. They are not necessarily the same thing. Main modification **MM105** explains this and is consequently needed for effectiveness.
709. Criterion a. of Policy CGB1 relates to 'infilling' development in Category B villages. The intention is that the built core of these settlements should not be expanded by such development. I agree that infilling development should not result in any expansion of the existing built core, but the policy does not directly prevent this. Main modification **MM104** introduces modified wording to make it effective in this regard. It also modifies criterion b. which, as submitted, allows 'rural housing' which meets a proven local need. This gives rise to the question of what constitutes rural housing. It is intended that this should be restricted to affordable housing. In my view, allowing affordable housing in the Rural Area Beyond the Green Belt would be justified, so long as it is in an appropriate location. Main modification **MM104** makes this clear and is required to render the policy justified and effective on this point.
710. As submitted, Policy CGB2 was entitled 'exception sites in rural areas' and set out the circumstances in which community facilities, services and affordable housing would be permitted. It was intended to apply in both the Green Belt and the Rural Area Beyond the Green Belt. However, in a number of ways the policy as submitted is not consistent with national policy concerning Green Belt and is attempting to address too many scenarios, rendering it confusing and ineffective. In relation to Category C settlements, it sought to restrict development to locations within the settlement concerned. But that was not the intention in respect of affordable housing where exception sites on the edge of settlements, but outside the settlement boundary, might be permissible. The Council has re-visited this policy across the board and put forward **MM107** and **MM108** deleting it and replacing it with two new policies, CGB2a and CGB2b.
711. New Policy CGB2a deals exclusively with affordable housing in the Green Belt, and permits such development adjoining Category A villages and beyond the built core of Category B villages where either the land is identified in a

Neighbourhood Plan or where certain criteria are met. Broadly speaking, these criteria relate to the need for the development, the absence of more suitably located alternatives, the impact on the Green Belt and the balance between public benefit and harm. I consider these criteria to be justified, and I agree that they should also be applied in respect of affordable housing in Category C settlements in the Green Belt.

712. Almost identical wording is used in new Policy CGB2b, which applies to schemes for community facilities, services and affordable housing in the Rural Area Beyond the Green Belt. Again, it seems to me that these are relevant and suitable criteria to apply and will affectively restrict development to that which is crucially necessary. New Policy CGB2b permits limited market housing to cross-subsidise schemes where this is necessary for viability. That is a fitting approach in the Rural Area Beyond the Green Belt.
713. Overall, the two new policies brought about by **MM107** and **MM108** are justified and appropriate. Those two main modifications are therefore necessary. Consequential modifications (**MM109**, **MM110/FM093** and **MM111**) are also needed to the Plan's paragraphs supporting them. The latter says that in considering criterion b. of the two policies, which relates to reasonable alternative locations for the development in question, the Council will have regard to potential sites within both a 15-minute drive time and a 30-minute passenger journey time where there are at least five services each weekday. This strikes me as a reasonable approach and will assist with the effectiveness of the policies.
714. Policy CGB3 sets out the instances in which isolated dwellings for rural workers will be allowed in the countryside. It includes criteria relating to whether there is a functional need for the dwelling, the length of time the business involved has been established and profitable, the existence or otherwise of a dwelling that could meet the need and to matters of design. It is right that the policy should rely on these factors to control such development.
715. The Council has put forward **MM112** regarding new businesses. This would obviate the need to show that the business has been established for three years and profitable for at least one, and would instead require a demonstration that the business is viable with secure future prospects. This main modification also says that where a new home is allowed, it should first be temporary accommodation such as a caravan or be permitted through a time-limited permission. I concur that this is necessary to ensure that only durable, resilient enterprises can benefit from a permanent residence in the countryside. Moreover, it is essential to demand, as **MM112** does, that the home is occupied by a worker associated with the business. To allow otherwise would defeat the purpose entirely.
716. As I have previously noted, most of North Hertfordshire is in the Green Belt, where new dwellings – including those for rural workers – are inappropriate development. Considering this, I agree with the Council that a scheme's compliance with Policy CGB3 should be taken into account when considering the existence or otherwise of the very special circumstances necessary to justify such a dwelling. For effectiveness, this should be embedded within Policy CGB3 itself, as the Council has proposed through **MM112**.

717. To my mind, taken together, the package of changes within **MM112** establish an appropriate balance between providing opportunities for suitable rural enterprises to establish and flourish whilst recognising and protecting the intrinsic character and beauty of the countryside. It is consequently necessary to include those alterations, to ensure that Policy CGB3 is both positively prepared and effective.
718. Although much of this approach is set out in paragraph 6.17 of the Plan, it should for effectiveness reasons be included in the policy itself, as set out in **MM112**. It would also help with effectiveness to delete paragraph 6.17 as a consequential modification, and I agree that **MM113**, which does just that, is required.
719. The re-use, replacement or extension of buildings in the Green Belt and Rural Area Beyond the Green Belt is permitted by Policy CGB4, provided that several conditions are met. However, in a number of ways the policy as submitted is not consistent with national Green Belt policy.
720. At the hearings, the Council said that this policy is attempting to grapple with too many factors. I agree. The Council has put forward **MM114**, **MM115** and **MM116** to rectify matters. As modified through **MM114**, the policy relates only to the Rural Area Beyond the Green Belt, and a supporting paragraph is introduced through **MM115** clarifying that the policies of the NPPF are relied on in relation to proposals in the Green Belt. I consider these modifications to be appropriate and necessary for both effectiveness and consistency with national policy. The upshot here is that the policy resulting from the alterations provides an approach to the re-use, replacement or extension of buildings in the Rural Area Beyond the Green Belt that is broadly similar to that in the Green Belt, but which is generally a little less stringent. That strikes me as a reasonable position, and the policy and supporting paragraphs as modified are justified.
721. Policy CGB5 introduces to the policies map three areas of Urban Open Land, being at Baldock, Royston and to the south of Little Wymondley. As I understand it, these land parcels are situated between development allocations proposed in the Plan and dual carriageways along which the boundary of the Green Belt, or in the case of Royston the boundary of the Rural Area Beyond the Green Belt, is proposed to be defined, but which the Council considers do not perform a Green Belt or countryside function. The Council's stance here is that the dual carriageways represent defensible boundaries that will endure. From the evidence and my site visits, I concur that it would be difficult to demonstrate the exceptional circumstances needed to justify including these parcels within the Green Belt or the Rural Area Beyond the Green Belt.
722. Development is permitted by Policy CGB5, but this is generally limited to low intensity uses such as outdoor sport and recreation facilities, cemeteries and rural land uses appropriate in urban fringe locations. Built facilities are restricted to those that are ancillary to these uses. This is an appropriate approach. However, bearing in mind the position of these areas of land in relation to both settlements and nearby dual carriageways, transport infrastructure such as access roads should not be precluded. Main modifications **MM117** and **MM118** add this to the policy and paragraph 6.28

supporting it and are necessary for effectiveness.

