

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING AND PARKING PANEL – 2 NOVEMBER 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND
GOVERNANCE)

HERTSMERE LOCAL PLAN ISSUES AND OPTIONS CONSULTATION

1. Executive Summary

- 1.1 Hertsmere Borough Council (HBC) has begun the process of preparing a new Local Plan. It is carrying out an “Issues and Options” consultation which seeks views on how the Plan should approach providing for growth in homes, jobs and infrastructure that are required in the next 15 years. The consultation report sets out the main planning issues facing Hertsmere as it looks to meet the need for growth, and examines different approaches, or options, for how to best provide for growth.
- 1.2 Whilst the consultation report does not contain draft policies or detailed proposals, there are a number of strategic issues of relevance to Welwyn Hatfield. As neighbouring boroughs Welwyn Hatfield and Hertsmere have a legal ‘Duty to cooperate’ on cross-boundary strategic issues. This report identifies the strategic issues which arise from the consultation report and summarises the proposed response including detailing any actions which are considered necessary for the Council to discharge its legal duties. The proposed response to the consultation report is set out in full in Appendix A.

2. Recommendation(s)

- 2.1 That the panel agrees the proposed response to Hertsmere’s Issues and Options consultation report which is explained in the report and set out in full in Appendix A.

3. Background

- 3.1 The current Hertsmere Borough Council adopted Local Plan consists of 3 documents: a Core Strategy (2013), the Elstree Way Corridor Area Action Plan (2015) and the Site Allocations and Development Management Policies Plan (2016).
- 3.2 As a condition of adopting the Core Strategy in 2013 Hertsmere were required to carry out an early review of their plan. In line with this requirement, the Council has begun the process of preparing a new Local Plan based on an up-to-date assessment of housing and economic development needs. Hertsmere’s evidence base studies have shown that by 2034 they will need to find homes for 9,000 new homes together with 9000 new jobs. The Issues and Options report has been published for public consultation by Hertsmere and seeks view on how the plan should provide for the growth that is needed over the next 15 years. It sets out the main planning issues facing the borough as it looks to meet the need for growth, and examines different approaches, or options, for how best to provide for growth.

- 3.3 When considering how Welwyn Hatfield should respond to the consultation on HBC's Plan it is necessary to have regard to the Duty to Cooperate. The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities to engage constructively, actively and on an ongoing basis on planning matters that impact on more than one local planning area. Further, the NPPF sets out the requirement that public bodies should cooperate on planning issues that cross administrative boundaries particularly those which relate to the following strategic priorities:
- The homes and jobs needed in the area.
 - The provision of retail, leisure, and other commercial development.
 - The provision of infrastructure for transport telecommunications, waste management, water supply, wastewater, flood risk and coastal change management.
 - The provision of minerals and energy (including heat).
 - The provision of health, security, community and cultural infrastructure and other local facilities.
 - Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment including landscape.
- 3.4 The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters.
- 3.5 By way of further context to Welwyn Hatfield's proposed response it is important to have regard to the Memorandum of Understanding between Welwyn Hatfield Borough Council and Hertsmere Borough Council, which was signed in May 2017 by the Councils' respective lead members for Planning. This document identifies the strategic issues affecting Welwyn Hatfield and Hertsmere, agrees the approach to future plan reviews and includes a commitment that both authorities will continue to work together consistent with the requirements of the NPPF and the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011.

4. Explanation

- 4.1 The Hertsmere Local Plan Issues and Options consultation report is set out in three parts:

Section 1 – Vision for Hertsmere in the next 15 years: This section sets out a vision statement for Hertsmere together with the proposed priorities for the Plan

Section 2 – About Hertsmere and the planning issues it faces: This section sets out background information about Hertsmere, identifies that it has a growing and changing population and sets out key planning issues including addressing housing and jobs needs and the requirement to deliver new and/or upgraded infrastructure to support growth.

