

Standing up for Hertfordshire's countryside

EAST HERTS PRE SUBMISSION DISTRICT PLAN 2016: CPRE HERTFORDSHIRE REPRESENTATIONS

Introduction

The following representations by Campaign to Protect Rural England Hertfordshire (CPRE) on the East Herts Pre-Submission District Plan (the Plan) are set out individually in the same order as the sections and questions in Part B of the Council's Comment Form.

Our specific representations accompany a single covering Comment Form with part A, the notification questions and the signature/date completed on behalf of CPRE.

Our representations and specific comments are set out in the order in which the relevant text appears in the Plan and other Plan documents, under the relevant Chapter number and heading.

This document is being submitted in 'word' format to enable the Council to directly copy extracts from our representations into its record of consultation responses, and to quote from our representations in reporting to the Council's decision-makers and for referral to the Planning Inspector for consideration during the Plan's Examination

Chapter 1 - Introduction

Paragraph 1.5.4

Not Sound - not consistent with the NPPF

The third sentence in this paragraph should be amended to state "*unless specific policies in the National Planning Policy Framework indicate that development should be restricted*", rather than "*and other aspects of the NPPF*" so as to bring the text into line with Policy INT1 and the NPPF.

Yes - we wish to participate to emphasise the importance of the constraints imposed by Government Planning Policy.

Policy INT 1

Not Sound - not consistent with the NPPF

Part III of the draft policy is inconsistent with the NPPF because the key word 'or' is omitted after sub-paragraph 'a'. Failure to meet either criterion 'a' or 'b' should lead to the presumption in favour of a proposal, not being applicable.

Accordingly, the word 'or' should be inserted after subparagraph 'a' in part III of Policy INT 1.

Yes - we wish to participate to emphasise the importance of the constraints imposed by Government Planning Policy.

Chapter 2 - Vision and Strategic Objectives

Paragraph 2.4.1

Not Sound - not consistent with the NPPF and not justified

Vision statement 7 is unsound in that it is not consistent with the NPPF and it is not justified, by promoting unsustainable strategic developments in the Green Belt East of Stevenage and Welwyn Garden City, and north of Harlow. The statement is not compatible with several of the other statements listed in this paragraph, which are supported. Statement 7 should be deleted from Paragraph 2.4.1.

Yes - we wish to participate to explain why the wording of the Plan is unsound.

Paragraph 2.5.1

The Strategic Objectives are sound and supported by CPRE.

Section 2.6

Not Sound - not consistent with the NPPF and not justified

Object strongly to the statements about the role of the economic concept known as the London Stansted Cambridge Corridor (LSCC) in influencing Planning Policy for the East Hertfordshire District.

The concept is based on entirely economic factors and is inherently unsustainable in its own right as by definition it ignores environmental and national planning policy constraints and has been developed without any meaningful public consultation on its purpose or objectives.

The inclusion in the East Herts District Plan of objectives based on discussions between neighbouring councils within such an area is unsound in being inconsistent with the NPPF, in being unjustified, in being ineffective in meeting the Plan's strategic objectives, and because of the lack of public consultation on the implications of LSCC objectives for the District.

CPRE also wishes to point out that the predecessor concept of an A11 Corridor, supported by a previous government, was rejected as part of the now abolished East of England Plan partly on the grounds of its unsustainability.

CPRE considers that the proposed wording in the Plan would promote development on the Green Belt and elsewhere in the countryside in direct conflict with national Planning Policy. This includes wording that promotes development at specific locations outside the District on contentious major Green Belt sites yet to be the subject of examination through the Local Plan process.

Yes - we wish to participate to emphasise the importance of the constraints imposed by Government Planning Policy and explain why the proposed wording is unsound.

Chapter 3 - the Development Strategy

Paragraph 3.1.2

Not Sound - not consistent with the NPPF

The third sentence of this paragraph reveals the Council's misinterpretation of the NPPF, and in particular of paragraphs 7 and 8 which emphasise that there are three mutually dependant elements of sustainability, which future development must achieve, rather than the impacts on them merely 'mitigated' in order to meet future growth demands, as stated in this paragraph.

Yes - we wish to participate to emphasise the importance of the constraints imposed by Government Planning Policy and explain why the proposed wording is unsound.

Paragraph 3.2.2

Not Sound - not consistent with the NPPF

The second sentence is unsound in that it fails to include the housing target-setting purpose of avoiding a scale of development that would lead to the breach of nationally defined environmental and policy constraints.

Yes - we wish to participate to emphasise the importance of the constraints imposed by Government Planning Policy and explain why the proposed wording is unsound.

Paragraph 3.2.4 and 3.25

Not Sound - not consistent with the NPPF and not justified

In agreeing with neighbouring councils through a memorandum of understanding apparently not available for this consultation, to meet its assessed housing needs in full, the Council appears to have relied on a simple assumption that all housing needs, identified through their background studies, must be met in full, despite national planning policy and planning case law to the contrary.

