

STAGE 5 HEARINGS

GREEN BELT REVIEW STAGE 3

Summary

- S1. The *Green Belt Study Stage 3* initially identifies urban land parcels in the Green Belt where the performance of Green Belt purposes can be reviewed. Each parcel is adjacent to the urban edge (or in two cases within about 100m of it), with one striking exception: Parcel 45 (Symondshyde) which is acknowledged as over 1km from the urban edge. This parcel should never have been included in the assessment and the findings for it as an urban edge site should be ignored.
- S2. Open countryside sites should have been given a discernibly higher value against Green Belt Purpose 3, safeguarding the countryside from encroachment.
- S3. The Local Green Belt Purpose of maintaining the existing settlement pattern should additionally have stated a strong presumption against new settlements.
- S4. As keeping Green Belt land open is a fundamental aim of the policy, the *Green Belt Study Stage 3* should have capitalised on the work done notably at Stage 1 to assess and promote openness in the Borough's Green Belt. This is completely absent and a significant defect.
- S5. Some of the sites in the Green Belt allocated in the submitted Plan are assessed in the *Green Belt Study Stage 3* study as some of the least acceptable Green Belt sites for allocation, while conversely a number of sites identified as having much lesser benefit to the Green Belt have not been allocated. The Council has presented a new evidence base on Green Belt which is different from that in the Stage 1 and Stage 2 studies, but currently it has not proposed to adjust the submitted Plan. The Plan is therefore not justified.
- S6. Urban edge sites should be sufficient to satisfy housing land requirements. The case is far from demonstrated that a new settlement site might otherwise be appropriate.
- S7. There is currently no evidence on which to base the selection of a new settlement, if one were considered a possibility. The alternatives have simply not been examined by the Council or the *Green Belt Study Stage 3*. A further assessment and public consultation on it would be needed if the Council were to consider taking a new settlement forward. At present there is no justification whatever for Symondshyde as a new settlement location.
- S8. We consider that the *Green Belt Study Stage 3* study did not always properly apply its own methodology, and comment on these points.

Introduction

1. The Programme Officer's email of 24th August 2018 invited "representors who raised the issue of the Green Belt in their regulation 19 representations to submit their comments

on the Stage 3 Green Belt Review.” This Statement by Save Symondshyde assumes that comments should be restricted to the Review as published and not address the wider sustainability of sites. We expect sustainability to be more relevant to the site assessments at the Stage 6 Hearings and will comment on that issue then.

Context

2. Welwyn Hatfield Borough Council to a considerable degree relied for its Green Belt land release proposals in the submitted Plan on the evidence base it had previously commissioned on this subject from Sinclair Knight Merz (November 2013) and from Jacobs (October 2014 and subsequently). The *Green Belt Study Stage 3* by Land Use Consultants is almost entirely a fresh study, in response to the Inspector’s Comments from the Stage 2 Hearings in October 2017 (dated December 2017). There are some limited comparisons with the earlier studies, but the LUC work has not been constrained by them. There can be no surprise that a different approach to the Green Belt has produced different results.

3. There are some substantial and significant differences between the Stage 3 Green Belt work and the stages which preceded it. These are reviewed in our following section. However, there have been no Proposed Modifications by the Council to the submitted Plan and any firm consequences of the meeting of the Council’s Cabinet Planning and Parking Panel on 6th September currently remain unclear. There is a question about how the unaltered Plan can be justified on what is now clearly a different evidence base. The LUC review rightly does not provide decisions for the Plan, but sets out evidence on which decisions will need to be based, alongside assessments of the sustainability or otherwise of possible land allocations. We doubt that those future decisions will be able to reconcile the new evidence base and the submitted Plan, as they are so different in Green Belt terms.

Consistency of approach between successive Green Belt Study Stages and the Plan

Ranking of sites for possible allocation

4. There are significant differences between the priorities for release of sites from the Green Belt in the LUC report and in the submitted Plan. In particular, the position now is that some of the sites in the Green Belt allocated in the submitted Plan are now assessed as some of the least acceptable Green Belt sites for allocation, while conversely a number of sites identified as having much lesser benefit to the Green Belt have not been allocated.

