

Part I

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All Wards

WELWYN HATFIELD BOROUGH COUNCIL CABINET PLANNING & PARKING PANEL – 17 NOVEMBER 2020 REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

LOCAL PLAN – OBJECTIVE ASSESSMENT OF NEED AND FINAL SITE SELECTION

1. Executive Summary

- 1.1 The purpose of this report is to consider the results of the public consultation, the content of the inspector's interim report and other updated evidence in order to identify a precise figure for the objective assessment of housing need (OAN) over the plan period and to decide which sites should be proposed for inclusion in the Local Plan to meet the OAN.
- 1.2 The Council submitted the Local Plan for public examination in May 2017. The inspector has advised that the plan cannot be found sound as currently submitted as it does not meet the OAN. The Council therefore undertook a further call-for-sites exercise in January-February 2019 and consulted on all of the suggested sites in May-June 2019 and on its proposed changes in February-May 2020. A summary of the responses to the latest consultation is in Appendix A.
- 1.3 Following Members' proposed changes in January 2020 the Sustainability Appraisal Addendum was updated to reflect the proposed distribution of sites. A summary of the consultation responses to the SA Addendum is in Appendix B and additional sustainability appraisal matrices are in Appendix C.
- 1.4 Examination hearing sessions on the Submitted Local Plan are now completed and the inspector has published his interim report indicating what modifications are likely to be required to make the plan sound. The interim report is in Appendix D.
- 1.5 A review of the different 2018 demographic projections and the approach to calculating the OAN is set out in Appendix E.
- 1.6 The inspector has asked the Council to consider the implications of the 2018-based household projections on the OAN and to identify a precise OAN figure for the period 2011-2036 and for the period 2013-2032. The background evidence for this is in Appendix F.
- 1.7 A list of sites and their capacity is in Appendix G and Appendix H indicates a potential boundary for safeguarded land.

2. Recommendations

- 2.1 **Recommendation 1: That Members identify what they consider to be the most appropriate precise figure for the annual rate of objectively assessed housing need (OAN) over the plan period 2016-2036.**

- 2.2 The inspector has asked the Council to identify a precise figure for the annual rate of OAN over the plan period 2016-2036, as well as over the periods 2011-2036 and 2013-2032 to consider whether any under-provision has occurred.
- 2.3 Turley use the ONS five-year alternative projection and a 21% market signals uplift to advise that the figure should be 715 homes per year (x 20 years = 14,300 homes) for the plan period 2017-36. They are the Council's selected housing consultant and their OAN work has previously been found sound by the inspector. This would be the default OAN figure if Members are unable to identify a different figure. Turley have selected the alternative projection because they consider the principal two-year projection to be unreliable for a long-term projection. At CPPP in September 2020 however Members expressed concern that Turley have been overly-cautious in using the five-year alternative projection, as it does not properly reflect the significant projected reduction in population and household growth. The inspector has also consulted on this work and received a notable number of comments a some of which similarly criticise the alternative projection as overly-cautious.
- 2.4 Officers have therefore used information from the 2018-based population projections, 2018-based household projections, Edge Analytics and Turley to consider alternative methodologies that might generate a credible OAN figure.
- The ten-year projection with a 21% market signals uplift equates to 690 homes per year (x 20 years = 13,800 homes). Officers consider this methodology to be the most credible if Members reject the Turley recommendation, because it provides a more stable outcome which is less susceptible to anomalies and better reflects economic cycles.
 - The principal two-year projection with a 21% market signals uplift equates to 507 homes per year (x 20 years = 10,140 homes). Because it reflects recent build rates in the borough however, which have not improved affordability, it would be more credible with a higher market signals uplift.
 - The Government's current standard method equates to 875 homes per year. It uses 2014-based projections which do not reflect the significant projected reduction in population and household growth in the 2018-based projections.
 - The Government's proposed standard method equates to 667 homes per year (x 20 years = 13,340 homes). It uses 2018-based household projections with no cap on affordability and is therefore considered to address historic and future affordability issues.
- 2.5 The inspector has also asked the Council to identify a precise figure for the annual rate of objectively assessed housing need over the longer term period 2011-2036. The answer to this question will be whatever members identify as the most appropriate OAN for the period 2016-2036 plus completions in the period 2011-2016. This is because officers consider that under-provision in the period 2011-2016 will be encapsulated within the OAN for 2016-2036.

- 2.6 Members should note that once the most appropriate precise OAN is identified, it will be immediately reported to the inspector to accord with his requested timetable, and there will be no further opportunity to re-consider this at Cabinet or Full Council.
- 2.7 **Recommendation 2: That Members consider whether they want to change the proposed changes for 14,011 homes agreed for consultation in January 2020 based on (a) comments submitted as part of the public consultation exercise, (b) judgements in the inspector's interim report, (c) updated completions, commitments and brownfield data and (d) updated site assessment and sustainability appraisal information, in order to achieve the identified OAN over the plan period 2016-2036.**
- 2.8 The Council agreed to consult on a preferred strategy for 14,011 homes in January 2020. Taking account of the issues (a) to (d) identified above, but not re-adding in any sites that Members identified for removal as part of the proposed changes consultation, officers consider that the strategy can now deliver 13,457 dwellings (an average of 672.85 homes per year).
- 2.9 This includes a completions figure of 2,121 homes for the period 2016-2020, a commitments figure of 1,141 homes and a windfall assumption of 1,402 homes.
- 2.10 This includes an assumption of 2,000 dwellings at the Wheat Quarter site and 250 dwellings at the BioPark site, based on ongoing pre-application discussions.
- 2.11 This includes various other assumptions about changes to site capacity based on issues debated at hearing sessions and new information submitted by promoters.
- 2.12 This includes the removal of 700 dwellings at Birchall Garden Suburb South as the inspector has judged it would harm the openness of the green belt. Officers consider however that its visual impact could be mitigated by early landscaping that could mature over time in order to screen development that could be phased to later in the plan period.
- 2.13 This includes the removal of PB1 for 160 dwellings, on the basis that access issues have yet to be resolved and it would harm a local wildlife site. Officers consider however that it could be identified as safeguarded land for 600-700 dwellings. This would allow further masterplanning and duty to cooperate with Hertsmere Council and Hertfordshire County Council. The site could then be considered as part of a future review, developed during the plan period if required or left undeveloped.

