

WELWYN HATFIELD BOROUGH COUNCIL
CABINET HOUSING & PLANNING PANEL – 20 JULY 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

WELWYN HATFIELD DRAFT LOCAL PLAN PROPOSED SUBMISSION 2016

1 Executive Summary

- 1.1 The purpose of this report is to present the Proposed Submission Local Plan to Members for their consideration.
- 1.2 Appendix A comprises the draft Local Plan, Appendix B the Policies Maps, Appendix C the Sustainability Appraisal Report and Appendix D the Infrastructure Delivery Plan.

2 Recommendation

- 2.1 That the Panel agrees that the Proposed Submission Local Plan, Policies Map, Sustainability Appraisal and Infrastructure Delivery Plan should be presented to Cabinet for agreement to publish for public consultation under Regulation 19 of the Town and Country Planning ((Local Planning) (England) Regulations 2012 as amended.
- 2.2 That the Local Development Scheme be updated and presented to a future Cabinet Housing and Planning Panel and Cabinet for agreement in line with the programme set out in this report.
- 2.3 That the Head of Planning be given delegated authority in consultation with the Executive Member for Planning to make minor non-material spelling, formatting, mapping and other amendments to the consultation documents where they do not alter the intent of the plan.

3 Background

- 3.1 The purpose of the Local Plan is to set out the planning policy framework for the borough, by identifying how much and what type of development is needed and where it should or should not be accommodated. It also identifies areas which should be conserved and protected because of their special value. It has to be informed by evidence and to have gone through a process of consultation.
- 3.2 Once the plan is submitted, it will be subject to a public examination by an independent inspector to consider whether it has met the legal tests for its preparation and whether it meets the tests of soundness.
- 3.3 The legal tests relating to its preparation are
 - a) accordance with the Local Development Scheme,

- b) whether consultation has been in accordance with the Council's Statement of Community Involvement and national consultation regulations,
 - c) whether it has been subject to sustainability appraisal, and
 - d) whether the Duty to Cooperate has been met.
- 3.4 The Local Development Scheme sets out the programme for the production of the Welwyn Hatfield Local Plan. The Scheme was revised in 2014 when it was first indicated that instead of preparing separate Core Strategy Site Allocations and Development Management documents the Council intended to produce a single Local Plan. The programme for its preparation was subsequently amended in 2015. This indicates that regulation 19 consultation should take place in the third quarter of 2016 and that the plan should be submitted at the end of 2016. It is now anticipated that submission will take place in early 2017 following the analysis of representations in late 2016 and the Local Development Scheme therefore needs to be updated accordingly.
- 3.5 The Statement of Community Involvement sets out the approach to consultation, the methods of consultation that will be used during its preparations and the types of bodies that the Council will engage with.
- 3.6 Several rounds of consultation have already taken place relating to the preparation of the Core Strategy and the Local Plan.
- a) Pre-Issues and Options - informal consultation took place throughout 2007 and 2008 with the purpose of identifying the key issues the Core Strategy needs to tackle and what the options for addressing those issues are. In addition we also consulted on the implications of other key strategies and the scope of the Sustainability Appraisal. The details of the events and the results of the consultation are all summarised in the Pre-Issues and Options Consultation Statement.
<http://www.welhat.gov.uk/article/4142/Pre-Issues-and-Options>
 - b) Issues and Options Consultation - The Council published its Core Strategy Issues and Options Paper in March 2009. It identified a wide range of issues and options but was set in the context of the 2008 East of England Plan which included a housing requirement of 10,000 dwellings for the period 2001-2021. The results of the consultation helped to define the scope of the document and led to the selection of a preferred option albeit within the context that housing targets are now to be set locally. The issues raised in response to consultation at this stage were first reported to this Panel in October 2010. Specific consultation also took place with the Gypsy and Traveller community on the Issues and Options relating to Gypsy and Traveller pitch provision and the criteria to be used for selecting sites.
<http://www.welhat.gov.uk/article/763/Core-Strategy-Issues-and-Options>
 - c) Consultation on the evidence base –The methodology for preparation of some of our evidence required consultation or surveys to inform their findings. For example the preparation of the Development Economics Study was informed by consultation with house builders, housing associations and other housing professionals. The Retail and Town Centre Needs Assessment involved analysis of surveys in the form of

questionnaires of those who live and shop in the borough. The preparation of the Strategic Housing Market Assessment and Economy Study included engagement with adjoining authorities in respect of the housing market area and functional economic market area.

