

EAST HERTFORDSHIRE DISTRICT PLAN EXAMINATION: PART 2

CHAPTER 11 – THE GILSTON AREA

Statement from CPRE Hertfordshire

1. I am Stephen Baker, DMS, BSc, Dip TP, MRTPI, Planning Manager at Campaign to Protect Rural England Hertfordshire (CPREH).
2. This statement supplements our original representations on Chapters 3 and 11 of the Pre-Submission East Herts District Plan, which still apply, and seeks to address the Inspector's questions as set out in her Matters and Issues, Part 2 document (ED) on the Plan's proposed Site Allocation on the south-eastern edge of the District bordering Harlow New Town.
3. The statement therefore addresses issues on Site Allocations, Chapter 11, The Gilston Area, including Policies GA1 and GA2.
4. The inspector's specific questions about this proposed site allocation need to be considered in the national planning policy context for the proposal, and in this respect CPREH's continued objection to the overall level of development proposed by the Council in the Submission Plan and in subsequent submissions to the Examination is also relevant.
5. As made clear in our original representations and our Statement for Part 1 to the Examination, the excessive housing target proposed by the Council should be significantly reduced because of the great harm that would otherwise be caused to the Green Belt, and because the amount of land that the Council proposes to remove from the Green Belt is both unjustified and unnecessary.
6. CPREH considers that a reduction of several thousand dwellings from the proposed housing target is both justified and achievable in order to be consistent with national planning policy as set out in NPPF paragraph 14, and section 9 on Green Belt.
7. CPREH also considers that such a reduction will enable the Council to reconsider how it should plan for both a reasonable proportion of assessed housing need within the period to 2033, and for longer term development needs within a broader context than either the East Hertfordshire District or the loosely defined Housing Market Area (HMA).
8. In particular, CPREH maintains that the Council has failed to give proper weight to national policy in respect of Green Belt in identifying where any new settlement that is

intended to meet the longer term development needs of the District should be located, and failed to consider a proper range alternative options for such longer term development.

9. Potential options for resolving the above issues are set out at the end of this statement after the Inspector's Questions have been commented on.

INSPECTOR'S ISSUES AND QUESTIONS

Issue 1: The Gilston Area is a very large allocation with the potential to eventually provide some 10,000 new homes. What considerations led to its allocation? How and where did the loss of Green Belt and countryside fit into those considerations?

10. CPREH considers that the decision to propose the allocation of this site was based on availability for development and its promotion by those with a land ownership or financial interest in the site, rather than any plan preparation principles or methodology. The reference in paragraph 11.1.2 of the Submission Plan to the location providing 'a unique opportunity to deliver a strategic sized sustainable development' suggests that it was this 'opportunity', rather than the site's location, character, land uses or planning context that led to the decision. Indeed the following sentence 'As such (CPREH emphasis), the Gilston Area is allocated for a total of 10,000 new homes...' etc, seems to be a clear indication that this was the principle reason for the proposal.
11. Obviously, the fact that such a large site could facilitate the construction of houses both within and beyond the Plan period close to Harlow also enabled the Council to reach agreement outside the Local Plan process with the other planning authorities in the HMA on distribution of the assessed housing need. The fact that the size of the site being promoted would also allow the Council to ensure provision of social infrastructure and other long term aspirations such as a new M11 motorway junction, is also thought to have influenced the decision.
12. But at what cost to the East Herts countryside and its communities, and to the Green Belt? The answer to the Inspector's second question above is that the loss of Green Belt and countryside were not included as relevant considerations when the Council decided to propose the site allocation. This is clear from the various Council documents including the Strategic sites assessment (HOP/003), and the Green Belt Topic Paper (TPA/003).

