

Paper E: New land proposed for allocation

1. The Inspector has requested that North Hertfordshire District Council (NHDC) provide further information to the Examination regarding the allocation of new land for development that was not included in the submitted Local Plan. The Council's response is set out below.
2. All references to 'the Plan' or 'the Local Plan' in this response are to the submitted Plan (LP1) as suggested to be altered by the Proposed Main Modifications issued in November 2018 unless otherwise stated. All references to the National Planning Policy Framework (NPPF) are to the 2012 version unless otherwise stated.

Inspector's Query – The justification for allocating additional land for development

A number of the draft main modifications put forward by the Council which have now been consulted upon propose the allocation of new land for development that was not included in the submitted Local Plan. Numerous representations have been made about these draft modifications. People's lives can be affected by the allocation of land for development, for example where they live next to or nearby a proposed site. It is, therefore, only right that those who have submitted written representations in this regard should be able to have their say at a hearing, as would have been the case if the land had been included at submission.

I therefore request that the Council produces concise papers setting out...the justification for each area of new land proposed for allocation through the draft main modifications, including the demonstration of exceptional circumstances where relevant.

(Paragraphs 30 and 32 of the Inspector's letter)

3. The Policies Map is not defined in statute as a Development Plan document and the Inspector does not have the powers to recommend Main Modifications to it. However, as a consequence of the proposed Main Modifications it would be necessary to make a number of amendments to the Proposed Submission Proposals Maps.
4. The proposed amendments to the Proposed Submission Proposals Map are listed in the Schedule of proposed Main Modifications under the references MM380 to MM396 (inclusive) and MM411. Maps detailing the proposed changes were set out in the separate document, Proposed Changes to the Policies Map, which was made available as a supporting document to the Main Modifications consultation.
5. Not all of these proposed modifications relate to the allocation of new land for development. The following changes do relate to the allocation of new land for development and are addressed in turn below. A number of documents relating to these proposed changes have already been submitted to the Examination and are referred to where relevant:

- MM382 – Policy SP18 (Site GA2)
- MM384 – Housing allocation WY1 / Urban Open Land
- MM385 – Proposed Gypsy and Traveller allocation at Danesbury Park Road
- MM386 – Housing allocation BA2 & associated Green Belt boundary
- MM387 – Housing allocations BA3 & BA4 and adjoining ‘white land’
- MM389 – Housing allocation BK3
- MM396 – Housing allocation SI1

6. The ‘before’ and ‘after’ maps for these modifications are re-attached as an appendix to this paper to aid interpretation.

MM382 – Include access route to allocation from Mendip Way

7. Policy SP18 of the proposed submission Local Plan requires that principal access to site GA2 be taken from Mendip Way (LP1, p.69). The fundamental requirement to have the primary access to site GA2 be taken from Mendip Way has not been altered through the Examination process or the proposed Main Modifications. It is proposed to amend the relevant criterion (SP18(d)) to ensure that there is provision for sustainable transport methods, and integration into the existing walking and cycling networks. However, the link from Mendip Way to proposed site GA2 is not shown on the Proposed Submission Policies Map. Without rectifying this it would not be possible to apply the relevant policy criteria to this land.
8. The inclusion of the access into the housing allocation does not alter the proposed new Green Belt boundary presented in the submitted Local Plan or the extent of land that has already been proposed for release from the Green Belt. The land to east of Mendip Way and south of Cromdale Walk and Merrick Close is already excluded from the Green Belt under the current District Plan (see Plan at Appendix B of the Council’s Matter 10 statement).
9. A small area of woodland between the current Green Belt boundary and site GA2 (shown as ‘white land’ between ‘New Spring’ and the track north of the pylon lines on the Proposed Submission Proposals Maps) would become incorporated into the allocation. The Council’s case for the existence of exceptional circumstances at site GA2 has been presented in its Matter 10 Great Ashby statement and at the hearing session on 26 February 2018. This is in addition to the circumstances supporting the general principles of Green Belt release discussed under Matter 7 on Monday 20 November 2017 and Wednesday 24 January 2018. These apply equally to this additional land – without which it is not possible to fully access the site. There has been no objection from Hertfordshire County Council (as the highway to the access to GA2 being taken from Mendip Way).
10. The inclusion of the site’s access point in the housing allocation, as shown on the amended Policies Map extract, is for completeness to show the full extent of site GA2. It would aid the Council in the process of handling any future planning applications for the development of GA2.

MM385 – Add additional Gypsy and Traveller allocation at Danesbury Park Road (CD6)

11. An action requested by the Inspector arising out of the Matter 12 hearing session of the Local Plan's Examination in Public was for NHDC to propose modifications to Policy SP8 and Policy HS7 in order to allocate Pottersheath Road¹ as a site (ED96, p.5). These changes are set out in proposed main modifications MM035 and MM139. The bases for these changes are set out in the Council's Matter 12 statement which, in turn, draws upon the findings of the updated Gypsy and Traveller Accommodation Assessment (ED60).
12. In summary, the currently unauthorised gypsy and traveller development at Pottersheath Road generates a need for 2 pitches in the plan period to 2022 to become lawful and permanent. There is also a need for 2 pitches for family expansion for the period to 2031. Therefore, there is a need for 4 pitches to accommodate the families currently at Pottersheath Road now and in the future and within the plan period.
13. The exceptional circumstances which exist for the release of Green Belt land for the provision of a gypsy and traveller housing allocation are set out in ED149, along with the justification for why the necessary exceptional circumstances exist to enable the release of Green Belt land in North Hertfordshire as a general principle. ED149 Appendix M12-2 specifically addresses this issue.
14. To summarise the case for the exceptional circumstances existing for the release of Green Belt land for gypsy and traveller accommodation the following factors are identified in ED149 Appendix M12-2:
 - The identified need;
 - The lack of five-year land supply for the travelling community;
 - The personal circumstances of the families and the best interests of the children;
 - The protection of the characteristics of the Gypsy way of life.

