

CRITIQUE OF THE WELWYN HATFIELD GREEN BELT STUDY STAGE 3

ON BEHALF OF TAYLOR WIMPEY NORTH THAMES

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1. INTRODUCTION

- 1.1 This Critique is submitted in response to the Welwyn Hatfield Green Belt Study Stage 3, prepared by LUC and published in August 2018. The Study was prepared in response to a request by the Local Plan Inspector in October 2017 to expand the findings of the Council's Green Belt Review evidence, used to inform the content of the emerging Local Plan.
- 1.2 It is submitted on behalf of Taylor Wimpey North Thames, who are in agreement with the land owners at emerging site allocation HS29 at Northaw Road East, Cuffley, to deliver housing, if planning permission is obtained. Site HS29 forms part of a larger parcel of land identified as P87 in the Stage 3 Study.
- 1.3 Pegasus Group regularly advise on Green Belt matters. This includes the consideration of Green Belt Studies on behalf of developers and local resident groups, and has also involved the preparation of the Guildford Green Belt Study on behalf of the Council, which was recently considered at the Local Plan Examination in summer 2018, and found to be sound.
- 1.4 The critique considers the Study through reference to the Tasks identified within it, alongside consideration of Parcel P87 and emerging allocation HS29, which highlight a number of concerns with the methodology and detailed scoring applied within the Study.

2. Task 1: Identification of absolute environmental constraints to Development

2.1 It is correct that the Study, wherever possible, has not assessed sites that are subject to absolute constraints. Such sites would not offer potential for development, meaning that exceptional circumstances would not be present for their release from the Green Belt, and hence such release would not be justified.

3. Task 2: Strategic-scale consideration of Green Belt role & Task 4: Assessment of the contribution to Green Belt purposes

3.1 This includes the consideration of how parcels perform against the five Green Belt purposes set out in the NPPF. It also puts forward a 'local purpose' against which the parcels are assessed. Objection is raised with regards how Purpose 2 (to prevent neighbouring towns from merging into one another) and the 'local purpose' have been applied.

3.2 The Study confirms that when defining aspects of purpose 2, 'towns' will be consistent with the earlier Studies, and limited to Welwyn Garden City, Hatfield, St Albans, Hertford, Stevenage, Potters Bar and Cheshunt. The Study correctly identifies the definition of 'merging' as to *'combine or cause to combine to form a single entity'*.

3.3 It therefore follows that in order to contribute to this purpose, development of a parcel would need to cause the above towns to combine to form a single entity. This occurs most notably with the parcels which lie between Welwyn Garden City and Hatfield, as recognised in Figure 6.2 of the Study.

3.4 However, the Study is considered to have incorrectly assessed the potential for development at some of the parcels to result in the merging of Cheshunt and Potters Bar. This can be demonstrated through reference to Parcel P87 to the west of Cuffley.

3.5 Appendix 6.1 of the Study, when commenting on P87, refers to a distance of 6.5km dividing Cheshunt and Potters Bar, and it's greater than this from most boundary points. Even if the figure of 6.5km was to be used, it's a substantial

separation across which to suggest that merging, ie combining to form one entity, would occur if individual parcels between the two are developed.