If the Plan is allowed to proceed as published by the Council, it would commit future generations to continuing development which would cause incalculable harm to the Green Belt over and above that already proposed in the Plan.

CPRE does not accept that the Council has considered all reasonable alternative approaches to meeting the District's development needs, particularly it setting a Housing Target for the Plan, and that this failure has contributed to an unsound Development Strategy.

A realistic contribution to housing capacity from a greater range of sources including windfall sites, changes of use in accordance with current permitted development rights, and other measures promoting the recycling of previously developed land and property, should

have been included in the Plan, and a Housing Target then determined that reflects both development needs and the nationally important constraints that exist in the eastern, southern and western parts of the District.

Yes - we wish to participate to emphasise the importance of the constraints imposed by Government Planning Policy and explain why the proposed wording and the approach on which it is based, are unsound.

Paragraph 3.2.7

Not Sound - not consistent with the NPPF

The third sentence mistakenly treats ‘the level of housing need’ and ‘this higher (housing) target’ as the same thing, contrary to the requirements of NPPF paragraph 14 and footnote 9. This is unsound for the reasons set out above on paragraphs 3.2.4 and 3.2.5.

Yes - we wish to participate to emphasise the significance of Government Planning Policy on Housing Targets.

Paragraph 3.2.8

Not Sound - not consistent with the NPPF

The assumptions for the annual increase in employment in the District incorporated in the Council’s Strategic Housing Market Assessment (SHMA) are excessive, fail to reflect national planning policy constraints, unacceptably increase Housing Need calculations and are not justified.

Yes - we wish to participate to emphasise the importance of the constraints imposed by Government Planning Policy and explain why the proposed wording and the approach on which it is based, are unsound.

Paragraph 3.2.9

Not Sound - not consistent with the NPPF and not justified

The proposals for development of 4 to 5 hectares of Green Belt land south of Bishop’s Stortford, and 3 hectares North and East of Ware, are not justified, and are inconsistent with the NPPF. No reference is made in this paragraph to any exceptional circumstances that might justify such allocations, as required by NPPF paragraph 83.

A more realistic and justified lower amount of employment land provision based on a more acceptable reduced housing target should be set that meets the requirements of the NPPF, and in particular paragraph 14, and the key cross-reference to Footnote 9.

Yes - we wish to participate to emphasise the importance of the constraints imposed by Government Planning Policy and explain why the proposed wording and the approach on which it is based, are unsound.

Policy DPS1 ‘a’ and ‘b’, and Guiding Principles 1, 4, 7 and 9 in paragraph 3.3.2, and paragraph 3.3.4
Not Sound - not consistent with the NPPF and not justified

Part ‘a’ of DPS1 proposes a minimum of 16,390 new homes be built by 2033, repeated in paragraph 3.3. 4, and paragraph 3.3.2 includes a ‘guiding principle’ that sites be allocated to meet all the District’s housing needs in East Herts in that period. Paragraph 3.3.2 states that the ‘guiding principles’ are based on planning policy and legal requirements, but this is clearly not the case. These proposals are neither justified nor consistent with the Housing and Green Belt policies set out in the NPPF and are therefore unsound.

In particular, the Housing target element of the Policy and ‘guiding principle’ are not justified by sound evidence that all assessed housing need in the District must be met in the District, or that exceptional circumstances exist for removing a series of very large and smaller sites from the Green Belt in order to do so. Paragraph 3.3.4 fails to reflect the wording in NPPF paragraph 14, and the important cross-reference to Footnote 9, which sets out that housing needs do not have to be met in full if the constraints of Green Belt policy indicate that development should be restricted. A summary of our criticisms of the Plan in this respect are also set out in our comments on paragraphs 3.2.4 and 3.2.5 of the Plan, and a fuller explanation under paragraph 4.3.2.

The Policy DPS1 ‘b’ proposal to ‘maximise’ employment growth and to allocate Green Belt land in order to achieve this, ignores NPPF policy and is not justified by reference to any evidence that outweighs national Green Belt policy. The proposed annual increase in employment is excessive, fails to reflect national planning policy constraints, unacceptably increases Housing Need estimates and is not justified.

The housing target in Policy DPS1 should be reduced following a detailed analysis of the elements of the Council’s overall housing need assessment to determine the scale of housing need that is justified, given the specific Green Belt and other NPPF footnote 9 constraints that apply to the District.

Guiding Principle 4 is unsound because it proposes the creation of ‘unambiguous’ Green Belt boundaries. If changes to established Green Belt boundaries are made in the Plan, the essential characteristic of new boundaries is not that they are clear, but that they are ‘defendable’ in future. This means that they must follow permanent naturally occurring or man-made physical features that cannot be readily breached, for example by the creation of a new road access, and are preferably defined in restrictive provisions in legally binding obligations where they are defined in association with a change to an established boundary to facilitate development.

