



Statement re LUC Report EX88

On behalf of:

King & Co

Representor ID:

863963

In respect of:

Welwyn and Hatfield Local Plan

Date:

September 2018

Reference:

MA/KING & CO/011-1/Room

1.0 Introduction

- 1.1 This Statement is submitted by ATP to respond to the LUC Report set out in EX88 of the Examination library.
- 1.2 This Statement considers the LUC Report in general terms but also in regard to the consistency of its analysis relevant to specific parcels and localities.
- 1.3 We conclude that the LUC Report responds positively to the comments of the Inspector as set out at his letter EX66 in respect of trying to provide a more granular assessment of available land albeit that we do have concerns that the exercise has resulted in some parcels and sub-division which is arbitrary and is not as helpful as it might otherwise have been.
- 1.4 A more substantive concern is that the appraisal system (in regard to scoring) of these parcels both in respect of their contribution to the Green Belt purposes and the potential harm resultant from their release is overly simplistic. This makes fine-grained assessment of the relative importance of specific parcels much more difficult because the assessment approach does not provide that level of detail.
- 1.5 At the point of drafting this Statement, the Council have not produced any substantive response to the LUC report. We respectfully reserve the right to add to these comments as and when the Council do make any further comments.

2.0 Identification of Parcels

Approach

- 2.1 We understand that there will be myriad approaches to assessing land in terms of its contribution to the Green Belt purposes and the potential for harm if those parcels were to be released from the Green Belt.
- 2.2 We also accept that there is little in the way of an industry-wide approach as to how this should be undertaken, and in terms of the assessment approach should then consider the contribution of any defined parcels thereafter.
- 2.3 LUC have sought to take this forward by adopting the approach that they have utilised elsewhere, and by reference to a “field by field” analysis of land that is close to both defined settlements and other settlements shown as washed over by Green Belt.
- 2.4 The LUC approach is plainly concerned with Green Belt matters and does not consider other matters that may be pertinent to allocation (such as site access, drainage, and impact on playing fields for example). We do not challenge this approach, but it does mean that the analysis of sites should only be afforded weight in those respects and that other considerations should be afforded appropriate weight in due course.
- 2.5 When LUC have sought to sub-divide these parcels, they have then moved on to test the relative contribution of these smaller parcels to the Green Belt purposes and thereafter to assess the harm in accord with a number of scenarios. However, given the arbitrary nature of the sub-division and the scenario approach undertaken then the level and utility of the analysis begins to falter.

Granularity

- 2.6 The land has been split into parcels for analysis, and then opportunity has been taken to sub-divide these to demonstrate where that approach might result in differing contributions to the Green Belt purposes or the impacts arising from their removal from the Green Belt.
- 2.7 Through our consideration of these in the context of specific land interests (notwithstanding what may be relevant to other sites) it seems clear that in many instances both the allocation of sites and their sub-division is arbitrary and that this then impacts upon the conclusions which have been drawn. It is difficult to discuss this without reference to specific parcels of land to demonstrate and articulate these matters. We refer here to:

- The extent of Parcel P8;
- The sub-division of Parcel P8;
- The extent of Parcel P79;
- The extent of Parcel P80; and
- The sub-division of Parcel P80.

Parcel P8

- 2.8 Parcel P8 is concerned with land to the west of Welwyn and includes land which extends to the boundary of the River Mimram down to Whitehill Farm which is considerably to the south.
- 2.9 This provides a very large parcel of land which goes well beyond an identifiable field and is separated by a number of roadways and other defensible boundaries. We conclude therefore that the scale of Parcel P8 is far too large and it should have been further sub-divided into discrete parcels. As a case in point, land north of Linces Farm buildings could have straightforwardly been identified as a separate parcel and this would have assisted the granularity of analysis.
- 2.10 By consequence, the assessment of potential contribution to the Green Belt purposes and the potential for harm arising are unlikely to represent the best available information as their geographic basis is not sufficiently granular.

Sub-division of Parcel P8

- 2.11 Parcel P8 is large, but two areas are sub-divided from this which comprise Parcel P8A and Parcel P8B.

