

## **NORTH HERTS PROPOSED SUBMISSION LOCAL PLAN 2016: CPRE HERTFORDSHIRE REPRESENTATIONS**

### **Introduction**

Wherever possible, the following representations by Campaign to Protect Rural England Hertfordshire (CPRE) on the North Herts Proposed Submission Local Plan (the Plan) are set out individually against, in bold type, the section and question numbers in Part B of the Council's Publication Stage Representation Form.

The exception is for our representations on individual proposed site allocations and changes to or creation of settlement boundaries, in Chapter 13, for which combined representations are made because CPRE wishes to object to most of these on principle, for the reasons set out.

The crux of CPRE's objections to the Plan is the failure of the Council to justify a long series of proposals for the removal of land from the Green Belt around towns and villages. Such justification should have specifically included the demonstration by the Council of the 'exceptional circumstances' for removing land from the Green Belt on a site by site, and settlement by settlement basis, and setting them out in the Plan. Instead, the Council appears to have relied on a blanket assumption that all housing and other development needs, not just in the District but in Stevenage and Luton as well, 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.

CPRE believes that the Council has not considered all reasonable alternative approaches to meeting the District's development needs, particularly when setting a Housing Target, and that this failure has contributed to an unsound 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 this part of Hertfordshire.

Our specific representations accompany a single Part A form, and single Part B, sections 9 (notification) and 10 (signature and date), 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

- 3) Paragraph 1.6
- 4) Not Sound - not consistent with the NPPF
- 5) The final sentence lacks an important comma before the phrase ‘*or specific policies in this framework indicate development should be restricted*’ as set out in NPPF paragraph 14, and omits the vitally important cross-reference to Footnote 9 in the NPPF, which sets out the principal constraints that justify limiting housing targets.
- 6) A comma should be inserted in the final sentence of para 1.6, and reference to Footnote 9 in the NPPF should be inserted at the end of the sentence.
- 7) Yes - wish to participate
- 8) To emphasise the importance of the constraints imposed by Government Planning Policy.

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- 3) Paragraph 1.7
- 4) Not Sound - not consistent with the NPPF
- 5) Bullet point 2 in this paragraph omits the key caveat in paragraph 47 of the NPPF which the Council is required to take into account in determining the scale of Housing provision in the District and Housing Market Area.
- 6) The caveat in NPPF paragraph 47 should be included in the second bullet point.
- 7) Yes - wish to participate
- 8) To emphasise the importance of applying the constraints imposed by Government Planning Policy.

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## Chapter 2 - A Picture of North Hertfordshire

- 3) Paragraph 2.8
- 4) Not Sound - not justified
- 5) The text demonstrates that the Plan fails to seek to limit population and household growth in the District to a level consistent with national planning policy, and in particular paragraph 14 and footnote 9 of the NPPF.
- 6) A reference to the need to constrain the scale of population increase in the District in accordance with NPPF paragraph 14 footnote 9, should be added to the text.
- 7) Yes - wish to participate
- 8) To emphasise the importance of applying the constraints imposed by Government Planning Policy.

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- 3) Paragraph 2.35, under Wider Area Plans and Strategies
- 4) Not Sound - not consistent with the NPPF
- 5) This paragraph should include the key caveat in paragraph 47 of the NPPF, which requires constraints such as Green Belt and AONB to be taken into account in determining the scale of Housing provision in the District and Housing Market Area.
- 6) The caveat in NPPF paragraph 47 should be included in the second bullet point.
- 7) Yes - wish to participate
- 8) To emphasise the importance of applying the constraints imposed by Government Planning Policy.

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- 3) Paragraph 2.39, under Housing Market Areas and SHMA
- 4) Not Sound - not Justified and not consistent with the NPPF
- 5) The final sentence fails to state that the needs of the HMA can only be met in full if the constraints imposed by paragraphs 14 and 47 of the NPPF are ignored, resulting in significant harm to the Green Belt.
- 6) The final sentence of paragraph 2.39 should be deleted
- 7) Yes - wish to participate
- 8) To emphasise the constraints imposed by Government Planning Policy that mean that full assessed housing needs should not be met in the District.

