

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING AND PARKING PANEL –13 DECEMBER 2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

LOCAL PLAN – NEXT STEPS

1 Executive Summary

- 1.1 The Welwyn Hatfield Local Plan has been submitted and is currently undergoing public examination by an independent inspector. The inspector has indicated that the plan does not meet the objectively assessed need for housing. The inspector therefore asked the Council to carry out a further green belt study to determine whether there is any scope for additional housing sites to be identified.
- 1.2 The results of this study were reported to CPPP in September 2018 and debated at an examination hearing session on 6 and 7 November. The inspector has asked the Council and LUC consultants to clarify the methodology and findings and address any accepted inconsistencies.
- 1.3 The inspector has asked the Council to agree the way forward and timetable so that the Local Plan can progress in a timely manner. This report proposes that the Council carry out a new call-for-sites process, publish any new sites for public comment, analyse the sites, debate the results and submit any new site allocations to the examination, to enable hearing sessions on new sites and village sites to take place in autumn 2019 and adoption in spring 2020.

2 Recommendations

- 2.1 That the Panel acknowledges the debate about the Stage 3 Green Belt Study that took place at the Examination hearing sessions on 6 and 7 November 2018.
- 2.2 That the Panel agrees the way forward and timetable for the progression of the Local Plan. This comprises a new call-for-sites process, publication of new sites for public comment, individual and cumulative analysis of the sites and a decision on any additional sites should be favoured for allocation and submitted to the examination.

3 Explanation

Submitted Local Plan

- 3.1 The Welwyn Hatfield Local Plan has been submitted and is currently undergoing public examination by an independent inspector. The inspector has indicated that the plan does not meet the objectively assessed need for housing. The submitted plan contains sites for 12,000 homes but the housing need is currently acknowledged to be about 16,000 homes to 2033.

Green Belt Review

- 3.2 The inspector asked the Council to carry out a further green belt study at a more granular level than previous studies, to investigate the value and purposes of green belt parcels around towns and villages, and to determine whether there is any scope for additional housing sites to be identified.
- 3.3 The Council therefore appointed LUC consultants to carry out a Stage 3 Green Belt Study.

CPPP debate and letter

- 3.4 The results of the green belt review were reported to CPPP in September 2018 and uploaded to www.welhat.gov.uk/article/6938/Examination-Documents.
- 3.5 As part of the report to CPPP, officers set out two development scenarios to progress the local plan. Scenario One was the loss of some employment land and the release of some land from the green belt. Scenario Two was the retention of proposed employment land designations and the release of more land from the green belt than the option above.
- 3.6 As part of the report to CPPP, officers set out three possible approaches to progress the local plan. Approach One was to carry out a new call-for-sites exercise, analyse these promotions and then consult on new sites, before progressing the local plan. Approach Two was to allocate lower harm sites that have already been promoted but rejected for the first ten years of the plan and to identify broad locations in the final five years of the plan. Approach Three was to allocate the majority of sites that have already been promoted but rejected, with no reliance on broad locations.
- 3.7 CPPP debated all of these scenarios and approaches but did not reach a firm view on the best way forward, and ultimately authorised the Head of Planning in consultation with the Leader of the Council to write to the inspector setting out the Council's views and to seek his guidance on which approach was most likely to result in a 'sound' plan.
- 3.8 A copy of the letter that was sent to the inspector on 20 September 2018 is in Appendix 1.

Inspector's letter

- 3.9 The Council received a response from the inspector on 24 October 2018. A copy of his letter is in Appendix 2.
- 3.10 His letter initially states that matters of process are for the Council to decide and that it is not his function to tell the Council how to prepare its plan. Officers nevertheless consider that his response offers helpful guidance on the best way forward to achieve a 'sound' plan.
- 3.11 He firstly highlights that consultation on the green belt review has produced about fifty representations, some of which raise points about the methodology and consistency of the harm assessment which will need to be considered as part of the hearing sessions.
- 3.12 He advises the Council to be conscious of Paragraph 83-85 of the NPPF 2012, which respectively advise that: (83) green belt boundaries should only be altered

in exceptional circumstances and authorities should have regard to their intended permanence in the long term; (84) green belt boundaries should take account of the need to promote sustainable development; and (85) the issues that authorities should consider when defining green belt boundaries.

