

EXAMINATION OF THE EAST HERTS DISTRICT PLAN

HEARING STATEMENT ON BEHALF OF FAIRVIEW NEW HOMES

Respondent reference number 466219

Matter 5 – The Development Strategy – Green Belt

1. This Hearing Statement has been prepared by Vincent and Gorbing on behalf of Fairview New Homes ("Fairview").
2. Fairview are one of the UK's leading builders of new homes with a regional focus in North London and Hertfordshire. Fairview are particularly active within East Hertfordshire and are currently delivering 300 new homes on brownfield land at Buntingford. Fairview are therefore a developer with significant experience of both market and planning issues in East Hertfordshire, as well as being a 'user' of the development plan.
3. Overall, Fairview are keen to ensure that the District Plan progresses to adoption but in a manner which fully and clearly addresses the manifest housing issues in East Hertfordshire.
4. Fairview have made representations at each stage of the District Plan process. Key considerations for Fairview are (i) overall housing provision (ii) the development strategy (in particular in relation to deliverability within the first five years of the plan); (iii) the strategy towards development in the villages and (iv) the approach to Green Belt boundaries, particularly around the villages.
5. This statement addresses, where appropriate, the questions raised by the Inspector under Matter 5 - The Development Strategy – Green Belt. We have not sought to answer every question posed by the Inspector but only those relating to our representations on this matter in accordance with the guidance in ED117.
 1. *Where is the land that the Plan would release from the Green Belt?*
 2. *What is the link between the amount of land released from the Green Belt and the housing requirement, the need to direct development to sustainable locations and the localised need for housing? Where is the evidence that this broadly justifies the amount of land to be released?*

3. *Where can it be demonstrated that the Council has examined fully all other reasonable options?*
4. *Are there exceptional circumstances to justify the Plan's alterations to the existing adopted GB boundaries?*
6. These are questions largely for the Council to answer. Fairview have engaged with the plan preparation process in respect of two sites in the Green Belt, namely land at Walker Road, Watton-at-Stone (a Group 1 Village) and land at Cranemead, on the eastern side of Hertford. Although the Inspector has indicated that the Examination will not deal specifically with omission sites, Fairview's experience with promoting these sites is that the Council has (i) avoided its responsibility to allocate Green Belt sites around the villages and has wrongly passed this to Neighbourhood Plans (dealt with below) and (ii) been unwilling to consider smaller Green Belt modifications that could yield an immediate supply of deliverable sites to meet the 5-year requirement. Both of these matters contribute to an unsound approach to the Green Belt. It is particularly important that the approach is subject to further review in the light of increased OAHN and the Council's own admission that it cannot meet the 5-year housing land supply requirement making the plan contrary to the NPPF.
5. *NPs cannot alter Green Belt boundaries which the National Planning Policy Framework advises can only be carried out as part of the local plan. What options are there to address this and to ensure the Plan complies with national policy?*
7. We agree with the Inspector's synopsis that the Council's approach to alteration of Green Belt boundaries through Neighbourhood Plans (NPs) is contrary to the NPPF and is unsound.
8. The Council have acknowledged that Group 1 Villages are the most sustainable villages within the District and as such, growth should be directed towards these settlements and not less sustainable settlements. There are two different approaches being taken to the Group 1 Villages, for those in the Green Belt all sites should be allocated via a neighbourhood plan, including if it is deemed necessary to release land from the Green Belt. There are no housing targets set for these Green Belt settlements and policy VILL1 is silent on housing need in respect of these settlements.
9. Paragraph 83 of the NPPF states clearly that "*Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having*

regard to their intended permanence in the long term, so that they should be capable of enduring the plan period.” Whilst the Council may claim compliance with the ‘Localism’ agenda, albeit not explicitly stated, it is clear that the NPPF perceives the establishment, variation and retention of a Green Belt boundary to be a strategic matter to be dealt with via the Local Plan and not at Neighbourhood Plan level.

10. In our representations we drew attention to the ‘Governments Response to the CLG Select Committee Inquiry into the Operation of the National Planning Policy Framework (February 2015)’ which considered the matter of Green Belt Review.

11. Recommendation 7 stated as follows:

“We recommend that the Government amend paragraph 89 of the NPPF to make clear that development on sites allocated in an adopted neighbourhood plan, and which has the approval of the local planning authority, does not constitute inappropriate development for the purposes of the green belt. In addition, where neighbourhood plans, ahead of the local plan, make proposals to change the green belt, local authorities should have a duty to consider them as part of the local plan production process.”

12. The Government rejected this recommendation and stated the following:

“The Government does not accept this recommendation. Where a locally-led review of the Green Belt is proposed, the local planning authority will need to engage carefully with local people and other interested groups in the process. The Government supports the principle of local planning authorities working with those preparing neighbourhood plans where a review of the Green Belt is underway. But the Government is also clear that the responsibility for a review of the Green Belt rests with the local planning authority and must be conducted through the local plan process of consultation and examination. The rationale for this approach is to ensure the Green Belt is considered in the round of all the other planning issues the Council is addressing in its Local Plan and on an authority-wide, and indeed a cross-authority basis where appropriate.”