- d) Neighbourhood Workshops – Following the change of Government in 2010 and the introduction of the localism agenda a series of workshops were held with community representatives. From this a series of agreed objectives for different settlements in the borough were identified and these were reflected in the Emerging Core Strategy and brought forward into the draft Local Plan.
- e) How Many New Homes? - Housing Targets consultation – Following the successful legal challenge to Welwyn Hatfield's regionally set housing targets and the Coalition Government's announcement to abolish Regional Spatial Strategies, the Council carried out consultation on a range of alternative housing targets in 2011.
<http://www.welhat.gov.uk/homes>
- f) The Emerging Core Strategy and Land for Housing Outside Urban Areas 2012 – The Council set out a strategy for focusing growth in and around Welwyn Garden City and Hatfield with limited infill development in the villages. The Land for Housing Outside Urban Areas considered the options for releasing land in the Green Belt around the two towns. The responses were considered at a meeting of this Panel on 8th August 2013. <http://www.welhat.gov.uk/cabinethousingplanningpanel>
- g) The Local Plan Consultation Document 2015 – Following the Council's decision to prepare a single Local Plan document comprising strategic policies, site allocations and development management policies, consultation took place on a number site specific issues including options for the inclusion of housing sites to meet the updated Objective Assessment of Need and the list of development management policies that would be required in the new Local Plan. The responses were considered at a meeting of this Panel on 24th September 2015
<http://www.welhat.gov.uk/cabinethousingplanningpanel>
- h) Workshop sessions on Green Infrastructure and Garden City principles. The outcomes of these workshops were reported to a meeting of this Panel on 18th February 2016
- i) Hatfield 2030+ Project – This was a partnership project involving the Council and a number of other stakeholders such as Hatfield Town Council and the University of Hertfordshire to consider the long-term future of Hatfield, which included extensive public consultation with residents and businesses.

3.7 The examination will focus on whether the Local Plan meets the tests of soundness which are set out in Paragraph 182 of the National Planning Policy Framework (NPPF) as follows:

- Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from

neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

- **Justified** - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

3.8 The content of the Local Plan has been informed by an extensive evidence base which has been kept up to date and reviewed in the light of representations received. The evidence base can be viewed at

<http://www.welhat.gov.uk/evidencebase>

3.9 The plan must also be subject to Sustainability Appraisal. The purpose of this is to appraise the social, economic and environmental effects of the plan and to consider the choices made in comparison to reasonable alternatives. This does not mean that the most sustainable option has to be selected so long as there are valid planning reasons to select an alternative option. The Sustainability Appraisal and Habitats Regulations Assessment have both been carried out for the Council by independent consultants to help ensure impartiality.

3.10 The Council has worked closely with a number of bodies during the preparation of this plan in accordance with the Duty to Cooperate. In particular, the Council has worked closely with Hertfordshire County Council to ensure the infrastructure implications of individual sites and different distribution options have been properly considered; meetings have been held with adjoining authorities to discuss cross-boundary issues and joint policy wording has been developed with East Herts District Council relating to Birchall Garden Suburb although this has yet to be agreed by their Members as their programme is slightly behind this Council's.

4 Explanation

4.1 In preparing the Local Plan the Council has to be mindful of its legal obligations to contribute to sustainable development. The Government considers that there are three dimensions to sustainable development - economic, social and environmental and that the planning system has a role to play in all three.

4.2 The Emerging Core Strategy set out the Council's preferred strategy for delivering sustainable development in the borough and the Local Plan consultation document set out where the Council was minded to change that strategy in response to representations and the updated evidence base.

