Green Belt Study Update

Addendum to the 2016 Uttlesford Green Belt Review

Uttlesford District Council

Final report

Prepared by LUC

June 2024

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1	Draft Report	J Allen	J Allen	P Smith	27.07.2023
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3	Final Draft Report including Green Belt Enhancement Chapter	J Allen	J Allen	P Smith	11.09.2023
4	Final Report including Map and NPPF 2023 updates	C Green J Allen	J Allen	J Allen	02.05.2024
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Contents

Chapter 1
Introduction

1.1 Uttlesford District Council has commissioned LUC to undertake a review and update of the Council's existing Green Belt evidence base, to ensure it is fit for purpose in informing the preparation of the District's new Local Plan.

1.2 The Council has no plans to establish the necessary exceptional circumstances to release Green Belt land to accommodate future growth needs. It is therefore unnecessary to consider what the impact of releasing Green Belt might be on the essential characteristics and purposes of the designation in this update. Instead the update focuses on the changes in national Green Belt policy, guidance and associated case law, and the extent of built development in the Green Belt since the preparation of the District's last comprehensive Green Belt review in 2016, to determine whether the assessment methodology used is still fit for purpose, and its findings are still robust and accurate.

1.3 This report has been prepared by LUC on behalf of Uttlesford District Council. LUC has completed Green Belt studies at a range of scales for over 60 English local planning authorities in the past ten years.

1.4 The remainder of this report is structured as follows:

- **Chapter 2** contains a summary of the methodology and findings of the Green Belt evidence prepared in 2016, sets outs changes in national Green Belt policy, guidance and associated case law since its publication and determines whether these changes require changes to the original assessment methodology and its findings.
- **Chapter 3** reviews the scale and extent of development permitted in the Green Belt since the publication of the 2016 Green Belt assessment and determines whether this development requires changes to the original assessment findings.

- **Chapter 4** outlines the national policy requirements for designating new Green Belt land and confirms that the Council has no plans and insufficient evidence to justify new Green Belt at this stage; and,
- **Chapter 5** draws attention to the District's Green and Blue Infrastructure Strategy to identify strategic opportunities to enhance the beneficial uses of the District's Green Belt land over the plan period.

Chapter 2

Green Belt Assessment (2016) Review

2.1 There is no defined approach set out in the National Planning Policy Framework (NPPF) **[See reference 1]** or National Planning Practice Guidance **[See reference 2]** as to how Green Belt assessments should be undertaken. However, national Green Belt policy, guidance and associated case law inform such assessments. This section summarises the assessment methodology and findings set out in the 2016 Green Belt Assessment Review **[See reference 3]**, before setting out changes in national Green Belt policy, guidance and associated case law since its publication. Consideration is then given as to whether these changes require changes to the original assessment methodology and its findings.

Green Belt assessment methodology and findings (2016)

2.2 The assessment defined Green Belt parcel's along alternative readily recognisable and permanent boundaries, including roads, railway lines, prominent topographical features, woodland and waterways, in line with paragraph 148 of the NPPF, which requires new Green Belt boundaries to be defined clearly using physical features that are readily recognisable and permanent.

2.3 Criteria were developed to assess the performance of each Green Belt parcel against each Green Belt purpose, using a five point rating system. In acknowledgement of the fact that the NPPF considers all five of the Green Belt purposes equally significant, no weighting or aggregation of ratings against purposes was undertaken. Instead, a parcels strongest performance across the five purposes dictated it's overall performance.

2.4 Key policy terms set out in the NPPF were defined in the local context to assess the relative performance of Green Belt parcels to each Green Belt purpose.

2.5 To assess Green Belt Purpose 1 (to check unrestricted sprawl of large built-up areas) the following settlements were defined as '*large built-up areas*':

- Bishop's Stortford (East Hertfordshire)
- Chelmsford (Chelmsford)
- Harlow (Harlow)
- Sawbridgeworth (East Hertfordshire/ Lower Sheering (Epping Forest)
- Stansted Airport boundary as defined by the Countryside Protection Zone (Uttlesford); and,
- Stansted Mountfitchet (Uttlesford).

2.6 To assess Green Belt Purpose 2 (to prevent neighbouring towns merging into one another) the following settlements were defined as '*towns*':

- Birchanger (Uttlesford);
- Bishop's Stortford (East Hertfordshire);
- Chelmsford (Chelmsford);
- Elsenham (Uttlesford);
- Fyfield (Epping Forest);
- Harlow (Harlow);
- Hatfield Heath (Uttlesford);
- Leaden Roding (Uttlesford);
- Little Hallingbury (Uttlesford);
- Lower Sheering (Epping Forest);
- Roxwell (Chelmsford);

- Sawbridgeworth (East Hertfordshire);
- Sheering (Epping Forest);
- Stansted Airport (Uttlesford);
- Stansted Mountfitchet (Uttlesford);
- Takeley (Uttlesford);
- White Roding (Uttlesford);
- Wright's Green (Uttlesford); and,
- Writtle (Chelmsford).