13. Whilst the general principle of Green Belt review at a local level was clearly proposed by CLG, the response by the Government at that time was unequivocal. The matter of Green Belt review cannot and should not be dealt with at the local level and via Neighbourhood Plans.

14. In justifying their approach, the Council may look to comments made in the Housing White Paper (*Fixing our broken housing market, February 2016*). This states at para. A64 that the Government proposes amending the NPPF to make clear that:-

"where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question. This recognises the role of neighbourhood plans as part of the statutory development plan, while the need for a referendum before a neighbourhood plan can be finalised ('made') will ensure that local people have a full say in the process. Neighbourhood plans would not be able to change the general extent of the Green Belt, which would remain a strategic matter"

15. We make the following comments in this regard. Firstly, the White Paper is not policy or guidance and the proposed change to the NPPF has not taken place. Secondly, given the current position of the Government there is no certainty whatsoever that this proposal will be included within the Housing Bill. As with previous consultations on changes to the NPPF, the approach to defining the extent of the Green Belt and/or development within it is likely to be controversial. It is notable that a proposed change to the NPPF to allow starter homes in the Green Belt through Neighbourhood Plans was withdrawn by the Government following consultation (*Proposed Changes to the NPPF – Summary of consultation responses, DCLG, February 2017*).
16. Thirdly, how any change would be worded and its applicability in this case is unclear. The definition of 'detailed boundaries' versus 'general extent' of the Green Belt would need to be clarified. In the circumstances of East Herts and the Group 1 villages, if this approach was embodied in the NPPF, the 'general extent' of the Green Belt would, in our submission, include defining the general area or direction of outward growth around a Group 1 village which should be considered for Green Belt release to ensure that strategic issues such as coalescence are dealt with at the scale of the District Plan. The general direction of village extension would then be translated into detailed boundaries within the NP. This would not be the same as the approach in the District Plan which provides no guidance on the general extent of the Green Belt around the Group 1 villages.
17. Compliance with the NPPF requires the District Plan to define Green Belt boundaries and not to defer this decision to NPs. To accept the current formulation of Policy VILL1 would result in a District Plan that would not confirm with the NPPF and further hinder the delivery of a minimum of 500 dwellings within the plan period in these sustainable

settlements. The clear option open to the Council is to allocate development sites and redraw the Green Belt boundary as appropriate.

18. As we have already stated, the District Plan needs to find more sites in any event; in undertaking a further site search, the appropriate locations for Green Belt release around the Group 1 villages can be identified. Indeed, the evidence base to support the identification of Green Belt sites around the Group 1 Villages already exists. A Green Belt Review in 2013 considered these settlements but has not been provided to the Examination. The later review in 2015 excluded these settlements as the Council had already decided by that time not to tackle this issue. The 2013 Green Belt review performed a thorough review of Green Belt options at all settlements and provides an evidence base for site identification purposes.
19. We attach at Appendix 1 to this statement, an extract from the 2013 Green Belt review in respect of Watton-at-Stone. This concluded that the Fairview site at Walkern Road was the most sequentially preferable site around the settlement. Moreover, consultations already held on the Neighbourhood Plan for Watton-at-Stone have supported the identification of the land for development. The NP website reported on the November 2016 consultation, stating as follows :-

"However, the majority of respondents also recognised that brownfield development would only deliver a limited number of dwellings and that further development was going to require a limited release of green belt land. The most popular green belt sites for development were to west of Walkern Road and the land off Stevenage Road in the north of the village." (<http://www.watton-pc.org.uk/Village-Events/Village-Development-Proposals.html>)

20. In summary :-
 - The Council's approach to deferring Green Belt decisions to Neighbourhood Plans is unsound as it fails to accord with the NPPF;
 - The solution is to positively allocate sites and adjust the Green Belt boundary accordingly;
 - The evidence to do so already exists in the form of the 2013 Green Belt review
 - Fairview's site at Walkern Road has already been identified as sequentially preferable and has endorsement through early consultation on the NP.

