



Top tips for working within Local Plans

Local plans are documents created by local authorities that set out local planning policies and identify how land is used, determining what will be built where.

PLUS

- Attwaters Jameson Hill's steps in to help residents at quarry site
- Q&A on green belt development
- Where to build next? – how to find the best place in the UK to build your next property

Welcome

Welcome to the latest edition of our newsletter.

We have had a busy few months at Attwaters Jameson Hill, working with residents, developers and local authorities on a wide range of matters.

With plans to build more than

200,000 new homes a year in the UK, this newsletter focuses on the restrictions placed on land and planning which could slow this surge in housebuilding down.

We will also look at the best place to build, based upon the returns that homebuilders can expect. However, we start by

reflecting on our recent work in a Planning Inspectorate matter, which threatened rural land in Hertfordshire.

Our clients tell us we are knowledgeable, approachable and friendly, so if you need advice on any Town and Country Planning issues, please get in touch.

Attwaters Jameson Hill steps in to help residents at quarry site

The Town and Country Planning team at Attwaters Jameson Hill have supported residents in their fight against the proposed site of a new quarry.

Our team's support is part of an ongoing battle between planning applicants, RJD Limited, and the Stop Bengoe Quarry group.

Initial planning permission for gravel extraction at Bengoe over a 15 year period (later reduced to eight years) was submitted to Hertfordshire County Council in March 2016.

It would see the opening of a quarry in the picturesque

fields between Sacombe Road, Wadesmill Road and St. John's Wood on the site adjacent to the former Rickneys quarry which was closed more than two decades ago.

Under the first plan, there would be a phased extraction of 1.75 million tonnes of sand and gravel (reduced to 1.25 million tonnes in the second application) for up to eight years by the mineral extraction company, RJD Limited, along with the addition of a mobile dry screening plant, weighbridge, wheel cleaning facilities, ancillary site offices and construction of a new access onto Wadesmill Road.

Thanks to their strong opposition

and a two-year-long campaign the residents' group managed to help convince the County Council's Development Control Committee to refuse planning permission on 22nd March 2017.

The developer registered an appeal with the Planning Inspectorate and submitted a second planning application, which was again refused planning permission by the Development Control Committee, on Thursday 26th April 2018.

Following these failed attempts an appeal for both of the applications has now gone to a Planning Inquiry that was launched on 1st May 2018

and which ran for seven days, during which we advised the group on the legal aspects of their arguments and procedurally in relation to the matter.

Salvatore Amico, Head of our Town & Country Planning team, said: "This was an ongoing and complex case, which has been hard and well fought by the local residents. Despite the two planning application rejections, there is still a lot of concern locally about this ongoing inquiry and so I am delighted that we are able to lend our expertise to this matter."

In its previous two considerations of the application, the County Council unanimously rejected the proposal due to concerns over the green belt, as well as concern over the impact on health from potential air and water pollution.

However, The Stop Bengoe Quarry group are concerned that the Planning Inspectorate, depending on the evidence heard at the appeal, could recommend that the Secretary of State for Housing, James Brokenshire, overturn the rejected applications for the quarry.

"The grounds for rejection are fairly convoluted and the Planning Inspectorate must look into all of the objections and the proposals in order to make a decision," said Salvatore.

"It is here that our expertise in planning law will prove vital to the Stop Bengoe Quarry group, so I hope our support leads to a successful outcome."

Aśka Pickering, the Chairperson of Stop Bengoe Quarry commented on the Inquiry: "This is a crucial point for the thousands of Hertford residents who support

the campaign. The prospect of a quarry in Bengoe Field raises so many concerns for this community at so many different levels but particularly reflects concerns about the unacceptable impact on the appearance, quality and character of the landscape of Bengoe Field. This site is clearly an utterly unacceptable site for any quarrying given its close proximity to Hertford town and the risks to health and water supply.

"The importance of this piece of landscape has been recognized by the County Council who propose to remove it from the list of preferred areas for gravel extraction in the new MLP. Frustratingly this has yet to be ratified but it does underline

the local view of Bengoe Field.

"There has been plenty of evidence provided during the inquiry so far to hopefully convince the Inspector that the County Council's decision to refuse Hertford's urban quarry was right."

A decision on this case is expected in the next few months and we will try to keep you up to date with the outcome. At Attwaters Jameson Hill, we represent a number of groups in hearings with the inspectorate including residents, developers and local authorities. If you would like advice on planning appeals or would like representation in hearings, please contact us.



Q&A with Salvatore on green belt development



Salvatore Amico

Q. What is the green belt?

A. Green belt land is an area around a heavily developed area, such as a major conurbation that is protected from development in order to prevent 'urban sprawl', maintain designated areas for forestry and agriculture and provide habitat to wildlife.

