



Examination into the Welwyn Hatfield Local Plan:-

Hearing Statement:-
Overarching Strategy

On behalf of
Sustainable Development Solutions Ltd

October 2017

1.0 Introduction

- 1.1 This topic paper follows extensive previous Local Plan representations (dating back to 2005) promoting a strategic Green Belt release to facilitate an allocation for a residential led mixed use development at Cuffley on land at Northaw Road East (relevant Local Plan site references:- Cuf5; Cuf12 reasonable alternatives & HS29 proposed allocation).
- 1.2 It is prepared on behalf of Sustainable Development Solutions (SDS) Limited in respect of their continued promotion work, but recognising that site specific arguments, other than by way of example, are not appropriate at this stage of the hearing sessions. Rather, it deals with those points on the Inspector's agenda (namely questions 4; 5; & 6 concerning Green Belt and Spatial Vision/Settlement Strategy issues) where SDS Ltd wish to specifically comment and participate at the hearing.
- 1.3 The inter-related issues surrounding Full Objectively Assessed Needs (FOAN) and growth targets are being covered by a number of other parties and in order to avoid repetition, this paper does not deal with them.
- 1.4 By way of background for the Inspector and in terms of the deliverability of strategic development objectives, it is also relevant to note that SDS Ltd have a draft contract in place with a national housebuilder which is expected to be completed shortly. This will not only ensure the delivery of H29 but also covers the ongoing promotion of the wider masterplan proposals (Cuf5).

2.0 Inspector's Questions

Question 4) Green Belt Review:- Has an objective assessment of the contribution land makes to the purposes of the Green Belt been undertaken?

- 2.1 Whilst the Council's approach was informed by the Joint Green Belt Review (undertaken by SKM in 2013), the assessment provided by that document was far too broad to be of any real value when considering the merits of individual sites for allocation and how they compare against one another when applying the relevant five tests of the NPPF (para 80). How, for instance, can the suitability of a particular edge of settlement site be properly assessed when the initial analysis on its contribution to the Green Belt placed it in a wider 1,000+ ha character area. Whilst the Council went onto undertake more detailed work in their Stage 2 reviews, this had unfortunately already been skewed by the broad findings in the SKM report, which meant that the baseline starting position for further assessment in some cases was very misleading or simply wrong.

2.2 By way of example, the description given for parcel GB52 (Green Belt Land West of Cuffley), within which Cuf5 sits, reads:-

‘The parcel is located to the west of Cuffley and extends to the east edge of Potters Bar and the Great North Road (A1000). The boundary to the north aligns with the Ridgeway (B157) and to the south with the M25 along the edge of the study area. The west edge crosses into Hertsmere. It is 1,154 ha in size and forms part of the undulating clay with flints plateau defined by slopes and narrow ridgelines which create a series of parallel dips and valley bowls’.

The individual character of Cuf5 comprising a self-contained piece of sterile and poor quality agricultural land directly adjoining the existing settlement of Cuffley (to the east with road connections at Kingswell Ride and Colesdale) is not recognisable within that broad description of the strategic land parcel. It is instructive to comparatively assess the contribution between the two, using the same criteria as the SKM report and taking its conclusions on the GB52 parcel as read; see table below:-

NPPF GB Purposes & local purpose	Strategic GB52 Parcel (SKM rating)	Edge of Settlement Cuf5 (Magenta rating)
To check the unrestricted sprawl of large built-up areas	<i>Significant Contribution</i>	Site forms logical and natural extension to built-up area, wider role of GB52 unaffected; <i>Limited Contribution only</i>
To prevent neighbouring towns from merging into one another	<i>Partial Contribution</i>	Not located within a strategic gap and release maintains 0.9 mile gap with Northaw adopting defensible new boundary; <i>Limited Contribution only</i>
To assist in safeguarding the countryside from encroachment	<i>Significant Contribution</i>	Poor quality farmland; new defensible boundaries will prevent encroachment into surrounding countryside; <i>Partial Contribution</i>
To preserve the setting and special character of historic towns	<i>Partial Contribution</i>	Not a particularly relevant test given that Cuffley is not a historic village and setting of Northaw remains unaffected; <i>Limited Contribution only</i>
To maintain the existing settlement pattern	<i>Significant Contribution</i>	Release would maintain existing settlement pattern and hierarchy <i>Limited Contribution only</i>