Parcel P8A

- 2.12 Parcel P8A comprises Whitehill Farm (which is bounded by School Lane and Whitehill) but also adds on a parcel to the north of School Lane which is in separate ownership and control.
- 2.13 The land to the north of School Lane is distinct in real terms having built form and being separated by School Lane. We also note that this already has a draft allocation. It would be more appropriate if this land was dealt with separately.
- 2.14 For the land to the south of School Lane, this includes a large area to the west which is evidently further from Welwyn's settlement boundary and closer to a number of landscape assets. Whilst we do note that the LUC approach does not seek to cross-refer specifically to

sites that have been promoted, it is of course the case that the site promoted by King and Co for residential development occupies less than half of that land and is closer to the village boundary. To that extent, the conclusions of the LUC report for the P8A parcel do not necessarily apply equally to proposals for subsets of land within that parcel.

- 2.15 We do not suggest that LUC should be compelled to review this report on the basis of the land which has been promoted through the Plan, but it is self-evident that there will be a need to undertake a more granular analysis of those sites which will be considered for allocation in due course.
- 2.16 We conclude that if this work was undertaken then the harm rating attributed currently to Parcel P8A (for its potential allocation) would fall to "Moderate" in the context of the reduced scale and prominence of the development site.

Parcel P8B

- 2.17 We note that this area was subject to an earlier promotion and was at that point discounted due to access issues. Nevertheless, we agree that the LUC report is concerned with Green Belt issues rather than the broader planning framework in terms of deliverability.
- 2.18 We make no other comments here in terms of the physical composition of Parcel P8B which for the most part appears to follow natural boundaries, other than a small area to the north-east which appears to encroach onto playing fields and allotments that are established and related to Welwyn.

Parcel P79

- 2.19 Swanley Bar is a washed over settlement and there has been no necessity through the adopted Plan or the emerging Plan to identify a boundary for it as it had not been envisaged that it would be inset from the Green Belt.
- 2.20 Through representations to the Local Plan and by express direction by the Inspector, LUC have been instructed to consider these washed over settlements in terms of their contributions to the Green Belt purposes or any harm arising from their insetting. This approach was sought to test whether there was a necessity arising which would oblige the Council to retain these as washed over settlements.
- 2.21 In the context of Swanley Bar, Parcel P79 has been identified and this seeks to include all of the built form in the village and also absorbing a small area to its north-western edge which is not built upon but is relevant to it.

- 2.22 We do not use the word character here, expressly because the Inspector has clarified that “character” is not an appropriate consideration albeit that we do notice that LUC have used the term on a number of occasions within their descriptive text and their analysis.
- 2.23 We conclude that Parcel P79 does represent a reasonable proxy for the built form of Swanley Bar, but that it should be extended to include properties to the north of Swanley Bar Lane up to and including the depot. That would better represent the reality of what is on the ground.
- 2.24 It would be our view that the conclusions drawn by LUC in terms of contribution to the Green Belt purposes and potential harm (through inseting) are appropriate in terms of P79 as drawn. Should the boundaries be re-drawn to include the land that we have referred to then we would suggest that those conclusions should remain unchanged.

Parcel P8o

- 2.25 Parcel P8o is concerned with land between the eastern side of Hawkshead Road and the A1000. The northern boundary is formed by Swanley Bar Lane and the southern boundary is formed by the inset edge of Little Heath as per the adopted Plan.
- 2.26 Parcel P8o excludes the land drawn in terms of Parcel P79, although there is cross-reference to in terms of the analysis of harm for scenario testing.
- 2.27 This P8o parcel provides a very large parcel of land which again goes well beyond an identifiable field and is separated by a number of ownership interests and other defensible boundaries. We conclude that the scale of Parcel P8o is far too large, and that as an absolute minimum it should have been further sub-divided into discrete parcels which would have included reference to the relative contribution and harm arising from those discrete areas.
- 2.28 As a case in point, the land much closer to the important A1000 boundary could have straightforwardly been identified as a separate sub-parcel and this would have assisted the granularity of analysis.
- 2.29 By consequence, the assessment of potential contribution to the Green Belt purposes and the potential for harm arising are unlikely to represent the best available information as their geographic basis is not sufficiently granular.