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- 3) Paragraphs 2.41 and 2.42, under Housing Market Areas and SHMA
- 4) Not Sound - not justified and not consistent with the NPPF
- 5) The figures for Housing capacity in Luton are out of date and this has an important bearing on the scale for new housing that North Hertfordshire should contribute to Luton's needs. These figures have been updated through the Luton Local Plan Examination process, and the Plan therefore fails to justify the specific proposal for house-building in the area East of Luton in the Green Belt. Please see also our separate representations on Policy SP19 on the proposal to take land out of the Green Belt for 2,100 houses East of Luton.  
The specific intention in paragraph 2.42 to meet all of the Plan's proposed contribution to Luton's housing needs within the small strip of Green Belt land immediately abutting Luton is also unjustified, particularly when weighed against the harm that would be caused to the Green Belt and to the high quality landscape of the whole of this area, and the likely impact on the communities in the area and rural infrastructure.
- 6) The figure of 7,000 should be amended to '*at least 9,000*' in paragraph 2.41, and the whole of paragraph 2.42 should be deleted.
- 7) Yes - wish to participate
- 8) To inform the Inspector of the relevant proceedings at the Luton Local Plan Examination hearings, and in particular of the new evidence about the housing capacity of Luton, and to emphasise the importance of

constraints imposed by Government Planning Policy to any proposed developments in the area immediately east of Luton.

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- 3) Paragraphs 2.44, FEMA
- 4) Not Sound - not justified and not consistent with the NPPF
- 5) The Plan does not justify the statement that Stevenage is unable to provide adequate employment land within its own administrative area to meet the scale of need that is acceptable in the context of NPPF paragraph 14. The evidence on capacity within Stevenage has yet to be tested through the Stevenage Local Plan Examination which is due to commence in January, and the North Herts Local Plan should not pre-judge the Inspector's conclusions on this issue.
- 6) The reference to provision for Stevenage should be deleted.
- 7) Yes - wish to participate
- 8) To contribute to discussion of the balance between meeting the needs of Stevenage in North Hertfordshire and the consequences of doing so.

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- 3) Paragraph 2.66, under Key Challenges and Opportunities
- 4) Not Sound - not consistent with the NPPF
- 5) The second bullet point fails to include the important caveat in NPPF paragraph 14 and footnote 9, which set out the context for meeting development needs and the principal constraints limiting this aspiration.
- 6) The caveat in NPPF paragraph 14 and footnote 9 should be added to the text of the second bullet point.
- 7) Yes - wish to participate
- 8) To emphasise the importance of applying the constraints imposed by Government Planning Policy

#### Chapter 4 - Strategic Policies

- 3) Policy SP2 - part 2 of Policy for Category A villages, and paragraph 4.12
- 4) Not Sound - not consistent with the NPPF
- 5) The Category 'A' villages listed in Policy SP2 that are currently 'washed over' by Green Belt should not be included in the Policy because the Plan, and evidence directly referred to in the Plan, does not set out any exceptional circumstances for their individual or collective removal from the Green Belt as required by paragraph 83 of the NPPF. Please also see our representations on Green Belt settlement boundaries in Chapter 13. Those settlements with an existing Green Belt boundary or washed over by Green Belt cannot be treated in the same way as those within an area where the Council proposes the creation of new Green Belt. This is because existing boundaries are 'established', 'permanent' boundaries as defined by paragraphs 79 and 83 of the NPPF, whereas paragraph 86 relates to boundaries of newly-created Green Belt.

- 6) Delete new Category 'A' villages in the Green Belt from the Policy, and amend paragraph 4.12 to explain that drawing of new Green Belt boundaries based on the Green Belt Review, only applies to the new area of Green Belt.
- 7) Yes - wish to participate
- 8) This is an important matter of principle in respect of the application of national Planning Policy for protection of the Green Belt.

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- 3) Policy SP2 part 3 of Policy for Category B villages and paragraphs 4.14 and 4.15.
- 4) Not Sound - not consistent with the NPPF
- 5) The Plan should not give unlimited support for any infill development, but cross-refer to other policies that set the criteria, and define the 'built core' in each case, on the Proposals Maps. CPRE considers that failure to define such areas as stated in paragraph 4.15 of the Plan would lead to inconsistent decisions and uncertainty, in addition to inappropriate development within Category 'B' villages. Please see also our representations on Green Belt settlement boundaries in Chapter 13.
- 6) Explanation of where the built core of Category 'B' villages can be found in the Plan, should be included in paragraph 4.15.
- 7) No
- 8) N/A

#### **Chapter 4 - Strategic Policies - Economy and Town Centres**

- 3) Policy SP 3, and paragraph 4.28 - East of Baldock
- 4) Not Sound - not consistent with the NPPF and not justified
- 5) CPRE objects to the proposal to remove 19.6 hectares of land from the Green Belt for a new employment site, principally on matters of principle, on which we wish to expand at the relevant Examination Hearing in due course. The proposed site allocation is unsound for the reasons set out below, and in more detail in our objections to paragraph 4.53, which seeks to explain how the Council has addressed the issue of 'exceptional circumstances' for changing Green Belt boundaries in respect of housing development.  
The proposal is based on a fundamental misinterpretation, outlined in paragraph 4.53 of the Plan and the Council's Green Belt Review 2016, of national Planning policy as set out in NPPF paragraphs 83 to 86. Paragraph 83 specifically requires exceptional circumstances to be shown to justify removal of land from the Green Belt by the redrawing of any individual Green Belt boundary. None of the proposals for development of sites currently within the Green Belt, including the proposed Baldock Employment area, satisfy this national policy requirement. No justification is provided for this major employment site despite this being the largest such site that the Council proposes to remove from the Green Belt.

