

EXAMINATION OF NORTH HERTS DISTRICT COUNCIL LOCAL PLAN

REPRESENTATION TO MATTER 31 – the main modifications put forward by the Council relating to Policy SP9; Design and Sustainability and in relation to the strategic housing site policies (Policies SP14 - SP19 inclusive)

NAME OF REPRESENTOR – DAVID DORMAN

a) Issue 31.1 – Policy SP9 – Environment

- 1) The starting premise of Policy SP9 in the NHDC Local Plan states that: *'The Council considers good design to be a key aspect of **sustainable development**'*

It is worth exploring this in a little more detail and going back to where this all started from.

- 2) Para 7 of the NPPF 2012 gives three role dimensions to sustainable development, among which is;

*'an environmental role – **contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity**, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.'*

- 3) It goes on in Para 9 of the NPPF to say: *'pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as people's quality of life':* including (but not limited to) several factors, one of which is:

- Moving from a net loss of biodiversity to achieving net gains for the future. This is referenced back to The Natural Environment White Paper of 2011 'The Natural Choice; Securing the value of Nature'.

- 4) This highly aspirational white paper contained several interesting points quoted below (my emphasis in bold):

- *'Through reforms of the planning system, we will take a strategic approach to planning for nature within and across local areas. This approach will guide development to the best locations, encourage greener design and enable development to enhance natural networks. **We will retain the protection and improvement of the natural environment as core objectives of the planning system.** We will establish a new, voluntary approach to biodiversity offsets and test our approach in pilot areas.'*
- There is a section in the report *'Protecting natural value through the Planning system'* which describes the reforms needed in the planning system and which in Para 2.35 says: *through a 'more strategic and integrated approach to planning for nature within and across local areas, one that guides development to the best locations, encourages greener design and enables development to enhance natural networks for the benefit of people and the environment as part of sustainable development. **We will retain protection and improvement of the natural environment as core objectives for local planning and development management. We want the planning system to contribute to our objective of no net loss of biodiversity;** to*

encourage local authorities to promote multi-functional development so that we get the most from land; and to protect our best and most versatile agricultural land.'

- In para 2.37 it further states: *'Central to the Government's planning reforms is the National Planning Policy Framework (NPPF), which will set out our environmental, social and economic objectives for the planning system and explain how they relate to each other, in one succinct document. We have already made clear that our top priority for the NPPF will be to support long-term sustainable economic growth, with a new presumption in favour of sustainable development. The NPPF will provide communities with the tools they need to achieve an improved and healthy natural environment as part of sustainable growth, taking account of the objectives in this White Paper.'*

- 5) The result of this aspirational approach by the Government was the 2012 NPPF - the very first National Planning Policy Framework - and the one to which this NHDC draft Local Plan is meant to comply with and through which it is being examined.

One of the three key dimensions of NPPF 2012 is the environmental role as outlined above.

- 6) It also states in NPPF para 14 – *'At the heart of the NPPF is a **presumption in favour of sustainable development**. It goes on to say: 'for decision-making this means (inter-alia) – that specific policies in the NPPF indicate development should be restricted.'*

The footnote to this statement includes a list of land types that should be restricted and includes *'land designated as Green Belt'*.

- 7) Whilst It does look, on a broader environmental scale, as if quite a lot has been achieved in the UK and looks set to be achieved in the future such as the greening of the economy, clean energy, upcoming replacement of the Common Agricultural Policy, net carbon neutral targets etc., sadly it does look as if planning, in some councils at least, still seems to be living in the dark ages despite this 2011 White Paper being the forerunner of the NPPF 2012.
- 8) The NHDC Local Plan, in terms of the areas of Green Belt it proposes to destroy for development, is a crucial undermining of those clear policy objectives.
- 9) It is all very well suggesting that planting a few trees and creating a sports field and encouraging a few footpaths through a housing estate will contribute to being 'green' but it will not in any way compensate for the loss of such large tracts of protected Green Belt land. In particular, the objective of the planning system to contribute to no net loss of biodiversity will be shattered if these Green Belt developments are allowed to go ahead.
- 10) Section 4 of the White Paper talks about Ambition and reconnecting people to nature. How relevant is that in this time of Covid-19? There is also much comment in the White Paper about the value of the natural land – in financial terms - and how much can be lost, not just environmentally, but also financially, through its neglect and destruction.
- 11) Para 17 of the NPPF dealing with Core Planning Principles has one key bullet point which says: *'take account of the different roles and character of different areas,*

promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving local communities within it.'

12) Conclusion: I contend therefore that the inclusion of the Green Belt sites by NHDC for development is not consistent with national policy in terms of the protections afforded to the Green Belt, and the resultant net loss of biodiversity.

b) Issue 31.1 Policy SP9 - Design and Sustainability

13) Under FM001 NHDC now considers that the original SP9 policy – and by extension all of the subsequent policies SP14-SP19 covering the strategic sites – is now not sound in relation to design, place making and master-planning.

