

**Committee:** Local Plan Panel

**Date:** 8 May 2024

**Title:** Countryside Protection Zone

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## Summary

1. This report provides a summary of thinking relating to the Countryside Protection Zone (CPZ) and the issues raised with respect to it during the Regulation 18 consultation.
2. In addition to this paper, specialist consultations Hankinson Duckett Associates (Environmental) will deliver a presentation and assist facilitating an LPP discussion on the future direction of the CPZ. The consultants' advice and recommendation form much of this report.

## Recommendations

3. That the LPP notes the report and provides its views on the future direction of policy with regards to the CPZ.

## Financial Implications

4. Within existing local plan budget.

## Background Papers

5. None

Communication / Consultation	The final draft (Regulation 19) Plan is to be published for consultation in summer 2024 for eight weeks.
Community safety	None
Equalities	None
Health & Safety	None
Human Rights / Legal	None
Sustainability	The Local Plan will have positive impacts on sustainability across the district.
Ward-specific Impacts	All wards

Workforce / Workplace	None
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## Situation

### *Background and purpose*

6. The CPZ emerged as a policy in the 1995 Local Plan which was carried through into the current 2005 Local Plan. It came about following the 1984 report by Sir Graham Eyre QC which concerned the 1985 planning permission for Stansted Airport. Sir Graham saw the CPZ as a way to control the expansion of the airport into the surrounding countryside, much like a metropolitan green belt controls the spread of major cities elsewhere in the country.
7. The current 2005 policy is a policy within the current local plan. When the 2005 plan is superseded so will the policy. If the council is to maintain a CPZ it must do via the emerging Local Plan. There is no statutory requirement or national policy that requires the CPZ (unlike metropolitan green belt which is defined nationally).
8. The 2005 plan states the following:

Purpose of the Countryside Protection Zone (CPZ) - To maintain Stansted as an airport in the countryside, by maintaining a local belt of countryside around the airport. Importance is given to maintaining 'the character and amenity experienced in and derived from the surrounding countryside between the airport and villages' (para 6.23 of reg 18 Local Plan).

### *Policy S8 – The Countryside Protection Zone*

*The area and boundaries of the Countryside Protection Zone around Stansted Airport are defined on the Proposals Map. In the Countryside Protection Zone planning permission will only be granted for development that is required to be there or is appropriate to a rural area. There will be strict control on new development. In particular development will not be permitted if either of the following apply:*

- a) *New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside;*
  - b) *It would adversely affect the open characteristics of the zone.*
9. The regulation 18 Local Plan has sought to take the policy forward through Core Policy 12 and a revised CPZ boundary, which is set out in Appendix 7 of the Regulation 18 publication.
  10. The policy has been successful to a point, however, there have been a number planning decisions that have allowed development within the CPZ in spite of its local protection.

### *Compliance with NPPF*

11. As part of the development control process (planning decisions and appeals), planners and inspectors have on occasion identified that the current adopted policy is not wholly compliant with the NPPF.
12. This is partly due to the lack of an up-to-date Local Plan and partly due to the restrictive nature of the wording within the policy.
13. There have been a number of appeals that reference the CPZ including,

#### Land Known As 7 Acres, Warish Hall Farm, Parsonage Road, Takeley

*“Policy S8 is more restrictive than the balancing of harm against benefits approach of the NPPF, noting that the NPPF at paragraph 170 advises that decisions should recognise the intrinsic character and beauty of the countryside and that the ‘protection’ afforded to the CPZ in Policy S8 is not the same as the Framework’s ‘recognition.’”*

14. Similarly, there are examples from decision takers that the continuation of the policy has a degree of consistency with the NPPF,

#### Land South of Stortford Road, Little Canfield, CM6 1SR

*“Although the Framework takes a less restrictive approach to development than these policies, it nonetheless seeks to protect and enhance the countryside and natural environment, and to make effective use of land in urban areas. Policy S8 recognises the intrinsic character and beauty of the countryside, which is consistent with the Framework. In this respect, the policies are not wholly out of date.”*

*“As set out above Local Plan Policy S8 is a more nuanced planning control in relation to maintaining open countryside around the airport. There is nothing in the evidence which would indicate that the rationale for this policy is no longer relevant, and the policy recognises the intrinsic character of the countryside.”*

15. Thus, there is the indication that retention of the policy would be acceptable, but that the wording of the policy should be carefully considered.

### *Emerging Position*

16. The concept of protecting the countryside around Stansted Airport is supported both by the location of the CPZ boundary and by the specific wording of the draft policy (CP12).
17. The allocations put forward within the draft Regulation 18 Local Plan would appear to conflict with the policy wording as it stands. In response, the draft plan seeks to adjust the boundary of the CPZ, such that the allocations fall outside of the boundary.

