

## **LHAG – HBC Draft Local Plan - PB2 Potters Bar Golf Course Objection**

Little Heath Action Group represents over 120 residents of Little Heath across both Hertsmere and Welwyn Hatfield. Whilst we accept some development is required, our aim is to work with councils to help maintain the character of our surroundings and ensure vital services are provided and maintained.

Hertsmere Borough Council have kindly confirmed this Local Plan is being created under the legal framework of the National Planning Policy Framework 2021 (NPPF/the Guidance) to which we refer;

### **NPPF 2021 35 Examining Plans**

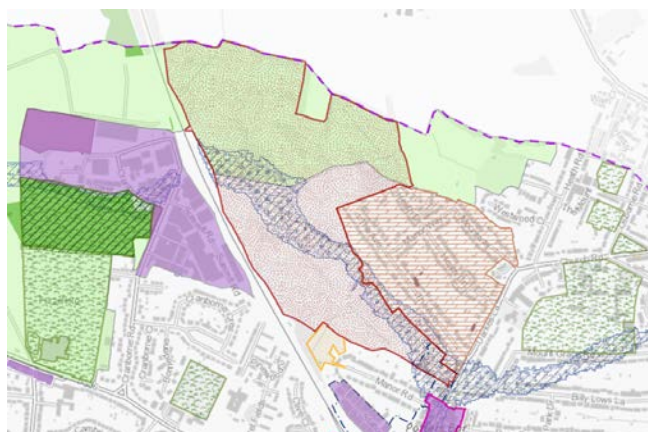
To be legally compliant, or *plans are sound if they are*

- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.*

**We believe the Draft Local Plan is not compliant with NPPF 2021 and therefore Un-Sound for the following reasons;**

### **NPPF 2021 16 D Plan Making**

*contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*



The Draft Local Plan Policy Map is ambiguous as to which parts of the golf course are to be developed. There is an east west line dissecting the plot, but both the north and south halves are labelled Housing Land. This is not reflective of previous suggested development areas and makes it unrealistic to form any conclusions or make any sensible representation.

### **NPPF 2021 - 99 Open space and recreation**

*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

The NPPF Guidance is absolutely clear; that existing Open Space including sports lands should not be built on. This view is confirmed by the Hertsmere Open Space Assessment Report 2019 conducted by external advisors Knight, Kavanagh & Page.

We note that whilst HBC has zoned other communal parks in Potters Bar as Open Space but has unilaterally decided that Potters Bar Golf Course should not be classified as such. The guidance makes no distinction between private or public sports facilities.



Whilst we understand some parklands are to be included in the proposed development we believe this does not satisfy the NPPF ; no assessment has been undertaken to establish if the space is surplus to requirements, no equivalent or better alternative has been offered and no alternate facilities are offered that clearly outweigh the loss.

We understand some development is required and judgements have to be made on competing needs but on the subject of Open Space the NPPF 2021 is unambiguous.

### **NPPF 2021 - 101 Local Green Space**

The guidance *“allows communities to identify and protect green areas of particular importance to them.... and be capable of enduring beyond the end of the plan period.”* The designation should only be used where the green space is: *reasonably close proximity to the community it serves; demonstrably special to a local community,... for example because of its recreational value (including as a playing field), tranquillity or richness of its wildlife; and local in character.*

Whilst this is done through the Local Plan the NPPF makes no mention of a Council or similar body making these judgements; the law allows the community to decide.

### **Protecting Green Belt Land**

Potters Bar Golf course is in Green Belt land. It is an important wildlife sanctuary with a number of Ancient and other trees which could not be replaced by new planting.

We would accept *Exceptional Circumstances* (NPPF 140) would eventually be met by HBC to take some land out of the Green Belt for development purposes. However, we also believe that as three quarters of Hertsmere is covered by Green Belt this also satisfies the definition of *Exceptional Circumstances* in (NPPF 61) *unless exceptional circumstances justify an alternative approach.*

It is an established precedent in other Local Plans Green Belt can reason not to achieve the full OAN. Indeed, during the hearings of the WHBC Plan the inspector has made specific references to this. HBC have not in any way sought to minimise the impact of this in Hertsmere. Hertsmere has not looked at this avenue as a “reasonable alternative” and not allowed the Green Belt to act as “proportionate evidence” rendering the Draft Plan Un-Justified and therefore Un-Sound.

