

EAST HERTFORDSHIRE DISTRICT PLAN EXAMINATION: PART 2 - NOVEMBER 2017

HEARING STATEMENT BY PETER NORMAN MA MRTPI (Retd) ON BEHALF OF HERTFORD CIVIC SOCIETY

This statement complements the original representations by Hertford Civic Society on Chapter 7 of the Plan, and seeks to address the Inspector's questions on Hertford as set out in her Matters and Issues, Part 2. In so doing we refer to what we perceive as shortcomings in the overall strategy of the Plan which have contributed to unsound decisions made about Hertford. In discussions with the Programme Officer about our request to take part in Part 1, we were assured that we would not be precluded from referring to these strategic matters in support of our representations on Chapter 7. However I have read the statements prepared by others for the Part 1 hearings and have observed the webcast, and understand that it is not permissible or necessary to repeat the arguments already made by others in Part 1.

Hertford Civic Society also made representations on Policy EQ4 in Chapter 24 of the Plan. A hearing statement in support of those representations has already been submitted, and is listed as one of the statements under Matter 1 because it was originally intended that we would take part in that session. The statement broadly addresses the Inspector's question on Policy EQ4, although the exact terms of her question were not known when it was drafted.

HERTFORD Issue 1. What is the basis for planning to accommodate 950 new homes over the plan period in Hertford?

1. The figure of 950 is neither a target nor a cap. It is simply the outcome of a planning process carried out over the past five years or so. The Interim Development Strategy (SSS/017) and the Hertford Settlement Appraisal (SSS/004) give a fair summary of what was done. The Council calculated how many additional dwellings should be planned for in the District as a whole, and at the same time decided (or perhaps assumed) that the only practical development strategy would be to concentrate on expanding the existing main towns rather than attempting to plan for a new settlement or directing development to various locations beyond the Green Belt. Against that background, the suitability of the various sites around Hertford suggested by landowners and others was assessed. Whether or not suggested sites were in the Green Belt was taken into account, but only alongside a host of other factors (Chapter 4.6 of the Supporting Document SSS/001). Following this assessment those sites which had an insuperable constraint, such as being located in a flood plain, were eliminated. Of the rest, the 'least worst' were chosen, and their housing capacity calculated. The result was 950.

2. In the meantime, Hertford's needs had been looked at on a demographic basis. That calculation happened to produce a much higher figure. The practical consequence of the fact that the 950 figure is an outcome, rather than a target or a cap, is that individual allocations or suggested sites can be considered on their own merits. If the outcome of those considerations is a different figure, so be it; 950 is not an independently arrived at 'control figure'.

HERTFORD Issue 3. How and why was the planned level chosen ahead of other options? Is the site selection methodology robust and transparent?

HERTFORD Issue 4. Is the Plan sound in its choice of sites to be removed from the Green Belt?

3. As set out above, the planned level was not chosen. It just happened.

4. The site selection methodology was not robust and the choice of sites to be removed from the Green Belt is unsound. The main reason for this is that, although the protection of the Green Belt is one of the principles and policies of the NPPF, the Council failed to accord safeguarding existing Green Belt land sufficient weight from the early stages of the planning process. The evidence for this failure is twofold.

5. Firstly, the Council assumed from the outset that the full Objectively Assessed Housing Need (OAHN) should be its housing target. We endorse the submission made to the Part 1 hearings by the CPRE that the important stage of setting a housing target informed by both the assessment of need and relevant policy constraints (such as Green Belt) was omitted. As the meetings of the District Plan Panel have been webcast we have been able to observe the evolution of the Plan closely over several years. So we are aware that at no time were the Panel invited to decide whether to adopt the 'policy off' full OAHN as a housing target, or to adopt instead a lower target designed to reflect the Green Belt status of much of the District. If we are wrong in saying that, no doubt the Council will identify the relevant Panel decision. This omission was all the more serious because it had become obvious that planning for a new settlement or directing development to locations beyond the Green Belt would not be practical or sustainable, at least for the present plan period.

6. Secondly, the Plan contains no objective to protect the Green Belt as such. The Strategic Objectives are set out in paragraph 2.5.1. Objective 4 seeks, among other matters, to "protect the countryside from inappropriate development". We accept that, in general terms, the NPPF encourages protection of the countryside: there are references to "conservation and enhancement of the natural ... environment, including landscape", and to "enhancing the natural, built and historic environment". But in contrast to these general references, 'Protecting Green Belt land' is listed as one of the 13 components of delivering sustainable development, alongside 'Building a strong, competitive economy' and 'Delivering a wide choice of high quality homes'. The Green Belt is accorded this importance because it is a strategic policy tool to mould the pattern of development at a regional and national level; it is not a device to protect areas of countryside or views which happen to be pleasant or attractive. Of course we do not object to an objective to protect the countryside but, in view of the importance which the NPPF accords to Green Belt policy, the omission of a specific objective to protect the Green Belt as such is a significant omission.

