

# The Friends of the Forster Country



'To preserve for all time the open green space north of Stevenage known as the Forster Country'

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13 March 2018

Simon Berkeley, NHDC Local Plan Inspector,  
c/o Louise St John Howe,  
PO Services, PO Box 10965,  
Sudbury, Suffolk  
CO10 3BF.

Dear Sir,

## NHDC LOCAL PLAN PUBLIC EXAMINATION – OFFICIAL COMPLAINT

We write with respect to the ongoing NHDC Local Plan Public Examination in which you are the Inspector appointed by the Secretary of State for Communities and Local Government to independently examine the Plan

We refer to your Guidance Note for participants in the Examination and in particular paragraph 3 (Purpose and scope of the Examination) which states :-

***My role is to consider whether the Plan meets the legal and procedural requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations and whether it is sound in accordance with the National Planning Policy Framework (NPPF).***

The four attending members of the Friends of Forster Country Committee (FoFC) wish to state that they believe on Monday 26<sup>th</sup> February, during the discussion, you deviated from the guideline principles of "Openness, Fairness and Impartiality", by stating that 'you are not prepared to listen to any arguments concerning Permanence of the Green Belt as you had made up your mind about this and the associated Calverton case, and its relevance to this Enquiry'.

The greater part of the day from 9am to 3.10pm was spent discussing education, leaving about three hours, (until 6.17pm) to discuss the Green Belt and other issues concerning areas NS1 and GA1 and GA2.

Your questions 7.1a, and versions a and b of 10.4, 10.9, 10.14, 10.23, 10.28, 11.14, 11.19, 11.24, 11.31, 11.40, 11.45, 11.69, and 11.78 as listed in your Matters and Issues document for this examination all have one thing in common in that they all assume that Green Belt status can be removed under certain circumstances. Yet the NPPF states quite clearly in para 79 that an



essential characteristic of the Green Belt is its permanence. No other paragraph of the NPPF overpowers or diminishes that clear statement.

Thus, by making that assumption in your questions you do not appear to be conducting this Examination according to your own Guidance Note.

Should you consider that the Calverton PC v Nottingham CC judgment gives authority to remove land from its Green Belt status we must point out the Calverton judgment is not included as being of significance in determining the soundness of the Plan in the description of your role given in your Guidance Note.

Furthermore, you have been made aware during the Examination that Mr Justice Jay (Calverton v Nottingham) arrives at his judgment by omitting to consider the most relevant paragraph of the NPPF, para 79. Thus, Mr Justice Jay does not take the NPPF as it stands as required by Lord Justice Lewison's guidance on the importance and interpretation of public documents.

Finally on the Calverton case the Judge specifically said the following, which we wanted to emphasise, and discuss :-

*"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 (to develop in the Green Belt), within the meaning of paragraph 83 of the NPPF."*

We wanted to explore whether, as they believe, NHDC have made a case, "beyond an assessed need" for developing on the Green Belt. Assessed need alone would not be sufficient in the Judge's opinion, to justify the exceptional circumstances they claim.

Additionally, FoFC wished to stress, (but were not allowed to do so, by shortage of time) that NHDC has ignored NPPF Paragraph 77 (101 in new draft) :-

"The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land".

Our points here are of considerable importance as the outcome determines whether some 8,000 houses can or cannot be built on Green Belt land.

We write to suggest that you re-consider whether you are, or are not, acting in this Examination in accordance with your Guidance Note. We believe that in this case you are not and therefore request that you rectify this, by inserting another session to give a further chance of discussion over this issue before the Examination ends. Should this not be granted, we may have to consider a formal complaint to the Inspectorate over this matter, which we would be loath to do, as your fairness and willingness to listen to all opinions had been most refreshing and welcome.

We would welcome a reply to this letter.

Yours faithfully,



John Spiers (Chairman FoFC) on behalf of a Sub Committee of the FoFC