- 2.3 A more detailed assessment of how the Cuf5 land performs against the NPPF criteria for inclusion of land within Green Belts will appropriately be left for the Session 4 stage of the hearings. As a broad principle however SDS Ltd contend that the SKM report was not the correct baseline for edge of settlement assessments which required a finer grain analysis right at the start of the process, particularly given the advantages of such sites in terms of promoting sustainable patterns of development as set out within paragraph 84 of the NPPF:-

‘When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary’.

- 2.4 We are also concerned about inconsistencies in the broad approach taken by the Council which in some cases appears to be self-serving. For instance, how can it possibly be that the isolated new village proposal at Symondshyde (HAT15), adjacent to an environmentally sensitive ecological area (Symondshyde Great Wood) and, at a location that effectively punches a hole in the middle of a strategic piece of Green Belt land separating St Albans and Hatfield, is considered as being ‘more favourable’ and ahead of Cuf5 (categorised by the Council as being ‘less favourable’) in the pecking order? Notwithstanding the urbanising of this sensitive part of the countryside, the other likely significant and adverse environmental; ecological; highways; and landscape impacts that would flow from HAT15 simply can not be justified, particularly when there are inherently more sustainable reasonable alternative sites (such as Cuf5) that are available for development.
- 2.5 Even at the local Cuffley level, there are serious inconsistencies in the relative Green Belt assessments that have been made. For example, the site opposite Cuf5 at the King George V playing fields (HS28:- Land south of Northaw Road East) illogically ranks much higher as being ‘more favourable’, whereas Cuf5 does not even achieve ‘a finely balanced’ rating. Other than a general reference to ‘landscape visual grounds’ which lacks rigour and ignores available EIA evidence, no proper explanation is provided by the Council.
- 2.6 SDS therefore wish to contend that the whole rationale and process of how individual site recommendations have been arrived at as being ‘more favourable’; ‘finely balanced’; and ‘less favourable’ is confused and unclear.

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

- 2.7 Given that the Council have already accepted their failure to meet FOANs and the need for an early review of the plan, it is inevitable that GB boundaries (if adopted as currently drawn) would need to be altered again within the life of the plan. This is poor planning practice and clearly contrary to the provisions of the NPPF (para 83). There is no reason for this approach to be taken given the reasonable alternative sites that are available to the Council; why store up a problem for the future when it can be addressed now?
- 2.8 In terms of creating stronger GB boundaries, without citing detailed site specific matters, this is a difficult point to cover at this stage of the hearings. However, as a general point, the original SKM report did not provide sufficient analysis on this issue and it has been left to the subjective interpretation of Officers to consider the sites against this element of national policy. We consider that there have been serious failings in this regard, with HAT 15 being a case in point, where the new boundaries will leave this part of the Green Belt extremely vulnerable to further encroachment.
- 2.9 By reference to this example alone, we can conclude that an objective assessment of the Green Belt to inform the Local Plan site allocations has not been properly undertaken and that the proposed revisions, as currently drawn, will not result in stronger boundaries that will endure well beyond the life of the plan as required by the NPPF.

Question 5) Green Belt Exceptional Circumstances:- What should constitute exceptional circumstances for removing land from the Green Belt?

- 2.10 As a matter of principle, it is acceptable to release land from the Green Belt through the Local Plan process. In the case of Welwyn Hatfield, doing so is necessary to meet the Council's housing needs (albeit they fail to go far enough to meet FOANs) which in itself represents exceptional circumstances, particularly given the scale of the needs issue that they face in the context of extensive existing Green Belt coverage (ie. at approximately 80%).
- 2.11 This principle has been established through recent Local Plan examinations where Inspectors have accepted housing need to represent exceptional circumstances (eg. Birmingham City Council's Local Plan adopted January 2017). The Council's relevant Green Belt Topic Paper (at paragraphs 1.3 & 1.4) makes reference to recent case law citing Calverton Parish Council v Nottingham City Council, where the judgement concluded that exceptional circumstances related to the acuteness of the need and

not just the inability to meet the need for housing or employment land. This is very relevant to the situation faced by Welwyn Hatfield. There are also a number of other emerging Local Plan situations where Authorities such as Cambridge City Council and Redbridge Council are very close to adoption, involving green belt releases based on the same principle of meeting OANs. This is also consistent with the Government's Housing White Paper:- Fixing our broken housing market; February 2017 (see paragraph 1.39) and with paragraph 83 of the NPPF.