CPRE considers that this proposal, in combination with the adjacent strategic housing proposal (BA1) would have a significant adverse impact on the purposes of the Green Belt that have not been adequately addressed by either the Local Plan or the Council's Green Belt Review.

- 6) The Policy and its supporting text should be deleted.
- 7) Yes
- 8) This is an important matter of principle in relation to Government Planning Policy.

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#### Chapter 4 - Strategic Policies - Countryside and Green Belt

- 3) Policy SP5, paragraph 'a'
- 4) Not Sound - not consistent with the NPPF and not justified
- 5) The wording is based on a fundamental misinterpretation, outlined in paragraph 4.53 of the Plan and the Council's Green Belt Review 2016, of national Planning policy as set out in NPPF paragraphs 83 to 86. Paragraph 83 specifically requires exceptional circumstances to be shown to justify removal of land from the Green Belt by the redrawing of any individual Green Belt boundary. None of the three categories of site listed in SP5, paragraph 'a' satisfy this national policy requirement. This applies to the proposed strategic allocations and development around towns and villages in the Green Belt. Furthermore, the Council has used NPPF paragraph 86 as the basis for removal of villages from the Green Belt, as if Green Belt boundaries are being defined for the first time, whereas all of these villages are already washed over by permanent Green Belt. As the Plan accepts in several parts of the Plan, for example paragraph 4.97, current Green Belt boundaries have been in place for 20 years. Any change to create new boundaries has to be justified by exceptional circumstances, which the Plan makes no attempt to demonstrate.
- 6) There are no wording amendments that would make paragraph 'a' of the Policy sound. A completely different policy wording is required based on national policy as set out in the NPPF.
- 7) Yes
- 8) This is an important matter of principle regarding the application of Government Planning Policy.

#### Chapter 4 - Strategic Policies - Countryside and Green Belt

- 3) Paragraph 4.53
- 4) Not Sound - not consistent with the NPPF and not justified
- 5) The final sentence of paragraph 4.53 of the Plan fails to meet the requirement of national Planning policy as set out in NPPF paragraph 83 to set out exceptional circumstances for changing established Green Belt boundaries in the District. The text currently simply states that '*it is considered that the relevant circumstances do exist within North Hertfordshire to review boundaries and enable development to meet locally identified needs*', but such circumstances are not identified either in the Plan, and the only 'evidence' referred to in this paragraph is the

Council's Green Belt Review 2016 (which does not address the issue of exceptional circumstances); the Calverton Court case (which stresses the necessity of setting such circumstances out); and the Council's 'Housing and Green Belt Background Paper 2016. Although paragraph 4.53 does not refer to any specific part of the latter document, there is a section in it that also claims that exceptional circumstances exist. The first of these is that all (CPRE emphasis) of the assessed need for housing in terms of new houses in the District, is both 'acute' and 'intense'. Such a statement is patently incorrect, and as all subsequent aspects of the Council's analysis and its reasoning leading to the removal of land from the Green Belt is based on this single, and incorrect, justification, all such individual proposals in the Plan are by definition unsound.

- 6) None of the land in any of the proposed site allocations in the Green Belt, whether a strategic or local allocation, should be removed from the Green Belt because exceptional circumstances for doing so have not been set out in the Plan as required by national planning policy.
- 7) Yes
- 8) This is an important matter of principle in the application of Government Planning Policy.

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- 3) Paragraph 4.60.
- 4) Not Sound - not consistent with the NPPF
- 5) This paragraph explains that Green Belt boundaries around towns and villages have been defined following the approach set out in paragraphs 85 and 86 of the NPPF. This action is however a flawed interpretation of the NPPF because the redrawing of permanent Green Belt boundaries should only take place in defined exceptional circumstances (Paragraph 84), not just because a local plan is being prepared. The approach set out in the Plan is therefore unsound.
- 6) The wording of this paragraph should be amended to state that changes to Green Belt settlement boundaries are only proposed where specific exceptional circumstances apply to individual towns and villages as set out in the Communities Section of the Plan
- 7) Yes
- 8) This is an important matter of principle in respect of the application of Government Planning Policy.