Guiding Principle 7 is unsound because it states that ‘the provision of large-scale strategic developments will be required’. The Plan does not provide the evidence to support this

assumption, which is predicated on the excessive housing target set out in the Plan, which is also unsound.

Guiding Principle 9 is unsound because it promotes as a principle, development in the Green Belt contrary to national Planning policy and the Plan's own objectives to protect the Green Belt. There is no explanation in section 3.3 of the Plan or any evidence document referred to in that section to support this 'principle', which seems to be proposed solely as a means to achieve the excessive housing target set out in the Plan, which is itself unsound.

Yes - we wish to participate to emphasise the importance of the constraints imposed by Government Planning Policy and explain why the proposed housing target and the approach on which it is based, are unsound.

Paragraph 3.3.7

Not Sound - not consistent with the NPPF

CPRE disagrees that a buffer of 20% is justified, and considers that this statement is unsound and threatens inappropriate development in the countryside that would be inconsistent with national planning policy. Recent under-provision is not on the scale stated because this is based in part on the Council's own excessive housing targets that are as yet untested, and a 5% buffer would be more appropriate.

Yes - we wish to participate to emphasise the importance of the constraints imposed by Government Planning Policy and explain why the proposed wording and the approach on which it is based, are unsound.

The Policy DPS2

Not Sound - not consistent with the NPPF and not justified

The proposal in DPS2 part I, for provision of 16,390 houses by 2033 is unsound for the reasons set out above for Policy DPS1, and a lower target should replace this figure as sought by our representation on that policy.

Yes - we wish to participate to emphasise the importance of the constraints imposed by Government Planning Policy and explain why the proposed housing target and the approach on which it is based, are unsound.

Paragraph 3.3.10 (3) and (5)

Not Sound - not consistent with the NPPF

Part 3 of the Policy states that a windfall estimate based on past records has been incorporated in the calculation of new dwelling supply, but this is an unsound approach because it fails to recognise the significant emerging contribution to housing supply from

changes of use and other permitted development rights, as well as the effect of policy changes introduced by the NPPF. Such ‘new’ sources of supply are significant, and changes of use from offices to residential have resulted in permitted development for over 4,000 dwellings in three years within Hertfordshire as a whole, and within East Herts alone in excess of 230 dwellings.

Provision beyond the Plan period proposed in paragraph 3.3.10 (5) for 6,950 further properties in the Gilston Area north of Harlow, and a further 500 in the area north and east of Ware, all in the Green Belt, is also contrary to national planning policy as set out in the NPPF, and this is also referred to in our objections in respect of Chapters 9 and 11. No exceptional circumstances are provided for the removal of the land from the Green Belt to facilitate these proposals as required by the NPPF.

Yes - we wish to participate to emphasise the importance of the constraints imposed by Government Planning Policy and explain why paragraph 3.3.10 is unsound.

Policy DSP3 and paragraph 3.3.11

Not Sound - not consistent with the NPPF

Policy DSP3 misleadingly appears after paragraphs 3.3.15 under the heading ‘Green Belt’, and should be moved forward as the final part of the section on housing.

The policy is however unsound for the reasons set out in our objections to Policy DPS1 and to paragraphs 4.3.2 and 4.3. 3 in Chapter 4.

The inclusion of Green Belt sites in the proposed Housing Supply schedule has not been justified by exceptional circumstances.

No allowance has been made in the policy for housing supply from changes of use of non-residential sites in accordance with current permitted development rights, and the contribution from the recycling of previously developed land and property is understated.

Yes - we wish to participate to emphasise the importance of the constraints imposed by Government Planning Policy and the implications for Policy DPS3.

Paragraphs 3.3.12 and 3.3.13

Not Sound - not consistent with the NPPF and not justified

There is no justification for approving a housing supply that exceeds the already excessive housing target, particularly if a substantial “buffer” has already been included and that level of provision results in large scale loss of Green Belt as proposed by East Herts Council. This is an unsound proposal, and it has been proposed without any acceptable justification in the text. The reference in 3.3.13 to the over-provision demonstrating a commitment to ‘positive planning’ suggests that the Council considers that this requirement overrides the other three tests of soundness. This is not the case, as all the tests of soundness must be met. In this context CPRE considers that failures to adequately justify the scale of Green

Belt loss in the face of clear national planning policy protection for the Green Belt, make the Plan unsound and seeks major changes to significantly reduce the scale of Green Belt loss based on a critical review of housing need rather than the ‘open door whatever the consequences’ approach set out in the Plan.

Yes - we wish to participate to emphasise the importance of the constraints imposed by Government Planning Policy and explain why paragraphs 3.3.12 and 3.3.13 are unsound.

