



Office of the  
Deputy Prime Minister

Creating sustainable communities

Anna C Macintyre  
Decision Officer  
Planning Central Casework Division  
Zone 3/J1, Eland House  
Bressenden Place  
London SW1E 5DU

Alyson Jones  
Barton Willmore Planning  
Beansheaf Farmhouse  
Bourne Close  
Calcot  
Reading  
RG31 7BW

Direct line: 020 7944 8708  
Fax: 020 7944 5929  
Web site: [www.odpm.gov.uk](http://www.odpm.gov.uk)  
E-mail: [anna.macintyre@odpm.gov.uk](mailto:anna.macintyre@odpm.gov.uk)

Our Ref: APP/X1925/V/02/1103811

20 October 2005

Dear Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77  
APPLICATIONS BY THE STEVENAGE WEST CONSORTIUM AT LAND WEST OF A1(M)  
AT STEVENAGE, HERTFORDSHIRE**

**APPLICATIONS PA5**

**THE FIRST PAIR OF APPLICATIONS (STEVENAGE BOROUGH COUNCIL REF 01/00423/1, NORTH HERTFORDSHIRE DISTRICT COUNCIL REF 01/01157/1) DATED 24 JULY 2001 IS FOR APPROXIMATELY 5,000 DWELLINGS AND BUSINESS PREMISES (USE CLASSES B1 AND B2), SHOPS (USE CLASSES A1, A2 AND A3); LEISURE, SOCIAL AND COMMUNITY FACILITIES (USE CLASSES D1 AND D2); OPEN SPACE AND LANDSCAPING; AND PROVISION OF INFRASTRUCTURE, HIGHWAYS AND PUBLIC TRANSPORT FACILITIES; AND ANCILLARY FACILITIES**

**APPLICATIONS PA3**

**THE SECOND PAIR OF APPLICATIONS (STEVENAGE BOROUGH COUNCIL REF 01/00506/OP, NORTH HERTFORDSHIRE DISTRICT COUNCIL REF 01/01408/1) DATED 31 AUGUST 2001 IS FOR APPROXIMATELY 3,600 DWELLINGS AND BUSINESS PREMISES (USE CLASSES B1 AND B2), SHOPS (USE CLASSES A1, A2 AND A3); LEISURE, SOCIAL AND COMMUNITY FACILITIES (USE CLASSES D1 AND D2); OPEN SPACE AND LANDSCAPING; AND PROVISION OF INFRASTRUCTURE, HIGHWAYS AND PUBLIC TRANSPORT FACILITIES; AND ANCILLARY FACILITIES**

1. I am directed by the First Secretary of State to say that consideration has been given to the report of the Inspector, Mr D Lavender MRTPI, who held a public local inquiry between 20 January and 25 October 2004 into your client's two sets of applications for either approximately 5,000 or 3,600 dwellings and business premises (use classes B1 and B2), shops (use classes A1, A2 and A3); leisure, social and community facilities (use classes D1 and D2); open space and landscaping; and provision of infrastructure, highways and public transport facilities; and ancillary facilities at land to the west of the A1 (M) at Stevenage, Hertfordshire.
2. The Secretary of State directed on 7 November 2002, in pursuance of section 77 of the Town and Country Planning Act 1990, that the applications be referred to him instead of

being dealt with by the relevant planning authorities, Stevenage Borough Council and North Hertfordshire District Council.

3. The Inspector, whose conclusions are reproduced in the annex to this letter, recommended that outline planning permission for the first pair of applications, PA5, (Stevenage Borough Council ref. 01/00423/1, North Hertfordshire District Council ref. 01/01157/1) dated 24 July 2001 for approximately 5,000 dwellings be refused.
4. In regard to the second pair of applications, PA3, (Stevenage Borough Council ref. 01/00506/OP, North Hertfordshire District Council ref. 01/01408/1) dated 31 August 2001 for approximately 3,600 dwellings, the Inspector recommended that outline permission be granted subject to conditions, as well as to the Secretary of State being satisfied that suitable travel arrangements would be in place and to receipt of a completed affordable housing agreement and reformulated section 106 unilateral obligation.
5. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, unless where stated, and his recommendation to refuse applications PA5. The Secretary of State also agrees with the Inspector's conclusions, unless where stated, and his recommendation regarding applications PA3 and is minded to allow applications PA3, subject to conditions and an appropriately reformulated planning obligation relating to Community Infrastructure provision. A copy of the Inspector's report is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

### **Procedural Matters**

6. In reaching this position the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Secretary of State is content that the Environmental Statement complies with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the application.

