

For and on behalf of
Bayard Developments Ltd & Wattsdown Developments Ltd

**Response to Inspectors MIQ's Welwyn Hatfield Local Plan:
Session 38 - Welwyn
Policy SADM 29 Site HS 18 (Wel 11) The Vineyards
Policy SADM 29 Site HS 19, (Wel4) Sandyhurst
Policy SADM 29 Site HS 20 (Wel3) School Lane**

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CONTENTS	PAGE
1.0 Introduction.....	4
2.0 Policy SADM 29 Site HS 18 (Wel11) The Vineyards.....	8
3.0 Policy SADM 29 Site HS 19, (Wel14) Sandyhurst.....	8
4.0 Policy SADM 29 Site HS 20 (Wel3) School Lane.....	8
APPENDIX 1 Combined Sustainability Appraisal Addendum Findings For Welwyn and Woolmer Green (Appendix 1 Sites Subject to Representations and Consultation Proposals)	10
APPENDIX 2 Comparison of parcel and Scenario Findings on Green Belt Harm (Proposed Site Allocations and Appendix 1 Sites at Welwyn and Woolmer Green).....	12

1.0 INTRODUCTION

- 1.1 These objections to these proposed allocations in the draft Local Plan may be summarised below:
- a. The proposed allocations are not justified by the available evidence base.
 - b. The selection of these allocations is not supported by the findings of the SA.
- 1.2 The general points highlighted in this introduction and demonstrated in the site specific responses are explained in greater detail in our latest submission to the Welwyn Hatfield District Council 'Additional Sites' Consultation. It is recommended that because the response to the Council's consultation brings together and distils the evidence that exposes the fundamental flaws in the council's decision making that this submission is read prior to the opening of these site specific days of the examination.
- 1.3 The approach that has led to the selection of these allocations is not the result of a decision making process that is based on sound planning reasons as required by the Inspector and clearly set out in his various notes to the Examination and summarised in paragraph 3.10 of the recent Additional Sites Consultation document as follows:
- "The Inspector has indicated that unless the Council adds in more sites to the Local Plan, it will be found unsound. He has also made it clear that decisions upon which sites to add in to the Plan **need to be based on sound planning grounds** which are **then applied consistently**."* (our emphasis)
- 1.4 The process of site selection did not follow the above advice because the decision-making process undertaken to select the sites to be proposed for allocation as well as those not selected was fatally flawed as it was arbitrary, unjustified and inconsistent with the approach that is required by the SA and its treatment of reasonable alternatives.
- 1.5 The Inspector's most recent correspondence (EX186A) reiterates the importance of a consistent assessment of options stating that he is unable to reach conclusions on soundness of proposed allocations at Birchall Garden Suburb and the Symondshyde New Settlement, stating:
- "This is primarily because there is insufficient information about the availability of sites in sequentially preferable or more sustainable locations, and on **the comparative impact of developments** on the openness and purposes of the Green Belt. Additionally, I do not know fully **the relative consequent impacts of mitigation** on the purposes of the Green Belt, for either site or for other potential alternatives. Furthermore, I do not have sufficient information on the site and sustainability implications of releasing either site for development."* (our emphasis)
- 1.6 It is considered that same criticism may be applied to whole of the Plan's site selection process as is revealed by the recent Consultation on proposed changes to the submitted Draft Local Plan 2016 (site allocations) 2020 and SPRU's detailed objections to that document.

i) The council's decision-making process and justification

- 1.7 At Council's Cabinet Planning and Parking Panel on 23 January 2020 and 29 January 2020 the planning officer presented a report that contained a number of options to address the Inspector's concerns regarding the soundness of the submitted plan. This recommended a scenario which would have added a further 32 sites to the plan to achieve a total of 15,952 dwellings (CR 23.01.20 Agenda Item 7 paragraph 1.7). In paragraph 2.4 the report recommends this scenario referred to as 'preferred' Option 1 recommended to the Panel.
- 1.8 It should be noted that 'preferred' Option 1 included both sites in which our clients have an

interest. The reasons for site selection for sites within the 2016 submission draft Local Plan pre-date the more rigorous round of further testing and additional work. It is entirely irrational to consider that the justification to include sites in the 2016 draft Plan (and in some cases subsequently increase their capacity) addresses the objectives for a sound plan and consequences for sustainable development, while stating that selecting sites of the same status following additional work and to meet OAN does not. In the case of our client's sites at Welwyn and Woolmer Green result of the additional work is that any grounds to reject these reasonable alternatives have been addressed.

