

Written Statement to Planning Inspector

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21st Feb 2020

This Written Statement considers how Green Belt issues have been handled in NHDC's Local Plan.

1. When planning developments in the Green Belt, did the planners give adequate consideration to the contributions made by that land to Green Belt purposes?

Paragraph 14 of the Planning Inspector's letter to the council dated 9th July 2019 [ED166] says that:

"I am struggling to understand how, or indeed whether, the contribution – whether it be moderate, significant, or whatever – made to the Green Belt by any individual parcel of land has influenced its selection or rejection. Put simply, I cannot see how the conclusions of the Green Belt review exercise have informed the selection of sites."

Given that the Local Plan contains a very high proportion of Green Belt development sites, it seems clear that concerns about the Green Belt have had little influence on the site selection process. However, I would also argue that the council tried to minimise the influence of Green Belt concerns in their original site selections by deliberately under-valuing the contributions that those sites were making to Green Belt purposes. My representation to the Planning Inspector in March 2018 included the following paragraph:

"The council have also tried to use a scoring system to downplay the value of the Green Belt land that they want to build on. For example, Sites BA2 to BA4 all scored as Significant under the 'Safeguarding Countryside from Encroachment' criterion, while BA3 and BA4 were also rated as Significant in terms of 'Checking Unrestricted Sprawl of Large Built-Up Areas', yet all three sites were declared to be making no more than a Moderate overall contribution to the purposes of the Green Belt. As the CPRE pointed out last time in relation to BA1, this methodology is flawed – if a site is Significant for any of the Green Belt purposes, then it is Significant. If we used the council's methodology, then the importance of Stonehenge would be downgraded to Moderate because it does not include any Tudor or Victorian remains. For the avoidance of doubt, sites BA1 – BA4 all make Significant contributions to the Green Belt."

Once the sites had been selected and the public consultation had been completed, the council subsequently accepted that the contribution to Green Belt purposes made by some of the sites had been significantly under-rated. However, by then the initial resistance to the selection of those highly sensitive sites had been blunted.

Paragraph 21 in the council's response [ED172] to the Planning Inspector's letter states that:

"The Council has never sought to rank sites in order of preference. However, in the above context, the use of this 'substantially harmful' Green Belt site [BA1, North of Baldock] is clearly preferable to, and more sustainable than, the more dispersed allocations in the District's non-Green Belt villages and / or some of those sites identified as making limited or moderate contributions to Green Belt purposes."

The council's primary argument for developing Green Belt land is that there is no alternative. However, this response makes it clear that building on sensitive Green Belt sites is NOT the only available option. In my view, the council have chosen to build on "this substantially harmful Green Belt site" because the land is owned by HCC and because it is simpler and cheaper to develop a large greenfield site than several smaller parcels of land.

2. Following the upgrading of some Green Belt sites, did the planners genuinely reconsider whether their site selections were still appropriate?

Following the decision to upgrade a large amount of Green Belt land, it might be assumed that the council would have gone to some trouble to demonstrate that development on such sensitive areas of countryside was still the best option. Amazingly, the Updated Green Belt Review (ED161A) took a different approach:

5.5 "When comparing the results of the two [the overall contributions from CGB1¹ and the 2018 update], there are some variances in planning judgements made on contributions to individual Green Belt purposes and a relatively small number of cases where this is an alteration to the overall outcome.

5.7 However, it is notable that, even with these differences, there is no clear trend towards either a general upgrading or downgrading of assessment results under the Update assessment when compared to CGB1.

5.8 In broad terms, it can therefore be concluded that the conclusions drawn from the submitted Green Belt Review, and the evidence discussed at the scheduled hearing sessions are not fundamentally flawed or undermined by the results presented in the revised Green Belt assessment"

Following this attempt to sweep the whole issue under the carpet, the Planning Inspector asked the Council to produce concise papers setting out

"how the assessment of the Green Belt contribution made by any given parcel of land has influenced the choice of sites for allocation, and particularly how the Council's site selection process has distinguished between land that makes a moderate contribution to the Green Belt and land that makes a significant one".

The council's response in Paragraph 40 of ED172 confirms that no such distinction has been made:

"Green Belt is a policy designation, not an environmental designation. The fact that land is, or is not, Green Belt does not in itself have environmental implications. The fact that land may be judged as making a limited, moderate or significant contribution to Green Belt purposes is not in itself an influence upon the outcomes of the appraisal process."

In other words, the fact that BA1's contribution to Green Belt purposes had been upgraded was simply ignored in the re-appraisal process. I can only assume that they had to do this because any other approach would have seriously undermined the selection of this key site in the first place.

¹ The original Green Belt Review [CGB1] was submitted alongside the North Hertfordshire Local Plan [LP1] in June 2017.

