



**Hearing Statement- Stage 8
Consideration re Site HS25
(Little Heath, Southern Settlements)**

On behalf of:

King & Co

Representor ID:

863963

In respect of:

Welwyn and Hatfield Local Plan

Examination in Public Stage 8

Date:

April 2020

Reference:

MA/KING & CO/003-04/R003m

APPENDICES

HS25 APX01 2016 Housing Sites Selection Paper

HS25 APX02 HS25 Deliverability Statement

1.0 Introduction

- 1.1 This Hearing Statement is submitted by ATP in respect of document EX184B as it pertains to site HS25.
- 1.2 At this point, the Council have not produced any response to EX184B. We reserve the right to add to these comments as and when the Council do so.

Responses to Key Questions

Matter 1 Environmental Considerations

At paragraph 100 the National Planning Policy Framework (NPPF) says that Local Plans should develop policies to manage flood risk from all sources. There is significant representation against these sites in the context of the possible contribution their combined development could make to off-site flooding.

Q123 How would the surface water at these sites be managed?

- 2.1 Any future development will incorporate SuDS design to limit surface water drainage into the existing watercourse to green field run-off rates. Pinnacle Consulting Engineers confirm that this will reduce Flood Risk, not only on HS25 but also bring benefits further downstream within the catchment.

Q124 Has a flood risk assessment been carried out?

- 2.2 An FRA is not required because the entire site is within Flood Zone 1, with a low risk of fluvial flooding as stated in WHBC's HELAA (June 2016). It is therefore not a validation requirement (WHBC validation checklist, s.30 March 2015).

Q125 Are there any on or off-site ramifications for flood risk that would result from the implementation of the proposed development?

- 2.3 To the contrary, engineering advice received suggests SuDS features will result in a *reduction* of current peak flows into the watercourse and thereby reduce flood risk downstream.

Q126 If so how are they to be mitigated?

- 2.4 Not applicable.

Q127 Would the sites' development require a balancing pond?

- 2.5 No. Permeable surfacing materials and sub surface attenuation cells located beneath shared surface roads and the amenity area will support a SUDS scheme, subject to detailed design.

Q128 If so, how extensive would this be and where would it be located?

- 2.6 Not applicable.

Q129 How would foul drainage be dealt with?

- 2.7 The developer has already constructed three dwellings to the north (Phase 1). The foul drainage system below was installed in August 2016 with full approval from Thames Water to

fully facilitate the requirements of the HS25 scheme, and as such the foul system for HS25 is completed and operative (**HS25 APX02**).



Q130 Are there any foul drainage constraints that would impede the implementation of either development?

2.8 No. The developer has delivered extensive wastewater upgrades that are capable of fully supporting the development of HS25 (**HS25 APX02**).

Q131 What impact would the proposals have on the wider landscape? In particular on Gobions Historic Park and Garden?

2.9 HS25’s release will not result in landscape impact on Gobions Wood, as the site is not visible from any part of the Registered Park and Garden (neither the wood itself or the agricultural fields to the South) unlike HS24 which is more proximate.

2.10 WHBC’s HELAA (June 2016) describes the majority of the site as low sensitivity, with the exception of the southern wooded boundary which is ‘moderate’. The LUC Landscape Assessment (September 2018) advises:

“The more contained fields to the east and south of Swanley Bar have a closer association with built development, and whilst they have sufficient tree and hedgerow to retain rural character they also have a weaker relationship with the wider countryside. Sensitivity here is therefore moderate.”

Q132 If this is likely to be adverse, to what extent can it be overcome through mitigation?

2.11 The Regulation 19 plan identifies site-specific considerations for Site HS25 to maintain

wooded boundaries and the landscape buffer along Hawkshead Road. The developer has endorsed this approach in subsequent dialogue with WHBC through a pre-application process and agreed that residual landscape harm is mitigated by retaining these natural boundaries.

Q133 Would there be any impact on the Gobbins Wood wildlife site from the development of either of these sites?

- 2.12 No concerns have arisen from WHBC, LUC, or from Historic England (October 2016) in relation to potential impact upon the Gobbins Wood wildlife site from development of HS25. The Regulation 19 plan does not itself identify site-specific considerations for Site HS25 with respect of Gobbins Wood. We conclude that HS25 will not result in any material harm to the Gobbins Wood site.

