

Welwyn Hatfield Local Plan Examination

Our ref 62998/01/MS/BHy
Date January 2021
On behalf of Gascoyne Estates

Subject Consultation on Council’s revised objective assessment of housing need (OAN)

1.0 Introduction

- 1.1 These representations have been prepared by Lichfields in conjunction with JB Planning Associates on behalf of by Gascoyne Cecil Estates (“the Estate”). They respond to the content of the new evidence base documents on the objective assessment of need (“OAN”) for housing upon which the Inspector has invited comments, which relate to EX215 (WHBC Letter to Inspector dated 18 November 2020), EX216 (Inspector’s letter to WHBC dated 30 November 2020) and EX218 (Turley Technical Note on OAN – November 2020).
- 1.2 The Estate is a key local stakeholder and has a significant interest in the Local Plan, not only in relation to the strategic allocations that it is actively promoting but also in relation to other sites which are in its control. The Estate has made extensive representations on the content of the Local Plan and has taken, and continues to take, an active part in the Examination process to ensure that high quality solutions are found to the provision of additional homes, jobs, schools, and other community infrastructure in the Borough.
- 1.3 Such is the Estate’s fundamental concern with the direction that the Borough Council intends to take regarding its revised OAN that it has commissioned Lichfields to act on its behalf; this is because of the considerable risk – as a result of the Council’s actions - that the Local Plan could be found ‘unsound’.

Background

- 1.4 The Council’s plan was submitted in May 2017 and contained a housing requirement of 12,000 dwellings 2013-32, equivalent to 632 dwellings per annum (dpa)¹. This fell short of the OAN identified at the time the Council carried out its Regulation 19 consultation (which was 12,616-13,433, based on the Council’s 2015 and 2016 Strategic Housing Market Assessments). A further SHMA Update was published in May 2017² and it concluded that the OAN was 800 dpa. This SHMA Update was submitted with the plan as part of the evidence base. A further review of the OAN in light of the 2016-based household projections was published in 2018 (during the examination) which concluded that - despite the most recent 2016-based household projections being lower than previous projections - this did not constitute a “*meaningful change*” and therefore the OAN remained 800 dpa as concluded in the submitted 2017 SHMA³. In January 2020 the Inspector concluded that the evidence “*justifies [an OAN] of 800 dwellings per year for the duration of the plan period and that this requirement is consistent with national policy*”⁴ (**emphasis added**). The Inspector’s findings also stated that “*the extension of the end-*

¹ Local Plan – Submission Version - [SUB/5](#) Policy SP2 and para 5.8-5.9

² Welwyn Hatfield SHMA Update May 2017 [HOU/21](#)

³ The implications of the 2016-based SNPP for Welwyn Hatfield [EX103A](#) para 6.11-6.12

⁴ Stage 6 Hearing Sessions Round-up [EX178](#)

date of the plan period to 2036 is justified” (see EX178 p.1), i.e. that the requirement of 800 dpa applied to 2036.

- 1.5 In August 2020 the Council wrote to the Inspector⁵ stating that it had reviewed the implications of the 2018-based household projections and that its consultant had concluded the OAN was 715-800 dpa. The Inspector’s response⁶ requested that the Council provide a precise figure, rather than a range. In October 2020 the Inspector provided his preliminary conclusions, stating that whilst the further evidence from the Council was awaited and the consultation on the Council’s OAN evidence was ongoing, 800 dpa remained the OAN before the examination⁷. In November 2020 the Council wrote to the Inspector stating that Members had reached a position that the OAN was, in fact, 690 dpa; this was outside the range identified by the Council’s consultant but based on an alternative reading of the evidence by Members⁸. In this letter the Council stated its position that the OAN would be 690 dpa over both the 2016-32 period and the 2016-36 period.