### **Matters arising following the public inquiry**

7. After the close of the public inquiry, further representations were received from Hertfordshire County Council, North Hertfordshire District Council and Stevenage Borough Council as well as a further deed of planning obligations from the applicant. The Secretary of State has taken account of these representations in his consideration of the applications before him. As these representations were copied for comment to all Rule 6 parties and interested third parties who appeared at the inquiry, he does not consider it necessary to summarise the representations or responses received. A further letter from the applicant was received, which was not copied to all parties who appeared at the inquiry as it raised no new issues. A list of the representations received is at annex A. Copies of any of the correspondence can be made available upon written request to the above address.
8. After the close of the inquiry the Secretary of State also received a completed and signed affordable housing agreement. The draft agreement was put forward at the inquiry and the completed and signed affordable housing agreement has not raised any new issues. The Secretary of State therefore concluded that the completed and signed affordable housing agreement did not need to be circulated to parties under Rule 17 of the Town and Country Planning (Inquiry Procedure) (England) Rules 2000, or in the interests of natural justice, prior to making his decision.

## Policy Considerations

9. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the Act) requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 38(3) of the Act provides that the development plan consists of regional spatial strategies and the development documents. Pending the creation of these documents under Part 1 and 2 of the Act structure plans, unitary development plans and local plans remain in place and form part of the development plan under the transitional provisions contained in Schedule 8 to the Act. Regional Planning Guidance were prescribed as Regional Spatial Strategies from 28 September 2004, and accordingly now also form part of the development plan under section 38(3) of the Act.
10. In this case, the development plan comprises the Regional Spatial Strategy for the South East adopted in March 2001 (RSS9), the Hertfordshire Structure Plan adopted in April 1998 (SP1998), the Stevenage District Plan adopted in December 2004 (SDP2004) and the North Hertfordshire District Local Plan adopted in April 1996 (NHDLP1996).
11. The Secretary of State acknowledges that Hertfordshire has transferred to the East of England region. The emerging Regional Spatial Strategy for the East of England (RSS14) is currently awaiting an examination in public and therefore the Secretary of State accords the policies in the emerging RSS14 limited weight.
12. The SDP2004 was adopted after the close of the inquiry. The draft version of SDP2004 was addressed in the evidence at the inquiry and the Secretary of State does not consider that the adoption of SDP2004 after the close of the inquiry raised any new issues which needed to be referred back to parties. He therefore concluded that the adopted version of the SDP2004 did not need to be circulated to parties under Rule 17 of the Town and Country Planning (Inquiry Procedure) (England) Rules 2000, or in the interests of natural justice, prior to making his decision.
13. The Secretary of State has taken into account national guidance as set out in Planning Policy Statement 1 (PPS1) *Creating Sustainable Communities*, Planning Policy Guidance 2 (PPG2) *Green Belts*, Planning Policy Guidance 3 (PPG3) *Housing*, Planning Policy Statement 6 (PPS6) *Planning for town centres*, Planning Policy Statement 7 (PPS7) *Sustainable development in rural areas*, Planning Policy Statement 9 (PPS9) *Biodiversity and geological conservation*, Planning Policy Statement 12 (PPS12) *Local Development Frameworks*, Planning Policy Guidance 13 (PPG13) *Transport*, Planning Policy Guidance 15 (PPG15) *Planning and the Historic Environment*, Planning Policy Guidance 16 (PPG16) *Archaeology and Planning*, and Planning Policy Guidance Note (PPG17) *Planning for Open Space, Sport and Recreation*.
14. He has also taken into account the Supplementary Planning Guidance produced by the three councils detailing the master planning principles for development at Stevenage West and planning Circulars 11/95 *Use of conditions in planning permissions* and 05/2005 *Planning obligations*.
15. Although PPS1, PPS6, PPS9 and Circular 05/2005 were issued after the close of the inquiry, the Secretary of State does not consider that they raise any new issues relevant to these applications. He therefore concluded that the recently issued PPS1, PPS6, PPS9 and Circular 05/2005 did not need to be circulated to parties under Rule 17 of the Town and Country Planning (Inquiry Procedure) (England) Rules 2000, or in the interests of natural justice, prior to making his decision.

