

**East Herts
Examination in Public**

**Hearing Statement
Matters and Issues
Part 2
Chapter 5
Bishop's Stortford**

**Rachel Bryan
On Behalf of
Mr Terry Drake**



1.0 INTRODUCTION

1.1 This Hearing Statement considers Chapter 5 – Bishop’s Stortford – policies BISH1 to BISH 12 (inclusive). This Hearing Statement is made on behalf of Mr Terry Drake who submitted Regulation 19 representations on these matters which relate to his land ownership, SLAA site 01/007.

1.2 **I confirm I wish to attend the hearing in regard to Chapter 5 – Bishop’s Stortford.**

2.0 CHAPTER 5 – BISHOP’S STORTFORD

QUESTION 3 How and why was the planned level chosen ahead of other options? Is the site selection methodology robust and transparent?

2.1 As set out in the Development Strategy Topic Paper (TPA/001), Bishop’s Stortford is the largest and most sustainable settlement in the district. As such it has been allocated a significant level of growth. However, there is nothing in the evidence base to suggest that the growth proposed should be an upper limit for Bishop’s Stortford.

2.2 The option of integrating a greater level of flexibility into the planned level of growth was not considered.

2.3 Growth for Bishop’s Stortford is reliant entirely upon the timely delivery of the strategic allocations and commitments at BISH1. We contend that Bishop’s Stortford can take more growth, particularly in the first five years of the plan period and in order to achieve this, smaller sites should be released from the Green Belt.

2.4 TPA/001 states at paragraph 3.10 that due to land availability and environmental constraints, there are very few opportunities beyond the proposed allocations for further development in Bishop’s Stortford.

2.5 We contend that this is not the case; the site selection process has been one of discounting development options through a sieving process, rather than an approach



which proactively seeks suitable sites for development. This has led to areas of search being discounted at an early stage without a full assessment of their development potential.

- 2.6 The site selection process is neither robust nor transparent. This has resulted in site allocations which are not based on proportionate evidence and a plan that lacks flexibility.
- 2.7 The District Plan Supporting Document (SSS/001) considered only locations capable of accommodating “strategic development” of at least 500 dwellings, consequently neglecting to consider locations suitable for accommodating a lower level of development. This includes the Bishop’s Stortford Green Wedges.
- 2.8 SSS/001 states at paragraph 4.2.17 that: *“A small number of areas adjacent to the towns have not been included within areas of search and will therefore not be considered further. These are locations which are not capable of accommodating strategic-scale development (at least 500 dwellings) because for example they are protected public-open space and play a well-recognised part in the identity of a town or are characterised by areas of flood plain. For example, the green wedges in Bishop’s Stortford (including Southern Country Park), the Hertford green fingers including the Meads between Hertford and Ware, and the eastern side of Sawbridgeworth which includes Pishiobury Park and extensive areas of flood plain.”*
- 2.9 Therefore the process has failed to consider whether there are opportunities to release smaller sites for development in the first five years of the plan period through a more detailed assessment.
- 2.10 Bishop’s Stortford is heavily constrained by the Green Belt. Whilst we understand the Council’s stance that Green Belt is only one factor in the site selection and decision making process, given the great importance afforded to Green Belt by national policy, a full and robust consideration of this constraint is essential and the East Herts Green Belt Review (GRB/001) should form an integral part of the site selection process.
- 2.11 It is crucial that the Plan is as flexible as possible to ensure that it enables the grant of permission for sustainable development. A Green Belt boundary which is drawn too



tightly around sustainable settlements will constrain development and prevent windfall sites coming forward in the early years of the plan period.