MM384 – Amend alignment of housing allocation / urban open land boundary at WY1 in line with Statement of Common Ground

15. The submission Plan identifies a small number of instances where it is considered that the relevant settlement / Green Belt boundary should be drawn along dual carriageway bypasses, but that it would not be desirable for all such land within these defining features to be free from any policy restrictions. An Urban Open Land designation is proposed to afford protection in these instances (LP1, p.88).
16. At Little Wymondley it is proposed to redraw the Green Belt boundary along the northern boundary of the A602. This is a clear, defensible boundary consistent with

¹ The proposed site lies at the corner of Pottersheath Road and Danesbury Park Road. Both road names have been used interchangeably to describe this site in documentation submitted to the Examination. Going forward, the Council proposes the use of the latter.

Paragraph 85 of the NPPF. An area of Urban Open Land is proposed between the bypass and the southern extent of proposed housing allocation WY1.

17. A Statement of Common Ground was submitted to the examination by the Council and the (then) site promoter in November 2017 (ED50). This drew upon more detailed landscape assessment work that had been carried out since the original demarcation between WY1 and the adjoining Urban Open Land was proposed. The landscape assessment (ED50, Appendix 4) identified a shallow ridgeline that lies further to the south of the site boundary for WY1 as presented on the Proposed Submission Policies Maps. The area to the north of this ridgeline is deemed developable in landscape sensitivity terms. It was agreed that the ridgeline was a more suitable landscape boundary for built development and the most appropriate interface between the proposed housing and urban open land designations.
18. The adjustment of the housing allocation / urban open land boundary does not alter the new Green Belt boundary presented in the submitted Local Plan or the extent of land that has already been proposed for release from the Green Belt.
19. The exceptional circumstances that warrant the release of proposed housing allocation WY1 from the Green Belt were presented in North Hertfordshire District Council's Matter 11 – Little Wymondley statement and at the hearing session on 27 February 2018. This is in addition to the circumstances supporting the general principles of Green Belt release discussed under Matter 7 on Monday 20 November 2017 and Wednesday 24 January 2018. These apply equally to the land proposed in the submission plan to be released from the green belt and proposed as urban open land.

MM 386 – Amend BA2 housing allocation boundary to reflect land ownership and defensible features

20. The south-eastern boundary of site BA2, which was also the proposed settlement / Green Belt boundary around Baldock is based upon a line shown on Ordnance Survey basemaps which no longer exists on the ground. The Council's Matter 10 (Baldock) statement (paragraphs 75 and 94) recognised that this proposed boundary did not meet the requirements of Paragraph 85 of the NPPF. It is proposed that the boundary is moved from the middle of the agricultural land and extended to the A505 to the east of the site and a Public Right of Way to the south.
21. The exceptional circumstances that warrant the release of proposed housing allocation BA2 from the Green Belt, and which support this proposed change, were presented in North Hertfordshire District Council's Matter 10 (Baldock) statement and at the hearing session on 26 March 2018. This is in addition to the circumstances supporting the general principles of Green Belt release discussed under Matter 7 on Monday 20 November 2017 and Wednesday 24 January 2018.

Ref: MM 387 – Amend boundaries between BA3 and BA4 and extend BA3 to incorporate ‘white land’ (i.e. unallocated land inside the settlement boundary)

22. An action requested by the Inspector arising out of the hearing sessions was for NHDC to propose a modification to the first bullet points of sites BA3 and BA4 and paragraph 13.30 in order to provide flexibility in relation to the location of the link road (ED128, p.1). Having given further consideration to this, and the most effective policy framework for this part of Baldock, the Council proposed further changes to the allocation boundaries and policy criteria for these sites. The proposed main modifications that have been put forward by the Council in response to this action are MM207 and MM208 in the Schedule of proposed Main Modifications. These modifications are proposed for effectiveness to provide better policy control over the land.

23. As submitted, the land proposed to be removed from the Green Belt to the south-east of Baldock between the B656 Royston Road and the A507 Clothall Road would have consisted of four different areas (see ‘before’ map in the Appendix):

- An area of ‘white land’ bounded by the B656 Royston Road, the A505, proposed allocation BA3, existing residential properties and part of proposed allocation BA4;
- Approximately half of proposed allocation BA4 (the remainder of which is already excluded from the Green Belt under the saved policies of the 1996 Plan);
- Proposed allocation BA3; and
- An area of proposed ‘urban open land’ under Policy CGB5.

24. In light of the issues raised through the examination, the Council considered that this approach was too fragmented. It would have resulted in inconsistent policy requirements (particularly for the proposed ‘white land’) being applied to land with no obvious physical or visual demarcating features on the ground. It was instead proposed that the land to be removed from the Green Belt in this area be split into just two parts:

- A revised allocation BA3 consisting of the originally proposed site, the ‘white land’ and that part of BA4 not already excluded from the Green Belt; and
- The proposed ‘urban open land’ whose boundaries would remain unchanged.

25. The justification for these modifications is set out in Appendix M10(BH) – 2 (ED146A, p.12) where it is stated that amendments to the Policies Maps are proposed to change the boundaries of, and between, sites BA3 and BA4 to:

- Bring the (likely) route of the proposed link road within a single allocation (BA3 as proposed to be revised);

- Distinguish between the land which is currently outside of and within the Green Belt; BA4 as proposed to be revised to be revised is wholly outside the existing Green Belt rather than straddling the boundary; and
- Provide additional policy guidance for the land between BA3 and BA4 which, in the plan and policies map as submitted, would be 'white land' with no specific allocation or guiding criteria.

26. A number of responses to the proposed Main Modifications consultation object to MM207 and MM208 stating that the proposed modifications would lead to the development of the entirety of site BA3 (as proposed to be amended), the excessive loss of open space and / or development upon the existing bund. The Council considers these claims to be erroneous. MM207 is clear that no development should be permitted on or beyond any revised alignment of the bund. Notwithstanding this point, the Council wishes to propose a further modification for clarification to make clear that any re-profiling of the bund to accommodate the link road should be "limited" in nature. This is set out in the attached schedule.

27. The incorporation of the white land into BA3 does not alter the new Green Belt boundary presented in the submitted Local Plan or the extent of land that has already been proposed for release from the Green Belt.

28. The exceptional circumstances that warrant the release of proposed housing allocations BA3 and BA4 (as submitted) from the Green Belt were presented in North Hertfordshire District Council's Matter 10 (Baldock) statement and at the hearing session on 26 March 2018. This is in addition to the circumstances supporting the general principles of Green Belt release discussed under Matter 7 on Monday 20 November 2017 and Wednesday 24 January 2018. These applied equally to the land always proposed for release from the green belt but now proposed for incorporation into BA3 for the reasons given above.

