

East Herts Examination in Public

Hearing Statement Matters and Issues Part 2

Chapter 19 Leisure and Recreation Policy CFLR2



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1.0 INTRODUCTION

- 1.1 This hearing statement is submitted on behalf of Bishops Stortford College ('the College') with regard to the proposed designation of the majority of their land ownership at Bishop's Stortford as 'Local Green Space', under policy CFLR2.
- 1.2 The College is a leading independent co-educational boarding and day school for children from 4 to 18. Founded in 1868, the school caters for 1,170 pupils and employs in excess of 300 people.
- 1.3 The College's Campus extends from the centre of Bishop's Stortford westwards, and comprises buildings situated within the development limits of the town, together with further buildings, playing fields and land situated within the green belt. In total the College's ownership extends to 50 hectares, the majority of which is in the Green Belt.
- 1.4 The College's land proposed to be allocated as 'Local Green Space' under policy CFLR2 is the entirety of that within the Green Belt. The land is situated within the 'western' green wedge at Bishop's Stortford.

2.0 CHAPTER 19 – LEISURE AND RECREATION

QUESTION 12 – CFLR2 – Local Green Space. Further guidance may be helpful on what constitutes very special circumstances. Are the designations justified?

- 2.1 Our regulation 19 representation in regard to policy CFLR2 comprehensively sets out why the proposed allocation of the western green wedge at Bishop's Stortford as Local Green Space under policy CFLR2 is wholly inconsistent with national policy and as such demonstrably unsound. Given the need to avoid repetition within our hearing statement we rely heavily on the detailed analysis provided within our regulation 19 submission, however our objections are summarised below to provide accessible context for the remainder of this statement:-
 - Framework paragraph 77 bullet 3 requires Local Green Space should not be an extensive tract of land. Further guidance is provided within the NPPG paragraph 37-015. It is clearly the case that the proposed designation of the entirety of the



'green wedge' in which the College's land sits, comprises an extensive tract of land. Reference is made within our regulation 19 representations to Inspectors' findings in regard to other Plan examinations that support this interpretation.

- Framework paragraph 77 bullet 2 requires that the green area should be 'demonstrably special' to the local community and hold a 'particular local significance'. This has clearly not been established and moreover we do not consider it is capable of being established given the area proposed to be covered by the policy includes schools, farms, private residences and car parks.
- The proposed designation gives no consideration to the guidance set out at NPPG 37-010 that where land is already designated as Green Belt, it should be questioned as to whether any additional local benefit would be gained from designation as Local Green Space (given the policy requirement at Framework paragraph 78 that local policy for managing developments within Local Green Space should be consistent with policy for Green Belts).
- The proposed policy is not consistent with Green Belt policy and is thus contrary to paragraph 78 of the Framework.
- The guidance at paragraph 3-019 of the NPPG regarding early contact with landowners if there is a proposal to designate their land as Local Green Space, has not been met.

2.2 In regard to the issue of providing further guidance as to what constitutes very special circumstances, we do not consider this would address the full range of fundamental soundness concerns with the policy as summarised above.

2.3 However, setting this wider concern to one side, Framework paragraph 78 makes clear that Local Policy for managing development within Local Green Space should be consistent with policy for Green Belt. NPPG paragraph 37-010 is clear that where land is already protected by green belt, "*consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.*" One example is provided where additional benefit may arise concerning the loss of open spaces in villages washed over by green belt as a result of the permissibility of limited



infilling in these settlements under paragraph 89 of the NPPF.

- 2.4 The evidence base for the Plan does not identify any exceptions to Green Belt policy which would present a defined threat to the character of the western green wedge at Bishops Stortford, as such it would not be consistent with national policy for CFLR2 to provide a different decision making framework to that provided within Green Belt policy.
- 2.5 Therefore, to be sound, policy CFLR2 would need to clearly state that decision making would be in accordance with green belt policy. Of course in doing so this would highlight that the policy is unnecessary where land is already within the Green Belt.
- 2.6 As to whether the designation is justified, we consider it is not. The use of a Local Green Space designation is not, *"...the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence."* If the Council's approach of maintaining the openness of the green wedges at Bishops Stortford is considered sound, then the most appropriate strategy is to maintain the Green Belt designation. As Local Green Space designation can only repeat green belt policy and is unnecessary.
- 2.7 The proposed designation of the majority of the College's land as 'Local Green Space' under policy CLFR2 is of very significant concern to the school. The policy prohibits all development. By way of example, the College recently invested in new sports courts in the green belt, which were straightforwardly granted consent on the basis they were appropriate development in green belt terms given Framework paragraph 89 bullet 2. Under policy CFLR2 these courts would not be permitted unless the College could establish 'very special circumstances'. With no guidance provided as to what these circumstances may be, both applicant and decision maker are operating in a vacuum, with the applicant potentially expending significant resources on making applications that are deemed 'insufficiently special' at the whim of the Local Authority. Notwithstanding the range of problems identified with policy CFLR2 summarised above, this situation would be demonstrably incompatible with Framework paragraph 154.