

Epping Forest District Council Local Plan Examination

**Clare Hutchinson on Behalf of
Mr. Graeme Watt**

**Hearing Statement
Matter 4: The Spatial
Strategy/Distribution of
Development**



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Appendix One: Letter dated 24th October 2018 from Welwyn Hatfield Local Plan Inspector to Welwyn Hatfield Council.



1.0 INTRODUCTION

- 1.1 This hearing statement is on behalf of Mr Graeme Watt, owner of omission sites SR-0313-A1, SR-0313-B1 and SR-0313-C1, situated adjacent to the eastern development boundary of Lower Sheering.
- 1.2 Representations have been made on behalf of Mr Watt at the regulation 19 stage which raise soundness concerns with the submitted Plan regarding:
 - supply of sites in the first five years
 - the need to ensure green belt boundaries are capable of enduring in the long term (NPPF paragraph 85) and to ensuring the plan can respond to rapid change (NPPF paragraph 14)
 - Undeliverable site densities on allocated sites
- 1.3 To address the above soundness concerns we consider additional sites need to be allocated for the Plan to be sound. We consider that, contrary to the assertion in the Housing Implementation Strategy (EB410) further suitable sites are available but have been unjustifiably dismissed by the site selection process owing to a lack of robustness in the evidence base.
- 1.4 One element of the evidence base are the Green Belt Review and Green Belt Assessment (EB704 A and B, and EB705 A and B).
- 1.5 As set out below in our response to Matter 4, Issue 4, Question 2, we do not consider the Green Belt studies robust. As a result, we do not consider that the process of selecting sites (as set out in the Site Selection Reports EB801 and EB805) is justified or in accordance with national policy. The lack of a robust approach means the tests set out in the case of *Calverton Parish Council v Greater Nottingham Councils* [2015], which requires a consideration of the extent to which the impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent are not met.
- 1.6 I confirm I am making written representations only to matter 4 and am not seeking attendance at the hearing session itself.



2.0 ISSUE 4 QUESTION 2 – ARE THE CHANGES PROPOSED TO THE GREEN BELT BOUNDARY INFORMED BY A ROBUST ASSESSMENT OF THE CONTRIBUTION MADE BY INDIVIDUAL SITES TO THE PURPOSES OF THE GREEN BELT (EB74A-B AND EB705A-B)? HOW WERE THE FINDINGS OF THE GREEN BELT REVIEW WEIGHED IN THE BALANCE WITH OTHER PLANNING CONSIDERATIONS IN THE SITE SELECTION PROCESS?

- 2.1 The case of *Calverton Parish Council v Greater Nottingham Councils & Ors* (2015) EWHC 1078 (Admin) (21 April 2015), suggests a process which local authorities should go through when considering whether the exceptional circumstances required by NPPF paragraph 83 have been met. The final of the five stages suggested is (paragraph 51 of the judgement), *“the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent”*. Paragraphs 20 – 22 of Calverton outline that this requirement is rooted in paragraph 152 of the NPPF, which provides that wherever possible alternative options that reduce or mitigate impacts should be perused.
- 2.2 As such, any Green Belt assessment should provide the evidence necessary to judge the relative impact of development on different Green Belt sites. Neither the Green Belt studies (EB704 A and B, and EB705 A and B) nor the Site Selection Reports (EB801 and EB805) provide this evidence or undertake this relative assessment of development impact on the Green Belt as they do not consider the contribution individual sites make to Green Belt purposes.
- 2.3 The Green Belt Assessment: Phase 2 (EB805) only considers the relative contribution of large parcels around settlements to Green Belt purposes - these areas bear no resemblance to the individual sites assessed through the Site Selection process (EB704 A and B, and EB705 A and B). Within the site selection process, the Green Belt impact of development on each site is considered to equate to the Green Belt impact of the wider parcel in which it is situated – notwithstanding that the parts of the parcel comprised in each site may have a significantly different impact on the Green Belt than the parcel as a whole.
- 2.4 Taking sites SR-0313 A - C as examples, these sites are situated within parcel number



