

Policy SP24 New Village at Symondshyde

EX228 Note from Welwyn Hatfield Borough Council, December 2020

Response from Save Symondshyde, February 2021

1. The Council's Note is in response to the Inspector's request in his Interim Report (EX212) for further information regarding the proposed allocation of 56.5 hectares of land to provide approximately 1,130 dwellings and associated community development. The land is designated Green Belt in the Welwyn Hatfield District Plan 2005, and is in agricultural use, although the south eastern sector of the site and land further south east towards Coopers Green Lane has been subject to sand and gravel extraction in recent years and is now being restored.
2. Since the Inspector's Interim Report in October 2020, the Council's position on the proposed allocation of Symondshyde has shifted very significantly, so that it is now recommending the deletion of the proposal from the submitted Local Plan. Save Symondshyde have consistently submitted evidence that the proposed allocation was not justified, ever since it was first included in the Proposed Submission Document 2016, and we wholeheartedly support the recommendation now to delete it from the Plan.

Housing Need and Exceptional Circumstances

3. Whether the Symondshyde site should be deleted from the Plan depends to some extent on what is decided should be the overall housing requirement for the Borough over the Plan period 2016-2036. In accordance with the NPPF 2012 paragraph 14, objectively assessed development needs should be met, unless specific policies such as Green Belt designation indicate that development should be restricted. Paragraph 83 specifies that established Green Belt boundaries should only be altered in exceptional circumstances, and paragraph 84 states that promoting sustainable patterns of development indicates channelling it towards urban areas inside the Green Belt boundary, towns and villages inset within the Green Belt, or to locations beyond the outer Green Belt boundary. The Symondshyde site, as an isolated location in the Green Belt, does not fit into any of these categories.

Exceptional Circumstances

4. Since the NPPF 2012 was published, the principle of exceptional circumstances being necessary for the release of land from the Green Belt has been clarified in a number of Court cases – principally *Calverton* and *Compton*. These cases have established that, as the Inspector recognised in EX39 (December 2017), determining whether exceptional circumstances exist is a matter of rational judgement between competing considerations whereby different weight is given to them to arrive at an objective decision. These considerations include the nature and extent of harm to the particular area of Green Belt, whether the harm can be ameliorated or reduced to the lowest reasonably practicable extent, and the acuteness/intensity of the objectively assessed need for development.
5. On the matter of the relationship between acuteness of need and exceptional circumstances, Richard Langham of Landmark Chambers on behalf of Save Symondshyde

gave the opinion that “Both Calverton and Compton recognise that the need for development in the Green Belt will commonly be a factor in cases where exceptional circumstances are found to exist. If the level of need required to be met falls, the amount of land which must be released from the Green Belt will fall. I think that this will almost inevitably mean that the extent of land in relation to which exceptional circumstances are judged to exist will be less.” (Consultation on Examination Documents 2.9.20-30.10.20, Save Symondshyde Matter 3 Appendix 1 Legal Opinion).

Objectively Assessed Need

6. During the course of this Examination we have submitted extensive evidence on the matter of the implications of the population and household projections for the OAN. Our statement in January 2021 in response to EX215 and EX218 demonstrates that the demographic starting point for the OAN has fallen dramatically since the Local Plan was submitted for Examination. This was 650 dwellings per annum arising from the 2014-based household projections, dropping to 548dpa from the 2016-based household projections and currently just 319dpa from the 2018-based projections. Allowing for adjustments supported by Save Symondshyde, the OAN now is 387 dwellings per annum (7,740 over the Plan period). Adding in the adjustments made by the Inspector at a previous stage of the Examination, updated to take into account the 2018-based household projections, the OAN would now be 571dpa (11,420). This compares with the extraordinarily high figures of 715dpa (14,300) recommended by Turley and the 690dpa (13,800) proposed by WHBC.

7. There is no doubt, as we demonstrated in our response to the Consultation on Examination Documents 2.9.20-30.10.20, in Save Symondshyde Matter 4 (paragraphs 47-49), that the 2018-based household projections represent a meaningful change to the housing need identified in the submitted Local Plan. It is disappointing that the Council has failed to recognise the significance of this meaningful change – or even to address the question – in its assessment of the implications of the 2018 projections, most notably in its latest response in the form of its letter of 18 November 2020 to the Inspector (EX215).

8. It is our belief that, on the basis of the 2018 projections, the level of housing need in Welwyn Hatfield up to 2036 has fallen to such an extent that the exceptional circumstances used to justify the allocation of the Symondshyde site no longer exist.

The Sequential Approach and Relative Sustainability

9. The Inspector, in his Interim Report (EX212) paragraphs 49-50, states that overall housing need does not of itself justify the removal of specific individual sites from the Green Belt; that should be based on a comparative assessment of all the suitable and deliverable sites considered to be available, as to their contribution to the purposes and openness of the Green Belt and their relative sustainability. However, until the additional (or, as the case may be, alternative) sites and their comparative assessment are placed before the Examination, he is not in a position to judge whether reasonable alternatives to the proposed allocations in the submitted Plan are available. We now address briefly the progress made on issues raised by the Inspector in his Interim Report.