Paragraph 3.3.15

Not Sound - not consistent with the NPPF

This paragraph omits the key step in the planning process that Council must undertake when setting the Plan’s housing target, of balancing housing needs against national planning policy constraints as stated in NPPF paragraph 14. Instead the Council states that it has gone directly to a Green Belt review process having decided that all assessed housing need will be met.

This approach is unsound and fails to meet basic requirements of the NPPF as clarified in the Calverton court case referred to in our representations on paragraph 3.2.4, and paragraphs 4.3.2 and 4.3.3 on Green Belt.

Yes - we wish to participate to emphasise the importance of the constraints imposed by Government Planning Policy and explain why paragraph 3.3.15 is unsound.

Chapter 4 - Green Belt and area beyond the Green Belt

Paragraphs 4.3.2 and 4.3.3

Not Sound - not consistent with the NPPF and not justified

The wording of paragraph 4.3.2 implies that ‘a high level’ of housing need (including a ‘backlog’ of unmet need) is itself an ‘exceptional circumstance’ justifying release of Green Belt land, but this is not so.

Similarly the wording states that the specific lack of suitable alternative locations in the north of the District is an exceptional circumstance, again without any explanation as to why this is exceptional or any reference to why all of the identified need should be met. Such an approach to housing target setting and allocation of Green Belt land for housing fails to take fundamental national planning policy considerations and binding case law into account. The National Planning Policy Framework (NPPF) states that a housing target should be identified so as to meet objectively assessed needs, unless policies in the NPPF say that development should be restricted (CPRE emphasis), specifically referring to Green Belt as such a policy constraint. Paragraph 83 of the NPPF states that permanent ‘*Green Belt boundaries should only be altered in exceptional circumstances*’, and the Courts have also ruled on what this means for Councils, which is summarised below.

Firstly however, the Planning Minister (in a letter to Members of Parliament dated 7 June 2016) said that “*the Government has put in place the strongest protections for the Green Belt. The Framework (the NPPF) makes it clear that inappropriate development may be*

allowed only where very special circumstances exist, and that Green Belt boundaries should be adjusted only in exceptional circumstances (CPRE emphasis), through the Local Plan process and with the support of local people. We have been repeatedly clear that demand for housing alone will not change Green Belt boundaries.”

In terms of ‘exceptional circumstances’, CPRE Hertfordshire notes that the Oxford English Dictionary definition of ‘exceptional’ is ‘*unusual, not typical, out of the ordinary, special*’. Accordingly, we do not consider that the claimed lack of enough land in the north of the District to meet all assessed needs that cannot be accommodated in existing settlements or on previously developed land is ‘unusual’, ‘out of the ordinary’ or indeed ‘untypical’ of local planning authorities constrained by policies including the protection of the Green Belt, identified in paragraph 14, and footnote 9 of the NPPF.

Secondly, in the case of *Calverton Parish Council v Nottingham City Council* [2015] EWHC 1078 Admin, the Judge made the key statement (in paragraph 50 of his judgment) that “*it would be illogical, and circular, to conclude that the existence of an objectively assessed [housing] need could, without more, be sufficient to amount to “exceptional circumstances” within the meaning of paragraph 83 of the NPPF*”.

In effect the Judge said that if the Council’s approach were adopted then ‘exceptional circumstances’ will always be found if a housing need exists in general terms that cannot be met from non Green Belt land. He pointed out that such an approach would negate the basic protection given to Green Belt land in paragraph 14 of the NPPF.

Clearly therefore it is not sufficient for any Council to justify release of Green Belt land by referring merely to a total housing need figure, whether for the Council’s administrative area, or a wider housing market area, that cannot be met in other ways. A much more detailed and sophisticated analysis is required.

The Council’s Technical Studies include a Green Belt Review 2015. It is not clear to what extent the analysis contained in this is relied on in deciding in principle to meet, and indeed exceed, assessed housing needs. However, the Review states that “*the requirement to seek to meet the objectively assessed housing need can provide the exceptional circumstances, and whilst the presence of Green Belt may be one factor in a planning authority proposing a level of provision less than the need, it could not expect its plan to be found sound on this basis unless it could demonstrate that locations in the Green Belt that could otherwise be suitable for development for housing had been assessed against the five purposes of including land in the Green Belt.*” Such an approach also fails to address the requirement to balance need against Green Belt and other constraints as set out in paragraph 14 of the NPPF. In particular, the reference to overall housing need constituting ‘exceptional circumstances’, does not conform with the approach in the *Calverton* case, in which the issue of assessment of the land against Green Belt purposes is only one of the factors referred to by the Judge.

Accordingly paragraph 4.3.3 is unsound for the above reasons set out above and in our representation on paragraph 3.3.15.

Yes - we wish to participate to emphasise the importance of the constraints imposed by Government Planning Policy and explain why the Council's approach to the removal of land from the Green Belt for Housing is unsound.

