

Representations by Howard J Dawson FRICS to the Welwyn Hatfield Borough Council – Submission Local Plan – LUC Green Belt Study Stage 3 Final Report dated August 2018.

Welwyn Hatfield Submission Local Plan – Green Belt Review

1. On 24th August 2018, the Programme Officer invited comments from Regulation 19 parties in respect of the Welwyn Hatfield Borough Council (WHBC) Stage 3 Green Belt Review, undertaken by Land Use Consultants (LUC) and published at EX88A to EX88D on the Council’s Local Plan website.
2. The purpose of the LUC study was to identify that part of the Green Belt that it is most essential to retain.
3. The LUC study only examines Green Belt purposes and does not address wider planning policies, sustainability or site allocations.
4. LUC have identified 95 parcels of land (some of which are sub-divisions from the larger parcels) which are numbered P1 to P95. These are shown geographically in the Figures 2.1 to 9.1 and, in particular, on Figure 7.1 in the LUC report.
5. At Table 6.1 to the Main Report, LUC provides its analysis of the five national Green Belt purposes in respect of each of the 95 parcels. **Purpose 5 (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land)** has been assessed as a “Significant Contribution” for all 95 parcels. **This is incorrect.** Purpose 5 is much more significant to the towns than to the smaller settlements. Whilst much of Hatfield and parts of Welwyn Garden City do require urban regeneration, none of the large villages require any such regeneration. It is inconceivable that new housing in the large villages would diminish the prospect of urban regeneration in the two main towns. Therefore, Purpose 5 would only perform a “Significant Contribution” to those Green Belt sites close to Hatfield or Welwyn Garden City. Purpose 5 would have a “Limited or No Contribution” to Green Belt sites near to the Large Villages. Table 6.1 in the LUC report should be amended accordingly.
6. With regard to national Green Belt **Purpose 3** (to assist in safeguarding the countryside from encroachment), LUC has found 70 of the 95 parcels to make a “Significant Contribution”. LUC describe (Oxford English Dictionary) encroachment as *“the gradual advance beyond usual or acceptable limits”*. However, more realistically, LUC then state that it is important to determine the extent to which the Green Belt land:
 - **Relates to adjacent settlements and to the wider countryside.**
 - **Contains or is influenced by urbanizing land uses and features.**

7. LUC has failed to understand Purpose 3. This is the only purpose which relates directly to the *“fundamental aim of Green Belt policy”* as described in paragraph 79 of the NPPF (2012), which makes clear that *“the essential characteristic of Green Belts are their openness and permanence”*.

It therefore appears that LUC has (i) failed to apply its own assessment criteria to Purpose 3 in an objective or consistent manner and (ii) failed to weigh or balance the *“fundamental aim”* of Green Belts against the nature and extent of harm to this Green Belt (as required by the Calverton Judgment) in seeking to identify which parcels of land would cause the least encroachment into the Green Belt, if released for development. The blanket use of national Purpose 3 by LUC to find that 70 of the 95 parcels all make a *“Significant Contribution”* to Purpose 3 undermines both the quality and credibility of their assessment.

8. LUC should look again at those parcels (or sub-parcels) which are adjacent to existing settlements and well-contained by strong and permanent Green Belt boundaries. These parcels (or sub-parcels) relate to the LUC definition as *“adjacent settlements”* which are *“contained or influenced by urban land uses and features”*. As such, those sites should be assessed as not advancing *“beyond usual or acceptable limits”* and therefore making no more than a *“Partial”* contribution to national Purpose 3.
9. LUC has introduced a **“Local Purpose”** test (paragraphs 3.51 to 3.53 of the LUC report), which makes no sense at all. The Local Purpose is described as *“To Maintain the Existing Settlement Pattern”*. Taken literally, that means no new development should be permitted adjacent to any existing settlement.
10. I cannot find a Green Belt definition of the Settlement Pattern anywhere in the submission Local Plan. It seems to be a vague objective without any substance or policy framework. However, LUC unilaterally decide (paragraph 3.53) that the Local Purpose should be the same as national Purpose 2 (to prevent neighbouring towns from merging into one another) but to be applied where ***“at least one of the settlements between which an area of land is located has to be an inset settlement rather than a town”***. As the only *“inset settlements”* which are not towns are the inset villages, the consequence of the LUC definition is to apply national Purpose 2 to the inset villages. This is a very serious error, without any foundation in the submission Local Plan.
11. The *“Settlement Pattern”* has (i) no definition in the submission Local Plan, (ii) no standing whatsoever in national Green Belt policy and (iii) no substance in its interpretation or application by LUC.