Given the amount of time that the council has invested in preparing this large and valuable piece of prime real estate for sale, that could not be allowed to happen.

In Paragraph 47 of the same document, the council makes an even more extraordinary statement:

“This supplementary paper does not introduce any substantive new evidence. The additional analysis it does contain collates and reiterates points made extensively in submissions to the Examination. NHDC has already made its case clearly, consistently and at length and suggests that an additional hearing on this matter is not necessary as the Inspector has ample information to reach a conclusion on this matter.”

This abrasive response makes it clear that the council has no better answers to give – all they can do is re-state the answers that they gave previously. Since the Planning Inspector’s letter made it very clear that he was not satisfied with the council’s previous answers, there is only one conclusion that can be drawn: The council has completely failed to justify its plans to build across wide swathes of high-quality Green Belt land.

The fact that these plans have been extensively debated for a number of years cannot mean that it is too late to correct the current situation. The Council cannot be allowed to ride roughshod over the rules, and they should be told that their plans are unacceptable in their present form.

3. What Exceptional Circumstances were identified to justify the proposed Green Belt developments

The council’s response to the Planning Inspector’s letter of 9th July 2019 contains a list of arguments for the selection of some key Green Belt sites including East of Luton, West of Stevenage and North of Baldock (BA1). Paragraph 47 of ED172 (quoted at the end of the previous section) states that the arguments used to justify the Local Plan’s original site selection have not changed following the upgrading of some key Green Belt sites from Moderate to Significant. It therefore follows that the Exceptional Circumstances used to justify these large developments on Green Belt land must also have remained the same.

In Paragraph 20 of ED172, the council acknowledges that

“the proposed North of Baldock site has always been acknowledged as occasioning significant harm to Green Belt purposes”,

but they then go on to list the following reasons why they believe that Exceptional Circumstances exist in this case:

Council’s Argument	My Response
<i>“Would make a strategic scale contribution to identified development needs adjoining one of the District’s main towns and is therefore located in a sustainable location”</i>	Nobody could pretend that BA1 is a suitable site for an extension to Baldock. The severance between BA1 and Baldock that is created by the railway line and the Baldock Bottleneck means that this site can never be properly integrated with the rest of Baldock.
<i>“Provides a unique opportunity within the District that “enables substantial new development within relatively close proximity to</i>	The severance created by the railway line and the Baldock Bottleneck makes it almost impossible for people living on BA1 to gain

<i>both the train station and Baldock town centre providing greater opportunities to integrate with sustainable travel infrastructure (LP1, paragraph 4.177)”</i>	access to either Baldock town centre or the train station. The suggestion by the council that most people will cycle or walk into Baldock (or even Letchworth, where the new shops will be provided) is simply risible.
<i>“Allows for development to be masterplanned to ensure good placemaking principles are applied”</i>	This does not justify building on Green Belt. Any large site would provide this.
<i>“Includes infrastructure provision, notably for secondary education, on site at a scale that could also serve existing residents at the east of the town connected by new walking and cycling provision (Policy SP14(x))”</i>	This does not justify building on Green Belt. Any large site would provide this. School busses will struggle to get through the Baldock Bottleneck.
<i>“Contains mitigation-based policy criteria to contain development within a ridgeline ensuring development faces towards the existing town and does not unduly encroach into the more rolling, open countryside to the north (Policy SP14(k)), thereby seeking to minimise impact on the openness of the Green Belt”</i>	The countryside that the council wants to build on is just as open and rolling as the countryside further north. The suggestion that such a development is minimising the impact on the Green Belt is simply ridiculous – particularly since the contribution made by BA1 to Green Belt purposes has now been upgraded.

The Planning Inspector’s letter expressed concerns that the Exceptional Circumstances claimed by the Council in their previous submissions may not have met the “high bar” required to release land from the Green Belt. Careful examination of the Council’s arguments in the case of BA1 shows that these concerns are well justified. The fact that BA1 is a large area of land located on the outskirts of Baldock does NOT constitute Exceptional Circumstances. The fact that the land in question is owned by HCC (and HCC want to develop it) does not create Exceptional Circumstances either, although it does create the strong impression that normal planning requirements have been bent to achieve the desired outcome.

The arguments for other large sites (such as East of Luton and West of Stevenage) are broadly similar: The council has a housing quota to meet, and a convenient way to achieve it is to build on Green Belt land. The only Exceptional Circumstances that the council can offer is the need to build more houses.

The same is true for smaller sites. In Paragraph 14 of ED175, the council claims that the following factors provide Exceptional Circumstances that justify the release of Green Belt land for gypsy and traveller accommodation:

“The identified need;

The lack of five-year land supply for the travelling community;

The personal circumstances of the families and the best interests of the children;

The protection of the characteristics of the Gypsy way of life.”

