
WELWYN HATFIELD LOCAL PLAN EXAMINATION

EXAMINATION HEARING STATEMENT

STAGE 2 OVERARCHING STRATEGY

**Prepared by Strutt & Parker on behalf of Ptarmigan Land and Mrs C Horton
1974 Discretionary Settlement (ID 745197)**

October 2017

Welwyn Hatfield Local Plan Examination

4 – Green Belt Review

5 – Green Belt exceptional circumstances

7 – Infrastructure constraints

Introduction

1. Strutt & Parker are instructed by Ptarmigan Land and Mrs C Horton 1974 Discretionary Settlement, hereinafter referred to as ‘the clients’, to submit this Hearing Statement to the Examination for the Welwyn Hatfield Borough Council Submission Local Plan (WHSLP). Previous submissions on behalf of our clients have been made to Welwyn Hatfield Borough Council (WHBC) throughout the emerging Plan process.
2. This Hearing Statement is based on previous submissions and representations made on behalf of our client and specifically addresses issues raised by the Inspector in draft hearings agenda for stage 2. The statement focuses on the questions we consider most relevant to our clients’ representations and therefore this statement focuses on questions 4 and 5, which relate to the Green Belt, and question 7 regarding targets for growth and infrastructure.

Question 4 – Green Belt Review

Has an objective assessment of the contribution land makes to the purposes of the GB been undertaken?

3. We consider WHBC has undertaken a robust assessment of the quality of Green Belt within the Borough. This has included a number of stages of assessment to ascertain the contribution of land to the purposes of the Green Belt. This has included:
 - The Stage 1 Strategic Green Belt Review which was commissioned by Welwyn Hatfield Borough Council, St Albans District Council and Dacorum Borough Council and published in November 2013.
 - The Stage 2 Green Belt Review of sites included in the Strategic Housing Land Availability Assessment which was carried out by Welwyn and Hatfield Borough Council and publishes in October 2014.

- In addition, in the case of many sites, detailed site specific analysis has been undertaken and submitted in support of the Local Plan process. In the case of our client's land interests at HS11 to the south of Hatfield for example a Green Belt Assessment was carried out on the site with its proposed boundaries as part of a document entitled 'Landscape and Green Belt Statement in respect of Land off South Way, Hatfield (Rev.A)'. This was prepared by James Blake Associates and issued to the Council in January 2016. It assessed the site using the same criteria as had been used in the Stage 1 Strategic Green Belt Review and the Stage 2 Strategic Green Belt Review, but using a more well-developed design for the site. This had been drawn up to take account of site constraints and their mitigation and involved a reduced area of proposed development and detailed assessment in relation to site contours. Assessing the site against this more detailed plan of the proposed development, the Landscape and Green Belt Statement concluded that the site could be developed without creating encroachment or a pervasive attack on the Green Belt and that, post-development, the gap between South Hatfield and Welham Green would still be amply sufficient to substantively separate the two settlements and ensure that no additional coalescences were created in visual terms.

4. There is no set methodology for carrying out a Green Belt Assessment. However, the Local Government Association's Planning Advisory Service did produce some guidance for local planning authorities in 2015 (after the Welwyn Hatfield/St Albans/Dacorum Stage 1 Green Belt Review had been produced). The key points of this are as follows:

- Assessment of the Green Belt should, in the first instance, be against the five purposes of Green Belt specified in the National Planning Policy Framework. While there are other planning considerations that might affect decisions concerning the land which are not included in Green Belt selection criteria (such as landscape quality), these can be considered separately when seeking suitable locations for development.
- When assessing whether a particular plot of land makes a contribution to Purpose 2 (preventing neighbouring towns merging into each other), the character of the places and the landscape in between should be taken into account as well as the measured distance of the gap.
- In assessing the contribution of a plot of land to Purpose 3 (assisting in the safeguarding of the countryside from encroachment), the recommended approach is to examine differences between land under the influence of the urban area and the open countryside, with land

under the influence of an urban area less likely to encroach upon the protection of the countryside than land solely within the open countryside.

- Purpose 4 (preserving the setting of historic towns) will not be a factor in many situations, as most historic town centres are already enveloped by development.
- Purpose 5 (the contribution to encouraging the re-use of brownfield land in urban areas) applies to all Green Belt sites and isn't relevant to the assessment of particular ones.
- The Duty to Co-operate that was placed on Local Planning Authorities in the 2011 Localism Act and is included in the National Planning Policy Framework is relevant to the drawing up of strategic planning documents such as a Green Belt Assessment.

5. The Welwyn Hatfield Borough Council, St Albans District Council and Dacorum Borough Council Green Belt Assessment is generally consistent with the Planning Advisory Service Guidelines. It assesses parcels of land against the four relevant Purposes of Green Belt, does consider landscape and settlement character as well as distance (to a certain extent) in assessing the merging of neighbouring towns, considers the degree of urban development and countryside character (by looking at land use) in assessing encroachment into the countryside and shows a high level of co-operation with (some) neighbouring authorities in doing a joint study. The one area in which it deviates from the PAS guidance is in its interpretation of what constitutes a 'historic town' in assessing Purpose 4: it makes a much wider interpretation by including any 'historic places' such as Scheduled Monuments and Listed Parks and Gardens as well as towns.
6. One distinctive characteristic of the WHBC/SADC/DBC Green Belt Assessment is the inclusion of a 'Local Purpose' in addition to the four national ones. This looks to 'broadly maintain the existing settlement pattern' by considering the potential merging of secondary settlements with each other and with primary settlements. This is not something that is mentioned in the National Planning Policy Framework, but which is stated to be a local strategic planning objective.
7. The methodology adopted is generally in line with Green Belt assessments carried out by other local planning authorities. An extensive study of the policy context and the Green Belt Studies produced by other local planning authorities was carried out. The key words and phrases relating to the Green Belt purposes in the National Planning Policy Framework were defined. A desk-top review of the identified parcels of land was done, followed by on-site inspections. The parcels which contributed the least to Green Belt purposes were identified. A more detailed Stage 2 study of particular sites within the Green Belt that were included in the Welwyn Hatfield Strategic Housing

