
EXAMINATION STATEMENT – MATTER 3

Matter 3.6: Green Wedges/ Green Fingers

Harlow Local Development Plan

Representations on behalf of
De Merke Estates

March 2019

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MATTER 3.6: GREEN WEDGES/GREEN FINGERS

HARLOW LOCAL DEVELOPMENT PLAN

**REPRESENTATIONS ON BEHALF OF
DE MERKE ESTATES**

MARCH 2019

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1.0 INTRODUCTION

- 1.1 This Statement has been prepared by Barton Willmore LLP on behalf of our Client, De Merke Estates, who is promoting land at Latton Farmhouse and adjoining land (off Latton Street), hereafter referred to as “the Site”.
- 1.2 The Site comprises a residential dwelling with numerous outbuildings and vacant land parcel within the “Green Wedge” of Harlow.
- 1.3 Representations have been made on behalf of our Client during the production of the Local Plan, including to:
- a) Development Management Policies – Reg 18 Consultation Draft (July – Sept 2017);
 - b) Pre-Submission Local Plan – Reg 19 Consultation (May – July 2018).
- 1.4 Our representations to the Reg 18 and Reg 19 versions of the Local Plan sought to provide commentary (and recommendations) on areas of the Plan for which we did not consider to be sound. This in particular relates to the Green Wedge Review (2014) which seeks to underpin the Local Plan strategy, as well as the wording for the Green Wedge policy (and “Green Fingers”) within Harlow. These matters are addressed again in this Matter Statement to the Examination of the Local Plan.
- 1.5 Notwithstanding the land interests of our Client, these representations have been prepared in recognition of prevailing planning policy and guidance, in particular the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).
- 1.6 The Local Plan was submitted during the period for when transitional arrangements for applying the 2012 NPPF were in place. Reference is therefore made to the 2012 NPPF in responses to the Inspector’s questions, unless otherwise stated. These representations respond to the Inspector’s questions within Matter 3 (where relevant) and have been considered in the context of the tests of ‘Soundness’ as set out at Para 182 of the NPPF which requires that a Plan is:
- **Positively Prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where reasonable;
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternative, based on proportionate evidence;

- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities;
- **Consistent with National Policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

2.0 RESPONSE TO MATTER 3 – GENERAL PRINCIPLES & INFRASTRUCTURE

Topic: Overall Strategy; Harlow & Gilston Garden Town – General Principles & Infrastructure.

Green Infrastructure

Question 3.6 – Do Green Wedges and Green Fingers have different roles? Are the proposed deletions from the Green Wedges justified? Are the additional areas proposed for Green Fingers justified? Would the policies to prevent inappropriate development in Green Wedges and Green Fingers be effective? Is the definition of permissible development in Policy PL4 justified and is it sufficiently clear? Should small-scale be more clearly defined?

Overview

2.1 We do not object to the existence of the Green Wedge or Green Fingers and it is clear that there are parts of the Green Wedge that fulfil a number of functions and characteristics, namely structural, recreational, ecological and perceptual – as referred to in the Green Wedge Review.

2.2 Our objections relate to:

- a) The “soundness” of the Green Wedge Review (2014) including how specific site allocations within the Green Wedge have been established; and
- b) The extent of protection afforded in the Green Wedge by Policy PL4 (Green Wedges and Green Fingers).

2.3 We deal with these matters in turn below.

a) Green Wedge Review (2014)

2.4 The purpose of the Green Wedge Review was to assess the effectiveness of the Green Wedge network to establish potential options that could be used for meeting future housing needs, including the possibility of allocating land in the Green Wedge network for such development – para’s 7.2 and 7.3 of the document refer.

- 2.5 Para 7.2 goes on to refer that “all” options for accommodating the district’s housing needs have been properly considered and will provide appropriate evidence to underpin the continued designation of areas of land within Harlow as Green Wedge in light of pressures for land to be allocated for development purposes.
- 2.6 The Green Wedge Review (at Appendices 1 – 3 of the document) undertakes an assessment of 18No. wide “Wedge” parcels in Harlow, as against 4No. criteria, based on:
- 1) Structural characteristics;
 - 2) Recreational characteristics;
 - 3) Ecological characteristics; and
 - 4) Perceptual characteristics.
- 2.7 The Review then scores each of the Wedges based on an average of the above 1) – 4) criteria to establish the performance and role of the Wedges. The average score for each Wedge was determined on the basis of being:
- a) Poor;
 - b) Average; or
 - c) Good.
- 2.8 We do not dispute this methodology.
- 2.9 The next stage of the Green Wedge Review (at Appendix 4 of the document) is however unclear to us. It includes an assessment (for potential Green Wedge release) of 26No. specific site parcels within the wider “Wedge” parcels (as assessed at appendices 1 – 3).
- 2.10 The selection of these site parcels appears arbitrary to us as there is no explanation provided as to why these sites have been selected for assessment and other SHLAA sites have not (we estimate +70 SHLAA sites as being in the Green Wedge).
- 2.11 In this context, the Green Wedge Review is not “justified” and considered out-of-date as it does not assess sites which would have become known to the Council since 2014 (when the Review was undertaken) through the ongoing Call for Sites exercise and Development Management Policies Consultation (July – Sept 2017).
- 2.12 It is considered that the Green Wedge Review should have been revised/updated as part of the 2018 Pre-Submission Local Plan Consultation, to have regard to additional sites submitted to the Council (since the 2014 Review) as well as those SHLAA sites omitted from the original Review.

