



Epping Forest Local Plan

Examination Hearing Statement

Appendices

Matter 4 – The Quantitative Requirements for Development

Prepared by Strutt & Parker on behalf of City & Country (Stakeholder ID 19LAD0020)

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Appendix A – Welwyn Hatfield Local Plan Examination Green Belt Review

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WELWYN/HATFIELD LOCAL PLAN EXAMINATION GREEN BELT REVIEW

Context

I have set out below some initial thoughts that relate to the soundness of this plan and in particular discussed the scope of additional work that the Council may wish to consider undertaking, in order to expand the findings of its Green Belt review. The purpose of this additional work, which involves expanding the Green Belt data base, is to enable the making of more informed judgements on the soundness of different development strategies in a Green Belt context.

My final conclusions regarding the plan's soundness and procedural compliance will be given in a report to be produced following the assessment of all of the evidence, including that to be produced for and at the forthcoming Hearing sessions and after consultation on the proposed Main Modifications. Nevertheless, having regard to the criteria for soundness and to assist at this stage, I provide a brief explanation as to my current thinking on the Green Belt and related matters below. These may well alter in the light of evidence that emerges during the examination of the plan and including the consultation process. My views given below are based on my professional knowledge and experience in a spirit of helpfulness and my current understanding of the plan. They are given without prejudice to my final conclusions on soundness that will appear in my report. This will cover all main soundness issues that arise during the examination as well as those referred to below.

Background

The plan as submitted does not provide sufficient housing development proposals to enable sufficient dwellings to meet the Full Objectively Assessed Housing Need (FOAHN), prepared on behalf of the Council prior to its submission of the plan, to be built. Subsequently, a revised FOAHN assessment based on the 2014 household projections, prepared by the Department for Communities and Local Government, suggests a much higher FOAHN. The National Planning Policy Framework says at paragraph 47 that Local Planning Authorities should ensure that their Local Plan meets the FOAHN in the housing market area. If this cannot be achieved, particularly in the context of the current housing crisis and the Government's desire to boost the supply of housing, then there needs to be very sound reason(s) for not doing this.

The Council has suggested that it is unable to meet its housing need because of Green Belt restrictions among other concerns. In my concluding remarks to the Hearing sessions into Strategic Matters, I pointed out that I did not consider the development strategy put forward in the plan to be sound, in part because there was insufficient justification for the failure to identify sufficient developable sites within the Green Belt. That is largely because the phase 1 Green Belt Review was at such a strategic level as to render its findings on the extent of the potential harm to the purposes of the Green Belt, caused by development within the large

parcels considered as a whole, debatable when applied to smaller individual potential development sites adjacent to the urban areas. It goes without saying that a finer grained approach would better reveal the variations in how land performs against the purposes of the Green Belt. Such an approach is also more likely to reveal opportunities as well as localised constraints, both of which might reasonably be considered further.

Additionally, the phase 2 Green Belt Review, which did look at a finer grain of sites, does not appear to have examined all of the potential development sites adjacent to the urban areas. Furthermore that study, which combined a more refined examination, of the contribution that sites made to Green Belt purposes, with an overall examination of development considerations, appears to have incorporated an examination of landscape character into the consideration of openness. Openness considerations in a Green Belt context should only be concerned about the absence of built development and other dominant urban influences. They should not be concerned about the character of the landscape.

The actual development strategy finally arrived at is a matter for the Council, providing it is arrived at in a way that is objective and rational. However, if that strategy fails to meet the FOAHN and assuming that all realistic development opportunities outside of the Green Belt have been put forward in the plan, then it is effectively saying that there are no exceptional circumstances justifying a further release of additional land from the Green Belt and that presumably means for as long as current national green belt policy and its interpretation prevails. That may be the case but unless all of the Green Belt has been forensically analysed in some detail then it is difficult to prove.

Essential areas to retain

In some circumstances the impact of development on the Green Belt's purposes will cause such harm to the Green Belt that it outweighs all the other considerations and leads directly to the finding that exceptional circumstances could not exist. In many cases that may not be the case and a review of the Green Belt boundary may be justified in principle. In such circumstances, the impact on Green Belt purposes is just one of many factors to be weighed in the balance. However, given the importance of Green Belts in current national policy, any harm to the Green Belt should none the less be given appropriate weight in the process. Unfortunately, there is no clear ranking of considerations either with respect to the different Green Belt purposes or with regard to all the relevant considerations used to determine the suitability of land for development in National Policy. The weight to be given to the different considerations is therefore a matter of rational professional judgement.

In that context it seems to me that there must be a limit beyond which the development of undeveloped land between settlements, be they neighbouring

towns or nearby smaller settlements, should not proceed. Exactly what that is in terms of distance is debatable and it could well be different in the context of the merging of neighbouring towns to the context of maintaining the settlement pattern. I note that the Council has referred to a kilometre, whereas other studies have used a mile and even five kilometres in the context of neighbouring towns. What is significant however is perception and a kilometre gap with limited development in a landscape of rolling topography, where the settlements are not visible one from the other, is probably more valuable than five kilometres in flat country with more sporadic urban development in between and such that the settlements are clearly visible one from the other.

