

EAST HERTFORDSHIRE DISTRICT PLAN EXAMINATION: PART 2

DETAILED POLICIES

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 Chapter 3 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 Chapters 4, 14 and 15.
3. Before addressing the inspector's specific questions about these chapters, I wish to emphasise the national planning policy context for the proposal and 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, because of their implications for the Green Belt.
4. As made clear in our original representations and our Statements 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 unjustified by exceptional circumstances.

CHAPTER 4 – Green Belt and Rural Area Beyond the Green Belt

Issue 2: GBR1 Green Belt.

5. CPREH notes that the Inspector has advised the Council that the text of GBR1 implies that Neighbourhood Plans should propose changes to Green Belt boundaries in certain circumstances, contrary to current Neighbourhood Plan regulations, and that this Policy should be amended accordingly, in her matters and issues part 2 guidance note.
6. We also note that the Council still seeks to encourage communities preparing Neighbourhood Plans to put forward sites for development in the Green Belt for removal from the Green Belt through the Local Plan process. Such encouragement is not consistent with national policy to protect the Green Belt and its permanent boundaries from inappropriate development. Furthermore there is no reference in the supporting text

or in Policy GBR1 itself to any requirement for exceptional circumstances to be demonstrated by the Neighbourhood Planning body if it wishes to promote housing or other 'inappropriate development' in the Green Belt outside defined settlement boundaries and a consequent change to a Green Belt boundary.

7. CPREH therefore considers that the Plan is not justified and is not consistent with national policy in this respect, and that policy GBR1 should be amended accordingly.
8. This change to the Plan sought by CPREH is additional to the more substantive changes sought in respect of Part II of the Policy, which conflicts with the NPPF for the reasons set out in our original representations on paragraphs 4.3.2 and 4.3.3 and Policy GBR1, and in our Statements to Part 1 of the Examination under Matters 2 and 5 (Development Strategy – Housing, and Development Strategy – The Green Belt).
9. In paragraph 30 of the Calverton judgment, 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) clearly intends”. That statement is clearly a direct reference to the NPPF paragraph 14 requirement that Local Plans should meet development needs unless specific policies in the framework indicate development should be restricted (CPREH emphasis). This requirement applies to all aspects of the Plan and CPREH considers that the Council failed to take proper note of this when drafting Policy GBR1.

CHAPTER 14 – Housing

10. CPREH notes the Inspector’s question about provision for self-build units when applied to developments comprising flats, and wishes to remind the Inspector of our representations on the density of new housing development.
11. 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 land greenfield land needed for housing, and in particular to minimise the amount of land that should be taken out of the Green Belt.

12. 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.”
13. One way of optimising development in the main towns is to require minimum densities for regeneration schemes and redevelopment of previously developed land, according to their location, but Policy HOU2 Parts II, III and IV only refers to ‘higher’, ‘medium’ and ‘lower’ densities in different types of location, without defining a range or minimum of dwellings per hectare in each case.
14. We therefore ask that the Inspector recommends a modification to the Plan to include minimum density requirements in Parts II, III, and IV of Policy HOU2, and to include locations close to railway stations in Part II, to recognise the sustainability benefits of building new dwellings in locations accessible by public transport.

CHAPTER 15 – Economic Development

Issue 5: ED1 Employment – How will changes to the GPDO effect the implementation of policies ED1 and ED2?

15. CPREH’s objection to Policy ED1 is consistent with our representations and statements on the Plan’s housing target and the excessive amount of Green Belt land proposed for future development. We continue to believe that insufficient attention has been given by the Council to the option of concentrating a greater proportion of housing within the district’s principal towns and villages.
16. CPREH made representations on part III of Policy ED1 because it seeks to inhibit changes of use of employment land to other uses, including residential, yet regeneration and redevelopment of underused land, including employment land, and change of use of such land for residential purposes, is a way of reducing the amount of greenfield land needed for housing, and minimising the amount of land that is taken out of the Green Belt.
17. The Policy as worded also runs counter to the changes made to the GPDO to allow a number of changes of use of land to residential under the prior notification process.

18. Furthermore the Green Belt purpose to 'assist in urban regeneration, by encouraging the recycling of derelict and other urban land' (NPPF paragraph 80, CPREH emphasis) is not furthered by the Plan if it unjustifiably inhibits such recycling of land.
19. Paragraph 51 of the NPPF specifically states that local planning authorities 'should normally approve planning applications for change to residential use and any associated development from commercial buildings where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.' (CPREH emphasis). No strong economic reasons for resisting such changes as a matter of principle have been demonstrated by the Council, and given the scale of housing need in the District and lack of alternative housing land opportunities claimed by the Council, the Plan should be encouraging, not preventing, one of the more sustainable means of providing new housing in the District.
20. CPREH therefore considers that Policy ED1 should be re-worded to delete criteria (a) and (b) from part III of the Policy.
21. CPREH considers also that Policy ED2 on the Rural Economy is similarly inconsistent with both paragraph 51 of the NPPF and the GPDO's intention to allow a greater range of changes to residential use without the need for planning permission, and that the Policy should be re-worded to exclude criteria (a) to (d) from part III of the Policy.