Q134 If so would there be any potential unacceptable impact? And could it be satisfactorily mitigated?

- 2.13 Not applicable.

Q135 What potential impact could these sites have on Northaw Wood SSSI?

- 2.14 No potential impacts have been flagged by statutory authorities by virtue of significant separating distance, topography and intervening features. We conclude that the prospect of any discernible impact upon Northaw Great Wood (re site HS25) is very limited.

Q136 If there would be any, how could it be mitigated?

- 2.15 Not applicable.

Q137 Would either of the proposals have an impact on the setting of the listed Folly or Osbourne House?

- 2.16 We note that the site-specific considerations for site HS25 make no reference to any need to mitigate heritage harm to the setting of the Grade 2* Folly.

- 2.17 Historic England's representations to the Draft Local Plan consultation (October 2016) confirms that if the existing hedgerow is retained and reinforced, *'it is possible for this site [HS25] to come forward without resulting in harm'* to Osbourne House. WHBC's HELAA (June 2016) corroborates that *'retaining and enhancing the landscape buffer along Hawkshead Road will mitigate the impact of development on Osbourne House'*. The proposal to develop HS25 and strengthen the boundary will overcome potential for impact on setting of Osbourne House which is already well screened by a high brick wall to its own boundary and substantial tree-lined boundary to the northern side of Hawkshead Road.

Q138 If so to what extent would there be harm? and could it be mitigated?

The HS25 scheme would strengthen the wooded boundary and ensure built form avoided

excessive building heights. Both WHBC and Historic England have supported these mitigation measures, stating that HS25 can come forward without resulting in any heritage harm.

Matter 2 Infrastructure

Significant concern has been raised by representors concerning the provision of the infrastructure necessary to develop this site particularly in the context of that required to provide for the needs of its residents but also because of the need for off-site mitigation in particular but not exclusively in relation to the highway network to the east of the sites and in Potters Bar more generally.

Q139) Has the impact of the proposal on local infrastructure been effectively considered?

- 2.18 Yes. The Council published a Housing Sites Selection Paper in 2016 (**HS25 APX01**) and Sustainability Appraisal (August 2016) which had specific consideration of local infrastructure. In addition, the developer has submitted a comprehensive Deliverability Statement (**HS25 APX02**) that responds to all the relevant issues and clarifies capability to implement in years 1-5 of the Plan period.

Q140) If so, what are the outcomes?

- 2.19 The Council's Sustainability Appraisal cites that the site's '*social and economic benefits are considered to outweigh any adverse impacts upon the purposes of the Green Belt*' and it is considered a sustainable site. The SA also highlights multiple "significant positives" in relation to proximity to key employment, amenity and transport services, with no evidence of deficiencies in existing infrastructure.
- 2.20 HS25 is consequently deliverable without impeding local services, and the developer has agreed to provide CIL contributions that reflect a viable "policy on" approach.

Q141) Is there sufficient capacity within the local schools to provide places for the children likely to be generated by the developments?

- 2.21 Yes. The 2016 Housing Sites Selection Paper (HS25 APX01) considers two sites (HS24 and HS25) and concluded that there was no material risk arising in terms of the supply of school places. HCC advises that further primary school places can be accommodated at the local primary school without expansion, as the yield for site HS25 will typically lead to two school places per year group and by virtue of this a very limited and spread impact upon demand for school places.
- 2.22 We have subsequently undertaken further analysis using recent HCC school places data (school admission statistics, 2017-2021). This continues to show that there is a considerable

surplus of school places in the relevant PPA and SPA.

Q142) If not, what extra capacity is required and where would it be located?

- 2.23 The evidence base acknowledges that if additional secondary school provision was needed that it would be in Potters Bar. In terms of primary school places, HCC say that Little Heath Primary could be extended in the event that this was required.
- 2.24 If the Examination concluded that a new primary school or doctor's surgery was needed, we highlight that we have previously promoted SB1 (near HS25) under several scenarios. This is an Option 4 site and is therefore assessed as being suitable. This included scenarios which would deliver a new 1FE primary school. The residential-led use of this SB1 site would release of "non-essential" Green Belt that provides strong green buffers that safeguard against harm to Green Belt or habitat assets.