MM 389 – Enlarge housing allocation BK3 to include reserve school site

29. Following the Matter 11 hearing sessions relating to Barkway, the Council was requested to consider its position with regard to school provision in the village. In particular, the Inspector queried whether the reserved school site to the south of proposed site BK3 should be subject to a special designation (ED95, p.3).

30. Proposed Main Modification MM216 states that approximately 1.5 hectares of land at the south-west of the site is secured as a reserve site for primary education. The associated change to the proposals map brings this land within proposed allocation BK3.

31. The justification for this approach was explained in a note submitted by the Council to the examination (ED148A, pp.3-5). This set out the Council's view that this change is the most pragmatic response having regard to the position of the education authority (HCC) and the approach taken for other sites in the Local Plan.

32. Site BK3 is located beyond the Green Belt and it is not necessary to demonstrate exceptional circumstances for this proposed change.

MM 396 – Extend SI1 site boundary to abut London Road

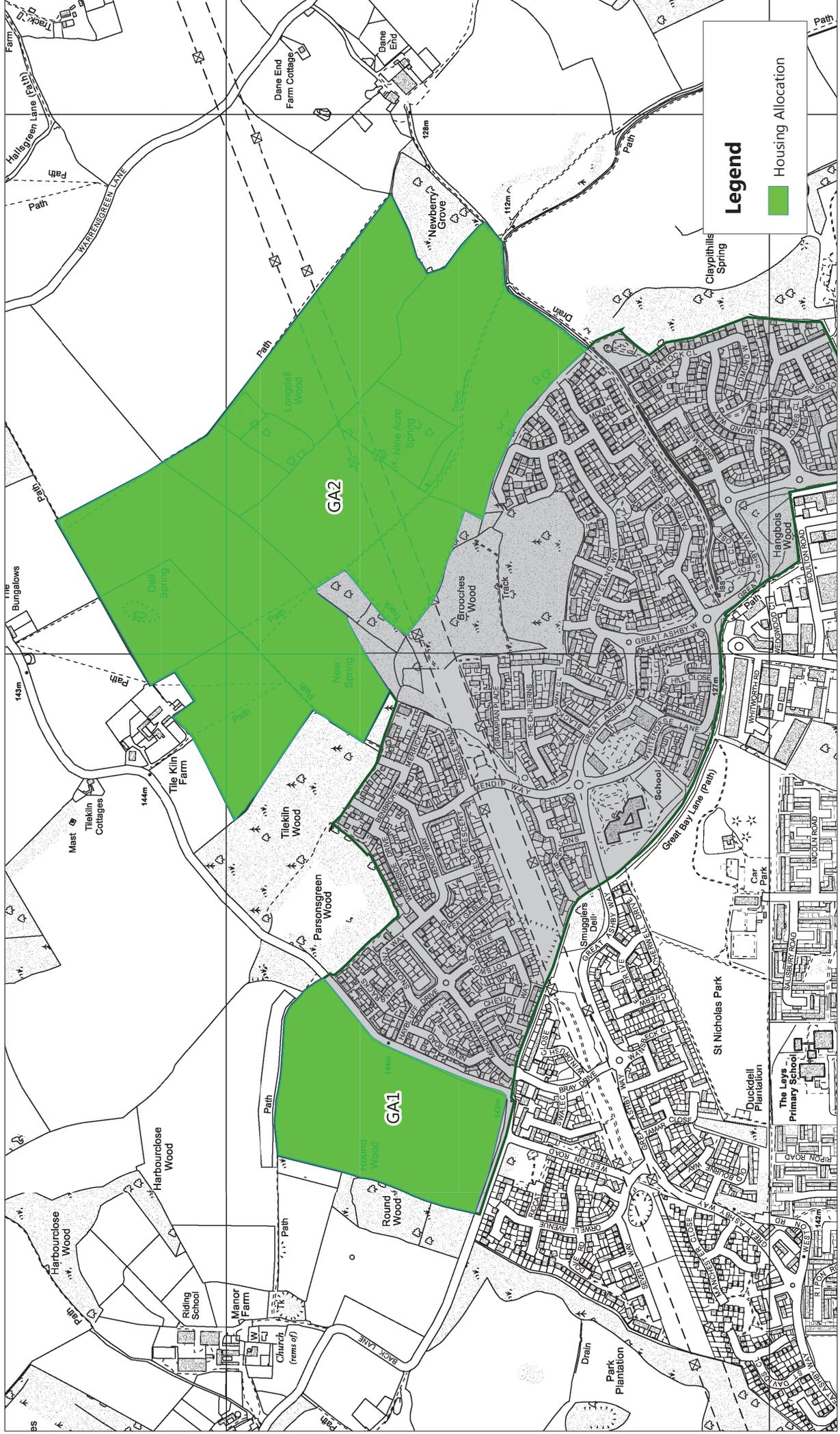
33. An action requested by the Inspector arising out of the hearing sessions was for NHDC to amend the Policies Map to make it clear that the eastern edge of site SI1 abuts London Road (ED96, p.3). The Council's Matter 11 hearing statement confirms that access to the site should be taken from London Road. For completeness the housing allocation's extent has been extended east to London Road and shown on the amended Policies Map. This will ultimately aid the Council in determining any future planning applications for the development of SI1.

34. The Council's case for the existence of exceptional circumstances at site SI1 was presented in its Matter 11 statement and at the hearing session on 28 February 2018. This is in addition to the circumstances supporting the general principles of Green Belt release discussed under Matter 7 on Monday 20 November 2017 and Wednesday 24 January 2018. These apply equally to this additional land – which is required to ensure that the proposed allocation can be satisfactorily connected to the highway.