5. Of the allocations in the submitted Plan located in the Green Belt, the following are in areas rated by LUC as having ‘very high’ harm to the Green Belt:

Allocation HS33	Part of Parcel P27, Hatfield (a site for travellers)
Allocation SDS5	Parcels P43, P42 and P41 or P41a, Hatfield, which together have a ranking of ‘very high’ (see LUC Appendix 6.1 page 184, and see also our questioning of this in paragraphs 18-19 below)

6. Of the allocations in the submitted Plan located in the Green Belt, the following are in areas rated by LUC as having ‘high’ harm to the Green Belt:

Allocation HS22	Part of Parcel P65, Brookmans Park
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Welwyn-Hatfield Local Plan Examination
Representor: Save Symondshyde

Allocation HS29 Part of Parcel P87, Cuffley
Allocation HS30 Part of Parcel P87, Cuffley

7. Of the allocations in the submitted Plan located in the Green Belt, the following are in areas rated by LUC as having 'moderate-high' harm to the Green Belt:

Allocation HS15 Parcel P3, Woolmer Green
Allocation HS2 (Most of the allocation), part of Parcel P27, Welwyn Garden City
Allocation HS20 Part of Parcel P8, Welwyn
Allocation SDS6 Parcel P45, Symondshyde
Allocation HS34 Part of Parcel P44, Hatfield (a site for travellers)
Allocation HS11 Part of Parcel P56, Hatfield
Allocation SDS2 Part of Parcels P24 and P25, Birchall
Allocation HS21 Part of Parcel P66, Brookmans Park

8. Many Green Belt parcels have been identified by LUC in the *Green Belt Study Stage 3* as causing 'low', 'moderate-low' or 'moderate' harm to the Green Belt if developed, but have not been allocated in the submitted Plan. The following selection excludes land already developed in the Green Belt, school playing fields, allotments, etc., but does include some lightly wooded areas, backland development and land where only part of the parcel is likely to be suitable:

Parcel P8 (part) Welwyn (moderate-low)
Parcel P20 (part) Welwyn Garden City (moderate)
Parcel P24 (part) Welwyn Garden City (moderate)
Parcel P17 (part) Welwyn Garden City (moderate)
Parcel P38 Stanborough (moderate)
Parcel P35 Lemsford (moderate)
Parcel P48 (part) Ellenbrook (moderate)
Parcel P60 North Mymms (moderate)
Parcel P61 (part) Welham Green (moderate)
Parcel P64 (NW end) Southern part, Welham Green (moderate)
Parcel P72 Bell Bar (moderate)
Parcel P74 (part) Brookmans Park (moderate)
Parcel P80 (part) Swanley Bar (moderate)
Parcel P81 (part) Little Heath (moderate-low)
Parcel P88 (NE side) Cuffley (moderate)
Parcel P88 (NW side) Cuffley (moderate)
Parcel P90 Cuffley (moderate)

9. The sites identified above are likely to have lesser harm (subject to assessment of other issues) than those allocations made in the submitted Plan noted in paragraphs 5-7 above. The sites in paragraph 8 should clearly be prioritised for further sustainability assessment before consideration is given to releasing sites with higher harm ratings.

10. Furthermore, if additional land is required to be released from the Green Belt, then there are large numbers of parcels around the district on the urban edge which have a 'moderate-high' harm rating. While Save Symondshyde does not advocate the release of

any of these sites, as all would clearly damage the Green Belt, we do consider that priority should be given to the release of urban edge sites rather than free-standing parcels having the same level of harm, in line with the methodology for the *Green Belt Study Stage 3* (see paragraphs 14-15 below). We were surprised that LUC did not specifically recommend that approach.

Openness of the Green Belt

11. As the NPPF says, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The *Green Belt Study Stage 3* has a review of openness in paragraphs 3.10-15, correctly identifying relevant considerations. However, it concludes that a separate stand-alone assessment of 'openness' has not been included as it is inherent to all Green Belt purposes. We do not consider that an appropriate approach. Keeping land open is an aim, which is distinct from the functions the land may serve (purposes). There is no reason why openness should not be assessed separately as a quality in its own right. Indeed this is what was done by SKM in its *Green Belt Review Purposes Assessment* (i.e. Stage 1). Paragraph 7.4.10 explained "In order to clarify which parcels exhibit the strongest countryside characteristics and associated greatest levels of visual openness (as a result of an absence of development), the level of built development within each parcel has been estimated", and Figure 7.4 showed the percentage of built development on each of the identified parcels. The site assessments in the Stage 2 Green Belt Review (October 2014 and Addendum June 2016) also used headings of 'visual openness' and 'physical openness' for each of the parcels it reviewed, with Jacobs setting out evaluation criteria in section 2.4 of its Method Statement Final Report in October 2014.

