



Housing Delivery Test Action Plan



March 2021

Executive Summary

1. The [National Planning Policy Framework](#) (NPPF) requires councils to prepare an action plan where housing delivery has fallen below their housing requirement.
2. This Action Plan seeks to identify the main issues associated with housing delivery in the borough and the main actions that can be taken by the Council and other parties to speed up delivery.
3. The plan reviews Government guidance, considers the views of relevant stakeholders and analyses existing data and other knowledge in order to identify a series of actions that will be taken over the coming months and years to help increase housing delivery.
4. It is worth noting that housing delivery over 2020 has been greatly impacted by the coronavirus pandemic and the closure of many building sites. The Council has continued to provide a planning service with only minimal disruption.
5. In summary these actions are:
 - Continue to determine planning applications for housing schemes as fast as reasonably possible.
 - Apply the presumption in favour of sustainable development when determining planning applications for housing schemes.
 - Continue to consider the necessity of planning conditions for housing permissions.
 - Continue to discharge planning conditions for housing schemes as fast as reasonably possible.
 - Continue to prepare Section 106 agreements as fast as reasonably possible.
 - Continue to devise, submit and determine corporate planning applications for new housing.
 - Work with Hertfordshire County Council to prepare Section 106 agreements involving contributions for their services as fast as reasonably possible.
 - Work with Hertfordshire Growth Board to identify funding opportunities for accelerated housing delivery sites.
 - Progress the adoption of the Local Plan.

Introduction

6. Paragraph 75 of the [National Planning Policy Framework](#) (NPPF) states that “*Where the housing delivery test indicates that delivery has fallen below 95% of the authority’s housing requirement over the previous three years, the authority should*

prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.”

7. The [housing delivery test](#) is an annual measure of housing delivery which compares ‘total net homes delivered’ against ‘number of homes required’. Because the Council does not have a recently adopted Local Plan the number of homes required in Welwyn Hatfield is taken from the Government’s local housing need figures.
8. The Government published the housing delivery test results on 19 January 2021. It confirmed that Welwyn Hatfield had built 1,450 homes in the period 2017/18-2019/20 against a target of 2,284. This equates to 63%.
9. This has three consequences:
 - Because supply has fallen below 95%, the Council needs to prepare an [action plan](#) to assess the causes of under-delivery and identify actions to increase delivery in future years.
 - Because there has been significant under-delivery of housing over the previous three years, the Council needs to add a [20% buffer](#) to its five year housing land supply, to improve the prospect of achieving the planned supply.
 - Because supply has fallen below 75%, the Council needs to apply the [presumption in favour of sustainable development](#) when determining planning applications. The NPPF states that the presumption in favour of sustainable development means “granting planning permission unless (i) the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.” A footnote advises that the policies referred to in the Framework include habitat sites, SSSIs, land designated as green belt, local green spaces, irreplaceable habitats, designated heritage assets and areas at risk of flooding.

Guidance

10. The Government’s [Planning Practice Guidance](#) contains useful guidance on the housing delivery test. It advises that action plans should be transparent and publicly accessible documents. It is up to each council whether they consult on their action plan but they should be prepared with the involvement of relevant stakeholders such as developers, land promoters, landowners, infrastructure providers, neighbouring authorities and county councils. They should be produced in a timely fashion, within six months of the test results (so by 19 July 2021). It identifies issues that councils might want to consider and actions that they and other stakeholders might want to take.

Consultation

11. The Council has so far included articles about the requirement to prepare an action plan in its May 2019 and July 2020 newsletters to everyone registered on the Local Plan database (which contains about 2,000 statutory bodies, businesses and

individuals). This is in addition to ongoing dialogue with landowners through the Local Plan process and developers through the development management process.