3 Background

- 3.1 The Local Plan was submitted in May 2017 with a target of 12,000 homes. There have since been nine hearing sessions on the following matters:
- Stage 1 Legal Soundness and Duty to Cooperate (September 2017)
 - Stage 2 Overarching Strategy (October 2017)
 - Joint session with East Herts on Birchall Garden Suburb (January 2018)
 - Stage 3 Topic Specific Policies (February 2018)
 - Stage 4 Hatfield and Welwyn Garden City policies and allocations (June 2018)
 - Stage 5 Green Belt Assessment (November 2018)

- Stage 6 Birchall Garden Suburb, Housing and Employment Land Needs (December 2019)
- Stage 7 Birchall Garden Suburb and Symondshyde (March 2020)
- Stage 8 Village Sites (July/August 2020)

- 3.2 At the end of the Stage 2 session the inspector indicated that the Submitted Local Plan's housing target did not meet the OAN in full and that there was insufficient evidence to justify this. He therefore asked the Council to consider adding in additional sites and carry out an assessment of harm to the green belt.
- 3.3 The inspector subsequently asked the Council to review the implications of the 2016-based and then more recently the 2018-based population and household projections. The 2016-based projections were considered at the Stage 6 hearing sessions in December 2019. The deadline has recently ended and 22 comments were received.
- 3.4 CPPP considered the report produced by the Council's consultants (Turley/Edge) at its September 2020 meeting. Some members expressed concern that the ONS alternative scenario had been used rather than the principal projection to inform consideration of the implications of the 2018-based projections.
- 3.5 The Inspector has written to the Council and asked for further analysis to include calculation of the OAN for a period 2011-2036 and for the Council to identify an appropriate figure within the range identified for the 2013-2032 plan period.
- 3.6 At the beginning of 2019 the Council carried out a call-for-sites exercise and consultation on those sites took place later that year. Following consideration of those sites and the responses to the consultation, Members rejected all four options proposed to CPPP in January 2020 and instead agreed to consult on a package of removed sites, additional sites and increased capacity on a number of other sites, resulting in a target of 14,011 homes, including:
- Brownfield sites, in Welwyn Garden City employment area, Hatfield and Woolmer Green = 1,263 dwellings.
 - Increased capacity on allocated sites in particular SDS2 (WGC5) and SDS6 (Hat1) = 200 dwellings.
 - Extension to allocated site SDS1 (WGC4a) Panshanger = an additional 165 dwellings.
 - Sites in the green belt resulting in no more than moderate harm and where there was no issue of coalescence in Welham Green, Bell Bar and Little Heath = 304 dwellings.
 - Members asked officers to consult on PB1 which adjoins Potters Bar = 160 dwellings.
 - An increase in the windfall allowance to reflect anticipated additional capacity resulting from further changes to permitted development rights and anticipated additional capacity at the Wheat Quarter site = 949 dwellings.

- 3.7 Members considered that the consultation should refer to the removal of sites resulting in high harm to the green belt and the removal of Symondshyde because of concerns relating to its sustainability.
- 3.8 The Addendum to the Sustainability Appraisal (ASA) was subsequently updated to appraise these proposed changes, which is identified as Option 5 in the Addendum. The ASA can be read [here](#).

4 **Explanation**

- 4.1 The Inspector has asked the Council to identify sufficient sites to deliver a current objective assessment of need (OAN) of 16,000 dwellings. The Submitted Local Plan identified sites to deliver 12,000 dwellings. The Council consulted on its proposed response to the inspector's request for additional sites from February - May 2020. The consultation referred to the concern expressed by Members relating to a number of sites in the Submitted Local Plan as well as referring to sites rejected by Members. The proposed changes would result in a target of 14,000 dwellings, of which over 2,000 would come from windfall development. The key components are set out in Table 1 below.

Table 1: Summary of proposed changes in the 2020 consultation

Supply	Dwellings
Completions (2016/17-2018/19) and commitments	2,714
Windfall allowance	2,249
Draft Local Plan sites + amendments + additional sites	9,029
Small sites (urban, and not in windfall allowance)	19
Total	14,011

Consultation Responses

- 4.2 The Council received 771 consultation responses. Appendix A provides a summary and analysis of the responses and the full set of responses can be read [here](#).

Key issues arising from the consultation

- 4.3 The consultation responses were, in general, specific to each of the sites on which comments were sought. These are summarised in Appendix A and there is further site-specific discussion below. There were a number of themes to the responses, including those raised by statutory or key stakeholders and these are summarised below.

Additional capacity within existing allocated sites

- 4.4 Site owners and promoters proposed that a number of the existing or proposed sites had potential to increase their density and capacity. This was particularly notable for sites SDS3 and SDS4 (Pea02b and Pea02c), the Wheat Quarter and Pall Mall sites where a total capacity of 2,687 was suggested, which is 1,233 more than was proposed in the consultation document. This reflected the approved scheme for the Wheat Quarter site and the HELAA assessment for SDS4.

- 4.5 Similar issues were raised for a number of sites during the hearing sessions by site promoters and the inspector. There is scope for some additional capacity on a number of sites to make more effective use of land and minimise green belt release.

Local Plan strategy

- 4.6 Comments were received on strategic matters such as the level of housing need, the failure to meet the OAN, an appropriate windfall allowance and the distribution of development. Matters relating to loss of green belt, settlement coalescence and landscape impact were raised both overall and in relation to individual sites.
- 4.7 Clearly these have been and continue to be key issues which are commented upon in the Inspector's Interim Report, and are discussed later in this report.

Previously developed sites

- 4.8 Potentially contrasting views were raised about the potential for previously developed land to provide new homes. On the one hand concerns were expressed about the loss of employment land and on the other hand, there were those who would prefer more brownfield site allocations in order to reduce green belt release further and, often, to provide for more homes in highly sustainable locations.
- 4.9 One specific issue raised by Hertfordshire County Council as waste planning authority impacts on a number of brownfield sites in Welwyn Garden City employment area. They are concerned that having dwellings within these areas will limit the potential for future waste management uses due to noise/amenity concerns. They expressed particular concern about the loss of employment land in the vicinity of Tewin Road Depot and WGC Metals at Bridgefields.

Strategic Road Network

- 4.10 Highways England commented that SDS3 (Pea02b) Broadwater Road, SDS1 (WGC4a) Panshanger, SDS2 (WGC5) Birchall Garden Suburb and SDS5 (Hat1) North West Hatfield had the potential to impact significantly on A1(M) junctions.
- 4.11 These are all existing sites proposed for an additional 553 dwellings in the consultation document. They have all been subject to modelling work as part of the testing of different distribution scenarios. Although Hertfordshire County Council as the local highway authority have raised no concerns on this issue, some further transport modelling maybe required to ensure appropriate mitigation is provided.
- 4.12 It should also be noted that the inspector's interim report indicates that a reduction in scale of the Birchall Garden Suburb may be necessary, as he considers its southern part adjoining the A414 results in unacceptable impact on the openness of the green belt.

Other transport issues

- 4.13 Hertfordshire County Council as local highway authority were, in general, happy that the least sustainable sites were not included, and that the overall distribution of development was likely to be acceptable based on previous transport modelling. They did ask for improved links between the proposed sites and the wide-ranging

sustainable transport investments emerging from the South and Central Hertfordshire Growth and Transport Plan. They had specific concerns over a number of sites and particularly development PB1 east of Potters Bar in terms of visibility, pedestrian and public transport access.

- 4.14 Links with the Growth and Transport Plan have been discussed at the hearing sessions and officers are content that these should be included in the Infrastructure Delivery Plan with a cross reference in the Local Plan.
- 4.15 Transport and access issues were raised by a number of individuals on many of the sites. However, in the absence of a local highway authority objection, such concerns are unlikely to be upheld by the examination inspector and planning inspectors at appeal, particularly as a severe impact needs to be demonstrated.

Other infrastructure

- 4.16 Objectors to many sites raised potential shortages in local infrastructure, including education. The inspector has made it clear in his interim report that he is not particularly concerned about such shortages, presumably because it is open to the planning system to gather infrastructure contributions. Officers have worked closely with Hertfordshire County Council as the local education authority to incorporate appropriate education expansion in the strategy and will do so again in relation to a revised plan. The report for CPPP in January 2020 reported on the infrastructure implications of 16,000 dwellings. No infrastructure providers have identified any issues with the proposed changes set out in the consultation document.
- 4.17 The impact of development on greenfield sites on downstream flooding was raised by many objectors. Members will be aware that such impacts can and will be controlled by the use of Sustainable Urban Drainage Systems (SUDS) which is a requirement of the planning system.
- 4.18 Thames Water commented on waste water impacts of development. Broadly, where there may be a need to enhance local sewerage infrastructure, this is not a bar to development, but means that there may be a delay until such improvements have been incorporated into the water company's capital programme and delivered. This information will be reflected in the housing trajectory when that is updated to reflect any new site decisions.