12. Land that is most open and least developed is clearly fulfilling best the overall aim of Green Belt. We would have expected the Stage 3 Review to capitalise on the work already done as part of its assessment of:

- rating harm to the Green Belt from the release of parcels (Figure 7.1); and
- areas of Most Essential Green Belt (Figure 9.1).

The absence of any such assessment we view as a significant defect in the Stage 3 review.

Reliability of assessments

13. There are not only differences between the Green Belt site assessments in the submitted Plan and the Stage 3 review. There are also major differences between the findings of the Stage 3 review and the findings of earlier assessments. Overall, we are not satisfied that the process of policy development on Green Belt purposes has been satisfactory in Welwyn Hatfield. This can be illustrated by comparing findings of the Green Belt Review Stage 1 by Sinclair Knight Merz with those of the Stage 3 review by Land Use Consultants. SKM identified four areas in Welwyn Hatfield which contributed least to Green Belt purposes:

- (a) WH-S1: Land at Hatfield Garden Village enclosed by north Hatfield, Coopers Green Lane (to the west) and A1(M). This comprises parcels 41, 42 and 43 in the LUC Review. LUC identified the relevant parcels together as having a 'very high' harm rating (Appendix 6.1, page 183) and part of them as 'most essential Green Belt' in

the Borough (Figure 9.1), principally due to an alleged risk of merging settlements: see our note at paragraphs 18-19 below.

- (b) WH-S2: Land southeast of Welwyn Garden City enclosed by the A414. This comprises parcels 24 and 25 in the LUC Review. Almost all the area is identified by LUC as having a 'moderate-high' harm rating.
- (c) WH-SS1: Land west of Hatfield. This comprises parcel 48 in the LUC Review. This area is identified by LUC as having a 'very high' harm rating and as 'most essential Green Belt' in the Borough.
- (d) WH-SS2: Land south of Welwyn Garden City. This comprises parcel 27 in the LUC Review. Almost the whole area is identified by LUC as having a 'very high' harm rating and as 'most essential Green Belt' in the Borough.

That professionals working for the Council can reach such opposite conclusions in their application of Green Belt purposes does not inspire confidence in the Plan or its evidence base.

Selection of Green Belt land parcels for detailed assessment

14. The Inspector's December 2017 note emphasised the merit of examining the scope for Green Belt land release primarily on urban edges. The analysis of sites should be extended to consider "all those abutting urban areas and even sites beyond these if the analysis suggests that adjacent sites abutting the urban area could be developed and there is an overall need for more sites" (Scope of the analysis). The priorities were then reiterated: "If it can be confidently assumed that land could be found for a dwelling requirement of at least 20,000 together with necessary supporting infrastructure then the study could confine itself to those parts of the Borough adjacent to the urban areas and only the gaps between the towns and other settlements with distinct communities considered in the context of what is essential to be permanently retained." If that was unlikely to be practicable then "the study would need to assess other locations that are large enough to accommodate new settlements of a sufficient size to be genuinely sustainable and without compromising fundamentally the purposes of the Green Belt and the need for openness."

15. Three 'other studies' were offered as examples relevant to the position in Welwyn Hatfield. One of these was a Green Belt review undertaken in Windsor and Maidenhead, in circumstances strikingly similar to Welwyn Hatfield. That authority undertook an 'Edge of Settlement' analysis with its Part 1 being a 'Green Belt Purpose Assessment' (July 2016). This had three stages: identification of parcels, assessment of parcels against Green Belt purposes, and conclusions on the relative performance of parcels against Green Belt purposes. On 'Identification of parcels', the Methodology was even more explicitly confined to urban edges, explaining:

"3.3 The scope of the assessment was to consider all land on the edge of those settlements which are themselves excluded from the Green Belt.⁽¹⁸⁾ To ensure a comprehensive assessment all areas of land were considered regardless of whether it has been promoted by the landowner as being available for development."

"18. Alternative theoretical approaches such as the establishment of a new settlement or proposing development that would alter the existing settlement hierarchy were rejected as being unreasonable alternatives through the sustainability appraisal process."

The approach in Windsor and Maidenhead is notable not least because Welwyn Hatfield too has a specific local purpose for Green Belt policy to maintain the existing settlement pattern.

