

**Name of Respondent:**

Mr Gary O’Leary, MBA, BSc(Eng), MCIM

**Local organisation respondent represents:**

Central Hertfordshire Green Corridor Group (CHGCG) Role: current Chairman

**STATEMENT 8<sup>th</sup> September 2017**

I have been involved in commenting on and discussing the Welwyn Hatfield BC since its first draft publication. I am also current Chairman of Hertingfordbury Parish Council, Hertingfordbury Neighbourhood Plan Steering Group & Friends of Panshanger Park.

I have been particularly involved examining the proposed developments East of Welwyn Garden City. This being an agreed strategic site for development across the border between Welwyn Hatfield BC and East Herts DC. Also known as and promoted as Birchall Garden Suburb (BGS) by Tarmac LLP.

Since Hertingfordbury Parish was designated a Neighbourhood Plan (NP) area (including the East Herts DC portion of proposed BGS). Our NP Committee & CHGCG has sought engagement with WHBC and EHDC to understand the evidence base underpinning the site and any constraints.

Our NP Committee & CHGCG is very supportive of sustainable development, which aims to meet local objectively assessed housing needs.

The NP Committee & CHGCG have met with the District Plan Executive leaders of WHBC (Cllrs and Officers) to discuss concerns with the evidence base and decisions to allocate this site. I have also chaired a joint meeting with both EHDC and WHBC to discuss the site, Mandy Perkins and Colin Haigh representing WHBC.

In publishing its plan under regulation 19 and looking to allocate the BGS site. WHBC is required to have focused on all the critical issues that could affect deliverability and viability. WHBC has not yet addressed critical issues with the required rigour.

Attention has been brought to bear by local organisations and individuals to these key issues throughout the plan development period.

Furthermore WHBC has failed in its duty to co-operate on this 'strategic matter' – a development that has 'significant impact on at least two planning areas'.

The duty to co-operate requires LPAs to 'co-operate... in maximising the effectiveness ' with which defined activities are undertaken and to 'engage constructively, actively and on an on going basis."

It is my strongly held opinion that WHBC have not acted reasonably or diligently in executing its duties to co-operate on critical issues that might affect deliverability and viability proposed sites East of Welwyn Garden City.

The focus of the duty to co-operate must be to focus on evidence and outcomes. Allowing any potential constraints to be fully understood and ensure housing allocations are deliverable and viable.

At a Hertingfordbury Parish Neighbourhood Plan (NP) meeting on 25th August 2016 with Welwyn Hatfield BC (represented by Cllr Mandy Perkins & Colin Haigh ) & East Herts DC (represented by Cllr Linda Haysey & Kevin Steptoe). The NP team put forward an attached set of questions (Appendix 1), which formed the agenda of the meeting.

The major areas of concern were: The impact on local ecology, the impact of land contamination from the closed Cole Green Tip and the impact on heritage assets of this potential development.

None of the identified key areas have, in our opinion, been satisfactorily or rigorously enough examined prior to submission of the Local Plan. The evidence base is insufficient in this regard and conclusions have not been made prior to this strategic site being included in the Plan.

With regard to Ecology, Hertingfordbury Parish Council was so concerned that it allocated a significant proportion of its Neighbourhood Plan budget to an Ecological Evaluation.

The final report "**Ecological Evaluation - Proposed Birchall Garden Suburb Area & Environs**" was available on 5th September 2017. This report (Appendix 2) was forwarded to both Councils and the Planning Inspectorate for its consideration within the evidence base and further decision making, as soon as it has become available.

**With regard to the questions of Legal Soundness:**

**QUESTION:** Has the DPD been subjected to Sustainability Appraisal? Are its conclusions sound and have they been taken into account in the DPD?

**ANSWER:** The Sustainability Appraisal is unsound with regard to policies for development East of Welwyn Garden City / BGS.

**QUESTION:** Has the DPD had regard to appropriate national policy?

**ANSWER:** NO, in regard to NPPF & Planning guidance and NO in regard to Section 40(1) of the Natural Environment and Rural Communities Act (NERC) 2006 which places a direct statutory duty on all public authorities, in exercising their functions, to have regard to conserving biodiversity.

**QUESTION:** Has the Council fulfilled the requirements of the duty to co-operate?

**ANSWER:** NO in regard to a 'strategic cross border matter', namely development East of WGC. WHBC has failed in its duty to co-operate effectively with East Herts DC in advance of allocating this site/location for proposed development.