

Examination of the Welwyn Hatfield Local Plan 2013-2032

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27 January, 2018

Dear Sirs,

Thank you for your letter of 20 December 2018. Your points re the Council's proposed programme are noted. I have explained previously why I have not historically found this plan so unsound as to justify suspending the examination or requesting that the Council withdraw the plan. I do not propose to go over this again.

On the matter of the further call for sites, as you are aware, the stage 3 Green Belt assessment has identified the comparative harm that individual sites, some not previously assessed from a Green Belt perspective, could cause to the Green Belt purposes. Some land, not previously suggested for development, appears to cause less harm to the Green Belt than some that has been. Before I can find the plan sound I have to be convinced by the Council that exceptional circumstances exist to individually justify all of the sites being proposed for removal from the Green Belt.

Whilst theoretically the already identified sites have the potential to deliver 16,000 dwellings, this would result in the allocation of some sites that would cause high harm to the Green Belt. Additionally, some sites or dwelling numbers, where delivery is uncertain, would also be included. Neither of these would be sound. If you have read the Calverton High Court judgement, then you will know that in demonstrating exceptional circumstances to remove land from the Green Belt, it has to be shown that (other considerations apart) the harm to the Green Belt resulting from the releases is the minimum possible. Without the Council exploring the unidentified opportunities, within areas which would result in a lower level of harm to the Green Belt, then I am not persuaded that I could find the plan sound.

On submission, although the Full Objectively Assessed Housing need for Welwyn/Hatfield was not being met, the Council clearly was of the opinion that infrastructure and Green Belt issues justified that need not being met in full. Whilst I disagreed with some aspects of the Council's case at that time I have no cause to question that the Council did not think that the document was ready for independent examination at that time. Your assertion that Section 20 (2) (b) of the Planning and Compulsory Purchase Act 2004 applies to the Submission Plan is in my view wrong.

Additionally you should be aware that paragraph 139 e) of the National Planning Policy Framework, requires the plan to demonstrate that the Green Belt boundaries will not need to be altered at the end of the plan period. Threads running through Green Belt policy for decades include that their boundaries should have a sense of permanence, that they should only be changed in exceptional circumstances and that once changed the boundaries should not require further amendment for a period longer than that within which the plan is likely to be reviewed. In case you have forgotten, the 1993 Local Plan removed land north-east of Welwyn Garden City that is only now being proposed for development.

The unallocated sites in the HELAA assessment that are not currently proposed for development are almost all within the Green Belt. Without an objective comparison of these sites and other land that does not contribute as much as some of them to the Green Belt purposes, then a plan found sound on this basis would be very likely to be the subject of a successful legal challenge. Your option 1 is clearly not a viable way forward.

The evidence suggests that when local plans have been withdrawn it does not lead to a speedier adoption. I would also remind you that the Secretary of State has rarely used the powers that you refer to. To date there has been much progress on non-strategic matters that a formal suspension of the proceedings would have been unlikely to achieve. All of the topic specific and settlement policies and non-Green Belt sites that are not within the villages have already been examined. There does not seem to be any impediment in appropriate planning applications for these sites coming forward and receiving planning permission irrespective of the non-adoption of the Local Plan. Overall, this progress should enable the Examination to be concluded much sooner than the implementation of some of your suggested actions would have achieved.

I am sure that you will appreciate that this is a very large examination. There are over 2,000 representations to consider and the time and financial resources available are not limitless. Inspectors have to use their time fairly and cannot clearly enter into individual discussion with such a large number of people. Consequently they are advised to refrain from such discourse unless absolutely necessary. I would therefore be grateful if you would regard this letter as the end of our correspondence.

Yours faithfully

Mel Middleton

Melvyn Middleton

Inspector