12. The Council received one response in May 2019 which observed that *“The key component to reducing the under-delivery of housing within the borough is to ensure that you have an adopted Local Plan that allocates sufficient deliverable and developable sites to enable targets to be met throughout the plan period.”*

Performance

13. Our 2019 Action Plan contained a number of actions to improve our performance in the handling and determination of planning applications.
14. The Government sets monitoring targets for 70% of ‘major’ applications to be determined within 13 weeks and for 60% of ‘minor’ and ‘other’ applications to be determined within 8 weeks, although these timescales can be extended in agreement with the applicant. Councils can be designated as failing if they do not meet or exceed these targets over a rolling two year period.
15. For clarification, ‘majors’ are schemes of 10+ homes or 1,000+ sqm of new floor area, ‘minors’ are schemes of up to 9 homes or 999 sqm of new floor area and ‘others’ include householder, listed building and advertisement proposals. The planning service also deals with a significant number of ‘other’ non-countable applications such as prior approvals, discharge of conditions, etc and Welwyn Garden City estate management applications.
16. In the two year period from March 2018 to March 2020 the Council determined 92% of majors, 85% of minors and 89% of other applications within these set timescales or by agreed extension. Performance was strong for major and other applications and slightly weaker for minor applications that were refused. With 74% of these determined within the 8 week timescale, this was well above the 60% target and has improved compared with the previous two year period (March 2017 – March 2019) when 63% were within the target.
17. The Council offers a pre-application advice service that is usually taken up by applicants submitting major applications, but not always by those submitting minor applications. Minor housing schemes often raise local concerns, get called-in by ward councilors for determination by Development Management Committee and get refused. It is also because minors sometimes generate small but challenging issues that officers and applicants seek to overcome, but often find that they are too great.

For period: March 2018 March 2020	Determined		Approved		Refused		Declined to determine
	Total	Within timescale	Number	Within timescale	Number	Within timescale	Number
Majors	71	92%	53	92%	18	89%	0
Minors	453	85%	333	90%	118	74%	4
Others	1,739	89%	1,389	90%	350	87%	2

Time Taken to Grant Permission

18. In order to better understand the length of the planning determination process and build-out rates once permission is granted, the Council analysed a sample of just over 600 planning applications for housing received in the period 2000-2015. The results of this analysis have also been compared with data for sites which have more recently been granted/completed.
19. The original data showed that on average it takes 2.1 months to determine an application without a Section 106 agreement and 9.7 months for an application which required a Section 106 agreement.
20. This is reasonably consistent with data over the last three years 2017/18-2019/20, which averaged 3.1 months and 9.5 months respectively.

Time Taken to Commence Construction

21. On average the time between permission being granted and construction commencing was 13 months. This was generally consistent regardless of how many dwellings had been granted for the site.