- 1.9 It should also be noted that officers also clearly reflected the Inspectors advice in their recommendations to Members by stating "*the closer the selected target is to the OAN of 16,000 homes, the greater the likelihood that the plan will be found sound*". In the case of our client's sites at Welwyn and Woolmer Green result of the additional work is that any grounds to reject these reasonable alternatives have been addressed addressed to the satisfaction of both the Officers, and Statutory Consultees.
- 1.10 The justification supporting the deletion of otherwise acceptable sites from the consultation proposal are specifically identified at Sections 94.3 and 94.7 of the minutes from the Council's 30 January 2020 Cabinet meeting. The approach applied by the Members of the Panel was as follows:
- *Remove sites that cause coalescence between existing villages.*
 - *Remove **new** MODERATE-HIGH sites (NOTE MODERATE – HIGH sites in the submitted plan to remain) – unacceptable level of harm to green belt.*
 - *Remove Submitted HIGH sites – unacceptable level of harm to green belt.*
 - *Remove washed-over village sites*
- 1.11 The selection of sites is based solely upon the impact on the Green Belt with issues of relative sustainability or mitigation appearing to have no influence on the decision. As such these decisions which include some sites and exclude others have not been based on a full assessment of the exceptional circumstances that are required to be demonstrated for Green Belt release.
- 1.12 In summary this detailed analysis of the Council's recorded approach to decision making is inherently illogical and unjustified when the comparison required by the inspector is undertaken. In particular:
- There remains no justification as to why sites of **'Moderate-High' harm to the Green Belt** are acceptable for allocation if they were identified in the submitted Local Plan (2016) but suitable and sustainable sites with the same impact have been summarily excluded from consideration to meet the OAN;
 - The potential impact of **'Coalescence between existing villages'** has been discussed extensively during the Examination. Further work to assess individual site options has, indicated the principles for Green Gap policy requirements and identified those reasonable alternatives that would not have adverse impact upon these objectives but nevertheless have been excluded on these grounds.
- 1.13 The implication of this decision is that the submitted plan includes the following sites which are identified in the evidence base as having a "Moderate – High" impact on the Objectives of the Green Belt as well as well as having an impact on coalescence, which is either the same or greater impact than the sites identified by officers following detailed analysis as being acceptable to meet the full OAN of 16,000 OAN as reflected in Appendix 1 of the most recent consultation undertaken by the council.

a. Sites of Moderate High impact included in the Submitted Plan, are:

i. SDS2 Land SE of Welwyn Garden City

- ii. HS2 (Creswick) Welwyn Garden City
 - iii. SDS5 (HAT1) North West Hatfield
 - iv. HS20 (Wel3) School Lane, Welwyn
 - v. HS11 Land at South Way, Hatfield
 - vi. HS15 Land East of London Road, Woolmer Green
 - vii. HS21 Land West of Golf Club Road, Bell Bar
 - viii. HS22 Land west of Brookmans Park Railway Station
 - ix. SDS7 Marshmoor. Welham Green
- b. The Inspector will be aware that Appendix 1 of the Council's recent consultation on proposed changes to the submission draft Local Plan also invited comment upon 16 sites which were considered suitable in the Site Selection Background Paper 2019 (and reflected in the recommended 'Option 1' presented to Members) but not selected by the Panel or Cabinet. Representations have been submitted on behalf of our clients for 'Appendix 1' sites at Welwyn and Woolmer Green. Those sites of Moderate-High harm identified in Appendix 1 are as follows:
- i. WGr3 Land South of 52 London Road, Woolmer Green
 - ii. WEL1, WEL2, WEL6 and WEL15, Welwyn
 - iii. WeG15 Land at Potterells Farm Welham Green
 - iv. BrP12a and BrP34 at Bell Bar and Brookmans Park
 - v. Cuf15 Land so south east of KGV Playing Fields, Cuffley

