

Stevenage Local Plan Examination: Stage 2

Statement from CPRE Hertfordshire

Matter 4 – General matters

Statement by Stephen Baker, DMS, BSc, DipTP, MRTPI, representing CPRE Hertfordshire

This statement complements our original representations on the Local Plan, which are still relevant except where updated by this statement.

Question 3: Are there any policies in the Plan that do not accord with the National Planning Policy Framework (the Framework) or advice in Planning Practice Guidance?

Introduction

1. CPRE Hertfordshire (CPRE) objected to the following policies being inconsistent with the Framework:
 - Policy SP3: A strong, competitive economy
 - Policy SP7: High Quality Homes
 - Policy SP10: Green Belt
 - Policy EC1: Allocated Sites for Employment Development
 - Policy IT1: Strategic development access points
 - Policy IT2: West of Stevenage safeguarded corridors
 - Policy HO1: Housing allocations
 - Policy HO3: North of Stevenage
 - Policy HO4: South East of Stevenage; and
 - Policy GB2: Green Belt settlements.

2. We set out below why we consider that these policies are not in accord with the NPPF. We also refer to our Statement on Matter 2 to Stage 1 of the Examination, in respect of our objections to Policies SP7, HO1 and SP10. Several of the Plan's policies conflict with the NPPF over the setting of the Plan's Housing Target, and cross-references to other statements in respect of other Stage 2 Matters or being dealt with at Stage 3 of the Examination, are included where necessary.

3. We also consider that several of the Plan's policies that are unsound by virtue of inconsistency with national Planning policy, are also unsound because they are unjustified and or ineffective, and this is noted below where necessary.
4. This Statement refers where appropriate to the documents placed on the Examination website and those submitted by the Council, and to documents referred to therein.

Strategy – Policy SP3

5. CPRE Hertfordshire objects to the references in Policy SP3 to potential proposals for development, and to Planning policy, outside the Plan area. Reliance on such development in advance of any adopted development plan policy is unjustified, contrary to national policy, and likely to be ineffective.
6. The same objection applies to the associated text in paragraphs 5.23 and 5.26.
7. CPRE Hertfordshire notes that paragraph 5.29 recognises that environmental impacts would arise from development of Green Belt sites, but surprisingly claims that such impacts can be reduced and mitigated 'through their development and delivery'. No acceptable justification for the inclusion of sites and land outside the Borough is provided, and no demonstration that exceptional circumstances exist for the development of Green Belt sites that outweighs the harm that the Plan acknowledges would be caused.
8. Policy SP3 and the text in Chapter 5 should be amended to delete all references to specific sites and areas of land beyond the Borough boundary as potential development sites.

Strategy – Policy SP7

9. Please see also our Statement on Matter 5, Green Belt, in respect of exceptional circumstances for changes to Green Belt boundaries.
10. CPRE Hertfordshire objects to the proposal in Policy SP7 to provide at least 7,600 new homes between 2011 and 2031 if this would require the removal of large areas of land

from the Green Belt to the north and south east of the town, and to the identification of those two areas as broad locations for development in the Plan.