Policy and guidance

- 1.6 The NPPF (2012, para 47 bullet 1) states that local authorities should use their evidence base to ensure their local plan meet the full, objectively assessed needs for market and affordable housing in the housing market area, as part as is consistent with the policies in the framework. Para 182 goes on to state that a local planning authority should submit a plan which it considers to be “*sound*”, that is, a plan which is positively prepared (seeking to meet objectively assessed development and infrastructure requirements, including unmet need where it is reasonable and consistent with sustainable development), justified (based on the most appropriate strategy), effective (deliverable and based on effective joint working on cross-boundary issues) and consistent with national policy. The Inspector has so far concluded⁹ that 800dpa represents the full OAN and the housing requirement, noting that is justified and consistent with national policy; i.e. in respect of being ‘positively prepared’, it meets objectively assessed development needs in term of housing.
- 1.7 This means that, should the Council wish to now amend the housing figure that the Inspector has concluded represents a justified OAN and a requirement which is consistent with national policy, it needs to demonstrate to the Examination that the plan could not be adopted based on that OAN - and with that requirement - (in line with the SHMA evidence available at the time the plan was submitted - HOU/21). In other words, the Council needs to now demonstrate that the housing requirement of 800 dpa is no longer positively prepared (i.e. it would not seek to meet objectively assessed housing needs) and that it would underpin a plan which is not justified, is not effective and is not consistent with national policy.
- 1.8 Where the Council is seeking to make changes to its OAN, this should also be seen in the context of the Planning Practice Guidance (PPG) which states that “*a meaningful change in the housing situation should be considered in this context, but this does not automatically mean that housing assessments are rendered outdated every time new projections are issued*” (PPG 2014 ID 2a-016). We review the evidence submitted by the Council below to assess whether the evidence meets these tests set out in the NPPF and PPG.

⁵ Council’s letter to the Inspector regarding the OAN, August 2020 [EX203](#)

⁶ Inspector’s letter to the Council (response to EX203) [EX204](#)

⁷ Inspector’s Interim Report on Welwyn Hatfield Local Plan October 2020 [EX 212](#) para 37

⁸ Council’s letter to the Inspector regarding the OAN, November 2020 [EX 215](#)

⁹ Stage 6 Hearing Sessions Round-up [EX178](#)

2.0 The Council's evidence

Evidence underpinning the sound OAN of 800 dpa

2.1 The Council's original OAN figure of 800 dpa was based on:

- 1 A starting point 2014-based population and household projections (which indicated a need for 670 dpa 2013-32);
- 2 An adjustment to account for past undersupply (i.e. migration trends and household formation rates, +51 dpa, or 8%), giving 721 dpa (this was also considered sufficient to support employment growth);
- 3 A further 10% uplift was then added for market signals ($721 + 10\% = 793$), rounded to **800 dpa**¹⁰.

August 2020 evidence (EX203A)

2.2 EX203A is the report by consultants appointed by the Council on the implications of the 2018-based sub-national population and household projections on the OAN for Welwyn Hatfield¹¹. EX203A recognises that new projections do not automatically render earlier housing needs assessment out of date, as set out in the PPG (see EX203A para 7). It concludes that *"it remains justified to retain the OAN of 800 dwellings per annum as an upper estimate of need"* (EX203A para 7), noting that this would imply a greater uplift for market signals (i.e. a greater improvement in affordability or delivery of affordable housing). At the outset therefore, the Council's evidence accepts that the currently sound figure of 800 dpa still falls within the range the Council has considered to be its OAN. Therefore, any attempt by the Council to backtrack on an OAN of 800 dpa falls at the first hurdle; its own evidence begins by stating that an OAN of 800 dpa remains justified in light of the latest projections. On these terms alone, one cannot therefore conclude that modifications to the plan to change the housing requirement are necessary in order to make the plan sound.

2.3 However, EX203A goes on to state that it would be *"equally justifiable to retain the 10% market signals uplift previously applied in producing the OAN when assessing the implication of more recent demographic projections"* (para 8) which would suggest *"the OAN for Welwyn Hatfield can now be considered to fall within a range of between 715 and 800 dwellings per annum, over the original plan period (2013-32)"* (para 9). It concludes by stating that over a later plan period, 2016 to 2036, it would be *"reasonable to expect a level of housing need towards the lower end of the range concluded above – in the order of 715 dwellings per annum – to be more representative for this later period"* (para 10) in light of the fact that household projections are naturally lower in the latter part of the timeframe.

