

**NORTH HERTFORDSHIRE LOCAL PLAN EXAMINATION: MATTER 10: HOUSING
ALLOCATIONS AND SETTLEMENT BOUNDARIES: TOWNS: LUTON (COCKERNHOE)**

Statement from CPRE Hertfordshire

1. I am Stephen Baker, DMS, BSc, Dip TP, MRTPI, Planning Manager at Campaign to Protect Rural England Hertfordshire (CPREH).
2. This statement supplements our original representations on Chapter 4 of the Proposed Submission North Hertfordshire Local Plan (the Plan), including on Policy SP19 and Site Allocation Policies EL1, EL2, and EL3, which still apply, and seeks to address the Inspector's questions as set out in his Schedule of Matters and Issues.
3. CPREH's statement on Matter 3, and our original representations on Policy SP8 are also directly relevant to this issue, because the demonstration of the existence of exceptional circumstances for releasing land from the Green Belt in principle, is a pre-requisite for each specific site allocation in the Green Belt and for any consequent alterations to Green Belt boundaries.
4. In our statement on Matter 3 we showed that the Council has failed to demonstrate that all of the identified 'housing need' it has identified is either acute or intense. In our original representations on Policy SP5 and paragraph 4.53 of the Pre-submission Plan we showed that the Council relies entirely on the assumption in its Green Belt Background Paper, that all of the identified 'housing need' is acute or intense, as this must be shown if the Calverton judgement is used to assess whether exceptional circumstances exist in principle for removal of sites from the Green Belt.
5. The proposed provision of nearly 1,950 dwellings out of a total allocation of 2,100 in the Green Belt on sites EL1 to EL3, just to meet an unmet need in neighbouring Luton is proposed despite the finding of the Luton Plan Inspector that at least 1,800 more dwellings will be provided in the existing urban fabric of Luton than had been estimated when that Plan went into its examination. This fact has been totally ignored by North Herts Council who have not considered the redistribution of Luton's housing needs across Luton and Central Bedfordshire within the same housing market area that this allows, or reconsidered the relative benefits of development east of Luton in this changed context against the permanent disbenefits of removing the area from the Green Belt, and the harm that would be caused to the countryside and communities within which it sits.

6. Consequently our objections in principle apply to all three sites, EL1 to EL3, identified in the Inspector's Schedule, and these objections do not therefore need to be repeated for each individual allocation.
7. Similarly, our comments on the issues and questions raised by the Inspector apply equally to all three of these sites as they effectively comprise a single major land allocation east of Luton, differentiated primarily by land ownership rather than land use planning considerations.

Inspector's Issues and Questions

Sites EL1, EL2 and EL3:

Issue 10.2: Are all of the proposed housing allocations justified and appropriate in terms of the likely impacts of the development?

8. This allocation is not justified because of the impact on the Green Belt that is addressed below under Issue 10.28, and because the need for the development does not outweigh the harm to the countryside and the community in the rural area east of Luton.
9. The sites together occupy a very large area of attractive countryside on land rising to the east of the Wigmore area of Luton, and which is prominent in views from transport routes including rights of way crossing the area, as confirmed by the Landscape Character Assessment for the Breachwood Green Ridge, area 202. (CG16). The area is characterised by a 'gently rolling ridge landscape' according to the Assessment.
10. More significantly, the study states that large scale urban extensions 'would be of an inappropriate scale and would be likely to result in the coalescence of Luton and the villages and hamlets within Breachwood Green Ridge' and that 'visual impacts could also be high, due to the elevated position of the character area on a ridgeline plateau'.
11. The study goes on to say that 'increased housing development would be likely to affect the existing narrow, twisting lanes, which could erode the character of the landscape' if upgraded, and that rights of way could be disrupted. The study further noted that 'additional traffic would also affect the peace and tranquillity of the Character Area'. None of the roads and lanes east or north of the sites themselves are suitable for carrying the urban traffic generated by 2,100 new households.