Q143) Is there sufficient capacity within local health services to meet the primary health care needs of the persons who would reside in the developments?

- 2.25 The nearest GP surgery is located at Highview Medical Centre at Potters Bar (circa 1300m). The nearest NHS dentist and pharmacy are located close to Highview. Highview is a large practice (10 doctors) running weekday surgeries from 0800-1830, with Saturday and Monday evening surgeries. At this point, the surgery accepts new patients.
- 2.26 There is no information that we are aware of through the Council's evidence base to suggest that there is (current or risk of) deficiency in terms of localised primary health care.

Q144) If not, what extra capacity is required and where would it be located?

- 2.27 We are not aware of any requirement to provide additional capacity for primary health care services. We do not envisage that there would be any additional facilities provided. However, if it is deemed in due course that facilities do need to be improved then it would be appropriate that those objectives are identified and funded through CIL levies.

Q145) What are the off-site highway ramifications of these proposals?

- 2.28 The developer has commissioned feasibility highways analysis by Transport Planning Associates showing that vehicular access to the site can be achieved using the existing access which meet relevant design standards. Any potential impact associated with this relatively minor increase in local traffic movements is expected to be modest and not detrimental to the operation of the local network.

2.29 Through the HELAA (June 2016), it is clear that the highway authority accept that the site access proposal can accommodate the development and that the site exhibits more than adequate accessibility credentials.

2.30 It is our judgment that the proposed development of 35 dwellings would not create transport effects that would warrant any off-site works such as those cited to the junction of the A1000 and Hawkshead Rd. If needed at all, these minor works should be weighted to the delivery of the much larger HS24 site that will create many more traffic movements than the HS25 site.

Q146) Without improvements, would there be unacceptable harm to highway safety or free flow of traffic?

2.31 The developer has commissioned transport analysis and issued a pre-application submission to WHBC. The transport analysis concluded that:

"The existing access junction is considered to be safe and suitable both in terms of its existing use and any potential change to access movements as a result of the proposed development; given its design, layout and the posted speed limit of Hawkshead Road.

It is intended that the future design of the internal road network will be in accordance with local design standard requirements and this is considered to be feasible."

2.32 HCC has approved the indicative highways proposal and transport statement subject to minor highways works. No comments have been raised through the COMET model issued by the Council on October 2019. It is not considered that it is necessary for off-site highway works to be implemented in order to overcome any issues pertaining to highway safety or the free flow of traffic. We also note for completeness that there appears to be no statements within the Regulation 19 Local Plan that actually stipulates the requirement for any off-site improvements in connection with the development of site HS25.

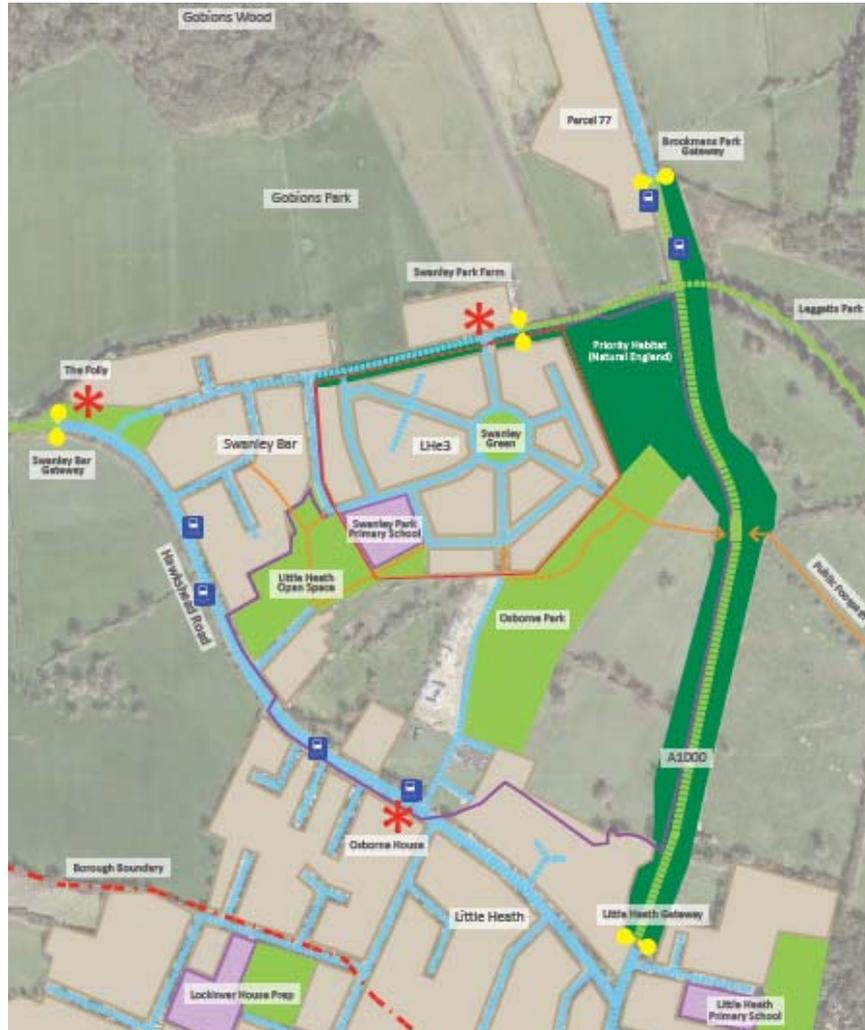
Q147) Are the sites' overall viabilities sufficient to be able to support any required highway improvements as well as any other required improvements to infrastructure and facilities?

