

WELWYN HATFIELD BOROUGH COUNCIL
CABINET – 4 MARCH 2025
REPORT OF THE EXECUTIVE DIRECTOR OF PLACE

**GREEN BELT REVIEW STAGE 4 – PROCUREMENT OF LAND USE
CONSULTANTS LTD (LUC)**

1 Executive Summary

- 1.1 This report requests waiver of standard contract procedure and application of Contract Procedure Rule 33.2 (g) to enable the appointment of a consultant, Land Use Consultants Ltd (LUC) to undertake the next stage of the Green Belt Study (Stage 4) which will form part of the evidence base for the Local Plan Review.
- 1.2 LUC were the consultants responsible for undertaking the Stage 3 Green Belt Study which formed part of the evidence base (examination documents EX99A-E) for the Welwyn Hatfield Local Plan (adopted October 2023).
- 1.3 Stage 4 will be a continuation of the Stage 3 Study, building on the methodology used at Stage 3.
- 1.4 It is recommended that a direct award is made to a consultant who has previously provided such services to the Council as this would be a continuation of the existing Green Belt Study and will ensure the findings of the full Green Belt Study (all four stages) are consistent and reliable.

2 Recommendation(s)

- 2.1 Standard contract procedures are waived and pursuant to Contract Procedure Rule 33.2 (g) Cabinet agrees a report from an Executive Director or the Chief Executive detailing a case where it is to the advantage of the Council that these rules should be waived.
- 2.2 Cabinet approves the direct award of contract to Land Use Consultants Ltd to continue the Green Belt Review (Stage 4) which forms part of the evidence base for the Local Plan Review.

3 Explanation

- 3.1 In order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy (para 36; NPPF 2024). Part of demonstrating that it is justified relies on a proportionate evidence base, which must be relevant and up-to-date (paras 32 and 36; NPPF 2024)
- 3.2 As part of providing the necessary evidence base for the Welwyn Hatfield Local Plan, a Green Belt Review was undertaken. The study consisted of three stages.
- 3.3 The first stage was a strategic level study carried out by consultant SKM for Welwyn Hatfield, St Albans and Dacorum boroughs/districts.

- 3.4 The second stage was a finer grained study by consultant Jacobs, which looked at a number of smaller parcels of land within Welwyn Hatfield borough, adjacent to the urban boundaries. These parcels had either been identified in the Call for Sites or had been recommended for further assessment during the Stage 1 study.
- 3.5 The third stage was carried out by consultant LUC. This study built on the findings of Stages 1 and 2 but considered a wider range of potential sites adjacent to the urban areas, and addressed the comments made by Local Plan Inspector during Local Plan examination. LUC were also involved in helping to prepare hearing statements and responding to questions/representations as part of the Local Plan examination.
- 3.6 The Local Plan Inspector was satisfied that the three stages of the study taken together represented adequate and proportionate evidence on the Green Belt (para 256; Report on the Examination of the Welwyn Hatfield Local Plan (2016), Sept 2023).
- 3.7 Stage 4 of the Green Belt Study will build on the previous three studies as a continuing piece of work. The study is likely to include the following tasks:

Task 1: Review of the Stage 3 Green Belt harm assessment findings

Task 2: Consideration of assessment required to identify grey belt

Task 3: Consideration of how new inset settlement boundaries could be defined on the basis of the Stage 3 washed-over settlements assessment

Task 4: Consider any work required to comment on suitability of new settlement locations in Green Belt terms

Task 5: Assess potential harm of releasing newly identified sites from the Green Belt

- 3.8 As noted in Stage 3 of the Green Belt, a degree of professional judgement was used by the consultants to come to the conclusions in the Study, as would be expected and necessary in any Green Belt Study.
- 3.9 The Stage 4 study will build on the methodology used at Stage 3 whilst updating it where relevant in light of recent national planning policy changes and best practice.
- 3.10 It will include reviewing previous findings (Tasks 1 and 3), considering the new concept of 'grey belt' (Task 2), and assessment of any new locations/sites which come forward as part of the Local Plan Review process (Tasks 4 and 5).
- 3.11 For the above reasons, it is considered that the Stage 4 study would be more reliable and consistent if the same consultant (LUC) continues this piece of work.
- 3.12 LUC are a leading consultant in Green Belt policy and review, having completed Green Belt studies for over 60 local authorities across the country (covering well over a third of England's Green Belt land to date).
- 3.13 LUC's work on Green Belts was cited as an important factor in being awarded RTPI Planning Consultancy of the Year in 2019 and 2022 and they were highly commended in the Planning Awards in 2024.