- 2.12 Whilst meeting the development needs of the district would justifiably represent the core of any consideration, there are many other factors that, when combined could reasonably constitute 'exceptional circumstances'. Achieving a sustainable pattern of growth (consistent with para 84 of the NPPF) is clearly one of these, but also an absence of planning harm and the benefits that would flow across the three dimensions of sustainable development (ie. economic; social and environmental) should also be considerations. Essentially it will be a matter of judgement for the decision maker.
- 2.13 The sustainability credentials of competing sites should therefore be carefully considered and weighed in the balance (ie. proximity to public transport; proximity to shops and services; employment; open space and recreation; health; and education facilities). Addressing climate change issues are fundamental to achieving sustainable development, yet the Council have continuously refused to recognise or even acknowledge the merits of a unique opportunity (at Cuf5) to deliver a zero carbon development through a proposed link to a nearby Anaerobic Digestion (AD) plant within the same ownership. This proposal, providing a heat network connection to the AD plant through underground pipes (with the benefit of planning permission already) has been audited by the Council's own specialist energy consultants (RPS) as part of a Planning Performance Agreement who gave it their unequivocal backing and found it to be '*very viable*'.
- 2.14 It will be appropriate to provide the full site details and specific locational benefits during Session 4, but as a general principle, SDS are unaware of any other approved or proposed AD plant facilities within the Borough, and as such this local energy solution is not likely or anticipated to be replicated anywhere else within Welwyn Hatfield. The AD process itself provides a solution that works extremely well at this urban/rural fringe location, involving a truly cyclical and sustainable process whereby the digestate remains left go back onto the adjoining farmland as organic fertiliser. It is a unique and special opportunity for zero carbon development that is only available at this particular location. It is inexplicable for the Council not to give this significant weight in its Green Belt rankings, particularly bearing in mind the fundamental importance attached to climate change issues in the NPPF and within the Local Plan generally; see policies SADM13 (Sustainability Requirements); SP10 (Sustainable Design & Construction), and the Council's spatial strategy as a whole. In our view, the ability of a site to deliver such a unique energy solution should be capable of being

considered as an *'exceptional circumstance'* for the release of Green Belt land, or at the very least as contributing toward such circumstances.

- 2.15 Furthermore, weight should be given to infrastructure needs in determining whether exceptional circumstances exist, with a view to ensuring that a plan is *'positively prepared'* (paras 157 & 182 of the NPPF). The NPPF's explanation of sustainable development at paragraph 7 references its three dimensions; namely; social; economic and environmental. Planning's social role is therefore fundamental and a site's ability to viably accommodate education and health facilities must be weighed accordingly. In this regard, the NPPF is clear that boroughs should plan for development needs that go beyond just housing needs. Paragraph 17 states that *'every effort should be made to identify and then meet the housing, business and other development needs of an area'*, whilst paragraph 157 goes on to state that Local Plans should *'plan positively for the development and infrastructure required in the area'*. Paragraph 182 meanwhile embeds infrastructure requirements into one of the tests of soundness for Local Plans. This states that for plans to be *'positively prepared'* they should *'be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements'*.
- 2.16 In terms of infrastructure requirements, the need for Green Belt sites relates predominantly to future education provision in the district. Given that insufficient brownfield land can be identified to meet the Council's housing targets, it also follows that insufficient land can be identified for new schools, which by their nature require a significant building footprint and access to playing fields, and should be sensibly provided in accessible locations close to areas of population growth. This was discussed in Session One, when it became clear that at this point in time the Council lack any coherent strategy for tackling this. A site's ability to deliver such provision must therefore be considered as an important factor in assessing *'exceptional circumstances'*. It is irresponsible not to do so, particularly in situations where the County Council have actively sought such provision and provided their own design brief as part of a wider masterplan (eg Cuf5).