2.33 HS25 can support any associated highways infrastructure improvements deemed necessary to implement development, as well as any other required improvements to infrastructure and facilities (**HS25 APX02**). Any "policy on" implications such as affordable housing has been factored into viabilities by Jones Lang LaSalle available upon request.

2.34 If necessary to fund off-site highway improvements, any such costs must be identified now by HCC. Our view is that those improvements would only be triggered by the much larger HS24 scheme so obligations should be met by that development. Failing that, the promoter would consider a proportionate approach.

Q148) If not what other options have been considered to try to achieve viable development sites?

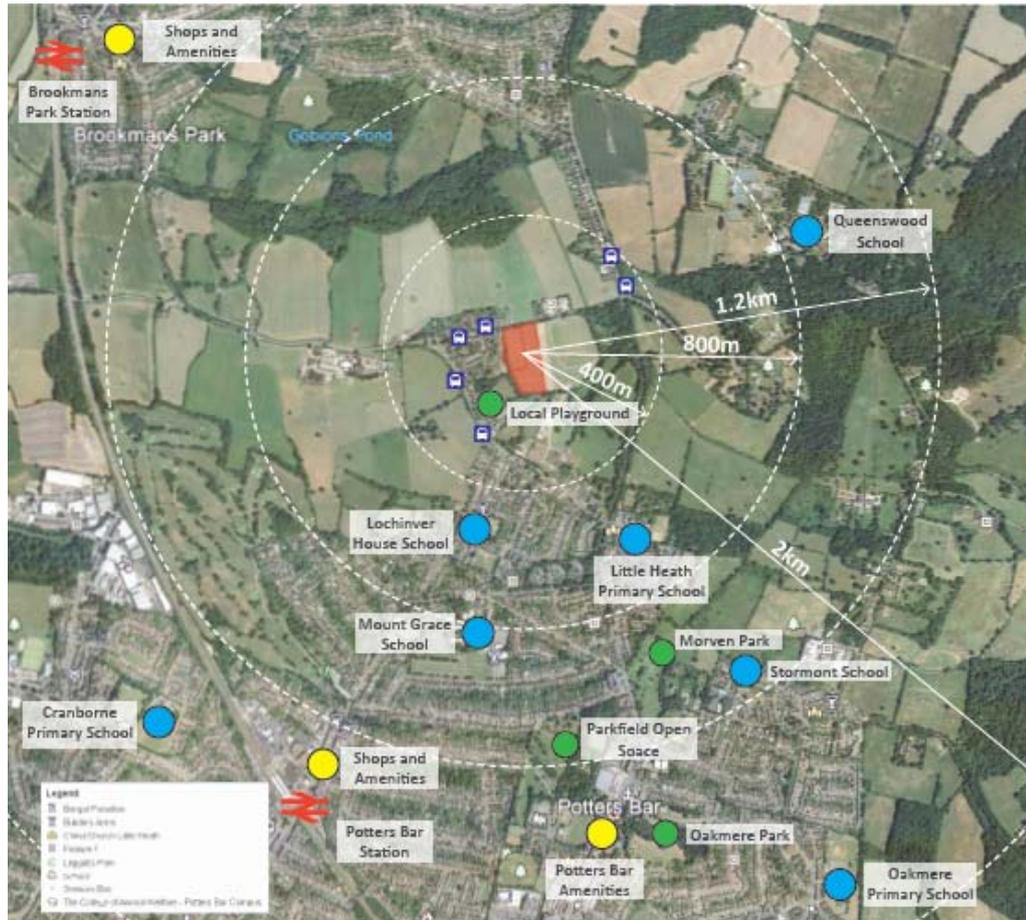
- 2.35 If the Examination concluded that a new primary school or doctor’s surgery was needed, we highlight that we have previously promoted SB1 (near HS25) under several scenarios. This included scenarios which would deliver a new 1FE primary school. This release of “non-essential” Green Belt provides strong green buffers that safeguard against harm to Green Belt or habitat assets.