Paragraph 4.5.2 and Policy GBR1

Not Sound - not consistent with the NPPF and not justified

"Encouragement" to three parish councils to amend the Green Belt boundaries around their villages is unsound.

Firstly, as stated in paragraph 83 of the NPPF, Green Belt boundaries can only be altered in a Local Plan, not a Neighbourhood Plan.

Secondly, there is no reference in the text or the Policy to the essential requirement for the demonstration of exceptional circumstances to justify any specific change to a Green Belt boundary. Part II of the Policy conflicts with Green Belt policy in the NPPF for the reasons set out in our representations on paragraphs 4.3.2 and 4.3.3, and part II of the Policy should therefore be deleted.

Yes - we wish to participate.

Chapter 5 - Bishop's Stortford

Figure 1 (Key Diagram); Policy BISH1, part 'c'; Policy BISH5, paragraph 5.3.13 and Figure 5.4; Policy BISH11 and Policy BISH12 part IV (c)

Not Sound - not consistent with the NPPF and not justified

All of the above relate to the proposal for removal of a large area of land in the Green Belt south of Bishop's Stortford for 750 houses, a 4-5 hectare business park and a retail centre. This is not a sound proposal because exceptional circumstances for the removal of the site from the Green Belt have not been set out as required by national planning policy, and because the release of the site is stated in paragraph 5.3.13 to be mainly 'to meet housing needs', which is an inadequate justification for the proposal for the reasons set out in our representations on paragraph 4.3.2.

Bishop's Stortford South was proposed for partial development in the draft of the previous local plan. However, it was retained wholly within the Green Belt in the adopted version of the local plan and plans for a school campus on part of the site were rejected by EHDC and, following a public inquiry in 2012.

When looked at in combination with other proposals in this Plan for development in the Green Belt north of Harlow and north and west of Sawbridgeworth, this proposal would consolidate what is becoming an urban corridor of development from Harlow to Stansted Mountfitchet, similar to pre-war developments along the arterial roads out of London that led to the introduction of London's Green Belt.

Green Belt purposes are therefore threatened by this proposal which is unsound and should be deleted from the Plan along with associated text and ancillary proposals for other urban land uses at the site.

Yes - we wish to participate to explain why the Council's proposals to remove this land from the Green Belt for Housing and other inappropriate land uses, is unsound.

Chapter 7 - Hertford

Figure 7.1; Policies HERT1 parts (b) and (c); HERT3 and paragraph 7.3.7; and HERT4 and paragraph 7.3.9

Not Sound - not consistent with the NPPF and not justified

The above elements of the Plan propose the removal of land in the Green Belt to the west of Hertford (for 550 houses), and north of Hertford for 150 houses. These are not sound proposals because exceptional circumstances for the removal of the sites from the Green Belt have not been set out as required by national planning policy, and because the release of the sites is stated in paragraphs 7.3.7 and 7.3.9 to be to meet short or medium term housing needs, which is an inadequate justification for the proposal for the reasons set out in our representations on paragraph 4.3.2.

Yes - we wish to participate to explain why the Council's proposals to remove this land from the Green Belt for Housing, are unsound.

Chapter 8 - Sawbridgeworth

Fig. 8.1; Policies SAWB1 parts (a), (b) and (c); SAWB2, Fig 8.2 and paragraph 8.2.5; SAWB3, Figure 8.3 and paragraph 8.2.9; and SAWB4, Fig 8.4 and paragraph 8.2.12

Not Sound - not consistent with the NPPF and not justified

The above elements of the Plan propose the removal of land in the Green Belt to the west of Sawbridgeworth (for 300 houses), and north of Sawbridgeworth (for 200 houses). These are not sound proposals because exceptional circumstances for the removal of the sites from the Green Belt have not been set out as required by national planning policy, and because the release of the sites is stated in paragraphs 8.2.5, 8.2.9 and 8.2.12 to be to meet short or longer term housing needs, which is an inadequate justification for the proposal for the reasons set out in our representations on paragraph 4.3.2.

Yes - we wish to participate to explain why the Council's proposals to remove this land from the Green Belt for Housing, are unsound.

Chapter 9 - Ware

Figure 9.1 (Key Diagram); Policy WARE1, part (a) and paragraph 9.1.6 and 9.1.8; Policy WARE2 and paragraphs 9.2.5 to 9.2.7; and Policy WARE3, part II
Not Sound - not consistent with the NPPF and not justified

The above elements of the Plan propose the removal of land in the Green Belt to the north and east of Ware for 1,500 houses, employment and other commercial uses within and beyond the Plan period. These are not sound proposals because exceptional circumstances for the removal of the sites from the Green Belt have not been set out as required by national planning policy, and because the release of the sites is stated in paragraphs 9.2.5 to solely to meet medium and longer term housing needs, which is an inadequate justification for the proposal for the reasons set out in our representations on paragraph 4.3.2.

Part (a) of Policy WARE1, the whole of WARE2 and part II of Policy WARE 3 should be deleted if the Plan is to be made sound.

