

## Water End Residents Group

### Response to EX231 – HS22 BrP4

#### Statement of Common Ground between WHBC, Royal Veterinary College and Hill Residential

##### Introduction

Following the Stage 8 Hearing session for HS22 (BrP4), the Inspector requested WHBC, Royal Veterinary College (RVC) and Hill Residential to prepare an agreed statement on the exceptional circumstances for Green Belt release, and, in addition, for HCC to provide *'modelling of HS22 on use of Bradmore Lane – how many of the 180 peak hour trips would use the lane'*.

Unfortunately, the information from HCC does not appear to be in the public domain. However, it should be noted that the *'180 peak hour trips'* figure is based on 300 dwellings, and if capacity of the site is maximized then this figure would increase by at least 50% based on the site promotor's capacity estimate within EX231 of 449 dwellings with a school, or 514 dwellings without.

It should also be noted that the figure of 180 peak hour trips, quoted by HCC, only relates to vehicle movements by residents of the 300 dwellings, and does not include the myriad service and home delivery vehicles that will also use the lane.

We fully support the Council's request to remove HS22 from the Local Plan as a main modification because of the site's High Harm to the Green Belt, as well as its clear ability to act as a keystone to unlock future development in the surrounding Very High Harm Green Belt.

The site was originally allocated because of political reasons and not sound planning reasons. It would be unsound to retain the allocation of site HS22/BrP4 within the Local Plan whilst sustainable Brookmans Park sites, which cause less harm to the purposes of the Green Belt, are not allocated.

##### Commentary on EX231

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1. **"On 23rd November 2020, after the publication of those documents, WHBC agreed additional sites to be put to the planning Inspector. At that meeting, WHBC also considered the implications of the 2018 Household and Population projections and the implications for the OAN. The Council agreed to request that a number of the sites in the submitted local plan should be removed from the plan through main modifications on the basis that in its opinion exceptional circumstances no longer exist for the release of sites resulting in high harm to the**

**Green Belt. HS22 was one of those sites. Accordingly, WHBC no longer support the allocation of this site, or the potential extension to it which is described below and do not consider there to be exceptional circumstances for its green belt release. The site promoters take the opposite view and consider that the site should remain in the plan, that there are exceptional circumstances for its removal from the green belt, and are pleased to note the overall comments concerning the site in the Inspector’s interim report.”**

## **Response**

Prior to the submission of the Local Plan, and throughout the entire examination, until the site promoters submitted their Stage 8 hearing statement, the exceptional circumstances advanced for the site’s release from the Green Belt (in addition to housing need) were that the sharp bend in Station Road adjacent to the site would be improved for the benefit of the wider community, and that the site could accommodate a new school. It now transpires that the site promoters do not own the land necessary for the improvements to Station Road, so are now advancing new exceptional circumstances which we will examine in detail later in this document.

On 02 July 2020, the Inspector wrote to WHBC stating that they should consider the implications of the 2018 Household and Population projections (EX188), and in a letter dated 13 July 2020, the Inspector further asked WHBC to confirm in a statement whether the projections represented a meaningful change (EX190). At a meeting on the 23 November 2020, WHBC considered that the most recent 2018 based projections do represent a meaningful change from the 2014 based projections and have submitted a revised lower OAN accordingly. In view of this, WHBC concluded that the exceptional circumstances necessary to release site HS22 from the Green Belt no longer existed whilst sites that would cause a low level of harm were retained in the Green Belt.

We consider this to be a sound approach in accordance with the tests of soundness as set out in paragraph 182 of the NPPF (2012) and paragraph 158 of the NPPF (2012) which states that the Local Plan should be based on adequate, relevant and up-to-date evidence.

Since the Local Plan was submitted for examination in 2016, other new evidence, at the Inspector’s request, which is adequate, relevant and up-to-date, has also been submitted for site HS22/BrP4, which concludes the following:

**Green Belt Study Stage 3** (March 2019): **High Harm** to the purposes of the Green Belt

**Landscape Sensitivity Assessment** (July 2019): **Moderate High Harm** to the landscape if developed.

**Green Gap Assessment** Final Draft Report (August 2019): Site HS22 (BrP4) **recommended for inclusion** within a gap policy area between Welham Green and Brookmans Park.

We note that the site promoters do not agree that the site should be removed. However, it is the Welwyn Hatfield Local Plan, not the RVC and Hill Residential Plan. The Local Plan should be local and reflect the views of the residents and their democratically appointed Councillors’, not the views of those with only a financial interest.