2.4 In reading EX203A, it is important to remind oneself that, even were two hypothetical Councils (one preparing its plan for submission, the other at examination) faced with identical SHMA evidence, the Council at examination has the specific task not of arriving at its OAN, but of assessing whether the new evidence represents a "meaningful change in the housing situation" sufficient to render its previous OAN and housing requirement out of date, inconsistent with national policy, and thus incapable of being found sound.

¹⁰ See summary of reasoning behind 800 dpa OAN at Table 2.1 of [EX203A](#)

¹¹ The implications of the 2018-based SNPP and SNHP on the Welwyn Hatfield OAN [EX203A](#)

- 2.5 Setting aside for one moment the important fact that para 7 of EX203A undermines the Council’s recently adopted view that 800 dpa is now unsound¹², we have considered whether the Council’s evidence sufficiently demonstrates a meaningful change in the housing situation such that 800 dpa would no longer be sound as an OAN to underpin the housing requirement submitted as part of the plan, having regard to whether:
- 1 The lower end of the range of 715 dpa represents a robust assessment of OAN; and
 - 2 The use of a longer plan period is an appropriate basis on which to justify a lower figure.
- 1. Whether the lower end of the range represents a robust assessment of OAN**
- 2.6 EX203A is clear that the figure of 715 dpa has been arrived at by applying the 10% uplift for market signals to the revised starting point (based on the 2018-based projections, with some adjustments). In essence, this OAN of 715 dpa is based on two elements; demographics and market signals. However, there are other elements which need to be considered as part of OAN. Notably absent from the conclusion of 715 dpa is how affordable housing needs have influenced the OAN.
- 2.7 The NPPF says that local authorities should have a “*clear understanding*” of housing needs in their area, including preparing a strategic housing market assessment which, inter alia, “*addresses the need for all types of housing, including affordable housing...*” (*emphasis added*) (NPPF 2012 para 159). In the years since the 2012 NPPF was introduced it was established through numerous local plans and in caselaw that affordable housing needs represent a strong influence in determining OAN, even if they are not necessarily met in full (this is often the case as affordable housing need can represent a high proportion, or even exceed, the overall OAN). In this context alone the OAN of 715 dpa (and the explanation for it) cannot be considered ‘sound’ because it does not fully address the objectively assessed need for market and affordable housing in the borough.
- 2.8 Unfortunately, EX203A does not present an up-to-date assessment of affordable housing need. The evidence the Council does have on affordable housing need is as follows:
- 1 The 2014 SHMA identified a need for 810 affordable homes per year over 5 years, falling to 489 once the backlog was cleared (see HOU/21 para 12);
 - 2 The 2015 SHMA Partial Update identified a need of 755 affordable homes were needed per year over 5 years, falling to 539 per year (see HOU/21 para 12); and
 - 3 The 2017 SHMA Update did not update the assessment in full, only updating it to reflect revised household growth projections (i.e. not updating the number on the waiting list, for example). It identified a need for 818 affordable homes per annum over 5 years, reducing to 602 dwellings per annum once the backlog has cleared (see HOU/21 para 20).
- 2.9 The Council’s latest Annual Monitoring Report¹³ (2019/20) shows that in recent years affordable housing delivery in Welwyn Hatfield has been substantially below the level of need identified in any SHMA (for example in the last 5 years there have been 96, 56, 36, 64 and 69 affordable homes completed per year respectively). This indicates that there has likely been an increase in the number of households on the waiting list and, by consequence, the affordable housing need.
- 2.10 Crucially, had EX203A undertaken an updated assessment of affordable housing need, this almost certainly would have provided evidence of a continued *upward* pressure on the overall

¹² Because para 7 states that it “*remains justified to retain the OAN of 800 dpa.*”

¹³ See Welwyn Hatfield Annual Monitoring Report 2019/20 Table 19 [here](#)

OAN. Even absent an updated assessment of need (i.e. relying on those set out in earlier SHMAs) the affordable housing need in Welwyn Hatfield still represents a significant proportion of the overall OAN such that not all of it would be met, even at a requirement figure of 800dpa. Were affordable housing need addressed along with all other factors as part of the OAN then the reasonable conclusion would be that whilst some elements of the OAN [i.e. the starting point] appear to be exhibiting a downward trend (although for the reasons set out in the Council’s evidence at EX203A these projections should be treated with some caution), there are other elements of the OAN [including affordable housing needs] which continue to place a very significant - and likely increasing - upward pressure on the OAN. This supports the conclusion that the new evidence does not represent a meaningful change in the housing situation sufficient to justify a modification to change the submitted housing requirement.