Content of the Local Plan

4.3 The structure of the Proposed Submission Local Plan is similar to the structure of the Core Strategy with sections on the spatial strategy, topic specific policies and settlement specific policies. However unlike the Local Plan it comprises not only the strategic policies but also development management policies, which set out the criteria for assessing the impact of a proposal, and site allocation policies

which relate to key sites identified on the Policies Map for specific uses. Once adopted it would replace the 2005 District Plan in its entirety. Neighbourhood Plans have to be in conformity with the strategic policies in the plan so it is important that these are clearly distinguished.

4.4 The Proposed Submission Local Plan comprises the following sections:

- The Introduction and Welwyn Hatfield Now provides an introduction to the local plan and the processes involved in its preparation, a description of the social, economic and environmental characteristics of the borough, the consultation that has informed this plan and the challenges it faces.
- The overarching spatial strategy and key diagram set out the vision for the borough, the approach to delivering sustainable development through the distribution of growth and the review of the Green Belt.
- Topic specific policies.
- Settlement and site specific policies
- Neighbourhood planning
- Implementation and monitoring
- Appendices - including a glossary of technical terms

4.5 **Welwyn Hatfield Now** provides an overview of the key characteristics of the borough and the consultation that has helped to inform the identification of key challenges the plan will need to address. The Emerging Core Strategy identified 4 key challenges and matters which need to be taken into account when addressing these. This section has been updated to reflect that the Council has less power to protect the stock of employment land in the future and that Building Regulations will now govern CO₂ emissions from buildings and water efficiency. We do have an optional standard for a higher water efficiency standard for dwellings where this is justified by the evidence. Such a standard is proposed in Policy SADM13 Sustainability Requirements.

4.6 **The Spatial Vision and Strategic Objectives** attempt to address these challenges and have been informed by consultation on the Local Plan and the Sustainable Community Strategy. A previous version was consulted upon in the Emerging Core Strategy and a number of changes have been made in response to these comments. The most significant change reflects the change in strategy to the distribution of growth around the borough, other changes include the emphasis given to the importance of garden city principles in planning urban extensions and to reflect key messages from the Hatfield visioning.

4.7 The **Overarching Spatial Strategy** comprises strategic policies on delivering sustainable development, growth targets, the Green Belt and settlement strategy, the key diagram and a development management policy which sets the criteria for assessing applications for windfall development.

4.8 The NPPF sets a presumption in favour of sustainable development and Policy SP1 Delivering Sustainable Development sets out the key guiding principles for

sustainable development, so this will be an important policy to assist in the determination of all applications. It will also set the key principles which will need to be addressed in any Neighbourhood Plan. It remains largely unchanged from the Emerging Core Strategy with only minor modifications made in response to representations to improve the clarity of the wording.

