

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING AND PARKING PANEL – 7 MARCH 2019
REPORT OF THE CORPORATE 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 currently meet the objectively assessed need for housing.
- 1.2 In December 2018 this Panel agreed a new timetable for progressing the Local Plan which included a call-for-sites exercise to help identify possible new sites for housing development. The 66 entirely new sites and 77 re-promoted sites that were submitted far exceeded expectations, which means that it is not possible to conclude the intended consultation stage before purdah starts on 26 March 2019. This will result in a short delay to the agreed timetable, such that presentation of results and recommendations to members could take place in September 2019 and examination hearing sessions could take place in December 2019.
- 1.3 The Council has also however received a letter from the Inspector asking us to consider a quicker timetable than the one we originally submitted to him. This report therefore sets out option on how the Panel could proceed.
- 1.4 The report also identifies recent revisions to the National Planning Policy Framework (NPPF) and the consequential need to prepare a housing delivery action plan.

2 Recommendations

- 2.1 That the Panel agrees the way forward and timetable to progress the Local Plan, based on the options and considerations set out below.
- 2.2 That the Panel acknowledges the NPPF requirement to prepare a housing delivery action plan. This will be presented to a future Panel for agreement.

3 Explanation

- 3.1 In December 2018 this Panel considered a report on the next steps for the Local Plan. It agreed a timetable which comprised a new call-for-sites process in January 2019, publication of the promoted new sites in February 2019, analysis in spring 2019, presentation of results and recommendations to members in summer 2019, submission of new sites in summer 2019, examination hearing sessions in autumn 2019, modifications consultation in winter 2019, receipt of the Inspector's report in early 2020 and adoption in spring 2020. This timetable was communicated to the Inspector on 14 December (Appendix 1).

- 3.2 Officers issued a new call-for-sites exercise from 7 January to 4 February 2019, with an expectation that a handful of new sites might be identified. In actual fact the number of sites submitted has far exceeded expectations. There have been a total of 66 entirely new sites and 77 re-promoted sites. It was intended that all sites would be quickly mapped and then issued for public consultation. The unexpected number of sites however means that it is not possible to carry out this work and substantially conclude the consultation stage before purdah starts on 26 March. The Returning Officer has therefore decided that consultation on sites should not happen until after the local elections which take place on 2 May.
- 3.3 Officers will use this time to start the individual and cumulative analysis of the new sites, including updating of evidence and engagement with statutory bodies such as Herts County Council as highway and education authority. If public consultation on the new sites takes place in May/June 2019 then this will result in a slight delay to the agreed timetable. The 143 sites are likely to generate a significant number of consultation representations, which will take time to review. The likely consequence is that presentation of results and recommendations to members could take place in September 2019 and examination hearing sessions could take place in December 2019.
- 3.4 The Inspector replied to the Council's original timetable letter on 10 February (Appendix 2). He acknowledges that a further call-for-sites is unavoidable and that additional consultation will be necessary as a result of this exercise. He queries however whether a timetable that prolongs examination until spring 2020 is absolutely necessary. He asks for a more detailed timetable programmed by weeks and months rather than seasons and for realistic time estimates for each task that needs to be undertaken, based on an overlapping continuum and critical path analysis. It should be noted however that this letter was written before the end of the call-for-sites exercise or the decision that consultation on new sites should not take place until after the local elections.
- 3.5 In light of all of the above circumstances, officers consider it appropriate for this Panel to debate and decide on the best way forward.
- 3.6 Officers have a large amount of work to carry out over the coming months, all of which is being progressed as quickly as possible:
- prepare call-for-sites material for public consultation
 - update the Objective Assessment of Housing Need (OAHN)
 - review sites through the Housing and Employment Land Availability Assessment (HELAA)
 - update the Employment Study
 - update the Strategic Flood Risk Assessment (SFRA)
 - update the Sustainability Appraisal (SA) and Habitats Assessment (HA)
 - additional work on Landscape Sensitivity and Green Wedges as these were identified as important during the Stage 3 Green Belt Study examination hearing session
 - on-going engagement and scenario testing with statutory bodies
 - review consultation responses and identify key issues raised
 - update the Infrastructure Delivery Plan
 - update viability evidence
 - finalise contamination and noise evidence for Birchall Garden Suburb
 - prepare material for examination hearing sessions