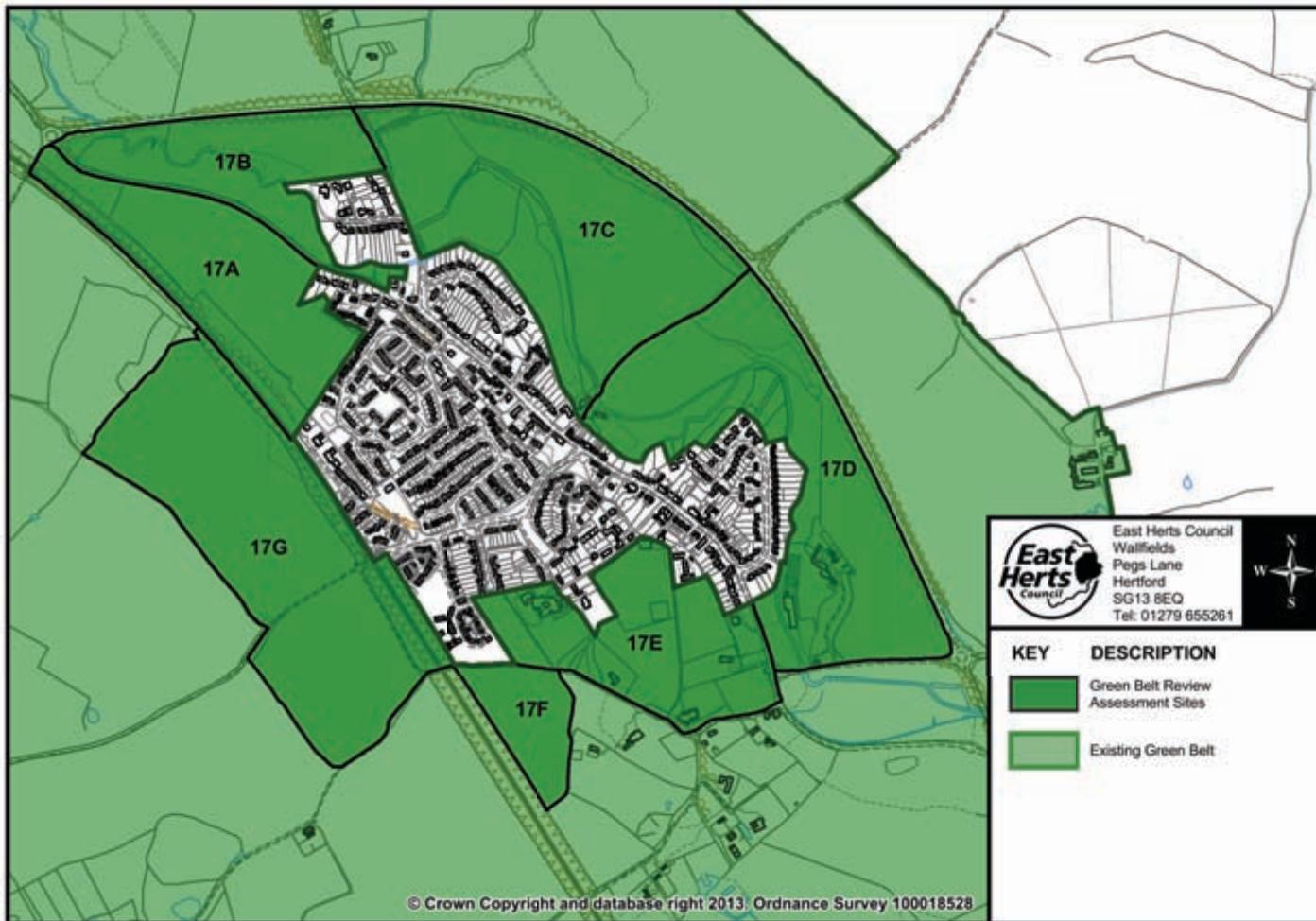
Accordingly, there is no reason why the land could not be removed from the Green Belt and allocated now for development.

APPENDIX 1 : EXTRACT FROM THE 2013 GREEN BELT REVIEW

11 Detailed Site Assessment of Villages: Watton-at-Stone

11.1 Detailed Site Assessment Stage 1 - Green Belt Purpose Assessment

Watton-at-Stone Assessment Sites



Purpose 1: Check unrestricted sprawl of large built up areas

	Watton-at-Stone						
GBR Ref	17A	17B	17C	17D	17E	17F	17G
Openness	2	2	3	2	2	3	3
Impeding ribbon development	3	3	3	3	1	3	3
Purpose Total	5	5	6	5	3	6	6

The Green Belt at Watton-at-Stone largely serves the purpose of preventing unrestricted sprawl of large built-up areas, particularly in respect of impeding ribbon development where only Site 17E contains two dwellings along the High Street. Although the Green Belt serves the purpose of maintaining the openness, this is lesser so at Sites 17A, 17B, 17D and 17E where the built-up area juts into the Green Belt limiting its openness. In particular, there are two sections within Site 17E that are encroached by the built-up area; the school and the cricket ground. In addition, the section to the southeast of Site 17B is also greatly encroached by the built-up area. These sections are considered not to serve the purpose of preventing unrestricted sprawl of the village. Development within Site 17E in the form of a school and nursery, the rectory, St Andrew and St Mary's Church, the recreation field pavilion, tennis courts, a playground, the allotments and two dwellings limits the openness of the area which shows the site has not been as effective in checking unrestricted sprawl. Part of the north-western corner of Site 17E that contains designated open space around the school has also been granted planning permission for an Early Years Centre and GP surgery, demonstrating that it has not been effective in preventing sprawl from the built-up area. Site 17C also contains development in the form of a light industrial unit to the south of the site and Site 17D contains residential development at Watton House, development associated with Watton Nursery (a horticultural nursery) and an electricity substation further north which limits the openness of the Green Belt. Site 17G is considered to serve a strong purpose in checking unrestricted sprawl of the village, given that development so far has been contained to the east of the railway line and there is a lack of strong boundaries further west to contain development and prevent sprawl westwards. Similarly Sites 17E and 17F serve this purpose in a similar manner in that there are no strong boundaries further south that could be used to prevent sprawl southwards.

