

Standing up for Hertfordshire's countryside

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Our Ref: NHLP/SB

Your Ref:

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Dear Clare,

North Hertfordshire Draft Local Plan 2011 - 2031 Preferred Options

In response to your invitation of 2014 to comment on the Draft North Herts Local Plan (the Plan), CPRE Hertfordshire has the following comments.

Firstly, CPRE Hertfordshire is extremely disappointed that its representations on consultation documents at earlier stages of Plan preparation do not seem to have had any influence on the Council's approach to the Plan, and that the fundamental policy necessity for Green Belt protection has been circumvented, apparently based on flawed interpretation of national planning policy as set out in the NPPF, and explained in the NPPG. This flawed interpretation is particularly evident in the Plan's 'Vision and Objectives' section on which the rest of the Plan is based, and as a direct result in the totally inappropriate and unjustified scale of new housing development that the Plan proposes for the District.

CPRE Hertfordshire has previously drawn this key issue to the Council's attention, without response from the Council's officers, and we now fear that the Council is so committed to following its present course, that an unsound Local Plan will be published for formal consultation, that we will be forced to oppose. The prospect of further delay to Adoption, at a time when an up-to-date Plan is essential in the battle against unsustainable speculative development within the Green Belt, and the District's open countryside, is extremely frustrating.

Therefore, in setting out our concerns below, we do so with the expectation that the Council will urgently reconsider the basis for its assumptions about Green Belt and Housing Policy in the NPPF, rather than defer such consideration until a review of all representations has been concluded. This urgency is because the harm done by publication of the draft Plan in its current form will impact immediately through the use by developers of the excessive housing targets in the Plan as justification for unnecessary development before a revised pre-submission Plan can be published.

Vision and Objectives

The principal flaw in the Plan is revealed in the Vision and Objectives (Section 2) and specifically in Figure 1 and paragraph 2.7. Figure 1 refers to paragraph 156 of the NPPF and

states the Plan objective to ‘identify locations for a range of types of homes ...to meet identified needs...’, but the Plan is not automatically required or expected to fully meet identified needs, as made clear by the key NPPF paragraph 14 on what ‘sustainable development’ means for local plans, if “*specific policies in this Framework indicate development should be restricted (for example those policies relating to ...land designated as Green Belt,...(or) an Area of Outstanding Natural Beauty...*””. This fundamental policy principle is not explained anywhere in the Plan’s Background Documents that set out how the scale of Housing development in the Plan has been determined.

Paragraph 2.7 of the Plan consequently assumes that *all* needs *will* be met in stating that the levels of growth “*required in North Herts*” (my emphasis), and states that the lack of suitable brownfield sites, etc, mean that it is not possible to meet all identified needs without building in the Green Belt. The Plan is wrong to then state however, that these are ‘exceptional circumstances that justify a review of Green Belt... *as part of this local plan to accommodate the identified levels of growth*’. We go into greater detail on this issue below.

The text of the Vision and Objectives section of the Plan, and the Housing and Settlement Strategy, therefore need to be amended to refer to the objective of helping to meet objectively assessed needs of the District and its neighbours only as far as is compatible with the wider policy constraints that apply, in accordance with NPPF paragraph 14 and footnote 9.

Having determined such a target, a Green Belt review is the appropriate means of identifying suitable sites to make up the shortfall that cannot be met within regeneration, brownfield and other previously developed locations.

Housing Need and Housing Targets

The reasoned justification for the Plan’s Housing Targets, as necessitated by paragraph 14 of the NPPF, is not set out anywhere in the Plan or the evidence base documents published on the Council’s website.

Paragraphs 14 (Sustainable development) and 17 (Core planning principles) of the NPPF should have been the Council’s starting point for all key aspects of the Local Plan. These principles should underpin plan making at all levels.

Whilst it is a core principle (para 17, bullet 3) that ‘*every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and to ‘set out a clear strategy for allocating sufficient land which is suitable for development in their area*’, it is also a core principle (bullet 5) that planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, ‘*protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside*’. This principle also extends to the protection of

Areas of Outstanding Natural Beauty which have *'the highest status of protection in relation to landscape and scenic beauty'* (NPPF paragraph 115).

The Plan presents a flawed interpretation of the relationship between the requirement to 'objectively assess' development needs, and the requirement to take proper account of the strategic policy constraints affecting North Hertfordshire in determining the extent to which those development needs can and should be accommodated. This is made clear in NPPF paragraph 14 and footnote 9, as confirmed by several Ministerial statements, further advice from DCLG, and in letters from the Secretary of State and the Planning Minister to the Planning Inspectorate and others, in May, October, November and December last year.

Hence, while the Council should use its evidence base to ensure (NPPF paragraph 47) that the Local Plan *'meets the full, objectively assessed needs for market and affordable housing'*, NPPF paragraph 47 continues *'as far as is consistent with the policies set out in this Framework'*, and footnote 9 to paragraph 14 highlights that this means policy constraints including specifically, Green Belt and Areas of Outstanding Natural Beauty, both of which are important constraints in North Herts.