- 3.7 This is in addition to other functions such as the Brownfield Register, Self-Build Register, Annual Monitoring Report, duty to cooperate with other authorities, masterplanning of strategic sites, responding to consultations, commenting on planning proposals, etc.
- 3.8 It is very difficult to establish a clear overlapping continuum that anticipates and is able to withstand all possible interruptions, which might include changes to the national planning system, staff vacancies, delays in the finalisation of evidence, delays in responses from statutory bodies, the request for meetings with site promoters, the number and complexity of responses to the consultation, etc. A timetable based on seasons or months allows some scope to account for these situations. A timetable based on weeks, whilst understandably desirable for the Inspector, is unfortunately very hard to achieve in practice.
- 3.9 Option 1:
- 3.10 The Panel can agree changes to the previously agreed timetable, to acknowledge that public consultation on new sites will now take place after the local elections in May and to accept that this will push back the presentation of results and recommendations until September 2019 and examination hearing sessions until December 2019. Officers will then write to the Inspector on this basis and seek to book his time for the examination hearing sessions.
- 3.11 A detailed timetable to achieve this option is set out in Appendix 3. It should be noted that there are a number of dependencies and unknowns which could result in slippage.
- 3.12 Option 2:
- 3.13 This Panel considered a number of possible approaches to progress the Local Plan in September 2018. The selected approach, Approach One, included a new call-for-sites exercise. Approach Two was to allocate lower harm green belt sites that had 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 had already been promoted but rejected, with no reliance on broad locations.
- 3.14 Officers consider that the new call-for-sites exercise presents a new opportunity to select known sites for the first ten years of the plan and broad locations for the final five years of the plan. Sites within these broad locations could then be allocated through a review of the plan, something which the NPPF now requires every five years in any case. This option means that it would not be necessary to carry out a detailed analysis of every site promoted as part of the call-for-sites exercise. Emphasis could instead be placed on gaining a broader understanding of the likely development opportunities and constraints of broad locations.
- 3.15 As presented to this Panel in September 2018, this approach meant that consultation would only be undertaken with statutory consultees to ensure the chosen strategy was deliverable. Full public consultation would then take place at modifications stage after the examination hearing sessions. Sites within the broad locations would then be subject to public consultation as part of a review of the plan. Any other sites added into the existing submitted plan to ensure a ten year supply would be chosen from those sites which have previously been

subject to public consultation and have already been found suitable and subject to sustainability appraisal.

- 3.16 A detailed timetable for Option 2 has not been prepared but it is anticipated that there would be time savings resulting from broad locations rather than individual sites being subject to technical assessment and sustainability appraisal and there being no need for consultation until the modifications stage. This means less risk of slippage. It is anticipated that this would result in a saving of 4-6 weeks.

NPPF Housing Delivery Test

- 3.17 MHCLG have published housing delivery test figures for 2018 which identify that Welwyn Hatfield built 1,493 homes in the period 2015/16 to 2017/18 against a target of 1,701 homes. This equates to 88%.
- 3.18 Para 75 of the National Planning Policy Framework (NPPF) states that “Where the housing delivery test indicates that delivery has fallen below 95% of the authority’s housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.”
- 3.19 As a consequence we now have a duty to prepare an Action Plan setting out how we intend to increase the delivery of housing in the borough.
- 3.20 It is worth noting that if we had delivered less than 85% of our required dwellings then we would have to add a 20% buffer to our five year housing land supply (rather than 5% as we currently do).
- 3.21 By way of comparison, Broxbourne is at 67%, Dacorum is at 153%, East Herts is at 76%, Hertsmere is at 158%, North Herts is at 55%, St Albans is at 58%, Stevenage is at 100%, Three Rivers is at 67% and Watford is at 108% of their respective targets.

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 and money ring-fenced for the cost of the examination.

6 Risk Management Implications

- 6.1 The Entech House appeal decision concludes that the emerging Local Plan is not at an advanced stage and that the scale of housing supply falls considerably well short of five years. The Annual Monitoring Report 2017/2018 presented to this Panel on 7 February 2019 clarifies that the Council has between 3.1 and 3.6 years of housing land supply. It means that there is a presumption in favour of sustainable development.

6.2 The results of the local elections in May could result in a re-consideration of the Local Plan timetable.

6.3 A delay to the Local Plan that results in it being adopted after 31 March 2020 could result in the need to plan for another year of housing, to 2035.

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. The planning policy team has sufficient budget to commission the evidence listed in 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 and the wording of planning policies.

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 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 Equalities Impact Assessment (EqIA) was not completed because this report does not propose changes to existing service-related policies or the development of new service-related policies. All of the policies in the Submitted Local Plan have been subject to EqIA and any new policies would also be subject to EqIA.

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Background Papers:

Report to CPPP 13 December 2018 – Local Plan Next Steps

<http://democracy.welhat.gov.uk/ieListDocuments.aspx?CId=266&MId=876&Ver=4>

Report to CPPP 6 September 2018 – Green Belt Study and Next Steps

<http://democracy.welhat.gov.uk/ieListDocuments.aspx?CId=266&MId=873&Ver=4>

Appendices:

1. WHBC letter to Inspector dated 14 December 2018
2. Inspector letter to WHBC dated 10 February 2019
3. Proposed timetable to achieve Option 1.