

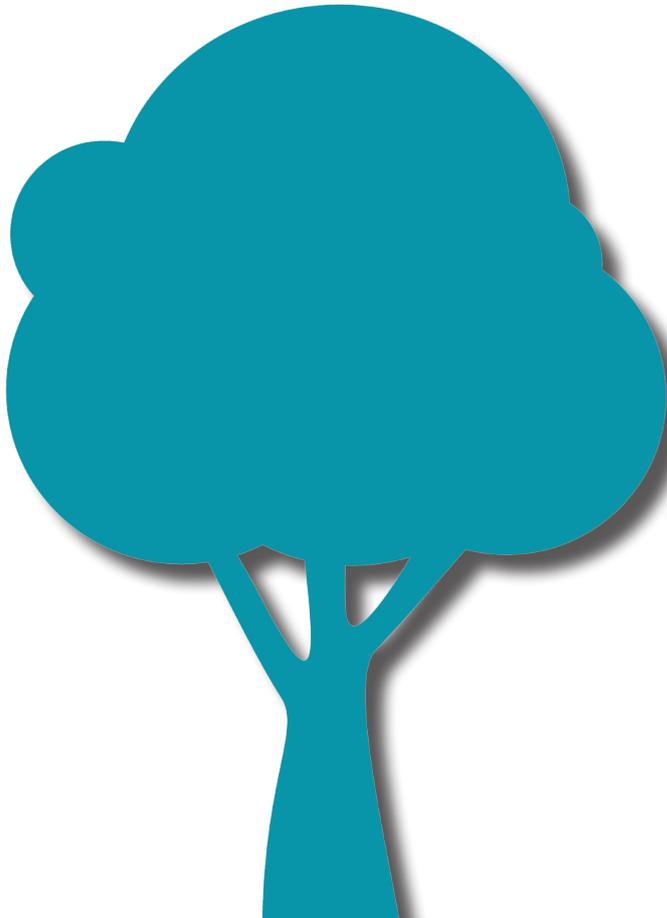


TPA/003

East Herts District Plan: Topic Papers

March 2017

Green Belt





1 Introduction	2
2 The Purposes of Green Belt	2
3 The Green Belt in East Herts	3
4 Exceptional Circumstances	5
5 Conclusion	11



1 Introduction

1.1 The purpose of this Topic Paper is to establish the approach to Green Belt in East Herts, and in particular the 'exceptional circumstances' that the Council believes exist in order to justify the release of existing Green Belt areas within the District Plan.

1.2 The Paper builds upon the information contained within the Development Strategy Topic Paper (**TPA/001**) which seeks to summarise the way in which the development strategy contained within the District Plan has been identified.

2 The Purposes of Green Belt

2.1 Green Belt is one of the best known and oldest national planning policies. The Government attaches great importance to the Green Belt. The National Planning Policy Framework (NPPF) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. As such the essential characteristics of Green Belts are their openness and their permanence.

