

MATTER 23 – THE GREEN BELT REVIEW WORK AND THE SITE SELECTION PROCESS

ED172 (PAPER B) from North Herts District Council (NHDC)

NAME OF REPRESENTOR - David Dorman,

a) Introduction

- 1) The Inspector has asked that respondents to this Paper B from NHDC limit their comments explicitly about the change in the assessment in areas of the Green Belt and what that means for the Local Plan.
- 2) The comments in this short paper refer only to the land East of Luton (EL1, 2, and 3) which is now regarded by NHDC as making a 'significant' contribution to the purposes of the Green Belt following the Green Belt Review Update of 2018. Despite the Green Belt review, this parcel of land (also known as L22) is still planned to be developed by NHDC to create 2,150 houses (1,950 to meet so-called unmet needs from Luton) together with new schools, a community centre, retail and other infrastructure.
- 3) In terms of making our points we are following the steps laid out by NHDC in Paper B

b) The role of the Green Belt Review in the site selection process

- 4) In terms of the East of Luton sites it is quite apparent that despite the re-classification of these sites from making a 'modest' contribution to the purposes of the Green Belt to making a 'significant' contribution, NHDC sticks to its belief that this area is needed to deliver houses to help meet unmet needs from Luton. It is worth looking at a little bit of background here.
- 5) The re-classification stemmed from an intervention by Barristers Landmark Chambers at the previous hearings at which they argued successfully that NHDC had not considered the important question of 'openness' in relation to the Green Belt.
- 6) However, even before this intervention there had been other 'warning shots' to NHDC. Most notably, the consultancy Peter Brett in its critical assessment of the Luton HMA and Site Selection Assessment Report of June 2016, pointed out that the numerical scoring methodology employed by NHDC to assess the contribution of land to the purposes of the Green Belt **'implies a more scientific approach that is appropriate within the context of the very generalised nature of the purposes which can be open to varied interpretation and application'**. They further added that: **'the overall assessment by NHDC that the land makes a moderate contribution appears to be based on the premise that if land is found to make a significant contribution to only some of the (5) purposes, then it performs "less well" in overall terms (this is a downside of numerical scoring systems). Green Belt purposes are of the same importance (there is no weighting) and if only one purpose is of high importance**

then the parcel is therefore making an important contribution to the Green Belt. On the basis of our observation, this parcel makes a “significant” contribution to Green Belt purposes.’

- 7) Another ‘warning shot’ came from the Landscape Partnership which stated that this area **‘is as good if not better than the landscape which lies to the north within the AONB.’**
- 8) In their Paper B response (para 5) NHDC repeats its assertion that it believes the case for ‘exceptional circumstances for the East of Luton sites has been made in its Paper C. But in my response to Paper C (Matter 24) I comprehensively demolish the notion that there is unmet housing need from within Luton that needs any intervention from within NHDC land to the East of Luton.
- 9) Furthermore in her representations to Paper C, Carolyn Cottier also utterly disproves the notion that there is an unmet housing need coming from within Luton
- 10) On the basis of these two representations **we contend there is clearly no ‘exceptional circumstance’ that would permit housing of this magnitude to be built on this Green Belt land.**
- 11) In the tabulations that follow NHDC seeks to justify its Green Belt credentials by pointing out that another parcel of land to the East of Luton (SHLAA Ref 341) was ruled out by virtue of ‘sensitivities relating to landscape/topography, historic environment and AONB setting’. This parcel of land lies just to the north of the threatened East of Luton sites and whilst two of the reasons cited by NHDC are correct – namely it abuts closely to an AONB and also by virtue of the protected status of the historic Putteridge Bury house and land (University of Bedfordshire) – the other reason given is spurious because sensitivities to landscape and topography are exactly the same as for the threatened East of Luton sites.
- 12) The tabulation also shows (but is not commented on by NHDC in its text) that Ref 341 **‘would be detached’** from the Luton urban area. This area is no more or less detached from Luton than the threatened east of Luton sites. Area 341 is to the east of Selsey Drive in Luton and abuts school playing fields with a footpath linking it with Mangrove Green, whilst just to the south lies the threatened East of Luton sites which abuts the Luton Wigmore estate with open agricultural land leading uphill towards Cockernhoe. In essence - apart from the correct historic and AONB aspects – there is in reality no difference in the layout of the land and its proximity to the Luton conurbation.
- 13) So there doesn’t seem to be a great deal of consistency in the approach taken by NHDC in relation to this east of Luton area in Green Belt terms. The same criteria being used are not being applied in the same way and the question has to be asked – why is this so?
- 14) Is this because NHDC is rigidly sticking to its desire to build homes in the East of Luton to meet the so-called unmet housing need from Luton. We remind the Inspector that in the Peter Brett Critical Assessment of Site Selection report of Jun 2016, the consultancy made a very telling statement in its

conclusions in relation to the threatened East of Luton sites. It said: **“It is a striking feature of where NHDC has got to that the scale of housing development in North Herts District to contribute to Luton’s needs is presented as an ‘offer’ and is based on the capacity of sites put forward by promoters driven by ownerships primarily. This is a fundamentally different approach from one of determining the level of provision as part of a strategic and cooperative (though inevitably iterative) approach with all parties involved, and then seeking the best ways to make that provision having regard to all relevant considerations”.**