Conclusion on Issue 13

723. Considering the above, with the main modifications put forward by the Council and as discussed above, I conclude that the policies relating to the Green Belt, Rural Areas Beyond the Green Belt and Urban Open Land are justified, effective, consistent with national policy and positively prepared.

Issue 14: Whether the policies relating to transport and infrastructure are justified, effective, consistent with national policy and positively prepared

Transport

724. Actions that the Council is committed to pursuing to promote sustainable transport are set out in Policy SP6. These range from complying with the provisions of the Local Transport Plan to working with other authorities to ensure that sustainable transport options are available to the district's residents. All of these are consistent with the thrust of national policy and will help to ensure that decisions about development proposals embed sustainable transport measures.

725. To assist in the latter regard, though, the policy should reference the Council's Transport Strategy, as this provides the overarching strategic steer on such matters. Considering the cross-boundary transport issues involved, perhaps most particularly in relation to Luton and Stevenage, the policy should unequivocally commit the Council to working with neighbouring local authorities on sustainable transport matters. Moreover, the policy's pledge about seeking the early implementation of sustainable transport infrastructure should not be limited to the strategic housing sites. It should be sought at the earliest opportunity for any housing site where such infrastructure is required. Main modifications **MM028**, **MM030** and **MM031** includes these changes along with a detailed explanation of the Council's approach and are necessary for effectiveness.

726. Stevenage Borough Council has adopted a Mobility Strategy to which it has regard when considering planning applications. Sites NS1, GA1 and GA2 are near Stevenage and would have a clear functional relationship with that town. Consequently, proposals for developing those sites should also have regard to the Mobility Strategy. Main modification **MM030** introduces explanatory text supporting Policy SP6 to this effect. Main modifications **MM068/FM006**, **MM070**, **MM075/FM008**, **MM079**, **MM237** and **MM239** add to the policies allocating these sites a requirement that regard be had to it and provide further elaboration in the paragraphs supporting those policies. These modifications are necessary for effectiveness and to make sure that the Plan is positively prepared.

727. Paragraph 4.66 of the Plan supports Policy SP6. Along with paragraph 2.56, it refers to Local Transport Plan 3. This has been superseded, and for effectiveness reasons **FM034** and **MM029/FM056** are needed to alter these references.

728. Policy T1 specifies how the Council will assess transport issues when considering planning applications. The requirements for the submission of

transport statements and assessments are appropriate, and will ensure that the Council can demand the information necessary to make a properly informed judgement about the impacts of development schemes.

729. The policy says that permission will not be granted where the development will not adversely impact upon highway safety. Through **MM119**, the Council has suggested modifying the detailed wording of this and introducing a requirement that developments should not cause safety problems or other unacceptable impacts upon the highway network. In particular, this modification will provide the Council with a basis in the development plan to refuse permission where the residual cumulative impacts of development are severe. This includes considering the baseline situation and how that is affected by factors outside the district. That is appropriate, consistent with national policy and necessary for effectiveness.
730. Criterion d. sets out the requirements for major developments. In addition to ensuring such schemes are served by public transport where that is practicable and providing safe, direct and convenient routes for pedestrians and cyclists, the policy should also require that they are comprehensively integrated into the existing pedestrian, cycling and public transport networks. Main modification **MM119** adds this demand as a new criterion. It is necessary for effectiveness, to ensure that the occupants of major developments have decent opportunities to use modes of transport other than the private motorcar.
731. Parking requirements are specified in Policy T2. Criterion a. demands that development schemes provide parking in accordance with minimum standards stipulated in Appendix 4 of the Plan, have regard to relevant supplementary planning documents and clearly identify how they provide for all likely types of parking demand.
732. National policy allows the setting of local parking standards. Those presented in Appendix 4 relate to both car and cycle parking and are set as minimum standards. The Council says that maximum car parking standards have led to problems in the district – it is an area of high car ownership and difficulties have been experienced with overspill on-street parking for some time. In this local context, I am satisfied that it is appropriate here to demand minimum standards.
733. For dwellings of one or two plus bedrooms, one and two car parking spaces respectively are required. As a minimum, that seems to me a reasonable ask and allows for higher levels to be sought in areas of particular parking stress. One secured and covered cycle parking space is sought for each dwelling in a development unless a garage or other secure area within the curtilage is provided. That strikes me as suitable, given that it is a minimum. That said, to avoid new developments leading to on-street parking problems, the Plan should be clear that reductions from these standards will only be allowed where the accessibility, type, scale mix, use, local car ownership levels and local on-street parking conditions justify it. Main modifications **MM122** and **MM378** add text to the paragraphs supporting Policy T2 and to Appendix 4 which clarifies this.
734. As submitted, Appendix 4 includes car and cycle parking standards for visitors

to retirement developments, aimed at warden assisted independent living accommodation and similar schemes. It does not, though, explicitly require any spaces for residents – the appendix relies on reference to Use Class C3, but not all such developments fall unquestionably within this class of use. To address this, the Council has put forward **MM378** which unambiguously sets out the level of parking required for retirement developments, being a minimum of one car parking space per dwelling and one secured and covered cycle parking space per five units. I consider these requirements appropriate to ensure that the occupants of such schemes have sufficient parking to help support active lifestyles in retirement. Consequently, this element of **MM378** is necessary.

735. For visitors, the car parking requirements in Appendix 4 are given as a range. The lower standard is said to apply where there are no garages, the higher where there are. That is the wrong way around. Main modification **MM378** rectifies this and is necessary for effectiveness.