10. In paragraph 93, the Inspector states that, on the basis that the only justification for the Symondshyde site in the Sustainability Appraisal is to provide a wider choice in the housing market, he is not convinced that this alone is sufficient to justify exceptional circumstances for the removal of the site from the Green Belt, if there are more sustainable alternatives elsewhere that could together act as a substitute. The Inspector raised the possibility of two responses to this: finding other more sustainable sites and making Symondshyde itself more sustainable.

11. On the first of these two issues the inspector makes the point in his Interim Report (paragraphs 104-105 and 110) that there are several excluded villages with railway stations, adding to the sustainability of available sites close to those locations that have either not been proposed for allocation or whose allocation is proposed to be deleted. Symondshyde, by way of contrast, is located 3 to 4 kilometres away from each of the stations at Hatfield and Welwyn Garden City. We await with interest the outcome of assessments of such alternative sites.

12. On the second of the two issues, the Inspector raised two main concerns in his observations 'Round-up session 12 March 2020' (EX186C dated 23 March 2020): settlement size and accessibility. Save Symondshyde have submitted substantial detailed evidence on the matter of the sustainability or otherwise of the Symondshyde site. Most recently, we submitted detailed responses to the raft of documents (EX202 and EX202D-G) submitted by the Council and by the site's promoters in response to the Inspector's remarks in EX186C about the viability and sustainability of the proposed new settlement. We urge the careful assessment of our observations there, particularly in our responses to: EX202D (critical mass and sustainability); EX202E (public transport); EX202G and EX202F (facilities and settlement size); and our overview response to EX202. Suffice it to say that we demonstrated that Symondshyde as proposed to be expanded would not generate the critical mass necessary to make it truly sustainable, or that the public transport provision necessary to bring about a significant modal shift away from private transport could actually be achieved.

13. The consultation on those documents ended on 30 October, which means that the Inspector would not have been able to take our representations (or those of other parties) into account in his Interim Report (dated 16 October). We trust that he will now do so, and that this will cause him to reconsider the provisional conclusions about the viability and sustainability of the Symondshyde proposal in that report.

Green Belt Assessment and Boundaries

Green Belt boundaries around Symondshyde

14. The Council, in EX228, has responded to the Inspector's request for a re-examination of the northern and eastern extent of the potential development site with a view to establishing the optimum location for a Green Belt boundary. Areas A and B on the north eastern side are in different ownerships from the Hat15 site, and the Council has been unable to establish availability and deliverability. This means that the proposed allocation site should not be extended into those areas now.

15. The Council suggests that the Green Belt assessment of the area to the north east would become limited if the Hat15 site were to be developed. We reject this proposition. The land to the north east of Hat15 was not assessed in the LUC Green Belt Study Stage 3, 2018 (which did not assess any land beyond the outer edge of Parcel P45 Symondshyde). The release of Parcel P45 was rated as causing moderate-high harm to the Green Belt (although we argued that it should have been rated higher if the openness of the site had been given due consideration), largely on the basis that it made a significant contribution to Purpose 3 (safeguarding the countryside from encroachment). There is no reason to speculate that the land beyond P45 would not also be rated at least moderate-high harm.

16. With regard to the Green Belt boundary in this area, the HELAA 2016 rated the central and eastern sections of the northern boundary of Hat15 as moderate in strength. The incorporation of Areas A and/or B into the development site would not result in any stronger boundaries.

17. On the south eastern side, the Council has considered the land labelled as Areas D and E in EX202D. Area D, to the east of the farm track connecting Symondshyde Farm with Coopers Green Lane, is rated as high harm in the Green Belt Study Stage 3 (being part of Parcel P44), and has therefore been discounted. Area E, being part of the rest of Parcel P44, is rated moderate-high (the same as Hat15/P45). However, for the most part, releasing the western part of P44 in combination with P45 results in a rating of high harm to the Green Belt (scenario P44d).

18. The Housing Sites Selection – Background Paper 2016, on which the Proposed Submission document was founded, assessed the south/south eastern boundary of the Hat15 site as weak, with the added comment: *“Care should be taken with establishing south-eastern long term boundary in particular, as encroachment would tend towards coalescence with north of Hatfield (particularly if Hat1 developed)”*. Extension of the site to include Area E, which would bring it to within 700 metres of the Hat1/SDS5 proposed allocation site, would result in an equally weak boundary facing Coopers Green Lane. The whole area from the Hat15 site to Coopers Green Lane is relatively flat and featureless, being subject to sand and gravel extraction and restoration to agriculture. There are no permanent topographical features in this area, and the proposed mitigation landscaping and planting would not, in our view, provide the necessary robust boundary to prevent future encroachment towards Hatfield and protect the proposed Strategic Green Corridor.