North Hertfordshire and Hertsmere

- 4.19 North Hertfordshire Council raised concerns about further housing development in the northern part of Welwyn Hatfield borough and the impact on their transport and education infrastructure. Similarly, Hertsmere Council queried the infrastructure impact of further significant development close to Potters Bar.
- 4.20 Officers consider the additional level of housing in the villages near North Hertfordshire is very limited and would not notably impact transport or education.
- 4.21 Discussions have taken place with Hertsmere on the implications of a larger site coming forward, in particular relating to impact on infrastructure, its sustainability and impact on biodiversity. Should this site be taken forward it has been agreed there will be a need to hold further discussions to address these matters.

Heritage

- 4.22 Historic England is the government's advisor on heritage and a duty to cooperate body and has given evidence at the hearing sessions.
- 4.23 Their first group of comments were about the proposals to increase development density at Birchall Garden Suburb and at North West Hatfield and to extend the development area at Panshanger northwards. They sought reassurance that previously agreed protections for heritage in these areas would be maintained. Officers consider that the potential impacts on heritage have been appropriately addressed and should not prevent the proposals being included in the plan. In any case, the inspector's comments on Birchall Garden Suburb South indicate that a significant reduction in scale at that site may be necessary.
- 4.24 The second set of comments sought a reference to the need for Heritage Impact Assessments at planning application stage for a number of other sites. Officers consider it appropriate to include this measure as a site specific requirement.

Ecological impact

- 4.25 Comments on wildlife and biodiversity were received on a number of sites from individuals and other objecting groups. However, where there has been no adverse comment from the Wildlife Trust, Natural England or Hertfordshire County Council's ecology service these comments are unlikely to be upheld in hearing sessions.
- 4.26 The comments of Herts and Middlesex Wildlife Trust were limited to SDS1 (WGC4a) Panshanger Lane extension, HSW94 College Lane and PB1 Enfield Chase. It is considered that their concerns can be resolved for the first two sites, but the wildlife issues concerning PB1 are more severe, particularly now that a larger development area has been promoted by the landowner which involves the complete loss of a local wildlife site. This is considered below.

OAN and Plan Period

- 4.27 The inspector has indicated that in order to be found sound the plan needs to meet the objective assessment of need (OAN) for housing. This has been the subject of much debate at the hearing sessions but was confirmed as being 16,000 for the plan period 2016-2036 after the Stage 6 hearing sessions in December 2019. The inspector's interim report is written on the basis of this assessment. In his report however he acknowledges that as a consequence of the 2018-based household projections the OAN may be lower, but this has yet to be determined and he has indicated that there will be a further hearing session on this. In order to satisfy the examination that a change needs to be made to the OAN the Council would need to demonstrate that there has been a 'material change'.
- 4.28 The report on the implications of the 2018-based household projections prepared by the Council's consultants Turley was submitted to the examination and has been subject to consultation by the inspector, which concluded on 30 October 2020 and received 22 comments.

- 4.29 Turley uses the ONS alternative five-year projection to recommend an OAN of 715 dwellings per year ($\times 20 = 14,300$ homes) for the plan period 2016-2036. Officers consider that this represents the 'material change' referenced above.
- 4.30 The approach undertaken by Turley to calculate the OAN has previously been found sound by the inspector. It accords with the government's best practice guidance which was published in 2015 and uses ONS projections as the starting point, which are then required by the methodology to be subject to sensitivity testing. All previous OAN calculations have used a five-year migration trend as the starting point which has been used by ONS to inform the projections. It then applies an uplift for 2014-based household formation rates, younger person households and market signals.
- 4.31 This year ONS changed their methodology and used a two-year migration projection as their principal projection. For Welwyn Hatfield this resulted in a significant reduction in population growth.
- 4.32 Alongside the principal projection ONS produced four other projections including the alternative five-year variant described above and a ten-year migration variant. Edge Analytics have modelled these three variants so it is possible to calculate an OAN using the Turley approach for these forecasts. Appendix e provides an assessment of these alternative approaches.
- 4.33 For the ten-year migration projection with a 21% market signals uplift this would result in an OAN of 690 homes per year ($\times 20$ years = 13,800 homes).
- 4.34 The principal two-year projection with a 21% market signals uplift would result in a much lower OAN of 507 homes per year ($\times 20$ years = 10,140 homes). However as completions over the last four years were 530 homes per year and affordability has only improved marginally, it is considered that a much bigger market signals uplift would need to be provided.
- 4.35 The recent government consultation on changes to the planning system considered changes to the calculation of the standard method of the housing requirement. This took the principal two-year projection and added an affordability multiplier equivalent to an uplift of 117%, giving a figure of 667 homes per year ($\times 20$ years = 13,340 homes). If Members are minded to identify the principal two-year projection as the most credible OAN, then the market signals uplift would need to be of this order.
- 4.36 The Local Plan is being examined under the transitional arrangements. A new Local Plan submitted now would need to meet a housing requirement determined by the standard methodology. This would result in a figure of 875 homes per year ($\times 20$ years = 17,500 homes) for the plan period.
- 4.37 At CPPP in September and October 2020, Members expressed concern at Turley's use of the five-year alternative projection as the basis for calculating the OAN. Officers have reviewed the consultation responses to the inspector's consultation. These include submissions from objectors to growth who consider the OAN to be too high and from developers who consider the OAN to be too low, with some stating that there is insufficient evidence to demonstrate a 'material change' once affordability is taken into account.

- 4.38 There is some debate about which is the most appropriate projection to use as they are all official ONS projections. The best practice guidance does not account for a situation where there would be more than one projection, so contains no advice on this issue. A few consultation responses argue that the principal two-year projection is most appropriate to use, while others conclude that the alternative five-year projection is the appropriate one, but that 715 homes per year is not high enough and that the OAN should be 800 homes per year for the period 2016-2036.
- 4.39 A number of the consultation responses debate what the appropriate market signal uplift should be. The House Builders Federation give a number of examples relating to plans around the country which are based on comparable authorities with similar affordability ratios, which would indicate that a market signal uplift of 20% would be appropriate. Others argue that an uplift should not be applied at all.
- 4.40 It should be noted that at the Stage 6 hearing session which considering the implications of the 2016-based projection for the OAN the inspector concluded that a 21% uplift would be appropriate for the 2016-2036 period.
- 4.41 Officers consider that the Turley assessment provides a robust assessment of the OAN and should form the basis for responding to the inspector's September 2020 letter. However reflecting Members concerns officers have set out recommendations which would allow a different view of the OAN to be submitted to the inspector.