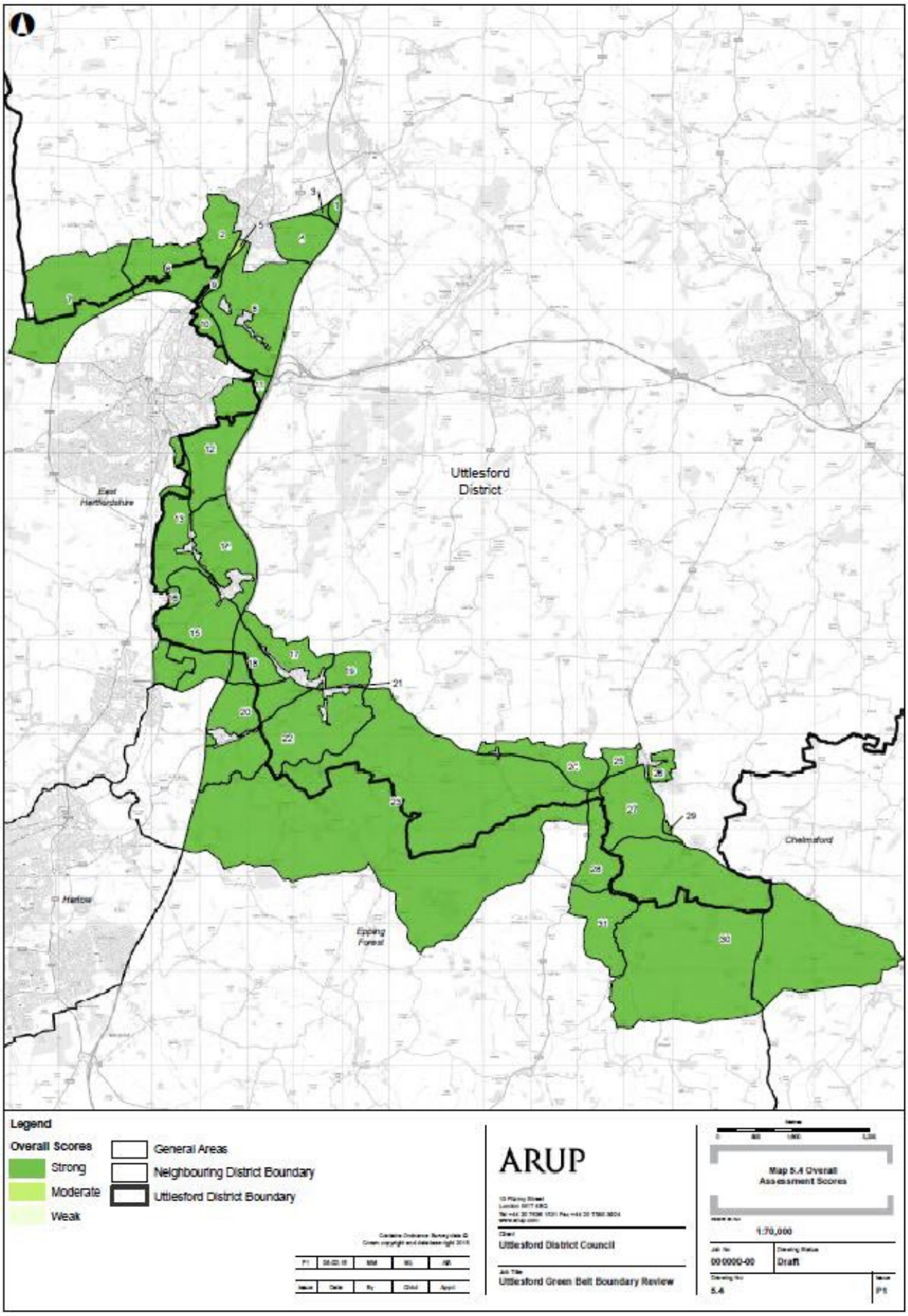
2.7 To assess Green Belt Purpose 3 (to assist in safeguarding the countryside from encroachment), "openness" was defined as an absence of built form rather than from a landscape character perspective and "countryside" based on an absence of urban land uses.

2.8 With regards to the assessment of Green Belt Purpose 4 (to preserve the setting and special character of historic towns) it was judged that no Green Belt land contributed to this purpose.

2.9 With regards to the assessment of Green Belt Purpose 5 (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), this purpose was not assessed at the individual parcel level since no meaningful distinction could be made between parcels.

2.10 The assessment concluded that all but one of the 31 Green Belt parcels defined and assessed made a strong contribution to at least one Green Belt purpose and therefore a strong contribution to the Green Belt overall. The one exception was Parcel 5 (south of Stansted Mountfitchet), which was considered to make a moderate contribution to Green Belt purposes 1, 2 and 3. No Green Belt land was identified as making a weak contribution to the Green Belt purposes (see Figure 2.1). Therefore, it was not recommended that any Green Belt parcels be considered for release from the Green Belt.