Purpose 2: Prevent neighbouring towns from merging

	Watton-at-Stone						
GBR Ref	17A	17B	17C	17D	17E	17F	17G
Distance to neighbouring town	1	1	1	1	1	1	1
Distance to neighbouring village	3	3	1	1	2	2	2
Purpose Total	4	4	2	2	3	3	3

The Green Belt at Watton-at-Stone serves little purpose in preventing merging with the nearest neighbouring towns of Stevenage, Hertford and Welwyn Garden City given the distance from these towns. Despite this, it is important to retain strategic gaps as Part 1 of the Review notes that the village marks a key feature of the A602 corridor midway between Hertford and Stevenage, so care would be needed to ensure that the wider strategic gap between the towns was not weakened. However, the Green Belt being assessed is fairly close to the built-up area and is not thought to play a strong role in this regard. In respect of villages, the Green Belt to the north of Watton-at-Stone at Sites 17A and 17B serve a strong purpose in preventing merging with the nearest village of Hook's Cross, less than 1 kilometre away, although the A602 could provide a strong barrier to prevent sprawl. The eastern sites of Sites 17C and 17D serve little purpose in preventing merging with the nearest villages of Hebing's End and Dane End. To the south, Sites 17E and 17F serve some purpose in preventing merging of Watton-at-Stone with Stapleford as does Site 17G to the west in preventing merging with Datchworth.

Purpose 3: Assist in safeguarding the countryside from encroachment

	Watton-at-Stone						
GBR Ref	17A	17B	17C	17D	17E	17F	17G
Nature conservation	1	2	3	3	3	1	1
Trees/hedgerows	2	2	3	3	3	2	2
Landscape character assessment	3	3	3	3	3	2	2
Agricultural land classification	2	2	2	2	2	2	2
Accessibility	1	1	2	2	3	2	2
Purpose Total	9	10	13	13	14	9	9

The Green Belt at Watton-at-Stone serves the purpose of safeguarding the countryside from encroachment, particularly to the east and south. The Green Belt of sites to the east and south hold a high nature conservation value. To the south, Site 17E contains two wildlife sites; Watton-at-Stone Churchyard and Pasture north-west of the Churchyard at Watton-at-Stone. To the east, Site 17C contains the River Beane by Watton Common wildlife site and is adjacent to Blackditch Wood wildlife site, whilst Site 17D contains The Grove wildlife site and is adjacent to Watton Springs wildlife site to the south. Site 17B is adjacent to The Rookery wildlife site to the north, whilst Sites 17A, 17F and 17G do not hold a high nature conservation value. All the sites contain trees and hedgerows which demonstrate a countryside character, with Sites 17C, 17D and 17E containing protected trees and Site 17B located adjacent to some of those protected in Site 17C. The sites to the north and east of the village lie within the Woodhall Park and Watton-at-Stone landscape character area, which scored red in the Landscape Character Area Assessment (2007) for being of a strong character and condition. Those to the south and west lie within the Bramfield – Datchworth Sloping Farmland landscape character area which scored amber for being of a moderate strength of character and condition. The most western section of Site 17A is covered by this landscape character area. The majority of Site 17E also lies within this landscape character area, with only a small section to the east lying within the Woodhall Park and Watton-at-Stone landscape character area. All sites contained Grade 3 land as assessed in the agricultural land classifications, although the majority of Site 17B was classed as non-agricultural, as was the northwest section of Site 17C and the easternmost section of Site 17A suggesting that these northernmost sites hold a lesser countryside value and thus the Green Belt does not assist in serving the purpose as strongly in this location. The accessibility of Sites 17A and 17B is also poor, with no public rights of way. The remaining sites have access via public rights of way, and Site 17E to the south also provides recreational open space and facilities in the form of the school playing grounds, cricket ground, recreational playground, allotments and tennis courts.