- 3.14 Having been appointed as the consultants for the Stage 3 study LUC are very familiar with the local area and key issues in Welwyn Hatfield Borough.
- 3.15 It is intended that the initial phase of the Green Belt Stage 4 study will cover Tasks 1 and 2. Work on these tasks can commence at this stage of the Local Plan Review.
- 3.16 Costs for Tasks 1 and 2 have been estimated at £64,911.25 excluding VAT. These costs are currently estimates as they are subject to agreement of the scope of the project and any changes needed as a result of the Government issuing new Planning Practice Guidance on Green Belts, which is due in January 2025.
- 3.17 Tasks 3, 4 and 5 are dependent on the number of areas that need to be reviewed and consideration of specific sites, requiring input on the proposed spatial growth strategy and sites identified through the Local Plan Call for Sites. Both of these matters will be considered at a later stage in the preparation of the Local Plan and therefore Tasks 3 to 5 will need to be considered and costed as a subsequent phase of the Stage 4 Green Belt Study.
- 3.18 The c.£65,000 fee for the first phase of the Green Belt Stage 4 Study is over the procurement threshold and would normally require a process of competitive tender. Given this project is the next stage of the existing Green Belt Review and the continuation of a project, this report requests waiver of standard contract procedure and application of Contract Procedure Rule 33.2 (g) to enable the appointment of LUC, who completed the previous and most detailed stage of the Study, and who are familiar with the issues raised and successfully addressed at the Welwyn Hatfield Local Plan examination.
- 3.19 It is noted that following the recent changes to the NPPF in December 2024, the Government has announced that there is an opportunity for funding for Green Belt Reviews for local planning authorities, up to a maximum of £70,000 per authority. Whilst there is no guarantee that an application for funding will be approved, WH Officers have completed the relevant Expression of Interest (EOI) and are due to hear the outcome in March 2025.

Implications

4 Legal Implication(s)

- 4.1 In national planning policy, the NPPF makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy (para 36; NPPF 2024). Part of demonstrating that it is justified relies on a proportionate evidence base, which must be relevant and up-to-date (paras 32 and 36; NPPF 2024), and new evidence may need to be gathered to inform a local plan review (Paragraph: 068 Reference ID: 61-068-20190723; Plan-making; Planning Practice Guidance).
- 4.2 In the case of Green Belts, should it be necessary to alter boundaries, this is only justified in exceptional circumstances where fully evidenced through the preparation or updating of plans (para 145; NPPF 2024).
- 4.3 The commissioning of the Stage 4 Green Belt Review is a necessary part of the gathering of evidence for the Local Plan Review to meet the requirements of the aforementioned national policy and guidance.

5 Financial Implication(s)

- 5.1 The fee for undertaking the first phase of the Stage 4 Green Belt Study (Tasks 1 and 2) is estimated at c.£65,000 excluding VAT.
- 5.2 The second phase of the Stage 4 Green Belt Study (Tasks 3, 4 and 5) will need to be undertaken at a later stage of the Local Plan process once we have further information on the proposed spatial growth strategy and possible site allocations. As such, it is not possible to provide costs for the second phase at this time.
- 5.3 As announced by central Government in December 2024, local authorities are invited to submit an Expression of Interest (EOI) for a share of Green Belt Review Funding 2024/25, up to a maximum of £70,000 per local authority. Whilst there is no guarantee that an application for funding will be approved, WH Officers have completed the relevant EOI and are due to hear the outcome of this in March.
- 5.4 If the grant bid is unsuccessful, these works were originally planned to be funded from the Local Plan Earmarked Reserve. Delegations are in place to draw down from this reserve, which will be utilised in the event of the grant bid being unsuccessful.

6 Risk Management Implications

- 6.1 LUC have worked on the previous Stage 3 Green Belt Study and are considered best placed to progress this project to Stage 4. The Stage 3 Green Belt Study (as a continuation of Stages 1 and 2) was considered by the Local Plan Inspector to represent adequate and proportionate Local Plan evidence. There are no anticipated risk management implications from continuing this project with the same consultant.

7 Security and Terrorism Implication(s)

- 7.1 There are no security and terrorism implications arising directly in relation to this report.

8 Procurement Implication(s)

- 8.1 The purpose of this report is to request waiver of standard contract procedures and implementation of Contract Procedure Rule 33.2 (g) Where the Cabinet agrees a report from an Executive Director or the Chief Executive detailing a case where it is to the advantage of the Council that these rules should be waived.
- 8.2 In this case this would be to facilitate appointment of Land Use Consultants Ltd (LUC) to carry out the next stage (Stage 4) in a continuous piece of work to review the Green Belt. The fee for the first phase of the Stage 4 Review is approximately £65,000 and therefore above the £50,000 sign off threshold.
- 8.3 The recommendation is in accordance with the Contract Procedure Rules and UK Procurement Law.

9 Climate Change Implication(s)

- 9.1 No climate change implications have been identified resulting from this report.

10 Human Resources Implication(s)

- 10.1 There are no specific Human Resources implications arising directly in relation to this report. Officers from WHBC will work with the appointed consultant to oversee the Stage 4 Green Belt Review process as part of their usual duties.
- 10.2 Appointment of a consultant will save significant officer time, freeing up the Planning Policy Team to concentrate on other parts of the Local Plan Review process.

11 Health and Wellbeing Implication(s)

- 11.1 There are no specific health and wellbeing implications associated with this report.

12 Communication and Engagement Implication(s)

- 12.1 There are no specific communication and engagement implications associated with this report.

13 Link to Corporate Priorities

- 13.1 The Stage 4 Green Belt Study will form part of the evidence base for the Local Plan Review. This will contribute to corporate priority: 'Homes to be proud of; plan for future homes in the right places'.

14 Equality and Diversity

- 14.1 An Equalities Impact Assessment (EqIA) was not completed because this report does not propose changes to existing service-related policies or the development of new service-related policies.

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