## Main Issues

16. Those issues on which the Secretary of State wished to be informed are set out at the beginning of the Inspector's report. The Secretary of State has also taken into account the approach adopted by the Inspector in considering the issues and he considers that the main issues are those listed below:

- a) Whether the applications accord with the development plan;
- b) Whether the applications are premature;
- c) Impact on the Green Belt;
- d) Whether very special circumstances exist;
- e) Green Belt designations;
- f) Housing need;
- g) Housing
- h) Transport;
- i) Other matters; and
- j) Planning obligations and conditions

### Whether the applications accord with the development plan

17. The Secretary of State agrees with the Inspector that, as with any scheme of the size and complexity of the applications before him, there will be development plan policies that are supportive of the proposals and others with which the proposals will conflict (IC144).
18. The Secretary of State has considered SP1998 policies 8 and 9, which state that development to the west of A1(M) Stevenage is to provide 3,600 dwellings to 2011 and that development west of A1(M) at Stevenage should provide an initial phase of 5,000 dwellings, some of which to be completed after 2011.
19. For the reasons given at paragraphs 42 to 46 below the Secretary of State concludes that applications PA3 are needed to deliver the level of housing supply identified to 2011 in the SP1998 and he agrees with the Inspector's view that there is nothing that would warrant refusal of permission in the PA3 schemes in quantitative terms or terms of extant strategy (IC22). The Secretary of State therefore concludes that applications PA3 gain considerable support from SP1998 policies 8 and 9. For the reasons given at paragraphs 42 to 46 below, the Secretary of State concludes that a grant of permission for applications PA5 would result in an overprovision of housing to 2011. For the reasons given at paragraph 29 below, the Secretary of State also concludes that applications PA5 would be premature. He therefore concludes that applications PA5 do not gain support from SP1998 policies 8 and 9.
20. NHDLP1996 does not allocate the section of the applications site in North Hertfordshire for housing development and therefore the Secretary of State considers that neither application PA3 nor PA5 accords with the housing policies in NHDLP1996. He also agrees with the Inspector that neither application PA3 nor PA5 accord with NHDLP1996 policy 12 or other development plan policies that seek to protect and enhance the existing rural landscape (IC45).
21. The Secretary of State has taken into account that SDP2004 policy H2 makes specific provision for development of the part of both applications sites that lie within Stevenage Borough for housing, but safeguards this from development subject to a reconsideration of its strategic need. The Secretary of State acknowledges that there has not yet been a

formal reconsideration of the strategic need as envisaged by the caveat to SDP2004 policy H2, and as such he concludes that although applications PA3 and PA5 gain some support from SDP2004 policy H2, neither set of applications can be said to be in accordance with SDP2004 policy H2. However, for the reasons given at IC27, the Secretary of State agrees with the Inspector that there is no obstacle to determining either set of applications before the outcome of the Regional Planning Body's housing capacity study has been absorbed into emerging strategy. He does not therefore consider the caveat to SDP2004 policy H2 to be a bar to determining these applications.

22. The applications site is within the Green Belt and the Secretary of State agrees with the Inspector that these applications conflict with development plan policies for the protection of the openness of the Green Belt (IC147). The Secretary of State has considered in particular development plan policies SP1998 policy 5, SDP2004 policy TW6 and NHDLP1996 policy 2, which presume against inappropriate development in the Green Belt unless there are very special circumstances. For the reasons given at paragraphs 33 to 38 below, the Secretary of State agrees with the Inspector that very special circumstances have been demonstrated for applications PA3 only.
23. The Secretary of State agrees with the Inspector that both applications would, within the applications site, meet the specific requirements of development plan transport policies SP1998 23 and 29, and SDP2004 T5, T9, T12, T13, T14, SW5, SW6 and SW7 (IC108). The Secretary of State also shares the Inspector's concern at paragraphs IC108 and 147 of his report regarding whether the development plan's objectives of reducing the growth in private motor traffic and promoting sustainable travel choices to destinations beyond the town centre and applications site would be achieved. However, for the reasons given at paragraph 50 below the Secretary of State agrees with the Inspector that it would be wrong to delay development while parties other than the applicant produce a programme of works that would achieve these objectives.
24. The Secretary of State acknowledges that, as NHDLP1996 has not been updated since the adoption of SP1998, the details of development as set out in the master planning principles have not been advanced through the local plan. He also acknowledges that the SDP2004 policies detailing development at Stevenage West reflect the master planning principles. He agrees with the Inspector that the applications PA3 and PA5 generally accord with these SDP2004 policies, although the outline status of the applications means that full details have yet to be submitted for consideration (IC147).

#### *Conclusion on whether applications PA5 accords with the development plan*

25. Although the Secretary of State acknowledges that circumstances have changed since the close of the inquiry, in that SDP2004 has been adopted, he still agrees with the Inspector's conclusion that this fact does not significantly alter the position regarding the development plan (IC149). This is because the situation remains the same with regard to the part of the applications site in North Hertfordshire which is not allocated for housing development in the NHDLP1996 and the adopted SDP2004 provides for development of the part which falls within Stevenage subject only to the qualification in policy H2. The Secretary of State concludes that applications PA5 gain some support from development plan policies, specifically in SDP2004 regarding site allocation and transport. However, on balance the Secretary of State concludes that, as NHDLP1996 does not make provision for the development, he agrees with the Inspector that applications PA5 cannot be said to be in accordance with the development plan (IC150). The Secretary of State has gone on to

consider if there are other material considerations which indicate the applications should be determined otherwise.