Paper E: Proposed Changes to the Policies Map



MM382: Access included for site GA2 (before)

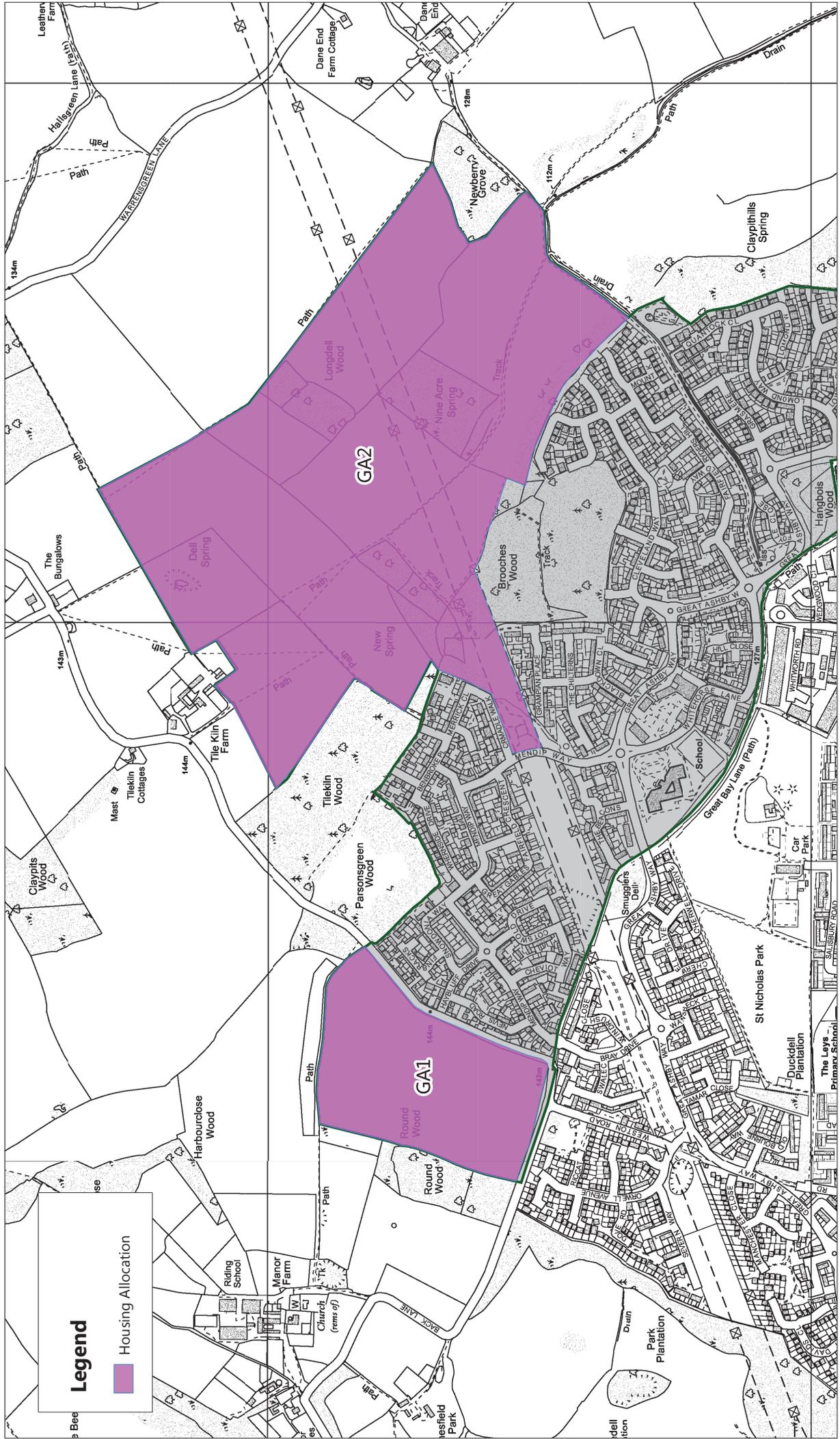


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NORTH HERTFORDSHIRE DISTRICT COUNCIL

MM382: Access included for site GA2 (after)



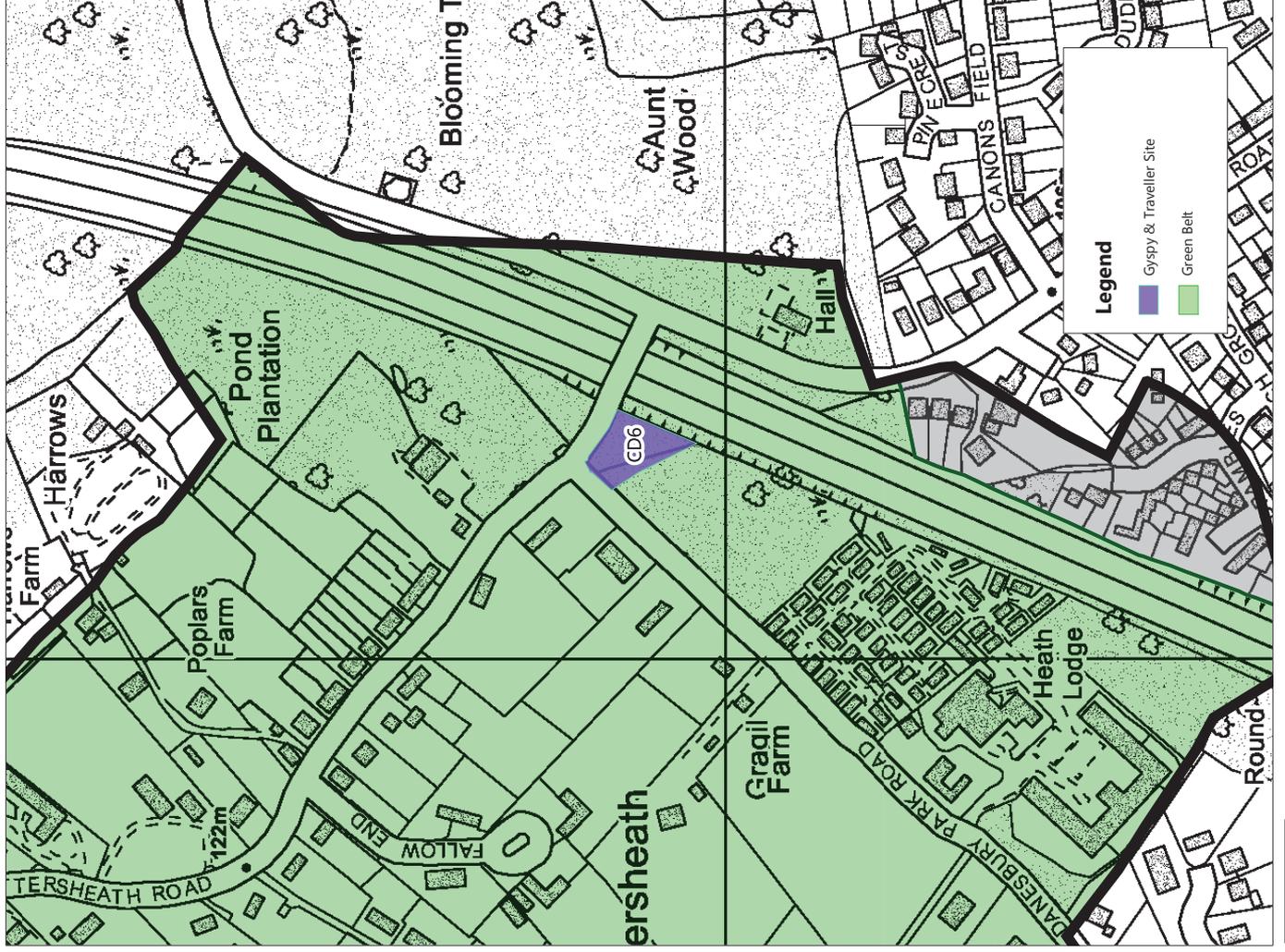
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- Housing Allocation

