

Paper D: Proposed safeguarded land west of Stevenage

1. The Inspector has requested that North Hertfordshire District Council (NHDC) provide further information to the Examination regarding the proposed safeguarded land to the west of Stevenage. In his letter of 9 July 2019 (the Inspector's letter), the Inspector raises a number of reservations about the demonstration of the exceptional circumstances in relation to the safeguarded land to the west of Stevenage. In particular, he has asked for clarity upon:
 - The increase in contribution of the proposed allocation site to Green Belt purposes (Paragraph 27 of the Inspector's letter);
 - The robustness of the justification for this approach; and
 - The 'non-committal' nature of the Council in response to Stevenage's request to reserve this land for their own future housing needs
2. All references to "the Plan" or "the Local Plan" in this response are to the submitted Plan (LP1) as suggested to be amended by the Proposed Main Modifications issued in November 2018 unless otherwise stated. Any references to the National Planning Policy Framework (NPPF) are to the 2012 version unless otherwise stated.

Inspector's Query 1 – Increase in contribution to Green Belt

"I also have reservations about the demonstration of exceptional circumstances in relation to the land to the West of Stevenage currently in the Green Belt that is proposed to be identified as "safeguarded land". The Green Belt Update also alters the assessment of the contribution made by this land to the Green Belt – it is now considered by the Council to make a significant contribution, rather than a moderate one. Again, this is a factor that is relevant to the consideration of whether or not exceptional circumstances exist to warrant the "release" of the Green Belt land involved." (Paragraph 27 of the Inspector's Letter)

3. The general principles relevant to this concern are addressed in the separate supplementary paper on Green Belt. This should be read in conjunction and referred to for additional information. For the purposes of this paper, the Council reiterates its view that, having regard to relevant case law, any strategic-scale urban extension on undeveloped Green Belt land would now be judged as having a significant impact upon its purposes. It would therefore occasion significant harm were it to be released for development. However the Council has explained why it considers that there are exceptional circumstances to justify the removal of this land from the green belt and its safeguarding to meet future development needs. As set out below, NHDC has already submitted extensive material setting out the *exceptional circumstances* it considers support the proposed safeguarding of the land West of Stevenage.

Inspector's Query 2 – The overall justification for safeguarding this land

Added to this, I have doubts about the strength of the arguments underpinning the Council's justification for identifying this as "safeguarded land". The planning history of the land in question is unlikely to amount to an especially forceful argument – the fact is that the land is presently in the Green Belt and does not have planning permission for development. The need to provide opportunities for future growth is a valid point, but is one that could apply in support of any land adjacent to any settlement (Paragraph 28 of the Inspector's Letter)

4. NHDC does not rely on the planning history of this site as a 'forceful argument'. It simply provides context to the Council's view, that this location "has long been identified as a sustainable location for a substantial urban extension to the town" (LP1, paragraph 4.104).
5. The justification for safeguarding land to the west of the A1(M) at Stevenage has been set out in a number of documents previously submitted to the local plan examination. Key points are highlighted and summarised below. The original documents (and any further documents which they in turn reference) should be referred to for the case in full.
6. The land is proposed for safeguarding through Policy SP8(e)(ii) of the Local Plan (LP1). As set out in LP1, the safeguarded land would provide some certainty for the delivery of housing growth post 2026, subject to a review of the local plan. This conforms with national policy advice in paragraph 85 of the NPPF that authorities should:
 - *...where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt in order to meet longer terms development needs stretching well beyond the plan period; [and]*
 - *...satisfy themselves that Green Belt boundaries will not need to be altered [again] at the end of the development plan period*
7. The Memorandum of Understanding between Stevenage Borough Council (SBC) and NHDC (MOU11, p.4, paragraphs 4.10 & 4.11) agrees that land to the west of Stevenage has the potential to contribute towards future housing needs and that in this context, it was agreed between the authorities that it was appropriate to remove the land from the green belt and safeguard it for development post 2026.
8. Question 7.4 in the Inspector's Schedule of Matters and Issues for the Examination (ED10, p.7) set out a number of questions about the Council's approach to safeguarded land; whether it would be necessary to identify safeguarded land to meet longer term development needs beyond the plan period and what the justification for safeguarding the area identified to the west of the A1(M) was.
9. The District Council set out its response to the matters and issues in its Matter 7 statement. At paragraph 59, the Council concludes that "*On a pure 'suitability' analysis*

(i.e. excluding any consideration of availability and achievability), this site would perform at least comparably with the other major urban extensions in the plan.” In paragraph 61, the District Council states that safeguarding the land is intended to provide a catalyst for Stevenage Borough Council, NHDC and other parties to explore the issues which precluded the site from being identified as a deliverable allocation.

10. The issue was explored further during the Hearing Session on 24 January 2018 when it was clarified in verbal evidence that the land to the west of the A1(M) at Stevenage was the only appropriate site in the district to remove from the Green Belt and safeguard for future development. Acting for the Council, Ms Suzanne Ornsby QC clearly stated:

“...it’s not that we’ve chosen one out of a list of five potential sites to be safeguarded. This is really the only one that properly meets any sort of sensible assessment to justify safeguarding”

11. During the Hearing Session, both SBC and NHDC confirmed that they considered that it was necessary to safeguard the land to the west of Stevenage to meet longer term housing needs. SBC suggested that it might be appropriate to safeguard more land and that development would be subject to a review of the local plan. Modifications to Policy SP8 had been discussed at a previous examination hearing session to ensure that it was in line with paragraph 85 of the NPPF.