- 3.6 As an example, P87 has a width of approximately 400m. If developed across its full width (which in reality would not happen due to constraints) this would represent the introduction of development to only 6% of the gap between the two towns. It is not reasonable to suggest that such a small proportion of development would result in any conceivable difference upon the separation between the two settlements.
- 3.7 Paragraph 3.30 of the Study comments that physical proximity is the initial consideration when assessing the contribution of the purpose, and for reasons explained above, the physical proximity in terms of P87 and the associated two towns, cannot be considered to contribute to the purpose. Paragraphs 3.30 and 3.72 of the Study go on to comment that the perceived separation between towns can be affected by built and natural landscape elements, giving the example of a hill increasing the perception of separation, as opposed to a 'shared landform' decreasing separation.
- 3.8 In the 6.5km of land between the two towns either side of P87, the topography includes hills, and woodland is present, which combine to ensure that there is no direct visual relationship between them. This further adds to the case that merging between the two towns will not occur if P87 is developed.
- 3.9 As a result, P87 should not receive a classification of having a partial contribution towards the merging of towns purpose. It is considered that P87 plays a very limited role, if any, in maintaining the separation between the towns of Potters Bar and Cheshunt due to the presence of significant separating features and significant distances between the towns. For the reasons explained above, and in accordance with the Study's own definition at 3.72, P87 should instead be classified as being of 'Limited or no contribution' to purpose 2.
- 3.10 Further justification for such an amendment is provided by the Study's classification of P45 (location of Symonshyde New Settlement). This is a parcel that lies directly between the towns of Welwyn Garden City and St Albans, which

are separated by a distance of approximately 5km (so, notably less than that between Potters Bar and Cheshunt). Parcel P45 has been classified in the Study as having 'Limited or no contribution' to purpose 2. This illustrates a clear difference in the approach taken to the scoring of different parcels in the Study. If any weight is to be given to this aspect of the Study, P87 needs to be re-assigned to 'Limited or no contribution' when assessed against purpose 2.

- 3.11 With regards the assessment of purpose 3 (to assist in safeguarding the countryside from encroachment), it is noted that the vast majority of parcels in the Study are scored as making a significant contribution towards this purpose. This is of no surprise given that the vast majority of potential development parcels will extend established settlement limits into the countryside surrounding the existing settlement. As a result, whilst it is correct to recognise the harm in this respect, as the Study does, this does not of itself provide justification to prevent development from taking place at such parcels. It is clearly not a categorisation that can be said to identify the areas of most essential Green Belt, as it relates to the vast majority of parcels.
- 3.12 Questions are raised in connection with the Study's inclusion of a 'Local Purpose', against which the parcels are scored. The LP Inspector correctly questioned whether such a purpose should be given the same weight to that of the other Green Belt purposes set out in the NPPF. In principle it should not be given the same weight, given that it is not supported by national guidance, but in this instance weight must be further limited given that the local purpose seems rather confused in its intention, and as a result appears to have been mis-applied.
- 3.13 Paragraph 3.51 of the Study refers to the background behind the Local Purpose, this being that the '*strategic objectives for the Submission Version of the Local Plan include an aim to maintain the existing settlement pattern, as well as preventing the coalescence of towns and villages*'. Note that the desire to maintain the existing settlement pattern is clearly identified as a separate intention to that of preventing the coalescence of towns and villages.
- 3.14 The Local Purpose in the Study, has subsequently been identified as being '*To Maintain the Existing Settlement Pattern*'. When commenting on the matter, the LP Inspector has referred back to the Hertfordshire Structure Plan, which when

discussing 'maintaining the settlement pattern' refers to distinct and diverse communities each capable of supporting an appropriate range of housing, employment, leisure and shopping facilities.

- 3.15 It is therefore considered that the intention behind the Local Purpose should not be to prevent the coalescence of settlements, but to maintain the existing settlement pattern. This appears to have got lost within the assessment, and even paragraph 3.53 of the Study itself acknowledges that there is an overlap between the two purposes (Purpose 2 and Local Purpose) due to the type of assessments that are being made.
- 3.16 As it stands the Local Purpose is therefore considered to be confused in its intentions and application, and not helpful.
- 3.17 If the Local Purpose is to remain as part of the Study it should revert to focussing on what the title implies, that being 'to maintain the existing settlement pattern'. In the case of P87, if such a focus was applied, it would be apparent that if P87 was developed, it would enable the existing settlement pattern to be maintained. This is because Cuffley is currently the largest village in the District, and the development of P87 would enable the settlement to continue to provide for its own distinct community, capable of supporting an appropriate range of housing, employment, leisure and shopping facilities. Cuffley's position in the settlement hierarchy would be very much maintained through development of P87. There is a case that Cuffley requires such a scale of growth in order to maintain the established settlement pattern, given the scales of growth identified at the larger towns.
- 3.18 The Study sets out the local purpose assessment criteria at paragraphs 3.78 and 3.79 of the Study. For reasons explained above, these criteria are not considered to be consistent with the LP Inspector's comments on the matter and the Local Plan intention behind them. However, even if they are to be used then the consideration of the scoring of P87 indicates that the application of such criteria has not been consistent.
- 3.19 P87 is scored in the Study as making a partial contribution against the Local Purpose. However, when assessed against the questions at 3.78, and criteria at