Identification of a precise OAN within the 715-800 range for the period 2013-2032 and an OAN for the period 2011-2036

- 4.42 Turley have produced a technical note to assist the Council to respond to the inspector's questions in his September letter.
- 4.43 The Inspector asks the Council to (a) consider and explore the ramifications of the factors influencing estimated population and household numbers and growth as discussed by Turley and to let him know what is the Council's considered opinion as to what the annual rate of OAN in the borough should be and (b) ask Turley to produce a forecast for the period 2011-2036.
- 4.44 The technical note produced by Turley in Appendix F sets out that for the 2016-2036 plan period both the 2016-based and 2018-based projections result in a lower population growth. Whilst some respondents to the inspector's consultation imply that this is as a result of constrained housing supply, Turley disagree. They instead produce evidence to demonstrate that this is a result of natural change and not suppressed demand. They also demonstrate that population growth in the borough has been higher than the national average. They think that constrained supply has resulted in a reduced household formation rate and that this has been captured in their recommended OAN.
- 4.45 The difficulties in producing a figure for a longer time period is set out in Appendix F. An approach which simply adds OANs together for each time period would risk overestimating the need. The Stage 6 hearing sessions considered the issue of undersupply and it is considered that the considerable uplift over the base projection captures any shortfall in provision.

- 4.46 If Members select the Turley OAN recommendation, the answer will be 14,300 homes for 2016-2036 plus 1,750 completions for the period 2011-2016: a total of 16,050 homes.

Jobs

- 4.47 The hearing sessions in December 2019 considered new evidence on job numbers and the need for employment land. This considered the need based on forecasts for the economy and the needs arising from a growing population. It should be noted that this relates purely to the Class B employment uses (such as offices, manufacturing and warehousing) and not to other forms of employment. The hearing session considered the requirements for different plan periods.
- 4.48 The inspector concluded that the population based approach was not an unsound approach to take with regards to the provision of employment land. He has accepted that in order to meet those requirements there will be a need for the release of land from the green belt but that individual employment sites proposed for release from the green belt would still need to demonstrate exceptional circumstances by setting out how it was contributing to the need for specific types of employment land. It is noted however that he has made little reference to this in his interim report.
- 4.49 This assessment was however based on the 2016-based population projections. Following receipt of the report on the implications of the 2018-based projections, officers considered whether it would be necessary to commission further work on employment needs over the plan period.
- 4.50 Analysis of the breakdown of the overall population figures between the current 2018-based and previous 2016-based projections shows that the change in the working age population between the two is minimal. Whilst overall population in the revised projections is lower than previously, other variables including age profile are different and as a result the difference between the employed population over the plan period is only 370, or 2.1%, between the two sets of projections.
- 4.51 To arrive at a figure for B-use floorspace required over the plan period, various assumptions were then applied to the 2016-based projections, and there was seen to be a modest shortfall when compared to the expected supply of employment floorspace. Given the relatively small difference between the employed population in the two projections, it would seem that the level of demand for floorspace or the level of shortfall is unlikely to change significantly.
- 4.52 In addition, given the Covid-19 pandemic, the future performance of the economy, including the speed and scale of future recovery is currently unclear. Whilst it seems likely that a higher degree of home working will continue in the medium to long term, the need for workplaces to be covid-secure and accommodate staff at a lower density as well as providing more communal space may offset this.
- 4.53 In addition, there is some suggestion that the demand for space in major employment locations such as London may fall, and the demand for locations outside London may increase. Such uncertainties make robust forecasting to the end of the plan period difficult.

- 4.54 The population based approach identifies a need for 60,210 sqm or 11 hectares of B class employment floorspace over the plan period 2016-2036. The Local Plan, with the additional losses from the proposed changes, will result in a slight shortfall which, given the current levels of uncertainty, is considered to be acceptable.
- 4.55 Table 2 sets out employment land supply based on site allocations in the Submitted Local Plan plus revised assumptions about permissions and windfall development.

**Table 2: Employment land Supply 2020
Draft Local Plan 2016 sites, windfall allowance, completions and commitment**

Supply	Floorspace (sqm)
Completions (2016/17-2019/20)	-24,418
Commitments (excluding Local Plan sites)	37,886
Windfall allowance	-29,040
Draft Local Plan sites + new planning permissions	58,240
Vacant Sites (excluding Chequersfield)	9,200
Total	51,868

- 4.56 Table 3 sets out employment land supply based on site allocations in the Submitted Plan plus revised assumptions about permissions and windfall development plus changes resulting from the proposed changes consultation.

**Table 3: Employment Land Supply 2020
Draft Local Plan 2016 sites, windfall allowance, completions, commitment and proposed changes sites**

Supply	Floorspace (sqm)
Completions (2016/17-2019/20)	-24,418
Commitments (excluding Local Plan sites)	37,886
Windfall allowance	-29,040
Draft Local Plan sites + new planning permissions	58,240
Vacant Sites (excluding Chequersfield)	9,200
Proposed changes sites	-15,118
Total	36,750

- 4.57 The inspector has indicated that if the Council is unable to meet the need for housing, then Marshmoor (SDS7) should come forward for housing rather than as a business park. This site accounts for 40,500 sqm of future employment land supply. The inspector is not aware of the list of sites in the proposed changes and the resulting loss of employment land. Should Marshmoor also be allocated for residential development it would result in the Local Plan planning for an overall loss of employment land.
- 4.58 Land can be developed at higher densities for residential use within the urban areas and so will make a greater contribution to dwelling numbers. However this will result in the loss of active employment land, whereas the loss of Marshmoor is only potential employment land.
- 4.59 An updated assessment of Marshmoor has been carried out to consider the potential to increase housing provision from 80 to 100 dwellings, given it is proposed by the land promoter as accommodation for those who work on the site.

- 4.60 It is considered that the whole of Marshmoor for housing would accommodate about 250 homes, although this has not been tested or consulted upon.
- 4.61 In January 2020 officers recommended that consideration also be given to the inclusion of Brookman's Park Transmitting Station site as a mixed use site. This would add around 10,000 sqm to the employment land supply which would reduce the shortfall in provision to a more modest level.

Inspector's Interim Report

- 4.62 The Inspector's Interim Report was received and published in late October 2020. It makes the following observations, judgements and comments:
- 4.63 The Council has met the duty to cooperate and procedural requirements, on the basis it can meet its OAN.
- 4.64 The Strategic Economic Strategy is sound but the Plan will not be sound if it leads to an increase in net in-commuting and worsen housing affordability. Without a step change in housing delivery unfulfilled needs will remain unmet.
- 4.65 The report is written on the basis that the OAN is 16,000 dwellings but the inspector acknowledges that there is evidence to suggest that the figure should be lower and that it is imperative that the OAN is established without delay. He confirms that a fundamentally lower requirement than the 16,000 dwellings would not support the national housing crisis. He confirms his earlier conclusions that it is appropriate to move the plan period to 2016-2036. He highlights the need to have a five year land supply at the point of adoption. He confirms that the assessment of need for Gypsy and Traveller pitches is robust. It is likely that there will be another hearing session on the OAN the Council has responded to the Inspector's September 2020 letter.
- 4.66 He confirms that there are exceptional circumstances to remove some land from the green belt, but that this does not necessarily justify the removal of specific individual sites.
- 4.67 In general the allocations are considered to be well chosen and do not represent unrestricted sprawl. In some cases there is adjacent land whose contribution to the green belt will diminish as a consequence and consideration should be given to its removal as well.
- 4.68 He indicates that the strategy for distributing growth around the villages has not been justified and that further growth should be considered around Welham Green and Digswell which both have railway stations with undeveloped land in close proximity, as well as further growth at Welwyn and Oaklands and Mardley Heath.
- 4.69 He gives the Council two choices: (1) to identify sufficient sites to meet the full OAN or (2) that it should withdraw the Local Plan.
- 4.70 He sets out a timetable for when he expects outstanding information to be provided:
- Update OAN by 16 Nov 2020
 - Submit additional sites by 30 Nov 2020

- Update housing land supply position by 31 Dec 2020
- Additional evidence to demonstrate Symondshyde by 31 Dec 2020
- Respond to all other requests by 31 Dec 2020

4.71 Whilst there is evidence to justify a reduction in the OAN, the figure has yet to be established and therefore this represents a difficulty for the Council in determining how much land to put forward to the examination.

