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For and on behalf of
Bayard Developments Ltd
ID:544489

HEARING STATEMENT - STAGE 3

**Welwyn Hatfield Local Plan
Examination in Public
Stage 3**

Prepared by
DLP Planning Ltd
Bedford

January 2018



H5057 Sites Wel1, Wel2 and Wel15, Fulling Mill Lane Welwyn Insert job number and site name
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Stage 3 Submission

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0.0 INTRODUCTION

0.1 The following are comments on behalf of Bayard Developments Ltd and Wattsdown Ltd in respect of topic specific policies so far as they concern matters raised by their Regulation 19 submissions.

0.2 Only those matters are addressed on which we have a specific comment that we consider may be pertinent to the consideration of soundness.

SP 4 Transport and Travel

1. What are the fundamental transport issues that need to be addressed over the plan period?

1.1 Paragraph 13.12-13 identifies the issue and the expected solution including implementation date for works to improve capacity on the A1M north of Junction 6 (Welwyn) - which effectively affects only through traffic and traffic entering and leaving the Borough – as well as identifying that there are a number of known local traffic issues which will require amelioration.

1.2 However in respect of the latter, there is no clear information within the Plan itself about which junctions and links are close to or over capacity and how this consideration has affected either the selection of sites or a mitigation strategy for the sites that are selected.

1.3 The Local Plan should usefully set out the programme of mitigation identified in WHaSH Local Plan Mitigation Testing (INF/15) as delivery of these works may have a material bearing on the implementation and phasing of sites allocated for development and therefore to the delivery of the Plan.

3. Should the Highway Authority's Transport Vision for 2050 be referred to in the plan?

3.1 The Transport Vision 2050 (INF/17) has value insofar as it identifies that areas within 5 miles of the A414 corridor are likely to provide over 60% of the County's emerging housing requirements. Accordingly junctions along the A414 in Welwyn Hatfield are critical to overall highway capacity and these are identified on Fig 11. This strategy is acknowledged at paragraph 7.4 of the Plan.

3.2 Broadly this corresponds with Junctions 4-6 (known as Jack Oldings) and 11-12 (to the south east of Welwyn Garden City) of the WHaSH Mitigation Strategy, which also identified Junction 10 as an additional junction with capacity issues. WHaSH also identifies a number of related junctions close to but off line from the A414 itself which are also under stress, particularly in Hatfield.

3.3 INF/15 identifies two scenarios, one based on provision of 7920 dwellings, stated to be close to what is expected to be allocated, and a higher figure of 9167 dwellings which assumes a number of additional sites (including Wel1, Wel 2 and Wel 15 - Fig 3 refers).

- 3.4 It is notable that under either scenario Junctions 4-6 remain congested even after mitigation (Figs 16-19 inclusive).
- 3.5 We consider this particularly critical, firstly because the WHaSH assessment seemingly does not take into account the wider network implications now highlighted by Vision 2050 – for example if a southern bypass of Hertford is provided together with the other capacity improvements to the west in St Albans then the overall traffic volume on the A414 will be likely to increase; and secondly because two of the principal allocations, at Bichall Garden Suburb and Symondshyde are effectively dependent on the A414 and on the junctions which will not be fully mitigated.
- 3.6 It is noted from Vision 2050 page 31 and that the comparative cost of works at Jack Oldings is phased for the period post 2021 and is costed at in excess of £250m – substantially more than the £7.5-£10m associated with works on the A1081/Great North road junctions (A1M Junction 6), being the other major upgrade project
- 3.7 Therefore when WHaSH states in 8.2 that in many instances the proposed schemes can fully address the issues identified, those locations where congestion and delay will continue to persist appear to be the most critical ones for traffic generated by proposed development as well as county-wide traffic movements. It therefore appears to fall in conflict with the statement at paragraph 7.2 of the Plan to the effect that the Plan seeks to achieve sustainable pattern of development by directing growth to locations that have good transport networks.
- 3.8 We would venture in the light of this that there are more suitable locations for development than some on which the Plan is presently predicated insofar as they are better able to mitigate traffic impacts and meet the broad objectives of a more sustainable pattern of development which reduces the impact of traffic.