Despite this definition, areas of the green belt sometimes sit within developed areas and these are often referred to as green wedges or green islands.

Areas that are designated as green belt should not be built on, however, that does not mean that no buildings can be erected in the green belt. Buildings for agricultural uses and sanitation facilities, for instance, are usually allowed.

Q. How does it differ from Brownfield and Greenfield sites?

A. Brownfield land is a term used in urban planning to describe any previously developed land that is not currently in use, whether contaminated or not. This often includes old factory sites, hospitals or retail centres, but can also include land in the countryside that has been developed.

Greenfield sites are areas of land,

usually agricultural or amenity land, which are being considered for urban development. These should not be confused with the green belt as they can be developed on. These sites are often preferred by developers as there is often no cost involved in clearing the land or decontaminating it.

Where developers do run into issues, it is often where local residents do not want to see development within these areas.

Local authorities will often favour plans submitted on Brownfield sites, as they bring derelict land back into use.

Q. How much of the UK's green belt is developed?

A. Not a lot. Major development on green belt sites is rare, due to the restrictions and protections placed on the land. It is thought that the introduction of the green belt



policies in the UK is the reason why only 10 per cent of the UK's land mass has been developed, which is far below the figure for other countries in Europe, including those that are geographically far larger than the UK, such as France.

At the moment of writing, green belt land covers about 13 per cent of total area in England, 16 per cent in Northern Ireland and two per cent in Scotland. Wales has only one formally designated green belt area which is located between Newport and Cardiff.

So the amount of land developed in the UK compared to the amount that is protected by green belt is fairly significant.

Q. What must developers constructing on the green belt consider?

A. The first thing to consider is whether there are any other

suitable sites. Construction on the green belt is extremely difficult to get planning permission on by its very nature.

Secondly, if that is the only suitable site for the development, then you as the developer must build a watertight case as to why no other sites are suitable for your development.

Thirdly, developers need to be prepared for a lot of pushback from all parties on their plans and should work closely with local people and organisations to see how issues can be overcome.

Finally, expect the planning process to be long, slow and costly. It is likely that any development on the green belt will need to go through an appeal and past the Planning Inspectorate. In some cases government ministers may even decide to get involved, so plan ahead.

Q. What about the future of the green belt?

A. There is immense pressure on the government to maintain the green belt around many of the UK's major urban centres, but with a demand for homes increasing Parliament has begun to realise that a lack of homes near to jobs may mean that the rules may need to be relaxed in future years.

One solution is the creation of new garden towns, similar to Milton Keynes, but these can also raise issues with infrastructure and proximity to places of employment for new residents, so are limited in their approach.

We suspect policy in this area may be subject to change in the future, so watch this space for more information. If you have more questions about development on the greenbelt, please contact our team.



Where to build next?

Ever wondered where the best place in the UK to build your next property was?

Well, new research has revealed that the Essex town of Colchester may offer the best returns for home sales and rental properties.

A new study by LendInvest has revealed that the historic town, once the capital of the country, is the best location for property investment.

On average, rental yields in Colchester offer returns 3.71 per cent, capital appreciation of 9.98 per cent, rent rises of 3.41 per cent

and sale volume growth of 2.79 per cent.

Colchester was followed by:

- Northampton
- Leicester
- Luton
- Birmingham
- Manchester
- Ipswich
- Brighton
- Rochester
- Norwich

According to the study, during the last six months, the Midlands and the South West have performed particularly strongly in terms of house price growth, with Truro and Birmingham recording the most significant growth.

While London and the South East continue to offer strong returns, if you are looking to expand your network of property developments outside of this region, please speak to our team.



Top tips for working within Local Plans

Local plans are documents created by local authorities that set out local planning policies and identify how land is used, determining what will be built where. Once adopted, local plans provide the framework for development across England.

Plans include the views of local people, organisations, businesses and even prospective businesses and must be consistent with the national planning policy framework.

Once a plan is adopted it is vital that developers abide by its guidelines when seeking permission to build in the area.

Our top tips for working within a local plan, include:

Get Involved – Local plans are not set in stone and are reviewed from time to time to reflect the

changing needs of the areas to which they are applied. If you plan to develop in this area in the future you should ensure that you share your views with the local authority during their consultations.

Review and Research – Once you decided to plan for a development in a certain area it is essential to obtain the local plan to see if your project fits within the goals of the local authority and those that it consulted. Sometimes, by doing this you may identify something overlooked, which could support you during the planning process.