We refer you to the letter of 19 December 2014 from the Planning Minister to the Chief Executive of the Planning Inspectorate, that states *"We have set out in our recent guidance that a Strategic Housing Market Assessment is just the first stage in developing a Local Plan and councils can take account of constraints which indicate that development should be restricted"*, and that *"a SHMA is untested and should not automatically be seen as a proxy for a final housing requirement in Local Plans."*

We are very disappointed that the Council has failed to recognise that the identification of an appropriate level of housing growth is not determined solely by market assessments and population and housing forecasts, but by a sustainable balance between 'objectively assessed' needs and relevant policy constraints and principles, including the protection of Green Belt and the countryside. Such constraints have been accepted at core strategy examination elsewhere as a basis for setting targets, and planning authorities in similar locations relative to London's Green Belt are proceeding to adoption of their Plans on this basis.

We urge you to take immediate note of the Planning Minister's further clarification letter of 19 December, and paragraphs 44 and 45 of the NPPG on Housing and Economic Land Availability, and to carry out a transparent Planning process to determine what scale of Housing development is appropriate in North Herts, in that context.

Where that balance should fall is a fundamental issue that the Council must address in amending the draft Plan, but the Plan is currently misleading in implying that it has to meet a housing target based solely on the assessed level of housing need. As the SHMA states at paragraph 5, *'in the absence of any direct (our emphasis) guidance on matters such as housing targets, responsibility for establishing the level of future housing provision required rests solely with the local planning authority.'* It is this responsibility that CPRE

Hertfordshire expects the Council to act on, in the absence of a specific methodology in the NPPG on how to determine an appropriate housing target.

It is only after setting a justifiable target and determining the number of dwellings that can be accommodated without incursion into the Green Belt and other Greenfield countryside, that the findings of the Green Belt review should be used to help identify suitable sites for inclusion in the submission draft Local Plan. Paragraph 32 of the Green Belt Review reveals the flawed approach taken by the Plan. While noting that Government policy was ‘that Green Belt is a consideration that should be taken into account when deciding the housing targets for inclusion in a Local Plan’, and that ‘they should make every effort to meet objectively assessed need for housing’, paragraph 32 then states that elsewhere in the Country a Green Belt Review has been found to be necessary and that ‘it is not acceptable to merely rely on old Green Belt boundaries as a reason not to accept development.’ This statement missed the whole point of the Government’s policy on setting targets in Green Belt areas, which is not that (even long-established) boundaries have to remain unchanged, but that targets should be determined first, taking Green Belt and other constraints into account, and then consideration given to which sites should be developed and Green Belt boundaries changed as a result.

The Draft Plan states in its conclusion that a total of 14,200 houses should be built in the District in the period 2011 to 2031. This is more than double the number (7,000) consulted on by the Council in 2013, and over 8,000 more than the number required to meet housing need generated within the District itself, according to the Council’s Strategic Housing Market Assessment Update. All of this increase would have to be accommodated in the Green Belt or other Greenfield countryside locations based on the Council’s background information.

We remain of the opinion that at the present time no sites should be allocated in the countryside beyond established settlements in the period to 2021, unless and until exceptional circumstances for this are demonstrated in the context of a lower revised housing target. Furthermore, a far more robust and reasoned justification for longer term development to 2031 is required and for the safeguarding of land for development after 2031, if Green Belt boundaries need to be changed as a result of the lower revised housing target and a review of development potential within brownfield and other previously-developed locations.

Location of Housing and the Green Belt Review

Proposals for new Housing development in the Plan should be reconsidered following the setting of a justified Housing Target as requested above. In particular, the Council should consider whether the large number of sites currently proposed in the Green Belt outside existing village boundaries, is either necessary or consistent with Green Belt policy if a lower Housing Target is approved. Similarly, some or all of the large sites proposed in the Green Belt adjacent to the District’s large towns and both Luton and Stevenage may not be appropriate, if the total area of greenfield land required can be significantly reduced.

In making these decisions, CPRE Hertfordshire wishes to draw your attention to the following facts.

Firstly, the potential capacity of brownfield and other previously developed sites within towns, is now significantly greater than shown in the Council's SHLAA 2014 Update. As an example, Table 1, potential sources of supply, totally excludes dwellings arising from relaxation of change of use regulations that have so far resulted, without the need for planning permission, in over 1,500 new dwellings countywide from office conversions alone, in 18 months. Similar potential exists in other urban land uses, and rural buildings, where similar changes of use to residential are now encouraged by the Government.

The potential for windfalls and changes of use are therefore underestimated by the Plan and should be re-assessed before determining the scale of the residual dwelling target that would need to be accommodated in the Green Belt and other countryside locations.