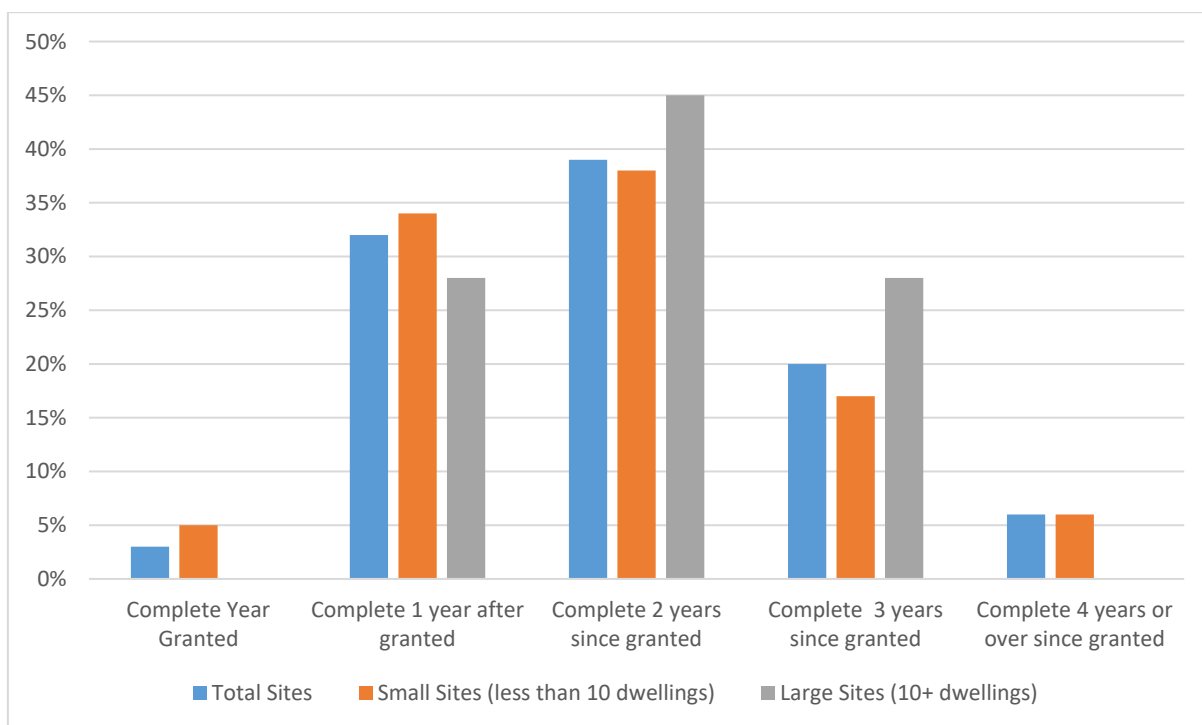
Time Taken to Complete Construction

22. On average the time between construction starting and the completion of the last dwelling took 10 months to complete, although this varied by the size of the scheme:

Size of Scheme	Number of months
0-4 dwellings	9 months
5-9 dwellings	11 months
10-25 dwellings	14 months
26-100 dwellings	16 months
101-250 dwellings	27 months
251+ dwellings	34 months

Overall

23. On average, it takes 2 - 2.5 years from the date a planning application was received to the date that construction is completed (although as discussed above this does depend on the size of the site and whether a Section 106 agreement was needed). The graph below shows that 71% of schemes were completed within 1-2 years of being granted.



