

Examination of the North Hertfordshire Local Plan (2011-2031)
Examination hearing sessions
Statement of North Hertfordshire District Council

**Matter 25 – new land proposed for allocation through the main modifications
MM139 & MM385 – Land at Danesbury Park Road as a Gypsy and Traveller site**

Question 25.1 For each of the new areas of land proposed through the main modifications:

a) Is the inclusion of the new area of land for allocation necessary for soundness?

1. Yes, for the reasons previously set out in the Council's [Matter 12 statement](#) and [ED149](#). The Plan as submitted is not positively prepared, justified, effective nor consistent with national policy on this matter.
2. The Council's Matter 12 statement explained that, following the submission of the Plan, a revised and updated Gypsy and Traveller Accommodation Assessment (GTAA, [ED60](#)) had been published. The updated GTAA identified a need for 10 net additional pitches for travellers meeting the definition set out in national policy. This assessment is a sound assessment of future need. It follows the requirements of national policy and uses a robust methodology that has been found sound at numerous Local Plan examinations.
3. As a result of this assessment the Council identified a need for four additional pitches over the Plan period to 2031 to meet the needs of the families currently at the Pottersheath Road site (NHDC Matter 12 Statement, p.5, paragraph 20 & Table 1).
4. This need was in addition to the pitch requirement arising from, and to be met at, the existing, private Gypsy and Traveller site at Pulmer Water, Codicote. This was included as a proposed allocation in the submitted version of the Plan.
5. Paragraph 10 of the Government's [Planning Policy for Traveller Sites](#) (PPTS) identifies, among other matters, that Councils should identify a supply of specific deliverable sites to provide five-year's worth of sites and a supply of specific, developable sites or broad locations for growth for years 6 to 10 and, where possible, for years 11-15.
6. The updated GTAA identified an immediate need for two pitches to meet current needs arising from the families currently at the Pottersheath Road site (i.e. within the five year period which demands specific deliverable sites to be identified) with a further need for two additional pitches arising over the remainder of the Plan period (ED60, p.29, paragraph 6.19).
7. The Council's Matter 12 statement set out a site identification and selection methodology. In particular this took a pragmatic view of the practicalities of asking a family resident on a site in their ownership to move to an alternative site (NHDC Matter

12 statement, Paragraphs 24 and 27 and Appendix 1). There has been no suggestion from this Inspector that this general methodological approach is unsound. This approach reflects the Government's aims in Paragraph 4(e) of the PPTS to promote more private traveller site provision.

8. Arising out of this hearing session, the Inspector identified a series of actions for the Council. These are listed on the cover sheets of ED149 and are addressed in the remainder of that document and the relevant proposed Main Modifications. As part of this work the Council produced an additional note explaining the strategy for meeting the identified needs and demonstrating that this site had sufficient capacity to accommodate the identified needs in accordance with the Matter 12 methodology. This included a sustainability appraisal of the site (ED149, Appendix M12-2).

b) Is the new area of land proposed deliverable? In particular, is it

i) confirmed by all of the landowners involved as being available for the use proposed?

9. Yes. The land is owned by the current occupiers. A retrospective planning application for the change of use of this land to a Gypsy and Traveller site has been submitted and is under consideration (NHDC reference 17/02755/1).

ii) supported by evidence to demonstrate that safe and appropriate access for vehicles and pedestrians can be provided?

10. Yes, the site has frontage onto both Danesbury Park Road and Pottersheath Road. No objection has been made by Hertfordshire County Council as highway authority to proposed Main Modifications MM139 and MM385. The highway authority did not object to a previous planning application for use of this land as a Gypsy and Traveller site.

iii) deliverable, having regard to the provision of the necessary infrastructure and services, and any environmental or other constraints?

11. Yes, as explained in Paragraphs 7 and 8 above, the site has been considered through the site selection methodology and sustainability appraisal and is considered a suitable location for development having regard to potential constraints. This is expanded upon in answer to Issue (c) below.
12. Through the Main Modifications consultation process, the site has been subject to consultation with a range of statutory providers. Given the limited intensity of use there are no specific infrastructure requirements arising other than the nominal impact upon demand for local services arising from use of the site. The likely significant effects of allocating the site have been considered through sustainability appraisal.

13. For completeness, and to allow direct comparison with the assessment of mainstream housing sites considered through the Strategic Housing Land Availability Assessment (HOU9), the constraints relevant to this site and which informed the sustainability appraisal are set out in the table below.

Agriculture	AQMA	AONB	Archaeology	Common / CROW	Cons. Area	Contaminated	Flood - river (EA)	Flood - surface	Green Belt
Urban	No	No	No	No	No	No	No	No	Yes
Habitat	Listed Build.	Local Nature Reserve	PROW	Reg. P&G	SAM	SPZ	SSSI	Wildlife	
Yes	Setting	No	No	No	No	3	No	No	

14. The site is presently within the Green Belt (see answers to Question 25.2 below). A Grade II listed building lies approximately 100m north-west of the site on Pottersheath Road. However this is concealed from the site, and general public view, by heavy planted screening along the highway frontage. A Local Nature Reserve lies to the east of the A1(M) but is separated from this site by the motorway, which runs in a cutting, and the Pottersheath Road overbridge.