#### Chapter 4 - Strategic Policies - Housing

- 3) Policy SP 8, and paragraphs 4.85 to 4.93 - Housing
- 4) Not Sound - not consistent with the NPPF and not justified
- 5) CPRE objects to several elements of this Policy, starting with part 'a' that proposes that "*sufficient land to deliver at least 14,000 new homes for North Hertfordshire's own needs*" up to 2031, and the inclusion of 200 of these in the countryside area bordering Luton. Part 'b' provides land for a further 1,950 solely for Luton's needs, in the same countryside area east of Luton. These proposals are neither justified nor consistent

with the Housing and Green Belt policies set out in the NPPF and are therefore unsound. The Housing target elements of the Policy are not justified by sound evidence that all assessed housing need in the District, including 1,950 houses for Luton households, 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 to do so. A summary of our criticisms of the Plan in this respect are also set out in our comments on paragraph 4.53 of the Plan.

The wording of the Plan implies that housing need is itself an ‘exceptional circumstance’ justifying release of Green Belt land, but this is not so.

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.*”

Secondly, in the case of *Calverton Parish Council v Nottingham City Council* [2015] EWHC 1078 Admin, the Judge stated (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, but that 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 an overall housing need figure, whether for the Council’s administrative area, or a wider HMA, that cannot be met in other ways - a much more detailed and sophisticated analysis is required. The Plan does not do this, and the only analysis attempted by the Council in the Plan, set out in section 4 of the ‘Housing and Planning Background Paper’ fails at the first hurdle by treating all assessed housing need, anywhere in the HMA, as being ‘acute’, without any justification or explanation for such a sweeping conclusion. The



impression given in the ‘Background Paper’ is that the number of houses needed is somehow equivalent to acuteness of need, which is plainly a misinterpretation of the conclusions of the judge in the Calverton case. 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 within existing settlements to meet full development needs 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.

Accordingly we consider that the Plan’s housing target as set out in Policy SP8 is unsound as should be reduced.

Part ‘c’ of the Policy proposes that 7,700 houses be built on 6 strategic sites, all in the Green Belt, and 2,600 houses (paragraph 4.95) on land to be removed from the Green Belt in and around towns and villages in the District. These proposals are unsound for the same reasons set out above in that no exceptional circumstances for their development have been set out in the text of the Plan or by cross-reference to such a justification in any evidence documents.

The proposal in part ‘c’ ‘ii’ to remove land from the Green Belt for 2,100 houses and other development adjacent to the eastern edge of Luton is unsound for additional specific reasons, set out in our representations on Policy SP19.

We also object to the proposals to re-draw long-established Green Belt boundaries around several towns and villages and to remove villages from the Green Belt based on the Council’s Green Belt Review, in order to build 2,600 houses for the reasons set out in our objection to paragraph 4.60 of the Plan. Paragraph 4.95 explains that Green Belt boundaries around towns and villages have been defined following the approach set out in paragraphs 85 and 86 of the NPPF.

This action is however a flawed interpretation of the NPPF because the redrawing of permanent Green Belt boundaries should only take place in defined exceptional circumstances (Paragraph 84), not just because a local plan is being prepared, or because the Council wishes to release land for development. The approach set out in the Plan is therefore unsound.

- 6) The housing target in Policy SP8 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, AONB and other NPPF footnote 9 constraints that apply to the District.

The proposals in parts ‘b’, ‘c’ ‘ii’, and ‘c’ ‘iii’ for Strategic sites and other proposals for the removal of land from the Green Belt, and the related supporting text should be deleted from the Plan.

- 7) Yes

- 8) This is an important matter of principle on the application of Government Planning Policy.

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- 3) Policy SP 8, and paragraph 4.96 - Housing
- 4) Not Sound - not consistent with the NPPF and not justified
- 5) The intention in part 'd' of the policy to build only 20 per cent of new houses on previously developed land is unsound and should be much higher. The Plan seeks to minimise the redevelopment and change of use of employment land that national policy identifies as a potential source of housing supply. Claiming that the shortage of land for housing is so acute that it justifies the loss of Green Belt for over 10,000 houses over the Plan period, is inconsistent with preventing underused and unsuitable employment land in appropriate locations from contributing to housing supply. We consider that both policies are unsound, and that the housing capacity of previously developed land in North Herts is much greater than stated in the Plan, and that this can reduce the need for housing development in the Green Belt and contribute to meeting a lower and more sustainable housing target.
- 6) The figure of '20%' of new homes on previously developed land should be changed to '*at least 40%*'
- 7) Yes
- 8) This is an important matter of principle in respect of Government Planning Policy.

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- 3) Policy SP 8, and paragraphs 4.104 - 4.105 - Housing
- 4) Not Sound - not consistent with the NPPF and not justified
- 5) The proposal in part 'e' (ii) of the policy to remove land for 3,100 houses from the Green Belt west of Stevenage for development after 2026 is unsound because it is both unjustified and inconsistent with national policy as set out in the NPPF. No exceptional circumstances have been demonstrated, and the assertion in paragraph 4.104 that '*it is considered that there is sufficient justification to remove this site from the Green Belt*' is not explained, and no justification is provided despite this being the largest single area of land that the Council proposes to remove from the Green Belt.
- 6) Part 'e' (ii) of the Policy and its supporting text should be deleted.
- 7) Yes
- 8) This is an important matter of principle in relation to Government Planning Policy.

