

Cabinet Planning and Parking Panel
5 October 2023

WELWYN HATFIELD COUNCIL

* Reporting to Cabinet

Minutes of a meeting of the WELWYN HATFIELD COUNCIL CABINET PLANNING AND PARKING PANEL held on Thursday 5 October 2023 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors K.Thorpe (Chairman)
R.Platt (Vice-Chairman)

S.Bonfante, J.Boulton, S.Goldwater, R.Grewal,
T.Kingsbury, G.Michaelides, L.Musk, A.Hellyer,
C.Stanbury, S.Thusu and J.Quinton

OFFICIALS M.Wilson, Planning & Policy Implementation Manager
PRESENT: C Carter, Assistant Director (Planning)
C. Cade, Governance Services Manager
C. Samuels, Democratic Services Assistant

61. SUBSTITUTIONS

The following substitution of Members had been made in accordance with Council Procedure Rules:
Cllr Jane Quinton for Cllr Paul Zukowskyj.

62. APOLOGIES

Apologies for absence were received from Cllr Paul Zukowskyj.

63. MINUTES

The minutes of the meeting held on 17th August 2023 were approved as a correct record.

64. NOTIFICATION OR URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 8

There were no notifications for urgent business.

65. DECLARATION OF INTERESTS BY MEMBERS

Councillors Jonathan Boulton, Sunny Thusu and Tony Kingsbury declared non-pecuniary interests as members of Hertfordshire County Council.

66. PUBLIC QUESTION TIME AND PETITIONS

The question set out below was received from a member of the public:

“In June 2019, councillors received a petition with 922 signatures from Welwyn residents, delivering a clear message that the possible development sites around Singlers Marsh should not go into the Local Plan. Receiving the petition in person, the then Council Leader was quoted as saying: “We will look at each specific case and do all we can to support residents.”

From a recent FOI response, we now know that, just one month later, a council officer was tasked with negotiating an MOU to sell part of Singlers Marsh to the developer who was promoting those sites. The purpose of the sale was to build a road across Singlers Marsh to enable development of those sites. As a reminder, Singlers Marsh is a Local Wildlife Site and a Local Nature Reserve, is listed as an Area of Archaeological Significance, and hosts an environmentally fragile and distressed chalk stream, for which WHBC receives Higher Level Environmental Stewardship payments from DEFRA. The developer confirmed that the discussion began only after receiving a clear signal from WHBC that a sale could be discussed. This indicates how unimportant all those environmental protections seem to be.

Recently, the current Council Leader confirmed that there is no policy bar to developing the land at Singlers Marsh, and that WHBC’s objection to the Village Green applications there is purely for fiduciary reasons. He has written that “the council is obliged by law to maintain best value” and “the council is obliged to object, on the basis that not to object may adversely affect future decisions with a fiduciary bearing.”

Many will feel that WHBC should only be objecting if there are reasonable grounds to do so, not for contrived reasons that suit an ulterior motive. It wastes time and money, as well as trust and goodwill.

WHBC’s public reasons for objecting to the applications are threefold: there is no need as the land is already well-managed; it believes the criteria for registration are not met; and there would be a “statutory conflict” with environmental obligations. The first point is purely subjective, is controversial within the Welwyn community, and has not been advanced in the inquiry. It is simply not relevant.

However, it is now crystal clear that WHBC’s objection to the Village Green applications for Singlers Marsh is nothing to do with its environmental situation, nor with any belief that the criteria for registration have not been met, and everything to do with maximising its income from selling part of the land for development.

There is therefore no “statutory conflict” at all. Realistically, becoming a Village Green will do far more to enhance the environment at Singlers Marsh than the status quo, given the inevitability that the status quo will lead to development,

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either in the current Local Plan or in later rounds of activity. WHBC should cease claiming the statutory conflict as a basis for its objection. It should also produce some credible evidence that the registration criteria have not been met, as they have not done so yet.

Despite having no actual grounds for objection, we know via FOI that WHBC has never sought external expert advice on the consequences of Singlers Marsh becoming a Village Green, other than procuring King's Counsel at substantial expense to represent its pre-determined position at the official inquiry. Its willingness to spend over £100,000 on legal representation without knowing if it even has a viable case suggests that the sale value of the land is substantial.

Will WHBC now commit to fully review its position on the Village Green applications, using external expert advice, focussing solely on the environmental issues at stake at Singlers Marsh rather than its desire to make a profit, and administered by council officers who were not involved in negotiating the MOU with the developer?"

The response to the question is set out below:

"The Council has previously released a statement on Singler's Marsh, and recently responded to a similar question at this Committee. Whilst tonight's question includes additional inaccurate information, the circumstances of the case have not materially changed. The Council cannot comment any further until the current applications have been considered by Hertfordshire County Council."