2. Extending the plan period as a justification for lowering housing need

- 2.11 The use of a longer plan period (to 2036) was accepted by the Inspector in order to allow for a horizon of at least 15 years from adoption of the plan. EX203A states that the extension of the plan period to 2036 would justify a figure at the lower end of the range (i.e. towards 715 dpa) because household growth slows over time, but that equally “*this is not to rule out a judgment that the need is as high as the upper end of this range...*” (para 10).
- 2.12 There are several problems with the Council’s assertion that a lower figure (close to 715 dpa) would be justified on the basis of a longer plan period:
- 1 Adopting a lower figure by reference to longer plan period does not represent positive planning which seeks to meet development needs now. Whilst it is correct that projected household growth ‘tails off’ over time, equally this means that growth in the earlier part of the plan period will be *higher* than the overall average. Extending the plan period effectively reduces the rate at which needs arising earlier in the plan period will be addressed because it spreads that need over a longer period of time, which will likely lead to a worsening of market signals in the near future. Maintaining needs at a level which better reflects demographic needs now (and not necessarily the average level of need when spread over the longer term) is consistent with the plan-making process which anticipates regular (five year) reviews, or indeed wholesale plan updates well in advance of the end of the plan period;
 - 2 It is inconsistent with the earlier position advanced by the Council’s consultant. When the Council’s consultant was asked to consider the possibility of an extended plan period in light of the 2016-based projections, it found “*while this period would see a reduced level of household growth on an average annual basis, relative to the original plan period, the OAN of 800 dwellings per annum could continue to be reasonably applied over this period and similarly where this period was further extended to 2035*” (see EX203A para 2.7). It is strange that the Council’s consultant believes that 800 dpa could be retained over a longer period in light of the 2016-based projections but appeared to adopt a different posture in light of the 2018-based projections, when - in any event – the consultant believes that 800 dpa would be justified over the period to 2032; and
 - 3 It is also inconsistent with a later position advanced by the Council (which we review in further detail below). The Council’s additional evidence (specifically EX215 p.2) states that the same OAN (the OAN which Members sought to advance) would apply regardless of whether the end date is taken to be 2032 or 2036.

- 4 It does not take account of affordable housing needs, as per the points highlighted in paras 2.6-2.10 above.

November 2020 evidence (EX215 and EX218)

- 2.13 In November 2020 the Council’s consultant produced a further note (EX218) which sought to clarify the OAN position for Welwyn Hatfield. It is important to note that there were no changes (in terms of evidence/circumstances) between when the Council’s consultant produced its August 2020 evidence and its November 2020 evidence. The 2018-based projections and the possibility of an extended plan period (to 2036) had already been addressed in the August 2020 evidence. Despite there being no new evidence, EX218 seeks to justify a figure of 715 dwellings per annum over the period to 2036 (see EX218 para 24).
- 2.14 EX203A (the August document) had made clear that - in the Council’s consultant’s view - an OAN of 800 dpa remains justified in light of the updated evidence available at that time (i.e. the 2018-based projections). EX203A was less clear on the consultant’s view of the extended plan period, believing this to be “*a judgment*”. For the reasons set out above, EX203A fails to demonstrate that an OAN of 800 dpa (as per the SHMA submitted with Plan) is now not justified for the purposes of the plan and/or that a modification to reflect an alternative OAN of 715 dpa is necessary to make the plan sound. In this context, it is difficult to ascertain why the Council’s consultant, as of November 2020, believes it would be “*reasonable and justified to take forward an OAN of 715 dwellings per annum for this period, in the context of the 2018-based projections*” (EX213 para 24). EX218 (at para 24) seeks to explain why this conclusion has been reached, referencing various quantitative analyses; however, there remain three fundamental problems with the position advanced by and on behalf of the Council:
- 1 It is unclear why in November 2020 the consultant’s conclusion was that it was reasonable and justified to take forward an OAN of 715 dpa for the period 2016-36 when in August 2020 it reached no such conclusion, despite having all of the same evidence available to it (including what appears to be the most influential factor in its conclusion - the 2018-based projections);
 - 2 In any event, the list of reasons set out at para 24 of EX218 why the consultant believes 715 dpa could be a justified OAN does not explain why the figure of 800 dpa is now not justified (although if it did, this would appear to directly contradict its findings in EX203A); and
 - 3 Notwithstanding [1] and [2], as with our criticisms of the August 2020 evidence, the justifications set out in para 24 of EX218 make no reference to how addressing affordable housing need has influenced the conclusions on OAN (reference is only made to three of the other key elements; demographics, market signals and employment-led need). In of itself, therefore, 715 dpa cannot represent a full objective assessment of housing need which addresses market and affordable housing.
- 2.15 In November 2020, the Council wrote to the Inspector¹⁴ (EX215) stating that Members had had a chance to debate the evidence from its consultant (EX203A and EX218). This letter set out that:

¹⁴ Council’s letter to the Inspector following Member’s debate on OAN – November 2020 [EX215](#)

“Members felt the use of the ten- year migration variant to be more credible than the five-year variant, as it provides a more stable outcome which is less susceptible to anomalies and better reflects economic cycles. Once uplifts are applied for vacancy, the 2014 headship rates and younger households as set out in the Edge Analytics modelling (EX203), an annual household formation figure of 570 homes per year is derived. With a 21% market signal uplift applied this would result in an OAN of 690 homes per year, equivalent to 13,800 homes over the plan period 2016-2036.” (EX215 p.2)

- 2.16 A more comprehensive background of exactly how the 690 dpa figure was reached has been prepared by JB Planning Associates and is included at Appendix 1. For the purposes of the main representations we simply seek to highlight to the Inspector that the ‘preference’ for a lower figure explained in EX215 once again does not constitute evidence that the previously sound figure of 800 dpa is now not sound for the purposes of the plan or that there has been a “meaningful change in the housing situation” from the SHMA evidence accompanying the Local Plan submission. In any event, the objective assessment of need should be precisely that – objective – and not subject to what Members “felt”, their preferences or indeed to wider political factors (as implied¹⁵ in EX215). The Council’s consultant’s remit was to analyse and present objective evidence on housing need, and on the basis of this evidence, an OAN of 800 dpa has been concluded to be justified for the purpose of Welwyn Hatfield’s local plan. There is no reason why this could or should be subject to change following consultation with Members, particularly when this evidence goes against the original advice of the Council’s OAN consultant.

3.0 Changes to housing evidence during Local Plan examination processes – examples from elsewhere

- 3.1 The ongoing publication of new data (with population and household projections being published on a two-yearly cycle, until recently on alternate years) has often led to delay where publication has caught up with plan preparation or plan examinations. This has been the case despite the PPG highlighting that a balance needs to be struck between ensuring plans are based on up-to-date evidence whilst, at the same time, ensuring assessments are not rendered out-of-date every time new projections are published. In this context, the PPG discusses how “a meaningful change in the housing situation should be considered...” (PPG 2014 ID 2a-016) but this needs to be balanced with the NPPF’s core planning principle that planning should be “genuinely plan-led” (NPPF 17) which can, by definition, only be achieved by having a plan in place.
- 3.2 The Welwyn Hatfield Local Plan examination will soon enter its fourth year having been submitted in May 2017 and this is the Council’s first new plan since 2005 (i.e. it has yet to adopt a plan which post-dates the introduction of an NPPF). There is clearly a balance to be struck between further delays to the adoption of the plan on the basis of debates around OAN and getting the plan in place. Arguably, continued delays to the adoption of the plan would seek to undermine the NPPF’s core planning principle that the system should be genuinely plan-led. In this context, we have reviewed some other examples of where the publication of new projections (i.e. where more recent projections indicate a lower starting point/lower demographic change than previous assessments) through the examination process has not led to a revision in the OAN:

¹⁵ See p.2 of EX215 which states “Members ... also noted recent reports in the press and planning press that the Government is likely to amend the proposed standard method to redistribute housing away from shire and rural areas to urban areas in the Midlands and the North. They felt that this was very important in their consideration of meeting housing need and tackling affordability”.