736. Neither Policy T2 nor Appendix 4 provide any parking standards for other types of development. The Council has put forward **MM120** requiring that non-residential schemes have regard to the standards set out in relevant supplementary planning documents. That is a reasonable approach and is necessary for effectiveness.

737. Main modification **MM120** also adds to Policy T2 a requirement that applications demonstrate not only how sufficient parking is provided, but that the parking will be safe and function satisfactorily. That is necessary for effectiveness.

738. Variations to the standards in Policy T2 should be permitted where various factors such as accessibility and on-street parking conditions justify it. Main modification **MM120** adds an appropriate clause and is needed to ensure effectiveness.

Infrastructure

739. The Council's approach to securing necessary infrastructure is set out in Policy SP7. The fundamental aim here is to ensure that any need for infrastructure brought about by new development is met, either by being provided for directly through the development itself or through financial contributions. Refusing planning permission where schemes do not achieve this is both reasonable and appropriate.

740. Several changes to Policy SP7 have been put forward by the Council. I agree that it is not always possible to mitigate all adverse impacts of development. The Council suggests that the policy should instead require that such effects are mitigated where it is appropriate to do so. That is an appropriate demand, and this modification is necessary for effectiveness. For the same reason a change is also needed regarding the timing of essential infrastructure delivery. It seems to me that it should be provided and operational at the earliest point in time possible, either on completion of the development or during the phase of development that brings about the need for it. Policy SP7 should also confirm that the Council will work with landowners, developers and other agencies in respect of infrastructure delivery specifically, rather than just on the delivery of sites as the submitted wording requires. The revised wording

in **MM032** addresses these points and consequently is necessary.

741. Main modification **MM032** also clarifies that the Council will have regard to relevant national guidance – rather than “*any guidance*” – in relation to planning obligations and in its operation of any Community Infrastructure Levy (CIL) it may choose to introduce. This is necessary for effectiveness and consistency with national policy. Adding to the policy a reference to any funding tariff that might succeed the present CIL regime will help to ensure that this aspect of the policy remains effective in the event of future change.
742. Criterion f. of Policy SP7 says that the Council will “*take a stringent approach where developers consider that viability issues impact the delivery of key infrastructure and/or mitigation measures*”. The point here is that the policy burdens relating to infrastructure provision and mitigation measures should not be such that the developments planned for are rendered unviable, but the policy demand to meet these requirements should not be waived or reduced lightly. In my view, the wording of the policy as originally submitted does not properly reflect this stance. It is necessary to re-frame this requirement around the submission of robust evidence about viability and taking that into account when determining whether the infrastructure or mitigation measure in question can be viably secured. Main modification **MM032** changes criterion f. of the policy along these lines and is necessary for effectiveness. With these modifications I consider that Policy SP7 sets out an appropriate ‘viability clause’. Moreover, **MM034** adds to paragraph 4.83 of the Plan a demand that the viability evidence required be undertaken by a suitably qualified person and explain the rationale behind the approach to assessing viability. I consider this reasonable and necessary, again for effectiveness reasons.
743. On the largest development sites, the Plan’s policies include specific requirements for transport infrastructure. However, all sites should make proportionate contributions to the additional burden they place on the transport network. Main modification **MM033** clarifies this and makes it explicit that such infrastructure will need to address cumulative impacts. This is necessary for effectiveness.

Conclusion on Issue 14

744. Considering the above, with the main modifications put forward by the Council and as discussed above, I conclude that the policies relating to transport and infrastructure are justified, effective, consistent with national policy and positively prepared.

Issue 15: Whether the policies relating to design (including air quality) are justified, effective, consistent with national policy and positively prepared

745. Policy SP9 is a strategic policy that sets out the overarching approach to design and sustainability. It says that the Council will support developments that are well designed and located where it responds positively to its local context and will require masterplans for significant developments. It says that the Council will assess proposals against the Plan’s detailed policies and the Design Supplementary Planning Document, and it says the Council will adopt the Government’s technical standards for the size of new homes and water efficiency and, in specified circumstances, accessibility.

746. I have already discussed the need for the submission of strategic masterplans in relation to the strategic housing sites. Main modification **MM045/FM001** clarifies that for the purposes of Policy SP9, residential development considered to be 'significant' such that a strategic masterplan is required relates to schemes of more than 100 homes. It says that, exceptionally, smaller housing developments will be considered significant if there are site specific complexities and sensitivities that require a strategic masterplan-led approach. I consider this to be a reasonable threshold, and it is necessary for effectiveness to include it. However, as drafted, the threshold would not apply to projects of exactly 100 dwellings. I have therefore altered the wording accordingly for the effectiveness of that modification, which sits alongside the other changes introduced as set out earlier in this report.
747. As previously mentioned, Policy SP9 requires adherence to the Government's nationally described internal space standards for dwellings and the optional national technical standards for water efficiency. This is reiterated in Policy D1. For such policies to be sound, they must be supported by clear evidence of need and evidence that viability has been considered. I consider each in turn below.
748. The Council's paper '*Technical housing standards – nationally described space standard*' [HOU12] reviews a number of planning permissions granted in the district to evaluate whether residential schemes are already complying voluntarily with the nationally described space standards. Of the ten projects analysed, only three fully comply. That amounts to 48% of the homes assessed. The Council considers this to amount to clear evidence of need.
749. Taking account of the conclusions in the Council's paper, and the further exploration set out in the Council's hearing statement, I agree. It is quite apparent that a notable proportion of residential developments which could have readily met the standards have not. I see no reason why this should be allowed to continue. Subject to the question of viability, I consider it most appropriate in these circumstances for the Plan to provide a proactive policy intervention.
750. With regard to the national technical standards for water efficiency, it is clear that the district is an area under serious water stress. Water supplies here have relied heavily on abstraction from the chalk aquifer. The Environment Agency says this has been causing environmental harm and has closed the aquifer to new water supply options. It also points out that Hertfordshire has some of the highest domestic water consumption figures per person in the country, but is an area where rainfall is generally lower than many other parts of the UK. The Environment Agency, Anglian Water Services Ltd and Affinity Water Limited support the inclusion of the higher standard. In the light of all this, I concur that there is clear evidence of need for this requirement.
751. From the '*Local Plan Viability Assessment – Update*' (August 2016) [TI2], it is apparent that the viability of both the nationally described space standard and the optional national technical standard for water efficiency has been considered. In respect of the former, the density assumptions have been set on the basis of the space standard being met, and the assessment's authors conclude that it could be adopted without undermining viability. In the light of this and all I have read and heard, I consider the requirement to meet both

the space and water efficiency standards to be justified.