Symondshyde in the context of Green Belt assessments

19. We consider it important to appreciate just how remote the Local Plan is from being able to demonstrate that a new settlement at Symondshyde could be found sound in Green Belt terms:

- i. The case for a new settlement in Welwyn Hatfield has still not been established, after showing that urban-edge sites cannot meet the housing requirement, though at last the sufficiency of urban-edge sites is emerging as entirely practicable.

ii. There has still never been a comparative study of the options for new settlement locations in the Borough. By their own admission, Land Use Consultants state (EX88B paragraph 8.13) that identifying new settlement locations requires consideration of a wide range of factors beyond Green Belt matters, and that their study does not therefore draw conclusions on which are the most suitable locations for a new settlement. It seems to us that the submitted evidence falls short of what is needed for an objective conclusion on this point. We hope the Inspector will revisit his Interim Report EX212 paragraph 92.

iii. When the original Plan was submitted for assessment it was supported by a Green Belt Review Purposes Assessment drawing comparisons of the merits of Green Belt land across Dacorum and St Albans as well as Welwyn Hatfield. This rated highly the Green Belt merits of land subsequently covered by the Symondshyde allocation, but the Inspector found that it did not go into a sufficient level of detail. The work then commissioned by the Borough Council from Land Use Consultants did not provide the additional detail requested by the Inspector, but instead started again from scratch and came to very different conclusions about the merits of some parcels, including around Symondshyde. This has caused enormous difficulty ever since.

iv. The fundamental objective of the Green Belt is to support openness of land. The Inspector has emphasised this. In his Green Belt Review paper, December 2017 (EX39), he stated:

In the context of assisting in the safeguarding of the countryside from encroachment, it is again openness that is the most important consideration. It is therefore not simply the countryside characteristics of a particular site but how that site contributes to the wider countryside with which it is a constituent part. The extent of that countryside is largely determined by topography, woodland and major physical features that close off views.

This is entirely in line with the guidance in NPPF 2012 paragraph 79, which leads the chapter on Protecting Green Belt land by stating that:

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

There is no doubt that the land to the north and west of Coopers Green Lane and Green Lanes, in which the Symondshyde site is situated, is predominantly open land as far as the woodland extending in an arc to the west. The aspect across this area from all sides is of open, rolling countryside. The development of any substantial part of it would significantly diminish the openness of the area as a whole and undermine its contribution to the Green Belt. Indeed, the Symondshyde area has been assessed by the Council's consultants as part of the most open land in the Borough (Green Belt Review Purposes Assessment, SKM November 2013, paragraph 7.4.10 and Figure 7.4 showing parcel 43A as having under 0.2% built development). In our view, on that basis it should not have been allocated. However, LUC prioritised the assessment of Green Belt purposes, playing down the overall objective of openness. We have previously addressed this issue in detail in our statement of 17/9/18 to

the Stage 5 hearing on the Green Belt Review Stage 3, and our follow-up statement of 19/12/18 on this. We also dealt with it in our statement on Matter 4 – Green Belt to the Stage 7 hearing on Symondshyde.

v. At the Stage 5 Hearing in the Examination, the Council agreed that a new settlement at Symondshyde was a ‘last resort’, but since then the Council has treated the site like any other urban-edge allocation: even the intended deletion of the proposal failed to make this point. We consider the Inspector should emphasise this agreed point.

Conclusion

20. The Council now states clearly that it no longer supports the allocation of Symondshyde in the Local Plan and that it considers that there are no longer sufficient exceptional circumstances to justify releasing the proposed allocation site, or any extensions to it, from the Green Belt. This position is taken in the context of the Council’s proposal that the OAN should be assessed as 690dpa (13,800 over the Plan period) in the light of the latest, 2018-based household projections from the ONS.

21. We agree strongly that the necessary exceptional circumstances for releasing the Symondshyde site from the Green Belt do not exist. Moreover, on the basis of ONS’s preferred principal projection, we have demonstrated that the OAN should be significantly lower than that used in the submitted Local Plan. This means that there is even less justification for releasing the Symondshyde site on the basis of exceptional circumstances.

22. The inclusion of Symondshyde in the Plan has never been properly justified in planning terms, from the time of its assessment in the HELAA 2016 onwards. In our view, it was included in the Proposed Submission document at a late stage as a new village settlement in order to ‘make up the numbers’ and avoid loading a disproportionate amount of development onto the villages excluded from the Green Belt, in spite of the greater sustainability offered by locating development adjacent to existing settlements. Indeed, the HELAA Stage 1 assessment excluded from consideration Green Belt sites that did not adjoin an existing excluded settlement. An exception to this was made for sites capable of forming a new excluded settlement, and Symondshyde was selected for allocation on this basis, without any real justification for the exception being provided.

23. The wheel has now turned full circle, and the Council has accepted that there is no overriding need for the Symondshyde allocation, the disadvantages of the site outweigh the benefits, and there are other, better options available for meeting the OAN. We urge the Inspector to agree that leaving Symondshyde in the Local Plan would render it unsound.

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