- 2.12 Sworders' Hearing Statement in relation to Part 1, Matter 5 Green Belt, sets out Mr Drake's full case in relation to the failings of GRB/001 and the consequential inconsistent approach to site assessment so it will not be repeated here. However, to summarise, GRB/001 provides only a high level, broad brush assessment of large tracts of the Green Belt with no breakdown of the different contribution made by different sites within the larger parcels. GRB/001 recognises the need to undertake more detailed assessment, with the methodology claiming the report will include an assessment of SLAA sites within each Green Belt parcel identified as "high", or "moderate" suitability for development. However, such an assessment has not been reported in GRB/001 and as such, there has been no consistent and thorough assessment of sites within the Strategic Land Availability Assessment 2017 (HOP/004 - hereafter SLAA sites), in relation to the Green Belt.
- 2.13 Whilst the Council reported at the Stage 1 hearings that this assessment was undertaken by the Council, outside of GRB/001, the results of this assessment have not been published or submitted to the Examination Library.
- 2.14 Neither do the Green Belt Topic Paper (TPA/003), the Bishop's Stortford Settlement Appraisal (SSS/002) nor HOP/004 include such an assessment.
- 2.15 Whilst SSS/002 contains a detailed technical assessment of each site proposed for allocation, and how they were considered in the site selection process, it does not provide any evidence that such an assessment has been carried out for any other sites, save for the proposed allocations.
- 2.16 As such, it would appear that the sites for allocation have not been selected in the context of reasonable alternative options. The process has been inconsistent and not considered all SLAA sites in an equal and proportionate way. The Council is consequently unable to demonstrate that they have satisfied the NPPF paragraph 152 duty to pursue alternative options which reduce the impacts, particularly in relation to Green Belt.



- 2.17 In the absence of any evidence to demonstrate that each SLAA site has been assessed in the context of the Green Belt, the site selection process cannot be considered to be either robust or transparent. As such, the process falls foul of paragraph 182 of the NPPF.
- 2.18 The high-level assessment provided by GRB/001 also neglects to consider the robustness of the existing Green Belt boundaries and whether there are opportunities to release small pockets through adjustments to the inner Green Belt boundaries.
- 2.19 When reviewing Green Belt boundaries, the NPPF requires local planning authorities to take account of the need to promote sustainable development and have regard to the intended permanence of Green Belt boundaries in the long term, so that they should be capable of enduring beyond the plan period. When defining boundaries, local authorities should not include land which is unnecessary to keep open and define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.
- 2.20 GRB/001 and the site selection process fail to review boundaries in this manner, looking only at detailed boundaries where sites are proposed for allocation. Having established exceptional circumstances exist sufficient to justify Green Belt release, the local planning authority should have reviewed the entirety of the Green Belt boundary, in order to ensure that it is permanent and clearly defined. Such a strategy would also be consistent with the need to promote sustainable patterns of development as it would have yielded small sites suitable for development adjacent to the most sustainable settlements. This would also add built-in flexibility to the Plan since these small sites could be delivered towards the beginning of the plan period.
- 2.21 In the context of Bishop's Stortford, the Green Belt includes the Bishop's Stortford Green Wedges and it is noted from TPA/003 that, irrespective of the findings of GRB/001, the Council consider them to be integral to the character of the town and therefore not suitable for development.
- 2.22 In the context of GRB/001, we consider there to be a strong argument to remove all of the Green Wedges from the Green Belt, given the low contribution they make to Green



Belt purposes and the fact that they are effectively prevented from development due to the fact that they follow water bodies.

- 2.23 At the very least, a more detailed assessment of the boundaries to ensure that all land within them is fulfilling some Green Belt purpose, should be undertaken. However, no assessment of the character and role of the Green Wedges has been undertaken and no consideration has been given at a site scale as to whether the release of smaller sites within these areas would compromise the Green Wedges' character and role.
- 2.24 Mr Drake's site, SLAA site 01/007 lies within the Green Wedge which includes Grange Paddock's Leisure Centre, Bishop's Stortford Castle and Sworder's Field. For the majority of this Green Wedge, the railway line which runs from north to south through Bishop's Stortford forms the eastern boundary, separating the Green Wedge and the above mentioned features from development to the east.
- 2.25 However, a small triangle of land between the railway and development to the east, which includes SLAA site 01/007, is included in the Green Wedge and Green Belt. In this location the Green Belt boundary follows the back gardens of the houses along Kingsbridge Road, Dolphin Way and Cannons Close before re-joining the railway line. This triangle does not serve the same purposes as the wider parcel in relation to the Green Belt or the Green Wedge. Nor is it subject to flooding so this would not be a constraint.
- 2.26 This triangle of land is bound by built development and the railway line so serves no purpose in restricting "sprawl", as it is contained by the existing urban area. It does not serve the purpose of preventing neighbouring towns from merging as it is located within the built up area of Bishop's Stortford. The site does not comprise open countryside, being contained on by development and the railway so does not serve a preventing countryside from encroachment role. It does not contribute to conserving the historic character of the town as it lies outside of the Conservation Area.
- 2.27 The evidence contained in GRB/001 is sufficient to justify the amendment of the boundary in this location. GRB/001 refers specifically to this triangle of land as being distinct from the rest of the parcel between the railway and Dolphin Way.