Purpose 4: Preserve setting and special character of historic towns

	Watton-at-Stone						
GBR Ref	17A	17B	17C	17D	17E	17F	17G
Designated heritage assets	3	3	3	3	3	2	3
Conservation Area	1	2	1	3	3	2	1
Purpose Total	4	5	4	6	6	4	4

The Green Belt at Watton-at-Stone does little in preserving the setting and special character of historic towns, given the distance from the nearest ones. However, it does contribute to preserving the setting and special character of the village itself, particularly to the south of the village. To the south, Sites 17D and 17E contain part of the Conservation Area of the village, with Site 17D also containing part of two Areas of Archaeological Significance and Site 17E containing the listed church of St Andrew's and St Mary's

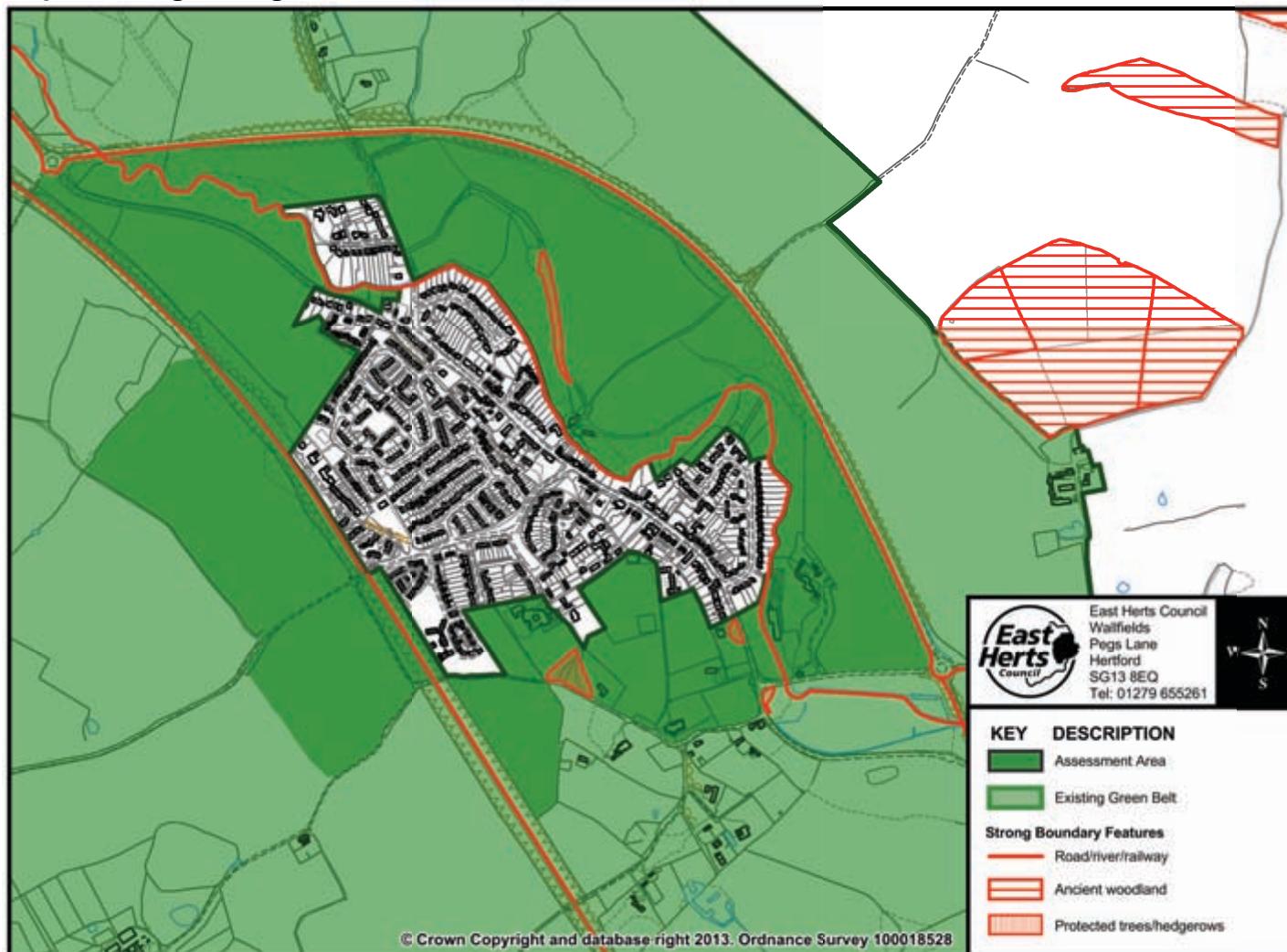
and part of one Area of Archaeological Significance. They are also both adjacent to the registered historic park of Woodhall Park. These sites lie within the Conservation Area of the village and retain the open nature and form of the historic area to the south of the village, and as such they are thought to contribute to the special character and setting of the historic village. Site 17F lies adjacent to the Conservation Area and thus is considered to contribute to preserving the setting of the village. The site also lies adjacent to two Areas of Archaeological Significance and the remaining sites all contain at least part of an Area of Archaeological Significance, but with no identifiable related features on the ground they are not considered to contribute to the setting or special character of the historic village in respect of those designated heritage assets. Site 17C contains a listed bridge across the River Beane but this is not considered to contribute to the setting or special character of Watton-at-Stone given the distance from its historic core. The south-eastern part of Site 17B lies adjacent to the village's Conservation Area. However, it is buffered somewhat by development in the form of a telephone exchange and two new dwellings, and as such it is not thought to assist in preserving the historic setting of the village.

