

**East Herts
Examination in Public**

**Hearing Statement
Matters and Issues
Part 2
Chapter 8
Sawbridgeworth**

**Rachel Bryan
On Behalf of
Mrs Sylvia Ashley**

**Sworders
20th October 2017**



1.0 INTRODUCTION

- 1.1 This hearing statement considers Site Allocations – Chapter 8 – Sawbridgeworth – policies SAWB1-SAWB5 (inclusive). This Hearing Statement is made on behalf of Mrs Sylvia Ashley relating to her land ownership, SLAA site 04/010.
- 1.2 **I confirm I wish to rely on this written hearing statement only and do not wish to participate in the hearing session.**

2.0 CHAPTER 8 - SAWBRIDGEWORTH

QUESTION 1 What is the basis for planning to accommodate 500 new homes at Sawbridgeworth?

- 1.1 As set out in the Sawbridgeworth Settlement Appraisal (SSS/005), 500 dwellings was identified in light of advice from Essex County Council given in 2014 prior to publication of the Preferred Options District Plan. This advice has been superseded by more detailed transport modelling which provides a more complex picture.
- 1.2 This more detailed transport modelling undertaken in conjunction with the housing market area partners has demonstrated that new Junction 7a on the M11 will significantly reduce the impact of wider growth in this location and a need to upgrade junctions at London Road / West Road / Station Road and the A1184 / High Wych Road. Junction 7a now has planning permission.
- 1.3 In light of this, higher growth options for Sawbridgeworth should have been explored. However, they have not. This leaves a gap in the evidence base meaning the policy to accommodate 500 homes to Sawbridgeworth is not sound.
- 1.4 SSS/005 also states that an element of windfall has been attributed to Sawbridgeworth. However, as set out below, we consider that a greater amount of windfall development could be achievable with a more robust assessment of the inner Green Belt boundary, building flexibility into delivery of new homes at Sawbridgeworth.



QUESTION 2 How and why was the planned level chosen ahead of other potential options?

- 2.1 As set out above, the planned level of growth was not considered in the context of all other options at the appropriate times. The East Herts District Plan Supporting Document (SSS/001) considered options for urban extensions in the region of 500 dwellings and new settlement options in the region of 3,000 dwellings. Options for less significant development were not tested.
- 2.2 Furthermore, these options were considered in 2012/2013, prior to the more detailed transport modelling.

Is the site selection methodology robust and transparent?

- 2.3 The site selection process is neither robust nor transparent.
- 2.4 Firstly, the sieving process undertaken by SSS/001 ruled out areas of search based on their inability to accommodate urban extensions without testing them for lower growth options.
- 2.5 Secondly, the East Herts Green Belt Review (GRB/001) does not constitute a robust evidence base to inform a review of Green Belt boundaries and as such, the site selection process has had very little regard to its conclusions. It is not clear from the evidence base if, and when, the Council considered the impact of Green Belt in the site selection process.
- 2.6 The site selection process is not robust since further assessment of sites has been undertaken selectively and inconsistently; there has not been a thorough assessment of all sites within the Strategic Land Availability Assessment 2017 (HOP/004 - hereafter SLAA sites) in relation to the Green Belt.
- 2.7 Many sites, including SLAA site 04/010, were excluded from further consideration through SSS/001 which discounted areas of search for a new settlement or urban extension through the sieving process at an early stage.
- 2.8 However, other areas discounted at this stage have been reintroduced. For example, SAWB4 was discounted as an area of search through SSS/001 but has since been subject to further assessment and is now proposed for allocation.



- 2.9 Sworders' Hearing Statement in relation to Part 1, Matter 5 Green Belt, sets out Mrs Ashley'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.
- 2.10 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.
- 2.11 Neither do the Green Belt Topic Paper (TPA/003), the Sawbridgeworth Settlement Appraisal (SSS/005) nor HOP/004 include such an assessment.
- 2.12 Whilst SSS/005 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.
- 2.13 As such, it would appear that the sites proposed 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.