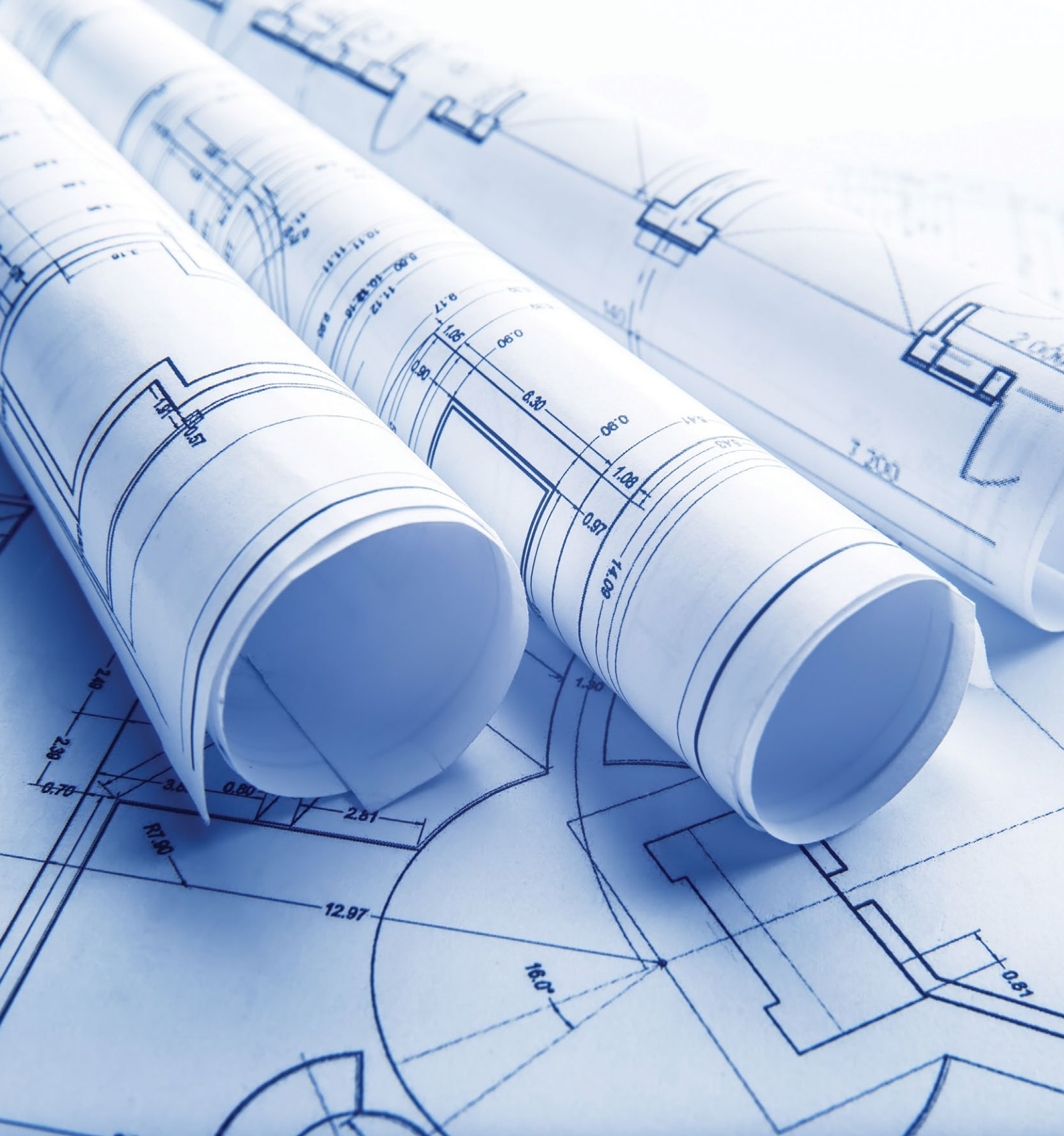
Consider Alternatives – While you may have set goals for your development, adapting it to fit more neatly within the local could prove advantageous to you and

fast-track an application to some degree. Don't be afraid to spell out in your plan exactly how it ties into the authority's strategy for development in the area.

Work with Local Authorities – Speak to planning officers and those responsible for the local plan to see how you can work with them to achieve your goals together. You will find that this can be extremely beneficial to an application.

Seek Advice – If you aren't sure whether your plan ties in well with the objectives of the local plan then it is advised that you seek the expertise of a professional.

To find out how Attwaters Jameson Hill can help ensure your next plan ties in with local planning objectives, speak to them today.



www.attwatersjamesonhill.co.uk

Hertford

72-74 Fore Street,
Hertford,
Herts, SG14 1BY

Ware

60-62 High Street,
Ware,
Herts, SG12 9DA

Harlow

Rothwell House,
West Square, Harlow,
Essex, CM20 1LQ,

Loughton

147 High Road,
Loughton,
Essex, IG10 4LY

T 0330 221 8855 **E** enquiries@attwaters.co.uk