Housing Land Supply and Sites

4.72 Because there is a lack of certainty on the dwelling numbers required to deliver a sound plan and therefore the 'to find' figure, the safest course of action would be to put forward sufficient dwellings to meet a 16,000 dwelling target, but also setting out which of these sites would meet a 14,300 dwelling target indicated in the latest Turley assessment for 2016-2036 plan period. Should Members consider a lower OAN is appropriate in the light of the inspector's recent consultation then a third option could be provided setting out the justification for this.

4.73 The proposed changes consultation put forward sufficient sites to deliver a target of just over 14,000 dwellings. This figure needs to be recalculated to take account of the inspector's interim report, the results of the consultation and updated data on completions and planning permissions.

4.74 Table 4 below provides the updated figure of 3,262 for completions and permissions, where they were previously 2,714.

Table 4: Housing Land Supply 2020 - completions and commitments

Supply	Dwellings
Completions (2016/17-2019/20)	2,121
Commitments (excluding Local Plan sites) at 30/10/20	1,141
Total	3,262

4.75 The annual completion rate now runs at 530 dwellings for the period 2016-2020 and this has implications for the five year land supply which is currently calculated using the standard methodology housing requirement figure of 875 homes per year. This means that the Council will need to make up the shortfall in supply over these years and add on 20% to the requirement figure for the five year land supply. Sites which can be delivered in the first five years should therefore be prioritised.

4.76 Windfall development is another component which can be included where justified. The Submitted Local Plan proposed a figure of 1,315 windfall homes. Members' proposed changes consultation indicated the figure should be increased to 2,253 windfall homes to allow for changes to national permitted development rights and also anticipated additional capacity at the Wheat Quarter site. The Wheat Quarter site is allocated in the Local Plan and any increase in capacity should therefore be directed to its strategic policy rather than added to the windfall estimate.

4.77 At CPPP in October 2020 Members voted to consult on Article 4 Directions to remove some of the recently introduced nationally permitted development right. This may have an impact on windfall development.

4.78 It is however considered that an increased allowance of 1,402 windfall homes can be justified at future hearing sessions. The updated analysis for the windfall assessment has been published on the Council evidence pages of its website.

Inspector's conclusions on allocations in the Submitted Local Plan

4.79 At the point of submission, draft allocations accounted for 8,029 dwellings. In the officer report to CPPP in January 2020 this figure was increased to 8,911 dwellings as a consequence of planning permissions and more detailed and updated information on site capacity. In the proposed changes consultation this figure was reduced to 7,073 dwellings as Members considered that some of these sites should be removed from the Local Plan because of the harm to the green belt or because of sustainability concerns. Along with completions, commitments, an enhanced windfall allowance and additional sites this resulted in consultation on proposed changes totalling 14,011 dwellings.

4.80 The inspector's interim report finds some submitted sites to be sound, some to be unsound and some with scope for greater capacity.

- SDS2 Birchall Garden Suburb – Remove southern part of site results in estimated removal of about 600 dwellings and primary school.
- SDS6/HAT1 North West Hatfield – Use of high harm green belt land needs further justification.
- HS11 Land at South Way – Reduce site area to exclude south west corner, although promoter considers that 120 dwellings can still be accommodated in the reduced site area.
- HS22 Brookmans Park – Review potential to increase capacity from 250 dwellings. Potential to increase to 560 dwellings using adjoining land, but this capacity is not confirmed by highway work. In addition would need to make provision for new primary school. At current time cannot assume more than 300 dwellings. It was identified for removal in proposed changes consultation because it is high harm green belt.
- HS24 Little Heath – Needs to be reviewed in context of impact on green belt and proposals for green belt release in Hertsmere.
- HS27 Cuffley – Review potential to increase capacity from 30 to 60 dwellings.
- HS31 Cuffley – If deliverability cannot be confirmed would be loss of 5 dwellings.
- HS29 and HS30 Cuffley – Could be replaced with other sites which better meet the needs of borough.
- SDS7 Symondshyde – Concerns about sustainability at lower number but potential to increase from 1,130 to 1,500 dwellings including provision for gypsy and traveller pitches.

- 4.81 Table 5 sets out the housing land supply position based on the inspector's interim report, but not re-adding in any sites that Members identified for removal as part of the proposed changes consultation. Appendix G provides a list of sites in each category.

Table 5: Housing Land Supply Position based on Submitted Local Plan, proposed changes consultation and inspector's interim report

Supply	Dwellings
Completions 2016-2020	2,121
Commitments	1,141
Windfall	1,402
Small sites	24
Sites that remain from Submitted Local Plan	6,161
Sites and capacity identified in proposed changes consultation (not including PB1)	1,887
Additions to sites based on inspector's interim report	50
Increase in capacity proposed by promoters in response to consultation	671
Total	13,457

Option for Additional sites

- 4.82 The Inspector has commented that there is a disparity between the distribution of housing around the excluded villages and considers that further thought should be given to development in the villages of Welham Green and Digswell as they have undeveloped land in close proximity to railway stations with frequent services to Welwyn Garden City, Hatfield and beyond. Oaklands and Mardley Heath and Welwyn are also referred to as being suitable for further development.

Welham Green

- 4.83 The proposed changes consultation includes provision for additional dwellings in Welham Green at WeG1, Weg3a and WeG10, resulting in a total of 204 dwellings.
- 4.84 An updated assessment of Marshmoor has been carried out to consider the potential to increase housing provision from 80 to 100 dwellings.
- 4.85 This results in an issue in terms of primary education infrastructure, as there is insufficient capacity at St Mary's Welham Green, which the Local Plan will need to address. In previous responses to consultation, Hertfordshire County Council as local education authority has indicated that this could be considered together with the dwelling numbers for Brookmans Park, where there were opportunities to factor in push-back. More recent evidence indicates that this is now less of a factor. The proposed changes do however propose reducing dwelling numbers in Brookmans Park to 128 homes, but 324 homes have been found sound by the inspector, thereby using the available capacity for ½ FE at Brookmans Park primary school.
- 4.86 Further sites in Welham Green could be considered which would assist in giving critical mass for a new primary school at WeG15 (140 homes) and WeG6 (73 homes). Development to the north of the village WeG12 is unlikely to be found sound as it causes coalescence when selected alongside HS11.

- 4.87 Issues relating to sites in Brookmans Park and Bell Bar are discussed below. WeG6 needs to be considered alongside decisions relating to BrP12 and HS22 in the gap policy area identified in the Green Gap Study for this part of the borough.