13. Yet the findings of the Council's own Green Belt Review (GRB/001) is summarised in the Topic Paper and this concluded that the Gilston Area is of 'Very Low' (CPREH emphasis), 'Suitability as an Area of Search for Development in Green Belt terms'. The Council's only explanation for ignoring Green Belt and countryside impacts in the area seems to be that they have to meet their full OAN for housing and the best locations are near existing towns in the Green Belt (in the Gilston case, next to Harlow).
14. CPREH has already provided a full analysis to the Examination of the Council's flawed assumption that all OAN has to be met, in our original representations, and in our statements on the Development Strategy and Green Belt, but it is this flawed assumption that has led the Council to assume that it does not need to justify the removal of sites, even those as vast as at Gilston, from the Green Belt without specific detailed evidence of exceptional circumstances for doing so. This conclusion is clear from the Council's Matter 5 statement in paragraph 3 under Inspector's Question 2, and from both the Development Strategy (TPA/001) and Green Belt (TPA/003) Topic Papers.
15. We do not need to repeat our original representations on the specific major adverse impacts that the proposal would have, including on the Green Belt in this area, on the landscape on the northern flank of the Stort Valley, on the unspoilt countryside northwards around Gilston, and on the small settlements within the area that will lose their separate identity. The submissions by Stop Harlow North on Matter 5 – Green Belt, summarise these very well.
16. We would however point out that even proposed Policies GA1 and GA2 would not themselves ensure that impacts would be controlled through the development management process, as they rely instead on a vague wish list in Policy GA1 (III) of things 'the development is expected to address' (CPREH emphasis), for example 'a limited number (undefined) of buildings associated with' the proposed open space uses in the north western part of the area.
17. CPREH does not consider that the Council has justified, or even identified, all the likely adverse impacts on the countryside and communities in and around the proposed site, or on the Green Belt, and therefore Chapter 11 of the Submission Plan is not justified and is not consistent with national policy, and should be removed from the Plan if it is to be found sound following Modifications.

Issue 2: How was the loss of the Green Belt and countryside taken into account in its designation as a Garden Town?

18. As far as CPREH is able to tell from the Council's public documents, the potential loss of Green Belt and countryside was not considered by the Council when it decided to submit its expression of interest in obtaining Garden Town designation at Gilston.
19. From the Minutes of the May 2016 District Planning Executive Panel the main focus appears to have been the financial and technical benefits to the Council that would arise if the Council's bid was successful, and that the Council's Officers' view was that the Gilston Area should therefore be included in the District Plan. Green Belt was not a consideration at the above Panel meeting.
20. Given that the Government's Garden Town prospectus criteria included consistency with planning policy, CPREH was, and continues to be surprised that the area was designated by Government as a Garden Town, given that it is the only one that would be in the Green Belt. We have to assume that the Council's bid made clear that most of the area covered by the bid is Green Belt, so the Government's repeated assertions that Green Belt would be protected from development rang very hollow when Harlow – Gilston was announced.
21. Given that the Gilston Area as proposed for development in the District Plan would in effect result in continuous development from Harlow through Harlow Mill and Pye Corner, and across the proposed new town to beyond the outer Metropolitan Green Belt boundary, the Council and DCLG failure to consider the future consequences for the Green Belt of a new Garden Town in this location is a major oversight that in our view can only be redressed by its removal from the Plan.
22. In the Calverton judgement, at paragraph 30, the Court said that one should "take account of the constraints embodied in the policies in the Framework, such as Green Belt, when preparing the local plan, as paragraph 47(1) (of the NPPF) clearly intends". This was clearly not carried out in the case of the Gilston proposal.
23. The Planning Minister in announcing new Planning Practice Guidance stated that "*The Government has put in place the strongest protections for the Green Belt. The Framework makes it clear that inappropriate development may be allowed only where very special circumstances exist, and that Green Belt boundaries should be adjusted only in exceptional circumstances, through the Local Plan process and with the support*

of local people. We have been repeatedly clear that demand for housing alone will not change Green Belt boundaries. However, we recognise that it is local authorities, working with their communities and with detailed local knowledge, which are best placed to decide the most sustainable, suitable and viable sites for new homes”.

24. In the Gilston Area local people do not support the proposed changes to Green Belt boundaries and the Minister’s words have clearly been ignored by the Council. The Planning Minister’s letter to the Council last year (Appendix 5 to our Matter 2 Statement) indicated that where Green Belt constrains a council from meeting OAN the potential existence of exceptional circumstances could be considered, and that while the NPPF makes clear that permanence is an essential characteristic of Green Belt in ‘*very exceptional circumstances*’ it may be necessary to consider a Green Belt boundary adjustment.
25. The Council’s reference to paragraph 83 of the NPPF in TPA/003, paragraph 4.2, also seems to imply that the Council considers that it has the right to alter Green Belt boundaries simply because it is preparing a new local plan. This is not the case. Paragraph 83 states that established boundaries, such as those included in adopted plans, can only be altered in exceptional circumstances, (and preparation of a local plan is not an exceptional circumstance) and then, only through review or preparation of a local plan.
26. There is nothing in any of the Council’s evidence documents that demonstrates the existence of exceptional, or ‘very exceptional circumstances’ for the removal of 592 hectares of land from the Green Belt at Gilston to facilitate construction of a Garden Town.
27. The Planning Minister (in issuing new Planning Practice Guidance) said that “The Government has been very clear that when planning for new buildings, protecting our precious green belt must be paramount..... Today’s guidance will ensure that councils can meet their housing needs by prioritising brownfield sites and fortify the green belt in their area.”
28. CPREH considers that the Council has not given sufficient attention to the potential contribution to housing supply that brownfield and other previously developed land within the District, and non Green Belt land in Harlow, could make to meeting the development needs of the HMA, as stated in our representations and our Matter 2 statement. That potential, following the advice in the NPPG, together with a modest reduction in the