752. It is, though, necessary for effectiveness to alter Policy SP9 and paragraph 4.117 supporting it, and Policy D1, to clarify that it is the additional optional standards that are referred to. Main modifications **MM045/FM001**, **MM046** and **MM144** change the wording accordingly. Main modification **MM146** explains the situation in relation to water stress and is also needed for effectiveness.
753. Policy D1 says that planning permission will be granted for development proposals that respond positively to the site's local context, and where all reasonable opportunities are taken to meet specified criteria. This relates to a range of aspects from creating public realm to reducing energy consumption and waste. These are all appropriate expectations considering the terms sought.
754. The requirement to maximise connectivity, though, should clarify that this relates to both physical and social connectivity both internally within the scheme and with neighbouring areas. Main modification **MM144** adds appropriate text accordingly and is necessary for effectiveness.
755. Policy D2 sets out criteria for house extensions, replacement dwellings and outbuildings. Criterion a. requires that extensions are sympathetic to the existing house in height, form, proportions, window details and materials. This is appropriate. Indeed, to ensure that extensions properly integrate visually with the host dwelling, roof type and the orientation of the existing house should be added to this list. Criterion b. seeks pitched roofs, where appropriate. Considering the above alteration, it is necessary to remove this requirement to avoid conflict within the policy. Main modification **MM148** does all of this.
756. Criterion c. aims to ensure that rear extensions do not dominate adjoining properties and are well related to the levels of adjoining properties, the direction the house faces and the distance between the extension and the windows in the next-door properties. Criterion d. demands that side extensions at first floor level or above are at least one metre from the boundary of any adjoining residential plot, to ensure there is no adverse impact on the street scene. In relation to the latter, I consider it unjustified to specify one metre – much depends on the existing pattern of development and the relationships between buildings in the street scene involved. Moreover, it strikes me that the requirements in criterion c. should also apply to all extensions. Main modification **MM148** amends the wording of criterion c. and deletes criterion d. accordingly. These changes are necessary to make sure that any house extensions take proper account of neighbouring properties and do not appear awkward or out of place.
757. Criteria e. and f. relate to replacement dwellings and outbuildings. Both focus on ensuring that such developments do not harm character. For effectiveness, avoiding harm to the appearance of the locality should be included. In addition, I see no justification for demanding that such developments result in a visual enhancement. Preventing harm should be the objective. Main modification **MM148** also introduces these alterations, and is necessary in terms of the justification for, and effectiveness of, these criteria.

758. Policy D3 seeks to preclude developments that would cause unacceptable harm to living conditions, taking account of any mitigation measures. That is wholly appropriate to ensure that residents can enjoy their own homes. The presence of London Luton Airport adjoining the district to the west clearly creates noise from air traffic. Development that may be affected by that should incorporate appropriate mitigation measures. For effectiveness, the Plan should be clear about this. Main modification **MM149** introduces a new explanatory paragraph and is necessary for effectiveness.
759. The impact of new development on air quality is dealt with under Policy D4. In summary, it requires impacts on air quality to be considered and for proposals to include mitigation measures where necessary. This is reasonable and appropriate. However, to ensure that unacceptable effects on air quality are prevented, Policy D4 itself, rather than solely the paragraph supporting it, should be unequivocal that where this is the case then permission will be refused. Main modification **MM150** introduces text to this effect into the policy and is necessary.
760. Paragraphs 9.30 and 9.31 supporting this policy. The former sets out a list of development types, and says they are the types of development "*the Council would expect consideration to be given*" to the submission of an air quality impact assessment. But it is not the giving of consideration that is the aim here, it is the submission of an assessment. For effectiveness, the words 'consideration to be given' should be deleted. Similarly, the requirement for the submission of an air quality impact assessment is expressed as an 'expectation' in paragraph 9.31. That is not properly effective. Main modifications **MM153** and **MM154** provide suitable remedy for both shortcomings. The latter also adds to paragraph 9.31 text explaining that for developments not included in the list an air quality impact assessment may be required to address the cumulative impacts of smaller, or less sensitively located developments that nonetheless will contribute to the emission of air pollutants. That is a reasonable and appropriate stance to take, and this clarification is needed for effectiveness reasons.

Conclusion on Issue 15

761. Considering the above, with the main modifications put forward by the Council and as discussed above, I conclude that the policies relating to design (including air quality) are justified, effective, consistent with national policy and positively prepared.

Issue 16: Whether the policies relating to healthy communities are justified, effective, consistent with national policy and positively prepared

762. Policy SP10 sets out a list of overarching policy commitments all aimed at providing and maintaining healthy, inclusive communities. These are broad and strategic in nature and overall amount to an adequately comprehensive framework to guide and inform a range of other policies in the Plan.
763. New community facilities are permitted by Policy HC1 subject to the need for them, their scale and their accessibility. This is a suitably supportive stance. Conversely, the loss of community facilities is resisted. It is only permitted where there is demonstrably no need for the facility, it is justified by the provision of replacement facility, or where the facility in question, or any

reasonable replacement, is not and will not be viable on the site. To my mind, all of this is appropriate and consistent with the general thrust of national policy.

764. However, I agree with the Council that the redevelopment of sporting facilities should be allowed where it is for alternative sports and recreation provision, and when the need for it clearly outweighs the loss of the existing facilities. This will help to ensure that sports facilities are flexible and that the district's sporting needs are met. Main modification **MM155** is therefore necessary for effectiveness. For the same reason, I consider it appropriate for the Plan to encourage the shared use of facilities, such as the dual use of school facilities for sport and other community uses. Main modification **MM156** adds a sentence to this effect to paragraph 10.5. This is both reasonable and necessary to make sure this aspect of the Plan is positively prepared and effective.

Conclusion on Issue 16

765. Considering the above, with the main modifications put forward by the Council and as discussed above, I conclude that the policies relating to healthy communities are justified, effective, consistent with national policy and positively prepared.