3.79 of the Study, this doesn't seem reasonable. In particular there is a considerable distance between Cuffley and Potters Bar (over 3km) and there are separating features between the settlements in the form of hills and wooded areas that further ensure the existing relationship will be maintained if P87 was to be developed.

3.20 As a slight aside, the appropriateness of the methodology behind, and scoring of, the Local Purpose can be further challenged by the consideration of how P45 (Symonshyde New Settlement) has been assessed. The Study has concluded that the development of P87 will have 'Limited or no contribution' to the Local Purpose. This Local Purpose is of course to maintain the existing settlement pattern. Is the Study really concluding that the introduction of a 1,000 plus dwelling new settlement and associated services and facilities at P87 will have no impact upon the existing settlement pattern of the District?

3.21 To conclude on the 'Local Purpose' identified within the Study, for the reasons above it is considered to be confused in its intentions, overlaps with other aspects of the Study, and has not been applied appropriately when parcels have been assessed against it. The Local Purpose should therefore not be given weight when assessing the findings on Green Belt matters, and its inclusion as it stands questions the soundness of the Study.

4. Task 5: Assessment of potential harm to Green Belt purposes from release of land adjacent to inset, or potential inset, settlements

4.1 It is not clear why such an assessment is necessary in addition to the consideration of how the parcels perform against the NPPF identified purposes. Paragraph 3.82 refers to 3 key factors which inform the assessment of Green Belt harm. The Study doesn't explain where such factors are taken from, and the first of the three relates to the NPPF purposes, which have already been addressed by Tasks 2 and 4 of the Study.

4.2 Similar concern is raised with regards the transparency of the scoring against the key factors. Do all of the three key factors carry the same weight? Paragraph 3.83 refers to professional judgement being used to rate the Green Belt harm on

a 6 point scale. It is understood that professional judgement will often need to play a role in the scoring of such issues, but in this instance there is insufficient guidance upon how such judgement can be made. The only reference that the reader has is the detailed commentary associated with each parcel at Appendix 6.1 of the Study. However, the frailty of such commentary is apparent from examining the comments made in connection with P87.

4.3 Whilst the Study refers to the 3 key factors to inform the assessment, the comments at Appendix 6.1 are not subdivided into such factors, albeit with regards P87, there are three sentences provided, each of which appears to relate to each of the factors. Taking these in turn;

4.4 1st sentence (assessing contribution to purposes);

'The parcel is open and rural in character and strongly distinct from Cuffley which slopes down eastwards from the parcel edge.'

4.5 This would appear to be suggesting development of the parcel would harm the encroachment purpose. As acknowledged within this report, P87 would result in encroachment, as would the vast majority of all parcels. However, no reference is made to the fact that other purposes would not be harmed (other than purpose 5 – regeneration, which affects all parcels the same). When considered against all the purposes, the harm of development would therefore be limited, and any score in connection with the 1st factor should reflect this. If using the Study's own scoring system it is therefore considered reasonable to score the 1st factor of the parcel's contribution to NPPF purposes as being of 'moderate harm'.