Brookmans Park and Bell Bar

- 4.88 The Submitted Local Plan allocated 274 dwellings to Brookmans Park. These sites have all been found sound in the inspector's interim report. The inspector acknowledged the harm to the green belt resulting from HS22 being released, but balanced this against the sustainability of its location next to the railway station. He has asked the Council to explore the potential to increase capacity within the site and an additional triangle of land between the site and the railway line. The capacity of this site was constrained in the Local Plan to 250 dwellings because of the ½ FE capacity for expansion at the local primary school and then to 300 dwellings because of highway capacity. Whilst it was clear at the examination that there was potential for the highway issues to be overcome, there is insufficient technical work to currently demonstrate that more than 300 dwellings could be accommodated. Given the size of the site one could assume capacity of 560 dwellings, however transport modelling work has only tested 300 dwellings.
- 4.89 The proposed changes consultation proposed that this site should be removed from the plan because it would result in high harm to the green belt. Instead BrP1 was proposed for allocation for 104 dwellings, which resulted in only moderate harm. This results in a reduction in new dwellings at Brookmans Park/Bell Bar.
- 4.90 BrP12 was a suitable site recommended for consideration by officers. The site is within walking distance of the railway station, primary school and shops. It was rejected by Members because it resulted in moderate to high harm to the green belt and extended Brookmans Park northwards, leading to coalescence with Welham Green. The site has capacity for 125 dwellings.
- 4.91 The inspector has not suggested that Brookmans Park be considered for further development. However if capacity on HS22 is increased to 560 dwellings it would need to make provision for a new primary school. The site is large enough to make provision but Hertfordshire County Council as local education authority would not support a 1 FE school. Provision for a new primary school could also be provided on BrP12 but this would simply replace the existing 1.5 FE school with a 2 FE school and therefore would not assist in providing a new school above the existing potential capacity.

Oaklands and Mardley Heath

- 4.92 The analysis carried out by officers in the site selection background paper did not recommend any additional sites at Oaklands and Mardley Heath.

Digswell

- 4.93 The inspector has pointed out that there is a lack of development proposals for Digswell and referred to the existence of undeveloped land in proximity of Welwyn North railway station. Only one site was promoted to the Council adjoining the settlement boundary on the east side of Digswell. This has been found unsound in

the HELAA because of its impact on Tewin Water registered park and garden. No sites have come forward on the western side of the village and it has been identified as part of most essential green belt to retain.

Welwyn

- 4.94 The Submitted Local Plan identifies a capacity of 69 dwellings for Welwyn. Wel1, Wel2, Wel6 and Wel15 were recommended for potential allocation in the site selection background paper for a total of 236 dwellings. These sites were all moderate to high harm. They would together need to fund the widening of Fulling Mill Lane Bridge. In addition Wel16 has capacity for 65 dwellings. Primary access would be from School Lane. The allocation of the site would result in high harm to the green belt. It is closer to the local primary school than the other three sites.
- 4.95 Previous consultation with Hertfordshire County Council as local education authority indicated that St Mary's Welwyn could be expanded by 1 FE so a site would not need to be found for a new primary school.

Little Heath

- 4.96 The Submitted Local Plan allocates HS24 for 100 dwellings and HS25 for 35 dwellings. Whilst the examination hearing feedback session indicated that both sites were considered to be sound, the inspector's interim report indicates that he has reservations about HS24 and that it should be considered in the context of proposed changes to the green belt in the Hertsmere Local Plan. Hertsmere have not yet confirmed their proposals for development for their emerging plan.
- 4.97 The proposed changes consultation proposed to allocate LHe4/5 for 36 dwellings.
- 4.98 There are no other options for sites in Little Heath.

Cuffley

- 4.99 The Submitted Local Plan proposed the allocation of six sites in Cuffley. One of these already has planning permission. The other urban site for 5 dwellings was considered to potentially have deliverability issues and will be withdrawn from the plan.
- 4.100 The remaining four sites are in the green belt.
- 4.101 The proposed changes consultation proposed the removal of HS29 and HS30 resulting in a combined loss of 148 dwellings because of the high harm to the Green Belt and the inspector would appear likely to accept this if the plan were to meet the OAN.
- 4.102 Officers also recommended Cuf15 for 136 dwellings which would result in only moderate harm to the green belt, but this was not selected by Members.

Welwyn Garden City

- 4.103 Representations proposed increases in capacity at the Wheat Quarter site, which is part of SDS3. Account would need to be had to whether such an increase would be

consistent with the Garden City proposals set out in the Plan as applying to all development in the borough. Some increase is likely to be considered suitable. Members could consider increasing the allocation to 2,000 dwellings. However it should be noted that this level of growth has not been tested in the transport modelling which has only tested 1,603 dwellings at this site. Highways England have raised a concern about the potential impacts of development of this site on the A1(M) strategic road network which needs to be subject to modelling.

- 4.104 Similar representations have been made on the BioPark site in Welwyn Garden City. HELAA assessment identified the site to be suitable for 179 dwellings, which was consistent with current level of development on the site. The consultation responses indicate 289 dwellings. An increase in dwelling capacity might be appropriate given the scale of development on the Roche and Wheat Quarter sites. Capacity could be increased to 250 dwellings, although only 200 dwellings have so far been tested in the transport modelling.
- 4.105 The inspector has raised concerns that the southern part of Birchall Garden Suburb will result in urban sprawl resulting in an unacceptable impact on the openness of the green belt. He requested further information on noise mitigation measures and landscape mitigation. He appears to have concluded that the landscape buffer along the A414 would not screen development for a number of years post-development. Discussions with the promoter have suggested that this is not the case and that if the development was phased so this part of the site were the last to be developed then with the landscape buffer phased it would be possible to establish the landscape buffer and bund as an early part of the development, then this issue would be addressed.
- 4.106 For clarification, Birchall Garden Suburb was proposed for 1,200 dwellings in the Submitted Local Plan plus an extra 100 dwellings in the proposed changes consultation. The northern part can accommodate 500 dwellings and the southern part can accommodate 600/700 dwellings.

Hatfield

- 4.107 The Submitted Local Plan identifies a number of urban and green belt sites in and around Hatfield. These have all been found sound, although the inspector has indicated that the location of dwellings in the high harm part of the green belt needs further justification. The proposed changes consultation proposed an additional 100 dwellings for HAT1. This will need to be considered in the context of other options for additional dwellings.
- 4.108 The proposed changes identified a number of urban sites in Hatfield. In particular Members should note the concern expressed by Herts and Middlesex Wildlife Trust on the potential for impacts on biodiversity specifically relating to HSW94. An ecological study has recently been submitted by the promoter and an oral update on this will be provided at the meeting.
- 4.109 There are no other additional options considered suitable for allocation in Hatfield.

Potters Bar

- 4.110 At the time of the proposed changes consultation, officers advised members that PB1 could not be considered suitable because of objections from Hertfordshire County Council as local highway authority relating to its access.
- 4.111 Revised proposals have been submitted by the promoter of the site which addresses access issues but which is dependent on land in Hertsmere to provide sustainable travel links into Hertsmere and an emergency access. The proposals would also result in the loss of local wildlife sites. The promoter has large landholdings in the area and has indicated that this could be addressed through enhancements elsewhere delivering a biodiversity net gain. The Council has only recently received these proposals and is waiting for responses from Hertfordshire County Council as the local highway authority and Herts Ecology. There would also be implications for primary school provision which need to be explored with Hertfordshire County Council as local education authority and Hertsmere. This level of growth has not been subject to transport modelling and Highways England have expressed concern at the potential impact to the A1(M) strategic road network.
- 4.112 It is considered more realistic to identify land in this location as safeguarded land to allow for future proposals to be worked up jointly with Hertsmere Council, which may not necessitate the loss of the wildlife site and could incorporate further land to the south not currently proposed for development. Appendix H contains an indicative site boundary.