14) The changes made to SP9 are substantial and detailed. However, the wording in the initial paragraph (b) has been watered down from **'Requiring'** masterplans and planning applications for significant development to **'Expecting'**. Clarity and robustness is required on this point.

15) NPPF Para 182 states that *'Plans should be positively prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.'*

Plans should be:

- Justified - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-border strategic priorities
- Consistent with national policy –the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

16) Conclusion – I contend that NHDC has failed to follow the most appropriate strategy, has not sufficiently analysed reasonable alternatives, as we have shown clearly in relation to the East of Luton sites in particular, and has certainly not based its plans upon proportionate evidence, including an over-reliance on inflated OAN figures. And as shown above, the Plan, with its over-reliance on use of the Green Belt for some 82% of the proposed housing builds, is most certainly not consistent with national policy in accordance with –at the very least –the environmental aspects of the NPPF.

Issue 31.7 – Policy SP19 – Sites EL1, EL2 and EL3 (FM009)

17) I propose to address this Policy Main Modification by specific reference to the changes introduced in Policy SP9 as they apply to SP19. These are as follows:

Point i) - *'Create buildings, spaces and streets which positively reflect and respond to the local landscape, townscape and historic character'*.

This is not possible in the EOL sites where significant Green Belt land, much of it agricultural in nature and with strong open and visual impacts, will be destroyed by this proposed development. The three small villages of Cockernhoe, Mangrove Green and Tea Green with the 200 houses will be subsumed by 1000% into a sea of some 2,000 houses and associated infrastructure developments completely alien to the rural setting at present. As such, there is no way that this EOL development can be said to positively reflect and respond to the local landscape.

Point (v) *‘Positively integrate with adjacent rural and urban communities and positively contribute to their character and the way the area functions, including addressing cumulative, cross-boundary planning and infrastructure matters.’*

There will be no adjacent rural communities to be integrated with in so far that they will have been swallowed up into this proposed development. There will be no positive contribution to their character. In terms of the urban communities this can only refer to the adjacent Luton Wigmore area - the reference to cross-boundary planning and infrastructure matters can mean anything. Would this mean for example that the proposed retail provision in the EOL sites might be opposed by those retail outlets already well established about a quarter of a mile away and which conceivably would feel threatened by the emergence of new competition at a time when retail is suffering so hugely? And what of the huge developments already occurring on the Century Park development linked to Luton Airport which is extremely close and indeed, possibly, actually encroaching into one of the nominated EOL sites?

Point (vii) *‘Create an accessible multi-functional green infrastructure network that provides a key structuring and functional place-making feature supporting healthy lifestyles, sport, play and recreation, biodiversity net gain, climate change mitigation and adaption and linking into the wider Green infrastructure & Ecological network’.*

The reference to biodiversity net gain cannot seriously be believed in relation to the EOL sites and indeed the other threatened Green Belt strategic sites. The loss of so much Green space and the reference to climate change mitigation is laughable as the loss of all the green carbon-storing vegetation will have exactly the opposite effect. There will be a biodiversity net loss.

18) Following the above there is a further section which describes the technical and design evidence base for the Strategic site master-plans. Among those pieces of text which merit comment in respect of the EOL sites are:

Point (iii) ‘Green Infrastructure Framework identifying the scale, distribution, type and design of green spaces, biodiversity net gain, strategic drainage, on and off-site linkages.’

Parts of these evidence base requirements are presumably going to be very difficult to achieve, especially in relation to the design of green spaces in an area where the natural Green Belt land has been destroyed and in the evidence for biodiversity net

gain which will be decimated by the loss of so much Green Belt land which is currently home to such diversity.

- 19) Under FM0002 and in changed para 4.116 in the Local Plan are new sections outlining the procedures and benefits of master-planning. Under the third new proposed paragraph in this section it states that having developed an initial Masterplan – it will be explored and a series of options will be tested with *‘stakeholder input’*.

What does this mean and who does it involve – would it include the displaced rural community around EOL for example? Does this mean proper community engagement, or merely sending local residents finalised plans for comments which on past evidence simply will be ignored.

- 20) Under paragraph FM0009 it sets out the ground rules for creating a Master Plan for the EOL sites making it clear that any planning applications already submitted will now have to wait until a strategic Master Plan is agreed with the council and this will be required prior to or as part of a planning permission application.

- 21) Among the development proposals required by the Council are stated to be: *‘ a mixed use local centre or centres for a range of day to day local needs including additional neighbourhood-level provision of around 250 sq.m of convenience retail provision and 850 sq.m of comparison floorspace and other necessary social infrastructure.*

- 22) Note that this has changed from the draft Local Plan in as much as the original 250 sq.m. retail provision was described as class A1 whereas now it is unspecified. (Noted that from 1 September 2020, Changes to Use Classes came into force). Furthermore the 850 sq.m. was originally described as other A class and is now altered to be referred to only as comparison floor space.