Watton-at-Stone Summary of Purposes Served

- The Green Belt does check unrestricted sprawl of the built-up area of Watton-at-Stone in some areas, particularly at Site 17G where it lies west of the strong boundary of the railway line with no further identifiable strong boundaries to restrict sprawl westwards. The sections encroached by the built-up area at the southeast of Site 17B and at the school and the cricket ground in Site 17E serve this purpose the least. Site 17D also does not fulfil this purpose fully, as its openness is encroached by development contained within the site.
- The Green Belt assessment sites do not assist in preventing the merging of towns, nor of the merging of Watton-at-Stone with neighbouring towns. The Green Belt does assist in preventing the merging of Watton-at-Stone with Hook's Cross at Sites 17A and 17B, and to a slightly lesser extent with Sites 17E and 17F with Stapleford and Site 17G with Datchworth.
- The Green Belt assists in safeguarding the countryside from encroachment, particularly to the east and south of the village at Sites 17C, 17D and 17E due to a high nature conservation value, protected trees and good accessibility to the sites. The remaining western and northern sites assist in safeguarding the countryside to a lesser extent.
- The Green Belt does not serve the purpose of preserving the setting and special character of historic towns. However, it does serve the purpose of preserving the special character and setting of Watton-at-Stone at Sites 17D and 17E which are partly located within the Conservation Area. Site 17F also assists in preserving the setting of the historic village, given its proximity to the Conservation Area. Site 17B is not considered to preserve the setting of the historic village despite its proximity to the Conservation Area, given the buffer of new development.

11.2 Boundary Assessment of Watton-at-Stone

Map showing strong boundaries at Watton-at-Stone



The railway line to the west of the village and the A602 to the east provide strong boundaries. The River Beane also provides a strong eastern boundary, although this has been compromised to the north. Three small pockets of protected woodland to the south of the village could be used as strong boundary markers, though are not continuous enough to prevent southwards sprawl. There is a small tree belt to the east of the river which could provide a strong boundary marker. Blocks of woodland much further east also provide strong boundary markers, though these are located a significant distance from the village.