- 15) In para 16 of their response NHDC makes the point that “some of the sites across North Herts that were beyond the Green Belt were considered either as less sustainable locations for development and/or would result in the Councils’ view, in disproportionate levels of housing in a single village”. How does the Council justify that statement when compared with the proposed development planned for the east of Luton sites on protected significant Green Belt land and which will engulf three villages (200 houses) with a hugely disproportionate level of 1,950 houses – nearly a 90% increase? And to meet a need from neighbouring Luton that in reality doesn’t exist.
- 16) In its tabulation in Para 22 NHDC includes the threatened East of Luton sites among other Green Belt sites that meet at least three criteria for development. One of the most important of these criteria is the ability to make a substantive contribution to housing delivery within five years of plan adoption.
- 17) We have no idea numerically what ‘substantive contribution’ means, but in any event in the case of the East of Luton site the Statement of Common Ground signed between NHDC, Bloor Homes and The Crown Estate in November 2017 makes it perfectly clear that the proposed building on this site will continue for around 16 years. The trajectory of build for the first five years is stated at 80 in the first year, then 130 houses the following year and then for the following three years at 135 houses per year to give a total of 615 houses. Whether this is considered as substantial is a moot point, but to put it into context Luton Borough Council will be building in the same period close to 3,300 houses (Source: Luton SHLAA November 2019 Housing trajectory).
- 18) Another criterion for development in the Para 22 tabulation includes the claim that there are specific safeguards directing no development and or lower/density intensity uses in more sensitive areas of the site. That may very well be so, but the sheer scale of the proposed East of Luton building plans, which will decimate the area, will mean that any such safeguards will be overwhelmed by the volume of building.
- 19) A third criterion mentioned is that the East of Luton site will provide opportunities for social infrastructure with a wider public benefit. The social infrastructure proposed includes schools which are only proposed for build because Herts County Council will not justify building schools for a development of less than 1,950 houses. It also includes retail (despite the fact that less than a mile away is the Wigmore Estate with its Asda supermarket, other shops and small eateries). Just what retail provision is believed by

NHDC will survive in today's harsh retail climate with strong competition already in place locally? There is also provision for a social centre which is only required because of the scale of the building proposed. The justification for this social infrastructure is only because of the scale of the housing being proposed in the first place. It is not to meet a stated requirement from the existing local community whether in North Herts or from within the nearby Luton conurbation.

20) Further on in Table B there is a parcel of land identified as 340 in the Cockernhoe/East of Luton area which is a Green Belt area rejected for allocation by HOU1. The impression given is that this might be a significant parcel of land. In fact it relates to one house (Dancote) on Cockernhoe Green with a sizeable garden attached for which planning permission has been sought for a modest number of small houses (around 10). In the terms of what we are talking about relating to the number of houses proposed to be built in this area, this plot of land is insignificant and not worthy of being considered as 'evidence' of NHDC's Green Belt protection credentials.

c) The justification for the allocation of sites now considered to make a significant contribution to Green Belt purposes

21) In Paras 27 and 28 NHDC confirms the 'significant' contribution now made by the east of Luton site to the purposes of the Green Belt and admits that this site (along with other similarly affected sites across North Hertfordshire) will suffer from significant harm to the openness of the Green Belt.

22) This flies in the face of legal logic given the intervention at the previous hearings by Landmark Chambers which forced NHDC to re-assess the Green Belt classification in view of the arguments put forward (supported by case law and a ruling in the Court of Appeal) and therefore, as the Inspector has stated, this now becomes a very high bar for the Council to surmount.

23) But the only argument that NHDC can muster (in Para 32) is once again to rely on the tired justification in Paper C that this development is needed in order to meet the exceptional circumstances resulting from the unmet housing need arising from within Luton. As the Inspector has already pointed out there is 'little in the way of justification for this conclusion.'