002.1 in the Phase 2 Green Belt Assessment. 002.1 is a large parcel that extends well beyond the land comprised within the boundaries of SR-0313 A – C; eastwards to beyond Quickbury Farm and southwards towards Back Lane. The overall assessment for 002.1 presented at table 4.1 of the Stage 2 Green Belt Review is that the Green Belt harm which would result from releasing 002.1 is ‘high’, and it remains ‘high’ in figure 4.6 when the parcel is assessed only against green belt purposes 1, 2 and 4 (as used by the 2018 Site Selection Report - see EB805AK - 2018 Site Selection Methodology pages A33 – A34, footnotes 9 and 10).

- 2.5 No further assessment of the Green Belt impact of the development of individual sites is undertaken through the site selection process. The green belt harm associated with the development of individual sites is deemed to equate to the harm that would arise from the release of the whole of the wider parcel in which they are situated.
- 2.6 This is not robust approach as the green belt impact of smaller releases within an assessment parcel will not necessarily equate to the impact of releasing the whole parcel.
- 2.7 For example, parcel 002.1 is deemed to have a ‘high’ harm because of the ‘relatively strong’ (a rating which is not defined in the phase 2 review methodology) contribution the parcel makes to the preservation of the setting of the historic town of Sawbridgeworth. However, the justification given for this finding at the parcel scale, is not readily transferrable to a consideration of sites SR-0313 A – C on a site scale.
- 2.8 As a result, the Green Belt Assessment is insufficiently detailed to be able to conclude that the final test in *Calverton* has been met, as the relative impacts on the Green Belt of developing different sites is unknown. It is not therefore possible to conclude that (as is required by paragraph 152 of the NPPF) that the impacts on the Green Belt have been ameliorated or reduced to the lowest reasonably practicable extent.
- 2.9 The approach taken by Epping Forest to their Green Belt review in this regard contrasts with that of Welwyn Hatfield. Welwyn Hatfield’s review, (also incidentally undertaken by LUC) considers Green Belt harm both on a parcel and site basis, assessing all sites considered through their site selection process. In a letter dated 24th October 2018 to



the Council, the Welwyn Hatfield Inspector commented that, *“I may be persuaded otherwise but in the context of the results of the Green Belt study and other than in the case of sites that have been previously developed or those that are well served by public transport, I cannot envisage a scenario where sites found to cause high harm to the Green Belt’s purposes could be released because of exceptional circumstances, whilst sites that would cause a low level of harm were retained in the Green Belt and not put forward for development. Such a scenario would be unlikely to be found sound”* (letter provided at appendix 1).

2.10 The Inspector in that instance is therefore of the view that understanding the relative harm arising from the development of individual parcels is central to the assessment of soundness.



3.0 ISSUE 4 QUESTION 5 – HAVING REGARD TO PARAGRAPH 85 OF THE NPPF, AND TO THE POTENTIAL FOR AN INCREASED LEVEL OF HOUSING NEED IN THE DISTRICT TO BE IDENTIFIED IN THE FUTURE, HOW HAS THE COUNCIL SATISFIED ITSELF THAT GREEN BELT BOUNDARIES WILL NOT NEED TO BE ALTERED AT THE END OF THE PLAN PERIOD? IS IT NECESSARY TO IDENTIFY AREAS OF SAFEGUARDED LAND BETWEEN THE URBAN AREA AND THE GREEN BELT?