5. Should the Highway Authority's individual highway improvement schemes be referred to?

- 5.1 This would at least enable the allocation of sites to be linked to specific highway works which are either necessary before the site can be developed or where allocation might affect an existing capacity issue.
- 5.2 For example mitigation to support Scenario 2 (Wel 1, Wel2 and Wel15) at junctions in Welwyn could then be explicitly linked to the allocation of those site – noting that such mitigation appears to be necessary even without development – INF/17 Fig 10 'PM Node Delay without mitigation' junction of B656 and Fulling Mill Lane/Codicote Road

7. What specific measures does the plan contain to encourage the use of alternatives to the private car as a means of travel?

- 7.1 The Local Plan, in allocating land is not clear in prioritising locations that have access to existing facilities within walking and/or cycling distance – this is likely to be a major contributor to reducing car use. Where major development are established, it will be important through the relevant allocation policies to seek the early phased delivery of the community infrastructure needed to enable the development to function as a

viable self-contained location – otherwise they are likely to be largely car dependent for an extended period of time

SADM 2 Highway network and Safety

10. Is the consideration of highway impact, in the context of its severity, consistent with national policy?

- 10.1 Framework paragraph 32 is clear in stating that development should only be prevented where the residual cumulative impacts of development are severe.
- 10.2 Policy SADM 2 refers to permitting development where there would be no unacceptable impacts on the local and/or strategic transport network and where there would be no negative impacts.
- 10.3 It appears that some allocations will be dependent on highways where, by their own assessment, there will still be (potentially severe) residual cumulative impacts. Moreover there is no clear definition of what might be judged as an 'unacceptable impact'.
- 10.4 It might therefore be appropriate to rephrase the Policy better to reflect the obligations of the Framework.

11. Does the east-west highway infrastructure across the Borough have sufficient capacity to support the amount of development being proposed to the west of the A1M?

- 11.1 Our comments on Q3 above pertain

12. If not, what evidence is there to demonstrate that this capacity issue could be resolved during the plan period?

- 12.1 Mitigation of traffic issues (particularly on the A414) appears to be identified through INF/17 Vision 2050 informed as it appears to be by the WHaSH assessment. Policy SP19 refers to suitable access arrangements and any necessary wider strategic and local highway mitigation measures, including addressing impacts on the A414 in Hertford, the B195 as well as on the A1(M) and, by implication at least, all the associated junctions and links.
- 12.2 In this regard the solution in INF/17 for traffic impacts in Hertford is the provision of a southern bypass which the document notes is '*constraining the level of housing growth that can be delivered in the area without a severe deterioration in journey times and reliability*' – presumably development in Hertford but also along the A414 generally as there is a specific recognition of impacts from SP19 on Hertford.

- 12.3 It is not clear whether SP19 would be expected to contribute to either the Jack Oldings improvement, to a Hertford bypass or both. Or neither.
- 12.4 Similarly, SP24 refers to 'strategic and local' highway improvements – which presumably is intended to differentiate between works identified in WHaSH and any other works specific to the development.
- 12.5 Overall it is not entirely clear whether works identified as potential in INF/17 fully address capacity issues along the A414 where explicitly the mitigation measures in INF/15 associated with capacity emerging in the Local Plan along the A414 do not.

13. Should there be a continuation of the policy that restricts development in the rural parts of the Borough when it is likely to necessitate a change in the character of rural roads?

- 13.1 No.
- 13.2 It is clear from WHaSH Figs 20 and 21 that even with the development scenario envisaged as closest to the Local Plan allocation, there will be impacts on the rural network even with mitigation – most notably those exacerbated by the allocation of Symonshyde.

SADM 8 Cemetery Extension at South Way, Hatfield

29. Has there been an objective assessment of the future need for burial places in Welwyn/Hatfield? What were its findings?

- 29.1 The Local Plan refers to the need for a new cemetery but nowhere in the evidence base does there appear to be a report considering the capacity of existing facilities and therefore an indication as to when further capacity will become necessary.
- 29.2 Paragraph 8.38 refers to 'the existing cemetery at South Way' but to no other cemetery, whether municipal or managed by local councils or others. There is for example an existing cemetery, with some further capacity, at Fulling Mill Lane, Welwyn administered by Welwyn Parish Council.
- 29.3 It is not therefore clear how the intentions underpinning Policy SADM 3 have been derived.