- 4.9 Policy SP2 Targets for Growth and Policy SP3 Settlement Strategy and Green Belt boundaries reflect the decisions made by this Panel on 13 June 2016 with regards to the housing target and provision for employment land. Although the target will not deliver the Objective Assessment of Need for housing in full it will require the release of land from the Green Belt and therefore a consequential change to its boundaries for which exceptional circumstances need to be demonstrated. Section 6 of this report considers the legal implications of this report and draws attention to a recent High Court decision of relevance to this issue.
- 4.10 The key point is that the Objective Assessment of Need for housing or the need for employment land is not by itself a justification for exceptional circumstances; rather it is having regard to the whole picture including the social and economic implications for sustainable development in not meeting the need.
- 4.11 The Objectively Assessed Need for housing falls within the range of 12,616 to 13,433 additional dwellings. The Economy Study indicates a need for land sufficient to support growth of around 16,900 jobs, with a predicted shortfall of around 5.4 hectares by 2032.
- 4.12 The Housing and Employment Land Availability Assessment (HELAA) has reviewed the suitability, availability and achievability of sites. This indicates that there is a significant shortfall of suitable land within the urban areas and through the use of safeguarded land to meet the need for both housing and employment development. To set a target based on urban capacity alone would (for housing) result in the delivery of a quantum of housing at just under half the Objective Assessment of Need. This would fall significantly short of addressing the housing issues which the borough faces and would also fail to ensure there will be sufficient opportunities for new investment in the local economy (especially given the losses to employment land as a result of permitted development rights).
- 4.13 The Sites Selection Housing Background Paper was presented to this Panel on 13 June 2016. This considered the conclusions of the HELAA alongside the purposes of including land within the Green Belt, Green Belt boundaries, the Sustainability Appraisal, flood risk and any strategic advantages and disadvantages. The Panel at the same meeting of 13 June 2016 considered which sites should be included in the Local Plan and concluded that a target of 12,100 dwellings would be appropriate, based on the assessment of sites, the infrastructure constraints and the impact on the Green Belt. This would limit the nature and extent of harm to the Green Belt to the lowest reasonable extent whilst providing sufficient land for employment if account is taken of job creation between 2013 and 2014. It would still represent a shortfall in dwellings numbers against the full objectively assessed need with the shortfall representing between 500 and 1,300 dwellings approximately, equivalent to between one and two years supply. Notwithstanding this shortfall, the target of 12,100 dwellings would represent a significant uplift in the supply of housing, would address the social and economic needs of the borough and would represent sustainable development. Therefore it is considered that exceptional circumstances exist to

amend the Green Belt boundaries and release land for development to meet the proposed targets for employment and housing.

- 4.14 Policy SP2 Targets for Growth also sets out the targets for retail development. The Retail and Town Centre Needs Assessment has recently been updated and was reported to the 13 June 2016 meeting of this Panel. At this meeting it was agreed that a target should only be set for the first 10 years of the plan period for two reasons. Firstly because forecasts of this type are known to be less accurate beyond 10 years and secondly because with changes in the way people shop and the economy there is increasing uncertainty that this type of forecast is able to give reliable forecasts. This will require this part of the plan to be kept under regular review throughout the plan period.
- 4.15 Policy SP3 Settlement Strategy and Green Belt Boundaries identifies which are the most sustainable settlements in the borough and the appropriate scale of growth which should be accommodated. This sets the framework for the allocation of sites and forms one of the criteria to be taken into account when considering applications for windfall development. Table 3 sets out how the housing target is to be distributed around the borough with the towns taking the majority of the growth and the larger villages taking a more proportionate share.
- 4.16 **The Topic Specific policies** comprise both strategic site allocation and development management policies. The strategic topic policies were first set out in the Emerging Core Strategy and the Local Plan consultation document indicated that another policy would be added on Movement as a result of consultation responses. This section contains policies on:
- a) Movement, highway network and safety and sustainable travel
 - b) Centres services and facilities - new retail provision, retail hierarchy and approach to new retail development and community facilities and services; the approach to the loss of such uses; and the allocation of land for a cemetery extension
 - c) Type and mix of housing requirement for different types and tenure of housing; approach to the loss of residential development.
 - d) Economy designation of new employment areas; approach to loss of such uses.
 - e) Quality of new development expectation for high quality design and what proposals must address, amenity parking services and refuse, sustainable design sustainability requirements and flood risk.
 - f) Environmental assets – heritage, ecology and landscape, urban open land, environmental pollution, new green infrastructure and the strategic green corridor.
 - g) Infrastructure – sets out approach to providing infrastructure through Section 106 and Community Infrastructure Levy (CIL), criteria based policy for new secondary and primary school for Welwyn Garden City and northern villages.
- 4.17 The **Settlement Specific Policies** comprise settlement and site specific policies.

