



Welwyn Hatfield Council:-

Comments on Stage 3 Green Belt Review
by Land Use Consultants (LUC)

On behalf of
Taylor Wimpey North Thames

September 2018

1.0 Introduction

- 1.1 These representations are made on behalf of Taylor Wimpey North Thames who are in contract with land owners at Cuffley to deliver housing at the emerging HS29 allocation site (for 73 units) at Northaw Road East.
- 1.2 They are submitted in response to the Inspector's invitation for Regulation 19 parties to comment upon the Green Belt Review Stage 3 report by LUC. Upon inspection of this report, we are concerned that there are serious flaws in the general methodology that it has adopted and consequentially in the robustness of some of its detailed findings.
- 1.3 The rationale for commissioning the work was to improve the evidence base on Green Belt matters, specifically in respect of providing the data to enable the Council to move towards a closer match between their objectively assessed needs and housing allocations. The report is not helpful in this regard however since it does not provide any particular steer for the Council in the identification of additional sites that would naturally flow from the new evidence and thus help to make the plan 'sound'. This objective has not been realised and consequently we are not convinced that the report has delivered the work that the Inspector had intended.
- 1.4 We have therefore commissioned a specialist planning consultant in Green Belt matters to provide a detailed commentary upon the report which accompanies this submission. We trust that this will be of assistance to both the Council and the Inspector in their further deliberations and advancement of the Local Plan.

2.0 Critique and Assessment by Pegasus Group

- 2.1 The accompanying report considers the methodology and robustness of LUC's work. It provides a critique of the strategic approach taken by the consultants as a whole, as well as highlighting the situation at Cuffley (Parcel 87) as an example of where there have been clear analytical deficiencies and inconsistencies in the work that has been undertaken. These weaknesses should be addressed before any notable weight is afforded to it by the Council in helping to inform their emerging development allocations.
- 2.2 For ease of reference we have extracted the key concerns expressed by Pegasus from the summary of their report (Section 7), as follows:-

‘Whilst the definition of Purpose 2 (merging of towns) is clear and appropriate in the Study, it has not been applied appropriately in terms of Potters Bar and Cheshunt. This has resulted in P87 being judged to cause greater harm against the purpose than would be the case.

The ‘Local Purpose’ applied in the Study is confused in its intentions and does not reflect the reason behind its inclusion, as set out in the Submission Version of the Local Plan. As a result it has been mis-applied when assessing a number of parcels, including P87.

With regards the Study’s ‘Assessment of Harm’, there appears to be duplication with the consideration of Green Belt purposes in the Study. Scoring of the harm is not transparent, and the commentary and associated designation in relation to P87 is not justified.

Limited weight should therefore be given to the Study in its current form, and if the Council are to use it to inform subsequent allocations within the emerging Local Plan, the revised findings at Appendices 1 and 2 should be relied upon’.

- 2.3 These appendices (ie. 1 and 2 of the Pegasus report) have provided a fine gain assessment of parcel 87 which differs markedly from the LUC assessment, attributing a variation of ‘harm’ across the site, more reflective and consistent with the Council’s decision to put forward HS29 as an emerging allocation for residential development.

3.0 Wider Factors

- 3.1 Notwithstanding the ‘low/moderate’ Green Belt harm that Pegasus has attributed to the emerging HS29 site, and the wider Cuf5 opportunity, there are a number of other factors that must be considered, as follows:-

Housing Need

- 3.2 The recognised figure relating to housing need is now acknowledged to be at 16,000 homes to be built by 2033, increasing from a figure of 12,000 homes that was put forward by the Council at submission stage.
- 3.3 The exceptional circumstances experienced by the Council with regard to the scale of their housing needs has already been comprehensively covered at earlier hearing sessions, and the Council have provided robust evidence citing relevant case law (ie. Calverton Parish Council v Nottingham City Council) to fully justify their position to release Green Belt land. This judgement concluded that decision makers when considering whether or not exceptional circumstances exist must have regard to the following factors:-

- The acuteness of the Objectively Assessed Need;
- The constraints on supply and availability of land for sustainable development;
- The consequent difficulties in achieving sustainable development without imposing on the Green Belt;
- The nature and extent of the harm to the Green Belt if boundaries are reviewed; and
- The extent to which the consequent impacts on the purposes of the Green Belt maybe ameliorated or reduced to the lowest reasonable extent.