#### Chapter 4 - Strategic Policies - Housing

- 3) Policy SP 14, and paragraphs 4.176 - 4.186 - Site BA1 North of Baldock
- 4) Not Sound - not consistent with the NPPF and not justified
- 5) CPRE's objections to this site are principally on matters of principle, on which we wish to expand at the relevant Examination Hearing in due course. The proposed site allocation is unsound for the reasons summarised in our objections to Policy SP5, repeated below, and in more detail in our objections to paragraph 4.53 which seek to explain how the

Council has failed to address the issue of ‘exceptional circumstances’ for changing Green Belt boundaries.

The proposal is based on a fundamental misinterpretation, outlined in paragraph 4.53 of the Plan and the Council’s Green Belt Review 2016, of national Planning policy as set out in NPPF paragraphs 83 to 86.

Paragraph 83 specifically requires exceptional circumstances to be shown to justify removal of land from the Green Belt by the redrawing of any individual Green Belt boundary. None of the three categories of site listed in SP5, paragraph ‘a’ satisfy this national policy requirement. This applies to the proposed strategic allocations in the Green Belt.

No justification is provided for this strategic site despite this being the largest single area of land that the Council proposes to remove from the Green Belt for development during the Plan period.

CPRE considers that this proposal would have a significant adverse impact on the purposes of the Green Belt that have not been adequately addressed by either the Local Plan or the Council’s Green Belt Review.

6) The Policy and its supporting text should be deleted.

7) Yes

8) This is an important matter of principle in relation to Government Planning Policy.

#### Chapter 4 - Strategic Policies - Housing

3) Policy SP 15, and paragraphs 4.187 - 4.194 - Site LG1 North of Letchworth

4) Not Sound - not consistent with the NPPF and not justified

5) CPRE Hertfordshire’s objections to this site are principally on matters of principle, on which we wish to expand at the relevant Examination Hearing in due course. The proposed site allocation is unsound for the reasons summarised in our objections to Policy SP5, and in more detail in our objections to paragraph 4.53 which seek to explain how the Council has failed to address the issue of ‘exceptional circumstances’ for changing Green Belt boundaries.

The proposal is based on a fundamental misinterpretation, outlined in paragraph 4.53 of the Plan and the Council’s Green Belt Review 2016, of national Planning policy as set out in NPPF paragraphs 83 to 86.

Paragraph 83 specifically requires exceptional circumstances to be shown to justify removal of land from the Green Belt by the redrawing of any individual Green Belt boundary. No justification is provided for housing development at this strategic site in the Green Belt.

CPRE considers that this proposal would have a significant adverse impact on the purposes of the Green Belt that have not been adequately addressed by either the Local Plan or the Council’s Green Belt Review.

6) The Policy and its supporting text should be deleted.

7) Yes

8) This is an important matter of principle in relation to Government Planning Policy.

#### Chapter 4 - Strategic Policies - Housing

- 3) Policy SP 16, and paragraphs 4.195 to 4.201 - Site NS1 North of Stevenage
- 4) Not Sound - not consistent with the NPPF and not justified
- 5) CPRE's objections to this site are principally on matters of principle, on which we wish to expand at the relevant Examination Hearing in due course. The proposed site allocation is unsound for the reasons summarised in our objections to Policy SP5, and in more detail in our objections to paragraph 4.53 which seek to explain how the Council has failed to address the issue of 'exceptional circumstances' for changing Green Belt boundaries.
- The proposal is based on a fundamental misinterpretation, outlined in paragraph 4.53 of the Plan and the Council's Green Belt Review 2016, of national Planning policy as set out in NPPF paragraphs 83 to 86. Paragraph 83 specifically requires exceptional circumstances to be shown to justify removal of land from the Green Belt by the redrawing of any individual Green Belt boundary. No justification is provided for housing development at this strategic site in the Green Belt.
- In addition the text (paragraph 4.195) refers to the proposed development of land in the adjoining area of Stevenage, without pointing out that the proposal is highly controversial, heavily opposed, and yet to be the subject of scrutiny through the plan examination process. CPRE considers that this proposal would have a significant adverse impact on the purposes of the Green Belt, and cause harm to local landscapes of particular value, that have not been adequately addressed by either the Local Plan or the Council's Green Belt Review.
- 6) The Policy and its supporting text should be deleted.
- 7) Yes
- 8) This is an important matter of principle in relation to Government Planning Policy.