Plan's Housing Target, as sought in our Matter 2 Statement, would avoid the numerical need for the dwellings that would otherwise be built in the Gilston Area during the Plan period. We return to the matter of longer term needs later in this Statement.

Issue 6: There are comprehensive documents setting out development aims for the area as a Garden Town, including the Concept Framework. What is the status of this document?

29. No documents associated with the Harlow Gilston Garden Town have been published as Development Plan Documents, or as Supplementary Planning Documents for public consultation. Apart from decisions on the proposal for the Gilston Area in the District Plan, we are not aware of any Council resolutions to adopt or apply any of the material in any of the Garden Town documents. Therefore CPREH understands that they have no formal Planning status, and cannot be given any weight in taking planning decisions on development in the area.

Summary and Conclusions

30. CPREH considers that the Plan is unsound because it is not justified and is not consistent with national policy in respect of the Council's proposed removal of land from the Green Belt for the Gilston Area proposal as set out in Chapter 11 of the Plan and Policies GA1 and GA2 in particular.

31. In its Green Belt Topic Paper (TPA/003 – Green Belt) the Council states that the Development Strategy Topic Paper (TPA/001) 'seeks to identify why the release of Green Belt is required', and summarises this as 'in the absence of any reasonable alternatives', the release of Green Belt land for development is needed (paragraph. 3.4). The absence of reasonable alternatives is not an exceptional circumstance as required by the NPPF.

32. CPREH considers that insufficient attention was given by the Council to the option of concentrating a greater proportion of development within the district's principal towns and villages, to include regeneration and redevelopment of underused land, and encouragement for change of use of suitable land for residential purposes, as a way of reducing the amount of greenfield land needed for housing, and in particular to minimise

the amount of land that should be taken out of the Green Belt. A key Green Belt purpose is to '*assist in urban regeneration, by encouraging the recycling of derelict and other urban land*' (NPPF paragraph 80, CPREH emphasis). Failure to fully acknowledge the likely scale of windfall development, and capacity of existing previously developed land, risks the unnecessary loss of countryside and Green Belt in particular, in this case in the East Herts parishes next to Harlow.

33. In the national Green Belt policy context set out in the NPPF, the need for the release of 593 hectares of land in the Gilston Area as a specific area of Green Belt land for a new Harlow neighbourhood, has not been adequately demonstrated by the Council, and is not therefore justified or founded on a credible evidence base. CPREH considers that exceptional circumstances do not exist which necessitate the proposed changes to Green Belt boundaries in this location as set out in the Plan. This is not justified, and therefore this part of the Plan is unsound.

34. CPREH accordingly asks the Inspector to find the Plan's proposals for the removal of 593 hectares of land from the Green Belt at Gilston for development during and beyond the Plan period to 2033, as set out in Chapter 11, including Policies GA1 and GA2, unsound.

35. We also ask the Inspector to advise the Council that in order to achieve a sound Plan and ensure reasonable future development needs of the District will be met, that;

1. on adoption, the Council should carry out an urgent review of the Plan in the context of, any changes to the NPPF in respect of Housing and other development needs; any new Government guidance on the calculation of such needs and how they should be met in the context of National Planning Policy; and in the light of any major external influences on land use Planning;
2. as soon as practical after the adoption of the modified East Herts District Plan, the Council should convene meetings with the local planning authorities and formally constituted public bodies responsible for development in the London Stansted Cambridge Corridor area, with a view to formulating a Strategic Plan for that area that would identify strategic locations for housing and other development that would meet the needs of the constituent authorities. Such a Strategic Plan should be the subject of public consultation at each stage of its preparation with a view to its approval as an evidence document for the District Plan Review; and

3. as part of the review of the Plan the Council should consider a range of options for accommodating a reasonable share of the development needs of the area in a sustainable way, seeking to maximise development within the District's existing towns and villages, and minimising development of land currently subject to a protective designation as set out in the National Planning Policy Framework.