16. The LUC *Green Belt Study Stage 3* states that “a series of assessment parcels were identified next to, or in close proximity to the inset settlements (or the settlements identified in Task 3 as having the potential to be inset)” (paragraph 3.59, emphasis added). This was indeed done, with almost all parcels abutting an urban edge (even if only marginally) and two starting within about 100m at the closest point (P22 Panshanger and P25 Birchall). However just one parcel had its closest point to an existing built up area over 1km distant. This parcel clearly failed to meet the intentions of the study and the commitment of its authors. It should not have been studied in the first place. This was Parcel 45, Symondshyde. All consideration of this site should be removed from the detailed assessment in Appendix 6.1, or ignored in the subsequent assessment. The priority should be to find solutions to Welwyn Hatfield’s housing land requirements on the urban edge, not in free-standing new settlements.

Assessment of Green Belt purposes in parcels

Purpose 1

17. No comment.

Purpose 2

18. Applying Purpose 2: to prevent neighbouring towns from merging into one another, involves judgements in individual cases. We have no strategic comments on the LUC Review, but we do have detailed views on the way the methodology has been applied. We do not have the capacity for a comprehensive review of many parcels, but refer to land familiar to residents around Symondshyde. This is land west of Welwyn Garden City west of the A1(M) between Stanborough to the north and Hatfield Garden Village to the south (principally LUC Parcel 41). LUC argue that this parcel makes a ‘significant contribution’ to preventing the merger of Hatfield with Welwyn Garden City (Appendix 6.1 p182, electronic page 243 of the Appendices). The openness of the land in the parcel is held to play a key role in preventing coalescence. In our view this misreads the terrain. Critical to the separation of Hatfield from Welwyn Garden City is instead the shallow valley of the parkland on the other side of the A1(M) – the other key feature mentioned by LUC – which is alongside the River Lee. Parcel 41 cannot see or be seen from Welwyn Garden City: it is another world on the opposite side of the A1(M) – a road which has a far more divisive role here than linking role. LUC properly refer to the Planning Advisory Service guidance that the identity of a settlement is not determined just by the distance to another settlement, and that the character of the place and the land between settlements must be acknowledged (paragraph 2.56). They also review in paragraph 3.30 the kinds of issues which can affect perceived proximity. Proper application of these principles here should in our view lead to the conclusion that development of Parcel 41 would not have a discernible impact on the merger of the two main towns. This would have a significant effect on ranking the harm that developing Parcel 41 would cause.

19. Parcel 41 relates only to Hatfield, not to Welwyn Garden City. It is a large area of open flat land, bisected by the local road Green Lanes, with views to the built-edge of Hatfield (both Hatfield Garden Village and an industrial area). Modest hedgerows alongside Coopers Green Lane mean that the proximity of Stanborough is barely a matter of perception in this flat landscape. A small area could be left clear of development at the north-east corner of Parcel 41 to avoid physical merger with the south end of Stanborough.

Purpose 3

20. When applying Purpose 3: to assist in safeguarding the countryside from encroachment, the outcome of the LUC approach was to find that the vast majority of parcels on the urban edge made a 'significant contribution' to this purpose (Figure 6.3). We accept that, to some degree, this finding is based in the observation that in the Borough there is frequently a sharp urban edge with countryside beyond (itself a terrific endorsement of Green Belt policy). However, we do not consider that the approach adopted has done justice to the guidance from the Planning Advisory Service. This argues that "the most useful approach for this purpose is to look at the difference between the urban fringe and open countryside" (paragraph 2.56); and that it is open countryside – rather than urban fringe land under the influence of the urban area – which should be favoured by safeguarding from encroachment (quoted by LUC at paragraph 3.39). We would expect land remoter from the urban edge to achieve higher ratings on Purpose 3 than edge parcels, though Figure 8.2 shows that there is little to choose between the ratings in the two kinds of area ('parcels' and 'beyond the parcels'). We would also have expected, largely as a result, that much more countryside remoter from the urban edge would have been classified as 'Most essential Green Belt' in the overall assessment in LUC's Figure 9.1. Having said that as general principles, we were pleased to see that Symondshyde (which we consider should not have been a 'parcel' site in the first place, see paragraph 16 above) did achieve a higher rating on Purpose 3 in Figure 8.2 than most true urban-edge parcels.

Purpose 4

21. When applying Purpose 4: to preserve the setting and special character of historic towns, LUC identified only Welwyn Garden City as an historic town for this purpose. We agree with that, and also understand the assessment that led to the Purpose 4 ratings of parcels in Figure 6.4.