1.14 A simple comparison between sites allocated in the Submitted Local Plan and those required to meet the full OAN as recommended by officers reveals that allocated sites have been assessed as having the same impact on this local function of the Green Belt as the sites required to meet the full OAN. This is illustrated by the comparisons in Appendix 2 of this objection which show that:

- a. For Welwyn - Allocations HS18, 19 and 20 have the same "partial contribution" to the Local Purpose of maintaining the gap between villages as the sites identified to meet the OAN We1 Wel2 Wel6 and Wel15 (**Appendix 2** of these representations, Table 2).
- b. For Woolmer Green - Allocation HS15 has the same "Significant contribution" to the Local Purpose of maintaining the gap between villages as the site WGr3 which identified to meet the OAN (**Appendix 2** of these representations, Table 3).

1.15 Again, in the case of HS18, 19 and 20 these are retained in the plan and yet sites with the same assessed impact are excluded. The explanation given therefore does not correspond to the evidence base.

1.16 We would also note that in the context of the Council's Site Selection Background Paper and 'preferred' Option 1 comprising proposed changes to the submission draft Local Plan sites Wel1, Wel2, Wel6 and Wel15 are recommended for allocation (paragraph 6.24). This forms part of the justification for exceptional circumstances for sites that would seek to meet OAN and ensure a proportionate distribution of growth. The Council's additional work also reflects that these sites would confer strategic advantages in the context of the Plan's objectives and securing sustainable development (see paragraph 14.11).

- 1.17 The justification for the allocation of sites of greater harm in other settlements, in the context of a strategy that does not achieve a sound spatial distribution and fails to meet OAN, thus falls away.
- 1.18 What is even more incongruous is that the allocation HS15 is assessed in Green Belt terms as having Moderate-High Harm while the rejected site is WGr3 is assessed as only having Moderate harm.
- 1.19 The lack of any cogent justification for the allocation of HS15 and the rejection of WGr3 provides in a microcosm the complete bankruptcy of the Council's approach to site selection.
- 1.20 Neither the plan as submitted or as proposed to be changed through the Council's most recent consultation passes the test of soundness as it is neither the most sustainable strategy nor is it justified.

2.0 POLICY SADM 29 SITE HS 18 (WEL 11) THE VINEYARDS

a) 54) Have the biodiversity aspects of this site been appropriately considered and have the implications of any harm been fully assessed in the context of the site's suitability for residential development?

2.1 The SA results as set out in Table 1 of Appendix1 of this submission suggest that the development of this site might have a significant impact on objective 4.6 of the SA – “Protect and enhance biodiversity and geodiversity”.

2.2 It is noted that this is the same level of impact that is attributed to Wel1 which the Council's most recent consultation has identified as an acceptable site should the OAN target of 16,000 dwellings be met in full.

2.3 The SA states the impact and potential mitigation as follows:

“Singlers Marsh and Danesbury Park Local Nature Reserves/ Local Wildlife Sites are adjacent to the site. Therefore, an uncertain significant negative effect is assumed for this site.

SP 11: Protection and enhancement of critical environmental assets- Appropriate protection, enhancement and management of ecological assets.”

2.4 The SA assessment of the impact of Wel1 is exactly the same.

2.5 The Site Selection Background Paper 2019 adds nothing more to the SA assessment for Wel11 or for the “acceptable site” Wel1.

2.6 Like the issue on impact on the historic character highlighted in Session 36 this simplistic assessment of potential impact based on distance takes no account of the fact that for HS18 (WEL11) the site entrance is directly opposite Singlers Marsh and is enclosed on two sides by Danesbury Park.

2.7 This is contrasted by Wel1 which has existing dwellings between its location and Singlers Marsh, and Danesbury Park Local Nature Reserve is approximately 290m away not 250m.

2.8 The SA assessment does not provide justification for the allocation of this site. There are clearly other locations which are more distant from both these locations.

2.9 It is however that the impact of Wel11 could be mitigated, but then so could the impact of Wel1 and there appears little justification for selecting one site over the other on this basis especially as Wel1 is more distant from these assets.