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MM 385: New Gypsy and Traveller Site CD6

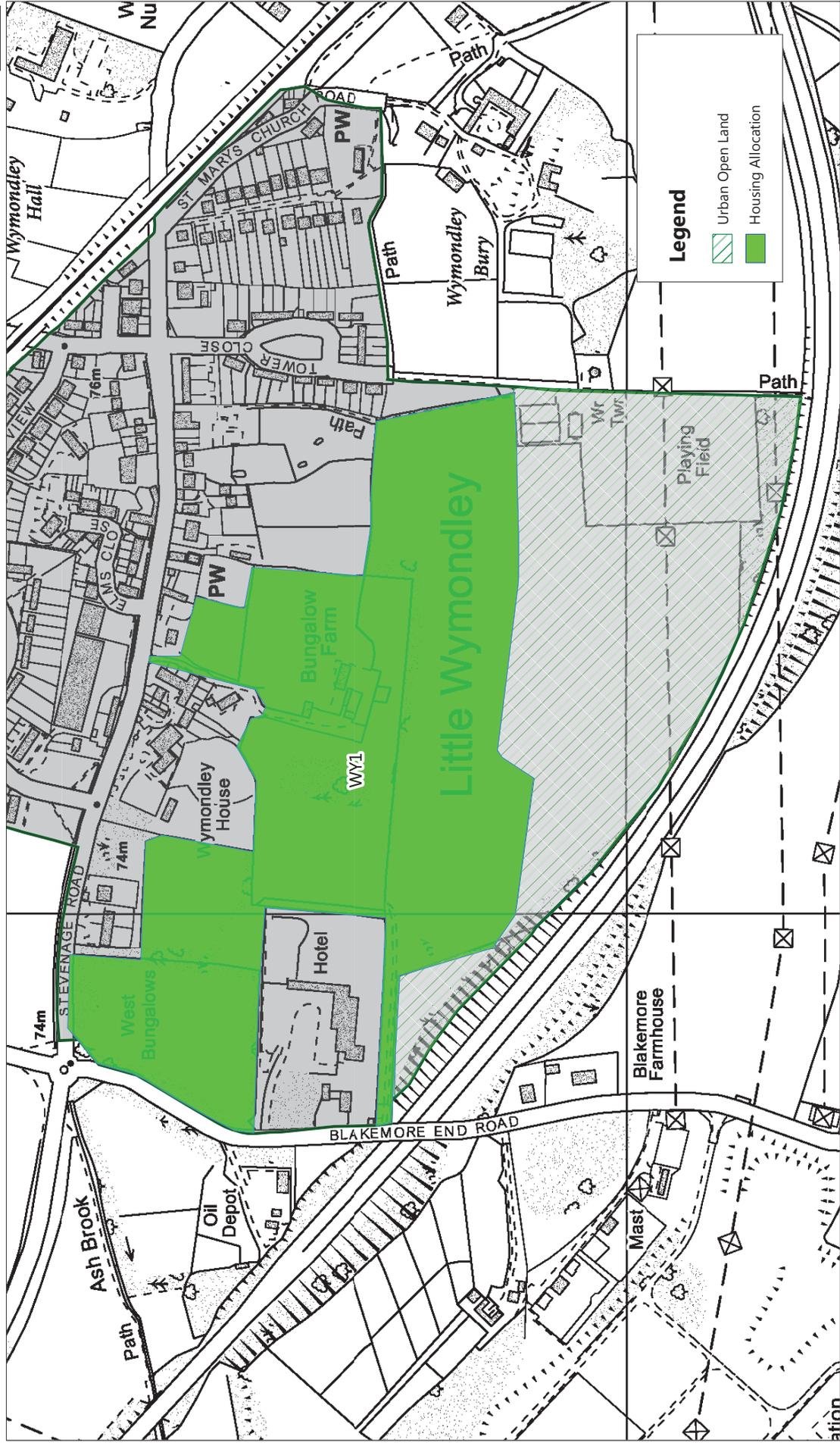


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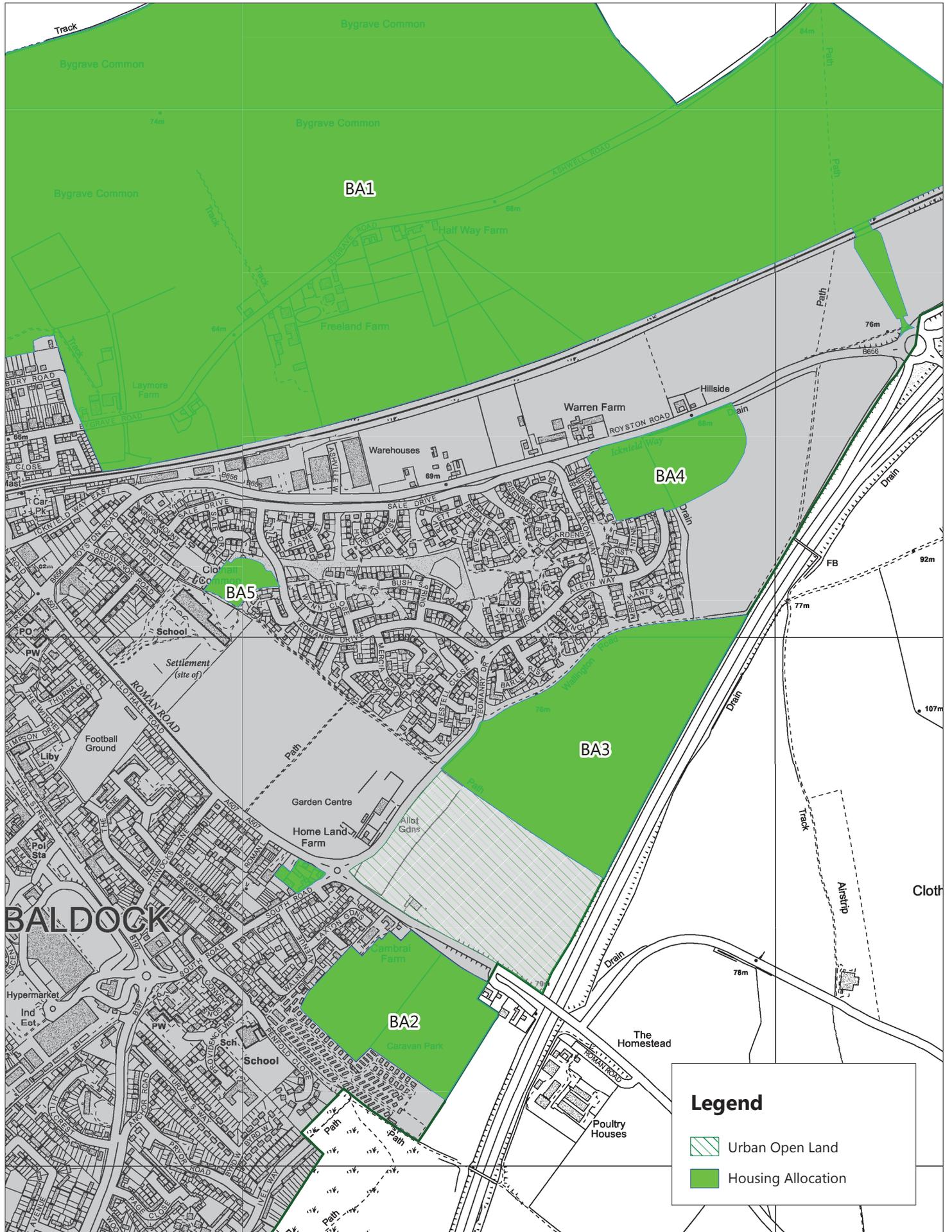