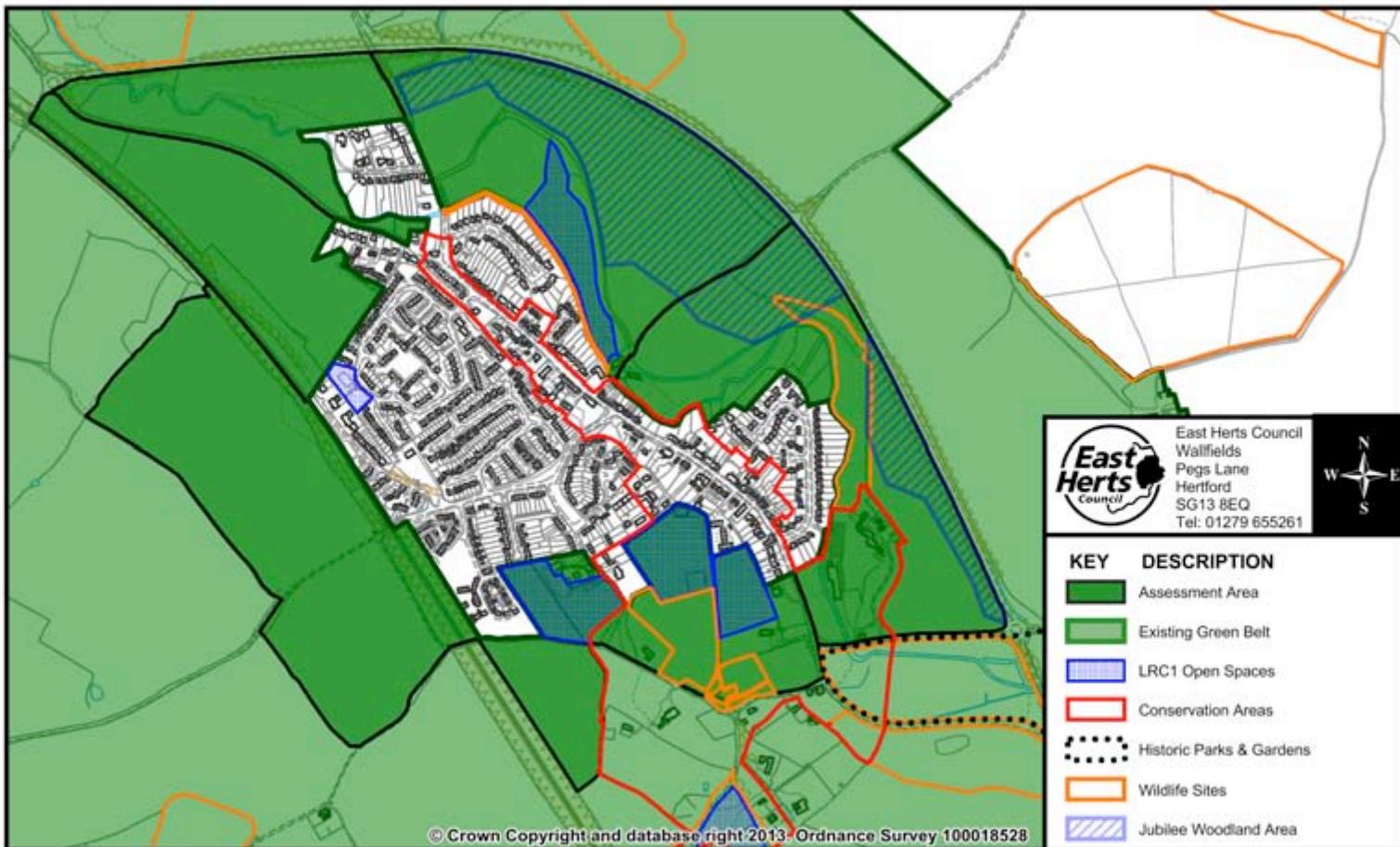
Existing boundary strength	Existing boundary description
North-western: Weak	The boundary follows no identifiable markers, cutting through a section of woodland before following the treeline marking the residential curtilages of Great Innings North. It then follows no identifiable boundary as it cuts through the back gardens of properties at Motts Close, then following residential curtilages of properties on the High Street before following the line of the High Street itself. As it crosses over the High Street, it crosses through the curtilage of the telephone exchange before following it until it reaches the River Beane. It follows the River Beane northwards before travelling through a section of woodland with no identifiable marker, then follows the residential curtilage of properties on Beane Road and Walkern Road. Although the boundary is strong where it follows the River Beane, the majority is regarded as weak.
Eastern: Strong	The boundary follows Walkern Road southwards, then the River Beane before cutting across the curtilages of properties on the High Street, Whitehouse Close, Rivershill and rejoining the River Beane until it reaches the electricity substation at Rivershill. The boundary is deemed to be strong as the majority on the eastern edge follows the river which is regarded as a strong boundary.
Southern: Weak	From the electricity substation, the boundary follows residential curtilages along Rivershill, the High Street and Glebe Court, then following the road of School Lane and residential curtilages around Glebe House. The boundary then heads northwards along Rectory Lane, then follows residential curtilages of properties on Rectory Lane and Glebe Close before following the road of Clappers Lane and a hedgerow southwards and westwards. The boundary is weak to the south as it largely follows residential curtilages and a minor road.
Western: Strong	From the south, the boundary follows a thick tree line adjacent to the railway line northwards before joining the railway line after passing Station Road. Working railways are considered to be strong boundaries, therefore the western boundary is considered to be strong. Although treelines are not strong boundaries, in this case they reinforce the railway line which lies immediately west of it and thus the whole boundary is considered to be strong.

11.3 Detailed Site Assessment – Suitability for Development

The need for a review of the Green Belt at Watton-at-Stone results from the need to accommodate development within the District. The assessment of Watton-at-Stone thus far has considered release of the Green Belt in terms of the Green Belt purposes and boundary strength alone. However, in order to ensure land is not released unnecessarily and given that the purpose of the Review is to determine if Watton-at-Stone's housing needs can be accommodated within the Green Belt, the suitability of the land for development must also be considered. This tier of assessment has already been undertaken for the urban extensions, where areas of search around the town boundaries have been discounted where appropriate due to specific constraints. However there has been no such assessment for specific sites around the village boundaries, therefore it is necessary for an additional level of assessment in this Review for Watton-at-Stone to assess the suitability of the Green Belt land for development.

The detailed Green Belt assessment so far has considered numerous constraints in the context of the Green Belt purposes, including nature conservation designations and designated heritage assets. There were no designations of national or international importance identified through this assessment. Therefore to assess the suitability of the sites, two types of constraint are focused on; local policy constraints (as defined in the Local Plan 2007) and physical constraints.