### **NPPF 2021 149**

*A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

*f) limited affordable housing for local community needs...*

*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need.*

Aside from making allowances for farm buildings and extensions NPPF 149 is clear, only limited infilling is permitted. Taking the whole Golf Course site out of the Green Belt would be in contravention of this.

### **NPPF 2021 138**

Taking the whole golf course site out of the Green Belt would be in contravention of the Green Belt 5 purposes points *b) to prevent neighbouring towns merging into one another; and c) to assist in*

*safeguarding the countryside from encroachment; Potters Bar and Little Heath and Brookmans Park would all be much closer and the development would jut out into the countryside.*

It would also create an anomaly when viewed alongside Welwyn Hatfield Local Plan. HBC has decided not to show neighbouring development sites in WHBC, perhaps because it would highlight immediately to any inspection no joint Green Belt assessment has taken place with Welwyn Hatfield and no DtC agreement exists on this. Yet there have been many promises to do so (please see Maintaining Cooperation)

If the whole area were to be developed it would be overly large for the proposed 500 dwellings. Should development only go up to the east west line there is no need to take the northern land out of the Green Belt. Similarly, should there be significant parklands included within the plans as promised (to retained in perpetuity) then this should be nearer the town centre; not all of this land needs to be taken out of the Green Belt.

### **NPPF 2021 140 & 143**

*Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period*

Taking the whole Golf Course out of the Green Belt will create irregular boundaries to the north which would be open to in-fill requests. This restricts their ability to be permanent and defensible.

Boundaries that are in line with other development patterns provide straight line Green Belt boundaries which are far easier to be made permanent.

### **NPPF 2021 Planning and flood risk**

*161. All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.*

*162. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.*

*“Annex 3: Flood risk vulnerability classification” classifies Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk as ESSENTIAL INFRASTRUCTURE the highest level risk.*

PB2 has just one road or Vehicle Access Point to the proposed development. This sits squarely in the centre of the flood risk plain. This would be the only exit route in an emergency or indeed the only entry point for fire services / police etc. It seems the “sequential test” has not been applied to this proposal.

## **NPPF 2021 Plan-making & Maintaining effective cooperation**

The guidance identifies the crucial role of the Local Plan process in planning appropriately to meet infrastructure needs including health, education, water supply and waste management.

*16. Plans should c) shaped by early, proportionate and effective engagement with infrastructure providers and operators. They should d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; and e) be accessible through the use of digital tools to assist public involvement and policy presentation;*

*24. Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.*

*26. Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy.*

*27. In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these.*

Whilst HBC have commissioned the Infrastructure Delivery Plan 3<sup>rd</sup> September 2021 via external consultants Ove Arup & Partners Ltd there seems to be no reference to or buy in from relevant bodies, yet this is an integral part of a “legally Compliant” plan process.

There are no published examples of Statements of Common Ground for the provision of Schools & Transport (Hertfordshire County Council), Primary Healthcare (Herts Valley CCG), Water Supply, Electricity or Green Infrastructure that satisfy the legal requirement of Duty to Cooperate.

Not only does this render the plan unsound the consultation inhibits the ability of the public to comment on matters they are entitled to have visibility on.

In addition, HBC signed a Statement of Common Ground with WHBC in 2017 This document had very few concrete proposals but did promise to work together...

HBC’s Hertsmere Planning for Growth June 2019 states; *In 2017, the council signed a Memorandum of Understanding setting a framework for future co-operation on strategic planning cross boundary issues. We will continue to work closely with Welwyn Hatfield to ensure that issues of cross-boundary interest including infrastructure provision are properly addressed.*

It goes on to say; *The impact of any development in the green belt will be fully assessed. The council will continue to liaise with Welwyn Hatfield BC concerning proposed developments close to the boundary between two authority areas.*

The legal requirement for Duty to Cooperate is an ongoing one. As of December 2021 the original 2017 agreement has not been updated and no Green Belt joint working has taken place.

May we remind Hertsmere that it is their legal obligation under DtC to arrive at “joint infrastructure and investment plans” arrive at an “agreed position” and “result in a final position where plans are in place to provide the infrastructure necessary to support current and projected future levels of development” **before the Final Plan is published**

## **School Provision**

### **NPPF 2021 95 Promoting healthy and safe communities**

*It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.*

### **HBC IDP Phase 1 Report**

4.3.8 Primary schools in Potters Bar are at capacity

4.3.8 HCC's primary school place planning policy requires that school places are provided for pupils within the settlement in which new development takes place.