- 3.13 He advises that very exceptional circumstances will need to be demonstrated if the Council is minded to allocate sites in high harm areas of the green belt whilst allowing lesser harm sites to remain in the green belt. At the end of the letter he further advises that this approach would be unlikely to be found 'sound'.
- 3.14 He accepts that broad locations or areas of search would be compliant with the NPPF but would not be as easy as the release of individual sites.
- 3.15 He notes that the Council has a desire to protect the existing settlement pattern and the open land breaks between them, but advises that it is not a statutory purpose of the green belt. Any breaks should therefore be defined independently of the consideration of development sites adjacent to towns and villages.
- 3.16 He observes that increasing densities on sites, where it would not prejudice other matters such as garden city principles, would make the best use of land.
- 3.17 He advises that the amount of employment land should relate to accompanying housing proposals. He warns that a strategy where employment growth outstrips housing growth and increases the net flow of in-commuters would not be found 'sound'.

Examination hearing sessions

- 3.18 An examination hearing session on the green belt study took place on 6 and 7 November 2018. This debated both the merits of the methodology that had been used by LUC consultants and the results of their conclusions.
- 3.19 In his wrapping-up session the inspector acknowledged that it is not for him to judge whether the study is 'sound' or not, but recognised that it is a particularly important piece of evidence. He advised the Council to carry out a further consultation with Regulation 19 participants on whether there were any inconsistencies in the study's assessment of harm of individual parcels. He advised that LUC consultants should respond to these comments and should provide additional text to clarify the methodology and findings. He considered that the study should then be used by the Council alongside existing green belt and other evidence to help identify whether there are any additional sites that could be allocated for development.
- 3.20 He advised the Council to think carefully about a number of other matters, notably the growth strategy 'versus' the exceptional circumstances to release green belt land as well as long-term green belt boundaries and safeguarded land. He acknowledged that it may be the case that a housing target lower than the objective need for housing can be justified if the green belt is demonstrated to be too important to release. The Council advised him that consultants had been asked to consider the implications for the OAN and the plan period of the latest population and household projections.
- 3.21 He requested that the Council write to him once it had agreed a way forward and a timetable for this work.

Entech House

- 3.22 In October 2018 a planning appeal inquiry took place in respect of the refusal of planning permission for the redevelopment of employment land at Entech House in Woolmer Green for housing. Unlike the Local Plan this was considered under the requirement of the National Planning Policy Framework 2018. A copy of his letter dated 26 October 2018 is in Appendix 3.
- 3.23 The appeal inspector observed in his appeal report that the Local Plan is 'unsound' as currently submitted, that the Council has written to the examination inspector to seek guidance, that the Council has not yet identified its preferred approach to progress the plan and that it is optimistic to expect that the plan will be adopted in the near future. For all of these reasons the appeal inspector concluded that the emerging Local Plan is not at an advanced stage and that low weight should be given to its housing strategy and employment strategy policies.
- 3.24 The appeal inspector also concluded that the Council cannot show a five year supply of deliverable housing sites and that the scale of its supply falls considerable well short of five years. This conclusion was largely on the basis of much more precise guidance on how to calculate a five year housing land supply that was published in Planning Practice Guidance at the beginning of the week that the appeal inquiry took place.
- 3.25 This decision means that the Council cannot now demonstrate a five year housing land supply (as required by paragraph 73 of NPPF 2018). Because the strategic policies in the adopted District Plan are considered to be out-of-date and there is a lack of a five year housing land supply, the presumption in favour of sustainable development applies (as per paragraph 11d of NPPF 2018). Footnote 7 to paragraph 11d makes specific reference to circumstances where there is a lack of a five year housing land supply or where the Housing Delivery Test has not been met. As the Council's supply was considered to be well short of five years then considerable weight has now to be given in decision-making to the benefits of increasing that supply over any adverse impacts.
- 3.26 This means that it may be necessary for the Council to give slightly more weight to future housing proposals on brownfield sites and undesignated employment land and slightly less weight to other policies that might otherwise restrict housing development, although each application will continue to be considered on its merits on a case-by-case basis.
- 3.27 The Council considers that policies in the Submitted Local Plan which have been informed by up-to-date evidence, have received few objections and have already been through a degree of examination scrutiny, such as the affordable housing policies, have weight.
- 3.28 The presumption in favour of sustainable development is qualified by footnote 6 to paragraph 11 of NPPF 2018 which refers to policies such as the Green Belt providing a clear reason for refusal. It was accepted by the majority of attendees at the Local Plan examination hearing session on 6 and 7 November 2018 that the Entech House appeal decision would not change the weight to be given to housing proposals on green belt land, as they would remain an inappropriate location for development and proposals would continue to need to demonstrate very special circumstances. It was caveated however that this may not always

be felt to the case by applicants or the Planning Inspectorate if the Council continues to have a low housing land supply and fails to progress the Local Plan towards adoption in a timely manner.