3.0 POLICY SADM 29 SITE HS 19, (WEL4) SANDYHURST

b) 55) Have the ramifications of air and noise pollution from the adjacent motorway on the potential living conditions at this site been fully considered?

3.1 The Site Selection Background Paper HELAA summary (page 83) confirms that these two issues remain outstanding.

3.2 It is noted that in the 2018 Air Quality Annual Status Report (30 June 2018) identified three receptors (H22, H25,H27) in the area around the A1(M) junction that in 2017 exceeded the NO2 annual mean objective of 40µg/m3 (Appendix B table B1 page 32).

4.0 POLICY SADM 29 SITE HS 20 (WEL3) SCHOOL LANE

c) 56) Has the site's capacity for residential development been objectively assessed?

4.1 The 2019 HELAA Update estimated the following increase of 2 to 5 dwellings over and above DLP 2016 proposed allocation

- Assuming retention of pumping station = 12 dwellings gross/9 dwellings net.

- Assuming removal of pumping station = 15 dwellings gross/12 dwellings net.
- 4.2 Although this site is about 1.3 hectares in total there are 3 existing dwellings and significant tree cover - if these areas are excluded then the developable area is some 0.4 hectares this would be even less with the retention of the pumping station.
- 4.3 In this context the net dwellings figures appear too optimistic.
- 4.4 To achieve these levels of development on the site is likely to result in the loss of tree cover within the site. This is important because the impact of the release of this site has been assessed as being High in terms of overall parcel harm (see Table 2 in Appendix 2 of this submission). This level of assessed harm for this parcel is higher than the assessed impact of other allocations and indeed is a higher impact of than those sites other sites in Welwyn identified as acceptable to meet the OAN of 16,000 dwellings as set out in the Additional Sites Consultation document (i.e. Wel1/Wel2/Wel6/Wel15).

5071-1PS Welwyn Local Plan
Response to MIQ's Session 38 – Welwyn Policy SADM 29 Site HS 18 (Wel 11) The
Vineyards / Policy SADM 29 Site HS 19, (WE I4) Sandyhurst /
Policy SADM 29 Site HS 20 (Wel3) School Lane
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APPENDIX 1

**COMBINED SUSTAINABILITY APPRAISAL ADDENDUM FINDINGS FOR
WELWYN AND WOOLMER GREEN (APPENDIX 1 SITES SUBJECT TO
REPRESENTATIONS AND CONSULTATION PROPOSALS)**

Table 1. Comparison of Sustainability Appraisal Findings for Sites at Welwyn and Woolmer Green

	1.1 & 1.2 Health		2.2 flood risk		4.2 greenhouse gas emissions from transport	4.3 air pollution		4.4 open space and landscape character, retaining local distinctiveness			4.5 Character, sense of place and local distinctiveness, historic environment	4.6 Protect and enhance biodiversity and geodiversity	4.8 water pollution	4.10 productive agricultural land and previously developed land	5.1 Housing			6.1 business and employment	6.2 economic investment and regeneration	6.3 Enhance the vitality and attraction of Welwyn Garden City and Hatfield town	6.4 Sustain rural communities and their economies	6.5 mineral resources	6.6 Learning and skills
			Proximity to employment and services/ housing	Proximity to transport	Proximity to employment and services	Proximity to transport	Open Space	Landscape character	Previously Developed Land	local distinctiveness				Amount of housing	Affordable housing	Dwellings for older people							
Welwyn																							
*Wel6	+	0	+	++	+	++	0	-?	0	-	--?	--?	-?	-	0	++	++	0	N/A	0	N/A	0	++?
*Wel15	+	0	+	++	+	++	0	-?	0	-	--?	--?	-?	-	0	++	++	0	N/A	0	N/A	0	++?
*Wel1	+	0	+	++	+	++	0	-?	0	-	--?	--?	-?	-	+	++	++	0	N/A	0	N/A	0	++?
*Wel2	+	0	+	++	+	++	0	-?	0	-	--?	--?	-?	-	0	++	++	0	N/A	0	N/A	0	++?
HS20/Wel3	+	0	+	++	+	++	0	-?	++?	-	-?	-?	-?	+	0	0	++	0	N/A	0	N/A	0	++?
HS19/Wel4	+	0	+	++	+	++	0	-?	+	-	-?	-?	-?	+	0	++	++	0	N/A	0	N/A	0	++?
HS18/Wel11	+	0	+	++	+	++	0	-?	0	-	0	--?	-?	-	0	++	++	0	N/A	0	N/A	0	++?
Woolmer Green																							
WE100	+	0	++	++	++	++	0	?	++?	0	-?	-?	0	+	0	++	++	--	N/A	0	N/A	0	++?
*WGr3	+	0	++	++	++	++	0	--?	0	--	0	0	0	-	0	++	++	0	N/A	0	N/A	0	++?
HS15/WGr1	+	0	++	++	++	++	0	--?	0	--	--?	-?	0	-	0	++	++	0	N/A	0	N/A	0	++?