15. Any impacts arising from use of this site can be considered and addressed through the application of criteria in relevant Development Management policies.

c) Is the inclusion of the new area of land justified and appropriate in terms of the likely impacts of the development

16. Yes. In broad terms the allocation is justified by:

- The identification of a need for future Gypsy and Traveller provision which, under the requirements of national policy, the Council should seek to address;
- The approach to site identification which recognises as a general principle that a site owned by a travelling family is considered preferable to public or third-party ownership and that to seek an alternative site would require its purchase and the relocation of the family to that site when they are already suitably accommodated (Matter 12 statement, paragraph 24);
- The proper consideration of potential adverse impacts and specific policies in the NPPF and PPTS which indicate development might be restricted. A balanced planning judgement has been made on the benefits and impacts of the site;
- There being no preferable, deliverable alternative site(s) which would allow the identified need to be met over the Plan period in a substantively different way
- There being no reasonable prospect of other nearby authorities being in a position to assist under the Duty to Co-operate should NHDC resolve not to meet this need in full.

17. This is supplemented by the matters relied on for demonstrating exceptional circumstances set out below.

Question 25.2 If / where the new area of land proposed for allocation is currently in the Green Belt:

a) Do exceptional circumstances exist to warrant its allocation? If so, what are they?

18. Yes, for the reasons set out in Paragraph 16 above and also for the following specific exceptional circumstances identified in ED149:

- the lack of a five-year supply for the travelling community;
- the personal circumstances of the families;
- the protection of the characteristics of the Gypsy way of life; and
- the best interests of the children.

19. NHDC has already resolved, in its Development Management function and based upon the site's present Green Belt status, that it would not be able to sustain a refusal of planning permission for the current occupants at appeal. As set out in the Council's response to Matter 23, the Courts have determined that the plan-making test of *exceptional circumstances* is a lower threshold than the decision-making test of *very special circumstances* which this Council have already conceded would exist on this site.

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

20. The site lies within 'Parcel 6' as identified in the Green Belt Review Update ([ED161B](#), pp.138-139). The study concludes that this Parcel as a whole makes a significant contribution to Green Belt purposes in separating the urban areas of Welwyn, Oaklands and Pottersheath.

21. However, the visual and physical openness of the Green Belt in this area is highly fragmented by loose-knit development along both Pottersheath Road and Danesbury Park Road. This is particularly the case when compared with the more open pattern of agricultural fields to the east, which form the remainder of 'Parcel 6' in the Green Belt Review Update, and the woodlands to the east and north which lie within neighbouring Welwyn Hatfield. These provide the more substantive contribution to Green Belt purposes in separating these areas from the settlements of Codicote, Knebworth and Woolmer Green and, at a larger scale, maintaining separation between the towns of Stevenage and Welwyn Garden City

22. Overall, it is considered this site, by virtue of its location and limited size, makes a moderate contribution to Green Belt purposes. Its release would therefore occasion moderate harm.

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?

23. The site is well defined on three sides by the A1(M), Pottersheath Road and Danesbury Park Road. Criterion (d)(ii) of Policy HS7 requires that Gypsy and Traveller sites "...can be successfully screened and contained within a specified boundary". This will assist in ameliorating impacts on the purposes of the Green Belt.

If / where relevant

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?

24. Yes. The adjacent Green Belt will continue to contribute to the purposes of Green Belt. The assessment of 'Parcel 6' shows that the land beyond the proposed allocation already serves Green Belt purposes.

e) Will the Green Belt boundary proposed need to be altered at the end of the plan period, or is it capable of enduring beyond then?

25. The proposed boundary is capable of enduring beyond the Plan period. Though it is recognised that under current planning policies the Council will be required to update its assessment of Gypsy and Traveller needs prior to, or at, the end of the Plan period. It will need to identify suitable sites to meet that need where possible.

f) Are the proposed Green Belt boundaries consistent with the Plan's strategy for meeting identified requirements for sustainable development?

26. Yes. The Plan seeks to meet identified needs for Gypsy and Traveller accommodation using the principles set out in the Matter 12 methodology.

g) Has the Green Belt boundary around the site been defined clearly, using physical features that are readily recognisable and likely to be permanent? Does it avoid including land which it is unnecessary to keep permanently open?

27. Every effort has been made to clearly define the Green Belt boundaries around allocated sites using physical features such as roads and watercourses that are readily recognisable. Three sides of the site are bounded by existing highways. An appropriate boundary to the fourth side would be secured through application of Policy HS7(d)(ii) as set out in Paragraph 23 above.

28. The proposed boundary is limited to that land which is necessary to meet the needs identified above. It will be an "...exceptional, limited alteration to the defined Green Belt

boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific identified need for a traveller site”, consistent with Paragraph 17 of the PPTS.