- 4.18 The sections on the two towns set out a vision and objectives for Welwyn Garden City and Hatfield, the town centre strategies for the two towns, the allocation of the Town Centre North site in Welwyn Garden City and 1-9 Town Centre in Hatfield to meet the need for retail development in those towns and allocations for residential and mixed use development.
- 4.19 Strategic policies along with strategy diagrams have been prepared to guide the masterplans for Panshanger Airfield, Broadwater Road West, Birchall Garden Suburb, North West Hatfield, Marshmoor, Welham Green and Symondshyde Village.
- 4.20 There is a section for each of the eight villages excluded from the Green Belt – Woolmer Green, Oaklands and Mardley Heath, Welwyn, Digswell, Welham Green, Brookmans Park, Little Heath and Cuffley, although there are no allocations for Digswell as no suitable sites were identified.
- 4.21 Within the rural areas two sites for Gypsy and Traveller provision are proposed for allocation and a new settlement at Symondshyde.
- 4.22 The draft Policies Map accompanies the Proposed Submission Local Plan. The Local Plan consultation document proposed a number of changes to Urban Open Land and Wildlife site designations and to the Major Developed Site boundary for the Royal Veterinary College and these have been carried forward. New housing sites and employment areas are also indicated on the Map as well as the proposed new Green Belt boundary. Inset Maps set out the town centre, neighbourhood centre and village centre boundaries and Major Developed Sites.
- 4.23 **Sustainability Appraisal** has informed the preparation of the Local Plan. Reasonable alternatives to the policies and sites have been assessed at the various stages in the preparation of the plan and this has informed the development of the spatial strategy and the selection of sites. The report is attached as Appendix C to this report.
- 4.24 As well as an appraisal of each policy and site it includes an assessment of the cumulative effects of the plan against the sustainability objectives. Overall the plan is expected to have more positive effects than negative. It concludes that it will have a positive effect in terms of providing land to meet the need for housing and employment albeit that it has not met the full Objective Assessment of Need. However because of the scale of growth this will have impacts on the landscape and there will be more traffic and demands on services. However the Sustainability Appraisal states that the Local Plan has put in place policies to address these issues. There are some typographical errors in this version of the Appraisal which will be addressed prior to publication and consultation.
- 4.25 The **Infrastructure Delivery Plan (IDP)** has been prepared in consultation with infrastructure providers and sets out the requirements for the level of growth identified in the Proposed Submission Local Plan. Sites which already have planning permission have not been included as provision will already have been made through section 106 agreements. The examination Inspector will expect a level of certainty relating to the first five years in the plan.
- 4.26 Appendix 1 includes an Infrastructure Delivery Schedule which sets out details of the known infrastructure projects required to support the Local Plan. New secondary and primary schools are to be provided on the strategic sites and space will also be made available for two new GP surgeries in these locations.

- 4.27 A Water Study for Hertfordshire and surrounding areas is still underway and whilst it is understood that waste water infrastructure provision will need to be enhanced this should not prevent the delivery of any sites within the plan period. In addition because Welwyn Hatfield is served by five treatment facilities this impact is dispersed which is not the case for some neighbouring planning authorities.
- 4.28 Transport modelling indicates that whilst congestion will increase even with improvements to the highway network, this will not result in a significant adverse impact. Improvements in public transport would help to address this impact and should form part of the infrastructure improvements associated with development.

Consultation on the Proposed Submission

- 4.29 Subject to agreement of this Panel and Cabinet it is proposed that consultation would commence on 22 August 2016 for an eight week period closing on 17 October 2016. Consultation events would be held at five venues around the borough as follows:
- Green Lanes primary school, Hatfield on 31 August 2016
 - Brookmans Park United Reformed Church on 6 September 2016
 - Welwyn Civic Centre on 14 September 2016
 - Fairway Tavern, Welwyn Garden City on 22 September 2016
 - Cuffley Village Hall on 30 September 2016
- 4.30 A summary and guide will be produced as well as a display to help explain the contents of the draft Local Plan.
- 4.31 In the past representations have been accepted in a variety of formats. However as this is the formal consultation on the Local Plan, the Planning Inspectorate has produced a model form to be used in consultations at this stage of the plan making process. All representations made at this stage will go forward to the examination and therefore respondents will need to address the questions the Inspector will require answering if the representation is to be considered.
- 4.32 Respondents will therefore be strongly encouraged to complete a representation form. Representations which do not address the Inspectorate's questions may well be rejected as not 'duly made'. Respondents will have to address why the plan is or is not sound and what changes they would like to see to make it sound. They may also raise concerns that the plan has not been prepared in legislative requirements.