Symondshyde

- 4.113 The inspector raised concerns about the sustainability of Symondshyde and the delivery of sustainable transport measures. He requested further information and queried the potential for it to deliver additional dwellings on an expanded site with greater critical mass. This evidence has been submitted to the examination and indicates that at least 1,500 dwellings could be delivered on land in the ownership of the promoter. Two additional locations were identified by the inspector, but in different ownership, so their delivery is uncertain. The proposal would narrow the gap between Symondshyde and Hatfield. The inspector's interim report indicates that this would be sound if there are no other better locations. If the Inspector were to find the site unsound it would result in the loss of 10 Gypsy and Traveller pitches.

Addendum to the Sustainability Appraisal and Habitats Regulations Assessment

- 4.114 An addendum to the Sustainability Appraisal (SA) and appendices has been published on our website: www.welhat.gov.uk/evidencebase.
- 4.115 Appendix B to the addendum contains the reassessed matrices for the 2016 sites.
- 4.116 Appendix C to the addendum contains the appraisal matrices for the additional sites which have not been appraised before.
- 4.117 The SA Addendum report in Table 4.2 sets out the changed scores.

- 4.118 The Additional Sustainability Matrices have been prepared for four sites to reflect the potential changed dwelling capacity of: 560 dwellings at HS22 Land west of Brookmans Park Railway Station; 60 dwellings at HS27 The Meadway; 1,500 dwellings and 1,640 dwellings at SDS7 Symondshyde; and 600-700 dwellings at PB1 East of Potters Bar.
- 4.119 The SA Addendum considers that there are no sites which perform particularly better or worse than others, as all are likely to have mixed effects, but the objectives against which negative and effects are expected varies.
- 4.120 Section 5 sets out the appraisal associated with the different strategic approaches and the assessment is based on an OAN of 16,000 dwellings, consequently Option 5 (Members' proposed changes) did not perform as well on housing delivery but scored better in terms of environmental effects. Should the need change, the scores would alter, but the relative ranking of the strategies in terms of objective 5.1, addressing housing needs, would remain the same.
- 4.121 The proposed changes option 5 would result in mixed effects (+/-?) against objective 5.1 that seeks to address the required housing needs (including affordable housing), because of the 12% shortfall against the OAN and the uncertainty about whether this will be addressed. The reduced emphasis on development in villages would result in minor positive effects against social and economic objectives that seek to reduce health inequalities (objective 1.1), provide access to training and skills development (objective 6.6), increase investment in regeneration areas (objective 6.2), address economic needs (objective 6.1) and create sustainable rural economies (objective 6.4). There would be minor negative effects against environmental objectives to avoid/reduce air pollution (objective 4.3), protect greenfield land, landscape, historic environment and heritage assets (objectives 4.4 and 4.5), biodiversity (objective 4.6) and agricultural land (objective 4.10). Minor but uncertain negative effects are forecast against objective 4.2 to reduce CO2 emissions from transport, with an uncertain potential for greater in-commuting.
- 4.122 The following paragraphs summarise how the other four strategy options presented to CPPP in January 2020 differ compared to Option 5 proposed changes, reflecting different levels of housing and employment development and different distributions.
- 4.123 Option 1 (officers' recommended strategy) achieves a higher (significant positive) score against objective 5.1 to meet housing needs, and also higher (significant positive) scores against social and economic objectives such as health inequality (objective 1.1) and sustaining rural economies (objective 6.4). There are higher economic objective scores (minor positive) including economic land delivery (objective 6.1). Against this, there would be worse (significant negative) effects against various environmental objectives such as reducing CO2 emissions from transport (objective 4.2) and protecting greenfield land (objective 4.4).
- 4.124 Option 2 (avoid high harm to the green belt) also achieves a higher (minor positive) score against meeting the required needs (objective 5.1) but the reduction in scale of an urban extension leads to a worse score (minor negative) on infrastructure delivery. The other main difference is a slightly worse score (minor negative) against reduction of CO2 emissions from transport (objective 4.2).

- 4.125 Option 3 (maximise protection of employment land) achieves an improved (minor positive) against objective 5.1, meeting identified housing needs. Objectives concerning health inequalities (objective 1.1) and economic objectives such as delivering employment land (objective 6.1) are improved, with significant positive results. This option generally results in a similar number of minor negative effects against environmental objectives as option 5.
- 4.126 Option 4 (max out) provides a significant positive score against objective 5.1 reflecting that its housing delivery exceeds the identified need. It also scores better against infrastructure delivery and a range of social and economic objectives (with an exception against health inequalities reflecting the loss of access to countryside for recreation. Against this, there would be worse (significant negative) effects against various environmental objectives such as reducing CO2 emissions from transport (objective 4.2) and protecting greenfield land (objective 4.4). This option will also have a minor negative effect on objectives that seek to maintain the rural character (objective 6.4).
- 4.127 Appendix C to this report contains new sustainability matrices which have been prepared for four sites to reflect the potential changed dwelling capacity of 560 dwellings at HS22 Land west of Brookmans Park Railway Station, 60 dwellings at HS27 The Meadway, 1,640 dwellings and 1,500 dwellings at SDS7 Symondshyde and finally 6-700 dwellings at PB1 East of Potters Bar.
- 4.128 Compared with the previous assessments there has been little change overall to the scoring.

Next Steps

4.129 The Inspector has set out a programme when he expects further information.

- Update OAN by 16 Nov 2020
- Submit additional sites by 30 Nov 2020
- Update housing land supply position by 31 Dec 2020
- Additional evidence to demonstrate Symondshyde by 31 Dec 2020
- Respond to all other requests by 31 Dec 2020

4.130 The inspector has stated that *"If I do not hear from the Council or receive this information by these deadlines, I will proceed to write report confirming that plan is unsound and cannot be adopted"*.

4.131 The inspector accepts that further limited consultation may be necessary on any new matters.

5 Legal Implications

5.1 The preparation of the Local Plan is governed by legislation, most notably the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011, as well as case law and secondary legislation set out in regulations. It also has to comply relevant legislation relating to the preparation of Sustainability Appraisal and Habitats Regulatory Assessment.

- 5.2 The legislation requires that the Local Plan is prepared in accordance with the Local Development Scheme (LDS), the Statement of Community Involvement (SCI) and, under the transitional arrangements, the 2012 version of the National Planning Policy Framework (NPPF).
- 5.3 It requires that local planning authorities seek to deliver sustainable development when preparing the plan.
- 5.4 The NPPF sets out the Tests of Soundness against which the Local Plan is examined. That is that the plan is positively prepared, justified, effective and consistent with national policy.
- 5.5 There is a need to modify a policy as part of the Main Modifications consultation, so that the Green Gap Study can be a consideration in the determination of planning applications.
- 5.6 The inspector has made it clear that only he can remove sites from the Submitted Local Plan, if he considers them to be unsound. This means that it is a matter for the inspector to decide whether sites in the Submitted Plan that Members identified for removal in the proposed changes consultation should actually be removed.
- 5.7 The Local Plan process could be subject to legal challenge if any party considers that it has not been prepared in accordance with legislation and national guidance.