Yes - we wish to participate to explain why the Council's proposals to remove this land from the Green Belt for Housing and other inappropriate land uses, is unsound.

Chapter 10 - Villages

Policy VILL1, part II and paragraph 10.2.3

Not Sound - not consistent with the NPPF and not justified

The requirement that all Group 1 villages in the rural area beyond the Green Belt should increase their housing stock by 10 percent is unsound and does not take into consideration the unique characteristics of each village and the constraints that should influence planning decisions about their future development.

Yes - we wish to participate to emphasise the importance of the constraints imposed by Government Planning Policy.

Policy VILL1, part III, and paragraphs 10.2.5 and 10.2.6

Not Sound - not consistent with the NPPF and not justified

"Encouragement" for the three parish councils for Hertford Heath, Stanstead Abbots and Watton-at-Stone, to amend the Green Belt boundaries around their villages for housing development through their Neighbourhood Plans, is unsound.

Firstly, as stated in paragraph 83 of the NPPF, Green Belt boundaries can only be altered in a Local Plan, not a Neighbourhood Plan.

Secondly, there is no reference in the text or the Policy to the essential requirement for the demonstration of exceptional circumstances to justify any specific change to a Green Belt boundary. The veiled threat in Policy VILL4, that the District Council will step in and allocate such land for housing if the Neighbourhood Plan does not, again without any planning justification, is also unsound. The proposed approach does not take into consideration the unique characteristics of each village and the constraints that should influence planning decisions about their future development.

Part III of the Policy conflicts with Green Belt policy in the NPPF for the reasons set out above and in our representations on paragraphs 4.3.2 and 4.3.3, and should be deleted. Yes - we wish to participate to emphasise the importance of the constraints imposed by Government Planning Policy and explain why the Council's approach to the removal of land around the three villages from the Green Belt for Housing is unsound.

Section 10.3 and paragraphs 10.3.3 and 10.4.3

Not Sound - not consistent with the NPPF and not justified

"Encouragement" for Neighbourhood Plans to amend the Green Belt boundaries around villages for housing development, is unsound, for the reasons set out for our objections to Policy VILL1, part III.

In addition the text is unsound by failing to state that any change to a Green Belt boundary must be justified by specific exceptional circumstances, and that development in the Green Belt, irrespective of whether a site is proposed for development in a neighbourhood plan, must be supported by a demonstration of very special circumstances.

Yes - we wish to participate to emphasise the importance of the constraints imposed by Government Planning Policy and explain why the Council's approach to Green Belt boundaries and settlement development limits is unsound.

Chapter 11 - The Gilston Area

Not Sound - not consistent with the NPPF and not justified

The whole of Chapter 11 is unsound and should be deleted from the Plan. The whole Chapter relates to the proposal for removal of a very large area of land in the Green Belt north of Harlow, an adjacent District, for up to 10,000 houses within and beyond the Plan period, and a range of other built developments including business and a retail uses.

This is not a sound proposal because exceptional circumstances for the removal of the site from the Green Belt have not been set out as required by national planning policy, and because the release of the site is stated in paragraph 11.1.2 to be mainly to meet the general housing needs of the District as a whole, which is an inadequate justification for the proposal for the reasons set out in our representations on paragraph 4.3.2.

Development in this location, formerly known as North of Harlow, has been proposed by successive landowners and developers since the early 1980s, in response to the Hertfordshire County Structure Plan First Review. The proposal re-appeared as a policy in the draft Regional Spatial Strategy for the East of England in December 2004. This was subject to Public Examination in 2005 and 2006. East Herts District Council also appeared at the Hearings, setting out their opposition to the proposal.

In 2006, the Examination Panel Report endorsed the objections and recommended that the policy be deleted from the East of England Plan. Although that recommendation was not accepted by the then Secretary of State when he approved the final version of the East of England Plan, in June 2008, that Plan was formally abolished in 2013, and has no status.

The extent of the Green Belt in this area has a long history. It fulfils four of the Green Belt purposes set out in the paragraph 80 of the NPPF. In strategic terms, it has checked the outward spread of London. It has prevented the coalescence of towns in the Lea and Stort valleys. It has also safeguarded the countryside from encroachment, a particularly important feature of the Green Belt to the north of Harlow, and the application of Green Belt policy has contributed to the regeneration of London and other urban areas in the sub-region, including Harlow.

The East Herts Green Belt Study, produced for the Council by Peter Brett Associates in 2015, found that the Green Belt to the north of Harlow was '*paramount*' in safeguarding the countryside from encroachment. It also concluded that the area was of low suitability as an area of search for development and that the Green Belt was a constraint on development. It was found that the Stort Valley formed a natural edge to the urban area of Harlow and that there was a clear distinction between town and country. Consequently, the area was of very low suitability for development in Green Belt terms. We agree with all of these findings.