5 Link to Corporate Priorities

- 5.1 The Council's Business Plan 2015-2018 contains corporate priorities to meet the borough's housing need, help build a strong local economy, protect and enhance the environment and maintain a safe and healthy community.

Implications

6 Legal Implication(s)

- 6.1 Paragraph 3.3 above set out the legal tests with regards to the preparation of the Local Plan one of which is the duty to co-operate. The Localism Act 2011 introduced a 'duty to co-operate' on strategic cross-boundary matters. This is not a duty to agree but a requirement to engage constructively, actively and on an ongoing basis to maximise the effectiveness of the preparation of the Local Plan. The Council will need to demonstrate at the examination that it has done so.
- 6.2 Section 39(2) of the Planning and Compulsory Purchase Act 2004 places a duty on those bodies responsible for the function of preparing local development documents to contribute to the achievement of sustainable development and to have regard to national policies and advice contained in guidance issued by the Secretary of State.
- 6.3 With regards to the matter of demonstrating '*exceptional circumstances*', the CPRE has highlighted to the Council the case of Calverton Parish Council Vs Nottingham City Council (and others) 2015 EWHC 1078 (Admin) and a specific extract from that decision.
- 6.4 This case included an application under Section 113 of the Planning and Compulsory Purchase Act 2004 to quash (in part) the aligned core strategies of three planning authorities on the grounds that there was (a) a failure to consider whether housing numbers should be reduced to prevent release of Green Belt land and (b) a failure to apply national policy in considering the release of Green Belt land. **The application was dismissed.**
- 6.5 This is a long decision, but in summary, key issues to note are:
- a) Section 39(2) of the Act imposes a positive obligation to achieve sustainable development. If such development is not carried out then there would be harm to the economic and social dimensions which form part of this concept. However, the issue does not boil down to the balancing of the three dimensions;
 - b) At the heart of the NPPF is the presumption in favour of sustainable development. The *consequences* for sustainable development may require revision to the Green Belt;
 - c) "*Exceptional circumstances*" remains undefined. Decision-makers are entrusted with the obligation of reaching sound planning judgments on whether exceptionality exists and in doing so, regard must be had to the whole picture, including the *consequences* for sustainable development;
 - d) Review of Green Belt in the face of sustainable development requires exceptional circumstances, refraining from sustainable development and therefore causing social and economic damage by omission, does not;
 - e) It would be illogical, and circular, to conclude that the existence of an objectively assessed need could, without more, be sufficient to amount to "exceptional circumstances" within the meaning of paragraph 83 of the NPPF.
 - f) Having assessed the objectively assessed need, the planning judgments involved in the ascertainment of exceptional circumstances

should identify and grapple with: (i) the acuteness/intensity of the objectively assessed need; (ii) the constraints on supply/availability of land *prima facie* suitable for sustainable development; (iii) the consequent difficulties in achieving sustainable development without impinging on the Green Belt; (iv) the nature and extent of the harm to *this* Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and (v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.

- g) The issue of limited availability is a free-standing factor capable of amounting to an exceptional circumstance and consideration was given to purposes of the Green Belt, the nature and quality of the proposed impingement and the issue of sustainability. The Green Belt boundary was drawn close to the city boundary (in this case) and it would be difficult to undertake sustainable development beyond the outer boundary of the Green Belt. The issue for the Inspector was whether the release of some Green Belt land was justified, having regard to the Objective Assessment of Need. The Inspector concluded it was. If it was not, the Green Belt boundaries would have remained as before.
- h) It was not for the Inspector to consider a lower number this would have only arisen if meeting the whole OAN was not justified because exceptional circumstances did not exist to amount that justification.