Issue 17: Whether the policies relating to the natural environment are justified, effective, consistent with national policy and positively prepared

766. Under the broad heading of 'natural environment' the Plan includes two strategic policies and numerous detailed policies. Of the former, Policy SP11 relates to natural resources and sustainability. In seeking to meet the challenges of climate change and flooding, it sets out the Council's commitment to supporting proposals for renewable and low carbon energy development in appropriate locations. It says that the Council will take a risk-based approach to development and flood risk, directing development to the areas at lowest risk in accordance with the NPPF and ensuring the provision of SuDS and other appropriate measures. This is all consistent with national policy and is appropriate.

767. It is necessary for effectiveness to replace references to the Water Framework Directive with reference to the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, as these are the domestic regulations that continue to apply since the withdrawal of the UK from the European Union. Main modifications **MM047** and **MM048** make this alteration and are therefore necessary in this regard.

768. I have read and heard much about the district's water supply and treatment of wastewater at Rye Meads WwTW. On the whole, these are matters for the utilities providers concerned – they operate within a legislative context that is wholly separate to the planning regime. That said, I recognise the importance of achieving sustainable water management to the natural environment. Rye Meads WwTW is within the Lea Valley Special Protection Area, albeit some way outside of North Hertfordshire. Its continued protection is a legitimate aim that falls squarely within the realm of town and country planning. I have considered the Council's legal obligations on this matter earlier in this report. The Council has put forward **MM047** and **MM049** setting out its commitment

to working with utilities providers and other relevant bodies to ensure that wastewater treatment capacity is delivered without harm to European sites (such as the Lea Valley Special Protection Area). This is necessary for effectiveness, and it seems to me that with this alteration Policy SP11 does all it realistically can to tackle the issue.

769. Policy SP12 is a strategic policy which sets the Plan's general approach in relation to green infrastructure, landscape and biodiversity. It covers a broad range of factors and perhaps consequently, as submitted, is drafted in a very general way. Because of this, there are several areas where, in my view, it is not adequately effective or reflective of national policy.
770. Part a. of the policy says the Council will protect, enhance and manage the green infrastructure network and seek opportunities to create new green infrastructure. Part b. sets out the Council's commitment to protecting, enhancing and managing biodiversity networks and part c. aims to ensure that landscape character and locally sensitive features are respected. As a broad principle, all of that is consistent with national policy. But it overlooks the numerous nuances in the NPPF, particularly the hierarchy of designations relating to the natural environment from international, national, local designations through to no designation at all. Each of these are afforded different levels of protection in national policy. So too are other aspects of the natural environment, including ancient woodlands and hedgerows, sites of ecological value and protected species.
771. Through **MM050/FM069**, **MM051**, **MM053**, **MM054** and **MM055**, the Council has put forward numerous alterations to Policy SP12 and the paragraphs supporting it. These introduce the hierarchy of designations and features and add reference to specific elements of the natural environment as discussed above along with explanatory text providing context and further illumination. For effectiveness and consistency with national policy, all the changes set out in these main modifications are necessary.
772. In addition, **MM052** is needed for effectiveness, to clarify that the Plan's detailed policies concerning the natural environment, which I shall turn to shortly, are not solely related to the provision of green infrastructure in new developments. Indeed, many have wider applications.
773. Policy NE1 relates to landscape. Part a. allows development that "*respects the sensitivities of the relevant landscape area and accord with the guidelines identified for built development and landscape management*". The guidelines referred to are set out in the '*North Hertfordshire Landscape Study*' (2011) [CG16 and CG16a]. But this would, in effect, confer development plan status to the guidelines in this document. That is not justified – they have not been submitted for scrutiny through this examination as part of the Plan, and consequently have not subject to such analysis. To rectify this, **MM158** alters the wording to require that regard be had to these guidelines, and **MM159** clarifies the guidelines being referred to. These changes are necessary for the justification and effectiveness of this part of the policy.
774. Part b. aims to prevent developments having "*detrimental impacts on the appearance of their immediate surroundings and the landscape character area unless suitable mitigation measures can satisfactorily address the adverse*

impact". It seems to me, though, that the point here is not whether detrimental impacts will occur – if future development needs are to be met, some detrimental impacts are, frankly, inevitable – but rather whether such effects result in unacceptable harm. Any such harm should be considered in respect of the character and appearance of the surrounding area or the landscape character area in which the site is located, taking account of any suitable mitigation measures necessary to achieve this. This is a different point, albeit subtly so. Main modifications **MM158** and **MM160** modify the wording of Policy NE1 and paragraph 11.4 accordingly and are necessary for effectiveness.

775. Policy NE2 concerns green infrastructure. At its heart is the aim of permitting developments so long as they protect green infrastructure, avoid its fragmentation, retain its function and where possible enhance it. These are laudable objectives which are appropriate and consistent with national policy.
776. The Council has put forward **MM161** and **MM162** deleting both the policy and the paragraphs supporting it in their entirety, and **MM157** which re-introduces the policy and paragraphs with some changes. The overall effect is to replace Policy NE2 with a new policy which clearly relates to 'strategic' green infrastructure and adds to the examples given of such infrastructure that exist in the district. The intention here is to better distinguish between this and other types of green infrastructure and will assist with effectiveness. In Part c. of the policy, the modifications shift the emphasis to more proactively seeking the creation of new strategic green infrastructure through development schemes – the original wording is rather passive and does little to secure contributions from new developments. Additional text is also included in one of the supporting paragraphs requiring that, where possible, new development should be connected to strategic green infrastructure networks which provide high quality, direct linkages across the development. All of this is reasonable and is required to ensure that the Plan effectively achieves its aims in respect of this element of the natural environment. Main modifications **MM161**, **MM162** and **MM157** are therefore necessary.
777. Part of the district lies within the Chilterns Area of Outstanding Natural Beauty (AONB). Policy NE3 sets out criteria against which development proposals within the AONB will be considered. Main modification **MM164** clarifies that the policy relates to development within the AONB boundaries and is necessary for effectiveness. The criteria are, on the whole, consistent with the NPPF. However, to demand that developments enhance the special qualities of the AONB is one step beyond the protection afforded to such areas through national policy, which says that great weight should be given to conserving their landscape and scenic beauty. I agree with the Council, though, that it is reasonable to seek enhancement "*where possible*". Main modification **MM163** adds this caveat and is necessary to achieve consistency with the NPPF.
778. Parts d. and e. of Policy NE3 require that development meets the aims of the Chilterns AONB Management Plan and complies with the Chilterns Building Design Guide. But neither document forms part of the Plan for examination before me, and it is consequently not for me to reach judgements about their soundness. It would therefore be inappropriate to confer development plan status to them, as the submitted policy effectively proposes. Main modification **MM163** alters the wording to require that regard be had to the

aims of the management plan and the design guide and is necessary.