Way Forward

- 3.29 On the basis of the above, officers consider that the best course of action to achieve a ‘sound’ plan would be to carry out a new call-for-sites exercise. This will ensure that the Council has a full understanding of all potentially deliverable sites, to make sure that it is not favouring higher harm green belt sites without first understanding the merits and constraints associated with lower harm green belt sites (whilst also taking all other matters into account).
- 3.30 The inspector’s letter queries the timescale put forward by the Council for completing Approach One and believes it could be quicker using critical path analysis.
- 3.31 On this basis, officers consider that the following timetable can be achieved, to ensure that the Local Plan is progressed in a timely manner:

January 2019	New call-for-sites process, to be promoted through the Local Plan newsletter, social media and local newspapers.
February 2019	Publication of promoted new sites for public comment for 6 weeks. Those registered on the Local Plan consultation database will be notified either by letter or email. Copies of the document will be published online and in paper format which will be made available at the usual inspection points.
Spring 2019 (purdah)	Individual and cumulative analysis of sites by officers, utilising public comments, existing evidence, new green belt study and engagement with statutory bodies such as Herts County Council as highway and education authority.
Summer 2019 (after elections)	Officers to present analysis to CPPP and Cabinet to recommend any changes to brownfield assumptions, changes to existing sites (such as increased densities) and to identify any additional sites for allocation and release from the green belt.
Summer 2019	Submit new sites to inspector / examination.
Autumn 2019	Examination hearing sessions to take place on new sites, village sites and Symondshyde village.
Winter 2019	Modifications consultation.
Early 2020	Receipt of Inspector’s Report.
Spring 2020	Adoption of Local Plan.

- 3.32 Within this time period, the inspector may also wish to hold examination hearing sessions on strategic sites, such as noise and contamination evidence relating to

Birchall Garden Suburb, to ensure that such matters are not unnecessarily delayed.

4 Legal Implications

- 4.1 The work to be carried out will be done in accordance with national legislation and guidance concerning the preparation of local plans.

5 Financial Implications

- 5.1 There are no financial implications associated with this report. Costs will be borne by the planning policy team budget.

6 Risk Management Implications

- 6.1 The Entech House appeal decision concludes that the emerging Local Plan is not at an advanced stage.
- 6.2 The Entech House appeal decision concludes that the Council cannot show a five year supply of deliverable housing sites and that the scale of its supply falls considerably well short of five years.

7 Security and Terrorism Implications

- 7.1 There are no security or terrorism implications associated with this report.

8 Procurement Implications

- 8.1 There are no procurement implications associated with this report.

9 Climate Change Implications

- 9.1 There are no climate change implications associated with this report. Wider matters related to climate change will be considered as part of the individual and cumulative analysis of sites.

10 Human Resources Implications

- 10.1 There are no human resource implications associated with this report. The work proposed will be carried out by officers in the planning policy team.

11 Health and Wellbeing Implications

- 11.1 There are no health and wellbeing implications associated with this report. Wider matters relating to health and wellbeing will be considered as part of the individual and cumulative analysis of sites and the wording of planning policies.

12 Communications and Engagement Implications

- 12.1 Officers will work closely with communications colleagues to ensure that awareness is raised of the publication of new sites for public comment in accordance with the adopted Statement of Community Involvement and that the media are briefed. This will include writing to everyone registered on the Local

Plan consultation database, online publication of sites and material to be placed in identified deposit points such as libraries around the borough.

13 Link to Corporate Priorities

- 13.1 The subject of this report is linked to the Council's Business Plan 2018-2021 and particularly Priority 3 Our Housing to plan for current and future needs and Priority 4 Our Economy to support sustainable economic growth.

14 Equalities and Diversity

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

Colin Haigh/Sue Tiley
Head of Planning/Planning Policy and Implementation Manager
23rd November 2018

Background Papers:

Report to CPPP 6 September 2018: Green Belt Study Stage 3 and Next Steps
<http://democracy.welhat.gov.uk/ieListDocuments.aspx?CId=266&MId=873&Ver=4>

Video recording of examination hearing session dated 6 and 7 November 2018

Appendices:

1. Letter to Inspector dated 20 September 2018
2. Response from Inspector dated 24 October 2018
3. Entech House appeal report dated 26 October 2018