Sub-division of Parcel P8o

- 2.30 Parcel P8o is large, but two areas are sub-divided from this which comprise Parcel P8oA and Parcel P8oB.

Parcel P8oA

- 2.31 Parcel P8oA comprises land which is closer to the Hawkshead Road boundary and predominantly follows natural and property boundaries.
- 2.32 It does include an area between Swanley Bar and Little Heath which is currently used for sports fields and play area, and this established use does represent an obvious break in built form and with reference to this and the other planning merits of its existing use, this does have some connotations in terms of its deliverability.

Parcel P8oB

- 2.33 We note that this area includes land closer to Little Heath such as draft allocation HS25 that concludes that the planning harm resultant from its allocation would be limited. We note and agree with those conclusions.

3.0 Harm

3.1 Further to the identification of parcels, the LUC report has then gone on to test the harm consequent from a number of scenarios which have been tested. It is inevitable that by consequence of the comments we have made in terms of the boundaries which have been drawn for these larger parcels and their respective sub-division, then this will impact upon the robustness and utility of the harm analysis which is undertaken.

3.2 By consequence, where a parcel's sub-division is insufficiently granular then the scenario-testing for harm is less helpful. Adding to this, it is evident that this scenario testing should consider a number of permutations but the LUC report does not address this fully.

Scenario Analysis and Permutation Testing

3.3 A number of the scenarios which have been tested consider the allocation of both the subject and adjacent land parcels in order to seek to understand cumulative harm. Whilst we would agree that this is appropriate in principle, it is undermined if the sub-parcels which are considered through that analysis are excessively large.

3.4 It is also somewhat unfortunate that the plan identifications of some of these scenarios are inconsistent with the mapping for the Green Belt purposes work. For example, the harm assessment for site P80A is inclusive of other parcels P79 and P80B. This is a consequence of that scenario seeking to consider a number of parcels being allocated but it does add a layer of confusion which is unfortunate.

3.5 We refer here to the analysis of harm provide by LUC for given parcels and sub-parcels, in the light of our concerns in respect of the identification of these plots in spatial terms.

Scenario P8

Harm Scenario P8A

3.6 We have set out previously that the area identified as Parcel P8A is too large and includes land to the west which is more sensitive. It is also the case that the land being actively promoted through the Plan for residential uses is only seeking development on the eastern part of the plot which is contiguous with the village and is well-screened by virtue of boundary treatments and topography.

3.7 It is self-evident that if Parcel P8A had been further sub-divided as mentioned above (or assessed in that regard) then the assessment of harm should be much reduced and fall from "moderate-high".

Harm Scenario P8B

- 3.8 We make no specific comments in terms of this assessment in pure Green Belt terms, in many ways the site is consistent with the Wel16 site in terms of its proximity to the development limit and arguably their scoring should align as “moderate”.

Potential Permutation of P8A and P8B

- 3.9 We are aware that the Parcel 8B site was previously promoted and rejected on access grounds amongst other matters.
- 3.10 We also note that in the context of other parcels, the harm assessment has sought to consider a range of scenarios including the allocation of a number of sub-parcels in tandem. This has not occurred in the context of Parcels P8A and P8B and we are unclear why this is the case.
- 3.11 It would appear to be the case that both parcels could be assessed in tandem and assessed appropriately. It would also potentially add to the prospect of deliverability of Parcel P8B given that there are inherent access issues and other matters which relate to deliverability given that key parts of the 8B site are in active use and subject to property interests.

Scenario P8o*Harm Scenario P8oB*

- 3.12 We note that this area includes land closer to Little Heath such as draft allocation HS25 that concludes that the planning harm resultant from its allocation would be limited. We note and agree with those conclusions.