2.2 Green Belt serves the following five purposes:

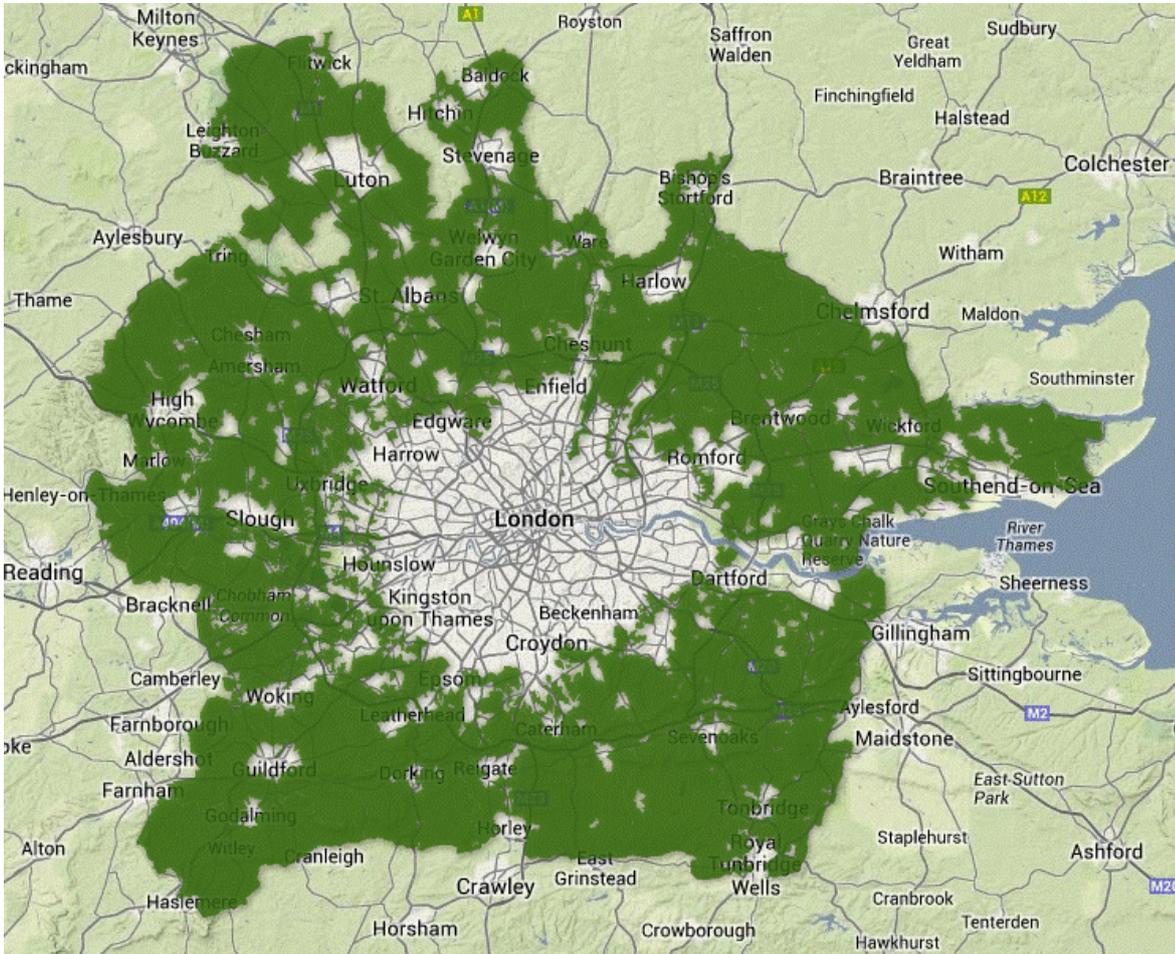
- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land⁽¹⁾.

2.3 Nationally there are 14 different Green Belts that cover a total area of over 1.6 million hectares of land. The Green Belt in East Herts is part of the Metropolitan Green Belt that forms a ring around London.

¹ National Planning Policy Framework, Paragraph 80.



Figure 2.1 The Metropolitan Green Belt



2.4 Beyond the five purposes contained within the NPPF, Green Belts perform a number of other functions. They make a contribution to green infrastructure, which is important to the successful functioning of urban areas and their relationship with the rural areas around them. Green Belts also improve the connectivity between areas designated for their environmental importance, urban green spaces and the wider countryside to form ecological networks and green recreation networks. In East Herts, both Bishop’s Stortford and Hertford have a network of ‘green wedges’ or ‘green fingers’ which run from the countryside on the periphery of the towns, through towards the respective town centres. A number of these form public access routes and wildlife corridors. Green Belt land can also provide opportunities for leisure activities.

