



## Hertsmere Revised Core Strategy Examination

### Matter 2 Statement

#### Boyer Planning on behalf of Lowerland (2004) Ltd (Ref: 4652)

#### 1.0 Introduction

- 1.1 This statement is hereby submitted on behalf of Lowerland (2004) Ltd in respect of land interests in Hertsmere Borough, and specifically land adjoining the well-established employment areas of Centennial Park, Lismirrane Business Park, the Waterfront Business Park and the McNicholas Headquarters at Elstree.
- 1.2 Lowerland (2004) Ltd controls approximately 5.7ha of land bounded by Elstree Road (A411) to the north and Western Avenue (A41)/M1 Corridor to the south. Although currently within the Green Belt, in common with the adjacent designated employment areas, the site is partially developed, with a pet hotel and other buildings totalling in the order of 1,200 sqm, in addition to other site infrastructure. The site is low grade urban fringe land, separated from the open countryside and relating more obviously to the substantial employment developments to the north and east.
- 1.3 Lowerland (2004) Ltd intends to bring this site forward for a range of commercial activity, including B1/B8 uses, in common with adjacent sites, but feels that the site could also provide potential for other employment-generating uses, such as hotel/leisure or elderly care facilities. It is considered that the site represents a logical area for expansion of commercial development of this nature, given the surrounding context and particular circumstances of this part of the Borough.
- 1.4 In accordance with the requirements set out in the Preliminary Advice Note this statement is provided further to previously made representations and focusses specifically on the questions set by the Inspector in the list of matters and issues. It also seeks to reflect up to date Government Policy within the recently published National Planning Policy Framework (NPPF), in line with the e-mail received from the Programme Officer on 2<sup>nd</sup> April 2012.
- 1.5 As you will be aware, and as summarised above, the principal interests of Lowerland (2004) Ltd. relate to the topic of employment provision and Green Belt policy within the Core Strategy. As such this statement concentrates on the issues most relevant to these areas, as follows:
  - Issue 2.2
  - Issue 2.3
  - Issue 2.6

**2.0 Issue 2.2: Is the proposed replacement of Policy H4 of the Hertsmere Local Plan, which provides safeguarded land for housing, justified and clearly explained? Is it consistent with the approach to safeguarding land for employment?**

2.1 It is noted that the main emphasis of this question is on housing strategy, and therefore we have no particular comment on whether the proposed replacement of Policy H4 is justified or clearly explained, as this does not form the principal focus of our representations.

2.2 In respect of the approach to identifying safeguarded land for employment uses this is considered to relate to a very specific set of circumstances, namely that the need for release of such land would only arise if land already designated as Employment land were developed for housing, and only then following a review of the Local Development Framework. It is apparent that further measures will be required to respond to shortages in employment land within the Plan Period, and that the strategy needs to provide for consideration of appropriate sites within the Green Belt, including those well related to existing employment areas and containing existing buildings.

**3.0 Issue 2.3: Are the proposals for insets for Elstree (the part within the Green Belt), Shenley and South Mimms justified?**

3.1 This issue arises in respect of residential development, being outlined within supporting text to Policy CS2 at para. 3.15, and is therefore not of direct relevance to my client's interests.

3.2 It does however serve to emphasise the lack of clarity in relation to the consideration of employment development at locations appropriately related to existing employment sites. It is considered that greater clarification of which parts of Elstree (and indeed the other settlements) are being contemplated through the Site Allocations DPD in this context would be helpful.

3.3 Para. 2.36 states that the focus for employment development will include locations in and adjacent to the Borough's designated Employment Areas, as distinct from the identification of new locations altogether, which is supported as a valid approach in principle.

3.4 It must therefore be assumed that the allocation of such sites will be contemplated through the Site Allocations DPD. The fact that both Key and Local Significant Employment sites are located within the Green Belt (in the case of those associated with Elstree) reflects the particular circumstances of the Borough. This also appears to represent a set of anomalous circumstances such as are highlighted at para. 2.37 in relation to which the opportunity will be taken to make adjustments in order to define more appropriate long-term defensible boundaries, again through the Site Allocations DPD. It is considered that clarification of the intended approach to implementing the assertions made at paras. 2.36 and 2.37 is needed in order to make the plan sound, and generally avoid confusion on this matter. The inclusion of my clients land would also assist in the creation of a more logical defensible boundary that would endure in the longer-term in accordance with the requirements of the NPPF.