- 2. “Reducing carbon emissions is the central element in tackling climate change. Transport accounts for 43.4% of WHBC’s carbon emissions (2018 DEFRA data) which is a higher proportion than the UK as a whole, indicating that sustainable transport is a particularly important element of a sustainable development strategy”.**

**Response**

Quite rightly, much is made of reducing carbon emissions, and the fact that HS22 is in a sustainable location, from a transport perspective. However, there is a danger of too much weight being applied for the following reasons:

It is stated that WHBC’s transport carbon emissions are higher than the national average. This is because it is an affluent area and car ownership is relatively high, particularly multiple car ownership within the same household. This situation will not change by the development of HS22. Brookmans Park is the least affordable area in the borough and residents of the site will be affluent car owners and users, just as the other Brookmans Park residents already are. Although the site is well served by buses, they will simply not be utilized in preference to the private motor vehicle.

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- 3. “The site adjoins Brookmans Park railway station and would provide an improved pedestrian/cycle access to the station both from the site itself and from Brookmans Park to the east through the provision of a replacement foot and cycle bridge. This is because the current pedestrian and cycle access to the station is on the western side of the East Coast Mainline. Cycling access to the station is poor from the existing village, via the narrow road bridge. The pedestrian-only bridge is c1.5m in width.”**

**Response**

The existing pedestrian-only bridge to the station from Brookmans Park is eminently fit for purpose (as it always has been for the last 60 years) and does not need improvement. We do not agree that cycling access to the station is poor from the east via the road bridge. The road is perfectly negotiable by cyclists, and safety is improved by the slowing down of traffic approaching the bend at the access to the station. There are no other cycle ways within Brookmans Park, so any cyclist will already be using the road. A new cycle bridge will make no difference to cyclists approaching the station from the north and west.

- 4. “Data from the 2011 census indicates that 20-23% of commuters from Brookmans Park use the train (about double the borough average). RVC/Hill consider that the current situation, with virtually no residents within the western half of the potential walking/cycling radius, limits the potential use of the station significantly.”**

## **Response**

This data is woefully out of date and takes no account of the quantum shift to home working brought about by the pandemic and the likely long term changes to commuting trends in the future.

- 5. “With its 41 units within the village centre providing a wide range of shops and services, Brookmans Park is the largest centre in the borough outside Welwyn Garden City and Hatfield (Cuffley having 39 units). The central point of the site is 400m walking distance from the village centre, close enough that a significant proportion of shopping and other service trips are likely to be made on foot or by cycle. The furthest part of the site is 750m from the Co-operative convenience store on Bradmore Green.”**

## **Response**

There are other Brookmans Park sites which have been assessed as suitable, available and achievable, which are in sustainable locations within walking distance of railway stations, bus stops and shops, and which have a lower Green Belt harm rating than HS22/BrP4. In addition, there are unallocated sites with a comparable harm rating to HS22/BrP4 which have significantly less policy and physical constraints.

- 6. “The RVC/Hill consider the proximity of the site to the RVC Campus has sustainability benefits. The RVC’s Hawkshead campus employs over 700 people. The campus is some 900m walk/cycle from the centre of the site and the station which is utilised by RVC staff for travel to the London campus. Both the affordable and market homes provided could be occupied by RVC employees who would therefore be within walking and cycling distance of their workplace.”**

## **Response**

Is this an exceptional circumstance? As previously mentioned, there are other Brookmans Park sites which cause less harm to the Green Belt purposes which are also within cycling and walking distance of the RVC Campus.

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- 7. “The RVC, who is the site owner and promoter, is exploring the potential to retain a number of homes to be sold or rented at a discount to RVC staff.”**

Is this an exceptional circumstance? No details have been made available in the public domain. If the RVC wish to provide discounted accommodation to their staff, why should they not be built within the Campus? Existing staff and student accommodation is already extant within the RVC Major Development Site.

8. **“Further work requested by the Inspector and outlined in section 2 below indicates a physical capacity of about 380 to 445 on HS22 (depending on whether a primary school is delivered on the site) and 450 - 515 dwellings including the Additional Land (depending on whether a primary school is delivered on the site). Additional primary school capacity would be required under this scenario.”**

This is a chicken and egg situation; a new school is only required if the site is developed, and only if it is developed to its maximum capacity. The number of dwellings appears to be the sole criteria for a new school without any apparent assessment of whether site HS22 would actually be a suitable location for a primary school.