In our view, the Proposal would have a particularly damaging impact of several Green Belt purposes, notably resulting in the merging of the village settlements in the area with Harlow, inevitable as a result of the infrastructure, including new roads and bridges that would be essential to link the new urban area with Harlow and serve the new residents. It is acknowledged in the Council's Concept Framework that the proposal would remove over 1,100 hectares of open countryside. The whole area is an important part of the attractive swathe of countryside east of Ware. It is a, largely unspoilt, tranquil area, and is in marked contrast to the busy road corridors of the M11, A10, and A414. The Gilston Area is particularly attractive because it is characterised by open countryside and small settlements, including Eastwick, Gilston, and Pye Corner.

Much of the area consists of productive arable farmland, mostly of Grades 2 and 3a, the loss of which would also be contrary to the NPPF (paragraph 102), which seeks to protect areas of best and most versatile agricultural land from development.

The area is also significant in terms of its landscape quality. According to the Hertfordshire Landscape Character Assessment, the defining common factor is the relative remoteness of the whole area, which is not affected by urban influences and is not crossed by any major road apart from the A414. The recommended approach for all three sub-areas is to 'improve and conserve' the landscape character. This rural quality had already been recognised by Sir Frederick Gibberd in his Master Plan for Harlow New Town, which referred to the 'Hertfordshire Hills' as an important backcloth to the urban area. Gibberd designed the

town as a semi-circle, with the River Stort as the base line. His vision remains clear today, and it is still possible to stand in the town centre and look northwards to the countryside horizon. In the Council's Concept Framework, the bulk of the urban development would occur on what are termed the 'Eastwick Slopes', thus destroying Gibberd's countryside setting for Harlow.

These impacts cannot be justified, and the development can be said to exceed the environmental capacity of the area to absorb it without considerable damage. In the absence of exceptional circumstances to justify the proposal this unsound proposal should be deleted in its entirety from the Plan, along with associated text and ancillary proposals for other urban land uses at the site.

Yes - we wish to participate to explain why the Council's proposals to remove this huge area of land from the Green Belt for Housing and other inappropriate land uses, is unsound, and in particular in conflict with national planning policy.

Chapter 12 - East of Stevenage

Not Sound - not consistent with the NPPF and not justified

The whole of Chapter 12, including Policy EOS1 is unsound and should be deleted from the Plan. The whole Chapter relates to the proposal for removal of 37 hectares area of land in the Green Belt east of Stevenage, a neighbouring District, for up to 600 houses and other built development including a retail and service centre to be called 'Gresley Park'.

This is not a sound proposal because exceptional circumstances for the removal of the site from the Green Belt have not been set out as required by national planning policy, and because the release of the site is stated in paragraph 12.1.3 to be mainly to meet short term housing needs, which is an inadequate justification for the proposal for the reasons set out in our representations on paragraph 4.3.2.

The Green Belt countryside bordering the eastern edge of Stevenage has been rigorously defended against development pressures for decades because it lies in the open countryside on the western flank of the unspoilt Beane Valley, which also defines the eastern limits of the new town. Indeed, the area was considered to be among the most important in terms of contribution to Green Belt purposes by the Council's consultants as it contains Stevenage; stops coalescence of Stevenage, Aston and Walkern; and protects the Beane Valley from encroachment.

A two metre high earth bund alongside the Stevenage boundary road, Gresley Way, with trees planted on top has created a permanent defensible urban edge for Stevenage that has served this purpose well and should be the all time physical and Green Belt boundary for Stevenage.

Furthermore, the site is three miles from the town's railway station, inevitably prompting future residents to rely on private car journeys irrespective of any inducements to use buses, and we consider this to be unsustainable in comparison with alternative development locations in the town.

In the absence of exceptional circumstances to justify the proposal it should be deleted in its entirety from the Plan, along with associated text and ancillary proposals for other urban land uses at the site.

Yes - we wish to participate to explain why the Council's proposals to remove this area of land from the Green Belt for Housing and other inappropriate land uses, is unsound, and in particular in conflict with national planning policy.

Chapter 13 - East of Welwyn Garden City

Not Sound - not consistent with the NPPF and not justified

The whole of Chapter 13, including Policy EWEL1 is unsound and should be deleted from the Plan. The whole Chapter relates to the proposal for removal of a large swathe of land in the Green Belt east of Welwyn Garden City, in the neighbouring Welwyn Hatfield Borough, for 1,350 houses and other built development including employment land uses, to create the eastern part of an urban extension to be called 'Birchall Garden Suburb'.

This is not a sound proposal because exceptional circumstances for the removal of the site from the Green Belt have not been set out as required by national planning policy. There is no explanation for the removal of the site from the Green Belt in the text of the Chapter, which contains no justification for the proposal in terms of the NPPF context. The proposal is also unsound for the reasons set out in our representations on paragraph 4.3.2 of the Plan.