Harm Scenario P8oA

- 3.13 For the purposes of this assessment, Scenario P8oA assumes the allocation of the parcel to the north (P79) and the parcel to the south (P8oB). We would agree that those two elements of this scenario are realistic and appropriate.
- 3.14 We would note that for the intervening area this includes land which is in active use for positive planning purposes (play areas and allotments) and that this does have some reference for openness and indeed deliverability.
- 3.15 That being said, we note that LUC would have been aware of the above matters and have concluded that the harm arising from this aggregate allocation would be “moderate” in Green Belt terms which we would accept.

Harm Scenario P8o

- 3.16 This scenario does not consider any further sub-division of the land that was shown as P8o (with reference to Green Belt purposes testing) and effectively tests this larger area alongside the allocation of the following:
- Parcel P79
 - Parcel P8oA; and
 - Parcel P8oB.
- 3.17 We have set out previously that the area identified as Parcel P8o is too large and includes land to the east closer to the A1000 which is much more sensitive. It is also the case that the land being actively promoted through the Plan for residential uses is only seeking development on land close to Swanley Bar Lane and would be well separated from both of the key boundaries (the A1000 and Hawkshead Road).
- 3.18 We do not disagree with the assessment of harm resultant from ribbon development along the A1000 for example, but those conclusions are simply not applicable to land drawn to the north-east which the eastern part of the plot which is contiguous with the village and is well-screened by virtue of boundary treatments and topography.
- 3.19 It is self-evident that if Parcel P8o had been further sub-divided as mentioned above (or assessed in that regard) then the assessment of harm should be much reduced and fall from "high" to "moderate".

4.0 Scoring and Rating

- 4.1 The LUC report scores contribution to the Green Belt purposes and harm through descriptive terminology in accord with given criteria.
- 4.2 This approach is broadly welcomed, and it is evident from the language used for both metrics that the margin between the polar opposite categories (for example "high harm" and "limited or no harm") is very clear and to move from one to the other would be a substantial change in approach. However, when one considers the change from adjacent categories (for example "high harm" and "partial harm") those considerations are potentially much more subjective and could result from potentially a very minor change in the analysis framework (for example where a line is drawn on a plan).
- 4.3 Our view is that the best and most robust approach to scoring and rating is to make it as granular as is practicable. Should there then be an aspiration to aggregate categories for ease of analysis then that may well be appropriate, but the base information should be highly granular to allow ease and consistency of analysis.
- 4.4 We have shown through our analysis of a number of parcels in these appended documents that through a more forensic approach to parcel identification then the conclusions drawn can be fundamentally different. Clearly it would be within the abilities of the Inspector or the LPA in due course to make that same analysis, but it is regrettable that the LUC report does not therefore provide the degree of assistance to the Inspector as perhaps should be the case.

5.0 Summary

- 5.1 We trust that the above representations are clear.
- 5.2 The key conclusions which we draw are as follows:
- The LUC report has sought to be more granular from a spatial perspective but nevertheless the identification of parcels does appear (in certain examples) to be somewhat arbitrary and does not assist the analysis of the Inspector;
 - The sub-division approach is welcomed in principle, but is again arbitrary and results in some sub-parcels which are too large and wherein there is no overriding commonality which means that it is difficult to use these as a tool to provide more granular analysis;
 - The scoring and rating system is not sufficiently granular to assist the analysis of the Inspector in terms of seeking to ascertain the relative merits of land parcels which are promoted and will be considered in further sessions of the Examination.
- 5.3 We would recommend that additional work is undertaken to review the scoring of harm and contribution by a more granular approach (perhaps scored 1 to 10 or similar) rather than a rudimentary approach for harm which only provides three options which is not fit for purpose.
- 5.4 We would also recommend a review of the spatial analysis in terms of the sub-division of parcels where it would otherwise result in a very difficult exercise to assess the relative merit of some Stage 2 sites. For example, Parcel P8o and P8 should be subject to further sub-division as set out.
- 5.5 Despite our comments above, we do not seek to impede the progress of this Plan and nor would we encourage a proposal to defer these matters to an almost immediate cycle of Local Plan Review. We would suggest that a pragmatic compromise would be to seek to identify a refined scoring and assessment system with reference to the consideration of sites which better align to real-world opportunities such as those that have been expressly promoted through the Local Plan.