

**Examination of the Welwyn Hatfield Local Plan 2013-2032**

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CMS Cameron McKenna Nabarro Olswang LLP,  
Cannon Place  
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**By email only**

Dear Sirs,

**Welwyn Hatfield Local Plan Examination  
Birchall Garden Suburb**

I refer to your letter of 1 November 2017. Because of the delays in the preparation of additional evidence to this Examination, the Inspector has not been working full time on this Local Plan for some time. He is currently engaged on other Planning Inspectorate duties. I have however sent him a copy of your letter and spoken to him briefly about its contents.

The Inspector is anxious to bring this Examination to an early conclusion. He indicated some two years ago that the Council would need to bring forward additional sites if it was to meet its Full Objectively Assessed Housing Need (FOAHN). To assist this process the Inspector has completed the examination into the soundness of all of the proposed site allocations that are not adjacent to the villages or within the open countryside but with one exception (Birchall Garden Suburb). He has done this to assist the Council in its assessment of the amount of additional land that it would be required to bring forward in order to meet its revised FOAHN. Other than the above categories, Birchall Garden Suburb is the only site where the Inspector is unable to advise the Council on the likely outcome.

The Council needs to complete its assessment of additional sites and bring sufficient land forward to enable the plan to meet the FOAHN or alternatively produce a report that demonstrates that there are matters of sufficient importance to prevent this. Without an indication as to what the shortfall is likely to be this would be an open-ended task. Consequently, given its size and potential contribution to housing delivery, it is critical that the examination of Birchall Garden Suburb or as much of it as can be resolved at an early date, is completed.

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For reasons that have never been adequately explained, the information that was requested at the end of the January 2018 session has not been forthcoming until recently. As the issues and information relating to the southern part of the BGS site are somewhat different to those that affect the larger northern part (your list under issues raised confirms that you agree with this interpretation) and in order to move things along, the Inspector decided to split the site and to separately examine the part of the site for which there is a likelihood that there is sufficient information before the examination, to enable matters here to be brought to a conclusion.

AS well as concluding on the Green Belt and other outstanding matters, the Inspector needs to be satisfied that the sites are deliverable and to what extent, before the end of the plan period. The information that he has requested is necessary to enable him to objectively undertake this assessment.

Leaving the southern part of BGS out of the discussion, until there is comprehensive information before the Inquiry, puts this land in the same category as all of the other sites proposed in the Regulation 19 Plan that have not yet been examined. It is not being treated any differently from these. However, like most of these other sites, it is in the Green Belt and if land is to be released from the Green Belt, the Inspector has to demonstrate exceptional circumstances and on a location by location basis. In doing this there will inevitably have to be some comparison of sites from a Green Belt perspective. Removing land from the Green Belt through exceptional circumstances is not an automatic process, even in areas where Councils are having difficulty in identifying sufficient land to meet their FOAHN. The demonstration of exceptional circumstances has to be sound in the context of alternatives and the sites' individual contribution to the Green Belt, as well as in the context of other matters relevant to their potential development.

The Inspector has asked me to remind you that this is a public examination into a Local Plan that has been prepared by the Council and not by developers. It is not a planning application submitted by a land-owner. In such circumstances, information before the Examination must be objectively prepared and it should be seen by third parties as being so. He considers that it would have been more appropriate for the Council to independently commission the necessary information to make its plan sound, rather than relying upon a land-owner/ developer to undertake the work for it.

The Inspector agrees that ecology and green corridor need to be discussed at the forthcoming Hearing. He hopes that as requested in February 2018, the Council and the groups will have met and at least agreed common ground, if not a way forward and that all outstanding matters are fully resolved in the context of the northern part of the site. Whether there are any other issue, such as contamination, that will have a bearing on the capacity and deliverability of this part of the site, remains to be seen. Until he is in a position to read all of your belated submissions and the representations submitted by other parties, I am unable to comment further. Anything that he does consider relevant will be itemised for discussion on the Hearing agenda.

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The Inspector has not asked to see detailed housing layouts. However, he does have to assess the potential housing delivery and the likely timescales from what are now two potential sites. He will be expecting the Council to submit whatever evidence is necessary to objectively demonstrate that the sites should and can be delivered within the plan period. If the Council considers that such evidence includes detailed site layouts, then they should be submitted. If it does not, then they should not.

Yours sincerely,

**Louise St John Howe**

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Programme Officer