Figure 2.1: 2016 Green Belt Parcel Performance



2.11 Should the Council identify a need to release existing Green Belt land to accommodate growth further work will be required to explore the potential harm of release across the Green Belt to the designation and identify locations where Green Belt harm associated with Green Belt release might be minimised. If LUC were to undertake such an assessment, we would wish to redefine the key Green Belt terms outlined above in line with our own robust interpretation of Green Belt policy. However, in the absence of formal guidance on how specific Green Belt terms should be interpreted, the original definitions outlined in the 2016 study cannot be considered not to be in conformity with national Green Belt policy.

Changes in national Green Belt policy and guidance since 2016

Changes to national planning policy

2.12 Revised versions of the NPPF were published in 2018, 2019, 2021 and 2023. These updates highlight that there is no requirement to Green Belt boundaries to be reviewed or changed when plans are being prepared or updated, but that authorities may choose to do so. They include additional policy wording on how local planning authorities should "evidence and justify" alterations to Green Belt boundaries through the local plan making process. The NPPF now states that the "strategic plan-making authority should have examined fully all other reasonable options for meeting its identified need for development" before concluding that the exceptional circumstances exist, specifically whether the strategy:

- "makes as much use as possible of suitable brownfield sites and underutilised land;
- optimises the density of development, including whether policies promote a significant uplift in minimum density standards in town and city centres, and other locations well served by public transport; and

- has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground."

2.13 Where it has been concluded that it is necessary to release Green Belt land for development, plans should now give first consideration to land which has been previously developed and / or is well served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

2.14 These changes relate to the process for demonstrating the necessary exceptional circumstances for making alterations to Green Belt to accommodate development, which the Council has no plans to do at this stage in the plan-making process. These changes have no direct relevance to the assessment of the performance of existing Green Belt land and the potential impact of its release on the designation. Therefore, they have no impact on the original assessment methodology and its findings.

2.15 The only change with potential to affect the original assessment findings relates to the addition of the following land uses as appropriate in the Green Belt:

- Allotments that preserve the openness of the Green Belt;
- burial grounds that preserve the openness of the Green Belt; and,
- needed affordable housing on previously developed land that would not cause substantial harm to the openness of the Green Belt.

2.16 The reference to the need to preserve openness associated with each of these potentially appropriate land uses acknowledges their potential to be inappropriate where openness is affected. However, where the impact on openness is limited such land uses may have been considered to affect the openness of the Green Belt in the original study, but now, having been deemed appropriate uses would not **[See reference 4]**.

2.17 Allotments are only mentioned a handful of times in the detailed parcel assessments of the original 2016 study, once associated with a new planning permission for 53 dwellings on the edge of Stansted Mountfitchet in Parcel 4 (see Figure 2.2), twice in relation to the description of the urban edge of Bishop's Stortford in Parcels 12 (see Figure 2.3) and 13 (see Figure 2.4) and once associated with a new planning permission for 14 dwellings on the northern edge of Hatfield Heath. These references do not explicitly judge the land use to be inappropriate, but make reference to built development associated with them, which may affect openness and/or increase open Green Belt land's associated urban areas. Therefore, the original study's assessment of allotments in the Green Belt is in conformity with the latest national planning policy and case law.