11. CPRE Hertfordshire considers that these elements of the Policy and associated text in the Plan are unjustified, and contrary to national policy.
12. The first sentence of paragraph 5.66 in particular fails to note the specific requirement of paragraph 14 of the NPPF to seek to meet objectively assessed housing need '*unless other policies indicate development should be restricted*'. Despite noting this requirement in its background document on Housing numbers, neither the Plan in paragraph 5.67, nor any evidence document, sets out a justified explanation of how the Council has met its obligation to balance Housing Need with Constraints as set out in the NPPF, stating only that it has set a Housing target that meets those needs in full.
13. This is a serious flaw in the Plan that renders it unsound as currently drafted. The Proposed Housing target is unsound because in setting it, Stevenage Council failed to carry out the balancing process required by paragraph 14 and footnote 9 of the NPPF between meeting objectively assessed housing needs, and the constraints that apply to Stevenage, in particular the designation of nearly all the land around the existing built up area of the town as Green Belt with the exception of land to the west of the A1(M). The omission of this step is surprising, as prior to the current draft Plan, the Council had been emphasising its vital importance.
14. This key step of adopting a balanced approach is fundamental in determining the Council's Housing target, and following which, if the target cannot be met without removing some land from the Green Belt, the Council must demonstrate that exceptional circumstances exist for the removal of specific areas of land.
15. SBC's "Green Belt Technical Paper" dated December 2015, showed that (paragraph 2.1) the Council had simply adopted the approach of meeting all the housing need identified in their SHMA Update 2015. This is, in effect, to adopt the approach that the Judge in the Calverton case (Calverton Parish Council v Nottingham City Council and Broxtowe Borough Council and Gedling Borough Council - April 2015 Ref. CO/4846/2014) says is impermissible (That is, it is impermissible to conclude that housing need alone can constitute "exceptional circumstances" that can justify removal of land from the Green Belt for development).

16. Clearly, the Judge had in mind a more detailed and sophisticated analysis than that adopted by Stevenage Council so as to look at issues such as the 'acuteness' and or 'intensity' of different aspects of the 'need'. For example how much of the 'need' is from "households who lack their own housing or live in unsuitable housing and who cannot afford to meet their housing needs in the market" (to adopt CPRE's recommended formula).
17. The question should also have been asked as to how much of the "need" is from people living outside Stevenage but who 'aspire' to live there, rather than 'need' to live there? Since they have a choice where to live, their "need" is not so acute, but the Council has not balanced this need against the loss of Green Belt, and the harm that arises from doing so, in setting its Target.
18. However, at paragraph 2.4 of the Technical Paper, the Council increases the proposed housing target above the identified need, to 7,600 new homes rather than the assessed 7,300. The sole explanation for this is because it "takes into account the Government's latest household projections for the Borough, which suggest that just over 7,600 new homes will be required", but there is no explanation of how the key constraint of the Green Belt has been taken into account in setting the Target.
19. Clearly if sufficient land and specific sites to meet this number of dwellings can be developed within the limitations of key constraints including Green Belt, there would be no disagreement with it. But the Council believes that is not the case. This is an issue that will be raised under Matter 15 at Stage 3 of the Examination.
20. The Council also say that the higher figure "ties in with our wider regeneration plans for the Borough and should help us to put forward a positive message, helping us to attract investment and achieve sustainable patterns of development" and that "setting a challenging target provides a clear signal that we are serious about delivering regeneration and change in the Borough". Such 'aspirations' for regeneration do not, in CPRE Hertfordshire's view, outweigh Green Belt policy.
21. Paragraph 2.5 of the Technical Paper states that the proposed site allocations also provide an appropriate buffer above the 7,600 target, without explaining how this is balanced against constraints. The SHMA Update 2015 already includes a 10% uplift to allow for "market signals" (see paragraphs 3.75 and 4.10 of the Update). A further buffer

is not justified in the view of CPRE Hertfordshire if it would result in loss of Green Belt land.

22. The Technical Paper, in paragraph 2.15 states that the Council accepts that “it would appear that we can just about meet our OAN without the need to use Green Belt land.” This statement demands that the information provided by the Council to support its proposals is tested to determine whether in fact sufficient housing can be built in Stevenage without using land currently designated as Green Belt either within Stevenage or elsewhere.
23. On day two of the Examination at Stage 1 when addressing Housing Need Mr Lee, the Council’s consultant, stated that if the Plan did not meet all the identified needs then the Council would have to find somewhere else ‘*nearby*’ to do so, but this is not what national Policy requires. The requirement is to identify a target consistent with national policy, taking defined and undefined constraints into account, and then seeking to meet residual needs elsewhere, firstly, but not exclusively, through the duty to co-operate. There is no prescriptive requirement to meet needs within the same housing market area, in the same way that unmet needs ‘exported’ from London, do not have to be met in the districts bordering London. Indeed key elements of Green Belt policy are to promote development within settlements inside inner Green Belt boundaries and beyond the Green Belt.
24. CPRE considers that the failure to provide such justification for the proposed policies is a fundamental flaw in the Plan that renders it unsound as currently drafted.
25. Policy SP7 and the related text in Chapter 5, particularly paragraphs 5.66 and 5.67 should be amended to include a more accurate summary of the national Planning Policy context; set a lower Housing Target that avoids the need for removal of land from the Green Belt north and south east of the town; and a brief explanation of the balancing exercise that has led to the identification of a justified Housing Target.