4.6 2nd sentence (implications of loss of openness on the integrity of the Green Belt);

'Its release would also reduce the perceived separation between the Tier 1 settlements of Cheshunt to the east and Potters Bar to the southwest as well as the perceived separation between the inset settlement of Cuffley to the east and Potters Bar to the west.'

4.7 The issue of separation between Cheshunt and Potters Bar has been considered in detail earlier in this report at paragraphs 3.5-3.10. It was explained why the considerable distance between the settlements in question, alongside the

intervening land forms and woodlands between them, would result in development at P87 not having any perceived impact upon the separation of the two towns, and hence integrity of the Green Belt in this respect.

4.8 As a result, the content of the 2nd sentence above is not considered to be the correct conclusion with regards the impact of development on the integrity of the Green Belt. The only reference to concern about the integrity of the Green Belt in the commentary relates to the separation between settlements. It follows that the score of the site on this issue should be in the region of 'low-moderate harm', given that the Study only raises concern on the issue of settlement separation, and it has been shown that such concern is not justified with regards the ongoing separation of Potters Bar and Cheshunt.

4.9 3rd sentence (consistency and strength of Green Belt boundary);

'A new Green Belt boundary within or bordering the parcel would be weaker than the current ridge crest inset boundary.'

4.10 This is simply not the case.

4.11 The existing Green Belt boundary adjoining the western edge of Cuffley is defined primarily by garden fences and hedgerows. There are some gaps within the physical boundary, where access can be obtained onto the adjacent residential roads. Whilst accepting that there is a physical boundary in place along much of its length at present, this is no stronger than that which could be achieved by a revised Green Belt boundary around P87 which would follow the Hempshill Brook to the west, substantial and established hedgerows and treelines to the north and west (much greater and more apparent than the hedgerows and fences in the existing boundary), and would continue the existing boundary to the south, formed by the B156 (Northaw Road East).

4.12 If scored against the 3rd suggested key factor of Green Belt boundaries, P87 would therefore be of low harm, as it would enable a similar level of Green Belt boundary to be maintained as is currently present.

4.13 As illustrated at Appendix 2, when scored against the three key factors which the Study itself identifies as needing to inform the assessment, P87 would fall

between low-harm to moderate harm, subject to how much weight is given to the various factors. If of equal weight, then it is reasonable to conclude that the overall score for P87 should be 'Low-moderate harm'.

- 4.14 As explained above, it is questioned if there is a need for the additional assessment of harm provided through Task 5. However, if it is considered helpful to the overall assessment, it is imperative that the scores provided at Task 7, and illustrated on Figure 7.1 of the Study are amended to reflect the reasonable considerations of the parcels. Appendix 2 illustrates how P87 should be scored if the approach is to be given any weight.
- 4.15 A further failing of Task 5 and the assessment of potential harm to Green Belt purposes, is that it is not clear why some parcels have been subdivided for further consideration, whilst others haven't. This is very relevant given the LP Inspector's request for a finer grained approach to the consideration of potential parcels.
- 4.16 The Study indicates at 3.88 that certain development scenarios for the subdivision of parcels have been considered, and lists them as including any sites assessed in the Stage 2 Green Belt Study, and the assessment of proposed housing allocations (where these varied from the Stage 2 Green Belt sites). This would suggest that the residential allocations HS29 and HS30 should be assessed as a sub divided part of P87. However, this has not taken place, or if it has there appears to be no record of it. Whilst the majority of parcels have clearly been subdivided and assessed at Table 7.1, no such sub division assessment has been undertaken for HS29 and HS30, with P87 only being considered as one entire parcel, which would appear to be in conflict with the Study's own criteria.
- 4.17 In order to assist the LP Inspector in understanding how site HS29 would be considered if assessed against the Study's identified three key factors, Appendix 2 illustrates how a score of Low-Moderate harm is achieved for the site.
- 4.18 It is therefore recommended that if weight is to be given to the Assessment of Potential Harm, then the scores associated with P87 need to be updated to reflect those identified at Appendix 2.