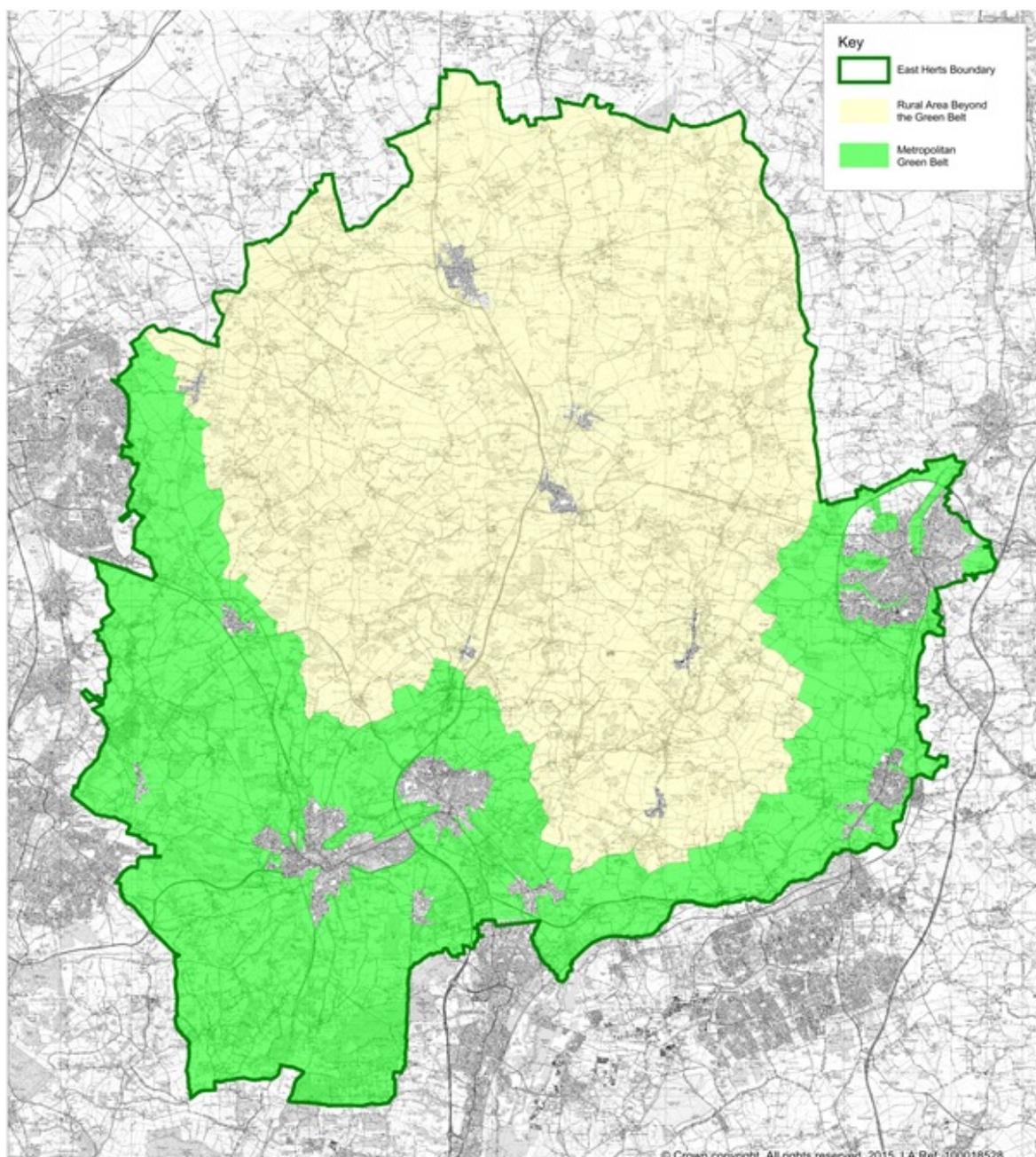
3 The Green Belt in East Herts

3.1 As identified within Figure 3.1, the lower third of East Herts District is located within the Green Belt. The exceptions to this are the main towns of Hertford, Ware, Bishop’s Stortford and Sawbridgeworth, as well as some of the larger villages. All of these settlements are ‘inset’ from the Green Belt.



3.2 The upper two thirds of the District are not within the Green Belt. In this area East Herts has a long standing local policy known as 'Rural Area Beyond the Green Belt' which provides similar protection to Green Belt policy.

Figure 3.1 Green Belt and Rural Area Beyond the Green Belt in East Herts



3.3 The Green Belt is a valued resource for many residents in East Herts. Through various local plans over many years, the Council has always adopted a strategy in which the Green Belt is maintained and protected as far as possible when considered in light of the need to provide for the District's housing needs. However, the housing need identified within the Strategic Housing Market Assessment (**HOP/001**) is very



significant – 16,390 homes between 2011 and 2033 based on the SHMA produced in 2015. This housing need has also increased, as reflected in the Housing Topic Paper (**TPA/004**).