18. While this is a logical response, the alterations set out within Appendix 7 of the Regulation 18 publication have the potential to compromise the future effectiveness of the policy. The proposed changes substantially reduce the quantum of countryside within the CPZ to the south of the airport, which is a location of development pressure. As a consequence, there is a risk that the rural setting to the south of the airport could be compromised in the future.
19. The area between A120 (the A120 did not exist when the CPZ was first envisaged) and Stortford Road needs careful consideration for the following reasons:
- Intense development pressure
  - Limited space
  - Rurality already eroded
20. The benefit of having a specified boundary is that it is clear where the implications of the policy would apply.
21. The current wording for Core Policy 12 is as follows:
- An area around Stansted Airport (the Stansted Airport Countryside Protection Zone) is protected from development to preserve the 'rural' character of the area around the airport. The area is shown by the Policies Map and Appendix 7.*
- Within the defined area, development will only be supported where, either of the following apply:*
- i. new buildings or uses would not promote the coalescence between the airport and the existing or allocated development in the surrounding countryside within the CPZ, and*
  - ii. the proposal would not adversely affect the open characteristics of the CPZ.*
22. The wording is very similar to the adopted policy, albeit with a less restrictive terminology. The two tests in particular are very similar to the existing policy wording.
23. Examination of planning and appeal decisions suggest that the second test of the policy (regarding openness) seems to gain more traction in decision taking.
24. The first test (regarding coalescence) appears to be weaker for two reasons. Firstly, a substantial amount of built development could arguably occur within the CPZ without causing coalescence between the airport and development. Secondly, the restriction in terms of coalescence is only placed between the airport and development. It may therefore be possible to comply with the first part of the policy whilst still compromising the overarching aim of the policy as a whole, which is to preserve the rural character of the CPZ.
25. Officers have discussed with specialist consultants possible opportunities to strengthen the policy and to broaden its objectives, whilst maintaining the overarching concept of an airport in the countryside. This could be consistent

with the national approach to Green Belt, for example, and draw inspiration from other policy guidance and the evidence base already in place for the Local Plan.

26. Examples of opportunities include:

- If changing the boundary of the CPZ, consider including additional land to the south, to compensate for areas taken out of the CPZ.
- Consider the boundary of the CPZ in the context of current settlements (including permissions)
- Consider revising the policy tests in order to conform with the NPPF and have a greater synergy with the overarching aims of the CPZ.
- Look at the potential for land-use change that would benefit the CPZ (i.e would benefit the rural character of the land within the CPZ). This would need to be carefully considered and worded to ensure that it would not conflict with the operation of the airport (for example proposals to plant trees which may increase the risk of bird strike).
- Potential to include the consideration of settlement identity and separation.
- Potential to tie in the findings and guidelines set out within the 2023 Landscape Character Assessment, which generally seek to enhance rural character.
- Potential to consider mitigation measures for proposed development which may reduce the harm to the CPZ.

### *Recommendations*

27. It is recommended that the council retains the policy but seeks to adjust the policy wording and the boundary extents of the CPZ.

28. In terms of the boundary, it is recommended that the boundary to the north, east and west would remain the same. The southern boundary would change to accommodate the proposed allocations, acknowledge the physical intercession of the A120 but also include new areas of countryside that would maintain the rural setting to Stansted to the south.

29. In terms of policy wording, some guidance could be taken from the 2016 LUC study of the CPZ, which set out 4 purposes for the designation:

- To protect the open characteristics of the CPZ
- To restrict the spread of development from the airport
- To protect the rural character of the countryside around the airport
- To prevent changes to the rural settlement pattern of the area by restricting coalescence.

30. An alternative would be to re-word the first test of the policy, such that new development would not individually or cumulatively with other existing or proposed development compromise the integrity of the separation between settlement within the CPZ and Stansted in order to maintain the integrity and

rural character of the CPZ. This could encompass settlement identity as well as physical and visual separation between the development and the airport.

31. These recommendations would maintain the policy within a future Local Plan but would seek to protect the CPZ more effectively than currently allowed for within the Reg 18 Local Plan.

32. The LPP is asked to consider the emerging policy and possible options.

### Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Failure to successfully steer the local plan to submission will likely result in government intervention and continued speculative development in the meantime.	2 – LDS, project plan and LPP in place.	4 - Lack of an adopted (or advanced local plan) leading to potentially unacceptable development.	Various mitigations in place.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

**Appendix 1 – CPZ 2005 and Draft Reg 18 version**