Strategy - Policy SP 10

26. Part ‘a’ of the Policy SP10 is unsound because there is insufficient justification for the redrawing of already defensible, established, Green Belt boundaries to accommodate development as proposed by the Council. CPRE Hertfordshire also considers that these

elements of the Policy and associated text in the Plan are contrary to national policy as set out in the NPPF.

27. The NPPF points out that exceptional circumstances must be demonstrated in order to allow land to be taken out of the Green Belt through a Local Plan, and this has not been done in respect of the sites listed in Paragraph 5.129. CPRE Hertfordshire strongly disputes the statement at paragraph 5.124, that this land can be released for development 'without damage to the overall purpose of the Green Belt in this location.'
28. This mistaken conclusion is compounded by paragraph 5.127 claiming that the Council's evidence demonstrates that the release of sites from the Green Belt 'will not harm the overall purposes of the Green Belt in this area.' This issue is addressed in our Statement on Matter 5, Green Belt.
29. Policy SP10 is also unsound in relying on the development of land outside the Plan area that does not have planning permission and has not been formally proposed for development in an adopted Local Plan. In this respect part 'b' of the Policy is also ineffective.
30. Policy SP10 should be amended to remove part 'b' entirely; and to delete the final sentence of part 'a' and its references to land removed and added to the Green Belt.
31. The related text in Chapter 5, particularly paragraphs 5.124 and 5.127 should be amended to acknowledge the detrimental impact that removal of land from the Green Belt will have on Green Belt purposes, in the light of final decisions on any areas removed from the Green Belt as a result of the Inspector's recommendations.
32. The references to specific areas of land to be removed from the Green Belt should be deleted from paragraph 5.128 in terms of land area, and paragraph 5.129 deleted in its entirety.

Policy EC 1

33. Although considered to be inconsistent with the NPPF, CPRE Hertfordshire will set out its case on this Policy at Stage 3 under Matter 18.

Policies IT 1 and IT 2

34. CPRE Hertfordshire objects to the references in Policy IT1 and IT2 to potential proposals for development and Planning policy outside the Plan area north and west of Stevenage in North Hertfordshire District, that are expected to be highly controversial and are currently speculative. Reliance on such development in advance of any adopted development plan policy is unjustified, contrary to national policy, and likely to be ineffective.
35. The Plan should have been prepared without reliance on development proposals outside the Plan area over which Stevenage Council has no jurisdiction. No acceptable justification for the inclusion of sites and land outside the Borough is provided, only aspirational statements in paragraphs 8.11 to 8.13 that have no adopted, or even examined, development plan basis, and without any demonstration that exceptional circumstances exist for the removal of the land from the Green Belt to facilitate development that would be contrary to national Planning policy.