- 1 **Wycombe** – evidence available during the examination of the Wycombe Local Plan showed the district’s OAN was 13,200 dwellings over the plan period (based on the 2014-based projections). After the hearings sessions concluded, the 2016-based projections were published – these indicated a reduction of around 40% on the starting point for Wycombe. Notwithstanding, the Inspector noted that *“there are some doubts about the reliability of the 2016-projections and their reliability for plan making. Notwithstanding this, the PPG on HEDNA makes clear that the household projections are only the starting point for establishing a housing requirement figure. For these reasons and having regard to the importance of boosting the supply of housing, it would be unjustified to revisit the Plan’s evidence base and delay adoption of the Plan in the light of the 2016-based projections”* (Wycombe Local Plan Inspector’s Report¹⁶ para 29). In other words, a 40% reduction in the starting point did not constitute a ‘meaningful change’ sufficient to warrant revisiting the OAN and housing requirement in light of the progress made on the local plan examination (and potential further delay this could cause). We note that this is the same degree of difference between the 2014-based projections and 2018-based projections in Welwyn Hatfield¹⁷;
- 2 **Broxbourne** – on the basis of evidence prepared in 2016 and 2017, based on the 2014-based household projections, the plan sought to meet an OAN of 454 dpa over the plan period (2016-33). During the examination the 2016-based projections were published which indicated lower household growth and the Inspector resumed hearing sessions to debate these. The Inspector’s Report (at para 53) notes the guidance set out in the NPPF/PPG regarding the balance of keeping evidence and assessments up-to-date. The report states that *“especially given the advanced stage reached in the plan making process, it is reasonable to consider the underlying reasons for the 2016- based household projections being lower than those assumed in the Plan, rather than embark upon a comprehensive new assessment based on a lower demographic starting point... On balance, in light of all of the evidence that I have read and heard, I am satisfied that the objectively assessed need for 7,718 homes (454 per year) assumed in the Plan is justified and consistent with national policy.”* (Broxbourne Local Plan Inspector’s Report¹⁸ para 53 and 57);
- 3 **North Essex (Colchester, Braintree and Tendring)** – For the purposes of the North Essex Shared Strategic Plan the authority most impacted by updates to the population and household projections is Braintree¹⁹. In his interim findings (June 2018) the Inspector found that the OAN (based on the 2014-based projections) was soundly based and that the publication of the 2016-based projections did not amount to a meaningful change in the housing situation. When the 2018-based projections were published these showed a fall of around 40% in Braintree (compared with the 2014-based figures) – again, roughly the same degree seen in Welwyn Hatfield.

In the case of Braintree, the Inspector (as in Wycombe and Broxbourne) acknowledged the balance needed between ensuring up-to-date evidence and ensuring timely examination and adoption of the plan. After considering the range of reasons why these projections are

¹⁶ See Wycombe Local Plan Inspector’s Report July 2019 [here](#)

¹⁷ See EX203A Table 3.1 – 2014-based projection indicates 670 dpa, 2018-based (principal) projection indicates 408 dpa. 408 = 61% of 670, i.e. a 39% reduction.

¹⁸ See Broxbourne Local Plan Inspector’s Report April 2020 [here](#)

¹⁹ This is because demographic-led needs in Tendring were calculated using a bespoke approach which departed from the official projections (owing to the level of Unattributable Population Change in the district) and because the projections for Colchester remained relatively unchanged between each set of projections.

lower²⁰ (many of which are similar to those put forward to the Welwyn Hatfield examination in EX218) the Inspector did not accept the use of the 2018-based projections, adding that “... it is necessary to take account of the wider context of the plan-making process. The Plan has been in examination for over three years. ... if the housing requirement for Braintree were now to be reviewed and altered, the result would be considerable further delay not only to this examination, but very likely to the examination of Braintree’s Section 2 Plan as well. That would conflict with the advice in the NPPF that planning should be genuinely plan-led and that plans should be kept up to date. ... I do not regard it as a sufficiently meaningful change to justify the considerable delay to plan-making that would occur if the housing requirement were to be reviewed.” (North Essex Inspector’s Report paras 46-48).