12. The Council was also asked to provide an additional statement setting out in one document the reasons for safeguarding land to the west of the A1(M) and the exceptional circumstances for releasing the land from the green belt. This note was provided to the Inspector in ED143 as Appendix M7-4. This specifically aligns the Council’s case for safeguarding this land to the principles in the *Calverton* judgement – used as the basis for analysis of Green Belt issues elsewhere in the examination – and the requirements of NPPF policy. This paper clearly concludes:

- Current evidence suggests that acute and intense housing needs are likely to persist beyond the current plan period to 2031. Significant levels of future need are also anticipated within other authorities in shared housing market areas (as currently defined) (ED143, Appendix M7-4, pp.2-3, paragraphs 9 to 21);
- North Hertfordshire is already facing significant pressures in identifying development sites for the current plan period. Other authorities are similarly likely to face constraints in identifying opportunities in any future review (ED143, Appendix M7-4, pp.3-5, paragraphs 22 to 33);
- The site adjoins the largest town in northern Hertfordshire and is considered a sustainable location for potential future development (ED143, Appendix M7-4, pp.5-6, paragraphs 34-40);
- Development of the site would result in harm to the purposes of the Green Belt but policy tools exist to assist in ameliorating the potential impacts. These can be applied at the appropriate time (ED143, Appendix M7-4, pp.6-7, paragraphs 41 to 48).

13. From this document it is clear that the planning history of the site is not fundamental to the Council's case that exceptional circumstances exist for the release and safeguarding of this land.
14. Notwithstanding this point, the Council would be content to delete the phrase "Given this history of this site..." from paragraph 4.104 of LP1 if that is felt appropriate. NHDC consider this change could be made as a non-material additional modification and need not be subject to additional consultation.

Inspector's Query 3 – Whose housing need?

...The continuing disagreement between the Council and Stevenage Borough Council about which local authority's future housing needs the land should address muddies the waters somewhat. The Council's rather non-committal stance on this adds to the ambiguity, which also does not help. Indeed, these latter factors suggest that important decisions remain to be made by the two authorities. Given that this all relates to yet unknown future housing needs, that is perhaps not surprising.

15. The Council does not consider itself to be 'non-committal' in relation to this land. It accepts that it will be necessary for this land to come forward for development to meet future housing needs beyond the plan period. The Council however does not consider that it is appropriate to specify that it should be safeguarded to meet Stevenage's needs and that is a matter that would need to be addressed at the time of a plan review. Furthermore, this is not a point that Stevenage Borough Council pursued in their representations to the Main Modifications Consultation, which the concerns in the Inspector's 9 July letter are directed to.
16. Through their earlier submissions to the examination, Stevenage Borough Council did seek modifications which specifically reserve any safeguarded land to the west of the town for the Borough's own future housing needs. NHDC cannot accept this request because:
- The scale of housing needs in either Stevenage or North Hertfordshire beyond 2031 is not yet known;
 - The extent to which Stevenage might be able to meet those needs within its own area is not yet known;
 - The subsequent extent to which Stevenage may have an 'unmet need' beyond 2031 is not yet known;
 - The extent to which any other authority within the housing market area or beyond may make a request of North Hertfordshire to address 'unmet need' beyond 2031 is not yet known;
 - The range of reasonable alternatives to development West of Stevenage to meet any authorities' needs is not yet known.
17. This position was clearly set out in paragraphs 65 to 67 of the Council's Matter 7 statement in November 2017. The Council accepted in its verbal evidence to the

hearings that Stevenage is constrained in the longer-term. However, we also (re-)made the point that it is premature to specifically assign this (or any other) land to meet any one specific authority's future needs. That is a matter to be considered and resolved through a future plan review.

18. The Council's stance is consistent with the Inspector's analysis at the Matter 7 Hearing Session on 24 January 2018. Here he cast doubt on the concept of identifying a site as being specifically for Stevenage's needs (underlining added):

Mr Simon Berkeley (SB): ...you're talking to me about safeguarding a parcel of land, which is within the HMA, to meet needs for Stevenage, but not North Herts. But there isn't such a thing, is there, as a need for Stevenage and a need for North Herts? It's a – it's the needs of the HMA overall. Is how you slice the cake in future, any business of mine? Does it affect the soundness of this plan, do you think?

...

SB: Oh, well, just for the fun of it, I'm going to have another go. Is there such a thing as the housing needs of Stevenage?

Ms Caroline Danby, Stevenage Borough Council: Not in NPPF – NPPF terms, I guess, and it's the future...

SB: So, the answer's no?

Selected transcript of Audio Recording 24/01/18 available to listen to at <https://www.north-herts.gov.uk/planning/planning-policy/local-plan/local-plan-examination/hearings-timetable>

Conclusions

19. The District Council considers that all of the relevant information necessary to reach a sound and robust conclusion on this matter has been provided to the Inspector. The Council considers it has demonstrated why the site to the west of the A1(M) at Stevenage should be safeguarded for development. In particular, the paper submitted following the Matter 7 hearings (in ED143) sets out NHDC's view of the necessary *exceptional circumstances*. The proposed approach is consistent with national policy. Without identifying this land, NHDC cannot 'satisfy itself' that further revisions to the Green Belt would not be needed at the next review of the Local Plan.
20. The Inspector is requested to confirm that the land to the west of the A1(M) at Stevenage should be removed from the Green Belt and safeguarded pending a future review of the Local Plan.