CPRE also wishes to point out that the proposal for the western part of the urban extension in Welwyn Hatfield is also the subject of objections to the draft Welwyn Hatfield Local Plan that has yet to be examined.

Yes - we wish to participate to explain why the Council's proposals to remove this large area of land from the Green Belt for Housing and other inappropriate land uses, is unsound, and in particular in conflict with national planning policy.

Chapter 14 - Housing

Paragraphs 14.2.1 and 14.2.2

Not Sound - not consistent with the NPPF and not justified

This paragraph is unsound because in setting out the context for the Plan's housing policies it ignores the key NPPF policy caveat in paragraph 47, and makes no mention at all of the similar caveat in paragraph 14 that provides the basis for sustainable development decisions.

The first sentence of the Plan's paragraph 14.2.1 states that the Plan's evidence base should be used *'to ensure that the Local (ie District) Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area'*, but this only the first part of the first bullet point in NPPF paragraph 47, which is followed by the crucial second part *'as far as this is consistent with the policies set out in this Framework'*, and a third part referring to the identification of key sites for the delivery of the housing strategy.

This reference in paragraph 47 to consistency with the NPPF is the same caveat as that set out in paragraph 14, which requires councils to balance housing and other development needs with specific constraints, in this area meaning in particular the Green Belt, when setting housing targets. There is no reference to the use of any methodology to carry out such a balancing process anywhere in the Plan.

Indeed, the next paragraph, 14.2.2, in referring to and listing the documents to be taken into account in planning a new housing development, makes no reference at all to the NPPF in general or to paragraphs 14 and 47 of the NPPF.

This error of omission by the Council reflects the consistent failure throughout the plan to clearly outline national planning policy as the proper basis for the Plan's policies and proposals.

Yes - we wish to participate to emphasise the importance of the constraints imposed by Government Planning Policy and explain why the Council's approach to the removal of land from the Green Belt for Housing is unsound.

Policy HOU2

Not Sound - not consistent with the NPPF and not justified

In view of the scale of identified housing need in the west Essex and East Hertfordshire area, the Plan should be seeking to maximise the opportunities for recycling of previously developed land to increase housing supply, and this policy is important in determining appropriate housing densities to achieve this. In the light of the proposals in the Plan for the regeneration of a limited number of sites in the district's towns near railway stations, this Policy should be promoting high density developments in such locations. By failing to set any density standards, either as requirements, or advisory, the Policy is unsound in terms of its failure to assist in achieving the Plan objective of meeting housing needs. We also note that by setting appropriate density standards, the Council would help prevent developers from avoiding meeting the Council's affordable housing standards by proposing lower densities on smaller sites.

Yes - we wish to participate.

Policy HOU4

Not Sound - not consistent with the NPPF

This Policy, setting out the criteria for determining proposals for 'rural exception' housing makes no reference to Green Belt policy. For such developments in the Green Belt, very special circumstances will have to be demonstrated, and this should be included as a criterion in the Policy in order for the impact on the openness and purposes of the Green Belt to be taken into account.

Yes - we wish to participate.

Policy HOU9

Not Sound - not consistent with the NPPF

The proposals for Gypsy and Traveller, and Travelling Showpeople sites within the proposed major housing developments East of Welwyn Garden City, East of Stevenage, North of Harlow, and North of Ware are unsound for the reasons set out in our objections to those major developments, and to paragraph 4.3.2 of the Plan.

Not necessary to participate.

Chapter 15 - Economic Development

Policy ED1, part III and paragraphs 15.2.1 and 15.2.2

Not Sound - not consistent with the NPPF and not justified

Paragraph 15.2.1 is unsound, because although it refers to paragraph 22 of the NPPF which warns against unnecessarily protecting employment land against changes of use, it makes no reference to paragraph 51, which states that councils '*should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate*'.

Given the scale of housing need stated by the Council, and the apparent absence of a shortage of employment land in the District evident from the Council's last Authority Monitoring Report, the Plan should recognise the potential for some employment land to contribute to that housing need to reduce the loss of Green Belt land.

There is no indication that the Council has attempted to assess the relative merits of retention of all employment land and of allowing some of that land to be used for housing where the owner wishes to do so. Without such an assessment, Policies ED1 III, and ED2 (in rural locations) should not seek to resist such changes of use to residential in all cases by setting unreasonable criteria for applicants to meet.

Yes - we wish to participate.

Chapter 16 - Retail and Town Centres

Paragraph 16.8.6

Not Sound - not consistent with the NPPF and not justified

The proposals for neighbourhood centres within the proposed major housing developments East of Welwyn Garden City, East of Stevenage, North of Harlow, South of Bishop's Stortford and North of Ware are unsound for the reasons set out in our objections to those major developments, and to paragraph 4.3.2 of the Plan

Not necessary to participate.

CPRE Hertfordshire: 14th December 2016