* Consultation Proposals Document Appendix 1 Sites subject to representations to the February 2020 consultation on Additional Sites

5071-1PS Welwyn Local Plan
Response to MIQ's Session 38 – Welwyn Policy SADM 29 Site HS 18 (Wel 11) The Vineyards / Policy SADM 29 Site HS
19, (WE I4) Sandyhurst /
Policy SADM 29 Site HS 20 (Wel3) School Lane
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APPENDIX 2

**COMPARISON OF PARCEL AND SCENARIO FINDINGS ON GREEN
BELT HARM (PROPOSED SITE ALLOCATIONS AND APPENDIX 1 SITES
AT WELWYN AND WOOLMER GREEN)**

Table 2. Comparison of Stage 3 Green Belt Assessment findings - Welwyn

DLP 2016 (Site Ref)	HELAA 2019 (Site ref)	Location	Proposed 2016/2019	GB Parcel Ref	Purpose 1 Check the unrestricted sprawl of large built-up areas	Purpose 2 Prevent neighbouring towns from merging	Purpose 3 Assist in safeguarding the countryside from encroachment	Purpose 4 Preserve the setting and special character of historic towns	Local Purpose Rating	Overall Parcel Release Harm	GB Scenario	GB Harm	Number of dwellings
HS20	Wel3	School Lane	2016	P8	Limited or no contribution	Limited or no contribution	Significant contribution	Limited or no contribution	Partial contribution	High	8a	Moderate High	9
HS19	Wel4	Sandyhurst	2016	P10	Limited or no contribution	Limited or no contribution	Significant contribution	Limited or no contribution	Partial contribution	Moderate High	10a	Moderate Low	30
HS18	Wel11	The Vineyards	2016	P96	Limited or no contribution	Limited or no contribution	Significant contribution	Limited or no contribution	Partial contribution	Moderate	96	Moderate	30
N/A	Wel4	Land at Kimpton Road	2019	P7	Limited or no contribution	Limited or no contribution	Significant contribution	Limited or no contribution	Partial contribution	Moderate-High	7a	Moderate High	178
N/A	Wel2	Land adjoining Welwyn Cemetery	2019	P7	Limited or no contribution	Limited or no contribution	Significant contribution	Limited or no contribution	Partial contribution	Moderate-High	7a	Moderate High	40
N/A	Wel6	Land at Kimpton Road	2019	P7	Limited or no contribution	Limited or no contribution	Significant contribution	Limited or no contribution	Partial contribution	Moderate-High	7a	Moderate High	14
N/A	Wel15	Land at Fulling Mill Lane	2019	P7	Limited or no contribution	Limited or no contribution	Significant contribution	Limited or no contribution	Partial contribution	Moderate-High	7a	Moderate High	14