#### *Conclusion on whether applications PA3 accords with the development plan*

26. Although the Secretary of State acknowledges that circumstances have changed since the close of the inquiry, in that SDP2004 has been adopted, he still agrees with the Inspector's conclusion that this fact does not significantly alter the position regarding the development plan (IC149). This is because the situation remains the same with regard to the part of the applications site in North Hertfordshire which is not allocated for housing development in the NHDLP1996 and because the adopted SDP2004 provides for development of the part of PA3 which falls within Stevenage subject only to the qualification in policy H2. However, as the PA3 applications are specifically provided for in SP1998 policies 8 and 9 to meet Hertfordshire's housing requirements in the period to 2011, whereas the PA5 proposals are not, he agrees with the Inspector that there is an important distinction to be drawn between the PA3 and PA5 applications (IC187) and the Secretary of State concludes that applications PA3 gain considerable support from SP1998 policy 8 and 9. He also concludes that applications PA3 gain some support from development plan policies, specifically in SDP2004 regarding site allocation and transport. However, on balance the Secretary of State concludes that, although applications PA3 gain support from a number of development plan policies, as NHDLP1996 does not make provision for the development, he agrees with the Inspector that applications PA3 cannot be said to be in accordance with the development plan (IC150). The Secretary of State has gone on to consider if there are other material considerations which indicate the applications should be determined otherwise.

#### Whether the developments are premature

27. The Secretary of State's current policy regarding prematurity in *The Planning System: General Principles* (the Planning System), the supporting document to PPS1, issued in February 2005, reflects previous policy in PPG1 *General Policy and Principles*. The Secretary of State has considered in particular paragraph 17 of *The Planning System* which states "In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity, for example, where a development plan document is being prepared or is under review but has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the development plan document by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the development plan document."

#### *Whether applications PA3 are premature*

28. Policies 8 and 9 of SP1998 made provision for the amount of housing proposed in applications PA3 to 2011 at land to the west of the A1 (M) Stevenage following a full deliberation of all the issues involved. The Secretary of State agrees with the Inspector that there is no compelling reason to revisit that decision or the capacity arguments that led to it. He also agrees that the granting of permission for the PA3 applications would not prejudice the outcome of the development plan process, because it was as a result of that process in 1998 that provision was made for the development of 3,600 dwellings on land west of Stevenage by 2011 (IC31). The subsequent adoption of SDP2004 has not resulted in any significant changes and he agrees with the Inspector that there is no reason in quantitative or strategic terms to inhibit or delay construction of the PA3 applications (IC32). The Secretary of State concludes that applications PA3 are not premature.

### *Whether applications PA5 are premature*

29. The Secretary of State agrees with the Inspector that, as there is no policy in the development plan to provide 5,000 dwellings before 2011, applications PA5 cannot be held to accord with the present strategy in the development plan (IC32). He also agrees with the Inspector that applications PA5 are not planned for in the existing development plan, and if permission were to be granted for it there is a risk of predetermining decisions about the scale and location of development expected to be taken by the emerging RSS14 (IC29). The Secretary of State believes that the subsequent adoption of SDP2004 has not resulted in any significant changes and he agrees with the Inspector that applications PA5 cannot be held to accord with present strategy (IC32). For these reasons, the Secretary of State agrees with the Inspector that, in regard to applications PA5, it would be premature to permit this amount of housing development pending the establishment of housing needs and distribution post 2011 through the emerging RSS14 (IC188).

### Impact of applications PA3 and PA5 on the Green Belt

30. The applications site is within the Metropolitan Green Belt (IC38). There is a general presumption, in both the development plan and PPG2, against inappropriate development in the Green Belt. In view of the presumption against inappropriate development, the Secretary of State attaches substantial weight to the potential harm to the Green Belt when considering any planning application or appeal concerning such development.
31. The applications PA3 and PA5 are both for inappropriate developments in the Green Belt and both applications are, by definition, harmful to the Green Belt. The Secretary of State agrees with the Inspector that to permit either application PA3 or PA5 would also be in direct conflict with the aim of Green Belt policy, the purposes of including land within Green Belts and the objectives for the use of Green Belt land (IC153).
32. The Secretary of State therefore concludes that in addition to the harm to the Green Belt from inappropriate development there is also harm to the openness, rural character and the purposes of the Green Belt. He has gone on to consider whether there are other material considerations which clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm, and which would amount to very special circumstances to justify the grant of planning permission.