Secondly, the capacity for Luton to accommodate an appropriate housing target in Luton Borough, taking account of the latest relaxation of change of use regulations, is not demonstrated in any background document on the Council's website, or set out in the Plan. The proposal for 2,100 houses in the Green Belt east of Luton is not therefore supported by evidence of exceptional circumstances sufficient to permit the removal of this area from the Green Belt and thereby changing an established permanent Green Belt boundary.

Thirdly, we have concerns about the Green Belt review as set out in the Plan's background documents. We are not able to provide a comprehensive analysis of the review, but need to point out the following examples:

- The longstanding 5th principal purpose of the Green Belt, as set out in the NPPF is to encourage regeneration and redevelopment of land within the settlement around which the Green Belt has been designated (in this case around London) and around the settlements in the M1 and A1(M) corridors, and beyond the Green Belt. The Council's Green Belt Review has given no weight at all to this purpose, even though in some cases it is an important factor where very large scale development is proposed outside existing settlements within which capacity would otherwise need to be found by way of regeneration and redevelopment. The Green Belt Review has failed to understand the significance of the 5th purpose by stating repeatedly (tables 1, 2, and 7, and paragraphs 19, 32 and 53 of Part 1 of the review, and tables 1 and 2, and paragraph 61, of Part 2) that the 'other Green Belt purposes' contribute to urban regeneration. This statement reveals a misunderstanding of both Green Belt purposes and the purpose of a Green Belt review.
- The Review process is flawed in assessing individual sites before determining the scale of housing that needs to be accommodated outside existing urban areas and brownfield sites, as shown by paragraph 34 of the Review which states that the review preceded determining 'whether the Green Belt boundary in North Herts needs to be redrawn.'
- There also seems to have been a rather crude and inconsistent application of Green Belt boundary definition criteria, including where the absence of suitable boundary features

has routinely been ignored on a subjective and arbitrary basis according to officer opinion.

- Paragraph 37 of the Green Belt Review, Part 2 states that land at Priory School at Hitchin 'has also been removed from the Green belt at the request of Hertfordshire County Council, acknowledging the current and future education pressures in the Hitchin Area', again demonstrating inconsistency in the application of both Green Belt policy towards development defined as 'inappropriate' by section 9 of the NPPF, apparently in this case influenced by the developer in question being a public sector service provider.

The apparent inconsistencies in the Green Belt Review are compounded by the conclusions in the Site Selection Matrix background document, which apparently determined which sites would be allocated. The decisions on whether or not the individual sites should be allocated or not, seems in many cases to bear little relationship to the series of comments on them in the matrix. Several sites are stated to make a significant or moderate contribution to the Green Belt, have landscape or other important constraints, and to not have suitable boundary features, but are nevertheless proposed as allocations, whilst others with few constraints, and making a lesser contribution to the Green Belt, are not.

Any reliance on the findings of the Green Belt review should in our view be subject to a rigorous review of the Green belt review process undertaken, looking at both the underlying assumptions of the Review and the detailed findings. The Site Selection Matrix conclusions should be similarly scrutinised for consistency and objectivity.

Although we are not in a position to review all the sites proposed for development in the Plan, and note that this will not be necessary if the Council re-considers its approach to setting a housing target as set out above, thereby considerably reducing the number and extent of those sites, we would wish to make one further comment on the distribution of the proposed strategic development areas. As set out in the Plan these would mean that some of the most congested areas of the District would be put under even greater pressure. The narrow gaps between settlements, particularly in visual terms, represent some of the most fragile areas of Green Belt in the County as well as in the District. We pointed this out at the last consultation stage and noted that the NPPF recognises the sensitivity of such 'gaps' and their great importance in preventing neighbouring settlements merging into one another, the second of the five Green Belt purposes. In particular, the separation between Hitchin and Stevenage; between Hitchin, Letchworth and Baldock; north of Letchworth; and between the settlements south of Stevenage, is under threat from the proposals in the Plan.

CPRE Hertfordshire also continues to oppose and will campaign with local action groups and others, against major development proposals West, North and North-east of Stevenage, and East of Luton, and will oppose such developments. Exceptional circumstances sufficient to outweigh the substantial harm that they would cause to the Green Belt individually, and the even greater harm that they would cause in combination, have not yet been demonstrated in the context of current national policy.

In conclusion, CPRE Hertfordshire considers that the draft Local Plan is not an appropriate basis for decisions on which housing sites should be included in the submission draft Local Plan.

This letter has necessarily concentrated on matters of principle in terms of housing and Green Belt, and CPRE Hertfordshire may wish to forward further comments on other aspects of the Plan in due course. Meanwhile we repeat our request that the Council urgently reconsiders the Plan's Housing Target.

Please contact me if further explanation of our comments would be helpful to you.

Yours Sincerely,



Steve Baker
Planning Manager
CPRE Hertfordshire.