3.3 The themes of the Calverton case have been picked up in the new NPPF, which now provides a set of criteria in order to justify that exceptional circumstances exist to allow Green Belt boundaries to be altered (para 137). These factors are particularly relevant to the situation at Welwyn Hatfield, given the scale of the needs involved and in the context of the extensive existing Green Belt coverage (ie. at approximately 79%). The Inspector has already indicated that the acuteness of the need for housing in the borough is sufficient to justify the exceptional circumstances required to release land from the Green Belt, but has opined that the plan is not currently 'sound' since it does not meet the objectively assessed need for housing. Additional sites must therefore be found.

3.4 The members at the Council's recent Planning and Parking Panel meeting held on 6th September considered two different development scenarios, and three different approaches for achieving the increased level of housing that is needed. In summary, scenario one involved a balance between loss of employment land and the release of Green Belt land, whereas scenario two involved the retention of proposed employment land designations but with more land being released from the Green Belt. A summary of the three alternative approaches considered is set out below:-

Approach One:- a new call-for-sites process involving further extensive debate and public consultation, with an anticipated delay of adoption of the plan by up to one year. This would potentially expose the Council to speculative planning applications in the meantime, with anticipated problems in terms of failing the Government's new Housing Delivery Test.

Approach Two:- adoption of a development strategy based on allocating sites for the first ten years of the plan period, with the remaining five years of housing to come forward in areas identified as 'Broad Locations for Growth' or 'Areas of Search'. The first ten years of the plan could include sites that have already been promoted but were rejected at an earlier stage. Since such sites are already in the public domain there would be no need for further consultation. Infrastructure and sustainability testing would be needed, but with minimum delay to the Local Plan timetable.

Approach Three:- seek to achieve the increase solely through existing allocations; increasing densities on existing allocations; and selection of sites that have already been promoted. This would be likely to involve the loss of employment land.

- 3.5 The official minutes from the meeting are not yet available, but from listening to the Councillors' discussions on the night there was a split of opinion upon the two development scenarios but a leaning towards 'approach two' as being the most achievable and pragmatic way forward to make the plan 'sound'.

Achieving a Sustainable Pattern of Growth

- 3.6 This theme, established in the 2012 NPPF, is continued within the new NPPF whereby the need to promote sustainable patterns of development should be taken into account when drawing up or reviewing Green Belt boundaries (para 138). It states, inter-alia, that:- *'Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed **and/or is well served by public transport**'* (Our emphasis in bold).
- 3.7 The sustainability credentials of competing sites for release 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). It is appreciated that the Inspector is still not looking for detailed site specifics at this point in the Local Plan proceedings, but Cuffley as a large village settlement with a railway station and High Street is clearly well served in such provision, and has the capacity to accommodate future growth. As such, there is a strong strategic rationale for considering Green Belt releases at suitable and available sites located at its edges.
- 3.8 In this regard, the sustainability credentials of the emerging HS29 allocation (and the wider Cuf5 opportunity) will be shown to be exemplary. For HS29, factors will be shown to include its excellent accessibility and connectivity to the settlement, close to public transport links (local bus routes 242 and 312 and the railway station within 1km, with services operated by First Capital Connect), and only a short walk away from the existing shops and services. For Cuf5, sustainability factors must be expanded to include the site's unique ability to deliver a zero carbon garden suburb development through a proposed link to a nearby Anaerobic Digestion (AD) Plant within the same ownership. That vision was developed with Council Officers through a Planning Performance Agreement (PPA) as a model of best practice to deliver a site that not only benefits from its sustainable location, but through the site's ability to create a heat network and special energy solution. We are unaware of any other similar local energy solutions that are being promoted in the borough and it will be shown to be a unique opportunity for zero carbon development that is only available at this particular location. With regard to the NPPF's requirement for exceptional circumstances to be shown in order for Green Belt boundaries to be amended, this is a prime example of why, on a site specific basis, Cuf5 offers precisely this.
- 3.9 The planning system's support towards the transition to a low carbon future is carried over into the new NPPF (paras 148 – 154), stressing that plans should take a proactive