7. We submit that, as a result of their failure to accord safeguarding existing Green Belt land sufficient weight in the early stages of the planning process, when it came to making decisions about the allocation of sites around Hertford the Council regarded the Green Belt designation as just one possible constraint among many. Instead of seeing the Green Belt as a strategic policy tool the Council looked at it, in the words of paragraph 3.3.15 of the Plan, simply as "a valued resource for many residents in East Herts". The proper approach would have been to consider the two imperatives of protecting the Green Belt and meeting housing needs on an equal footing. The Government have repeatedly stressed that the need for housing land is not by itself an exceptional circumstance: in other words, housing need does not trump Green Belt.

8. Having identified the sites to be allocated (through the process described in SSS/001 Chapter 4.6), the Council have sought to demonstrate that there are special circumstances to support their deletion from the Green Belt. The Green Belt study carried out by consultants found that the assessment of the three land areas to the West of Hertford, and of the land parcel to the North of Hertford (beyond the nursery site) would not in itself suggest that the land contained in these parcels would be suitable for Green Belt release (SSS/004 paras 6.60 and 6.104). Nevertheless, it was decided that "it would be appropriate to allow some Green Belt release in this instance in order to meet identified housing need." (SSS/004 para 6.61).

9. The proposed Green Belt releases on the edge of Hertford are not on the strategic scale of some other releases proposed in the Plan, and therefore do not have their ability to make major contributions to infrastructure. Instead the Hertford releases would facilitate piecemeal developments tacked on to the edge of an existing settlement. Such 'field by field' planning is of concern to residents of Hertford because it underlines the lack of any vision for the future of the town. It is highly likely that the demand for housing in the District will continue to grow, and the public's fear is that in a few years time planners and developers will come back for the next field, and then the next, until the scale and character of the town is lost. The function of the Green Belt in preserving the special character of historic towns appears to have been disregarded in making these incremental allocations.

10. Whilst we maintain our view that the HERT3 and HERT4 allocations and Green Belt releases are unsound, we accept the need for pragmatism and to avoid delaying the adoption of a plan. We have not objected to the part of HERT3 north of Welwyn Road ("Archers Spring") because on that site special circumstances do exist, in that permission for built development was granted some years ago, and there has been unauthorised tipping since so that the land is an eyesore and a nuisance. We also accept that some development around Hertford is necessary to meet local needs, especially the need for affordable housing, although unfortunately there seems to be no mechanism at present whereby land can be allocated specifically for social housing purposes. We suggest that the Plan could be made sound by both setting a housing target lower than the full OAHN (in order to comply with NPPF policy on the Green Belt) and deleting the allocations for HERT4 and HERT3 (south of Welwyn Road). If the target were lower, the need for those sites would be less pressing.

HERTFORD Issue 6 Would the criteria set out in HERT3 be sufficient to protect the local environment, in particular Panshanger Park?

11. We maintain the view that, by virtue of its location abutting Panshanger Park, the proposed development south of Welwyn Road would seriously and adversely affect the flora, fauna, appearance, tranquillity and historic interest of the Park. It would not be separated from the Park by any road or other significant barrier, and we believe the mitigatory measures set out in HERT3 would be unlikely to be effective. We endorse but cannot add to the expert evidence provided by other participants closely involved with the Park.

HERTFORD Issue 7 Would the employment sites in HERT6 be the most suitable sites, would they deliver the right amount of employment land to meet the identified need?

12. The Pegs Lane area should not be designated as an Employment Area; options for future uses should be left open. The presence of large-scale office employment, notably at the County Hall complex, has disadvantages as well as benefits. As employees are drawn from a wide area and east-west public transport in Hertfordshire is poor, there is heavy car commuting. The car parks at Wallfields and County Hall are substantially larger than all the public car parks in the centre of the town; together these two local government car parks account for some 1300 spaces, as opposed to around 900 public spaces in the town centre car parks. Unsurprisingly therefore, much of the morning rush-hour traffic turning off the A414 at the Richard Hale roundabout is heading for either Wallfields or County Hall.

13. Administrative changes in local government and procedural changes in the way services are delivered, as well as the growth of home-working, could in time reduce the number of people employed at County Hall. The County Council could decide to relocate substantial parts of their

functions. If that were to happen, the opportunity to consider the benefits of other uses in the Pegs Lane area would be hindered by its designation as an employment area. Whereas it is important to allocate enough land to provide for local jobs, and to ensure that premises are available for local workshops and services, it is not self-evident that large-scale office employment reliant on workers commuting in from other areas should be perpetuated. Continued or extended employment use in the Pegs Lane area, where little useful public transport is available, would exacerbate the already serious air quality issues in the vicinity, contrary to national policy, whereas a reduction in employment use would ameliorate them. County Hall itself is a Listed Building, much of which would not be suitable for contemporary office use, but would be capable of conversion to residential use. Residential development here would also reduce any need to develop Green Belt land around Hertford.

HERTFORD Issue 8 Are the allocated sites appropriate and deliverable, having regard to the provision of the necessary infrastructure and facilities, and taking account of environmental constraints?

14. ED104, the revised Statement of Common Ground on HERT4, acknowledges that 100 of the 150 dwellings included in that allocation cannot be delivered unless the County Council's decision to refuse permission for mineral extraction on neighbouring land is overturned on appeal, or permission is granted on a fresh application (ED104 para 6.8).