

NORTH HERTFORDSHIRE LOCAL PLAN EXAMINATION: MATTER 7: GREEN BELT

Statement from CPRE Hertfordshire

1. I am Stephen Baker, DMS, BSc, Dip TP, MRTPI, Planning Manager at Campaign to Protect Rural England Hertfordshire (CPREH).
2. This statement supplements our original representations on Chapter 4 of the Proposed Submission North Hertfordshire Local Plan (the Plan), including on Policy SP5, which still apply, and seeks to address the Inspector's questions as set out in his Schedule of Matters and Issues.
3. CPREH's statement on Matter 3, and our original representations on Policy SP8 are also directly relevant to this issue, because the demonstration of the existence of exceptional circumstances for releasing land from the Green Belt are a pre-requisite for any consequent alterations to Green Belt boundaries.

Inspector's Issues and Questions

Issue 7.1: Paragraph 83 of the NPPF is clear that Green Belt boundaries should only be altered in exceptional circumstances. In broad terms: a) Do the exceptional circumstances necessary, exist to warrant the proposed alterations to Green Belt boundaries, in terms of both removing land from and adding land to the Green Belt?

4. CPREH's statement on Matter 3 summarises the context for determining whether exceptional circumstances exist, and this is not therefore repeated here.
5. National Planning Policy on this matter has been clearly restated on many occasions by the Government of the day since the NPPF was published, and the appendices to our statement on Matter 3, letters from Government between 2014 and this year, all emphasise the importance of the constraint imposed by national policy for the protection of the Green Belt and that housing need and/or demand are not in themselves an exceptional circumstance that would justify the removal of land from the Green Belt.
6. CPREH notes that the Inspector has asked the Council to explain the acuteness of the need for housing and employment land and the other subsequent matters identified by the Court in the Calverton case as being a potential way of addressing whether or not exceptional circumstances exist for changing Green Belt boundaries through a Local Plan.

7. In paragraph 30 of the Calverton judgment, the Court found that one should “take account of the constraints embodied in the policies in the Framework, such as Green Belt, when preparing the local plan, as paragraph 47(1) clearly intends”. That statement, and the NPPF paragraph 14 requirement that Local Plans should meet development needs unless specific policies in the framework indicate development should be restricted (CPREH emphasis), are the starting point when deciding whether it is essential to remove land from the Green Belt to meet some of the District’s development needs. CPREH considers that the Council failed to take proper note of this when setting the Plan’s targets and in drafting Policy SP5.
8. This background material is important because it makes clear that the onus is on the Council to justify in full why it decided to meet in the OAN full, in the face of national policy constraints.
9. The Council’s explanation in its Housing and Green Belt Background Paper 2016 of how it reached its decision to meet all its development needs despite the constraints that exist, does not reveal precisely how it reached this conclusion, and paragraph 4.53 of the Plan simply states that ‘On balance, it is considered that the relevant circumstances do exist within North Hertfordshire to review boundaries and enable development to meet locally identified needs.’ This is far from meeting the tests required by national policy as clarified by the judge in the Calverton case.
10. None of the Council’s assertions demonstrate that all of the calculated OAN consists of an acute or intense housing need. To do so, the Council would need to show that all elements of objectively assessed need, and the additional provision proposed, are so great that they outweigh national Green Belt policy, including those that are based principally on market demand, rather than genuine housing need.
11. This whole issue is closely associated with the Council’s proposals to remove specific areas of land from the Green Belt as part of the Plan’s strategy, which are dealt with separately at weeks 5 and 6 of the examination, but the principle of the overall scale of housing development has to take into account the Council’s Green Belt evidence as referred to above.

Issue 7.1 b): What relationship, if any, is there between the exceptional circumstances leading to the alterations proposed to the Green Belt and the proposed spatial strategy/distribution of new housing?