MM384: Amend alignment of housing allocation WY1 (before)



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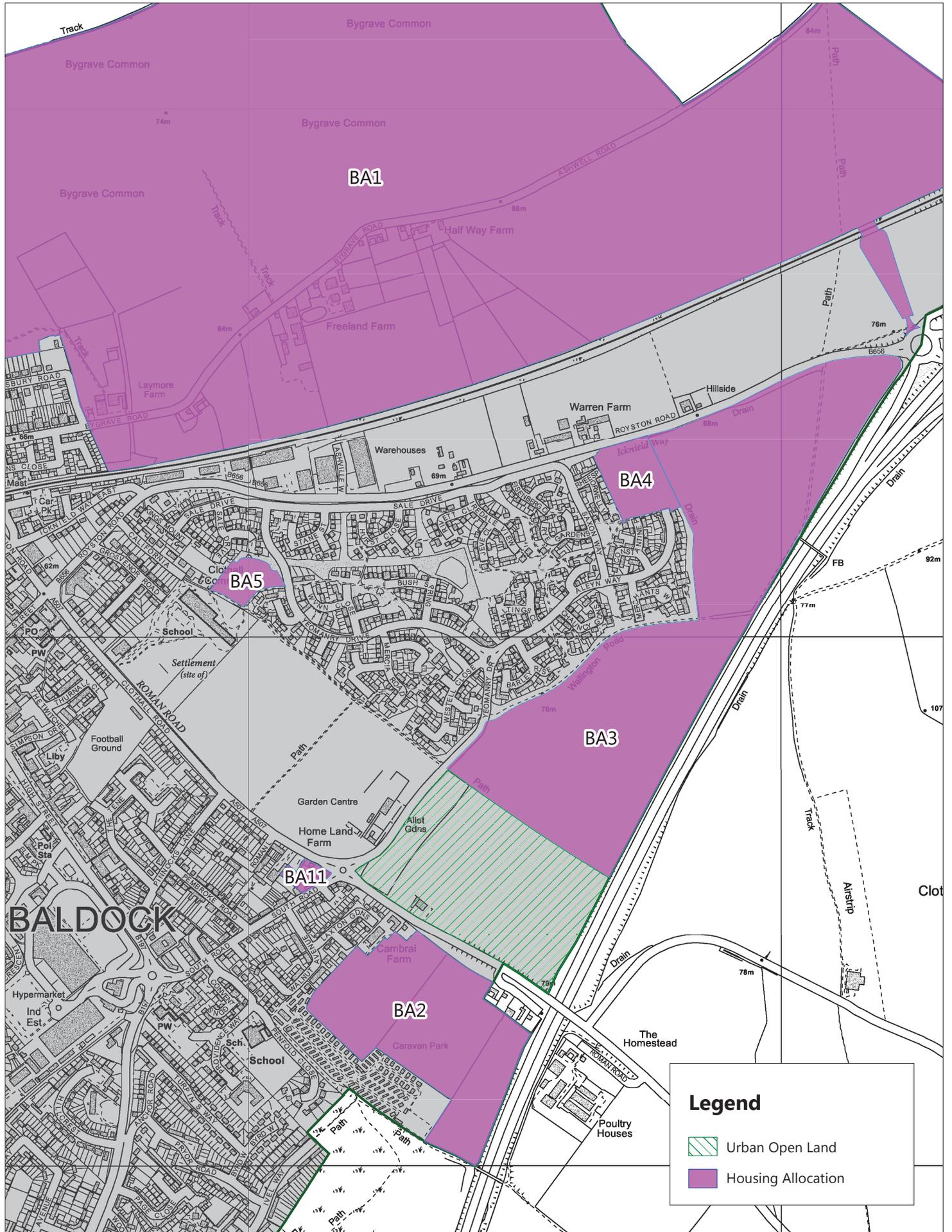
MM386 & MM387: Alteration to housing allocation boundary BA2, BA3 & BA4 (before)