#### Chapter 4 - Strategic Policies - Housing

- 3) Policy SP 17, and paragraphs 4.202 to 4.208 - Site HT1 Highover Farm, East of Hitchin
- 4) Not Sound - not consistent with the NPPF and not justified
- 5) CPRE's objections to this site are principally on matters of principle, on which we wish to expand at the relevant Examination Hearing in due course. The proposed site allocation is unsound for the reasons summarised in our objections to Policy SP5, and in more detail in our objections to paragraph 4.53 which seek to explain how the Council has failed to address the issue of 'exceptional circumstances' for changing Green Belt boundaries.
- The proposal is based on a fundamental misinterpretation, outlined in paragraph 4.53 of the Plan and the Council's Green Belt Review 2016, of national Planning policy as set out in NPPF paragraphs 83 to 86. Paragraph 83 specifically requires exceptional circumstances to be shown to justify removal of land from the Green Belt by the redrawing of any individual Green Belt boundary. This applies to the proposed strategic allocations and development around towns and villages in the Green Belt.

No justification is provided for housing development at this strategic site in the Green Belt.

CPRE considers that this proposal would have a significant adverse impact on the purposes of the Green Belt that have not been adequately addressed by either the Local Plan or the Council's Green Belt Review.

- 6) The Policy and its supporting text should be deleted.
- 7) Yes
- 8) This is an important matter of principle in relation to Government Planning Policy.

#### Chapter 4 - Strategic Policies - Housing

- 3) Policy SP 18, and paragraphs 4.209 to 4.218 - Site GA2 Great Ashby, North-east of Stevenage
- 4) Not Sound - not consistent with the NPPF and not justified
- 5) CPRE's objections to this site are principally on matters of principle, on which we wish to expand at the relevant Examination Hearing in due course. The proposed site allocation is unsound for the reasons summarised in our objections to Policy SP5, and in more detail in our objections to paragraph 4.53 which seek to explain how the Council has failed to address the issue of 'exceptional circumstances' for changing Green Belt boundaries.  
The proposal is based on a fundamental misinterpretation, outlined in paragraph 4.53 of the Plan and the Council's Green Belt Review 2016, of national Planning policy as set out in NPPF paragraphs 83 to 86. Paragraph 83 specifically requires exceptional circumstances to be shown to justify removal of land from the Green Belt by the redrawing of any individual Green Belt boundary. This applies to the proposed strategic allocations and development around towns and villages in the Green Belt. No justification is provided for housing development at this strategic site in the Green Belt.  
CPRE considers that this proposal would have a significant adverse impact on the purposes of the Green Belt that have not been adequately addressed by either the Local Plan or the Council's Green Belt Review.
- 6) The Policy and its supporting text should be deleted.
- 7) Yes
- 8) This is an important matter of principle in relation to Government Planning Policy.

#### Chapter 4 - Strategic Policies - Housing

- 3) Policy SP 19, and paragraphs 4.219 to 4.225 - Sites EL1, EL2 and EL3, East of Luton
- 4) Not Sound - not consistent with the NPPF and not justified
- 5) CPRE's objections to these sites are principally on matters of principle, on which we wish to expand at the relevant Examination Hearing in due course. The proposals are unsound for the reasons summarised in our objections to Policy SP5, and in more detail in our objections to

paragraph 4.53 which seek to explain how the Council has failed to address the issue of ‘exceptional circumstances’ for changing Green Belt boundaries.

The proposal is based on a fundamental misinterpretation, outlined in paragraph 4.53 of the Plan and the Council’s Green Belt Review 2016, of national Planning policy as set out in NPPF paragraphs 83 to 86.

Paragraph 83 specifically requires exceptional circumstances to be shown to justify removal of land from the Green Belt by the redrawing of any individual Green Belt boundary. This applies to the proposed strategic allocations and development around towns and villages in the Green Belt. No justification is provided for housing development at this strategic site in the Green Belt.

CPRE considers that this proposal would have a significant adverse impact on the purposes of the Green Belt that have not been adequately addressed by either the Local Plan or the Council’s Green Belt Review. We consider that this Policy and the text that seeks to explain it are also unsound because they fail to take account of important material considerations. These include the fact that the Plan and supporting evidence make no reference to, and therefore took no account of the application by the Chilterns Conservation Board to include the area within the Chilterns Area of Outstanding Natural Beauty (AONB), an objective that would be prejudiced by the Council’s proposals for housing development.

The importance of the landscape in this location, and its protection from development has not therefore been given due weight in the decision to remove the conjoined sites EL1 to EL3 from the Green Belt. Furthermore the Council’s consultants have pointed out that the Green Belt Review findings in respect of these sites are flawed, because they do not give due weight to conflict with Green Belt purposes.