RVC/Hill state (para 4, page 3) that they *“consider it likely that rail users in the eastern part of Brookmans Park drive for at least part of their journey to access the station.”* It is therefore likely that the same applies to primary school pupils being driven to school, and by moving the existing primary school from within Brookmans Park further west to the outer extremity of the village, this will exacerbate the already prolific and well documented use of the car for the school run. We strongly assert that HS22 is not a suitable location; all traffic to and from Brookmans Park on the east side of the railway would have to negotiate the sharp bend on Station Road and two further junctions from Station Road to Bradmore Lane and Bradmore Lane to the site. There would be chaotic scenes on the return journey as vehicles que in Bradmore Lane to negotiate the dangerous junction with Station Road.

9. **“The location of the site, so close to Brookmans Park Village Centre, is considered likely to bring further local economic benefit in the form of additional custom for the local shops and services. This may be of increased importance with the continued loss of retail spend to online shopping and the uncertain impact of COVID-19 on the high street in particular, and the economy generally,”**

#### **Response**

Is this an exceptional circumstance? There are other Brookmans Park sites which would equally provide local economic benefit, have been assessed as suitable, available and achievable and have a lower Green Belt harm rating than HS22/BrP4.

We note that RVC/Hill have selectively chosen to comment on the effects of COVID-19 in relation to the local economy, but not on the effects of COVID-19 on the use of the railway.

10. **“The following benefits relate to the ownership of the site and how the capital receipt would be used. RVC/Hill consider them to be clear planning benefits, giving significant additional local and regional economic benefits which relate to, support and help deliver the local plan’s spatial strategy which is a public benefit. The Council note these points and does not dispute their factual basis. However, the Council does not necessarily consider them to be public benefits directly relevant to planning. This is because they relate to the ownership of land**

rather than its use and therefore may not be appropriate to weigh in the exceptional circumstances balance.

The RVC is a world-leader in the education and training of veterinary, veterinary nursing, and biological science students. It is the top ranked veterinary school in the UK and second in the world (QS World Rankings by Subject 2020) and received a TEF Gold Award in 2017 for the quality of its teaching. Alongside teaching and learning, the RVC is at the forefront of veterinary and biological research.

The Hertfordshire LEP has recognised the importance of the RVC in the life sciences sector which is key to its Priority 1: Maintaining global excellence in science and technology. The Hawkshead campus is also the home of Europe's largest small animal referral teaching hospital, the Queen Mother Hospital, an equine hospital, a farm and two first opinion practices all of which have recently been rated as 'Outstanding' by The Royal College of Veterinary Surgeons' Practice Standards Scheme.

The allocated land is held in a charitable trust, and any proceeds from its sale must be directed to development and improvement of RVC teaching and research. Specifically, it is fundamental to the financing of the new Small Animal Hospital which will replace the Queen Mother Hospital for Animals. This will address the short term need to enhance the current veterinary and teaching facilities which are constrained in the current building. This need is identified in the Masterplan for the campus which WHBC has approved.

The site allocation will assist in the delivery of enhanced facilities at the campus by providing the capital to enhance veterinary and teaching facilities. It will also help cement the RVC as a major employer in the borough and provider of veterinary services. Therefore, it will directly bring enhanced economic benefits to the area over and above those to be expected from another similar site. Furthermore, the allocation will play a vital role in maintaining and enhancing the global position of the RVC as a leading teaching and research institution, which plays a critical role in the regional economy as well as supporting ongoing research including epidemiology. NPPF paragraph 21 confirms the importance of supporting knowledge driven and high technology industries through the planning system."

## **Response**

We agree with WHBC, and do not accept the fundamental principal, being advanced by RVC/Hill, that the capital receipt from the private sale of land in their ownership, to fund a private development, is an exceptional circumstance in planning terms.

We note that although RVC/Hill state that the proceeds of the sale are fundamental to the financing of a new Small Animal Hospital to replace the existing Queen Mother Hospital, the RVC is already the top ranked veterinary school in the UK, second in the world, and that the Queen Mother Hospital has recently been rated as 'Outstanding' by The Royal College of Veterinary Surgeons' Practice Standards Scheme.