SADM 11 Amenity and Layout

58. Should development within Welwyn Garden City be required to reflect the symmetry, balance and streetscape of the existing built development?

- 58.1 We question whether there is a need for much by way of the content of Policy SADM 11 insofar as the criteria refer to provisions that are 'satisfactory', 'acceptable', and 'reasonable' whilst not containing any guidance as to how such terms will be assessed. That is, as referred to in the Policy, the providence of Supplementary Design Guidance. As such it would be sufficient for the Policy to state that all development should demonstrate how it meets the requirements of that Guidance in respect of the specified criteria unless there are specific circumstances which militate against doing so.

SADM 13 Sustainability requirements

68. Should this policy require the achievement of the higher level Sustainable Homes targets?

- 68.1 The Policy requires in respect of residential development that water consumption does not exceed more than 110 litres/person/day. This is the optional standard set in Part G2 of the Building Regulations where the standard consumption level is 125l/person/day.
- 68.2 Paragraph 2.8 of Part G states that
- 'The optional requirement only applies where a condition that the dwelling should meet the optional requirement is imposed as part of the process of granting planning permission. Where it applies, the estimated consumption of wholesome water calculated in accordance with the methodology in the water efficiency calculator, should not exceed 110 litres/person/day.'*
- 68.3 However the Building Regulations provide an alternative which is the 'fittings approach' and Part G Table 2.2 sets consumption rates for individual fittings as an alternative to a notional daily consumption figure.
- 68.4 Policy SADM 13 bullet 3 should therefore properly say that all new residential dwellings (the Part G optional standard applies only to new construction and not to conversions and changes of use) will be subject to a Condition requiring that water consumption does not exceed the optional standard of 110l/person/day or that a fittings approach is adopted, as described in Building Regulations.

69. Should the BREEM Excellent rating be required at all new developments?

69. The BREEM requirement is only in respect of non-residential development – although it may be noted that the BRE are introducing a revised Home Quality Mark for residential development this is not solely confined to sustainable building criteria.
- 69.2 In order to secure a BREEM Excellent rating for non-residential buildings a number of steps need to be taken at the design inception stage, related to commissioning and also in respect of fit-out related to the specific needs of the prospective occupier. These steps score points that are essential to securing an Excellent assessment and are essentially denied to speculative development where, for example, fit out will follow the sale of the building.

- 69.3 The corollary of this is that speculative employment schemes can rarely accrue sufficient points to rate as Excellent where it is not possible to score extra marks for additional works – for instance providing additional facilities to encourage walking and cycling for which a maximum of only two marks can be scored irrespective of the range of additional measures taken.

SADM 14 Flood Risk and Surface Water Management

70. Should the plan require all proposed development to provide sustainable drainage systems?

- 70.1 There is no reason, technically, why SuDS cannot be provided in respect of all developments - CIRIA report C753 The SuDS Manual-v6 states

'There are many types of SuDS component, which means that sustainable drainage can be delivered anywhere. The designer can choose a number of different SuDS components and tailor the overall composition of a SuDS scheme to the local context.'

- 70.2 The Guidance goes on to note that SuDS may include treatment systems and rainwater harvesting as well as pervious surfacing, infiltration and water storage systems. Policy SADM 14 however appears to interpret Sustainable Drainage Systems narrowly as a means to manage run-off and flood risk whereas there are benefits to wider sustainability and biodiversity that are equal objectives of the SuDS regime.

- 70.3 We do not object to the requirement to provide SuDS systems – but we doubt from the phrasing of the Plan that the authors fully comprehend what it is that is being required.

72. Should the policy require all proposed development to demonstrate, through a Flood Risk Assessment, that it will not contribute to flooding harm at locations downstream of the development?

- 72.1 No.

- 72.2 Policy SADM 14 (ii) states that FRA's will be required in line with national policy guidance – in other words will be required on sites of 1ha or over for all development. This distinguishes the FRA requirement from that of clause (iii) which refers to 'all major development' – which can be taken to be all sites in excess of 10 dwellings regardless of site size.