The perception of distinct separation will also vary between the distance experienced by walkers on public footpaths and that experienced by cyclists on bridleways or drivers on the roads connecting the settlements. Following on from that the fundamental consideration is whether the development would individually or cumulatively fundamentally compromise the gap.

Given that 'maintaining the settlement pattern' is a local consideration and not one of the five Green Belt purposes it is arguable whether or not it should be given the same weight as the others but that again is a matter of rational objective judgement. It is also worth bearing in mind, when deciding which settlements and gaps to apply this consideration to that the Hertfordshire Structure Plan, when discussing 'maintaining the settlement pattern', refers to distinct and diverse communities each capable of supporting an appropriate range of housing, employment, leisure and shopping facilities.

Countryside encroachment

In the context of assisting in the safeguarding of the countryside from encroachment, it is again openness that is the most important consideration. It is therefore not simply the countryside characteristics of a particular site but how that site contributes to the wider countryside with which it is a constituent part. The extent of that countryside is largely determined by topography, woodland and major physical features that close off views.

Whether or not a particular site has limited urban development on it now is not the critical consideration. Even if it has but it is experienced by users of the countryside in the context of a wider group of sites, its loss from the countryside to extensive built development may be more harmful than another site with no development but which because of topography etc. has no direct relationship with the rest of the nearby countryside. In this context the analysis of some of the larger potential development areas as single sites may not be appropriate. Parts of them may contribute more to the value of the surrounding countryside than the analysis to date suggests.

Scope of the analysis

As well as NPPF 85 the analysis should also be undertaken in the context of paragraphs 79, 80 and 86. It should also use the existing Green Belt purposes assessments, particularly the basics of the Green Belt elements of phase two,

which following a review of its methodology and a reality check of its findings could be built upon by extending the sites considered to all those abutting urban areas and even sites beyond these if the analysis suggests that adjacent sites abutting the urban area could be developed and there is an overall need for more sites. The extent to which the Green Belt would be compromised by the loss of the parcel either in part or its entirety or in combination with other parcels is clearly the fundamental issue to be analysed.

Essential areas to be otherwise retained

There are of course sites, which for other purposes are unlikely to ever be developed. I would include the statutory conservation sites, land potentially at risk of flooding, and the major heritage assets in this category but the final choice should be a rational value judgement on the importance of the protection. It nevertheless seems pointless to me to carry out a detailed Green Belt assessment for such sites however they are defined.

In the context of defining essential areas to be retained, the extent to which the study would be expected to cover all of the Green Belt within the Borough largely depends upon the anticipated outcomes. If it can be confidently assumed that land could be found for a dwelling requirement of at least 20,000 together with necessary supporting infrastructure then the study could confine itself to those parts of the Borough adjacent to the urban areas and only the gaps between the towns and other settlements with distinct communities considered in the context of what is essential to be permanently retained. 20,000 would allow for the identification of some safeguarded land to be used for development after 2032.

If this quantum of development is unlikely to be achieved adjacent to the urban areas without unacceptable harm to the Green Belt or other considerations then the study would need to assess other locations that are large enough to accommodate new settlements of a sufficient size to be genuinely sustainable and without compromising fundamentally the purposes of the Green Belt and the need for openness. Given the configuration of the Green Belt within Welwyn/Hatfield and the location of settlements in adjacent districts this would not be an easy task.

In circumstances where the FOAHN is unlikely to be met then there would need to be further analysis of the areas of open countryside within the Borough to assess which areas are essential to retain given their importance and value to the residents of the nearby settlements as a visual as well as a physical recreational amenity. The comparative findings would need to be clearly set out.

Other studies

I have been unable to identify another Green Belt study that could be used as a template, partly because to date I have been unable to identify another authority that has recently been unable to meet its FOAN solely because of the unsoundness of further releases from the Green Belt. However, I consider the ones undertaken for Windsor and Maidenhead, Cheshire West and Chester and Tewkesbury, Gloucester and Cheltenham to be useful examples of ones

undertaken in areas where the Ipsas were eventually able to meet their FOAHN by releasing land from their Green Belts. There are no doubt others

Demonstrating exceptional circumstances

The Calverton court case gives a legal interpretation of the soundness of the approach identified and used by the Greater Nottingham Authorities. More than anything it confirms that whether or not exceptional circumstances exist to release land from the Green Belt is largely a matter of rational judgement between competing considerations whereby different weight is given to them to arrive at an objective decision.

Mr Boulton was correct when he referred to the need to set out the exceptional circumstances that justify the release of each major site or group of sites in a particular locality from the Green Belt. That is because the overall circumstances, including the value of a site to the Green Belt will not be the same for each site. Even the weight given to the FOAHN shortfall could vary the smaller it is and assuming that one can differentiate between different groups of sites that could potentially be released from the Green Belt.

Mel Middleton

INSPECTOR

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