

Examination of the North Hertfordshire Local Plan (2011-2031)
Examination hearing sessions
Statement of North Hertfordshire District Council

Matter 23 – The Green Belt Review work and the site selection process

Question 23.1 Paper B of the Council’s response to my letter of 9 July 2019 explains how the Council’s assessments of the contribution of land parcels to the purposes of including land in the Green Belt has been taken into account through the process of selecting sites for development...

a) Have I understood the approach taken correctly?

1. Yes.

b) Is the approach taken reasonable, adequately robust and consistent with national policy?

2. Yes, for the reasons set out in Paragraphs 3 to 26 of ‘Paper B’ ([ED172](#), pp.1-14).
3. The methodology and approach of the Strategic Housing Land Availability Assessment was considered at length during the original hearing sessions, in particular at the Matter 9 hearing held on 23 November 2017. Paragraphs 14 to 24 of the Council’s [Matter 9 Statement](#) provide further detail on this point.
4. The Green Belt Review Update takes full account of recent case law and best practice. The methodology is detailed in Section 2 of this document ([ED161A](#), paragraphs 2.1 to 2.13, pp.6-7). The methodology and findings of the Green Belt Review Update were peer-reviewed by Wood Plc (formerly AMEC) prior to its publication and submission to the Examination. Wood has extensive experience in undertaking Green Belt reviews for a number of Local Authorities and has successfully supported that evidence at a number of other Local Plan Examinations. The reviews undertaken for NHDC were carried out against best practice at the time and are considered to be robust.
5. There is no specific guidance on how Green Belt reviews should be conducted or how cases of *exceptional circumstances* put forward under paragraph 83 of the National Planning Policy Framework (NPPF) should be considered. This and other examinations have, to date, generally adopted the approaches of the *Calverton* judgement on this matter ([ED34](#)). The original hearing sessions were held on this basis, as can be seen in the framing of the Inspector’s questions and the Council’s [Matter 7 statement](#). The Green Belt Review Update continues to apply these principles in its considerations (see *particularly* Section 5 of ED161A, pp.40-44). The approach is reasonable, robust and consistent with national policy.
6. Reinforcing these points, the courts have recently reaffirmed that:

- There is no definition of the policy concept of *exceptional circumstances*;
- *Exceptional circumstances* is a less demanding test than the development control test of *very special circumstances*;
- *Exceptional circumstances* can be found in the accumulation or combination of circumstances of varying natures;
- General planning needs such as ordinary housing (or any particular intensity thereof), are not precluded from the scope of *exceptional circumstances*; and
- Meeting such needs often form part of the *exceptional circumstances* judgement¹.

c) *The Sustainability Appraisal is not influenced by the degree to which land does or does not contribute to the purposes of including land in the Green Belt. Should it be?*

7. No. For the reasons set out in Paragraphs 40 to 43 of Paper B (ED172, pp.19-20)

Question 23.2 The Green Belt Review Update 2018 arrives at some different conclusions to that of the original Green Belt Review. Some sites are now considered to make a significant contribution to the purposes of including land in the Green Belt (which were previously assessed as making a lesser contribution).

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

8. No, for the reasons set out in Paragraphs 27 to 39 of Paper B (ED172, pp. 15-19). This analysis draws, in particular, on the considerations set out at length in Sections 5 and 6 of the Green Belt Review Update (ED161A, pp.40-45).

9. As clearly set out in both documents, the Council's position is that all the proposed allocations in the Plan falling within the parameters of NPPF Paragraph 52 are now considered to make a significant contribution to Green Belt purposes. There is no (spatial) qualification or restriction to the advice in NPPF Paragraph 52. It can be applied equally to land both within and beyond the Green Belt. Removing all of the proposed 'Paragraph 52' developments, which have a significant impact upon Green Belt purposes by virtue of their inevitable size, would be inconsistent with this advice and would lead to bad planning outcomes in North Hertfordshire and a substantial shortfall in housing provision with no realistic prospect of this being met elsewhere. This position is explained at Paragraphs 16 to 21 of Paper B.

10. Each site proposed for allocation must be considered on its individual merits and in the wider context of housing need and supply that has been discussed at length through

¹ Compton Parish Council & Ors v Guildford Borough Council & Anor [2019] EWHC 3242 (Admin) (04 December 2019), <http://www.bailii.org/ew/cases/EWHC/Admin/2019/3242.html>, accessed January 2020. See particularly Paragraphs 68 to 72 of that judgement.

the examination. The Council's clear view is that, in each instance, the planning benefits of allocating the site outweigh the harms such as to demonstrate *exceptional circumstances* for an alteration of the Green Belt boundary under NPPF Paragraph 83. A case-by-case summary of the site-specific *exceptional circumstances* applicable to each site making an increased significant contribution to Green Belt purposes is clearly set out in Paper B (see paragraphs 20 and 33 to 36) and, in the case of the proposed East of Luton site, Paper C ([ED173](#), see Paragraph 12). These are in addition to the general principles supporting the existence of *exceptional circumstances* referenced in Paragraphs 5.9 to 5.11 of ED161A (pp.40-41).

11. The Council's approach is entirely consistent with the case law quoted above and other recent precedents found through Local Plan examinations in this area, including in the neighbouring authorities of Stevenage and East Hertfordshire.

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

12. Not applicable