- 2.14 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.
- 2.15 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.
- 2.16 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.
- 2.17 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.
- 2.18 The failure of GRB/001 to fully assess SLAA parcels has left assessment of individual sites to the Council's site selection process. However, this process has only been undertaken retrospectively in locations where the Council are seeking to allocate sites, rather than allowing the review of the Green Belt to influence the quantity and location sites selected for allocation.



- 2.19 As a result, 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 environmental impacts on Green Belt release.
- 2.20 Sites have been proposed for allocation in parcels with lower GRB/001 suitability scores without all development options within those parcels, or other parcels with the same suitability score having been fully assessed.
- 2.21 Specifically in Sawbridgeworth, three sites are proposed for allocation. According to GRB/001, SAWB2 and SAWB3 lie within parcels 56 and 61, which have “low” suitability for development. SAWB4 lies within parcel 59 which has “high” suitability.
- 2.22 The three proposed allocations are assessed individually by SSS/005 against the contribution made by the individual site to the purposes of the Green Belt, irrespective of the contribution of the wider parcel.
- 2.23 This does not follow the methodology suggested in 2.1.2 of GRB/001 as two of the parcels have “low” suitability.
- 2.24 Nor is this applied consistently to all sites in Sawbridgeworth. Only the sites proposed for allocation, and no other SLAA sites, are considered against the purposes of the Green Belt in SSS/005.
- 2.25 For example, SLAA site 04/010 which lies within parcel 55 is not considered at all in SSS/005.
- 2.26 We consider that a robust and consistent evaluation of all Green Belt boundaries and all SLAA sites adjacent to sustainable settlements will yield deliverable sites that would contribute to meeting the full OAN and providing a 5YHLS on adoption.
- 2.27 In order for the District Plan to be sound, the Council need to undertake a full review of all of the district’s Green Belt boundaries, including the inner boundaries, in accordance with NPPF paragraphs 83-85. This approach would result in Green Belt boundaries which are clearly defined, permanent and capable of enduring beyond the plan period.



2.28 It 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 4 Is the plan sound in its choice of sites to be removed from the Green Belt?

2.29 As set out in our response to question 2 above, the site selection process and GBR/001 are neither robust nor transparent and consequently, the choice of sites to be removed from the Green Belt is not sound.

2.30 We do not consider the resultant Green Belt boundaries at Sawbridgeworth to be robust. These boundaries could be amended so as to allow small amounts of infill development on land adjacent to settlements which do not fulfil the purposes of the Green Belt.

2.31 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.

2.32 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.

2.33 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.

2.34 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.

2.35 Specifically in relation to the parcel 55, the inner boundary adjacent to Sawbridgeworth is poorly defined behind Rowney Wood and Bluebell Walk, sometimes following gardens



and sometimes severing them, with the boundary kinking out to tightly enclose Primrose Cottage.

- 2.36 It would be more logical to follow the tree line south east from Bluebell Walk to join with the gardens of Wheatley Close, thereby incorporating SLAA site 04/010 into the development limits of Sawbridgeworth.
- 2.37 SLAA site 04/010 does not fulfil the purposes of the Green Belt. This has been demonstrated by a Landscape and Visual Impact Assessment (LVIA) undertaken by Liz Lake Associates, leading landscape consultants which was submitted to the Pre-Submission Consultation alongside our representations to Sawbridgeworth policy SAWB1. It examines the site for its landscape and visual resource and for its contribution to the Green Belt. This includes an assessment of the likely effect on the five purposes of including land within the Green Belt if the site is removed from the Green Belt for development. The LVIA found that SLAA site 04/010 makes limited contribution to the Green Belt and does not fulfil the purposes of including land within the Green Belt and is therefore more appropriately included within the development boundary.
- 2.38 The tree line could be strengthened to ensure a permanent and more defensible boundary.