Figure 2.2: Location and extent of Green Belt parcel 4

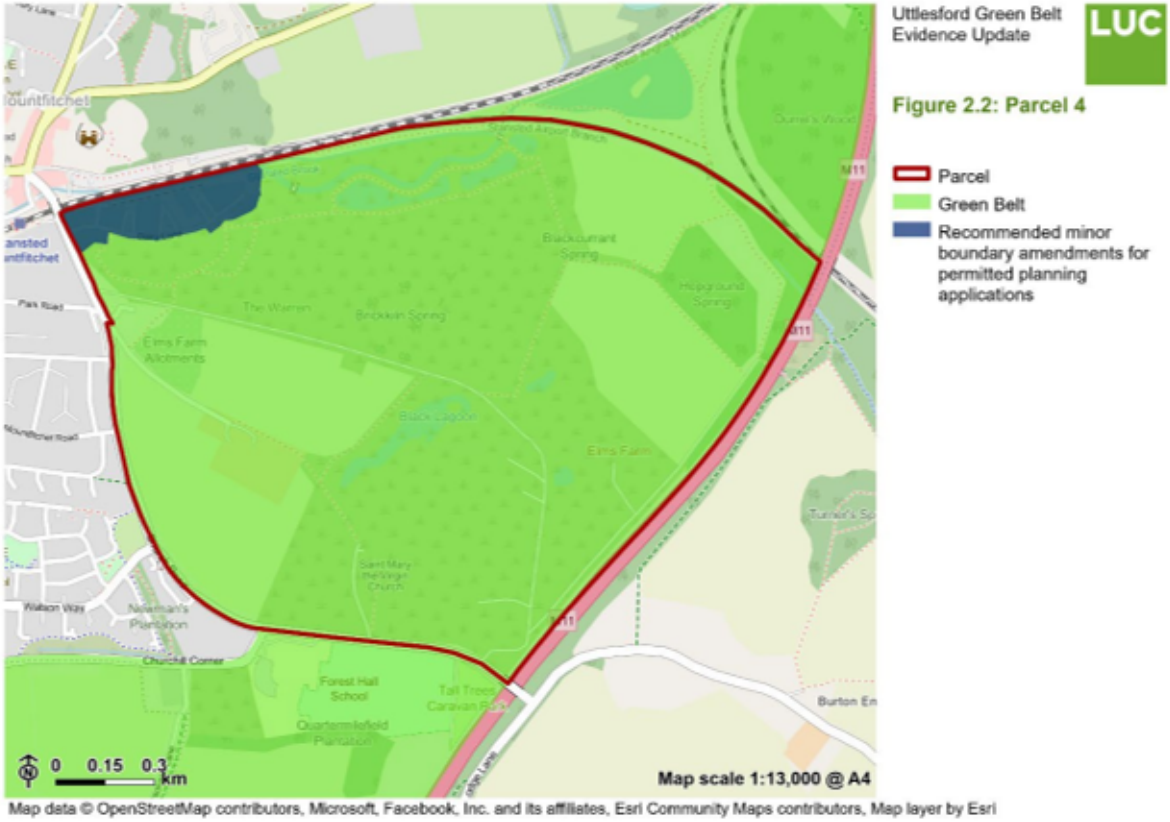


Figure 2.3: Location and extent of Green Belt parcel 12

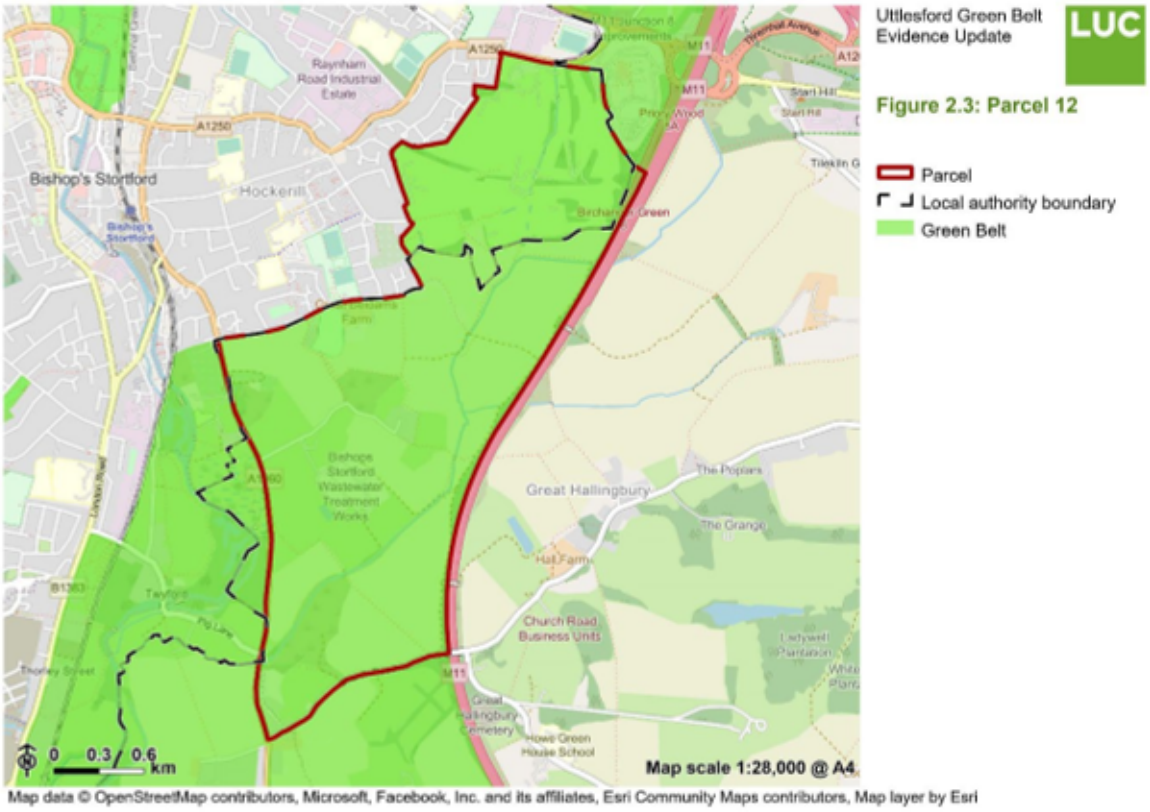
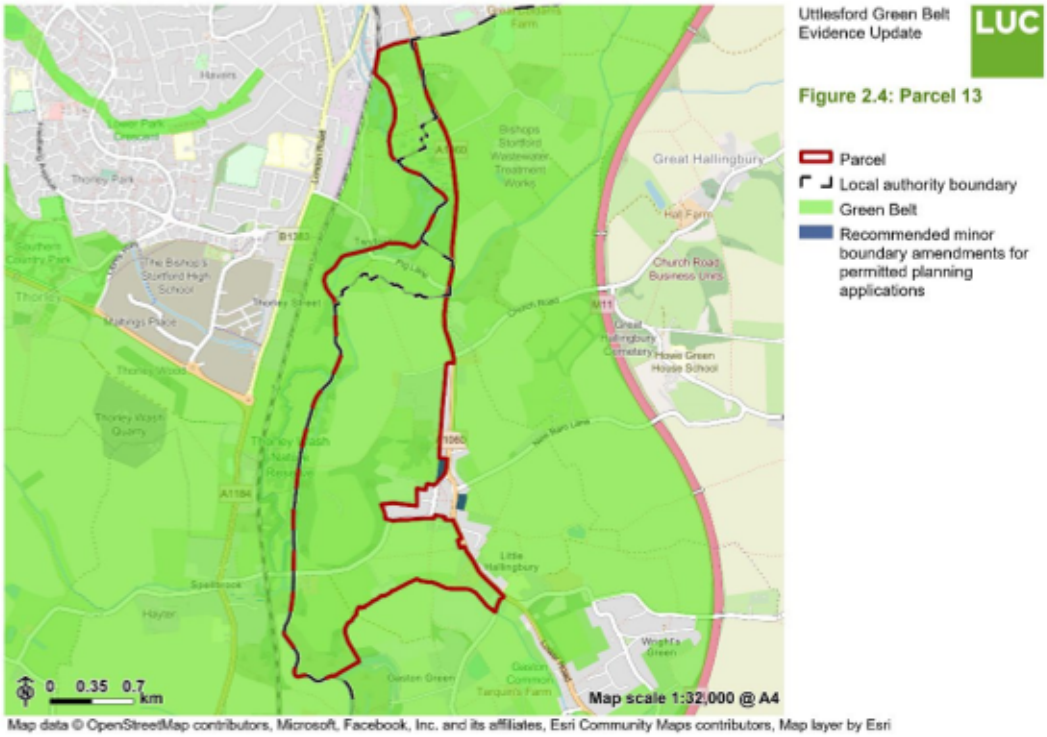


