

Representations by Mr Howard J Dawson FRICS to the Stage 6 Hearing Session

LUC Green Gap Study

Docs: EX160, EX160A and EX160B

1. This Examination is being conducted under the NPPF 2012. However, future planning applications will be determined under NPPF 2019, references herein are therefore considered under both NPPF publications.
2. The Procedural Guide for Local Plan Examinations (the Procedural Guide) was revised in June 2019 to its 5th edition. However, the submitted Local Plan was submitted under the 4th edition of the Procedural Practice in the Examination of Local Plans (the Procedural Practice) dated June 2016. References herein will refer to the Procedural Guide 5th edition unless otherwise stated.
3. The Green Gap policy prepared by Land Use Consultants (LUC) is an unnecessary and inconsistent study. It was not requested by the Inspector and should not therefore be admitted to the Examination.
4. NPPF 2012 (paragraph 87) and NPPF 2019 (paragraph 143) both make clear that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Therefore, any development in the Green Belt is harmful, regardless of whether or not it is in a Green Gap. That is national policy.
5. The NPPF also states, quite clearly, (NPPF 2012 paragraph 88 and NPPF 2019 paragraph 144) *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
6. The test of *“very special circumstances”* and the measure of harm are very significant, which provide protection from development to all Green Belt land. It is inconceivable that a planning application could satisfy the test of *“very special circumstances”* and that the benefit of that development would be found to outweigh the Green Belt harm, only then to be refused because it is in a “Green Gap”. Such an outcome would be entirely irrational.

7. With regard to Plan making, the NPPF is equally clear. NPPF 2012 (paragraph 83 and NPPF 2019 (paragraph 136) both state that Green Belt boundaries can only be altered where exceptional circumstances are fully evidenced and justified, "**through the preparation or updating of plans**". There is no other process or method for moving a Green Belt boundary.
8. In the preparation and prior to submission of the WHBC Local Plan for Examination, the Council undertook two Green Belt Reviews, the first being a strategic review by SKM and the second a site specific Green Belt Review. Consequent to those Green Belt Reviews and taking into consideration the three Landscape Sensitivity studies, the Sustainability Appraisal, HRA and a host of other evidential studies and reports, the Council published its Local Plan for Regulation 19 consultation and then submitted that Plan for Examination in May 2017. The Procedural Practice and the recent Procedural Guidance both make absolutely clear that the submitted Plan should be the final word of the LPA and that no further evidence should be submitted, particularly to retrospectively justify the Plan, or without the Inspector formally requesting new evidence.
9. The Inspector did not request a Green Gap study. The introduction of a Green Gap study at this late stage of the Examination is clearly intended to constrain housing delivery, in direct conflict with national policy which requires an LPA to boost significantly the supply of housing and to have a five year housing land supply.
10. Every action by WHBC is negative, unjustified and causes long delay and significant cost. It has taken the Council one year since the Stage 5 Hearing Session (in November 2018) to produce the Green Gap study. That study has no value whatsoever to the Plan or to the Examination, but will cause confusion and further delay.
11. LUC admit that they can find no other Green Belt authority which contains a Green Gap policy in their Local Plan. It's a pity nobody stopped to ask, why?
12. If the Green Gap study is found to have any merit in Plan making and is permitted into the Welwyn Hatfield Plan, the ramifications for the NPPF and

other Green Belt Examinations would be significant. The WHBC Local Plan should not be permitted to rewrite national planning policy.

13. The simple fact which has delayed the preparation and submission of this Local Plan and the extraordinary delays at the Examination is the Council's absolute determination not to meet its housing need or its five-year housing land supply, for political reasons.
14. In the event that the LUC Green Gap study is admitted to this Examination such that sites which have been found "*suitable, available and achievable*" in the HELAA or "*Reasonable Alternatives*" in the Sustainability Appraisal are not allocated because of a local Green Gap policy, I can foresee this Examination ending its life in the High Court.
15. I would urge the Inspector to ensure that the WHBC Local Plan Examination is conducted in a manner which is consistent with the NPPF and other Examinations in other Green Belt authorities.
16. The Inspector should reject this entirely new, ill-considered, negative and unjustified Green Gap evidence.

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3 November 2019