approach to mitigating and adapting to climate change. Of particular relevance, is its emphasis upon shaping places in ways that contribute to radical reductions in greenhouse gas emissions and its support towards renewable and low carbon energy and associated infrastructure. The locational opportunity at Cuffley to plan for development that delivers against these objectives has to date been inexplicably overlooked by the Council. The Inspector will be furnished with full details at the Stage 5/6 hearings as appropriate.

Landscape Visual Impact Assessment (LVIA)

- 3.10 ACD Landscape Architects undertook comprehensive LVIA work (dated March 2014), including photomontages, as part of the supporting documentation for the Cuf5 masterplan. For ease of reference, the conclusion from their main document is extracted below:-

'Landscape Character:- The site falls within designated Metropolitan Green Belt land and the North Thames Basin Character Area. Although the site displays characteristics somewhat typical of this area, the wider landscape is affected by the existing settlement pattern of Cuffley.

With regard to the urban edge of Cuffley, the assessment of local character areas, on the whole are assessed as having Low sensitivity to this form of development.

'Construction Stage:- For the proposed site itself during the construction stage and with the retention of the main important landscape features, it is assessed to be subject to a negligible magnitude of change, due to the very minor loss or alteration to key elements or features, and the introduction of elements that are not uncharacteristic when set within the attributes of the receiving landscape. Consequently the significance of landscape effect for the construction of the proposal is assessed to be negligible. This assessment of landscape effect is not classified as 'significant' under the EIA methodology noted in Chapter 02.

Operational Stage

Due to the nature of the development, it has been assessed that a minor loss of key landscape elements and the introduction of elements that may be prominent but not uncharacteristic will occur and the subsequent landscape effects are considered not significant in planning terms.'

- 3.11 The associated photomontage work noted that the views which are considered to be significant fall, for the most part, to the west within 1.2km of the site. It stressed how the layout of the masterplan was developed through adopting the landscape mitigation recommendations contained within the documentation to achieve a limited impact on its surroundings. Given that these conclusions were derived in respect of Cuf5, it follows that the visual impact resulting from the implementation of the much smaller emerging HS29 site, as an infill on the road frontage, contained

between the village edge and Wells Farm (emerging site HS30), consequently with no significant resultant views from the west, would be considerably less. There has been no change in circumstances in relation to landscape matters since this work was undertaken, and as such it still holds good as a piece of evidence.

4.0 Conclusion & Way Forward

- 4.1 For the detailed reasons set out within the accompanying Pegasus report we consider that there are serious problems with LUC's Green Belt assessment work, both in terms of its general methodology and its detailed findings relating to parcel 87. In respect of the latter, the Pegasus analysis shows that the harm attributed to our client's land interest should be classified as 'low/moderate' rather than high. Notwithstanding this, the Council must consider the wider factors involved in weighing up the merits of such releases.
- 4.2 With reference to emerging HS29, we consider that the benefits of delivering the proposed housing site, including its sustainability credentials, would overwhelmingly outweigh any limited harm that may result to the Green Belt through its release. It would result in a logical and well connected edge of settlement development to be delivered by a leading national housebuilder.
- 4.3 The Council will now need to decide which of the options it pursues to address the Inspector's concerns over soundness and unfortunately the LUC work provides very little, if any, assistance. We would however concur with the majority view expressed at the recent Cabinet Panel meeting that 'Approach Two' represents the most pragmatic and achievable way forward to deliver a sound plan. The principles of this approach (including the first 10 year and subsequent 5 year supply distinction) would accord with the new NPPF which has introduced a five yearly Local Plan review requirement. In terms of our client's site specific interest, this would enable the Council to firm up and secure the delivery of HS29 as part of their five year land supply. It would also provide them with the opportunity to reconsider the wider merits of Cuf5/Cuf12, as part of the forthcoming hearings and ongoing Local Plan process.