779. Policy NE4 relates to publicly accessible open space, and prevents the loss of open space unless, in summary, the space is surplus to requirements or its loss is justified by one of a number of specified factors, and then only when a new replacement space or a financial contribution to a new or existing space is provided. This is consistent with the aims of national policy and is reasonable. However, I see no particular reason why this policy should relate only to open space that is publicly accessible, as its title suggests. Main modification **MM167** rectifies this by deleting the words "*publicly accessible*".
780. In addition, as submitted, the Plan's policies are silent on the question of built facilities on open spaces, such as changing rooms and the like. The Council has put forward **MM167** requiring that any such buildings must be ancillary to the primary use, of an appropriate scale and design, and integrated into the landscape. I consider that an appropriate response and is needed to fill the gap in policy. However, rather than adding this to Policy NE4, I consider that it would be more appropriate for this element of the main modification to be incorporated into the new policy concerning new and improved open space through **MM168**. This would clearly distinguish between policy relating to the provision of new and improved open space – including any built facilities – and policy relating to the loss of open space. I have altered the wording of the main modifications accordingly. Although these changes have not been the subject of consultation, they do not alter the overall content of the two modifications involved as published and they do not undermine the participatory processes undertaken.
781. Policy NE5 aims to secure new and improved public open space and biodiversity. Policy NE6 relates to proposals that affect designated biodiversity and geological sites. Through **MM173**, **MM174**, **MM175** and **MM176** the Council has suggested deleting both policies along with their supporting paragraphs and replacing them. Part of the reasoning here is related to re-ordering the natural environment policies. As I have previously indicated, the Council is free to do this as it wishes on adoption of the Plan. However, it is clear to me that both policies do require modification in line with the revisions put forward by the Council.
782. As submitted, Policy NE5 appears to relate solely to public open space. Part a. in particular seeks to ensure that new spaces are fully publicly accessible. I see no reason why spaces that are not public should not be either provided or improved through new developments. Indeed, depending on the circumstances, it may be more appropriate.
783. The fundamental point here is that the type of space to be provided should depend on the need. The Council's '*Open Space Review & Standards*' (2016) [OSC4] outlines where there is under-provision of certain types of open space. It is, in my view, more appropriate to frame the requirement in Part a. around meeting need, having regard to that document and any other guidance the Council may produce. In respect of these points, the changes to Policy NE5 brought about by **MM173** and **MM168**, and the alterations to the paragraphs supporting them in **MM169**, **MM170**, **MM171** and **MM172** are all reasonable and necessary to ensure that these aspects of the Plan are justified and effective.

784. I recognise that **MM168** results in the deletion from Policy NE5 the demand for net gains to biodiversity. But the former will be covered under the modified Policy NE4 as mentioned above, and the latter will similarly be dealt with through the changes to Policy NE6, which I now turn to.
785. Policy NE6 is entitled "*designated biodiversity and geological sites*". However, quite rightly, it also relates to non-designated sites. Modifying its title would help remove any ambiguity.
786. More crucial, though, is that while the policy focusses on habitats, there is an absence of reference to protected species. That is a shortcoming in terms of effectiveness. Linking the requirement to protect, enhance and manage biodiversity in accordance with the hierarchy and status of designations and features listed in Policy SP12, as modified by **MM050/FM069**, provides adequate remedy – this includes important species. So too does adding a demand that proposals show how habitats supporting protected or priority species will be retained, safeguarded and managed during the construction phase.
787. In addition, for clarity, the requirement to submit an ecological survey with planning applications should demand that the survey be commensurate to the scale and location of the development and the likely impacts on biodiversity. This will ensure that the Council can reach its decisions on the basis of appropriate and proportionate evidence.
788. As submitted, the policy appears to presume that developments will cause adverse effects that will need to be minimised. To my mind, the starting point should be to seek avoid any such impacts, where possible. Indeed, for consistency with the NPPF, developments should provide net gains in biodiversity if that can be achieved.
789. For effectiveness, it is necessary for Policy NE6 to provide greater clarity regarding the Council's stance to the avoidance and mitigation of adverse impacts, and the compensation likely to be demanded for them. Taking an approach whereby the requirements are commensurate with the status of the asset(s) concerned is reasonable. So too is setting down a marker that compensation is unlikely to be acceptable where nationally or internationally designated sites are concerned.
790. Main modification **MM166/FM100** includes all the alterations discussed above. It also includes the addition of detail regarding buffers of complimentary habitat around designated sites and other assets of the natural environment. This is a suitable approach, and for effectiveness the 12 metres specified in respect of wildlife sites, trees and hedgerows is reasonable and appropriate. In short, all the changes brought about by **MM175** and **MM166/FM100**, both to Policy NE6 and the paragraphs supporting it, are necessary to ensure these aspects of the Plan are justified, effective and consistent with national policy.
791. Policy NE7 relates to flood risk. As submitted, it relies on direct reference to the sequential and exception tests in the NPPF. For clarity and effectiveness, I agree that the policy should embed those tests within its wording. For the same reason, the policy should unambiguously require that site specific flood risk assessments consider the lifetime of the development, climate change impacts and safe access and egress (in flood risk terms). Main modification

MM177 introduces appropriate text that is consistent with national policy and is necessary. Along with **MM178**, this main modification also alters the detailed wording of the policy and the paragraph 11.55 which supports it, to ensure that the location, design and layout of development reduces flood risk, and that any residual risk is minimised through flood resistant, resilient design and construction, taking account of downstream flood risks. Overall, all the changes put forward by the Council are necessary to make sure Plan's approach to flood risk is effective and consistent with national policy.