67. ADOPTION OF WELWYN HATFIELD LOCAL PLAN (2016)

The Panel received the report of the Assistant Director (Planning) on the adoption of the Welwyn Hatfield Local Plan (2016) and a presentation.

The Planning and Policy Implementation Manager highlighted that three of the Inspector's modifications set out in his schedule at Appendix 2 were not shown in the consolidated version at Appendix 3. These related to further Main Modifications 8 and 15, which would be incorporated into a revised Appendix 3 as part of the agenda for the Council meeting on 12 October 2023.

The following points were raised during the discussion:

- Members commented that it was important for the next Council meeting to deliberate on the Local Plan as it affected all wards; while councillors needed to focus on the borough as a whole, they also needed to consider the needs of their ward constituents.
- Members asked how many homes needed to be built over the next ten years, how many had already been built, and how many homes the Council would potentially need to find if Council was to reject the Local Plan. Officers advised the Inspector had identified 15,200 homes were needed; the ten year requirement was 9,400 homes. Our supply was 9,200 homes (including completions and commitments) and so the Inspector had said we were close to the 10 year requirement and had allowed us to move forward. If the Local Plan was to be rejected, the

completions would not count towards the number of new homes (13,380) that would be required. Asked about the minimum number of dwellings that would need to be found in the three year review period, officers said the Local Plan provided for 13,400 homes (9,200 over 10 years) against a target of 15,200 with a shortfall of 1,800.

- Officers noted this meant there was a shortfall for the Plan; a review was required which would need to plan for 15 years in the future which would consider housing need; it would straddle this Plan as well as going beyond it.
- Asked about sites which had been deemed unsound, officers advised sites can be re-promoted and other sites could also be put forward which would go through the assessment process using criteria that linked to strategic objectives. It was theoretically possible that the criteria could change so an unsound site could be assessed as sound in the review period; the new Plan would be formulated in the planning system of the time and there would need to be a rigorous assessment of all sites that were put forward, as the sites that had been found unsound were unsound in the context of this Plan whereas there was potentially different criteria for the next Plan in a different planning system.
- Concern was expressed about the allocation of a number of sites on the Green Belt. If the Local Plan was not adopted, an excess of new homes not in the green belt could be built.
- A Member asked whether, if the Local Plan was rejected and another was established with 13,380 homes over 15 years, there would be more homes over 20 years in a new Plan than the one being considered. Officers said the supply of sites was listed in the housing trajectory in Appendix 3 of the report and there was a shortfall when set against a bigger number, so more housing sites would be needed. The Member reflected that if the Plan was to be rejected, there would probably be a higher level of housing overall and the Council would have been unable to protect the sites it wished to omit from the Plan.
- Once a decision was made about adopting the Local Plan, work could begin on biodiversity net gain and making developments greener.
- A Member queried how local the Plan was. He said Members had agreed on a cross-party basis that 13,200 was probably a better target for homes than 15,200 but the Inspector had insisted on the latter figure; the sites that were being protected would come back in the review; and there would be more than 15,200 homes which led him to feel this was the Inspector's Plan.
- A Member commented that a review of the Plan would be needed and said if it was rejected the Council would still be subject to speculative development. Officers noted the duty to have a Local Plan and so a new one with a timetable for 15 years would need to be established.
- Members thanked officers for their work on the Local Plan.

RESOLVED:

1. The Panel noted the content of the Inspector's Report on the Examination of the Welwyn Hatfield Local Plan (2016) alongside the appended

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Schedule of Main Modifications and his conclusion that the Welwyn Hatfield Local Plan (2016) provides an appropriate basis for the planning of the Borough provided that a number of Main Modifications are made to it.

2. The Panel recommended to Council that:
 - Council noted the Inspector's report and its conclusions;
 - The Welwyn Hatfield Local Plan (2016), which was submitted to the Secretary of State for examination and amended by the Main Modifications (appendix 2) and Additional Modifications (Appendix 4), be adopted as part of the statutory development plan for Welwyn Hatfield Borough (in accordance with Section 23 (3) of the Planning and Compulsory Purchase Act 2004 (as amended));
 - Authority be delegated to the Assistant Director (Planning), in consultation with the Executive Member for planning, to make changes to text, graphics and layout of the Plan of a minor or inconsequential nature or in order to ensure consistency with the Main Modifications (Appendix 2) and Additional Modifications Schedules (Appendix 4) to this report, as considered appropriate and necessary prior to the publication of the final version of the adopted Welwyn Hatfield Local Plan (2016) and associated Policies Map in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended); and,
 - Council note that, on adoption of the Welwyn Hatfield Local Plan (2016) the saved policies of the Welwyn Hatfield District Plan (adopted 2005) and associated Proposal Maps will have been replaced and will not be used for decision-making thereafter.

Meeting ended at 8.30 pm