- 72.3 Clarity and consistency is therefore required.

SP 11 Protection and enhancement of critical environmental assets

83. Does the wording of the second paragraph adequately reflect the intention of NPPF, at paragraph 112, to take into account the economic and other benefits of the best and most versatile agricultural land?

83.1 No.

83.2 Best and most versatile (BMV) is taken as Grades 1, 2 and 3a land. With reference to the ALC Maps there is only limited Grade 2 within the Borough but this appears to be principally in the A414 corridor and could affect, at least in part the SP24 Simonshyde allocation. There are extensive tracts of Grade 2 to the east of Hatfield and Welwyn Garden City however the Birchall area is classified as non-agricultural in respect of its previous mineral extraction at the coarse grain of the overall mapping.

83.3 The presence of Grade 2 cannot be taken to imply that land in proximity – or indeed elsewhere within the Borough will be Grade 3a.

83.4 The HELAA makes no reference to ALC grade – in respect to Sites Wel1, Wel2 and Wel15 and it does not appear that ALC has been a criterion in the selection of development options. Therefore the statement that best and most versatile land will be ‘protected’ without stating the implication of that intent would be unsound as it is not justified.

83.5 The Framework is clear in the weight it attaches to BMV insofar as it should be taken into account and its allocation for development should effectively follow a sequential approach. It is also clear that the economic benefit of BMV is but one criterion for consideration. In that respect the impact of the loss of land (of any quality) on the viability of a farm holding can be as important as the land itself depending on how it is farmed and, importantly, the human factors that affect productivity such as the size of fields, the proximity of settlements and the effect of public access whether lawful or not.

83.6 The wording of the second paragraph is therefore not justified where its reasoning is to promote local food security, as it fails to reflect the full range of considerations that pertain to farm viability in relation to the benefits that may be derived from the development of the land, where consideration of BMV has demonstrably not informed the preparation of the Plan.

83.7 Rewording of the clause as follows would address the unsoundness:

Unless allocated in this Plan, best and most versatile land that has the greatest potential for local food production will be protected unless it is demonstrated that there are economic or other benefits that outweigh its loss and no areas of poorer quality could be used in preference.

84. Would section ii. B. of Policy SADM 14 be more effective if incorporated into Policy SP 11 or a sub policy of it?

- 84.1 Yes.
- 84.2 Equally, reference in SP 11 paragraph 3 to not developing in areas of Flood Zones 2 and 3, whilst acknowledged as a strategic intention, could sit better in our view in Policy SADM 14 given that SP 11 deals with broad objectives whilst SADM 14 is where the reader might expect to find the details of what the Council is likely to accept.
- 84.3 Clause B (ii) of Policy SADM 14 would sit comfortably alongside SP 11 paragraphs 3 (sentence 1) and 4 as an explanation of the overall objectives for riverine management and ecological enhancement.

SP 13 Infrastructure Delivery

125. Does the Infrastructure Delivery Plan (IDP) adequately address the relevant issues and problems that will arise in implementing the quantum of development required by the plan, in other words is it fit for purpose?

- 125.1 The Infrastructure Delivery Plan will need to be comprehensively updated to account for the Council's required responses to the outcome of Stage 2 of the Examination.
- 125.2 In particular there appears to be a need for greater clarity between the highway mitigations set out in the WHaSH INF/15 and those contained in the IDP (INF/14) with regard to scheme costs – INF/14 should also refer to the phasing of works in order to establish a relationship with the expected delivery of development.
- 125.3 There also needs to be greater clarity on the phasing of school provision where the strategic requirements will inevitably fall later in the plan period and the initial requirements will be for the extension of existing schools to deal with the product of current commitments and additional site allocations which will be expected to make an early contribution to housing land supply.

128. Should there be a better timetable set out for the delivery of key projects that are critical for the implementation of proposed major developments?

- 128.1 Yes, for the reasons set out above

129. Are the mechanisms by which infrastructure will be delivered and to time adequately addressed and set out?

- 129.1 No, there is no nexus between need, cost and the means whereby the infrastructure will be implemented as in relation to all but the strategic allocations it is not specifically related to the allocations of the plan. As noted above, this will only be

able to be resolved when the Council has considered its capacity to allocate further development in response to Stage 2 matters.