Figure 2.4: Location and extent of Green Belt parcel 13



2.18 No mention is made of cemeteries, burial grounds, graveyards or affordable housing on previously developed land in the detailed parcel assessments of the original 2016 study.

New planning practice guidance

2.19 In 2019, the NPPF's Green Belt policies were supplemented by Planning Practice Guidance (PPG). The guidance sets out some of the factors that should be taken into account when considering the potential impact of development on the openness of Green Belt land. The factors referenced are not presented as an exhaustive list, but rather a summary of some common considerations borne out by specific case law judgements. The guidance states openness is capable of having both spatial and visual aspects **[See reference 5]**. Other circumstances which have the potential to affect judgements on the impact of development on openness include:

- the duration of development and its remediability to the original or to an equivalent (or improved) state of, openness; and
- the degree of activity likely to be generated by development, such as traffic generation.

2.20 The guidance also elaborates on paragraph 147 of the NPPF which requires local planning authorities to set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land. The guidance endorses the preparation of supporting landscape, biodiversity, or recreational need evidence to identify appropriate compensatory improvements, including:

- "new or enhanced green infrastructure;
- woodland planting;
- landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);
- improvements to biodiversity, habitat connectivity and natural capital;
- new or enhanced walking and cycle routes; and
- improved access to new, enhanced, or existing recreational and playing field provision."

2.21 Finally, the guidance offers some suggested considerations for securing the delivery of identified compensatory improvements – the need for early engagement with landowners and other interested parties to obtain the necessary local consents, establishing a detailed scope of works and identifying a means of funding their design, construction and maintenance through planning conditions, section 106 obligations and/or the Community Infrastructure Levy.

2.22 There is no guidance that would influence the assessment of the performance of Green Belt land carried out in 2016.

Chapter 3

Review of Development in the Green Belt from 2016 to 2023

3.1 A review of the scale and extent of development permitted in the Green Belt since the publication of the 2016 Green Belt has been undertaken to determine whether the new development would result in different findings, if the assessment methodology applied in 2016 were applied again in 2023.

3.2 The vast majority of the permitted applications relate to the development of one or two new dwellings, either through the replacement of existing buildings and/or as limited infilling within existing villages and hamlets in the Green Belt.

3.3 The largest permitted site is roughly 0.5 hectares in size accommodating 12 dwellings on the northern edge of the inset village of Hatfield Heath (planning application reference UTT/20/0422/FUL). Two smaller sites have been permitted near one another (one in full, one in outline) in Little Hallingbury: one for 5 dwellings east of Latchmore Bank (planning application reference UTT/19/1896/OP); one for 4 dwellings west of Latchmore Bank (planning application reference UTT/22/1049/FUL) – see Figure 2.4 for the potential minor boundary adjustments around Little Hallingbury.