Matter 3 Sustainability

Q149) Are the sites in a sustainable location for development?

- 2.36 Site HS25 is an eminently sustainable location for development. It is adjacent to the settlement boundary and within walking distance to local facilities (all within 500m) including primary school, bus stops, and open play spaces. Within 1.4km, residents can access amenities in Potters Bar including a frequent train service, mechanical and auto-repair, GP surgeries, pharmaceuticals, and a range of shopping facilities.



2.37 There are opportunities for new residents to complete journeys for work and shopping by non-car modes. The walking route to Potters Bar train station goes past Darkes Lane Local Centre providing a range of shops and services. Potters Bar provides significant employment, and the train station provides excellent high frequency links to London and national network.

Q150) How far is it to Potters Bar railway station and its town centre from a median location on both sites?

2.38 The direct line distance from a median location within site HS25 to Potters Bar train station is circa 1.4km. In regard to Potters Bar town centre it is circa 1.5km on the same basis. A bus stop is located next to the entrance to HS25.

Q151) Are these acceptable walking distances for commuters travelling by train?

2.39 Yes. LUC’s Addendum Sustainability Appraisal (January 2020) adopts a standard threshold of 1400m for a walking route to either a train station or high frequency bus service, within which a site would be scored as being “highly accessible”.

2.40 The walking distance from site HS25 to Potters Bar train station is within tolerance (1.4km) of

that threshold. This represents an acceptable pedestrian journey both on the basis of LUC’s applied standards and further WYG research which cites the National Travel Survey underpinned by empirical survey data (*Wakenshaw, 2015, How far do People Walk?*)

- 2.41 For clarity, the WYG research considers acceptable walking distances to a train station using empirical evidence. We extract table and quote clarifying preferable metric is the 85% figure (not the mean). It states:

“When considering the potential walking catchment of a new development, to bus stop or railway station, the 85th percentile distance should be used.”

	Mean (m)	85 th Percentile (m)
Walk – As main mode of travel		
UK (Excluding London)	1,150	1,950
London	1,000	1,600
Walk to a Bus Stop		
UK (Excluding London)	580	800
London	490	800
Walk to a Railway Station		
UK (Excluding London)	1,010	1,610
London	740	1,290

- 2.42 On the basis of the above research 1610m represents an acceptable walking distance, this research should be given material consideration alongside LUC’s applied threshold.

Q152) Are these acceptable walking distances to shops and other facilities?

- 2.43 Yes. The recommended WYG threshold distance for shopping journeys in this location is 1600m. The walking distance to the town centre and local centre are therefore acceptable.

Journey Purpose	Weighted Sample Size	Proportion	Mean (m)	85 th Percentile (m)
Commuting	2166	7.1%	1250	2100
Business	290	1.0%		
Education/ Escort	5609	18.5%	1,000	1600
Shopping	5958	19.6%	1,000	1600
Other Escort	1392	4.6%	1100	1600
Personal Business	2730	9.0%	1,000	1600
Leisure	5539	18.2%	1150	1950
Other (including just walk)	6698	22.0%	1450	2400
All	30382	100%	1150	1950

Q153) How far is the nearest local convenience store from either site?

- 2.44 The nearest local convenience store to site HS25 is located within Darkes Lane Local Centre. This has a broad range of shops and services and is circa 1100m from site HS25.