### Whether very special circumstances exist

33. PPG2 states that inappropriate development is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
34. The Secretary of State has taken into account that the applications site is within the London-Stanstead-Cambridge growth corridor and that SDP2004 policy H2 does make provision for the part of the applications site in Stevenage to be developed, subject to a reconsideration of its strategic need.
35. He has also taken into account that SP1998 policy 5 stated that, "Green Belt boundaries will be reviewed with an eye to exclusion to allow for strategic housing developments for which provision is made under policy 8"; land to the west of A1 (M) at Stevenage was identified in SP1998 policy 8 as one of the two preferred locations for strategic greenfield

development; and that the planning of the development will be brought forward through the review of the relevant local plans. SP1998 found that development to the west of Stevenage would achieve the best balance of an adequate supply of housing whilst retaining and protecting the countryside. The Secretary of State acknowledges that SP1998 found that the need for land for strategic housing development amounted to exceptional circumstances to justify development of the Green Belt to the west of Stevenage (IC37).

#### *Whether very special circumstances exist in applications PA3*

36. For the reasons stated at paragraphs 42 to 46 below, the Secretary of State concludes that applications PA3 are needed to deliver the level of housing supply identified in SP1998 to 2011. The Secretary of State concludes that policies 8 and 9 of SP1998, which indicate a need for 3,600 dwellings to the west of the A1(M) at Stevenage to 2011, are a material consideration of considerable weight in favour of PA3. He agrees with the Inspector that the harm caused by reason of inappropriateness and the other harm caused is clearly outweighed by the strategic need for housing as set out in SP1998 and, therefore, that this amounts to very special circumstances for applications PA3 (IC153).

#### *Whether very special circumstances exist in applications PA5*

37. For the reasons stated at paragraphs 42 to 46 below, the Secretary of State concludes that, although applications PA3 are needed to deliver the level of housing supply identified in SP1998 to 2011, applications PA5 would at present cause an overprovision. The Secretary of State also concludes for the reasons given above at paragraph 29 that it would at present be premature to permit applications PA5.

38. Policies 8 and 9 of SP1998 do not therefore support the amount of strategic housing proposed in applications PA5 to 2011 and the Secretary of State concludes that applications PA5 would at present be premature. He therefore concludes that the harm caused by reason of inappropriateness and the other harm caused is not clearly outweighed by other considerations and, therefore, that very special circumstances have not been demonstrated for applications PA5.

#### Green Belt designations

39. The Secretary of State has taken into account the effect that the grant of planning permission for development of this scale would have on the Green Belt, and on the purposes of including land within it. He has also noted the Inspector's concern that a suitable process should be in place to establish an appropriate new Green Belt boundary in the Stevenage area (IC157).

40. As PPG2 indicates, the mechanism for defining or, exceptionally, altering Green Belt boundaries is through the development plan process. The current development plan SP1998 policy 5 states that Green Belt boundaries will be reviewed to allow for the strategic housing developments, including the development west of the A1 (M) at Stevenage. The Secretary of State also acknowledges that emerging RSS14 policy SS7 states that reviews of the Green Belt around Stevenage will be undertaken and that these will consider if compensating additions to the Green Belt are needed.

41. Section 24 of the Planning and Compulsory Purchase Act 2004 states that local development documents must be in general conformity with the regional spatial strategy

and the Secretary of State acknowledges that the recently adopted SDP2004 proposes a Green Belt boundary review to the west of A1 (M) to accommodate the strategic housing development. National policy as set out in paragraph 4.31 of PPS12 states that the Secretary of State will only use the powers of intervention in a limited range of circumstances where central Government involvement is clearly justified. Although the Secretary of State stresses that this is very much a last resort option, he will consider this option if, for example, local development documents were not in general conformity with the regional spatial strategy.