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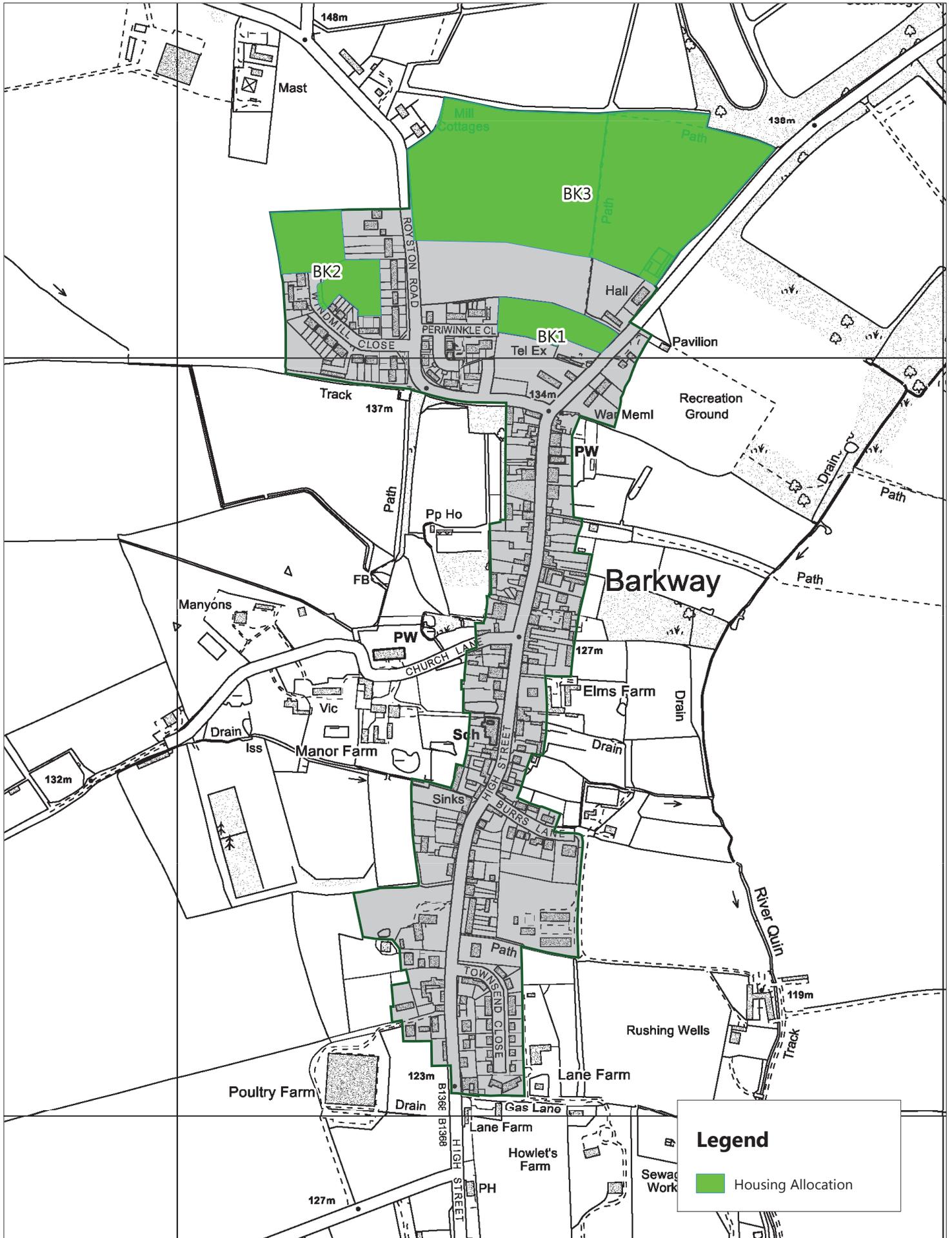
MM386 & MM387: Alteration to housing allocation boundary BA2, BA3 & BA4 (after)



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MM388 & MM389: Amend boundary of housing allocation BK2 & BK3 (before)