Q154) Are these acceptable walking distances for persons visiting local shops?

- 2.45 Yes. We note that the typical walking route from Potters Bar train station will pass Darkes Lane Local Centre, providing opportunities for linked trips.

Q155) Have these sites been appropriately assessed in the sustainability appraisal?

- 2.46 The SA sets distance thresholds for a walk distance which is too cautious. Even though the site is within these distances, we suggest that the WYG research which concludes that a distance of circa 1.6km is a preferable measure as it is based on empirical evidence.

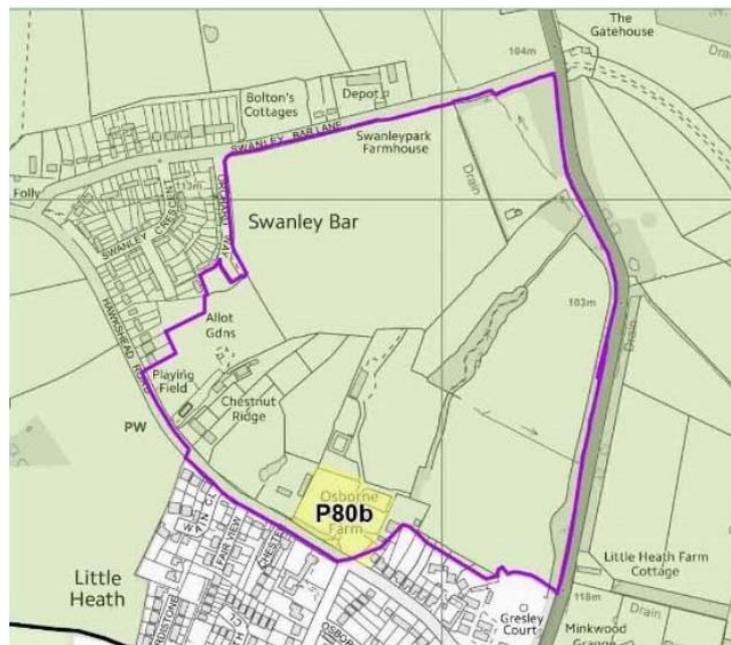
Matter 4 Green Belt

The National Planning Policy Framework stresses that the government attaches great importance to Green Belts and says that Green Belt boundaries should only be altered in exceptional circumstances.

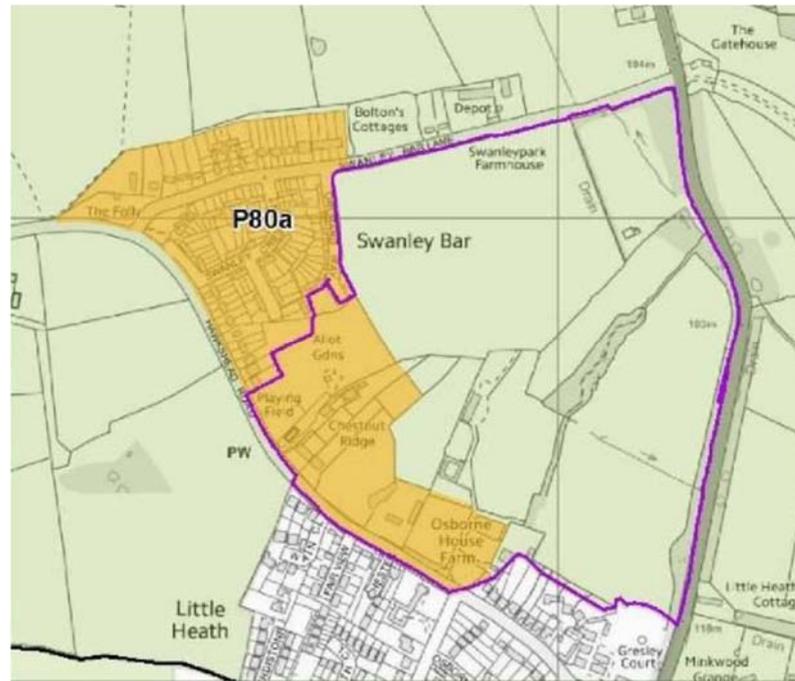
The Council carried out a stage 3 Green Belt Review in 2018/19 in order to ascertain the contribution that a finer grain of sites, than were previously examined, around the urban fringes within the district, made to the different purposes of the Green Belt. In this assessment the overall harm at these sites was considered to be moderate/high (HS24) and moderate (HS25) but the parcels are not identified as areas of most essential Green Belt. In these circumstances:

Q156) In the context of site HS25, to what extent is there a justification for land to be designated as Green Belt between Little Heath and Swanley Bar?