- 3.1 The full OAN for the district amounts to 12,573 dwellings. Housing supply of 13,152 dwellings is identified, i.e. an additional 579 dwellings are allocated over OAN. Paragraphs 2.77 and 2.78 of the submission Plan outline that this contingency allows for flexibility and acknowledges that recent household projections demonstrate an upward trend in housing need. The submission Plan does not state that the proposed contingency relates to the requirements of paragraphs 83 and 85 of the NPPF.
- 3.2 The Standard Methodology for calculating housing need in the 2018 NPPF will result in a significant and foreseeable increase in the housing need that the Council will have to accommodate at the next review of the Plan. Using the 2014 based household projections will generate a need for 923 dwellings per annum, compared to the existing assessment of need on which the submission Plan is based of 572 dwellings per annum. Given the need to release green belt to accommodate current housing need it is certain that further green belt releases will be required at the first review of the Plan in five years' time. As such, additional safeguarded land must be allocated now in order to satisfy NPPF paragraphs 83 and 85.
- 3.3 Paragraph 3.97 of the 2016 regulation 18 draft Plan acknowledged that it would be necessary to, "...identify land to be safeguarded to meet future development needs" and outlined that the extent of safeguarded land as required under NPPF paragraph 85 was, at that time, still being considered. However, the final submission plan fails to provide this safeguarded land.



- 3.4 The need for safeguarded land is also mentioned in two evidence base documents. The 2018 Site Selection Report Methodology (EB805AK) outlines at paragraph 4.1 that, *“The NPPF indicates a range of criteria pertinent to site selection in the breadth of factors it addresses. A critical factor for the Council is to establish the principal criteria that will inform appropriate site selection in the context that there will be a need for some of the land supply - assuming the objectively assessed housing need and objectively assessed employment need is identified for Epping Forest District in the Strategic Housing Market Area is met in full within the District – to arise from a review of Green Belt boundaries. Consideration will also need to be given to safeguarding land for the future in order to ensure the long term security of any new Green Belt boundary.”*
- 3.5 Moreover, the Green Belt Review sets out at paragraphs 5.16 and 5.17 specific advice to the Local Authority regarding safeguarded land, outlining at paragraph 5.17, *“On the basis of current trends, there are likely to be unmet housing needs beyond the plan period. We therefore recommend that EFDC considers the need for safeguarded land.”*
- 3.6 It is clear that in order for the Plan to be sound this need for additional safeguarded land should be considered now.



APPENDIX 1

Welwyn Hatfield Local Plan (2013-2032)
Public Examination
Inspector: Melvyn Middleton BA(Econ) DipTP DipMgmt

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24 October 2018

Mr. Colin Haigh,
Head of Planning,
Welwyn Hatfield Borough Council

By email only

Dear Mr. Haigh,

Welwyn Hatfield Local Plan
Green Belt Study and Next Steps

Further to your letter of 20 September 2018, seeking my advice on alternative ways forward for reaching a sound conclusion to the Local Plan examination and preferably at an early date. Much of what you write about concerns matters of process. These are really decisions for yourself and your Council rather than for me. However, like yourselves, I am anxious to achieve an early conclusion to the examination, whilst at the same time being able to confidently recommend a sound plan. I will therefore endeavour to give you my opinions, on the different ways forward, based on my past experience but on the understanding that it is not my function to tell you how to prepare the plan, only to indicate to you what aspects of it are not sound and why. Before that there are some points about the conclusion of the Green Belt study and its use in determining the way forward that I should make.

The consultation on the Green Belt study has produced around 50 representations, mostly criticising various aspects of it. I am to examine these in the week of 5 November. There is no established set methodology for reviewing Green Belts so that providing the assessment is robust and objective and it stands up well to criticisms at the Hearing, then I am unlikely to be seeking major changes to it. However a number of valid points concerning the methodology appear to have been made and if they stand up to scrutiny at the Hearing, I hope that you will take them on board when assessing the representations yourselves and taking the study forward. Additionally, I have noticed numerous objections to the assessments of particular areas of land. Whilst some of these may be

partisan, not all appear to be and having heard the evidence, I may well ask you to undertake a reality check of the alleged inconsistencies.

At some point, early in the process of moving the plan forward, your Council needs to determine what its approach to the Green Belt is going to be. What weights are to be given to the study's findings? Has the study revealed areas that should not be developed at any cost? Should the areas whose contribution to Green Belt purposes is low be removed? etc. Not all of the land has been classified the same in the context of being necessary to fulfil the Green Belt's purposes so that there may be scope to accommodate the plan's current development requirements and more. Whilst you could comprehensively alter the Green Belt boundaries in the context of paragraph 83 of the original Framework, it may well be simpler and easier to consider the evidence on a site by site basis and input the Green Belt considerations into a revised sustainability appraisal.