24) Dare we repeat our argument again? In our response to Paper C I have comprehensively demonstrated that if there is any unmet need coming from Luton then it is totally demonstrable that this much lower need – by virtue of Luton's increased house building programme – can and should be met from within Central Bedfordshire with its closer links to Luton, both geographically and historically, the better transport links, the proximity to the greater and wider Luton/Dunstable/Houghton Regis conurbation and the identification of sites (or parts of sites) in Central Bedfordshire that have a lower contribution to the purposes of the Green Belt, thus resulting in less damage.

d) The approach to Green Belt in the Sustainability Appraisal

- 25) In Para 40 NHDC argues that Green Belt is a policy designation, not an environmental designation. They then go on to say that the fact that land is, or is not, Green Belt **does not in itself have environmental implications.**
- 26) What a staggeringly ignorant point to make, and from a new Labour/Lib-Dem Council - that having inherited the draft Local Plan from the previous Conservative administration - promptly brought in the Extinction Rebellion pressure group to advise on environmental/climate change matters, resulting in North Herts being declared a 'Climate Emergency' area.
- 27) It seems inconceivable that having taken this decision, NHDC still ploughs on with its plans for the East of Luton site. Of course there will be environmental implications from the unneeded destruction of the Green Belt in this area.
- 28) There are any number of research papers that can be drawn upon to make essentially the same point about the importance of the Green Belt to the environment in particular. The London Green Belt Council made the point very well in July 2019 when they said: **"Green spaces help to mitigate climate change because carbon is absorbed by vegetation and held long-term in soils emissions. They also help us adapt to climate change by absorbing rainwater and cooling our towns and cities. The more green space we lose, the more we are at risk from flooding and rising temperatures, two of the predicted effects of climate change.**
- 29) They added: **"District and borough councils are absolutely right to recognise the seriousness of climate change and to acknowledge the role that local government can play in tackling the climate crisis, but if they do not also pledge to defend the Green Belt and countryside from development then they are failing in their duty to protect our communities and environment."**
- 30) Continuing they said **"Local authorities in London and the Home Counties which have declared a 'Climate Emergency' in their districts, and which propose to adopt strategies and action plans to tackle climate change, are being urged to include policies of stronger protection for green spaces in their plans, as these provide vital climate change mitigation"**.
- 31) And a warning to NHDC perhaps? - **"The London Green Belt Council (LGBC), which represents over 100 environmental and community groups across the region, warns that some local councils are being inconsistent by declaring a Climate Emergency but failing to prevent development on Green Belt countryside and open spaces which provide vital mitigation for climate change. Some of these local authorities are even putting forward large swathes of Green Belt land for housebuilding despite their professed commitment to environmental protection"**.
- 32) In its conclusions to Paper B NHDC makes a further quite staggering and rather dismissive statement to the effect that many of the objectors objected to the fundamental principle of land being released from the Green Belt at all irrespective of whether the harm to the Green Belt was said to be limited,

moderate or significant and those classifications had little bearing on the number and nature of the submissions made.

- 33) Well yes, the Green Belt and its preservation is a very contentious issue and rightly so because it is highly politically charged. Some people will have serious views about this at any level of Green Belt classification and those views are not to be decried. Others perhaps took the view – especially in relation to the East of Luton sites - that the evidence from diligent research showed such a level of discrepancy in the way that NHDC was going about this aspect that they were able to show in documentation that the previous ‘modest contribution’ classification was flawed. This was borne out by the intervention by Landmark Chambers and the resulting re-grading to the Green Belt in this area as making a ‘significant contribution.’
- 34) The ‘significant’ contribution is a much higher bar to overcome and the NHDC view that the regrading of some of its Green Belt sites to ‘significant’ will not substantively alter the cases already put to the examination by many objectors is a false premise. Especially so when in the East of Luton area there is scant evidence of any real unmet housing need from Luton. The fact that there is clearly no exceptional circumstance demonstrated and yet NHDC persists in this vain quest to build unwanted and unneeded houses in this area will only seek to stiffen the resolve of the local population in the villages of Cockernhoe, Mangrove Green and Tea Green and also the good folk of the Wigmore Estate in Luton. We will continue to fight to prevent these unneeded houses and infrastructure being built and causing such damage to three small villages, the Green Belt and the environment.

e) Overall conclusions

- 35) It does seem, therefore, that NHDC resolutely sticks to its guns in the face of increasingly compelling evidence that it has got its policy wrong in this area. Furthermore, even in the narrow area to the east of Luton, NHDC has been inconsistent and arbitrary in the application of the criteria for Green Belt protection from one parcel of land to another as we demonstrate above.
- 36) The only justification that NHDC can come up with for building on this Green Belt land to the east of Luton - despite its re-classification to making a ‘significant contribution’ - is to meet what it regards as the ‘exceptional circumstance’ of the so-called unmet needs arising from within Luton.
- 37) We have comprehensively demolished that argument – there is no unmet housing need coming from Luton – and so our contention is that this part of the NHDC Local Plan relating to the Green Belt and site selection is unsound.
- 38) We recommend that NHDCs plan for housing on this east of Luton site must be withdrawn and the Green Belt preserved.**