- 2.47 LUC have considered the harm scenario in relation to the release of site HS25 and concluded that it would represent no greater than “Moderate-Low” harm. This is one of the lowest harm ratings for any of the draft allocation sites.



2.48 With reference to the question about the justification for the preservation of the gap between Swanley Bar and Little Heath, this has been assessed by LUC under harm scenario P80a and concluded to be no greater than “Moderate”. Please see below.



2.49 We have submitted previous reps to promote land near Swanley Bar and site HS25. Through those reps we argued to seek measures that could secure the delivery of a defensible green corridor which would justify the preservation of the gap.



2.50 We share LUC's view insofar that the existing gap is limited and serves little purpose. We maintain our view that opportunity could be taken to create a defensible gap which supports a green corridor. This can be aligned to sympathetic development within the SB1 site that delivers infrastructure in the form of a school and/or village store.

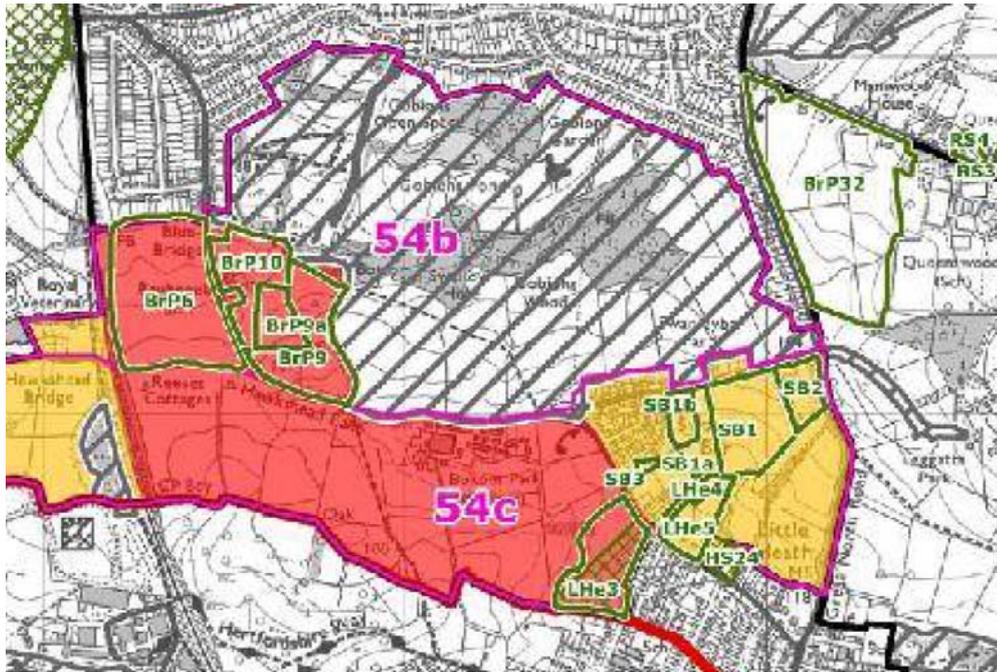
2.51 If that more positive approach is not taken, then we would concede that there is no overriding requirement for the gap and the area identified through the P8oA scenario should be inset.

Q161) Does either site impinge upon the existing gap in built development between Brookman's Park and Potters Bar?

2.52 HS25 does not impinge upon the existing gap between Brookman's Park and Potters Bar. The gap between Brookmans Park and Potters Bar is largely provided by Gobions Wood which is protected as a Registered Park and Garden. The gap is also screened by topography, as the land between the two settlements is elevated.

2.53 The LUC Green Gap Study tested gaps between settlements for importance and the extent of need to "protect" that gap. We note for completeness that none of the LUC studies assessed the scenario in regard to the gap between Brookman's Park and Potters Bar, or indeed the gap between Brookman's Park and Little Heath. It instead tests east-west relationships which both involve Swanley Bar.