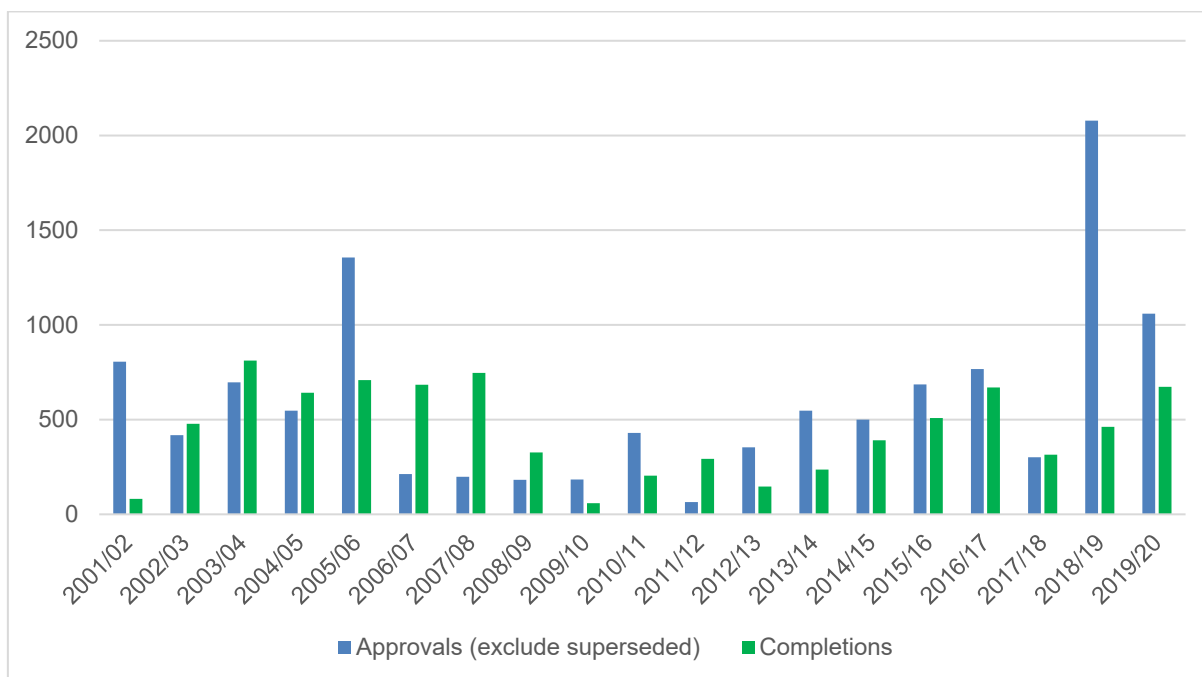
Section 106 Legal Agreements

24. The 2019 Action Plan contained a number of actions to continue to prepare legal agreements as fast as reasonably possible and to work with Hertfordshire County Council for legal agreements involving contributions to their services.
25. The Council has contract arrangements with a viability consultancy firm to carry out viability appraisal. This occurs when the applicant prepares a viability appraisal to seek to demonstrate that the scheme cannot afford its full policy obligations.
26. The Council has contract arrangements with a legal firm to help prepare legal agreements in a timely manner.
27. The Council has liaised with Hertfordshire County Council on a number of occasions to discuss the capacity of their legal team to progress agreements in a timely manner. It is understood that a framework arrangement is in place to allow the team to call upon external support if resources are stretched.
28. Officers to Welwyn Hatfield and Hertfordshire councils meet on a regular basis to identify upcoming issues and resolve live challenges associated with the determination and legal confirmation of planning applications.
29. All of these efforts seek to balance the need for speed with the need to ensure that applicants make valid contributions to services that will be impacted upon by their developments.

Historic and Future Housing Delivery

30. The table below shows the total number of historic completions and approvals in the borough since 2001. Over the last five years delivery has averaged 521 dwellings per year, particularly from change of use of offices to residential enabled by national

permitted development rights. The recent high approval figures relate to the approval of Broadwater Road West for 1,454 dwellings in 2018/19 and at Panshanger for 650 dwellings in 2019/20.



31. At the end of March 2020, the number of commitments in the Council’s housing supply (permissions granted, not yet completed) totalled 3,436 dwellings across 190 sites.

	Permission Granted: construction not commenced		Permission Granted: under construction		Total with permission	
	Sites	Dwellings	Sites	Dwellings	Sites	Dwellings
Large Sites (10+)	17	2633	13	492	30	3,125
Small Sites (Below 10)	103	199	57	112	160	311
Total	120	2,832	70	604	190	3,436

Delayed and Stalled Sites

32. Data from March 2020 identifies that there were some sites in the Council’s housing land supply which appear to have stalled or stopped. These include 217 dwellings across 36 planning permissions which were granted more than one year but have not yet commenced construction. There are also 92 dwellings across 15 sites which have been under construction for more than 18 months. The next survey data will be available in May 2021.

Lapsed Permissions

33. Lapse rates are historically low, at about 3% of all housing permissions running out of time to be built.

Local Plan

34. Our 2019 Action Plan contained an action to progress the adoption of the Local Plan.
35. The [Welwyn Hatfield Local Plan](#) was submitted for public examination in May 2017. It contained a target to build 12,000 homes in the period 2013-2032, of which about half were on brownfield land and half on green belt land.
36. At the time of writing, the Local Plan is still at public examination stage. The Inspector has expressed concern that the plan does not meet the objectively assessed need for housing and may not be found sound.
37. In December 2020, the Council used new household projections to judge that its objective assessment of need for housing was 13,800 homes and that it could deliver 13,300 homes over the plan period 2016-2036, plus 700 homes on reserved land.
38. The Inspector has proposed to hold hearing sessions in February and March 2021 to consider the new housing need evidence and to examine both newly submitted sites and rejected sites around larger villages, to make his own judgement about which are the most sustainable choices for allocation and release from the green belt.
39. The Council considers that it is doing all it reasonably can to progress the Local Plan, taking account of national aspirations to achieve sustainable development and to limit development in the green belt.
40. Adoption of the Local Plan and its policies may release land from the green belt and enable planning applications to be submitted and approved for allocated sites.
41. In the meantime however the Council will continue to resist the early consideration of green belt sites. This is because the Inspector has yet to reach a view on the merits of proposed green belt sites and to allow all interested parties to debate the merits of sites and understand the cumulative implications of sites on their towns and villages. The Government has confirmed that housing need alone is not sufficient to justify development in the green belt. Any planning applications that are considered before the Local Plan is adopted will need to demonstrate 'very special circumstances' in order to justify development within the green belt, even allowing for the presumption of sustainable development and even if that land is proposed for release.

Other Actions

42. At the time of writing, the [Welwyn Hatfield Brownfield Land Register](#) contains 64 sites with a combined capacity for 3,987 dwellings.
43. At the time of writing, the [Welwyn Hatfield Self-Build and Custom Housebuilding Register](#) contains 47 individuals who are seeking a self-build serviced plot.
44. The [Welwyn Hatfield Annual Monitoring Report 2019-2020](#) records that there were 673 net new homes built in the borough. The borough has 2.58 years of housing land supply based on the Government's standard method of 875 homes per year, but more when tested against the emerging Objective Assessment of Housing Need.