- 2.28 GRB/001 paragraph 2.6.5 states that inner boundaries are rarely considered and often form poor visual boundaries, unlikely to endure. It recommends stronger, better defined features such as roads, railways, watercourses, woodland and strong tree belts.
- 2.29 GRB/001 paragraph 4.3.4 states that it ought to be clear to a casual observer what the difference is either side of the boundary and that all too often Green Belts are simply drawn to the back of the last house in a settlement.
- 2.30 The submitted District Plan at Chapter 3; The Development Strategy sets out 9 guiding principles. Guiding principle 4 is to wherever possible utilise readily available features to provide clear and unambiguous Green Belt boundaries.
- 2.31 It would be logical and accord with guiding principle 4 and the NPPF, to amend the Green Belt boundary in this location to follow the railway for the whole length of this Green Wedge, thereby incorporating SLAA site 01/007 into the development limits of Bishop's Stortford. The railway line would form a stronger visual boundary, readily recognisable and permanent and capable of enduring beyond the plan period.
- 2.32 This would also release smaller sustainable sites from the Green Belt which would be suitable for development in the early years of the plan period. Whilst we do not suggest that this approach would yield sufficient sites such as to negate the need for the strategic allocations, this approach would result in the Plan having greater in-built flexibility.

QUESTION 6 BISH5 – is this the best option for Bishop's Stortford having regard to loss of Green Belt?

- 2.33 We do not consider this to be the best option for Bishop's Stortford due to the loss of a significant portion of more valuable Green Belt.
- 2.34 According to GRB/001, the BISH5 allocation lies within a parcel 71 judged to be of "low" suitability for development. However, the site was subject to further assessment and is proposed for allocation on the basis that the imperative of meeting the district's housing need brought into deliberation locations that may not otherwise have been considered



suitable to be brought forward for development.

- 2.35 However, there is no evidence that the same rigorous analysis has been carried out for all site options at Bishop's Stortford. This is despite there being land available within parcels considered more suitable for Green Belt release, and smaller parts of parcels which do not serve the same function as the larger parcel. Specifically, the Bishop's Stortford Green Wedges.
- 2.36 The reasonable alternative options of seeking to locate development in locations which will have a lesser impact on the Green Belt have not been fully considered.

QUESTION 7 Are the allocated sites appropriate and deliverable, having regard to the provision of the necessary infrastructure and facilities, and taking account of environmental constraints?

- 2.37 We do not consider that the most appropriate sites have been allocated, in light of more appropriate sites being available.
- 2.38 As set out above, the site selection process and GBR/001 are neither robust nor transparent and consequently, the evidence is not sufficient to demonstrate that the allocated sites are appropriate.
- 2.39 We do not consider the resultant Green Belt boundaries at Bishop's Stortford to be robust. These boundaries could be amended to release small amounts of land adjacent to settlements which do not fulfil the purposes of the Green Belt. Such an approach would enable the Council to grant consent for sustainable development within the early years of the plan period. This would increase the flexibility of the plan and reduce reliance on timely delivery of the strategic allocations.
- 2.40 We appreciate that the existence of sites which do not fulfil the purposes of the Green Belt does not amount to exceptional circumstances. However, in this case, exceptional circumstances have been demonstrated. As such, the Green Belt boundaries should be amended in accordance with paragraphs 83-85 of the NPPF. This should include a comprehensive assessment of all of the Green Belt, including the consequences for



sustainable development, whether it includes land which is necessary to keep open and having regard to recognisable and permanent physical features.

- 2.41 Instead, the Green Belt has only been reviewed at locations the Council has selected for allocation, and not across the district which has led to the inner boundaries of the Green Belt being inappropriately defined.