- 4.0 **Issue 2.6: Taking account of Policies CS12, CS14 and the various references in the supporting text to the Green Belt, does the RCS provide a coherent, justified approach to the Green Belt and is it consistent with national policy?**
- 4.1 Policies CS12 and CS14 are considered to provide relatively limited guidance as to the policy stance on the Green Belt, whilst references within supporting text are also felt to be unclear. This issue arises particularly in respect of employment uses and development, given the apparent anomalous situation that existing employment areas, such as the designated Centennial Park Key Employment Site and the proposed Local Significant Lismirrane Business Park, are currently located within the Green Belt.
- 4.2 Policy CS12 refers simply to a presumption against inappropriate development that would cause harm to the openness and appearance of the Green Belt, referring to PPG2 for further definition of this matter. Naturally this now needs to relate to the NPPF. It is also slightly confusing that this aspect is dealt with in a combined policy that deals with a number of other issues that are not necessarily relevant to the objectives of Green Belt policy.
- 4.3 In terms of consistency of this policy with the NPPF more generally, it is felt that this fails to acknowledge the balance of considerations required when assessing proposals for development on Green Belt land. Development can be considered acceptable in special circumstances, where any harm is clearly outweighed by other considerations. Confirmation of this within the policy and supporting text would be useful, especially on account of the inferred position that employment development focussed on identified locations within the Green Belt is appropriate, given that such designations remain within the Green Belt in the case of Centennial Park and Lismirrane Business Park. This is also seemingly supported within supporting text at Para. 5.6 of the RCS where reference is made to the need for a realistic approach to accommodating land use within the urban fringe close to London.
- 4.4 Furthermore the NPPF provides further support for the suggestion that the Key and Local Significant Employment Sites should arguably be removed from the Green Belt. In particular we would highlight Para. 85, which includes the statement that local planning authorities should ***“not include land which it is unnecessary to keep permanently open.”***
- 4.5 The approach of proposing to remove some land from the Green Belt as safeguarded land to meet development needs beyond the plan period is also considered to be inconsistent in this context, given that some existing employment sites are currently retained in the Green Belt.
- 4.6 Policy CS14 seeks to promote recreational access to the countryside, including the Green Belt, and in turn with references to considerations for such uses, in terms of their compatibility with Green Belt objectives and appropriateness within the Green Belt. Again regard must be had to the NPPF for definition of these matters, which does ensure consistency with national policy in this respect by default, whilst it is also agreed that Policy CS14 is also in line with the NPPF in terms of its aim of encouraging beneficial use of the Green Belt.

- 4.7 In summary it is considered that there are apparent inconsistencies within the various references to Green Belt within the RCS. Most significantly Para. 2.37 highlights that there may be scope for the Site Allocations DPD to consider **“other development opportunities”** including **“any very minor, small-scale changes to Green Belt boundaries where anomalies exist and a more appropriate, defensible boundary can be set.”** Reference is also made to the role of previously developed land in the Green Belt in providing some scope for new development. These acknowledgements are considered to represent important policy propositions which should be reflected in the Green Belt policy contained within the Core Strategy. As currently drafted policies refer to a presumption against inappropriate development which causes harm to the openness and appearance of the Green Belt, however, each policy fails to refer to the principles for consideration of other development opportunities in the Green Belt as established at paragraph 2.37.
- 4.8 It is our view that to provide the flexibility required by the NPPF, the Core Strategy must facilitate consideration of small-scale Green Belt boundary changes to meet any exceptional circumstances that may be identified within the plan period, which the safeguarding of land to be released following a subsequent review of the LDF does not adequately facilitate. Whilst this is acknowledged in supporting text an appropriate policy in the Core Strategy would pave the way for this matter, and the potential development of land west of the Centennial Park Key Employment site, to be considered in a subsequent DPD, namely either the Site Allocations or Development Control Policies documents.

## **5.0 Summary and Conclusions**

- 5.1 Further to the above representations, and having regard to up to date policy within the NPPF, Lowerland (2004) Ltd. would confirm that the following policy changes to the Core Strategy are sought:
- To acknowledge the need and potential for small-scale Green Belt boundary reviews to reflect exceptional circumstances, within the Green Belt policy, in line with statements in supporting text at paragraph 2.37;
  - To apply a more proactive and positive approach to employment development, recognising the importance of guarding against under-provision given the emergence of the Plan in the context of the recent recession, and applying the positive economic growth requirements of the NPPF. At the same time this will provide greater flexibility to adapt to changing circumstances, rather than relying solely on developments in other Boroughs delivering as required;
  - To include policies relating to non-B Class employment uses and other forms of commercial development such as commercial leisure and hotel, within the context of national policy in the NPPF (Para. 23);
  - To identify land adjoining the Key Employment site at Centennial Park, and Local Significant Employment Site at Lismirrane Industrial Park (including the Waterfront Business Park and McNicholas HQ), Elstree as a Strategic Development Location where a small-scale change to the Green Belt boundary would accord with the principles of the NPPF and provide an important opportunity for additional employment/commercial development. This would

address an existing anomalous situation in this area, and would provide for a more appropriate long-term defensible Green Belt boundary in this part of the Borough.

**MC/12.614**  
**April 2012**