45. The Submitted Local Plan states seeks affordable housing ratios of 25% in Hatfield, 30% in Welwyn Garden City and 35% in villages. These targets are based on viability evidence that will continue to be updated over the plan period.
46. The Submitted Local Plan states that affordable housing will be sought on all sites of 11+ new dwellings or 0.5+ hectare sites, subject to viability appraisal. This means that market housing can continue to be delivered where the particular circumstances of the site make some or all affordable housing unviable. The Council is willing and has recently worked with applicants where there are viability challenges but an associated opportunity to secure Homes England funding for affordable housing.
47. The Submitted Local Plan states that on sites of 100+ dwellings, 2% of dwelling plots should be provided to contribute towards meeting the evidence demand for self-build and custom housebuilding.
48. The Council is developing its own land holdings in order to increase the supply of all types of housing. This includes the redevelopment of ageing council housing stock and underused garage sites.
49. The Council has created a housing company (Now Housing Ltd) that will be better able to delivery other forms of social rent that are desirable and affordable for local residents.
50. The Council is part of Hertfordshire Growth Board which brings together all eleven authorities plus Herts LEP to pursue a growth deal with the Government. As part of this process, the Board has created a Housing and Communities task group which is looking at sites that could be put forward for accelerated delivery by receiving government funding to help overcome any technical or viability constraints to their development. It is considered that in the order of 4,750 homes could be delivered on available urban sites over the next five years. The Board is also in the process of creating a Developer Forum to facilitate countywide debate about the development and planning process.
51. The Council has secured £10.6 million of Homes England accelerated construction funding to help deliver housing projects in Welwyn Garden City and Hatfield town centres. Many of the sites that received this funding in Hatfield now have planning permission and are being built-out.
52. The Council is part of the [Hatfield 2030+ Renewal Partnership](#) which has prepared a Development Framework and other documents to help identify suitable sites for new housing and other types of development. As an outcome of this work the Council has granted planning permission for a number of sites, including 1 Town Centre site for 71 new homes, Link Drive car park for 80 new homes and High View neighbourhood centre for 146 new homes.
53. The Council has allowed taller buildings and higher densities in sustainable locations, such as the Wheat Quarter area in Welwyn Garden City, which has already been granted planning permission for 1,454 homes in blocks of up to eight storeys and where further planning applications have been submitted to seek to deliver over 2,000 homes.

54. The National Planning Policy Framework (NPPF) states that “*Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions*” but clarifies that “*Planning conditions should only be imposed where they are necessary, relevant to planning, relevant to the development to be permitted, enforceable and reasonable in all other respects.*” The Council does its best to ensure that it only applies planning conditions that meet these five tests, in response to issues identified by officers or raised by statutory or non-statutory consultees. Officers will continue to think carefully before applying planning conditions to housing permissions.
55. Our 2019 Action Plan contained an action to review the scope for technology and modernisation to improve pre-application advice and the handling of planning applications. This aspiration has also been stated in the Planning White Paper. The Council continues to make improvements to its pre-application and planning application processes and anticipates that wider opportunities will emerge as digital aspirations in the white paper are enacted over coming years. The costs of a bespoke system for Welwyn Hatfield have so far outweighed the perceived benefits.
56. Irrespective of all of the above, officers, councillors, communities and residents all want to ensure that housing development is sustainable, high quality and respects adjoining land uses and its surroundings.

Projected Future Results

57. The table below shows forecast completions and the estimated housing delivery test for the borough next year. It assumes the adoption of the Local Plan in late 2021 or early 2022. It indicates that the Council will have to prepare another action plan in 2021, apply a 20% buffer to our five year housing land supply and continue to assume the presumption in favour of sustainable development.

Year	Forecast Completions	Target	Measured Against	HDT Result	HDT Result Consequence
2016/17	671	544	2012-based projections	NA	NA
2017/18	315	623	2014-based projections	88%	Action Plan
2018/19	462	867	Standard Methodology	71%	20% Buffer
2019/20	673	795*	Standard Methodology	63%	Presumption
2020/21	424	875	Standard Methodology	61%	Presumption

* For 2019/20 there was a reduction in the measuring period to 11 months to account for disruption resulting from the first national lockdown, Housing Delivery Test: 2020 Measurement - Technical Note, MHCLG.