5. Task 6: New Settlements

- 5.1 The Study explains that given that there are only notable differences in the performance of parcels against purposes 2 and 3, these are the purposes that should be used to identify appropriate locations for new settlements (in Green Belt terms).
- 5.2 Whilst not of relevance to the Study, it is noted that P45 (Symonshyde) is considered to make a significant contribution to Purpose 3 (encroachment), and in terms of Purpose 2 (merging of towns), it lies directly between Welwyn Garden City and St Albans.

6. Task 9: Most Essential Green Belt

- 6.1 The Local Plan Inspector specifically requested the identification of those parts of the Green Belt which were most important to retain, and hence it is entirely appropriate that the Study has attempted to do so. The Study correctly identifies that it is difficult to state in absolute terms that any part of the Green Belt is essential without setting its functional value in Green Belt terms alongside the demand/need case and sustainability considerations. It does however provide a comparative judgement as to what is most essential, the findings of which are not disputed.

7. Summary

- 7.1 It is acknowledged that limited national guidance on the issue of Green Belt Review, and the required use of a 'professional judgement' to assess aspects of the Study, does mean that the production of such a Study is not straight forward and often open to debate. In this instance however there are considered to be a number of weaknesses within the Study that do need addressing before any notable weight should be afforded to it by the Council in identifying their development allocations for the emerging Local Plan. The concerns have been raised within this report and are summarised as follows;
- 7.2 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.

- 7.3 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.
- 7.4 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.
- 7.5 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.

APPENDIX 1

Contribution to Green Belt Purposes

Study (Table 6.1) Recommendation for P87;

Parcel	Purpose 1 Rating	Purpose 2 Rating	Purpose 3 Rating	Purpose 4 Rating	Purpose 5 Rating	Local Purpose Rating
P87	Limited or no contribution	Partial contribution	Significant contribution	Limited or no contribution	Significant contribution	Partial contribution

Pegasus Recommendation for P87;

Parcel	Purpose 1 Rating	Purpose 2 Rating	Purpose 3 Rating	Purpose 4 Rating	Purpose 5 Rating	Local Purpose Rating
P87	Limited or no contribution	Limited or no contribution	Significant contribution	Limited or no contribution	Significant contribution	Limited or no contribution

APPENDIX 2

Green Belt Assessment of Harm Ratings

Study (Table 7.1) Recommendation for P87;

Parcel	Scenario Code	Release Scenario	Harm Rating
P87	P87	Release of the Parcel as a whole, or in part (including Stage 2 parcels Cuf4, Cuf5, Cuf7, Cuf 10 and Cuf12, and Local Plan Allocations HS29 and HS30)	High

Pegasus Recommendation for P87;

Parcel	Scenario Code	Release Scenario	Harm Rating
P87	P87	Release of the Parcel as a whole	Moderate - Low
	P87a	Release of Local Plan Allocations HS29 and HS30	Moderate - Low

Scenario	Rating
P87 - Release of the parcel as a whole	Moderate - Low
Comments	
The parcel is open and rural in character, meaning encroachment into the countryside would be apparent. Whilst lying between Potters Bar and Cheshunt, the significant distance between the two, combined with the intervening topography and land cover, and the comparatively limited width of P87, will ensure there is no perceived merging between the two towns. A revised Green Belt Boundary bordering the parcel following established water features, hedgerows and treelines, plus the B156, would offer a stronger boundary than that currently provided.	

Scenario	Rating
P87a - Release of Local Plan Allocations HS29 and HS30	Moderate - Low
Comments	
The subdivided parcel runs parallel with the B156 and incorporates established development at its western half. Whilst lying between Potters Bar and Cheshunt, the significant distance between the two, combined with the intervening topography and land cover, and the comparatively limited width of P87, will ensure there is no perceived merging between the two towns. Part of the resulting revised Green Belt boundary to the NW of HS29, would require strengthening and would not be as strong as the boundary currently in place.	