If you do decide to comprehensively move the boundaries, then you will need to be conscious of paragraphs 83-85 of the original Framework which, like the revised version, points to the intended permanence of Green Belt boundaries in the long term and their endurance beyond the plan period. I note that some of the proposed development sites are considered to be more harmful to the Green Belt than some land that is not proposed for development. Assuming that a reality check does not change their status, then very exceptional circumstances will need to be advanced before their allocation could be found sound if comparable or lesser sites that are not currently allocated, are retained in the Green Belt.

There appears to be a desire on the part of your Council to protect the existing settlement pattern. I take this to mean that it wishes to protect some or all of the open breaks between settlements in the Green Belt. Again these ought to be defined independently of any consideration of development sites adjacent to these villages. How they are defined, i.e. as Green Belt or as Green Breaks/Wedges (as in much of the country), is a basis for debate in itself. However, the protection of the settlement pattern is not a statutory purpose of the Green Belt and this analysis should be kept totally separate from any findings about the future of the Green Belt, even if for convenience you decide to retain Green Belt designation, for all such land, regardless of its actual contribution to the Green Belt itself.

Turning to your scenarios; there is merit in all of them and providing the end product is a sound plan then the one that reaches a conclusion in the shortest period of time is clearly the one to be favoured. However, whichever scenario is chosen it must lead to the production of a fully sound plan.

If there is evidence to justify increasing the residential density on some of the sites without prejudicing other matters of importance, such as the Garden City principles, then whichever scenario is followed, that course of action should be followed as it would be making the best use of land.

At some point you will need to examine whether or not your development strategy for this plan period can be accommodated within the land area that is potentially suitable for release from the Green Belt at this point in time. If it cannot then the development strategy would require modification and a policy-on housing requirement established that is less than your FOAHN.

The amount of employment land that you eventually allocate should be related to the accompanying housing proposals that you put forward. Providing the housing requirement that accompanies the employment growth strategy can be met within the land that can be released from the Green Belt, then the amount of new employment land allocated is effectively a political choice. If this is not possible then any aspirations for major employment growth would have to be curtailed.

A situation where employment growth outstrips housing growth, such that the net inflow of commuters into Welwyn/Hatfield increases would not be a sustainable outcome and would not be found sound.

Apart from the "call for sites" stage your first two scenarios would be very similar. I am not convinced that it need take as long as you suggest if the process is carefully programmed using critical path analysis from the outset, although I accept that the introduction of new sites would require further sustainability appraisal. The identification of broad areas for development, to accommodate some of the development needs beyond 10 years, would be Framework compliant providing that it was clearly demonstrated that there was sufficient land being released from the Green Belt to accommodate it and development beyond the plan period. This would not be as easy to undertake or justify as the release of individual sites to meet a specific identified need.

In either event there would need to be some consultation on any proposed new sites. It would be neater and safer as a separate exercise as Main Modifications consultation is not expected to generate surprises. Having said that, Main Modifications consultations that have included sites that have been previously independently consulted on, have been known to generate more objections than the prior consultation.

The third scenario, allocating only sites that have already been identified, would only be a way forward if the sites brought forward had clearly been assessed as the most sustainable and their harm to the Green Belt was comparable to other land that is being released from the Green Belt. I may be persuaded otherwise but in the context of the results of the Green Belt study and other than in the case of sites that have been previously developed or those that are well served by public transport, I cannot envisage a scenario where sites found to cause high harm to the Green Belt's purposes could be released because of exceptional circumstances, whilst sites that would cause a low level of harm were retained in the Green Belt and not put forward for development. Such a scenario would be unlikely to be found sound.

I trust that the above is sufficient to allow you to progress matters with your members. If you require further clarification then please come back to me. Also your letter implies that you envisage a discussion at the forthcoming hearing into the balance between protecting the Green Belt and meeting the District's development needs. I will make arrangements for that to happen.

Yours sincerely

M Middleton

Melvyn Middleton

INSPECTOR