2.54 The gap between Brookmans Park and Potters Bar is largely provided by Gobions Wood which is protected as a Registered Park and Garden. This is shown on the plan below (extracted from the LUC Landscape Sensitivity Assessment) alongside promoted sites including HS25. Gobions Wood is identified by the purple hatching and 54B between Swanley Bar and Brookmans Park. The plan shows that none of the land including or east of Swanley Bar would exhibit greater than Moderate landscape sensitivity (Moderate-Low for HS25):



- 2.55 Topography (hill between the two settlements) as well as substantial dense landscaping and the built form at Swanley Bar all combine to mean that there are no intervening views between Potters Bar and Brookmans Park that would be impacted by the release of site HS25.
- 2.56 Release of site HS25 would result in no greater than "Moderate-Low" Green Belt and landscape harm and found otherwise acceptable. There are no other significant factors which would materially impede the site for allocation, which represents an excellent and sequentially preferable opportunity to contribute to housing needs which has been recognised to represent an exceptional circumstance to warrant Green Belt release.
- 2.57 We would point out that this representor has previously promoted site SB1 for development scenarios which included the delivery of a primary school and convenience store. Whilst that proposal does not form part of the Regulation 19 plan, the provision of those additional facilities could be argued to present exceptional circumstance.

Q162) If so what, if any, remedial measures are proposed to mitigate the resulting harm?

- 2.58 There would be no requirement for mitigation measures due to the absence of harm.

Q166) Is there scope to improve the permanence of any new boundary through the introduction of woodland planting to create enhanced physical features?

- 2.59 The settlement pattern is strongly influenced by woodlands, reinforced by railway, road and watercourse. At a more granular level, field boundaries are identified by hedgerow. In addition, rights of way define gaps between settlements and provide defensible boundaries.

- 2.60 We argue that woodland planting is an effective measure to provide strong boundaries. In the context of site HS25, there is merit in safeguarding and strengthening existing wooded boundaries. We would support a strong edge treatment to the northern boundary to define the newly aligned settlement limit.
- 2.61 Whilst this site (HS25) is well bounded by development on all sides, the Plan should be looking to housing delivery beyond this Plan Period and permanent defensible boundaries. Such a boundary exists along Swanley Bar Lane to the North which has development and mature woodland all around it and Gobions Wood beyond which is identified as both an 'absolute constraint' and as 'essential Green Belt' in the Council's evidence base to the Examination.
- 2.62 Other measures can be introduced alongside wooded edges to create new boundaries that are defensible. Good examples include green corridors that accommodate the realignment of existing rights of way or the introduction of new routes.
- 2.63 We note that LUC have applied an inconsistent approach to the contribution which woodland planting can make, also failing to recognise the opportunity provided by utilising the right of way network to secure defensible new boundaries.
- 2.64 We also note that it would be entirely appropriate for the local planning authority to release more Green Belt land than is strictly required to meet objectively assessed needs for the Plan period. This can be consequent from a strategy to supply more housing to overcome concerns about non-delivery and also to tackle affordability. This approach was taken through the Guildford Local Plan and found sound by the Inspector, and latterly confirmed through the Courts in December 2019. It can also be used to adopt approaches where this would secure a more natural defensible boundary.
- 2.65 The Council has already identified areas of "most essential" Green Belt which are minimal in terms of coverage across the borough. Other sites must therefore represent a residual opportunity to deliver suitable development (such as SB1, WEL16 and WGC11) that can be well contained by existing absolute constraints and well-established boundary treatments such as historic woodland planting.

Matter 5 Implementation

Q167) When would these sites realistically be likely to be able to deliver dwellings within the plan period?

- 2.66 Within 1-5 years of the Plan period. The developer has prepared and submitted a comprehensive Deliverability Statement that addresses the key issues and clarifies capability to implement within the first five years of the Plan period. The developer has control of the land and intends to develop out the scheme directly. The developer has taken all reasonable steps to mitigate potential for delay.
- 2.67 The developer has already built out a first phase in this location and has installed foul drainage infrastructure that has capacity for this later phase. A pre-app has been concluded with WHBC, and a planning application is in preparation. The developer awaits WHBC's guidance on an appropriate time to submit.