3.4 None of the permitted developments are considered significant enough to materially affect the judgements set out in the original assessment, based on the application of the same assessment methodology on the same assessment parcels. The largest areas of development referenced above fall within parcels judged in 2016 to be approximately 3% or 4% covered by built form. Based on the area of each parcel and area of each new development, this calculated approximate percentage would not change. Therefore, the 2016 assessment's conclusion that "the scale, design and siting of existing development does not harm the character of the countryside and the Green Belt" still stands.

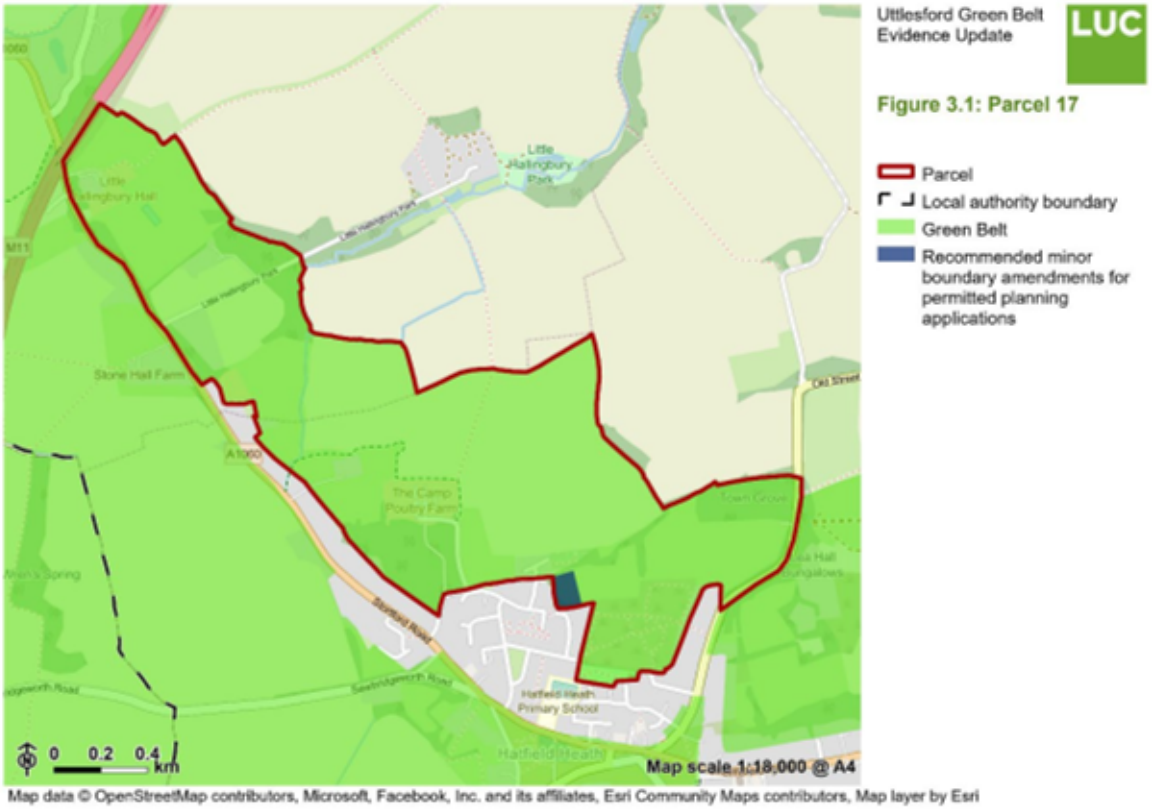
3.5 It is considered that none of the permitted developments are large enough to be inset within the Green Belt in isolation; however, permitted developments constructed on the edge of existing inset areas could be considered for release through the plan-making process as minor adjustments to the existing Green Belt boundary. Given development has already occurred in these locations, the exceptional circumstances required to justify release in these locations could be kept simply to the merits of following clearer, readily recognisable and permanent boundaries, such as retained and enhanced field boundaries on the edge of such development.

3.6 Such amendments would be consistent with the boundary amendments recommended in the 2016 study in relation to:

- Parcel 4 (east of Stansted Mountfitchet – see Figure 2.2 above) where planning permission had recently been granted for the construction of 53 dwellings at Elms Farm (planning application reference UTT/14/2133/DFO). This development was more recently supplemented by the development of two more dwellings at the western edge of the same site (planning application reference UTT/18/0730/FUL).
- Parcel 17 (see Figure 3.1) where 14 new dwellings on Broomfields Road north of Hatfield Heath had recently been built, now adjacent to the more recent development of 12 dwellings north of Hatfield Heath (planning application reference UTT/20/0422/FUL).