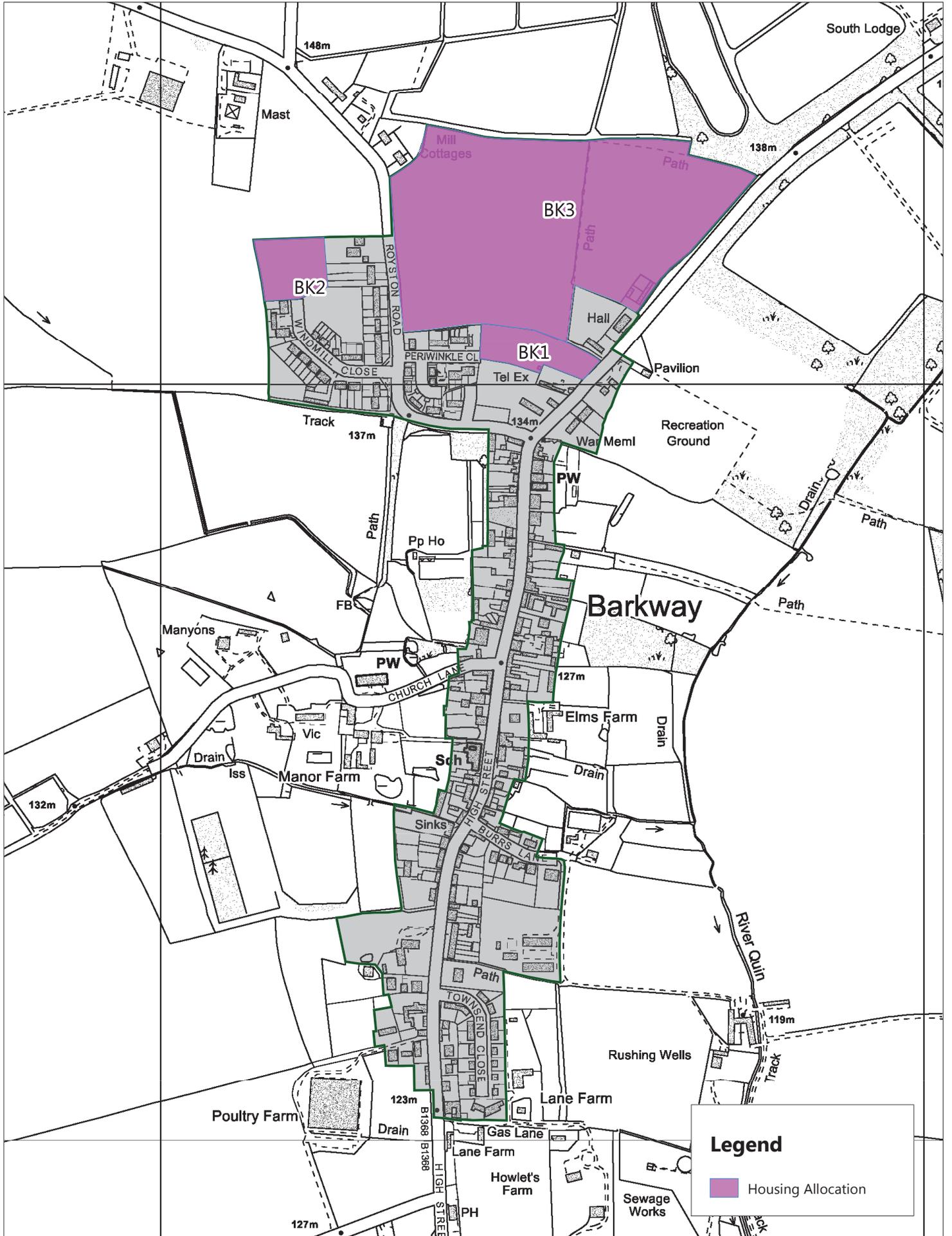
Legend

- Housing Allocation

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MM388 & MM389: Amend boundary of housing allocation BK2 & BK3 (after)





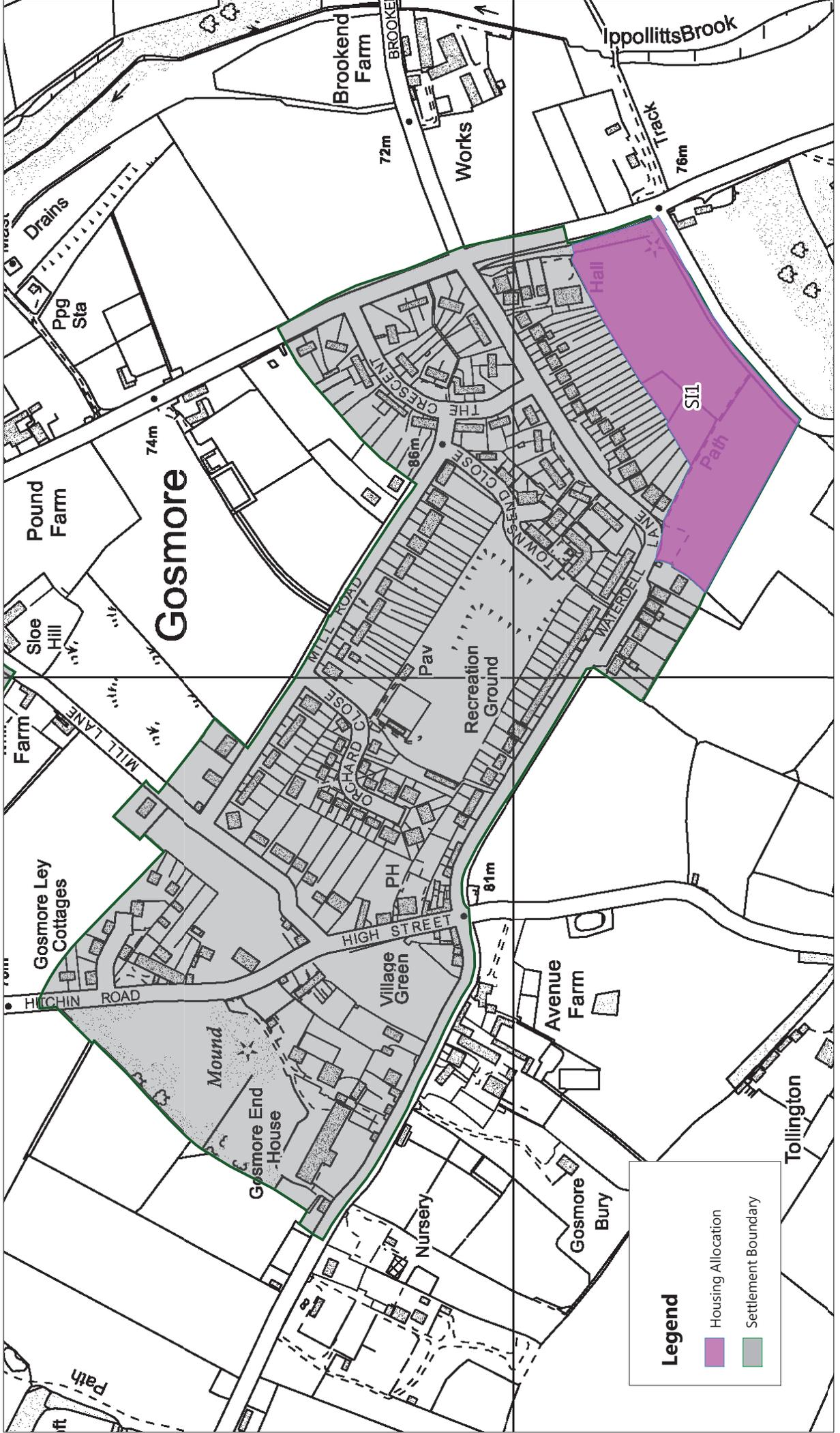
MM396: Amend housing allocation boundary SI1 (before)



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MM396: Amend housing allocation boundary SI1 (after)



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