792. Sustainable drainage systems are sought in new development through Policy NE8. That is reasonable, in principle. However, while it is logical to demand that the most appropriate solution is used, technical, viability and design issues should be considered. Demanding a solution that was not technically or financially viable would be unwarranted. In addition, while it is perhaps desirable for developers to consult with the Lead Local Flood Authority at the earliest opportunity, it would be unreasonable to refuse planning applications on the basis that this course had not been followed. Main modifications **MM179**, **MM180** and **MM181** amend Policy NE8 and its supporting paragraphs accordingly and are consequently needed to ensure the policy is justified and effective.

793. Policy NE9 permits new developments where they make appropriate space for watercourses. It requires the maintenance of a nine-metre undeveloped buffer zone from all designated main rivers, and a buffer of five metres in respect of other watercourses. The Council has put forward **MM182** to change the former to eight metres, to align the policy with advice from the Environment Agency. With that change, I consider the policy to be justified and effective. A further main modification (**MM184**) suggested by the Council introduces a new paragraph explaining the hierarchy of watercourses in the district, among other things. This will assist with effectiveness and is necessary.

794. The broad aim of Policy NE10 is to protect watercourses and to ensure that any necessary new or improved water infrastructure is provided as part of development schemes. The criteria it sets out are all justified and reasonable. However, in the context of this district, where I understand most of the waterbodies are failing, it is necessary for effectiveness to address water issues in more detail than might otherwise be the case.

795. To this end, I agree that several modifications put forward by the Council are necessary. Adding a new paragraph briefly explaining the present situation regarding the state of the district's waterbodies will assist the understanding of the Plan's particularly detailed approach. More vitally, perhaps, achieving the objectives of the Anglian and Thames River Basin Management Plans should not be limited to matters of flood management. They are wider ranging than that, and new development should not undermine their goals. For similar effectiveness reasons, the requirement for mechanisms to deliver any necessary new or improved water infrastructure should be expanded to cover wastewater, and it is right that adequate foul water treatment and disposal measures are provided in time to serve the development in question. As with my discussion of Policy SP11 above, I have considered the Council's legal obligations on this matter earlier in this report. In addition, references within the policy to the Water Framework Directive should be replaced by reference

to the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, for reasons previously explained in relation to Policy SP11. Consequently, **MM185**, **MM186** and **MM187** are needed, as they set out all these changes accordingly.

796. Policy NE11 aims to ensure that developments affecting contaminated land assess the condition of the land and deal with the contamination where necessary to ensure that the site is in a suitable state for the use proposed. This is, in principle, a sound approach that is consistent with national policy. It should, though, also apply to development affected by contaminated land. To deal with the risks arising from any contamination, it is first necessary to understand what those risks are. Consequently, for effectiveness, the policy should require that the risks are firstly characterised, and that any contamination is remediated to remove the risks identified or to reduce them to an acceptable level, bearing in mind the final use of the land.
797. Throughout the process, groundwater vulnerability and potential pollution from previous land uses should be considered. When considering the suitability of the site for subsequent use, relevant guidance, including any published by the Government, ought to be taken into account.
798. Man modification **MM188** amends Policy NE11 in light of the above, and **MM189** adds appropriate explanation and elaboration. Both are consequently required for effectiveness.
799. Policy NE12 supports renewable and low-carbon energy projects, including wind energy developments, subject to their wider impacts. In the latter regard, the criteria listed are all appropriate and the policy overall is, with two exceptions, both justified, effective and consistent with national policy.
800. Two Written Ministerial Statements were published in 2015, one in March, the other in June. The former says that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. The latter makes it clear that planning permission should only be granted for wind energy developments if:
- a) the site is in an area identified as suitable for wind energy development in a local or neighbourhood plan; and
 - b) following consultation, it can be demonstrated that the planning impacts identified by affected communities have been fully addressed and therefore the proposal has their backing.

The PPG reflects this. I note that the NPPF 2021 includes this approach.

801. Consequently, the Council has put forward **MM190** and **MM191**. The first alters Policy NE12 so that it explicitly states that proposals for solar farms involving the best and most versatile agricultural land and proposals for wind turbines will be determined in accordance with national policy. The second adds reference to paragraph 11.77 of the Plan to considering the balance between the benefits of renewable energy and constraints in accordance with the PPG. That is an effective response and will ensure that these aspects of the policy remain consistent with national policy.

Conclusion on Issue 17

802. Considering the above, with the main modifications put forward by the Council and as discussed above, I conclude that the policies relating to the natural environment are justified, effective, consistent with national policy and positively prepared.

Issue 18: Whether the policies relating to the historic environment are justified, effective, consistent with national policy and positively prepared

803. Policy SP13 is the strategic policy dealing with matters relating to the historic environment. It says that the Council will balance the need for growth with the proper protection and enhancement of the historic environment. It sets out ways in which the Council will pursue a positive strategy for the conservation and enjoyment of the historic environment including, in Part a. of the policy, maintaining a strong presumption in favour of the retention, preservation and enhancement of heritage assets and their setting. The general approach here is consistent with national policy and is appropriate.

804. The NPPF introduces the notion of 'significance'. Indeed, affording varying degrees of weight to the conservation of designated assets according to their significance is central to the approach taken in national policy. As submitted, Policy SP13 is silent on this. Main modification **MM056/FM070** rectifies this by adding text to the opening paragraph of the policy and to Part a. In this regard it is both appropriate and necessary for consistency with the NPPF.

805. It is also necessary for effectiveness to clarify that the local risk register referred to – both in Policy SP13 and in Policy HE2 – is the district's 'At Risk' register. Main modifications **MM056/FM070** and **MM193** do this and are needed in this respect.

806. Policy HE1 is the Plan's detailed policy for dealing with development proposals that relate in one way or another to designated heritage assets. It does embed the concept of significance and adequately reflects national policy in that regard. However, paragraphs 133 and 134 of the NPPF, in effect, create a 'two-tier' approach to designated heritage assets – one where there would be substantial harm, another where the harm would be less than substantial. As submitted, Policy HE1 does not reflect this.

807. To remedy this shortcoming, the Council has put forward modifications to the policy through **MM192**. These changes are consistent with national policy and are necessary in that regard. It is also necessary to ensure that heritage assessments are submitted where planning applications relate to the setting of a designated heritage asset, so that the Council can properly assess the impacts on the setting as well as the designated asset itself. It is also necessary to clarify that criterion ii. of the policy relates to designated heritage assets, for the avoidance of doubt. Main modification **MM192** introduces appropriate changes accordingly and is needed for effectiveness and consistency with national policy.