12. The Assessment concluded that the area only has a low to moderate capacity for such an urban extension, and the site allocation proposals are entirely inconsistent with the Assessment findings, in particular the 'built development guidelines' provided.
13. CPREH's concerns about these allocations include other impacts, including the inevitable pressure for new road connections through the Green Belt land north and south of the site allocations to carry the new traffic to the principal road network north and south of Luton that is not destined for Luton itself. Such routes would further intrude into the rural character of the area and the landscape on the current edge of the Chilterns AONB.
14. The Environmental Statement submitted with the current planning application for site EL3, states in Chapter 10 that the visual impact of the proposals would be 'substantially adverse'.
15. It is such impacts that led CPREH to point out that the area should be protected from development not just for Green Belt reasons, but because the area is part of the much larger area between Luton and Hitchin that Natural England is considering as a potential extension to the Chilterns AONB (ED 48) the edge of which lies a short distance to the north of the allocations, on the northern side of the A505 Luton to Hitchin road, following a request to do so by the Chilterns Conservation Board. This potential extension would in our view be prejudiced by the allocation of such a substantial area of land for urban development.
16. All of the area subject to current planning applications seeking to implement the Local Plan proposals is also either Grade 2 or 3a Agricultural Land according to the information submitted with the applications, and therefore within the definition of 'best and versatile agricultural land' that paragraph 112 of the NPPF states Council's should avoid allocating for development in Local Plans.
17. Finally in this section, we consider that the proposed developments, comprising mainly housing, would not be sustainable in view of the almost total reliance on Luton for services and facilities, and any on-site facilities would be of very limited benefit to any other residents of North Hertfordshire because of their remoteness and poor accessibility.
18. CPREH therefore considers that development on the scale proposed at sites EL1 to EL3 is not justified in terms of the adverse local impacts that would arise.

Issue 10.28: (The site is comprised of land in the Green Belt). a) Do the exceptional circumstances exist to warrant the allocation of the site for new housing in the Green Belt? If so, what are they?

19. There are no circumstances set out in the Plan or the Council's evidence submitted with the Plan which outweigh the presumption against such development in the Green Belt established by NPPF paragraph 14 and footnote 9, and in the context of the guidance provided by the Calverton court case on the scope of considerations that should be taken into account when seeking to identify such circumstances.
20. The Site Allocation proposal for sites EL1 to EL3 in Policy SP19 and its supporting text make no reference whatsoever of the requirement to demonstrate the existence of exceptional circumstances for removal of the site from the Green Belt, referring only to what is proposed and where, and the Council's perceived beneficial (but not negative) results of the proposed development.
21. The considerations put forward by the Council for the existence of exceptional circumstances for changing the established, permanent Green Belt boundaries in the District, relate to a general conclusion that all boundaries must be reviewed because all of the assessed housing need in the District has to be met in the District and that the locations proposed in the Plan are the most appropriate even if they are in the Green Belt.
22. In respect of these allocations, the Plan states at paragraph 4.219 that 1,950 houses had to be provided here because they 'cannot be physically accommodated in Luton.' That statement was made before the Luton Local Plan Examination revealed that 1,800 more houses could be built in Luton without building on any Green Belt land, as pointed out above in paragraph 5.
23. Consequently, where the Plan states (paragraph 4.221) that the impacts on landscape 'needs to be balanced against the acute levels of unmet needs arising from Luton', that balance has now significantly shifted as a result of much more capacity being found within Luton itself.
24. It is our understanding that in the absence of evidence of exceptional circumstances for the removal of these sites from the Green Belt the proposed allocations are by definition both unjustified and contrary to national policy and therefore unsound.