6 Financial Implications

- 6.1 The costs of the technical work and inspector's fees have been met from the Local Plan budget.
- 6.2 The financial implications of not having a sound Local Plan is that the Council would have to start the process again. This would require updated evidence, another call-for-sites exercise, updated site appraisal, updated sustainability appraisal and habitats assessment, further public consultation and further duty to cooperate.
- 6.3 In the meantime the Council would very likely start receiving speculative planning applications for urban and green belt sites (both those that are currently favoured in the plan and those that have been rejected) and could face costs if these were refused and successfully appealed.

7 Risk Management Implications

- 7.1 The Inspector has made it clear that unless the Council adds in more sites to the Local Plan to achieve the OAN it will be found unsound. He has also made it clear that decisions upon which sites to add into the Plan need to be based on sound planning grounds which are applied consistently.
- 7.2 As noted above, the inspector has made it clear that only he can remove sites from the Submitted Local Plan, if he considers them to be unsound. The Council may face a situation where the inspector is minded to retain a site/s that was included in the Submitted Plan but was taken out of the proposed changes consultation.

- 7.3 The current adopted District Plan is considered to be out-of-date, particularly with regard to policies relating to new residential development. If this Plan is withdrawn or found unsound then the Council would have to rely on policies in the NPPF for decision making. Emerging policies in the Local Plan would no longer have any weight in decision making.
- 7.4 Without an adopted Local Plan the Council's five year land supply figures will continue to be based on the Government's standard methodology, which is currently 875 homes per year. Because the Council no longer has a five year land supply the presumption in favour of sustainable development already applies. As a consequence policies seeking to protect areas from residential development would carry less weight and the Council is more likely to lose decisions on appeal. This will impact on the Council's performance figures, which could place it at risk of government intervention.
- 7.5 The Housing Delivery Test for 2020 is likely to result in a requirement for a 20% buffer being added to the five year land supply figures. In future years, without an adopted plan, it is likely that performance will fall below 45%, resulting in a risk of special measures.
- 7.6 Regulations now require a plan to be reviewed every five years and particularly where there are significant changes in the housing need figure. Paragraph 73 NPPF 2019 states:

"The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5 % to ensure choice and completion in the market for land; or*
- b) 10 % where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement **OR recently adopted plan** (Footnote 38), to account for any fluctuations in the market during that year; or*
- c) 20 % where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply (Foot note 39)".*

Footnote 38 states: *"For the purposes of paragraphs 73b and 74 a plan adopted between 1 May and 31 October will be considered 'recently adopted' until 31 October of the following year; and a plan adopted between 1 November and 30 April will be considered 'recently adopted' **until 31 October in the same year**".*

Footnote 39 states: *"From November 2018, this will be measured against the Housing Delivery Test, where this indicates that delivery was below 85 % of the housing requirement".*

- 7.7 Should housing completions not increase the Council will come under pressure to carry out an immediate review of the Local Plan. The introduction of a stepped target in conjunction with the allocation of as many sites as possible which can deliver in the first five years will help to manage this risk.

- 7.8 Members should note how short the period is for an up-to-date adopted plan to count towards a five year housing land supply figure. New demographic and household projections are published every two years.
- 7.9 Members should note that because the plan is being examined against the 2012 NPPF it may, once adopted, need to be updated to bring it in line with the 2019 NPPF. Wherever possible Officers will seek to ensure there is not likely to be a conflict.
- 7.10 In proposing modifications to the plan the Council has to ensure that it has not proposed so many changes that it is, in essence, a different plan, which even if found sound might make it subject to legal challenge. Nevertheless, the Council is allowed to make changes to make the plan sound and these must by definition be substantive otherwise they would not be needed to make the plan sound. Substantive changes which are not required to make the plan sound cannot be made. As the Inspector has indicated, that reliance on the green belt for local purposes i.e. protection of settlement pattern, is not appropriate, it therefore follows that a modification to make the plan sound in this respect could be considered.

8 Security & Terrorism Implications

- 8.1 There are no security and terrorism implications arising from this report.

9 Procurement Implications

- 9.1 There are no procurement implications arising from this report.

10 Climate Change Implications

- 10.1 There are climate change implications arising from the identification of land for housing and employment. The Sustainability Appraisal judges that there will be greater energy use and emissions of greenhouse house gases and reductions in air quality.
- 10.2 The effects of this will be mitigated through the implementation of policies in the plan on sustainable design and construction and delivering sustainable development. The Government is currently consulting on building regulations to increase the base sustainability standards of new homes.
- 10.3 Minimising the need to travel by locating development in accessible locations close to a range of facilities and services and/or where they are close to public transport and cycle paths will assist in this or, alternatively, requiring through Section 106 or Community Infrastructure Levy (CIL) to improvements to public transport infrastructure, cycleways and footpaths.
- 10.4 Ensuring the balance of employment provision alongside housing will also help to address this.

11 Policy Implications

- 11.1 Modifications would be required to all relevant settlement sections in the Submitted Local Plan where additional sites are proposed to be allocated or where modifications are proposed to sites already contained in the Submitted Plan.
- 11.2 A modification to Policy SP3 is required to make specific reference to the green gap approach and where the policy applied. The assessment itself is interim and would need to be finalised once decisions have been made through the examination.
- 11.3 As noted above, the current adopted District Plan is considered to be out-of-date, particularly with regard to policies relating to new residential development. If this Plan is withdrawn or found unsound then the Council would have to rely on policies in the NPPF for decision making. Emerging policies in the Local Plan would no longer have any weight in decision making.
- 11.4 As noted above, the Council is likely receive a number of speculative planning applications from site promoters for sites favoured in the plan, on the basis that the Council might be willing to approve them and speculative planning applications from site promoters whose sites were rejected, on the basis that the Council does not have a five year housing land supply and would have to apply the presumption in favour of sustainable development.

12 Link to Corporate Priorities

- 12.1 The production of the Local Plan is linked to all five priorities in the Council's Business Plan, particularly Priority 3 to meet the borough's housing needs and Priority 4 to support sustainable economic growth.

13 Health and Wellbeing Implications

- 13.1 Providing sufficient housing and jobs have health and wellbeing benefits for residents as does the quality of the environment.

14 Human Resources Implications

- 14.1 There are no human resources implications arising from this report. The Local Plan will continue to be prepared by the policy team. Regardless of whether the Plan is found sound, withdrawn or found unsound, it is likely to increase the number of planning applications and the caseload for development management officers.

15 Communications and Engagement Implications

- 15.1 Officers will work closely with communications colleagues to ensure that Local Plan progress is communicated to the public through newsletters, information on the website, press briefings, etc.
- 15.2 Public consultation has been carried out in accordance with the Statement of Community Involvement.

16 Equality and Diversity Implications

- 16.1 All of the policies in the Submitted Local Plan were subject to equality impact assessment.

16.2 Any policies which are subsequently proposed for main modification will be subject to an updated equality impact assessment.

Authors

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November 2020

Related reports

Report to CPPP dated 23 January 2020, which made a recommendation to allocated sites for 15,952 dwellings to achieve the OAN of 16,000 dwellings, but where Members selected proposed changes for 14,011 dwellings for public consultation

Appendices

Appendix A – Summary of consultation response
Appendix B – Summary of Responses to the Addendum of the Sustainability Appraisal
Appendix C – Additional Sustainability Matrices
Appendix D – Inspector’s Interim Report
Appendix E – Alternative OANs
Appendix F – Clarifying the OAN Turley - November 2020
Appendix G – List of sites and capacity
Appendix H – Indicative site boundary for potential safeguarded land