808. National policy is clear that local planning authorities should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage

assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Policy HE2, mentioned above, supports proposals that seek to restore or provide new uses for designated heritage assets identified on the national register or on the local 'At Risk' register. It also aims to resist proposals that would harm the significance of assets on those registers, unless the benefits clearly outweigh the harm, taking account of the asset's significance and so long as all feasible solutions to avoid and mitigate the harm have been implemented. Generally, all of that is consistent with national policy and reasonable.

809. However, the support for proposals that restore designated assets should instead relate to schemes that conserve them. The two are not necessarily the same things, and it is the latter which the NPPF seeks to achieve. It is also necessary for effectiveness to alter the requirement that all feasible solutions to avoid and mitigate harm have been implemented. Implementation could involve actually undertaking the development, such that it is not possible to implement the solution before permission is granted. Consequently, the policy should demand that the solutions in question are assessed. Main modification **MM193** is therefore necessary to modify this wording.
810. Policy HE3 is entitled 'local heritage'. It aims to prevent the loss of local buildings of interest unless the replacement building contributes to the local character and distinctiveness of the area. It also requires that a continuous contract for the demolition and redevelopment works has been secured, except where there are justifiable grounds for not redeveloping the site. It is intended that this requirement should relate to assets in Conservation Areas, to avoid long lasting harm to the character or appearance of the Conservation Area while works are undertaken. Although a modification is needed to clarify the latter point, the approach overall here is reasonable and, on the whole, is consistent with national policy.
811. The Council has explained that this policy relates to non-designated heritage assets. The Plan itself is less explicit. For effectiveness, a paragraph explaining this is necessary, and the policy's title should also be altered. Paragraph 135 of the NPPF sets out the national policy approach to the effect of development on the significance of non-designated heritage assets. As submitted, Policy HE3 does not reflect it. For consistency with national policy, it should.
812. The Council has put forward **MM194** and **MM195** which deal with all the aforementioned issues. The wording suggested is suitable, and changes are needed for the reasons already given.
813. Policy HE4 allows developments that affect heritage assets with archaeological interest. It sets out the requirement for a desk-based assessment or, where necessary, a field evaluation. It seeks preservation of the archaeological remains and incorporated into the layout of the development where in-situ preservation is preferable. Where the loss of the archaeological remains is justified, it requires recording, reporting, publication and archiving of the results. This is appropriate and consistent with national policy.
814. Finally, Policy HE4 says that where archaeological sites have been assessed to

meet the criteria for inclusion on adopted registers or maps of locally important heritage assets, these shall be treated the same way as archaeology areas and areas of archaeological significance. This is a reasonable approach. Indeed, it seems to me that it should also apply to any undiscovered areas of archaeology. Main modification **MM196** adds text accordingly and is necessary for effectiveness.

Conclusion on Issue 18

815. Considering the above, with the main modifications put forward by the Council and as discussed above, I conclude that the policies relating to the historic environment are justified, effective, consistent with national policy and positively prepared.

Issue 19: Whether, in the light of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, the Plan's policies are justified and effective

816. Numerous policies in the Plan refer to the use of land using its Use Class classification as set out in the Use Classes Order. During the examination, on 1 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 ('the Regulations') came into force. These Regulations made a number of changes to the Use Classes Order. In simple summary, it introduces some new Use Classes, and some uses have been moved from one Use Class to another, in some instances including to the new Use Classes.

817. The point here is that all of this, in many cases, renders the policies relying on reference to the Use Classes Order either unjustified, ineffective or both. The policies Considered by the Council to be affected are listed in its hearing statement [ED203], although I have identified a few in addition. These are all policies which, in one way or another, relate to employment or town centre uses.

818. To ensure consistency with the new Regulations, the Council has put forward numerous main modifications to these policies and the paragraphs supporting them. I have already discussed a number of these under other relevant sections of this report. Other main modifications proposed by the Council in this regard are **MM014/FM042, FM043, FM044, FM049, MM017/FM050, FM051, FM053, MM058/FM004, MM072/FM007, MM088/FM071, FM072, FM073, FM074, FM075, MM095/FM082, MM096/FM083, FM084, FM085, MM097/FM086, MM099/FM088, FM090, FM094, MM262/FM131, MM310/FM153, and FM186**. By and large, these changes tackle the problem by replacing references within the Plan to the previous Use Classes with either the revised Use Classes or with words describing the uses being referred to. To ensure that the policies concerned are justified and effective, I agree that these changes are both necessary and justified.

Conclusion on Issue 19

819. Considering the above in the light of the Regulations, with the main modifications put forward by the Council and as discussed above, I conclude that the Plan's policies are justified and effective.

Other matters

820. As submitted, the Plan refers throughout to the 'proposals map' and the map accompanying the Plan is titled as such. But there is no provision in the Act or Regulations for a 'proposals map' – it is a 'policies map' that the Council must prepare. It is therefore necessary to replace all references to a proposals map to refer instead to the policies map. Main modification **MM002** amends the text in the Plan accordingly, and to ensure that the affected policies are effective the Council will need to alter the policies map before it is adopted.
821. The NPF says that local plans should include strategic policies, and some of its provisions rely on a distinction being made between strategic and non-strategic policies. Chapter four of the Plan is entitled 'Strategic Policies'. However, for the avoidance of any doubt, the Council has proposed to modify paragraph 4.7 of the Plan to explicitly state that it is the policies of that chapter that are the strategic policies in the terms of the NPPF. For effectiveness, **MM009** is therefore necessary.
822. The policies allocating the non-strategic sites are not labelled as policies. Their status as policies within the Plan is therefore not explicit. For effectiveness, all of the policies should be titled as such. Main modification **MM197** introduces this addition.

Overall Conclusion and Recommendation

823. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.
824. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that the Duty to Co-operate has been met and that with the recommended main modifications set out in the Appendix the North Hertfordshire Local Plan 2011 – 2031 satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Simon Berkeley

Inspector

This report is accompanied by an Appendix containing the main modifications.