25. CPREH has set out in detail why in principle the Council's approach is not consistent with national policy as set out in the NPPF and subsequent Government statements. National Planning Policy on this matter has been clearly restated on many occasions by the Government of the day since the NPPF was published, and the appendices to our statement on Matter 3, letters from Government between 2014 and last year, all emphasise the importance of the constraint imposed by national policy for the protection of the Green Belt and that housing need and/or demand are not in themselves an exceptional circumstance that would justify the removal of land from the Green Belt.

Issue 10.28: b) What is the nature and extent of the harm to the Green Belt of removing the site from it?

26. The nature of harm in this location would be threefold; the loss of countryside due to encroachment of Luton; the further sprawl of the town eastwards into that countryside; and the removal of the incentive and pressure for urban regeneration through recycling of land within the towns enclosed by Green Belt including Luton and the towns in North Hertfordshire, and the London Green Belt as a whole.

27. The extent of harm in geographical terms to the first two Green Belt purposes above is very significant because of the size of the proposed allocations, but for the removal of the regeneration incentive it would be Green Belt wide, because this purpose applies to the Metropolitan Green Belt as a whole.

28. In terms of severity of impact, the Green Belt Review notes that loss on this scale in this location would have a significant negative impact on at least one Green Belt purpose, which the Council's consultants (PBA) pointed out to them means that the overall impact would be significant as a result. This confirmation followed the consultants' review of how the Council had reached conclusions on how great the impact on Green Belt would be in this area. In fact the impact on the two purposes of preventing urban sprawl and safeguarding the countryside would be equally significant given the current robust and well defined Green Belt boundary along the edge of Luton adjacent to the sites at present.

29. This impact is compounded by the effective loss of the separate identities of Mangrove Green, Cockernhoe, Tea Green and Wandon End because of the scale, extent and scope of the proposals.

Issue 10.28: c) To what extent would the consequent impacts on the purposes of the Green Belt be ameliorated or reduced to the lowest reasonably practicable extent?

30. The impact on the purpose of assisting urban regeneration cannot be ameliorated, as the development would take place entirely outside the existing urban fabric.
31. The impact on the spread of the town into the countryside would not be ameliorated because the proposed new Green Belt boundary is around the site allocations and the development would be permanent. None of the sites would retain the character or status of, or function as, Green Belt.
32. All the Council could achieve in future would be to ensure that there was no further loss of the Green Belt status of adjacent land. Clearly the construction of 2,100 houses outside the current Green Belt boundary does not improve that current boundary, so attempts to design new defensible boundaries further out into the countryside do not constitute amelioration or impact reduction.

Issue 10.28: d) If this site were to be developed as proposed, would the adjacent Green Belt continue to serve at least one of the five purposes of Green Belts, or would the Green Belt function be undermined by the site's allocation?

33. All land in the Green Belt contributes equally to the Green Belt purpose of assisting urban regeneration by encouraging the recycling of urban land, according to its extent, so the Green Belt adjacent to the proposed allocation would continue to contribute to this purpose.
34. The loss of Green Belt on the scale proposed in this location would certainly undermine the function of the Green Belt which is to keep the area of the proposed site allocation permanently open. Furthermore, once the principle is established that an area of Green Belt can be removed from it and developed solely because of housing demand, adjacent areas of Green Belt come under threat from the 'hope value' that landowners will put on the land.
35. Past Planning history from the first round of county development plans included landowners leaving Green Belt land on the edges of towns to degrade without any investment in its management in the hope that planning authorities would allow development in future, and it was only through the resolute defence of the Green Belt by

generations of local authority councillors and officers that such pressures were resisted, supported by detailed government policy and guidance.

36. Government policy and guidance is not so detailed or forthright now, but ministers have repeatedly stated that Green Belt policy is effectively unchanged, and that in the local plan context 'exceptional circumstances' must exist for land to be taken out of the Green Belt. North Hertfordshire District Council has failed to demonstrate such circumstances, and allowing these site allocations to be removed and developed would therefore undermine not only the Green Belt function of the adjacent Green Belt land but the wider Green Belt designated to prevent such proposals.