Land Availability Assessment was later undertaken, again based on the four national and one local Green Belt purpose and involving both desk-based studies and site surveys.

Do the proposed revisions to GB boundaries result in stronger boundaries that will endure beyond the life of this plan?

8. The proposed revisions to boundaries are supported by the client. In the case of our client's land interests at site HS11 at South Way, Hatfield, detailed assessment work has led to restricting proposed areas of development in relation to site contours and the creation of a new ridge route in the form of a green lane / ridgeway route. The design of this Green Infrastructure route is anticipated to include a pathway route lined by tree and hedge lines each side of the route. This will create a clear and strong definition, preserve an open skyline and take away the threat of any future lack of containment of the settlement of Hatfield. Routes along ridge ways are consistent with local patterns of access routes. By carefully considering site topography and contour and creating a Green Lane along a major local landform feature, the site would offer a new Green Belt boundary as strong as the existing one (South Way) and one which will endure well beyond the life of the plan.

Question 5 Green Belt Exceptional Circumstances

What should constitute exceptional circumstances for removing land from the GB?

9. Paragraph 5.7 of the Plan sets out that through an objective assessment of available land; existing completions, urban capacity, sites with planning permissions and a windfall allowance, WHBC is entirely incapable of meeting its objectively assessed needs without releasing land from the Green Belt. As such, in order to achieve sustainable development (NPPF, Paragraph 17 (3)), the Council have undertaken an assessment of the quality of Green Belt land and amended boundaries, where necessary.
10. The Government in its Housing White Paper set out the importance of housing needs when considering exceptional circumstances. Whilst this is still to be taken forward into policy it gives an indication as to how LPAs should consider Exceptional Circumstances. The case of Calverton Parish Council v Nottingham City Council, Broxtowe and Gedling Borough Council [2015] EWHC 1078 also highlights the importance of considering housing needs and supply against the nature of the Green Belt when assessing whether exceptional circumstances are present. The judgement states:

“In a case such as the present, it seems to me that, having undertaken the first-stage of the Hunston approach (sc. assessing objectively assessed need), the planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters:

- (i) the acuteness/intensity of the objectively assessed need (matters of degree may be important);*
- (ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development;*
- (iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;*
- (iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and*
- (v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.”*

11. It is clear that it will be necessary for some limited release of land from the Green Belt given the scale of growth necessary in order to ensure the delivery of balanced sustainable growth. These should be considered ‘exceptional circumstances’ which justify the limited release of Green Belt Land for residential development as well as for supporting infrastructure which may be required to deliver this level of growth.

12. It should also be noted that limited Green Belt release on a sites such as HS11 at South Way, Hatfield have the potential to provide for enhancements and improved access to remaining areas of Green Belt. The development of the site at HS11 would for example provide an exceptional opportunity to create Green Infrastructure features of benefit to people and biodiversity. Foremost amongst these would be the creation of the Green Lane along the ridge line providing improved connective and better public access to the Green Belt. With good long-range views over Hatfield, the ridgeway Green Lane would offer excellent opportunities for quiet recreation. The planting of trees and hedging plants along the linear green corridor would also contribute towards the Watling Chase Community Forest (which the site is within the boundaries of). This opportunity for creating new public open spaces and access to the landscape in order to benefit local people can be considered to be an ‘exceptional circumstance’ for redrawing the Green Belt boundary, together with the opportunity that would be created for extending the cemetery which lies to the immediate south-west of the site.

Question 7 - Targets for growth,

Are the constraints imposed by infrastructure requirements fully justified?

13. The approach adopted in relation to infrastructure requirements is generally supported. The plan does not constrain growth where infrastructure can be upgraded and identifies site specific requirements within Table 10 in relation to Policy SADM26 for example. In relation to our clients' site at HS11, we do however consider that a number of these infrastructure requirements have been demonstrated to be appropriately mitigated or have been shown not to be a constraint by further technical work included with our submission stage representations. We do therefore consider this part of the plan should be amended as set out in our submission representations and we will be seeking to provide further detail on this at the forthcoming site specific and infrastructure hearing sessions in the coming months. In relation to the current stage of the examination and the overarching strategy, we support the approach of the Local Plan at a strategic level and in particular consider that growth should not be constrained where infrastructure requirements can be appropriately mitigated. Our clients continue to work with Welwyn Hatfield Borough Council and Hertfordshire County Council in relation infrastructure provision and are currently holding further discussions in relation to education provision in particular. We would propose to provide an update and further detail on this as part of our submissions at the future stages of the examination process, including infrastructure and/or site specific matters.