### Housing Need

42. The Secretary of State has taken into account that the SP1998 housing requirement was to be met via three methods: planned regeneration; limited peripheral development; and strategic greenfield locations, and that a quantity specific provision was made at Stevenage West (IC7). SP1998 policies 8 and 9 make provision for 3,600 dwellings at Stevenage West to 2011 (IC8).
43. The Secretary of State has also taken into account the views of Hertfordshire County Council and North Hertfordshire District Council that capacity studies demonstrate that housing land has, and will continue to come forward in sufficient quantity to meet requirements without the need for strategic development at Stevenage West (IC9).
44. However, he agrees with the Inspector that monitoring of past housebuilding rates and existing commitments is, by itself, insufficient to demonstrate an adequacy of future housing land supply (IC9). In regard to the future forecasts, the Secretary of State acknowledges that the housing capacity studies put forward by Hertfordshire County Council and North Hertfordshire District Council have not yet been subjected to independent examination (IC14). He agrees with the Inspector that future forecasts are an important component of the preparation of a development plan (IC10). He also agrees that these applications are not concerned with formulation of strategy for the quantification and distribution of development but with the application of established and emerging policy (IC10). The Secretary of State therefore gives limited weight to the future forecast housing capacity studies as they have not been thoroughly examined in the preparation of adopted policy.
45. The Secretary of State therefore agrees with the Inspector that a much clearer evidential base would be required to justify a significant change of course from the SP1998 strategy for delivering the amount of housing needed. The Secretary of State also agrees with the Inspector that, as evidence does not exist at present, it would be wrong to abandon one or all of the limbs of the SP1998 strategy in favour of an alternative strategy that, in its present form, amounts to little more than seeking to secure much-needed housing development through individual ad-hoc development control decisions (IC17).
46. For these reasons, the Secretary of State concludes that the strategic need for housing set out in the development plan indicates that applications PA3 are needed to deliver that level of housing supply identified in the SP1998 to 2011, but that to grant applications PA5 would cause an overprovision in this time period. The Secretary of State gives the strategic need for housing considerable weight.

### Housing

47. For the reasons given by the Inspector at paragraphs IC158 to IC160, the Secretary of State agrees that while PA3 would be acceptable in terms of PPG3 by widening housing

opportunity and choice, PA5 would not be, as it would at present cause an overprovision of housing. The Secretary of State also agrees that the development framework provided by the master plan indicates that both applications PA3 and PA5 would create a sustainable community (IC160). The Secretary of State has also taken into account that both applications PA3 and PA5, would, on the land allocated for housing, make an efficient use of land.

48. The affordable housing agreement requires that a minimum of 27.5% of the total number of residential units to be constructed within the site be affordable housing. The Secretary of State is satisfied with the level of affordable housing proposed (IC67) and that the levels of affordable housing would be deliverable. He agrees with the Inspector that the developments would provide a welcome, needed and substantial addition to the stock of affordable dwellings in the area (IC68). A completed and signed affordable housing agreement has been received by the Secretary of State and he agrees with the Inspector that the agreement is acceptable as drafted (IC171).

### Transport

49. The Secretary of State agrees with the Inspector's view that, apart from the minor exceptions mostly outside the control of the applicants, outlined by the Inspector in IC164, applications PA3 and PA5 are compliant with the main aims and requirements of PPG13. He has also taken into account the Inspector's conclusions at IC108, based on the Inspector's consideration of travel and transport matters at IC70 to IC107, that the proposed structure for walking, cycling and bus travel within the site and to and from the town centre, combined with the other measures proposed to encourage future residents to undertake these particular journeys other than by car, would be satisfactory.

50. The Secretary of State also shares the Inspector's concern at IC108 regarding the achievement of wider objectives concerning reducing the growth in private motor traffic and promoting sustainable travel choices. The Secretary of State has taken into account the programme of works suggested by the Inspector at IC98 and he considers that they could help deliver an integrated travel and transport network within the Stevenage urban area. The Secretary of State considers that the programme of works suggested by the Inspector at IC98 would not be directly related to the applications and he also agrees with the Inspector that it would be wrong to delay development while parties other than the applicant produce such a programme (IC99).

51. The Secretary of State has also taken into account the Inspector's conclusions regarding safety, security and crime prevention at IC137 to IC141. Although the Secretary of State shares the concerns of the Inspector regarding pedestrian and cycle access from the applications site and routes to the town centre, he agrees that the access proposals at Meadway and Bessemer Drive would not be determinative of travel choices in themselves (IC141).

52. The Secretary of State has taken into account the Inspector's view that neither PA3 nor PA5 should be permitted without assurance that suitably comprehensive and integrated travel and transport measures within the Stevenage urban area would be delivered in parallel with development at Stevenage West (IC141). However, consistent with his agreement with the Inspector, as stated in paragraph 50 of this letter, the Secretary of State considers that it would be unreasonable to deny the applicant permission until the Inspector's proposed programme of works to deliver improvement throughout the wider Stevenage area had been completed.