- 23) The definition of comparison floor space is difficult to find in its own right because every reference to this term is linked to the definition of comparison goods. Comparison goods are those which have a higher value, are purchased less often, such as household items, electrical goods, clothes and shoes. Whilst convenience goods are things that are needed regularly and can be purchased locally, comparison goods tend to involve people going to several shops to compare prices (or, these days, to do it online). (Source: BBC Bitesize Guides – retailing).

- 24) This in turn has led to out-of-town shopping malls for comparison goods. The clear implication of this proposed change by NHDC is that there is likely to be some form or shopping area included in this development that is intended to attract shoppers from further afield than from the local community.

- 25) Those of us objecting to the East of Luton sites have done so on the basis of there being no need to build the 2,100 homes in the area (1,950 to meet Luton’s unmet needs) as that need has manifestly not been proven to exist. We have always been aware that included in the development plans is some provision for small scale retail – local shops if you will. This change by NHDC potentially adds a new dimension to

the planned development for a bigger retail centre selling a range of non-convenience goods which must attract visitors from outside the area. **This is not something that was part of the Examination that has been carried out before.**

And what of Master-planning in relation to the East of Luton sites?

- 26) My research shows very little, if anything, in the NPPF that relates to master-planning. There are some references in the PPG but in both documents I can find nothing that indicates that master-planning is necessary for the soundness of a Local Plan.
- 27) Pretty much all the examples quoted online to demonstrate examples of good master-planning are related fundamentally to **urban regeneration projects** and the vital importance of meaningful local community engagement (e.g. DCLG paper *'Devising and delivering masterplans at neighbourhood level. Lessons from the New Deal for Communities Programme September 2008'*). Further random examples are:
- Havant Borough Council chose to do its masterplan via a community design workshop – engaging the local community in place making at the site to produce a realistic and deliverable plan.
 - Torbay Council stated that their masterplan was developed by professional and local people and this can help produce high quality development and the revival of places.
 - Chelmsford City Council's emerging Local Plan identified the need for sites of a certain size to be master-planned. They said: 'Given this, it is necessary to have a Masterplan procedure that allows the Council to guide development but also provides reasonable flexibility to developers. It should also allow for public engagement to help shape the growth of the borough'.
- 28) All of these examples, and countless others that can be found, identified the need for master-planning at an early stage in the Local Plan process and engaged with their local communities to help bring the plans to fruition.
- 29) That commitment needs to be compared to NHDC where references to masterplans were scant to say the least. It is only now – four years later – that some flesh is put on the bones and much more detailed identification for the need for master-planning is now submitted at the 11th hour in the Local Plan examination.
- 30) There are two key differences as I see it between the examples I have quoted and the approach by NHDC. These are:
- The NHDC strategic sites are not examples of urban regeneration where there are local communities who would probably be willing to engage in any effort to re-model and improve their environment, facilities and local well-being. By contrast, the NHDC sites are all rural Green Belt sites where the plans put forward by the Council are subject to intense negativity and even anger and which will ruin the local topography and way of life of the residents who live there currently.
 - All of the examples I have found require a high level of community engagement to be successful. During the Local Plan examinations we heard many times how it seems impossible to get any sort of reasonable dialogue and engagement with NHDC as local people seek to try and modify the Councils plans. It is of course possible that a leopard can change its spots, but the omens do not look good for any sort of

meaningful local engagement in a process that seems to be dependent on it for success.

31) Conclusions:

- **I do not think that requiring the East of Luton site (or any of the other Green Belt sites) to be Master-planned is necessary for soundness. It is probably a sound policy to be adopted when planning large scale urban regeneration sites where strong local community engagement is desirable, but that doesn't seem to apply to the NHDC strategic sites which are Green Belt and where the local communities are up in arms about these proposed developments. Furthermore, the 'head-in-the-sand' attitude adopted over many years by NHDC does not bode well for any form of meaningful community engagement.**
 - **I contend that the East of Luton sites are not justified both in their original Form, (as we have demonstrated through written representations and during the oral examinations) and also through the adoption of these Main Modifications. It is clear that there are better alternatives available to meet any unmet needs from Luton – not least from within Luton itself. The evidence base for the housing needs of Luton and the ability of neighbouring local authorities to help meet that need is seriously questionable and certainly dated. There has also been little or no community engagement throughout this process other than box-ticking exercises.**
 - **I further contend that this Plan, in as far as the East of Luton sites are concerned, is not effective. Any plans drawn up for when these sites will start to deliver houses will doubtless be rendered invalid through any meaningful Master-planning process which seems to require quite a lot of time to reach acceptable conclusions from any number of different bodies, let alone the local community which is against these proposals totally.**
- 32) Finally, and as stated above reliance on use of the Green Belt for some 82% of the proposed housing builds in North Hertfordshire, is most certainly not consistent with national policy or in accordance with –at the very least –the environmental aspects of the NPPF.**

David Dorman,

19 January 2021