Table 3. Comparison of Stage 3 Green Belt Assessment Findings – Woolmer Green

DLP 2016 (Site Ref)	HELAA 2019 (Site ref)	Location	Proposed 2016/2019	GB Parcel Ref	Purpose 1 Check the unrestricted sprawl of large built-up areas	Purpose 2 Prevent neighbouring towns from merging	Purpose 3 Assist in safeguarding the countryside from encroachment	Purpose 4 Preserve the setting and special character of historic towns	Local Purpose Rating	Overall Parcel Release Harm	GB Scenario	GB Harm	Number of dwellings
HS15	WGr1	Land east of London Road	2016	P3	Limited or no contribution	Partial contribution	Significant contribution	Limited or no contribution	Significant contribution	Very High	P3c	Moderate High	150
N/A	WE100	51-53 London Road, Knebworth	2019									N/A	34
N/A	WGr3	Land at 52 London Road	2019	P3	Limited or no contribution	Partial contribution	Significant contribution	Limited or no contribution	Significant contribution	Very High	P3b	Moderate	25

Table 4. Comparison of Stage 3 Green Belt Assessment Findings – Potters Bar

DLP 2016 (Site Ref)	HELAA 2019 (Site ref)	Location	Proposed 2016/2019	GB Parcel Ref	Purpose 1 Check the unrestricted sprawl of large built-up areas	Purpose 2 Prevent neighbouring towns from merging	Purpose 3 Assist in safeguarding the countryside from encroachment	Purpose 4 Preserve the setting and special character of historic towns	Local Purpose Rating	Overall Parcel Release Harm	GB Scenario	GB Harm	Number of dwellings
N/A	PB1	Enfield Chase Estate	2019 (Cabinet)	P83	Limited or no contribution	Partial contribution	Significant contribution	Limited or no contribution	Partial contribution	Moderate High	P83	Moderate High	180

Table 5. Comparison of Stage 3 Green Belt Assessment Findings – Welwyn Garden City

DLP 2016 (Site Ref)	HELAA 2019 (Site ref)	Location	Proposed 2016/2019	GB Parcel Ref	Purpose 1 Check the unrestricted sprawl of large built-up areas	Purpose 2 Prevent neighbouring towns from merging	Purpose 3 Assist in safeguarding the countryside from encroachment	Purpose 4 Preserve the setting and special character of historic towns	Local Purpose Rating	Overall Parcel Release Harm	GB Scenario	GB Harm	Number of dwellings
SDS1	WGC4/7	Panshanger	2016	P22	Limited or no contribution	Partial contribution	Significant contribution	Partial contribution	Limited or no contribution	Moderate High	P22	Moderate High	650
SDS2	WGC5	Land SE of WGC	2016	P24	Limited or no contribution	Partial contribution	Significant contribution	Partial contribution	Limited or no contribution	Moderate High	P24c	Moderate High	1,300
HS2	WGC1	Creswick	2016	P27	Limited or no contribution	Significant contribution	Significant contribution	Significant contribution	Limited or no contribution	Very High	P27b	Moderate High	300
N/A	WGC4a	Land North East of Welwyn Garden City	2019	P22	Limited or no contribution	Partial contribution	Significant Contribution	Partial contribution	Limited or no contribution	Moderate High	P22	Moderate High	75

Table 6. Comparison of Stage 3 Green Belt Assessment Findings – Hatfield

DLP 2016 (Site Ref)	HELAA 2019 (Site ref)	Location	Proposed 2016/2019 GB Parcel Ref	Purpose 1 Check the unrestricted sprawl of large built-up areas	Purpose 2 Prevent neighbouring towns from merging	Purpose 3 Assist in safeguarding the countryside from encroachment	Purpose 4 Preserve the setting and special character of historic towns	Local Purpose Rating	Overall Parcel Release Harm	GB Scenario	GB Harm	Number of dwellings
SDS5	Hat1/Hat13	North West Hatfield	2016 P41	Limited or no contribution	Significant contribution	Significant contribution	Limited or no contribution	Limited or no contribution	Very High	P41a	High	1,750
SDS5	Hat1/Hat13	North West Hatfield	2016 P43	Limited or no contribution	Partial contribution	Significant contribution	Limited or no contribution	Limited or no contribution	Moderate	P41e	High	1,750
HS11	Hat11	Land at South Way	2016 P56	Limited or no contribution	Partial contribution	Significant contribution	Limited or no contribution	Partial contribution	High	P56a	Moderate High	120

5071-1PS Welwyn Local Plan
Response to MIQ's Session 38 – Welwyn Policy SADM 29 Site HS 18 (Wel 11) The
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