3.7 The figures referenced in this chapter outline the locations and rough extents of these potential minor boundary adjustments. Consideration will be given to these potential minor Green Belt boundary amendments during the preparation of the proposed submission version of the Local Plan, which will be subject to Regulation 19 consultation. The exact location of the amended Green Belt boundary should follow the final boundaries of each permitted site, following the readily recognisable and permanent features of each development's edge.

Figure 3.1: Location and extent of Green Belt parcel 17



Chapter 4

Designating New Green Belt Land

4.1 NPPF paragraph 144 emphasises that "the general extent of Green Belts across the country is already established" and "new Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions". The NPPF also states that when proposing new Green Belt, local planning authorities must through strategic policy:

- demonstrate why alternative policies would not be adequate;
- set out the major change in circumstances to make the designation necessary;
- communicate the consequences for sustainable development; and,
- highlight the consistency of the new designation with neighbouring plan areas and the other objectives of the NPPF.

4.2 NPPF paragraphs 144 and 145 state that "proposals for new Green Belts should be set out in strategic policies' but their detailed boundaries may be defined 'through non-strategic policies, including neighbourhood plans".

4.3 The necessary evidence to justify a new Green Belt must therefore be gathered early in the local plan-making process alongside the definition of the relevant principles of strategic planning policy, with detailed boundary definition being done later in the local plan-making process during the definition of more detailed local plan policy, or after the adoption of local plans through the definition of new neighbourhood plans in conformity with the adopted local plan.

4.4 NPPF paragraph 17 states that "strategic policies can be produced in different ways, depending on the issues and opportunities facing each area. They can be contained in:

- joint or individual local plans, produced by authorities working together or independently (and which may also contain non-strategic policies); and/or
- a spatial development strategy produced by an elected Mayor or combined authority, where plan-making powers have been conferred."

4.5 The former route is open to Uttlesford District Council; however, the necessary exceptional circumstances have not been identified by the Council at this stage, and there are no proposals to extend the Green Belt.

4.6 It is not clear what has changed since the designation of the Green Belt to warrant such an exceptional measure, and it is not clear why local planning and development management policies, such as countryside protection zones, areas of separation, landscape policies and designations, regional or country parks and/or green and blue infrastructure policies and designations would not achieve the same goals. It would also be necessary to demonstrate that Green Belt extensions would:

1. not undermine the ability to deliver the overarching objectives of the NPPF for achieving sustainable development set out in paragraph 8 on the NPPF, in particular meeting long term growth needs;

2. help shape a future sustainable pattern of development; and,

3. be compatible with the spatial strategies of neighbouring plan areas.

4.7 The Green Belt within Uttlesford District prevents the narrowing of the gap between the neighbouring towns of Bishop's Stortford to the west and Harlow to the south west (Purpose 2) and inhibits the encroachment of the villages along the A1060 (Hatfield Heath, Leaden Rodding, Little Hallingbury, White Roding and Wright's Green), and B1383 (Birchanger and Stanstead Mountfitchet) into the countryside (Purpose 3).

4.8 Extensions to the existing Green Belt into Uttlesford District would not contribute to these specific functions. Only the development of new towns and

villages beyond the existing Green Belt boundary of the A1060 would result in new Green Belt land making a similar contribution to the Green Belt purposes.

4.9 Should new settlements be planned in Uttlesford District on the edge of the existing Green Belt, an assessment of likely contribution to the five Green Belt purposes would be needed to inform judgements on the most appropriate extent of an extension to the Green Belt around such settlements, including consideration of appropriate readily recognisable and permanent Green Belt boundaries.

Chapter 5

Opportunities to Enhance the Green Belt

5.1 Paragraph 150 of the NPPF states "Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land."

5.2 The Uttlesford Green and Blue Infrastructure Strategy (2023) identifies the following key challenges effecting the open countryside in the south west of the District:

- Areas of flood risk.
- Limited and fragmented woodland cover and limited habitat connectivity.
- Recreational pressures the area.
- Limited access to semi-natural greenspaces in some areas.
- Recorded poor water quality in some watercourses.

5.3 The Uttlesford Green and Blue Infrastructure Strategy (2023) identifies the following opportunities to enhance the beneficial uses of the District's Green Belt land:

- **Enhancement of the Flitch Way**, a decommissioned railway line directly east of Bishop Stortford, improving access into the Green Belt and beyond from the town. The western terminus of Flitch Way is poorly connected to the surrounding area, with barriers to Bishop's Stortford, Stansted Airport and surrounding villages provided by the M11, A120 and Junction 8. This area would benefit from:

- Improved the route surfacing, active travel links, signage, wayfinding, resting and points of interest.
- Removal of a number of existing access barriers along the route and safer road crossing points.
- Enhance habitat connectivity, including open grassland, woodlands, and wetlands.