Section 3 – Where new development should be built: This section identifies five potential development approaches for supporting growth. These are: redevelopment of urban brownfield sites, growth through new garden suburbs, supporting larger rural communities and growth of key villages, meeting the needs of other villages, and new a new garden village.

- 4.2 Whilst the consultation report does not contain draft policies or detailed proposals, there are a number of strategic issues of relevance to Welwyn Hatfield which require an appropriate consultation response. These are set out below:

Objectively assessed housing need

- 4.3 The consultation report identifies that Hertsmere has an objectively assessed need of approximately 9000 homes over the period 2019 to 2034. This figure is presented as a starting point for exploring potential growth options. This approach is welcomed and Hertsmere's proposal to seek to meet its own growth needs in full is supported.
- 4.4 Following the Government's recent publication of its new proposed approach to identifying local housing needs it is considered appropriate to advise Hertsmere that Welwyn Hatfield supports Hertsmere revisiting its assessment of objectively assessed housing need once the government has issued its finalised methodology and this forms part of national policy and/or guidance.

Unmet need in Welwyn Hatfield

- 4.5 Welwyn Hatfield has identified through the preparation of its Local Plan (currently subject to examination) that it is unable to meet its full objectively assessed housing need. In line with the NPPF and the Localism Act Welwyn Hatfield therefore has a duty to establish whether any neighbouring authorities have capacity to meet its unmet need. Hertsmere's consultation report does not make any reference to the possibility of it meeting the unmet need of neighbouring authorities. In the Memorandum of Understanding between Welwyn Hatfield and Hertsmere, signed in May 2017, it was agreed that both authorities would work together to explore where opportunities exist to accommodate any of the Welwyn Hatfield shortfall against its objectively assessed need both within and beyond the plan period. It is therefore considered appropriate for Welwyn Hatfield to formally request within its consultation response that Hertsmere give consideration to whether it is in a position to meet some or all of the borough's unmet housing needs.
- 4.6 Gypsy and traveller and travelling showpeople needs

The consultation report states that Hertsmere's Plan will need to deliver other types of housing including sufficient pitches for gypsies and travellers and travelling showpeople. The report states that further work is needed to be carried out to establish the number of new pitches required in the Plan. It is considered that this work should be carried out by Hertsmere as a priority so that it can appropriately inform the Plan. In line with the agreement in the Memorandum of Understanding between the two authorities, both authorities have agreed that neither requires assistance from the other to help meet existing assessed needs at the current time. Both authorities have agreed that the matter of transit provision **and** the need for residential pitches to meet need arising from the South Mimms transit site should continue to be discussed between the authorities and recognised in the respective evidence base going forward. Welwyn Hatfield would therefore invite Hertsmere to engage with Welwyn Hatfield in line with the Duty to Cooperate on this matter which has cross boundary implications with Welwyn Hatfield. As the South Mimms transit site serves the whole county, Welwyn Hatfield would also urge Hertsmere to engage with all Hertfordshire districts and the County Council as a key service provider on the matter of transit and other provision.