We further note that planning application [6/2021/0164/FULL](#) was submitted to WHBC by the RVC on the 20 January 2021 for a 243sqm extension to the Queen Mother Hospital, which according to the planning statement within the application, will be funded by a £2.1m grant from the Hertfordshire LEP and “*meet demand for high quality research and clinical spaces which will assist the RVC in achieving its vision for Hawkshead Campus outlined in the Hawkshead Campus Masterplan, approved by WHBC members in May 2018 for planning application purposes.*”

We do not understand how it is possible to claim, as an exceptional circumstance, that the capital receipt from the sale will specifically fund the building of a new animal hospital when the RVC are already in receipt of millions of pounds which is being used to extend the existing animal hospital.

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- 11. “The Council’s evidence base assesses that the development of HS22/BrP4 would cause “high” harm to the Green Belt whereas an assessment undertaken by Terence O’Rourke on behalf of RVC/Hill using the LUC methodology, concludes that the harm would be “moderate”. The parties have not reached agreement on this assessment.”**

#### Response

The Council’s evidence base referenced above, is the Stage 3 Green Belt Study (EX99) which has been examined in public in the Stage 5 Hearing Session and also subject to two public consultations on the methodology used and the consistency of the scoring of the parcels and sub-division of parcels of land. The study was found to be sound by the Inspector, in contrast, the Green Belt assessment by Terence O’Rourke on behalf of RVC/Hill has not been subjected to any public scrutiny. It is no great surprise, that consultants working on behalf of the site promotor find the harm to the Green Belt purposes to be low.

Many other site promotors have produced their own Green Belt assessments and none have been given any weight in the Plan making process.

- 12. “However, they do agree that the development of HS22/BrP4 on its own would result in less harm than development of the wider parcel P65.”**

All of the wider parcel P65 has been assessed as Very High Harm, and HS22/BrP4 was only separately assessed because it is an allocated site. We are strongly of the opinion that HS22/BrP4 should have remained Very High Harm, for the reasons already stated in our representation to the consultation on the Stage 3 Green Belt Study.

- 13. “The distinct valley landscape of Ray Brook is within flood zones 2 and 3, so providing a moderate strength boundary to the south. The parties note that the Inspector expressed at**

development could impact profoundly on remaining green belt to the south if not given careful attention, but that with appropriate landscaping this potential harm could be successfully mitigated and a permanent defensible green belt boundary established. The following plan indicates a planting/landscaping strategy which would implement mitigation of green belt harm, should the site be allocated, together with a revised green belt boundary”.



**Response**

The harm to the Green Belt to the south will not be mitigated by the planting/landscaping strategy illustrated above. The entire area is on the steep valley slope of the Ray Brook and is below the eye line between the RVC to the south and BrP4/HS22 to the north. There are currently a significant number of trees already in this area, and as evident in the photograph below, they are not visible. The photograph is taken from Bradmore Lane looking towards the RVC and all the trees that are visible, are on the higher ground on the south side of the Ray Brook, not in the proposed multifunctional green corridor illustrated in the plan above.



View looking south towards the RVC from Bradmore Lane

The Inspector is clear in his interim report that development could impact profoundly on the Green Belt to the south, and states that harm could be successfully mitigated with appropriate earthworks and landscaping to the north of the valley (our emphasis). The RVC/Hill proposed mitigation contains no earthworks, and is not to the north of the valley.

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**14. “The site specific considerations for the site (Table 15) would be amended by replacing the second bullet point as follows:**

- **Additional tree planting along the northern boundary of the site to maintain the open nature of the green belt to the north by strengthening the visual screen provided by the existing hedgerows.”**

#### **Response**

We do not agree that additional tree planting along the northern boundary will satisfactorily screen the site for the following reasons:

- In winter time, Welham Green is clearly visible from Bradmore Lane. Similarly, HS22/BrP4 will be visible from the higher ground of Welham Green and all areas in between.

- HS22/BrP4 will be clearly visible from the ECML.
- HS22/BrP4 will be clearly visible at the two proposed access points from Bradmore Lane.
- HS22/BrP4 will be clearly visible from the elevated section of Station Road.

### **Conclusion on Exceptional Circumstances**

We conclude that there are no exceptional planning circumstances for the release of HS22/BrP4 from the Green Belt, for the reasons stated above. We agree with the Council, that this site should be deleted from the Plan as a main modification because of the high harm to the Green Belt purposes and that other green belt sites with lower harm should be allocated to meet the OAN.