



**WELWYN  
HATFIELD**

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**Colin Haigh  
Head of Planning**

Reply To: address as below  
Date: 1 March 2016  
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Dear Sir

### **Sites BrP1 and BrP12**

I have been asked by Bob Baldock, the Director of Governance, to respond to your letter dated 10 February 2016 relating to preparation of the Welwyn Hatfield Local Plan.

The Council considers that the processes it has followed meet the legislative requirements for the preparation of the Local Plan as set out in the Town and Country (Local Planning) (England) Regulations 2012. In particular the Council considers that it has met the requirements of Regulation 18 and that consultation has taken place in accordance with the Statement of Community Involvement.

With regards to the specific points raised in your letter I have the following comments to make.

#### Point 1a

There is no requirement for all the evidence base to be complete before the Council carries out consultation at Regulation 18 stage. However, the Council consider that the content of the NPPF was addressed in the decision-making process relating to the consultation on what would be an appropriate target. The report to Cabinet Housing and Planning Panel dated 27 September 2012 considered the evidence relating to what would be an appropriate target for Welwyn Hatfield to consult upon in the Emerging Core Strategy. The report made a number of references to NPPF including the objective assessment of need. The Background Papers which informed that report include the Strategic Housing Market Assessment and the Housing Targets Study. In addition the Housing Background Paper Part 1, which was an Appendix to that report, went through the evidence relating to an Objective Assessment of Need. In any event the evidence relating to an Objective Assessment of Need was updated and consulted upon. During the last consultation the Council made it clear that Policy CS2 Meeting the Needs of Growth would be amended and that a target would not be set until it had considered all the responses to the consultation on sites carried out last year.

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### Point 1b

Members are entitled to reject the advice they are given by their officers. In this instance both approaches would have delivered the target identified and could well have been found sound. Members received a full summary of the representations received to the Issues and Options Consultation. However as a consequence of the representations received to the Emerging Core Strategy Members changed the approach to the distribution of sites to include limited growth around the villages and have updated their evidence with regards to the Objective Assessment of Need so there would be no need for any further action on these points.

### Point 1c

The Core Strategy is a strategic document and does not allocate sites unless they are strategic. It would therefore have been inappropriate to consider individual sites at that stage. However, following the decision by the Council to prepare a single Local Plan the Council has now considered the results of the SHLAA and consultation has now taken place on the sites which the council considers may be suitable to release from the green belt.

### Point 2

As stated above the Council did have a SHMA which was published in 2010. However as it did not contain an Objective Assessment of Need it was updated by the Housing Targets Study published in 2011 and the Housing Background Paper Part 1. As you point out new SHMAs have been commissioned to update the evidence and these have been reported to Members.

### Points 3 and 4

In your summary of the decisions made by Members you have missed reference to sites being added in, for example, Panshanger Airfield was switched from Finely Balanced to More Favourable so that if only the More Favourable sites were to be included in the Local Plan this would equate to 10,100 dwellings. However a target was not set in the Local Plan consultation document and the document made it quite clear that a target would not be set until the consultation responses had been reviewed. The NPPF does allow for a lower housing requirement to be set than the Objective Assessment of Need in situations where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### Point 5

There is no requirement to consult on every site promoted to the Council. Nevertheless, the consultation document did include the Finely Balanced and Less Favourable sites and details of these sites were also made available at the consultation events and had been subject to the same level of technical assessment. A list of these sites was also included in the summary leaflet. There was every opportunity to make representations on these sites and the council received a number of responses which have been reported to Members.

### Point 6

A number of the points raised in the letter from Deloitte have been repeated in your letter. With regards to the reference to Inspector decisions a number of these have been reported to Members. Members are aware of the requirements around Duty to Cooperate and the need to justify why the Objective Assessment cannot be met should Members decide to set a lower housing target in the Local Plan.

### Point 7

The report to Cabinet Housing and Planning Panel summarising the responses has given a commitment to produce an additional technical paper on site selection to help provide clarity. Stevenage Borough Council has not stated that the Finely Balanced or Less Favourable sites have not been adequately consulted upon.

### Point 8

It is quite clear from the report that the update to the SHMA forms part of the evidence base and has been published as such on our website. The minutes of CHPP are reported to Cabinet.

### Point 9

As you state Keith Holland's advice has been reported to Cabinet Housing and Planning Panel.

You go on to refer to the Annual Monitoring Report, its reporting of the five year land supply and case law established in the case Solihull Borough Council v (1) Gallagher Homes Limited (2) Lioncourt Homes Ltd 2014. I can see no reference in the judgement to what should be reported on in the AMR with regards to the five year land supply. I would draw your attention to the national Planning Practice Guidance on Housing and Economic Land Availability paragraph 30 which advises caution when using the Objective Assessment of Need as the basis for the five year land supply where there is no up-to-date plan calculation as this will not have been tested.

Paragraph 8.3 of the committee report accompanying the Annual Monitoring Report explains the approach taken by the council to the monitoring of the five year land supply:

*"The previous 'Target B' (the 2012 Emerging Core Strategy target of 378 dwellings per annum to 2029) is therefore now the only target used for monitoring purposes. Whilst the Strategic Housing Market Assessment update presented elsewhere on this agenda sets out a higher housing need – a range of between 664 and 707 dwellings per annum – this is not automatically a new target (Planning Practice Guidance Housing and Economic Land Availability Assessment, para 45). Similarly, the 10,150 dwellings figure from more favourable sites in the Local Plan consultation document also does not automatically become a new target, as issues raised by objectors and statutory consultees still require consideration before it could be established that such a target can be met."*

In conclusion, the Council does not believe its processes for preparing the Local Plan have been flawed as they comply with the regulations for plan preparation. Furthermore, whilst there is no requirement to have all the evidence in place before consultation at Regulation 18 takes place the Council has consulted on housing numbers and sites in the context of the Objective Assessment of Need for housing which has been regularly updated.

The next stage will be the Regulation 19 consultation. This will set out the Council's conclusions on what is an appropriate housing requirement for the borough and which sites are key to meeting that need. It is the submitted plan which is tested for soundness at the examination and it is already supported by an extensive evidence base. Furthermore consultation has been carried out in accordance with the requirements of regulation 18 and the Statement of Community Involvement.

Members are fully aware of the implications of not meeting the Objective Assessment of Need in the Local Plan but equally they are fully entitled to submit a plan with a lower housing requirement because of impacts and constraints such as the green belt and infrastructure capacity.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Haigh', written in a cursive style.

Colin Haigh  
Head of Planning