3.4 The Development Strategy Topic Paper (**TPA/001**) seeks to identify why the release of Green Belt is required in order to meet this housing need. In summary, there are very few brownfield sites within the District that are available for development. Where these do exist, they have been allocated for development within the District Plan. However, in order to meet the significant housing needs that exist, Greenfield sites are required. The Council could have chosen to locate the vast majority of homes within the Rural Area Beyond the Green Belt. However given the lack of access to services and facilities, and access to sustainable modes of transport, it is not considered that this would be a sustainable approach and such a strategy would therefore not be in conformity with the policies contained within the NPPF. The Development Strategy Topic Paper therefore concludes that in the absence of any reasonable alternative, the release of Green Belt land for development is needed.

3.5 The District Plan seeks to release Green Belt in the following locations:

- Bishop’s Stortford South (BISH5)
- East of Manor Links, Bishop’s Stortford (BISH9)
- North of Hertford (HERT4)
- South of Hertford (HERT5)
- West of Hertford (HERT3)
- Land to the North of West Road, Sawbridgeworth (SAWB2)
- Land to the South of West Road, Sawbridgeworth (SAWB3)
- Land to the North of Sawbridgeworth (SAWB4)
- East of Stevenage (EOS1)
- Land North and East of Ware (WARE2)
- The Gilston Area (GA1)
- Land East of Welwyn Garden City (EWEL1)

3.6 In total, the amount of land proposed for release represents 6% of current Green Belt land within East Herts.

4 Exceptional Circumstances

4.1 There is a common misconception that Green Belt land is ‘sacrosanct’ and that it should never be developed. In fact this has never been the case. National policy is very clear that when a planning application is submitted on Green Belt land, the applicant must demonstrate the ‘very special circumstances’ that exist in order to justify harm to the Green Belt. National Planning Practice Guidance (NPPG) states that housing need alone is unlikely to represent these ‘very special circumstances’.

4.2 However, a different test applies to removing a Green Belt designation through a local plan – in particular the process of plan-making requires a more strategic and longer term assessment to be made. Paragraph 83 of the NPPF states that:



‘Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan’.

4.3 The focus is on promoting sustainable patterns development: paragraph 84 requires consideration of the consequences of channelling development towards non-Green Belt locations, while paragraph 85 (amongst other matters) seeks consistency with the local plan strategy for meeting identified requirements for sustainable development.

4.4 The NPPF is silent on what constitutes ‘exceptional circumstances’. However, a number of recent legal cases have concluded that the question of whether circumstances are exceptional for these purposes requires an exercise of planning judgement.

4.5 In the case of **Calverton Parish Council v Greater Nottingham Councils [2015]⁽²⁾**, the Hon. Mr Justice Jay set out a number of matters that should be identified and dealt with in order to ascertain whether ‘exceptional circumstances’ exist to justify releasing land from the Green Belt:

(i) The acuteness/intensity of the objectively assessed need (matters of degree may be important);

(ii) The inherent constraints on supply/availability of land prima facie suitable for sustainable development;

(iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;

(iv) The nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed): and

(v) 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.

4.6 The circumstances in relation to the East Herts District Plan have been assessed against these five criteria.

The acuteness/intensity of the objectively assessed need

4.7 As reflected in the Housing Topic Paper (**TPA/004**), the level of housing need across the Housing Market Area (comprising East Herts, Harlow, Epping Forest and Uttlesford Districts) is very significant. The Objectively Assessed Housing Need (OAHN) figure, identified within the 2015 SHMA (**HOP/001**), is for 46,100 homes between 2011 and 2033. This assessment of need includes a substantial uplift to reflect affordability issues which exist. This figure has been disaggregated amongst the four authorities. For East Herts, the level of need was identified as being 16,390

² Calverton Parish Council v Greater Nottingham Councils & Ors (2015) EWHC 1078 (Admin) (21 April 2015)
www.bailii.org/ew/cases/EWHC/Admin/2015/1078.html



homes, the equivalent of 745 homes per year. The fact that this annual target has only been exceeded three times since the 1991/1992 monitoring year demonstrates how challenging this level of need is.

4.8 In addition, national policy requires that, where there has been a persistent under supply in housing delivery, a 20% buffer (brought forward from later in the plan period) should be applied to the housing target in the first five years of the plan period. The Council has accepted that it is appropriate to apply this uplift within the District Plan. Not doing so would likely result in the Plan being found unsound at Examination. The need to include the 20% buffer is, in itself, a demonstration of how acute the level of housing need has become.