6.6 The implication for the Welwyn Hatfield Local Plan then is that the Objective Assessment of Need is not by itself an exceptional circumstance. Rather it is having regard to the whole picture including the positive obligation to achieve sustainable development, what the consequences for sustainable development may be (including revision to the Green Belt), the acuteness of the Objectively Assessed Need, the constraints on supply and availability of land, the consequent difficulties in achieving sustainable development without imposing on the Green Belt (i.e. the impact of not meeting that need and the harm to economic and social dimensions of sustainable development), the nature and extent of the harm to the Green Belt if boundaries are reviewed and the extent to which the consequent impacts on the purposes of the Green Belt may be limited to the lowest reasonable extent.

7 Financial Implication(s)

7.1 There are no financial implications arising directly as a result of this report other than the cost of consultation material and events, which are included within the Local Plan budget for 2016/2017. There will be financial implications which arise for the cost of the examination and in the event that the examination was adjourned for further work to be carried out or additional consultation needed to take place.

8 Risk Management Implications

8.1 The requirement to have prepared a Local Plan by early 2017 (when the Government has threatened to intervene if authorities have not submitted their plan by that point) makes it critical that progress is made on moving forward with the Local Plan to adoption at the earliest opportunity. It would be highly

undesirable for the Government to make growth, Green Belt and infrastructure decisions on behalf of the borough.

- 8.2 However there is a risk of the Local Plan being found unsound if it is not justified by the technical evidence, if it does not result in a deliverable strategy or if it does not meet the legal tests relating to its preparation which include the Duty to Co-operate.
- 8.3 There is a risk of the Local Plan being found unsound if it does not meet the Objective Assessment of Need unless the Council can demonstrate the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so when against the policies in the National Planning Policy Framework either when taken as a whole or where specific policies indicate development should be restricted.
- 8.4 There is a risk that Duty to Cooperate bodies will object if the Local Plan does not meet its Objective Assessment of Need.
- 8.5 If the Local Plan is considered to be unsound by the Planning Inspector because it has not met the Objective Assessment of Need, then he/she may require that modifications are made to the plan with additional sites being added to the plan.

9 Security & Terrorism Implication(s)

- 9.1 There are no security and terrorism implications arising directly as a result of this report.

10 Procurement Implication(s)

- 10.1 There are no procurement implications arising directly as a result of this report.

11 Climate Change Implication(s)

- 11.1 The selection of a target and which housing and employment sites should come forward will have implications for climate change. These have been assessed in the site appraisals and are considered in the Sustainability Appraisal Report. Sites which are well located to public transport and close to services and facilities will have less impact on climate change than those sites which are more remote.

12 Policy Implications

- 12.1 Once adopted the Local Plan will provide the main policy framework for planning decisions and the preparation of Supplementary Planning Documents and Neighbourhood Plans in the borough.
- 12.2 Policies in an emerging plan will have increasing weight the further they progress through the system particularly if they have not received any objections.

13 Equalities and Diversity

- 13.1 Equalities Impact Assessments have been carried out of the proposed strategic policies and the associated site allocation and development management policies contained in the draft Local Plan. None of the policies went beyond the screening stage because no unjustified negative impacts were identified.

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Appendices

- Appendix A Proposed Submission Local Plan
- Appendix B Policies Maps
- Appendix C Sustainability Appraisal Report
- Appendix D Infrastructure Delivery Plan

Background Papers:

- Housing Site Selection Background Paper
- Employment Site Selection Background Paper
- Housing and Employment Land Availability Assessment 2016
- Welwyn Hatfield Strategic Housing Market Assessment Partial Update 2015
- Welwyn Hatfield Strategic Housing Market Assessment Partial Update Addendum: Responding to the Economy Study Update (April 2016)
- Welwyn Hatfield Economy Study Update 2015
- Welwyn Hatfield Economy Study 2014
- High Court Decision:
<http://www.bailii.org/ew/cases/EWHC/Admin/2015/1078.html>

(Note: Please click on link below to access the Appendix).

<http://democracy.welhat.gov.uk/mgAi.aspx?ID=1465#mgDocuments>