12. In our statement on Matter 5, the distribution of housing, we stated that we consider that Green Belt has not influenced the proposed distribution of housing allocations across the District at all, and by extension this also applies to the spatial strategy. All of the proposed major allocations are within the Green Belt, and CPREH therefore considers that the Plan is not justified and is not consistent with national policy in this respect, and that Policy SP5 is unsound and should be amended.
13. Such amendments should include the replacement of the whole of paragraph 'a' of the Policy. They should express the exceptional necessity to amend Green Belt boundaries in a limited number of specific locations following the identification of the quantity of new housing and other development that outweighs the harm to the Green Belt that will be caused, and a review of the locations where this harm will be minimised.

Issue 7.1 c): What is the capacity of existing urban areas to meet the need for housing and employment uses?

14. Failure to fully acknowledge the likely scale of windfall development, and capacity of existing previously developed land, risks the unnecessary loss of valuable greenfield sites, including Green Belt.
15. CPREH considers that the Council has underestimated the scale of housing development that can be accommodated on previously developed land in the District and will refer to the Council's evidence documents on this question, including ED3, the new Housing Background Paper.
16. CPREH considers that insufficient attention was given by the Council to the option of concentrating a greater proportion of development within the district's principal towns and villages, to include regeneration and redevelopment of underused land, and encouragement for change of use of suitable land for residential purposes, as a way of reducing the amount of greenfield land needed for housing, and in particular to minimise the amount of land that should be taken out of the Green Belt.
17. The Planning Minister (in issuing new Planning Practice Guidance) said that "The Government has been very clear that when planning for new buildings, protecting our precious green belt must be paramount..... Today's guidance will ensure that councils can meet their housing needs by prioritising brownfield sites and fortify the green belt in their area."

18. One way of optimising development in the main towns is to require minimum densities for regeneration schemes and redevelopment of previously developed land, according to their location.
19. We therefore ask that the Inspector recommends a modification to the Plan to include minimum density requirements, including higher densities in town centres and locations close to railway stations to recognise the sustainability benefits of building new dwellings in locations accessible by public transport.
20. In addition, as stated in our statement on Matter 4, on Issue 4.2, the scale of likely windfall development in the District during the plan period is considered to be far too low in the context of current national policy and recent changes to permitted development rights.
21. CPREH therefore asks the Inspector to recommend the recalculation of housing capacity that can be provided in the District before land is needed to be found in the Green Belt.

Issue 7.1 e): What is the justification for excluding Category 'A' Villages from the Green Belt?

22. The removal of villages currently 'washed over' by Green Belt designation from the Green Belt is not consistent with section 9 of the NPPF unless justified by exceptional circumstances. Villages washed over by a long established Green Belt with permanent boundaries are covered by paragraphs 79 to 81 and 83 of the NPPF. They are not subject to paragraph 86 which is only relevant to villages in newly-created Green Belt.
23. Removal of villages from established Green Belt can only take place if this is justified by the demonstrable existence of exceptional circumstances, both for taking villages out of the Green Belt in principle, and in each specific case.
24. This is not the case in respect of the villages of Breachwood Green, Graveley, Hexton, St Ippolyts or Weston, or the Potters Heath area next to Oaklands and Mardley Heath in Welwyn Hatfield Borough.
25. We would also draw attention to our statement on Matter 2 which relates to Category 'A' Villages in the settlement hierarchy.

Issue 7.4 The Plan identifies one area of safeguarded land, to the West of the A1(M) at Stevenage. c): What is the justification for safeguarding the area identified to the west of the A1(M)?

26. The proposal in the Plan is for 3,100 dwellings in the safeguarded area, in the period after 2026. CPREH has consistently opposed development of open countryside west of Stevenage over several decades since it was first suggested. The land should not be safeguarded because exceptional circumstances have not been demonstrated for the removal of land from the Green Belt.
27. In the event that the Local Plan review proposed by the Council, in the context of the prevailing policy context and following the upheavals resulting from decisions on the future of the Country as a whole, determined that further major releases of countryside for development were necessary, that would be the time to decide whether areas such as that in the Green Belt west of Stevenage, or other alternative locations should be developed. That is not a decision that should be taken now because once an area has been removed from the Green Belt there is no realistic chance of it being re-designated even if it is shown not to be needed for development.
28. The proposal for safeguarding of land for development after 2026 should be removed from the Plan.