

Name of Respondent:

Mr Gary O'Leary, MBA, BSc (Eng), MCIM

Local organisation respondent represents:

Hertingfordbury Parish Council (current Chairman)

1 STATEMENT - 11th September 2017

1.1 I have been involved in commenting on the East Herts District Plan since its first draft publication. I am also the current chairman of the Hertingfordbury Neighbourhood Plan Steering Group, Central Hertfordshire Green Corridor Group and Friends of Panshanger Park.

1.2 I have particular interest in Hertingfordbury Parish and adjacent areas. However I am also involved with wider issues such as Green Infrastructure and am a member of the Herts Local Access Forum and the Herts County Council Strategic Advisory Group for Panshanger Country Park.

1.3 With regard to the Parish I am concerned with proposed development sites East of Welwyn Garden City (and also West of Hertford). In particular I have been looking at the strategic site for development across the border between East Herts DC and Welwyn Hatfield BC promoted as Birchall Garden Suburb (BGS) by Tarmac LLP.

1.4 Hertingfordbury Parish Council (HPC) has made detailed submissions at each stage of the plan making consultation and submission stages.

1.5 The Hertingfordbury Parish Neighbourhood Plan (HPC NP) area was designated in Feb 2016. Before and since designation the HPC NP Committee has sought further engagement with EHDC (and WHBC) to fully understand the evidence base underpinning the BGS site.

1.6 EHDC has been reluctant to engage with the Parish Council and HPC NP group, and despite promises of future engagement with the community and the Parish Council in relation to BGS, this engagement has never materialised in advance of the final plan submission. This has been a source

of concern to HPC and we believe it does not represent a constructive or effective approach to plan making.

1.7 It is important to note HPC is supportive of sustainable development, which aims to meet objectively assessed housing needs. This Council wishes to play a full role in supporting LPAs and developing and adopting a Parish Neighbourhood Plan, which is locally led, consistent with the local plan and progressive. In doing this we have sought to understand thoroughly the evidence bases of both EHDC and WHBC and discuss any constraints on development and engage in further dialogue.

1.8 In seeking conversations with both EHDC and WHBC there has been little reciprocal intent to engage or actual engagement.

1.9 To further discussion the HPC NP committee arranged a meeting on 25th August 2016 with East Herts DC (represented by Cllr Linda Haysey & Kevin Steptoe) and Welwyn Hatfield BC (represented by Cllr Mandy Perkins & Colin Haigh).

1.10 The HPC NP team put forward the attached set of questions (Appendix 1) prior to this meeting. These formed the agenda of the meeting chaired by the HPC chairman. Neither LPA has been able to provide detailed answers to these important questions before, during or since that meeting.

1.11 Since that meeting we have only seen a Memorandum of Understanding between the Councils appear with regard to BGS. No details of further work, to more rigorously examine key issues raised on 25th Aug 2016, has been forthcoming.

1.12 Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by section 110 of the Localism Act 2011) imposed on local planning authorities a 'duty to co-operate'.

1.13 The duty applies to various activities, including the preparation of development plan documents and other local development documents; activities that support those activities, in so far as it relates to a 'strategic matter' – a development that has 'significant impact on at least two

planning areas'; and activities that can reasonably prepare the way for those activities.

1.14 The duty requires LPAs to 'co-operate - in maximizing the effectiveness' with which the defined activities are undertaken, in particular, to 'engage constructively, actively and on an ongoing basis'

1.15 The question for the Inspector, I respectfully suggest, is whether 'it would be reasonable to conclude' that there has been a compliance with this duty in regard to the cross border proposed development of BGS.

1.16 In publishing its plan under regulation 19 and looking to allocate the BGS site. EHDC is required to have focused on all the critical issues that could affect deliverability and viability. EHDC has not, in our opinion, addressed critical issues with the rigour that could be reasonably expected. It therefore should not, in our opinion, be proposing sites and housing allocation numbers that may be undeliverable when possible constraints are understood.

1.17 Attention has been brought to bear by local organisations and individuals to these key issues throughout the plan development period and in the HPC submission response. EHDC has, in our opinion, failed in its duty to co-operate on this 'strategic matter' – a development that has 'significant impact on at least two planning areas'.

1.18 It is our strongly held opinion that EHDC have not acted reasonably or diligently in executing its duties to co-operate on critical issues that might affect deliverability and viability of proposed sites East of Welwyn Garden City.

1.19 The focus of the duty to co-operate must be to focus on evidence and outcomes. Allowing any potential constraints to be fully understood and ensure housing allocations are deliverable and viable.

1.20 Areas have been identified for further investigation and due diligence, namely:

- Biodiversity, ecology and ecosystem services.
- Land contamination and potential impact of development on, or adjacent to, the closed Cole Green landfill site.

- Impact on heritage assets of potential development and implementation of conclusions of the 'Beacon Report' with respect to the setting of Panshanger Park and other key heritage assets such as Hatfield Estate and parkland.
- Green belt, assessment of purpose and justification of 'exceptional circumstances' for alteration of boundaries to accommodate BGS development.

1.21 The evidence base is insufficient and lacks rigour in regard to the above. Where evidence has been collated, in part, conclusions have not been drawn prior to this strategic site being included in Plan(s). Housing allocation numbers remain the same as at consultation stage?

1.22 With regard to Ecology, Hertingfordbury Parish Council was so concerned that it allocated a significant proportion of its Neighbourhood Plan budget to an Ecological Evaluation.

1.23 The final report "**Ecological Evaluation - Proposed Birchall Garden Suburb Area & Environs**" (attached as Appendix 2) was available on 5th September 2017 and forwarded to both LPAs on 6th September 2017 for consideration within the evidence base and further decision making.

1.24 Finally, with regard to the Inspectors Matters and Issues, Part 1. We would respond as follows:

Matter 1 - General Matters

1 Has the Council complied with the duty to co-operate in the preparation of the Plan? Who has the Council engaged with in terms of housing, transport, alteration to the Green Belt, biodiversity, transport and other strategic issues? When did this engagement begin, has it been active and ongoing and what form has it taken? Specifically how has the Council engaged with other local authorities outside the joint market area?

The outcome of co-operation between EHDC and

WHBC falls short of that required under NPPF, Planning Guidance and Section 33a of the Planning and Compulsory Purchase Act (as amended by Section 110 of the Localism Act 2011)

With respect to East of Welwyn Garden City the issues of land contamination, ecology, heritage and Green Belt have not been addressed in sufficient detail to enable a site such as BGS for 2,550 homes (1,350 in EHDC) to be proposed as viable and deliverable.

2 In overall terms has the Council engaged constructively? What has been the outcome of co-operation and how has this been addressed? Are there any matters to resolve?

The Council has not engaged constructively or widely enough on key issues.

Yes, there are significant matters to still resolve as suggested above.

3 Has the Core Strategy been the subject of suitably comprehensive and satisfactory Sustainability Appraisal and if not, what else needs to be done?

No, for reasons set out above.

Ecology/biodiversity is identified as a potential issue (and an evaluation report is now provided) by Hertingfordbury PC. This and other matters need further investigation.

Matter 5 – The Development Strategy – the Green Belt

4. Are there exceptional circumstances to justify the Plan's alterations to the existing adopted GB boundaries?

No. The evidence does not support 'exceptional circumstances' for the alteration of GB boundaries East of WGC (or West of Hertford). The assessment of GB purpose by the Council supports the retention of these strong boundaries. Green belt protection of these areas may also be supported by the interaction of additional issues e.g. the heritage protection of Panshanger Park Grade II* landscape and gardens and ecological concerns.