131. Is the road structure in the A414 corridor sufficiently adequate to accommodate the proposed development therein?

131.1 See comments in respect of Questions 3 and 12 above.

SP 14 New Schools

138. Does the plan make adequate provision for the increased educational capacity required to service the additional school population generated by the proposed development?

138.1 Paragraph 13.44 states that many of the schools in the Borough that could be expanded already have been. The Plan does not identify where schools have capacity or where school sites can accommodate expansion within existing boundaries. This phrase is taken directly from the Draft Infrastructure Delivery Plan which was subject to public consultation in November 2012. It was revised in 2015 – INF/14.

138.2 Section 5.5 of the 2012 DIDP identified the need for two (unspecified) additional primary schools at Hatfield and one at WGC plus one secondary school – although it is not clear whether this is one each for both towns or one between them.

138.3 Given the status of the document it was available for public consultation and 6 comments on education were made including one from the Welwyn Parish Council noting that a significant proportion of growth will be in existing urban areas. The Council's response at the time was:

'With the Frythe expansion and the Tudor Road site an assessment of primary capacity needs in the [Welwyn] parish is important. There are, if Woolmer Green is included, four primary schools in the immediate area. Without an analysis we do not know whether this will be sufficient without expansion of capacity.'

138.4 The 2015 IDP (INF/14) expanded on the education capacity issue and identifies the schools that have expansion capacity.

138.5 With respect to the four schools to the north of the Borough the assessment noted that there was capacity for 1.4FE of expansion within existing sites and that 1FE of this total was at Welwyn St Mary's.

138.6 The formal response of HCC Education to the 2015 consultation was:

Welwyn (Chapter 14)

3.36 HCC notes the council's approach to housing supply in Welwyn as summarised in paragraph 14.13. For the purpose of strategic planning this response is based on a total of 175 dwellings. It is noted that there are two 'finely balanced sites' within

Welwyn (Land at Kimpton Road Wel1 and Land East of Welwyn Cemetery Wel2), equating to an additional 290 dwellings.

3.37 The proposed 'more favourable sites' within Welwyn would require an additional 0.35FE of primary school places. Should the two 'finely balanced sites' be brought forward this requirement would increase to an additional 1FE of primary school places. Subject to further feasibility work it is considered that Welwyn St Mary's VA C of E Primary could be expanded by 1FE.

3.38 An additional 0.35FE of secondary school would be generated through development proposed at Welwyn. The nearest secondary school to Welwyn is Monk's Walk School Welwyn Garden City. The need arising from this proposed development has been considered as part of secondary school demand in Welwyn Garden City (see paragraph 3.15 of this response).

138.7 This indicates that HCC consider that the allocation of Wel 1 and Wel 2 as 'finely balance sites' would not cause the capacity requirement to exceed the potential to expand the existing primary school by 1FE. This was based on a provision of an additional 290 dwellings on these sites. Our Reg. 19 submission identified a capacity including Wel15 of 298 dwellings based on a masterplan also submitted (Paragraph 3.3).

138.8 Hertfordshire County Council has acknowledged that Welwyn St Mary's is not a listed building as it initially suggested and Welwyn Hatfield Council has rescinded its suggestion that this could inhibit the ability to deliver additional capacity. Nor is it in a conservation area.

138.9 The Local Plan should identify which schools are to be expanded or where new schools are to be built. Inspector Manning stated in his final report on the Three Rivers Site Allocations DPD at paragraph 19 that:

Given that the needs for school sites are in principle known (albeit subject to ongoing refinement), the failure to give the local community and relevant education providers sufficient certainty as to how a decision maker should react to a development proposal for a school development is a significant failing in a SALDD such as this, and one which goes to soundness.

138.10 He ultimately found the Plan sound following the inclusion of specific sites for school development.

138.11 In order to render this plan sound it should identify those schools that are to be extended and in the case of St Mary's Welwyn, that this will provide sufficient capacity for further growth in the north of the district over and above that allowed for in the submission plan.

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