Clearly, these are all reasons to make provision somewhere. However, they are not reasons that require provision to be made in the Green Belt, and they are definitely not Exceptional Circumstances.

4. Are there any realistic alternatives to Green Belt development?

Following the publication of the council's Preferred Options plan in November 2014, Sir Oliver Heald (the local MP) responded with an open letter. In it, he highlighted two significant weaknesses in the plan:

"the proposals are that 60 per cent of the dwellings should be sited in Green Belt, despite the requirement that such use should be "exceptional" and that almost two-thirds of the District is not in the Green Belt".

"The spatial strategy does not distribute growth evenly across the district and fails adequately to take account of the possibilities of developing a garden city style development to provide a very significant number of the dwellings"

To address these issues, he proposed a two-stage approach aimed at minimising the loss of Green Belt. During the first ten years, development would be concentrated on brownfield, non-contentious and mainly non-Green-Belt sites. This would allow time to identify and secure a suitable site for a new garden city to take up a substantial part of the remaining balance of dwellings required during the second ten-year period.

If I recall correctly, the Council's response to Sir Oliver's letter was that the timescales required to develop a new town were too long to meet the near-term demand for housing. However, sooner or later this nettle will have to be grasped; North Hertfordshire is rapidly developing into a huge conurbation (the Baldock/Letchworth/Hitchin sprawl) set in an essentially rural area. If planning for a new Garden City had started five years ago when Sir Oliver published his letter, the Local Plan would now look much more balanced and sustainable than it currently does.

Conclusions

The need to build more houses is NOT sufficient to demonstrate the Exceptional Circumstances required by the National Planning Policy Framework. If it was, then anyone wishing to build anywhere in the Green Belt would always be able to claim Exceptional Circumstances. The ministerial guidance on development in the Green Belt published by Communities Secretary Eric Pickles and Housing & Planning Minister Brandon Lewis on 6th October 2014 makes it very clear that councils are NOT required to build on the Green Belt in order to meet housing targets. So far as I am aware, this ministerial guidance still applies.

So why is the Local Plan still proposing to build across large swathes of Green Belt? It seems to me that the answer is roughly as follows:

- Previous planning cycles have used up most of the land that is adjacent to existing towns but is not part of the Green Belt.
- The most sustainable solution (and the one proposed by local MP Sir Oliver Heald in January 2015) would be to build a new Garden City on land that is not in the Green Belt.
- North Hertfordshire has plenty of suitable land but, from the council's point of view, there are two fundamental problems with this approach:
 - All local facilities (such as schools, doctors' surgeries etc) would have to be developed at the start. The council would not be able to hide behind the convenient

fiction that large housing developments can be served initially by spare capacity in existing infrastructure.

- It is unlikely that the land would belong to the council, so they would not benefit from the rise in land value that occurs when development permission is granted.
- The only alternative to a new town or city is to increase the size of existing conurbations in North Hertfordshire by allowing them to sprawl across the Green Belts that were designed to constrain them².
- Since these Green Belt developments are being driven by housing quotas rather than by environmental concerns, the council's Updated Green Belt Review was able to conclude that "in broad terms" the upgrading of the Green Belt land did not make any material difference to their site selection³.
- The council's Objective Assessment of Housing Need (OAN) was challenged in the Planning Inspector's letter to the council dated 9th July 2019, and his assessment of the figures arrived at an OAN that is 2,800 homes less than the one used in the Local Plan. As it happens, 2,800 homes is almost exactly the size of BA1, suggesting that BA1 is NOT essential to enable NHDC to reach their required housing targets after all.
- Clearly, this undermines the council's assertion that the Exceptional Circumstances required for development on Green Belt land are provided by their OAN. The certainty of severe damage to sensitive areas of the Green Belt is being justified by housing projections in which there is a high degree of uncertainty.

In summary, the Council's plan is a quick-fix, band-aid solution driven by an unrealistic housing quota. Achieving sustainable development in North Hertfordshire is a problem that requires – and deserves - much more joined-up, longer-term thinking. North Hertfordshire is the home of the world's first Garden City, but Sir Ebenezer Howard would be spinning in his grave if he could see how his visionary creation is about to be subsumed into a massive urban sprawl covering Baldock, Letchworth and Hitchin⁴.

² The council claims that "provision at this scale accords with Paragraph 52 of the NPPF and allows for these largest settlements to grow proportionately, but nobody could reasonably claim that increasing the population of Baldock by over 70% is growing proportionately.

³ ED161A, Paragraph 5.8.

⁴ As Sir Oliver Heald warned five years ago: "The proposal . . . is to build a suburb of Baldock with 2,800 houses in it, in effect doubling the size of Baldock and leading to a ribbon of development from the new suburb to Baldock, to Letchworth, to Hitchin creating unrestricted sprawl".