- **Enhancement of the Harcamlow Way**, a 227km long-distance walking route (LDWR) traversing much of the District. The southwestern most portion of the route, west of the M11, lies within the Green Belt south of Little Hallingbury. Notable opportunities include:
  - Address barriers to movement under the M11, including improved route surfacing, active travel links, signage, wayfinding, resting and points of interest.
  - Join-up and strengthen existing nature networks by providing green links and pocket parks, and a way of signposting through the landscape using the Harcamlow Way as a recreational spine.
- **Greening Stansted Mountfitchet** and enhancing access to the Green Belt and wider green and blue infrastructure network. The residents of Stansted Mountfitchet currently lack access to natural/semi-natural greenspace within a 15-minute walk. In the area east of Stansted Mountfitchet, west of the M11 corridor there are existing areas of fragmented woodland habitats, some of which are designated Local Wildlife Sites. There is also a reasonably well connected PRoW network and opportunities exist to create and improve access to natural and semi-natural greenspace for the residents of Stansted Mountfitchet. Key opportunities include:
  - Woodland planting and habitat creation, including the creation of riparian and floodplain habitats along the Stansted Brook, Ugley Brook and at Stansted Park where there are areas of surrounding land within a flood risk zone 3. Providing increased habitat connectivity along these stretches along to mitigate flood risk and improve habitat corridors.

- Embedding recreational access, where it will not impact on important habitats, will also improve access to natural and semi-natural greenspace for the residents of Stansted Mountfitchet.
- Upgrading Stansted Park, south of Dairy Lane, would provide an easily accessible, centrally located natural and semi-natural greenspace within Stansted Mountfitchet.
- Upgrade and extend PRoW/cycle links to the south-east of Stansted Mountfitchet, particularly connections to Stansted Airport and industrial estate via Birchanger (improving surfacing of Parsonage Way PRoW and providing onwards connections to the Flitch Way. This may include the widening of pathways along Church Road to accommodate shared use with pedestrians.

5.4 The Uttlesford Green and Blue Infrastructure Strategy (2023) forms the basis for a subsequent delivery plan which will be additionally informed by the outcomes of the Local Plan consultation and further targeted consultation on the identified opportunities. The Council's duty to enhance the beneficial uses of the Green Belt should be a key consideration in the development and delivery of future green and blue infrastructure opportunities.

5.5 Further details on policy implementation and delivery can be found in the Uttlesford Green and Blue Infrastructure Strategy (2023).

References

1 Ministry of Housing, Communities & Local Government, National Planning Policy Framework (last updated in December 2023). Available at: https://www.gov.uk/government/publications/national-planning-policy-framework--2

2 Ministry of Housing, Communities & Local Government, Planning Practice Guidance (Green Belt guidance last updated in July 2019). Available at: https://www.gov.uk/government/collections/planning-practice-guidance

3 Ove Arup & Partners Ltd, Uttlesford District Green Belt Review (published March 2016). Available at: https://www.uttlesford.gov.uk/article/4937/Environment

4 This is in line the Lee Valley Regional Park Authority v Epping Forest DC and Valley Grown Nurseries Ltd (2016), which found that glasshouse development in the Green Belt is appropriate since it is a 'building for agriculture' deemed an appropriate Green Belt land use in the NPPF and therefore not capable of generating harm to the Green Belt designation. Further details available at: https://www.efdclocalplan.org/wp-content/uploads/2019/04/EB614-Approved-Judgment-Lee-Valley-Regional-Park-Authority-v-Epping-Forest-District-Council-Royal-Courts-of-Justice-June-2019.pdf

5 Two important Planning Appeal judgements (Heath & Hampstead Society v Camden LBC & Vlachos (2008) and Turner v Secretary of State for Communities and Local Government & East Dorset District Council (2016)) define openness as having both a spatial aspect and a visual aspect. However, in February 2020 the Supreme Court overturned the Court of Appeal Ruling on the case of Sam Smith v North Yorkshire County Council and Darrington Quarries Ltd (2018), and in doing so asserted that openness does not imply freedom from all forms of potential development and that visual impact is not an obligatory consideration when assessing Green Belt openness. Further details available at: https://www.north-herts.gov.uk/sites/northherts-cms/files/CD5.5%20Turner%20v%20SSCLG%202016%20EWCA%20Civ%20466.pdf

Report produced by LUC

Bristol
12th Floor, Colston Tower, Colston Street, Bristol BS1 4XE
0117 929 1997
bristol@landuse.co.uk

Cardiff
16A, 15th Floor, Brunel House, 2 Fitzalan Rd, Cardiff CF24 0EB
0292 032 9006
cardiff@landuse.co.uk

Edinburgh
Atholl Exchange, 6 Canning Street, Edinburgh EH3 8EG
0131 202 1616
edinburgh@landuse.co.uk

Glasgow
37 Otago Street, Glasgow G12 8JJ
0141 334 9595
glasgow@landuse.co.uk

London
250 Waterloo Road, London SE1 8RD
020 7383 5784
london@landuse.co.uk

Manchester
6th Floor, 55 King Street, Manchester M2 4LQ
0161 537 5960
manchester@landuse.co.uk

landuse.co.uk

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