4.9 Again, as established within the Housing Topic Paper (**TPA/004**), the Council is committed to undertaking further work, prior to the Examination Hearing sessions, in order to identify an up to date OAHN figure based on 2014 Household projections which were published in July 2016.

The inherent constraints on supply/availability of land prima facie suitable for sustainable development and the consequent difficulties in achieving sustainable development without impinging on the Green Belt

4.10 It is considered that these two factors are intrinsically linked, and therefore they have been considered together within this Topic Paper.

4.11 East Herts is a relatively large district, and as such there is potential to deliver the entirety of the housing target without using Green Belt land. The Sustainability Appraisal of the District Plan (**SUB/004**) compares the proposed distribution of development with two alternative strategies; redirecting some Green Belt development to the rural area, or redirecting some Green Belt development to two new settlements. In both instances the Sustainability Appraisal concludes that the alternative strategies would not be as sustainable as the proposed distribution of development.

4.12 Paragraph 3.4 of this Paper identified that where available brownfield sites exist, these have been allocated for development within the District Plan. For clarity, these sites are:

- The Goods Yard, Bishop's Stortford (BISH7)
- The Causeway/Old River Lane, Bishop's Stortford (BISH8)
- The Mill Site, Bishop's Stortford (BISH10)
- Mead Lane Area, Hertford (HERT2)

4.13 The level of residential development proposed for these sites could have been increased by encouraging higher densities or providing more homes at the expense of other uses. However, the Council considers that higher densities would be unsustainable as the character of the respective areas would be demonstrably harmed. In addition, providing greater housing numbers at the expense of other uses on these sites would also be unsustainable as employment and retail developments are also required.

Topic Paper- Green Belt



8

4.14 In addition to these four sites, the Bishop's Stortford High School Site (BISH6) is also partly brownfield and has been allocated for housing should it become available.

4.15 The Council has also identified other non-Green Belt sites where possible. The Reserve Secondary School Site in Bishop's Stortford (BISH4) is located within the existing settlement boundary and is therefore not designated as Green Belt. Similarly the majority land at Bishop's Stortford North (BISH3), within the northern bypass, is already excluded from the Green Belt.

4.16 In the area designated as Rural Area Beyond the Green Belt, Buntingford has already had over 1,000 dwellings approved, largely on appeal due to the Council not having an up to date local plan in place. Buntingford is a relatively small town with limited services and facilities, and is the only main settlement in the District without a railway station. Further development in this location would therefore be considered to be unsustainable. The area surrounding Buntingford and its environs is very rural in nature and any significant development in this location would be unsustainable.

4.17 The Strategic Land Availability Assessment (**HOP/004**) has also considered the availability and suitability of land across the district and identifies that opportunities for further development within existing settlement boundaries are very limited. Where sites have been identified these are included in the housing trajectory.

4.18 Given this position, the Council contends that it would not be possible to meet the District's housing needs in East Herts without releasing Green Belt land. A report on the Examination of the **Lichfield District Local Plan: Strategy**⁽³⁾ emphasises the importance of a sustainable strategy:

'In my judgement the lack of more sustainable sites outside the Green Belt to meet the identified need for housing in a way that is consistent with the Plan's urban and key centre strategy amounts, in this instance, to the exceptional circumstances that justify the release of Green Belt land....'

4.19 As noted earlier in this Topic Paper, East Herts shares a Housing Market Area with Harlow, Epping Forest and Uttlesford Districts. As an alternative to releasing Green Belt land in East Herts, the Council could have sought assistance from these neighbouring authorities to help meet a proportion of the identified housing need. East Herts has engaged with these authorities on a positive and proactive basis throughout the plan making process. As part of this joint work, a document was prepared by independent consultants entitled 'Sustainability Appraisal of Strategic Spatial Options for the West Essex and East Hertfordshire Housing Market Area' (**HOP/002**). The purpose of this document was to identify, in high level terms, the most appropriate way of delivering the objectively assessed housing need (46,100 homes) across the Housing Market Area. The document concluded that the disaggregation of housing need among the four authorities, as presented within the

3 www2.lichfielddc.gov.uk/localplanexamination/files/2015/01/Lichfield-Report-Word-16-Jan-2015.pdf



Strategic Housing Market Assessment (**HOP/001**), represents the most sustainable strategy for the Housing Market Area. Therefore, by definition, avoiding the release of Green Belt land in East Herts by providing part of the District’s housing need in a neighbouring authority would represent a less sustainable strategy.