12. The "Settlement Pattern" is not a Green Belt policy. In fact, it is not a national or local policy at all. As an undefined term, "Settlement Pattern" should be entirely disregarded by LUC and by the Council in consideration of the Green Belt and site allocations. If the Council wants to apply a policy of "Settlement Pattern", then (i) explain what it means, (ii) explain its purpose, (iii) explain its application and (iv) include it as a policy in the submission Local Plan for Examination.
13. Table 7.1 to the LUC report assesses the harm to the Green Belt in six categories ranging from "Low" to "Very High". From what I can ascertain, none of the sites promoted for development (either allocated or omitted in the submission Local Plan) are within areas of "Low" harm. A small number of sites fall within the "Moderate Low" and "Moderate" ratings, but this amounts to only 500 - 600 new homes. The vast majority of potential sites fall within the "Moderate High" harm. This appears to be too broad and too harsh. Also, there are such a mixed range of sites within the "Moderate High" rating as to undermine the consistency and objectivity of the LUC assessment.
14. I have looked more closely at some of the parcels of land around the Welham Green and Brookmans Park area and I am shocked to see that LUC appears to have been led by the nose, by its paymaster. For the sake of brevity, I will give just a few examples of inconsistent or incomprehensible outcomes from the LUC assessment, based on Figure 7.1 (LUC map showing "Assessment of Potential Harm").
 1. Parcel P65 is entirely found by LUC to be "Very High" harm if it is released from the Green Belt, with the exception of site allocation BrP4/HS22 which is found to be only "High Harm" as a sub-parcel (P65a). It is inconceivable that LUC would have found BrP4/HS22 to be a lower rating within P65 unless it was aware that the Council had already allocated that site. There is nothing about BrP4/HS23 which makes the release of that site from the Green belt any less harmful than the whole of P65.
 2. Parcel P78 is found to be approximately 60% "Very High" harm, approximately 35% "High" harm and approximately 5% "Moderate High" harm. The "Moderate High" harm area (5%) is the proposed boundary of BrP7/HS24 which has been allocated in the submission Local Plan. However, this site (sub-parcel 78c) is at the highest point in the borough with vast and extensive local, medium and long-range views to the north and west, with only very weak Green Belt boundaries on two of its four sides.

LUC describe P78c as:

“Although encroaching on countryside and weakening the Green Belt boundary by descending from the ridge crest into the valley, this more limited release of land would cause less harm to the integrity of the wider Green Belt”.

The NPPF states that the essential characteristics of Green Belts are their “openness and permanence”. Sub-parcel 78c fulfills that role more than most other parcels in the borough. It is therefore inconceivable that LUC would have carved out just 5% of parcel P78 (as P78c) and then assessed it as only “Moderate High” harm without knowing that it was an allocated site. This is particularly stark when compared to the numerous other sites in the borough to which LUC has given the same “Moderate High” rating, but which are clearly in less prominent and/or less open areas of countryside.

3. Parcel P64 in Welham Green is also part of P63 and is a sub-parcel called P63a. LUC is therefore causing significant confusion. Parcel P63 is assessed as “High” harm. Parcel P63a (which is the same as parcel P64) is also found to be “High” harm (see Figure 7.1). However, Parcel P64 (which is the same as P63a) is then found to be only “Moderate High” harm. This is inconsistent and contradictory.

Starting with the description of P63a (page 287 of the LUC Appendix 6.1), LUC state

P63a - Rating High:

“The release of parcel 64 in combination with P63 would result in significant encroachment on the countryside. It would also result in the perceived separation of Welham Green and Brookmans Park being reduced. It would also have an impact on neighbouring Green Belt Land, particularly to the south”.

I would agree with the LUC assessment of P64, but its combination with P63 has never been previously suggested and, in any event, this LUC assessment clearly relates to P63a (see the Scenario heading), not to the whole of P63.

Turning now to P64, this quite clearly is the same parcel as P63a. However, the maps on page 293 (LUC Appendix 6.1) now introduce Parcel P63a as parcel P64. P64 is assessed by LUC as “High” harm (the same as P63a). However, P64e (which includes sub-parcels P64a, P64b and P64c and part only of P63a)) is now assessed by LUC as “Moderate High”, but P64b excludes the southern part of P63a.

It therefore appears that LUC Figure 7.1 in respect of P64 is wrong. The “Medium High” rating shown on Figure 7.1 is not supported by the sub-parcel assessments at pages 287 to 293 of the LUC Appendix 6.1, which clearly rate P64 as “High” harm.

The conclusion that P64 would compromise the perceived separation of Welham Green with Brookmans Park is correct. So why has the same conclusion not been applied by LUC to P65a (see above) which is located in exactly the same gap between Welham Green and Brookmans Park? In fact, the proximity of P65a to the Royal Veterinary College would result in P65a causing significantly more harm to the actual and perceived separation of Welham Green and Brookmans Park, if it is released from the Green Belt.

15. I will advance further examples of inconsistency in the LUC Green Belt Review at the Hearing Sessions, specific to the villages, as and when those hearing sessions are convened.
16. I also note from LUC Table 7.1 that all of the potential site allocations in Welham Green have been assessed as “Moderate Low” or “Moderate” harm in terms of Green Belt rating whereas all of the potential site allocations in Brookmans Park have been assessed as “High” or “Moderate High” harm. Again, this smacks of political interference by the most influential Council Members who control the site allocations in the submission Local Plan and who represent the ward of Brookmans Park.
17. I note that LUC produced its Draft Report to the Council on 21 May 2018, but the Final Report was not published until 23 August 2018, over three months later, without explanation for the delay. This suggests that the Council has been interfering with the draft report, which casts serious doubt on the independence and objectivity of the LUC report. The Draft Report dated 21 May 2018 should be made available to the Examination and to the public for scrutiny.
18. By the time of the Stage 5 Hearing Sessions, in November 2018, the Council will have dragged out the preparation and publication of the Stage 3 Green Belt review by over one year. After the Stage 5 Hearing Session the Council will, if it is allowed to do so, drag out the allocation of additional sites by another three to six months. Then it will require a further delay while it considers the implications for infrastructure. Unless action is taken by the Inspector, another year will slip by without any significant delivery of new homes.

19. Welwyn Hatfield Borough Council has no desire or intention to meet its objectively assessed housing need, no desire or intention to act positively, no desire or intention to prepare a Plan which is justified or effective and certainly no desire or intention to comply with national policy. Instead, the Council seeks to minimise its housing target and to obstruct the progress of the Local Plan at every opportunity. Those are the facts, which have been more than obvious for the past five – six years. So, unless the Inspector sets out the clear actions required from the Council and a programme for delivery, the Council will continue to delay and frustrate the progress of the Local Plan and this Examination.

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