Has the choice of land to be lost from the Green Belt been objectively derived? i) Housing; ii) Employment

- 2.17 Some of the decisions made by the Authority are inconsistent and irrational, and SDS Ltd are therefore concerned that an even handed approach to the site selection process has not been taken. Specifically, we are concerned that:--
- i) The rankings attributed to certain sites in terms of how they perform against green belt purposes and sustainability criteria are incorrect; the baseline position of the SKM report being too broad and not leading to the further fine grain assessment work that was needed at an early stage, particularly around the fringes of settlements.

ii) The permanence of the revised boundaries of certain sites has not been subject to rigorous enough testing for proper evaluation to take place.

iii) The pattern of growth adopted does not satisfy the three dimensions of sustainability and flies in the face of paragraph 84 of the NPPF; the Council's SA was deficient and failed to identify opportunities for zero carbon development locations.

iv) The approach to the selected Green Belt releases has failed in some cases to positively plan for infrastructure and social needs (eg schools; health facilities).

2.18 In respect of iii) and iv), this is highlighted extremely well by the Council's piece-meal approach to development taken at Cuffley, one of the larger villages, where the Council's SA completely failed to factor in Cuf5's proposed strategic infrastructure linkage to the existing Anaerobic Digestion Plant. It also failed to reflect the technical findings of the Environmental Impact Assessment work that was undertaken as part of the associated masterplan application. This must be viewed as a serious deficiency in the Local Plan process and represents an unnecessary gap in the available baseline information. In turn, this must inevitably result in flawed conclusions within the SA when balancing the relative merits of competing sites in the Green Belt.

2.19 More detail will be provided at Session 4 but it is clear that the SA has demonstrated a disregard of the Framework and in particular its advice at paragraphs 93 and 95, as set out below:-

- ***planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure***

'To support the move to a low carbon future, local planning authorities should:-

- ***plan for new development in locations and ways which reduce greenhouse gas emissions'***

Question 6) Spatial Vision and Settlement Strategy:- Do they re-inforce the Garden City and New Town heritage of the Borough, whilst maintaining the area's distinctive character?

2.20 SDS Ltd have been advocating the change in emphasis that is now apparent towards a more dispersed and more proportionate distribution of development across the towns and villages since their first involvement in this process in 2005. As such, this shift is very much welcomed. However, it could go much further in terms of the identification of site allocations that would achieve true sustainable development, consistent with Policy SP1 (Delivering Sustainable Development) and with satisfying the Council's targets for growth (Policy SP2). This can be easily addressed by focussing on logical and well connected edge of settlement opportunities (already identified as

reasonable alternatives) without the need for an unsustainable new settlement at Symondshyde, which will fundamentally change the character and heritage of the district. For instance, the allocation HS29 at Cuffley could be expanded so that it covers the whole masterplan area for Cuf5, or alternatively to the extent of Cuf12.

- 2.21 Unless this change in emphasis towards dispersal is clearly reflected in the site allocations across the borough, the good intentions behind the policy may not be realised. In particular, it will under-perform in its climate change commitments to the use of renewable low carbon energy solutions and in its encouragement of best practice in sustainability. Moreover, given that FOAHNs have not been met, we would re-iterate that it is extremely likely that the revised Green Belt boundaries would not endure for the whole of the plan period.
- 2.22 In terms of reinforcing the Garden City heritage of the borough, whilst maintaining the area's distinctive character, the Council could and should have gone further. For instance, at Cuffley, they chose to ignore their own vision reflecting the traditions of the borough to deliver a garden suburb (Cuf5) which had been mutually agreed as part of a Planning Performance Agreement (PPA) dated February 2013 (see attached as Appendix 1), which in summary sought:-

'To create a place that is instantly recognisable as belonging to the garden suburb tradition of homes, sitting within a strong landscape and garden setting'

- 2.23 This vision was developed specifically as a model of best planning practice and is therefore intrinsically linked to the core principles of the NPPF, where it is recognised that:-