Policy HO 1: Housing allocations

36. CPRE Hertfordshire considers that the Housing Target of 7,600 dwellings by 2031 set out in paragraph 9.1 is excessive, and that the proposed removal of Sites HO3 and HO4 from the Green Belt set out in Policy HO1 is both unnecessary and unjustified in the context of National Planning Policy. All references to these sites should be removed from the Plan and the Proposals Map.
37. No demonstration that exceptional circumstances exist has been set out in Chapter 9 of Plan for the removal of these sites from the Green Belt. Proposed allocations, HO3 and HO4 will be addressed in our Statement on Matter 16, at Stage 3 of the Examination.
38. The Green Belt Technical Paper (TP3), at paragraph 2.15 states that the Council accept that *“it would appear that we can just about meet our OAN without the need to use Green Belt land.”* As stated earlier in this statement, this comment should be tested under Matter 15 at Stage 3 of this Examination, but in attempting to check this, CPRE Hertfordshire has concluded that the Council has significantly underestimated the likely number of new dwellings that will be built in the town on sites other than those already built, committed, or allocated in the Plan.

39. CPRE Hertfordshire estimates that based on the information on the Council's website, there are likely to be hundreds of new homes created in Stevenage during the Plan period, that are not included in the Council's calculations in Chapter 9, or set out in the latest AMR Update (ED 138) and Housing Technical Paper (ED 123), possibly sufficient to obviate the need for any land to be taken out of the Green Belt during the Plan period.
40. CPRE Hertfordshire will continue to monitor the number of windfall dwellings to seek to demonstrate that that planned and likely housing supply for the Plan period would enable Stevenage to meet an appropriate Housing Target without the loss of established Green Belt to the North (site HO3) and South East (site HO4) of the town.
41. The references to Policies HO3 and HO4 should be deleted from Policy HO1 and the dwelling total for urban extensions reduced by 1,350 accordingly. The Local Plan Proposals Map 2016 should be amended to remove these two sites and show the Green Belt boundary in its current location.
42. The 'Dwelling Capacity' for Windfall Sites in Policy HO1 should be significantly increased, dependent on the monitoring of this source for the period of the Plan up to the end of 2016, and using this as one basis for likely future windfall housing, including from changes of use, for the remainder of the Plan period.

Policies HO 3 and HO4

43. Although considered to be inconsistent with the NPPF, CPRE Hertfordshire will set out its case on these Policies at Stage 3 under Matter 16. Please see also our Statement on Matter 5, Green Belt boundaries.

Policy GB 2

44. Policy GB2 on Green Belt settlements is unsound, because, as currently worded, it conflicts with NPPF policy for protection of the Green Belt. The only exceptions that would normally allow inappropriate housing in the Green Belt, relate to rural exception sites for affordable housing. In this respect the second part of criterion 'a' of the Policy is unjustified, ineffective and contrary to National Planning Policy.

45. The final sentence of paragraph 12.5 is reasonable, but this is not what the second clause in 'a' of Policy GB2 would allow. The wording is therefore unjustified, contrary to the NPPF, and would be ineffective in protecting the Green Belt from inappropriate development at Norton Green and Todd's Green.
46. In the opinion of CPRE Hertfordshire, the other criteria in proposed Policy GB2 would not prevent developments of up to five dwellings in the Green Belt which would be allowed under part 'a' of the policy as currently worded.
47. Similarly the second paragraph of Policy GB2 fails to require that in redeveloping previously developed land in the Green Belt, this should be subject to the proposal not having a greater impact on the openness of the Green Belt, in order to be consistent with national policy.
48. Finally, the wording of the final paragraph of the Policy is ambiguous as worded, implying that there are exceptions in the NPPF to 'inappropriate development that will not be permitted'. The text should be amended to avoid confusion.
49. Policy GB2 should be amended as follows:
- a. To either delete the words '*or it does not create more than 5 additional dwellings*', or alternatively to replace the word '*or*' with '*and*', which would also make the wording consistent with the NPPF;
 - b. To insert the words '*and there being no greater impact on the openness of the Green Belt*' at the end of the second paragraph of the Policy, after '*...subject to conditions b. to d. being met*'; and
 - c. The final sentence of Policy GB2 should be amended to read '*Paragraphs 89 and 90 of the NPPF set out various categories of development that are not normally 'inappropriate' in the Green Belt*'.