4.20 This position was confirmed within a Memorandum of Understanding, signed by the respective local authorities (Distribution of Objectively Assessed Housing Need across the West Essex/East Hertfordshire Housing Market Area, March 2017⁽⁴⁾).

The nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed) and 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.

4.21 In order to inform the District Plan process, the Council commissioned independent consultants to undertake an assessment of Green Belt land in East Herts, taking into account the five purposes contained within the National Planning Policy Framework (Green Belt Review 2015, **GRB/001**).

4.22 In undertaking the study, the consultants split the District’s Green Belt into 71 different parcels of land, and their suitability as an area of search for development was assessed. The conclusions in relation to the proposed District Plan allocations are presented in the table below. It should be noted that the assessment does not relate to the proposed site itself, but to the larger parcel of Green Belt land in which it is located.

Table 4.1 Green Belt Review Results for Proposed Site Allocations

Proposed Site Allocation	Suitability as an Area of Search for Development in Green Belt terms
Bishop’s Stortford South (BISH5)	Low
East of Manor Links, Bishop’s Stortford (BISH9)	High
North of Hertford (HERT4)	Very Low
South of Hertford (HERT5)	Low
West of Hertford (HERT3)	Low/Very Low
Land to the North of West Road, Sawbridgeworth (SAWB2)	Low
Land to the South of West Road, Sawbridgeworth (SAWB3)	Low

4 Appendix C, Duty to Co-operate Compliance Statement, March 2017 (**SOC/001**)



Proposed Site Allocation	Suitability as an Area of Search for Development in Green Belt terms
Land to the North of Sawbridgeworth (SAWB4)	High
East of Stevenage (EOS1)	Very Low
Land North and East of Ware (WARE2)	Very Low
The Gilston Area (GA1)	Very Low
Land East of Welwyn Garden City (EWEL1)	Low/Very Low

4.23 In the majority of cases, the proposed allocations are located within larger parcels that are concluded to be of low or very low suitability as an area of search for development. This is to be expected as, by its very nature, Green Belt land immediately adjoining existing urban areas clearly plays a significant role in safeguarding the countryside from encroachment. However, it is the view of the Council that providing development in these locations is considered to be less harmful to the openness of the Green Belt than seeking to allocate more isolated sites where impact on the countryside would likely be more severe. In addition, the Green Belt Review forms one aspect of the overall evidence base that has been prepared in order to inform the District Plan. When considered as a whole, the Council is of the view that these locations do represent sustainable locations for development. This conclusion is supported by the Sustainability Appraisal, which assessed the proposed strategy against a range of reasonable alternatives.

4.24 Very few parcels of Green Belt were considered to have ‘high’ suitability within the Green Belt Review. Nevertheless, these areas have been proposed for development where it is considered sustainable to do so (SAWB4 and BISH9). The only other locations which were assessed to be of high suitability in Green Belt terms were the Bishop’s Stortford ‘green wedges’ which are considered to be integral to the character of the town and therefore not suitable for development, and an area on the western edge of Hertford within which Sele and Hollybush schools are already located.

4.25 While the Council is proposing significant Green Belt release, the impacts of doing so will be mitigated as far as possible. This can be achieved through careful design by providing suitable landscaping and planting. In addition, the amended Green Belt boundaries follow easily recognisable features on the ground wherever possible in order to help ensure that they are strong and defensible.

4.26 Paragraph 85 of the National Planning Policy Framework states that in defining Green Belt boundaries, local authorities should:

‘satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period’.



4.27 The level of housing need beyond the current plan period is not currently known. However, in order to help conform to this national policy requirement, the Gilston Area (GA1) will deliver a substantial amount of development (approximately 7,000 homes) after 2033. The potential for a further 500 homes to the North and East of Ware (WARE2) has also been identified.

5 Conclusion

5.1 This Topic Paper has sought to establish the need to release a proportion of the District's Green Belt land in order to help deliver identified housing needs. In particular, the Council is of the view that the severity of this need, in addition to the lack of alternatives for delivering sustainable development, represents the 'exceptional circumstances' required by the National Planning Policy Framework.