4.3.16 Highlights One form entry of school per 500 homes as a high-level assumption.

4.3.9 The existence (or lack) of school provision within a settlement is likely to be a key factor in determining the quantum of growth that can be accommodated within it. Where capacity is constrained, consideration would be given to the potential to expand schools or the potential to deliver new schools within planned development sites in determining the quantum of growth that would be sustainable at a given settlement.

As highlighted above PB2s 500 homes would require a 1-form entry school. Yet, the Draft Local Plan proposes a 2-form entry school on the golf course (PB2) which would create an excess of around 210 school places. (We accept some additional places in PB are required)

However, with only one access point to PB2 the additional drop off/pick up traffic of 200 primary school children would gridlock Darkes Lane twice a day.

An extra 100-150 car journeys would not satisfy the requirement to build schools "within the settlement" and be completely unsustainable. Any notion of developing PB2 into 1,000 homes would be against New Green Belt boundary policy and be entirely unsustainable.

### **NPPF 2021 95**

HBC also neglects to offer any information on DtC agreement with HCC/developer or address the £4.1m funding gap in its delivery. There is an obvious lack of any "proactive, positive and collaborative approach" and little evidence of "work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted."

The HCC website highlights their policy for additional school places:

*All school proposals are evaluated by 4 points:*

*Is it in the right location?*

*Will it make the school more effective?*

*Is it affordable?*

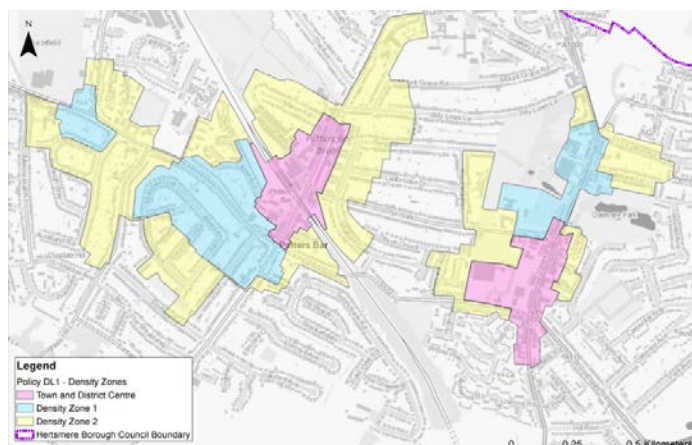
*What are the effects on the area?*

**A 2-form entry school would not be in the right location, the effects on the area would be in contravention of the NPPF guidance on in many instances, is unsustainable and, at this stage, seems unaffordable. This renders the proposal as Un-Sound**

### **NPPF 2021 124 Achieving appropriate densities**

*Planning policies and decisions should support development that makes efficient use of land, taking into account: d) the desirability of maintaining an area's prevailing character and setting (including residential gardens)...*

Whilst we accept councils should maximise efficient use of land, we do not feel by earmarking 500 dwellings HBC has endeavoured to maintain the areas prevailing character or settlement pattern considering the green and open nature of the area and HBCs classification of Conservation Area to the north. (the Avenue and surrounds) Note the lesser density zones in Appendix 2



*Appendix 2 Density Zones - Picture 45 Density Zones in Potters Bar*

### **NPPF 2021 31 Preparing and reviewing plans**

*The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.*

We do not believe HBC has used the most up to date ONS population growth figures to arrive at a realistic OAN.

### **NPPF 2021 73 Identifying land for homes**

*The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes).*

We do accept some limited infilling in PB2 would be beneficial to the community. However, looking at all of the competing elements it seems difficult to justify squeezing significant development into the Golf Course when larger areas of land are available. (Many do not differ significantly on the Green Belt Purposes and this is finely balanced)

Other larger sites offer a real opportunity for strategic housing to be properly integrated with employment land with good access to the regional road network. The sites are large enough to warrant the additional services such as new schools, healthcare services etc. in the centre of the communities that will use them. Children would be able to walk to school offering a far more sustainable solution.

It would also offer proper options for “set aside land” and new GB boundaries would be protected by the M25 offering far greater and more permanent defensible boundaries which could endure beyond the plan period.

We would like to reiterate our position of working with the council in a constructive manner however we do not feel the PB2 site should be part of the Hertsmere Local Plan. We are happy and available to discuss matters on an ongoing basis.

Simon Polledri Leader - Little Heath Action Group