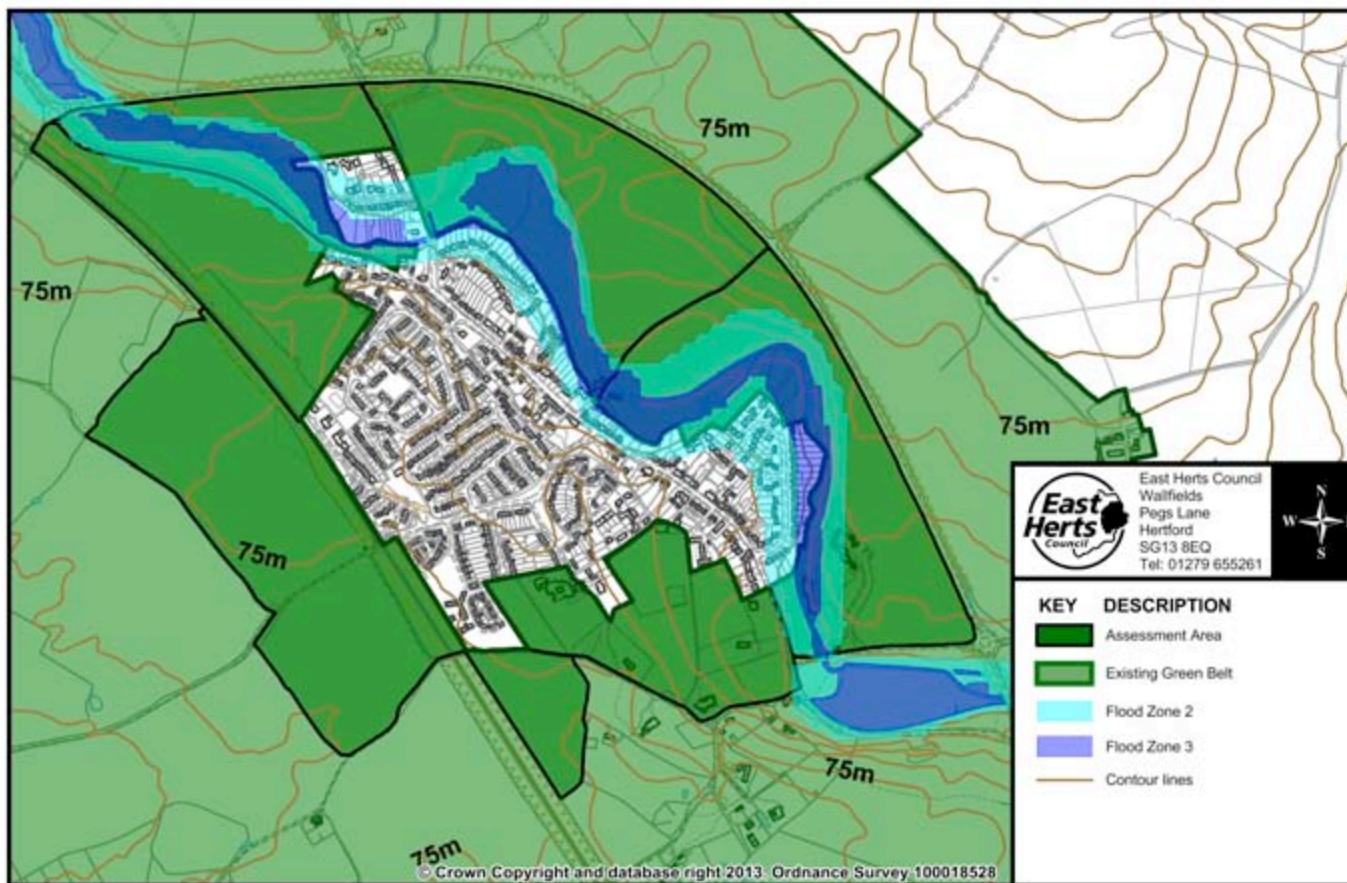
Map of local policy constraints and proposed Jubilee woodland at Watton-at-Stone



The map of the local policy constraints shows that the south of the village is very constrained by wildlife sites, Conservation Area designation, proximity to the registered historic Woodhall Park and a number of designated open spaces. Sites to the east of the village are also constrained by Conservation Area designation, wildlife sites and designated open space. In addition, much of the remaining land at the eastern sites is unsuitable as woodland is being

planted in commemoration of the Diamond Jubilee. The areas to be planted as woodland and woodland glades are identified on the map. Sites to the north and west of the village have few policy constraints, although there is a wildlife site adjacent to the northwest of Site 17B.

Map showing physical constraints to development at Watton-at-Stone



The map of the physical constraints identifies Flood Zones 2 and 3, where development is discouraged due to the flood risk. This renders the western section of Site 17B largely unsuitable for development, as well as sections of the eastern sites closest to the village. The contours of the land are also identified. The topography of the land closest to the village in Site 17A slopes fairly steeply down to the village. This could reduce the development potential at this area, in respect of what could be physically achievable and also ensuring the character of the village is not compromised.

This assessment of the Green Belt sites for their suitability for development, classes the following areas as potentially suitable for development; Site

17A, the eastern part of Site 17B, Site 17F and Site 17G. Although there are parts of Sites 17C and 17D that are not constrained, these are removed from the built-up area of the village and therefore are not considered appropriate for release from the Green Belt. There are not considered to be any showstoppers that would affect the achievability of these sites, although this would be dependent on the scale of Green Belt release. The north-eastern part of Site 17B is the only known available site at the present time, although it is acknowledged that other sites may be promoted during the Plan period.

11.4 Detailed Site Assessment – Recommended Options for Watton-at-Stone

Map of recommended options for Watton-at-Stone