Approaches for planning future growth

- 4.7 The consultation report identifies five development approaches for helping deliver growth in Hertsmere. It is considered that approaches 2 and 5 have most potential to impact Welwyn Hatfield.
- 4.8 Approach 2 proposes growth through new garden suburbs with a number of potential locations for development identified around Potters Bar. These locations are not firm proposals at this stage therefore it is not considered appropriate to make specific comments about them in the consultation response. However it is important that Hertsmere gives careful consideration to the infrastructure implications of growth already proposed in the vicinity of Potters Bar. Particular regard should be had to proposed allocations in the Welwyn Hatfield Local Plan at Little Heath, Brookmans Park, Welham Green and Cuffley.
- 4.9 Approach 5 proposes a new garden village west of the A1(M) on an area of land bisected by the M25 (see Appendix B). It is stated that the village would be planned for 4,000 new homes with the scope to increase by at least 50% in the future. The consultation report does not identify a boundary for the proposed village rather it sets out a general area of search. Part of the area for search falls within Welwyn Hatfield. The proposal for a new garden village would involve substantial new development close to, or within the boundary of this borough and therefore has significant implications for Welwyn Hatfield.
- 4.10 It is not considered appropriate to comment in detail on the proposed new garden village at this stage rather it is proposed in the consultation response that a meeting be convened between Hertsmere and Welwyn Hatfield to discuss the emerging proposal. Further, it is necessary to flag up in the response a number of known planning constraints which relate to the area of search. These include North Mymms Park, which is a Grade I Listed Building, North Mymms Park which is an unregistered park and garden identified in Welwyn Hatfield District Plan, and a number of high value ecological sites including Redwell Wood, which is a Site of Special Scientific Interest (SSSI), and a number of other designated wildlife sites.
- 4.11 Notwithstanding the above points, it is considered appropriate to inform Hertsmere in the consultation response that if a proposal did come forward on land which is within Welwyn Hatfield that any housing delivered on this land would be expected to contribute to Welwyn Hatfield's own housing need in the first instance.
- 4.12 Each of the matters listed above has been incorporated into the Council's proposed consultation response which is set out in full at Appendix 1. The response clearly identifies the matters which are considered to fall under the duty to cooperate and makes a number of requests to Hertsmere, notably:
- That it consider whether it has capacity to meet some or all of Welwyn Hatfield's unmet housing need
 - That its assessment of need for gypsy and traveller and travelling showpeople accommodation needs to be updated. Meeting the need for transit provision arising from South Mimms is a county wide matter.
 - That it agree to a meeting with Welwyn Hatfield as a matter of priority to discuss the proposal for a new garden village

- That it have regard to developments already proposed in the vicinity of Potters Bar when assessing available infrastructure to support additional development within or around Potters Bar.

5. Legal Implication(s)

- 5.1 The Duty to Cooperate is a legal requirement, which is taken into account in the examination of Local Plans. Public bodies have a duty under the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011, to cooperate on the preparation of planning documents so far as they relate to a strategic matter (the Duty to Cooperate). Strategic matters are defined as those that would have a significant impact on at least two planning areas.
- 5.2 Local planning authorities that are unwilling to cooperate and unable to provide robust evidence to support a strategy that does not plan for the unmet requirements of another local planning authority may fail the test of compliance with the Duty to Cooperate or their plan may be found unsound .
- 5.3 The nature and requirements of the Duty to Cooperate are a key consideration in responding to HBC's plan.

6. Financial Implication(s)

- 6.1 There are no specific financial implications arising from this report.

7. Risk Management Implications

- 7.1 There is a risk in not responding to the consultation on the NHDC plan as it raises two areas of possible concern which could have both direct and indirect implications for Welwyn Hatfield.

8. Security and Terrorism Implication(s)

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

9. Procurement Implication(s)

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

10. Climate Change Implication(s)

- 10.1 No climate change implications have been identified resulting from this report. Although clearly proposals for more development will have an impact on climate change and will need to be assessed as part of the sustainability appraisal process accompanying the preparation of the Hertsmere Local Plan.

Policy Implications

- 10.2 There are no direct policy implications arising for Welwyn Hatfield as a result of this report. However it should be noted that the proposed actions in this report support the Council in discharging its duties under the Localism Act (and re-stated in the NPPF) to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.

11. Link to Corporate Priorities

- 11.1 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. Responding to other authorities' consultations helps this Council to meet these priorities effectively.

12. Equality and Diversity

- 12.1 I confirm that an Equalities Impact Assessment has not been carried out, as this report refers solely to the emerging policy and proposals of another authority.

Bryce Tudball
Principal Planner
20 October 2017

Appendices

- Appendix A – Proposed consultation response to Hertsmere Issues and Options consultation report
- Appendix B Area of Search for Garden Village

Background Papers

- Hertsmere Issues and Options consultation report September 2017