- 2.13 This would ensure that “all” potential development sites/options were properly assessed. The Green Wedge Review is not considered to be “justified”, “effective” nor “sound” on this basis.

Site Assessments

- 2.14 4No. sites were proposed for Green Wedge release and have subsequently become allocations in the Local Plan. This includes the following Council owned site allocations:

Table 1: Green Wedge Releases – Site Allocations:

Ref.	Address	Dwelling No.
HS2-3	Land east of Katherines Way, west of Deer Park	69
HS2-6	Riddings Lane	35
HS2-11	Land between Second Ave and St. Andrew’s Meadow	16
HS2-15	Playground west of 93 – 100 Jocelyns	12

- 2.15 Of the sites above, both HS2-3 and HS2-6 were not identified as being “deliverable” in the SHLAA. It is therefore unknown to us why/how these allocations have been established – there is no explanation of this in the Local Plan/evidence base.
- 2.16 The Local Plan is therefore not justified and is unsound on this basis.
- 2.17 The failure of the Council to review our Client’s Site as part of the Green Wedge Review highlights the shortcomings of the Review process.
- 2.18 The Site is located within a Wedge (No. 7) which is considered in the Review to score “Good”. Sites HS2-3, HS2-6 and HS2-11 are in same scoring Wedges (HS2-11 is also in Wedge no. 7).
- 2.19 Our Client’s Site comprises the Latton Farmhouse property including a collection of associated outbuildings, and adjoining land – our assessment of the Site as against the Green Wedge functions is detailed in our representations to the Reg 19 Consultation and confirms that it does not make a contribution to the roles of the Green Wedge.
- 2.20 The 4No. allocated sites as above comprise undeveloped/open field parcels and therefore they could arguably be considered to make more of a contribution to the Green Wedge than our Client’s Site. This is not an assessment the Council have undertaken within the Green Wedge Review and other elements of the evidence base. The Local Plan is therefore not considered “justified” or “effective” and is considered “unsound” on this basis.

b) Policy PL4 – Green Wedges and Green Fingers

2.21 Policy PL4 seeks to restrict development within the Green Wedge to meet one or more of the following criteria:

- (a) It is for small-scale development;**
- (b) It is for essential infrastructure and local transport infrastructure which must demonstrate a requirement for a Green Wedge or Green Finger location;**
- (c) It is for the replacement of buildings, provided that the new building/buildings are in the same use and not more harmful than what is being replaced;**
- (d) It constitutes strategic infrastructure development which can demonstrate that is of benefit to the wider community.**

2.22 Additionally, the policy seeks for development in the Green Wedge to meet both of the following criteria;

- (e) It demonstrates that the roles and functions of the Green Wedges and Green Fingers are preserved, enhanced and not adversely affected; and**
- (f) It demonstrates that the wider landscape and setting is preserved, enhanced, promotes biodiversity and integrates with existing Green Infrastructure.**

2.23 The Inspector poses 6no. questions in respect of Green Wedges and Green Fingers. We provide the following responses to 3no. of the questions.

Would the policies to prevent inappropriate development in Green Wedges and Green Fingers be effective?

2.24 In broad terms, it is considered that the policy places significant burdens upon and is overly restrictive in terms of new development in the Green Wedge. It does not recognise that there are some areas that do not contribute towards the roles and functions of the Green Wedge.

2.25 The policy places equivalent and even higher restrictions on development than that placed nationally on Green Belt development. With Green Belt being of National interest (and contained in the NPPF), this should clearly have the higher and more restrictive test.

2.26 As an example, item c) above requires a like-for-like replacement of buildings in the Green Wedge. This is one of the Green Belt exceptions in the NPPF (Para 89, bullet 3).

- 2.27 Moreover, the NPPF allows for limited infilling or partial/complete redevelopment of previously developed sites (brownfield land) in the Green Belt (provided it does not have greater impact on openness). It also includes the test of 'Very Special Circumstances' which allows a LPA to make a balanced judgement in respect of the benefits of the scheme against the impact upon the Green Belt. The Green Wedge policy above does not afford such opportunities for development even though it carries less significance than Green Belt.
- 2.28 In terms of criterion e) and f) above, the requirement to "preserve" and "enhance" the roles and functions of the Green Wedge effectively restricts any new development except the like-for-like replacement of buildings. This conflicts with criteria a), i.e. permitting small-scale development.
- 2.29 The current wording of policy PL4 is therefore not "positively prepared", "justified" or "consistent with National policy".
- 2.30 To overcome concerns in terms of soundness, it is recommended that the policy contains a "facilitating clause" allowing for consideration of the roles and functions of the Green Wedge on a site-by-site basis. We suggest the following wording:

Development in the Green Wedge will be assessed on a site-by-site basis having regard to the development needs in the District and to the roles and functions of the Green Wedge set out at policy WE2.

- 2.31 This would provide a "facilitating" policy which would enable development to occur on specific sites which do not make a contribution to the Green Wedge. This would ensure that the policy is "positively prepared" and "sound", particularly having regard to the land constraints in the district and the extent in housing need.

Is the definition of permissible development in Policy PL4 justified and is it sufficiently clear? Should small-scale be more clearly defined?

- 2.32 Policy PL4 defines development which is considered to be acceptable within the Green Wedge. Criteria a) refers to 'small-scale development' but includes no definition of 'small-scale' within the policy, supporting text of any glossary. The Policy is therefore not sufficiently clear as to the type or quantum of development that would be permissible within the Green Wedge.
- 2.33 The definition of small scale should be included within the policy to allow policy PL4 to be 'Effective'. For residential development, we consider that this should relate to development of 15 dwellings or less.