The context for the Strategic Housing Sites EL1 - 3, and the principal reason for their inclusion in the Plan has changed, and is now materially different to that set out in the Plan. As a result of the scrutiny of the Luton Local Plan at its recent Examination, evidence was presented to that Examination revealing that the housing capacity of the urban area of Luton is between 1,800 and 4,000 dwellings greater than the 6,700 houses that Luton had originally claimed in its submitted Local Plan. CPRE therefore considers that there is no exceptional need for Luton to be expanded eastwards into the Green Belt in North Hertfordshire to provide 1,950 dwellings for Luton’s residents at this location.

- 6) The Policy and its supporting text should be deleted.
- 7) Yes
- 8) This is an important matter of principle in relation to Government Planning Policy.

### **Section 3 - Development Management Policies**

#### **Chapter 5 - Economy and Town Centres**

##### **3) Policy ETC 1 - Uses in Employment Areas**

- 4) Not Sound - not consistent with the NPPF and not justified
- 5) CPRE has similar representations on Policies ETC1 and ETC2. By seeking to protect all employment land, including office premises, from changes of use or redevelopment for residential purposes Policy ETC1 is not consistent with current permitted development rights for the change of use of offices or the thrust of government policy to optimise the use of brownfield land through the recycling of urban land (one of the purposes of the Green Belt). Such changes of use have become a consistent source of windfall housing supply over the past three years throughout Hertfordshire.
- Given the scale of housing need identified by the Council and the limited capacity of other urban locations that the Council has been able to identify to meet that need, the Plan should allow, and indeed encourage the use or redevelopment of suitably located employment sites for housing where this does not adversely affect the current owners and occupiers of such sites.
- 6) The Policy should be amended to allow suitably located employment sites adjacent to existing residential areas to be used for purposes other than employment, including for residential development, unless the proposal would conflict with national policies as set out in the NPPF.
- 7) Yes
- 8) To discuss the important relationship of development management policies for the District's extensive employment areas, and policies and proposals in the Plan for residential development in the Green Belt.

## Chapter 5 - Economy and Town Centres

- 3) Policy ETC 2, and paragraphs 5.9 and 5.10 - Employment Development outside Employment Areas
- 4) Not Sound - not consistent with the NPPF and not justified
- 5) CPRE has similar representations on Policies ETC1 and ETC2. By seeking to protect all employment land, including office premises, from changes of use or redevelopment for residential purposes, the second paragraph of Policy ETC2 is not consistent with current permitted development rights for the change of use of offices or the thrust of government policy to optimise the use of brownfield land through the recycling of urban land (one of the purposes of the Green Belt). Such changes of use have become a consistent source of windfall housing supply over the past three years throughout Hertfordshire.
- Given the scale of housing need identified by the Council and the limited capacity of other urban locations that the Council has been able to identify to meet that need, the Plan should allow, and indeed encourage the use or redevelopment of suitably located employment sites for housing where this does not adversely affect the current owners and occupiers of such sites.
- 6) The Policy should be amended to allow suitably located employment sites adjacent to existing residential areas to be used for purposes other than employment, including for residential development, unless the proposal would conflict with national policies as set out in the NPPF.

- 7) Yes
- 8) To discuss the important relationship between development management policies for the District's extensive employment areas, and policies and proposals in the Plan for residential development in the Green Belt.

## Chapter 6 - Countryside and Green Belt

- 3) Policy CGB 2 and paragraph 6.11 - Exception Sites
- 4) Not Sound - not effective
- 5) CPRE is concerned that there is a lack of definition of key expressions in the policy to determine when a site is covered by the policy or not, and whether the policy has been satisfied by the submission of appropriate information. References to 'other relevant study', 'adjoining' a category 'A' village, 'within' a category 'C' village and beyond the 'built core' are open to interpretation unless explained in supporting text or guidance or by reference to proposals maps.  
CPRE objects to the final paragraph of the policy which would allow market housing in the Green Belt contrary to national planning policy.
- 6) The terms referred to above in Policy CGB 2 should be defined, and the text amended to limit housing development to strictly defined affordable homes. The final paragraph should be amended to delete the reference to market housing being permitted in 'exceptional circumstances' a term that has a specific meaning in the NPPF that is not applicable to this policy.
- 7) No
- 8) N/A

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- 3) Paragraph 6.26 and Proposals Maps - New Green Belt boundaries
- 4) Not Sound - not consistent with the NPPF and not justified
- 5) The proposal to move Green Belt boundaries from their current long established position solely because there is an equally or more defensible location elsewhere is contrary to national Green Belt policy. The stated reason for doing so is not an exceptional circumstance, and is not justified.
- 6) The references in paragraph 6.26 to amended boundaries should be deleted, and the Proposals Maps amended to show the current permanent Green Belt boundaries.
- 7) Yes
- 8) This is an important matter of principle in relation to Government Planning Policy.