Purpose 5

22. When applying Purpose 5: to assist in urban regeneration by encouraging the recycling of derelict and other urban land, LUC concluded that all parcels made a significant contribution to this purpose, equally so. We do not agree that principle. There is a real possibility that larger landowners would intensify development on their already-developed land if denied the opportunity to expand onto Green Belt sites. This could be on land that might not ordinarily be identified by a planning authority as available for that purpose. We have not carried out an assessment of this opportunity, but the possibility remains that this is a real option in Welwyn Hatfield. In particular the Gascoyne Cecil Estates of Lord Salisbury

extend over very considerable urban and rural areas. It would be for others more familiar with the local opportunities to suggest the scope for this additional development in practice.

Local Purpose

23. LUC additionally applied the Local Green Belt Purpose: to maintain the existing settlement pattern. They rightly explain that this was a purpose of the Hertfordshire Structure Plan adopted in 1998 and was assessed as a local purpose in the Stage 1 and Stage 2 Green Belt Studies. The approach taken, which we note was apparently agreed with the Council, was to assume that maintaining the existing settlement pattern simply meant to maintain the separation and distinctiveness of smaller settlements (as well as those already covered by purpose 2 of national Green Belt policy). We agree that this is part of the intention, and therefore agree with the 'significant contributions' being made to Green Belt on this score (in Figure 6.5) insofar as inset settlements are concerned (in addition to the 'towns' already protected). However, we do not consider the purpose has been fully applied. Maintaining the existing settlement pattern is not secured only by protecting existing inset settlements: it is also necessary to avoid creating new inset settlements. The local Green Belt purpose is therefore a strong reason for avoiding any new settlement in the Borough, just as Windsor and Maidenhead have sought to avoid one in their Royal Borough. The *Green Belt Study Stage 3* should have stated a strong presumption against new settlements.

24. The Hertfordshire Structure Plan 1998 had 19 objectives for land use planning (page 26). The second was "Maintain the settlement pattern of small to medium sized towns through the location of development and the maintenance of a Green Belt". The Structure Plan had no expectation whatsoever that a free-standing new settlement might be contemplated. It noted that in parts of the County, notably the south and west, the bands of countryside between towns are narrow and are only maintained by strict implementation of Green Belt policies. The strategy was to concentrate development within the existing main urban areas with strict control over development in the rural areas. In our view, this remains entirely feasible, and desirable, in Welwyn Hatfield twenty years later.

Possible new settlement

25. The Inspector's note of December 2017 commented that if sufficient development "is unlikely to be achieved adjacent to the urban areas without unacceptable harm to the Green Belt or other considerations then the study would need to assess other locations that are large enough to accommodate new settlements of a sufficient size to be genuinely sustainable and without compromising fundamentally the purposes of the Green Belt and the need for openness. Given the configuration of the Green Belt within Welwyn/Hatfield and the location of settlements in adjacent districts this would not be an easy task." The matter is reviewed briefly in Chapter 8 of the *Green Belt Study Stage 3*. Given that LUC was not asked to evaluate the sustainability of each urban edge Green Belt parcel, but only its contribution to Green Belt, it is reasonable that the role of the Study is limited just to considering the options for new settlements.

26. A most obvious point to arise from the Study and our commentary above on it is that the case is far from demonstrated that release of urban edge sites will not be sufficient to satisfy housing land requirements. We see no need for a new settlement in principle.

27. The evidence on possible new settlement sites in the Study is very thin. There are just two named sites, at the Royal Veterinary College and Danesbury, mentioned with little enthusiasm (paragraphs 8.7 and 8.13). The principal evidence offered is that areas that make little or no contribution to Green Belt Purpose 2 “are the weaker performing areas of the wider Green Belt that could be considered for potential new settlement locations” (paragraph 8.12). We do not accept this premise because we consider that Green Belt Purpose 3 and the Local Green Belt Purpose would have resulted in a different pattern of assessed harm and ‘Most Essential Green Belt areas’ if assessed properly (see our comments above at paragraphs 20 and 23-24 respectively).

28. Figure 8.1 of the Study nonetheless suggests that there are large areas of the Borough which might be suitable on LUC’s basis of relying on areas making little or no contribution to Purpose 2. As the Council officers’ covering report for the Cabinet Planning and Parking Panel on 6th September comments: “In essence the study concludes that large parts of the borough have equal scope for a new settlement” (paragraph 4.23). The Study made no contribution to refining this.

29. There is currently no evidence on which to base the selection of a new settlement, if one were considered a possibility. That would require a further assessment and public consultation on it if the Council were to consider taking a new settlement forward. At present there is no justification whatever for Symondshyde as a new settlement location: the alternatives have simply not been examined by the Council or the *Green Belt Study Stage 3*. The Symondshyde allocation is fundamentally unjustified, making the Plan unsound in that respect.

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