53. However, the Secretary of State considers that the applicant is responsible for creating the safe places within areas of their control and that within the applications site they have done so. Nonetheless, the Secretary of State agrees with the Inspector's concern regarding safety, security and crime prevention in relation to the proposed pedestrian and cycle routes beyond the application site to the town centre and in the vicinity of the proposed underpasses at Meadway and Bessemer Drive, although he agrees with the Inspector that revising the Master Plan to provide frontage development to the access could not be achieved at detailed design stage without significant departure from the present Master Plan (IC138). However, he considers that measures that would improve the pedestrian and cycle route network from the applications site to the town centre would increase the likelihood of journeys being undertaken by means other than the car and would improve personal security. The Secretary of State is therefore seeking representations from the parties as to whether or not further improvements can be made in order to assist him in his consideration of this matter.

### Other matters

#### *Locational factors*

54. The Secretary of State agrees with the Inspector's conclusions regarding other locational factors at IC39 to IC65.

#### *Qualitative matters*

55. The Secretary of State agrees with the Inspector's conclusions regarding other qualitative matters at IC109 to IC136.

#### *Relationship with other national planning guidances'*

56. The Secretary of State agrees with the Inspector's conclusions regarding PPS7, PPS9, PPG15, PPG16 and PPG17 at IC161 to 166.

### Planning obligations and conditions

57. The Secretary of State has considered the Inspector's proposed conditions as set out at Annex 1 to his report. The Secretary of State considers that the Inspector's proposed conditions are reasonable and necessary and meet the tests of Circular 11/95.

58. The Secretary of State has considered the unilateral undertakings submitted by the applicants and the representations made by the parties in respect of both the form and content of these documents. He agrees with the views expressed by the Inspector in IC 174 regarding the complexity of the deeds and the potential difficulties that may arise in respect of their interpretation and enforcement. Apart from the legal concerns expressed by some parties about the ability to modify the principal undertaking dated 25 October 2004 (and he does have concerns about the validity of the later documents) the Secretary of State is not prepared to accept the current arrangements as either an appropriate or necessary approach for the reasons given by the Inspector in IC 174. The Secretary of State considers that as the deeds are public documents they should be drafted in a form that can be understood by anyone whether or not they have knowledge of the law.

59. With regard to the agreement relating to the provision of affordable housing dated 23 May 2005 (“Affordable Housing Agreement”) and the principal undertaking dated 25 October 2004 (“the Principal Undertaking”), the Secretary of State has had regard to the guidance in Circular 05/2005 on planning obligations. The Secretary of State has taken into account the Inspector's view that the range of subject matter covered in the proffered obligations would be sufficient to establish a sustainable community (IC183). The Secretary of State considers that the matters included in both the Affordable Housing Agreement and the Principal Undertaking are necessary in order to bring the proposed developments in line with the objectives of sustainable development and make the proposed development acceptable. He also considers that the matters included in both the Affordable Housing Agreement and the Principal Undertaking do comply with the policy tests set out in paragraphs B8 to B10 of Annex B of circular 05/2005.
60. The Secretary of State agrees with the Inspector that the Affordable Housing Agreement is acceptable as drafted (IC171). However, for the reasons given by the Inspector at paragraphs IC172 to IC182 he shares the Inspector's concerns that the Principal Undertaking in its current form may not secure delivery of the facilities and infrastructure that appears to be on offer. The Secretary of State gives considerable weight to the need for the planning obligation to deliver the facilities and infrastructure necessary in order to bring the proposed developments in line with the objectives of sustainable development and make the proposed development acceptable.
61. The Secretary of State acknowledges the indication given in subsequent correspondence that the three local authorities (Hertfordshire County Council, North Hertfordshire District Council and Stevenage Borough Council) are prepared to work together with the applicants to settle the terms of an acceptable planning agreement should the Secretary of State decide there is a need to develop the application site. The Secretary of State agrees that an agreement would be the preferable and most practical means of securing the facilities and infrastructure necessary and of achieving the objectives referred to in paragraph 60 of this letter.
62. For the reasons given above the Secretary of State agrees with the Inspector's views in IC 183 that the Principal Undertaking and Security Deed dated 25 October 2004 ought to be reformulated in accordance with the approach suggested by the Council in IR 34.15 apart from the maintenance obligations. He also considers that any reformulated document should make provision for the range of facilities offered in the current obligations before him. However, in the Secretary of State's opinion, a 3 month period would be sufficient to allow for the negotiation and completion of the necessary documentation.
63. Although the Secretary of State considers it would be preferable for the applicants and the relevant authorities to enter into a planning agreement to secure the provision of the necessary infrastructure, he is prepared to consider a reformulated unilateral obligation but he will expect this to fully address the concerns set out in this letter.