## Chapter 8 - Housing Strategy

- 3) Paragraph 8.1
- 4) Not Sound - not consistent with the NPPF and not justified



- 5) The housing target of 15,950 dwellings, stated in this paragraph is unsound for the reasons set out in our objections to Policy SP 8 and associated text in Chapter 4 of the Plan.
- 6) The figure of 15,950 should be reduced as sought by our representations on Policy SP 8, and the references to specific unsound Strategic Site policies deleted.
- 7) No
- 8) N/A

### Chapter 11 - Natural Environment

- 3) Policy NE 3 - Chilterns AONB
- 4) Sound
- 5) CPRE supports this Policy.
- 6) For the purpose of clarity, the final sentence of part 'f' of the Policy could be amended to state that the proposed mitigation should be '*to the satisfaction of the local planning authority in consultation with the Chilterns Conservation Board*'.
- 7) No
- 8) N/A

### Chapter 13 - Communities

- 3) Please see our introductory comments. This representation applies to all of the following Site Allocations set out in Chapter 13 and shown on the Proposals Maps:  
BA1, BA2, BA3, BA4, BA10, EL1, EL2, EL3, CD1, CD2, CD3, CD4, CD5, NS1, GA1, GA2, HT1, HT2, HT3, HT6, IC2, IC3, KB1, KB2, KB4, KW1, LG1, LG3, SI1, WE1 and WY1.
- 4) Not Sound - not consistent with the NPPF and not justified
- 5) Please see our representations on paragraph 4.53 of the Plan, on Policy SP8, and on the Strategic Sites Policies SP14 to SP19. In summary, the individual site allocations for housing and other inappropriate development in the Green Belt are all unsound because they are not consistent with the NPPF, and in particular paragraphs 47, 83 and 84, in that they do not identify exceptional circumstances that justify their removal from the Green Belt and the change of current Green Belt boundaries have been in place for at least 20 years. Development of many of these sites would cause significant harm to the Green Belt and its purposes, which we would want to explain in detail at the Plan's examination.
- 6) None of the land in any of the proposed site allocations in the Green Belt, whether a strategic or local allocation, should be removed from the Green Belt because exceptional circumstances for doing so have not been set out in the Plan as required by national Planning policy.
- 7) Yes
- 8) This is an important matter of principle regarding the application of Government Planning Policy.

## Chapter 13 - Communities

- 3) Please see our introductory comments. This representation applies to the following settlements for which the Plan proposes changes to Green Belt settlement boundaries as described in the text for those settlements listed in Chapter 13, and shown on the Proposals Maps: Baldock, Cockernhoe, Graveley, Hitchin, Kings Walden (Breachwood Green), Knebworth, St Ippolyts (including Gosmore), Weston and Wymondley.
- 4) Not Sound - not consistent with the NPPF and not justified
- 5) Please see also our representations on paragraph 6.26 of the Plan. The proposal to move Green Belt boundaries from their current long established position solely because there is an equally or more defensible location elsewhere is contrary to national Green Belt policy. The stated reason for doing so is not an exceptional circumstance, and is not justified. The removal of Green Belt status from the land affected would be likely to cause significant harm to the Green Belt and its purposes, which we would want to explain at the Plan's examination.
- 6) The references in the text in Chapter 13 to amended Green Belt boundaries should be deleted, and the Proposals Maps amended to show the current permanent Green Belt boundaries.
- 7) Yes
- 8) This is an important matter of principle regarding the application of national Planning Policy.

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- 3) Chapter 13 - Sites BK3, RD1, RY10, SP2 and TH1.
- 4) Not Sound - not consistent with the NPPF and not justified
- 5) Chapter 13 includes policies for housing development on land currently shown in the extant Local Plan as lying within the Rural Area beyond the Green Belt, but which CPRE considers would have a harmful impact on the countryside contrary to national policy, and without adequate justification for doing so. In the case of Sites BK3 and SP2, the proposals are of an excessive scale in terms of the size and character of the villages concerned, and are in unsustainable locations, particularly in respect of access to employment and basic services and facilities by means other than private vehicle.  
The Chapter also includes the stated intention to alter defined settlement boundaries around several settlements in the Rural Area beyond the Green Belt to facilitate development that would also lead to harm to the countryside, and promote development in unsustainable locations.
- 6) Sites BK3, RD1, RY10, SP2 and TH1 should be deleted from the text and from the Proposals Maps.
- 7) Yes
- 8) There is a relationship between the Plan's proposals for Housing sites and settlement boundary changes in the Rural Area, and similar proposals in the Green Belt, that CPRE wishes to comment on at the Plan's Examination.

Steve Baker for CPRE Hertfordshire: November 2016