'The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities.' (para 52)

- 2.24 The Council however has chosen to adopt a more piecemeal approach to proposed development at Cuffley, which whilst being a step in the right direction in terms of meeting housing needs, will not necessarily provide local infrastructure to support its expansion. In this regard, it is instructive to refer to previous local press coverage (Mercury; 30th June 2016) voicing residents' concerns on this same issue:-

Andrea Allgood, chairman of the residents association, has stated:- ***'Whatever numbers Welwyn Hatfield propose, there's no planned accompanying infrastructure. They are saying we will spread housing across the borough, but actually the main facilities remain in Welwyn Hatfield. The B156 which goes through the village is also a big problem when it becomes a through-road for the M25'***. She added:- ***'We don't feel like Welwyn Hatfield are listening to us. We don't know how they can say, 'Take your fair share of houses, but we aren't going to give you anything to go with it.'***

- 2.25 Our spatial solution for Cuffley (and the vision that was previously agreed with the LPA), consistent with the visionary planning heritage of the borough, would deal with all of these issues in one comprehensive allocation in that it would include delivery of:-
- a new primary school (one form entry);
 - a doctor's surgery;
 - a retirement village (including dementia care facilities);
 - leisure/gym facilities (including swimming pool);
 - package of local highway improvements agreed with the County Highways Authority (including a roundabout access solution which would slow traffic on the B156);
 - pocket parks/open space;
 - community allotments;
 - a special 'zero carbon' renewable energy solution
- 2.26 This alternative vision for Cuffley (at circa 600 units) would on its own deliver the settlement's FOAHNs, consistent with the potential strategic growth point location that was previously identified in the Council's 'Issues & Options' Paper in 2009; see key diagram and supporting text attached at Appendix 2. By failing to adopt this more radical solution, the Council is falling short in meeting its OANS and is not directing optimum growth to the most sustainable locations (as required by Policy SP3). The Authority is therefore missing out on a major opportunity to plan positively for their borough and to deliver improvements to local infrastructure.

Is the strategy being advanced consistent with the Borough's Green Belt location? Is the strategy now being advanced really one that seeks to maintain the existing pattern of settlements?

- 2.27 Dealing with the second part of the above question first, the Council's strategy to advance with a new village proposal as part of its Local Plan will clearly result in a new settlement pattern for the district, together with an associated new settlement hierarchy to include this addition. The Council's strategy can not therefore reasonably be said to seek to maintain the existing pattern of settlements. Dealing with the first point, and again with reference to this particular example, nor can it be said to be consistent with the Borough's Green Belt location as it effectively 'punches a hole' in the middle of it. This approach is completely unnecessary as there are other more logical and sustainable Green Belt release options that are available.

3.0 Conclusion

- 3.1 For the reasons set out above, the Council's current approach displays inconsistencies with NPPF Green Belt policy and its core principle of achieving sustainable development. As a result, some of the site selections and omissions have not been arrived at in an objective manner.
- 3.2 In particular, the strategic issue of the new settlement should be re-considered and the Council's overall settlement strategy recast so that the larger villages and edge of town locations can accommodate more development, as appropriate in lieu of the quantum of housing within that proposal, together with the provision of any further balance that is required to meet their FOAHNs.
- 3.3 Given the number of reasonable alternative sites that are available (eg Cuf5), there is a clear opportunity to align the Council's OANs; plan target setting; and the judgements made on Green Belt exceptional circumstances, as well as those made within the Council's SA. Such an alignment would ensure that NPPF principles can then be followed in terms of achieving sustainable development and reducing environmental impact across the borough.
- 3.4 This work is needed in order to make the plan sound. It would not require its complete overhaul but would involve a major adjustment to site allocations, together with a slight shift in the way the plan's strategy is applied to align with these. It would also require brave, but very much necessary, local political decisions to be taken so that the district can achieve the right amount of new houses, in the right places, including the affordable homes that it desperately needs and deserves.

List of Appendices

Appendix 1:- Planning Performance Agreement (including agreed 'Vision' document) dated February 2013

Appendix 2:- Strategic Growth Point diagram (Issues & Options 2010)