## Overall Conclusion

64. The Secretary of State agrees with the Inspector that neither applications PA3 or PA5 are in accordance with the development plan. He has therefore considered whether there are material considerations sufficient to outweigh this conflict.

### *Conclusion on applications PA5*

65. In regard to applications PA5, the Secretary of State concludes that very special circumstances have not been demonstrated to outweigh the harm these applications would cause to the Green Belt. He also concludes that it would be premature to grant permission for applications PA5 before a housing strategy for the post 2011 period has been established through the approval of the emerging RSS14. Overall the Secretary of State concludes that the delivery of affordable housing within a sustainable community, making an efficient use of land and general compliance with the master planning principles are not material considerations of sufficient weight to determine the application PA5 other than in accordance with the development plan and he agrees with the Inspector's conclusion that applications PA5 should be refused.

### *Conclusion on applications PA3*

66. In regard to applications PA3 the Secretary of State agrees with the Inspector's conclusions that PA3 can be distinguished from PA5 (IC187). The Secretary of State agrees with the Inspector's conclusion that to grant application PA3 would not be premature and would contribute to the strategic housing requirement in Hertfordshire to 2011, to which he gives considerable weight. He also concludes that the strategic need for housing set out in the development plan to 2011 amounts to very special circumstances that outweigh the harm to the Green Belt by inappropriate development and any other harm. The Secretary of State is also satisfied that the travel and transport arrangements proportionate to the application are deliverable and he is satisfied with the provision of affordable housing and that there will be an efficient use of land.

67. On balance the Secretary of State concludes that applications PA3 are needed to meet the housing requirement to 2011; that very special circumstances have been demonstrated to outweigh harm to the Green Belt; would widen housing opportunity and choice; are in general compliance with the master planning principles; and would deliver sufficient affordable housing within a sustainable community. In the Secretary of State's opinion, these are material considerations which are cumulatively of sufficient weight to determine applications PA3 other than in accordance with the development plan. The Secretary of State proposes, however, to defer his decision on applications PA3, for the reasons indicated at paragraphs 57 to 63 above, to allow for a reformulated planning obligation to be submitted.

68. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation in regard to applications PA3. He is therefore minded to allow the second pair of applications (Stevenage Borough Council Ref 01/00506/OP, North Hertfordshire District Council Ref 01/01408/1), for 3,600 dwellings and business premises (Use Classes B1 and B2), shops (Use Classes A1, A2 and A3); leisure, social and community facilities (Use Classes D1 and D2); open space and landscaping; and provision of infrastructure, highways and public transport facilities; and ancillary facilities (as amended) on land west of A1(M) at Stevenage, subject to conditions (annex A to this letter) and receipt of an

appropriately reformulated planning obligation relating to Community Infrastructure provision.

69. The Secretary of State therefore proposes to defer his decision on applications PA3 to enable the applicant to submit a reformulated planning obligation. He proposes to allow 3 months from the date of this letter, i.e. to the 20 January 2005, for a re-formulated planning obligation to be submitted for his consideration. For the reasons given at paragraph 53 above the Secretary of State also invites the applicant and all other parties to make representations on what measures can be taken to improve the current arrangements for pedestrian and cycle route access between the applications site and the town centre and to put forward such proposals as they consider appropriate for his consideration.

70. The Secretary of State will, as soon as practicable thereafter, circulate these representations for comment, giving a further 14 days within which final comments may be made. The final deadline will be set when the representations are circulated and the Secretary of State will then proceed to final decision on applications PA3. The Secretary of State does not propose to allow a lengthy series of cross-representations and further comments. Please note, furthermore, that the Secretary of State does not regard this invitation as an opportunity to address other issues raised during the inquiry. Accordingly, interested parties are asked to restrict their representations to the matters set out above.

#### **Formal Decision on Applications PA5**

71. Accordingly for the reasons given above the Secretary of State agrees with the Inspector's recommendation in regard to applications PA5. He hereby refuses planning permission for the first pair of applications (Stevenage Borough Council Ref 01/00423/1, North Hertfordshire District Council Ref 01/01157/1), for approximately 5,000 dwellings and business premises (Use Classes B1 and B2), shops (Use Classes A1, A2 and A3); leisure, social and community facilities (Use Classes D1 and D2); open space and landscaping; and provision of infrastructure, highways and public transport facilities; and ancillary facilities on land west of A1(M) at Stevenage.

72. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

73. A copy of this letter has been sent to Stevenage Borough Council, North Hertfordshire District Council, Hertfordshire County Council and all those who appeared at the inquiry.

Yours faithfully,

Anna C Macintyre  
Authorised by the First Secretary of State to sign in that behalf