3.3 From these examples there are two commonalities when Inspectors have considered the impact of new, lower projections published during the examination process on OAN:

- 1 Even where there are apparently substantial reductions in the household projections (to a degree of 40% in two of these examples) there is a recognition that such projections are just the starting point and only one of many elements which influence the OAN, and thus a reduction in the starting point does not automatically justify a reduction on the overall OAN (for example, a market signals uplift cannot simply be reapplied to this new starting point to derive an updated OAN, as is being suggested in Welwyn Hatfield). There are other factors, such as affordable housing need, which should be part of the assessment leading to a concluded OAN; and
- 2 In all three examples the Inspectors seek to balance the need for up-to-date evidence with the need for the planning system to be genuinely ‘plan-led’ by enabling timely adoption of the plan by minimising delay. In the case of Wycombe and Broxbourne the updated evidence represented just one set of projections (from 2014-based in each of their submitted plans to 2016-based projections being published during the examination) and in both cases the Inspectors discussed the need to minimise delays and ensure timely adoption of the respective plans. In the case of the North Essex Plan (which saw three sets of projections put in front the examination; 2014-based, 2016-based and 2018-based, as is the case in Welwyn Hatfield) the Inspector placed an even greater emphasis on the need for timely plan adoption, noting that the examination had already been ongoing for over three years.

3.4 The above examples further demonstrate that retaining the OAN at 800 dpa in Welwyn Hatfield would not only be in accordance with the NPPF and PPG (being based on a sound OAN and ensuring the system in genuinely plan-led by enabling timely adoption of the plan) but that there has been clear precedent for this approach by other Inspectors.

4.0 Conclusions

4.1 The OAN for Welwyn Hatfield - upon which the local plan should be based - has been established as 800 dpa over the period to 2036 (EX178). In light of more recent data (namely the 2018-based household projections) the Council has sought to reduce its OAN. Evidence prepared by the Council’s consultant in August 2020 (EX203A) indicates that an OAN of 800 dpa remains justified, although the consultant states that on the basis of a longer plan period a ‘judgment’ was needed as to the OAN. In November 2020 the Council’s consultant sought to justify a figure of 715 dpa over the period to 2036 despite no changes to the underlying evidence

²⁰ See paras 37 to 49 of the North Essex Authorities’ Shared Strategic Section 1 Plan Inspector’s Report December 2020 [here](#)

in the intervening period since August 2020. In November 2020 Members sought to put forward an even lower figure of 690 dpa (based on what they ‘felt’ was an alternative interpretation of the evidence prepared by the Council’s consultant).

- 4.2 Ultimately, the Council’s evidence fails to show a meaningful change in the housing situation such that retaining an OAN and requirement figure of 800 dpa would now make the plan unsound, in particular that it would no longer be ‘positively prepared’, i.e. that it would no longer seek to meet objectively assessed development and infrastructure requirements. If the figure of 800 dpa were retained even when the Council believed the ‘true’ OAN to now be lower, then the figure of 800 dpa would by definition continue to meet development needs and address (and not meet in full) the affordable housing need and hence be sound as required by the NPPF.
- 4.3 Notwithstanding that the Council’s evidence fails to demonstrate that 800 dpa is no longer justified as the basis for a sound housing requirement, the justifications the Council *has* put forward for an OAN of 715 dpa (or the lower figure of 690 dpa proposed by Members) fail to meet the basic requirements of an OAN because it omits the vital step of addressing affordable housing need in any way, contrary to the 2012 NPPF para 159 and the PPG. A fully updated affordable housing need assessment has not been undertaken since 2015 (and in reality, the situation has likely worsened significantly since then, placing upward pressure on the OAN). There is no mention of how affordable housing need has influenced the Council’s OAN in EX203A or EX218. Thus, the Council does not present any evidence on a change to the “*housing situation*” to show that affordable housing need has reduced to the extent that an 800dpa figure is no longer necessary to address that need.
- 4.4 The idea that a longer plan period helps justify the use of a lower figure (in EX218) is also directly contrary to conclusions reached elsewhere in the Council’s consultant’s own evidence (see EX203A para 2.7) and the views of the Council itself (EX215 p.2).
- 4.5 One of the NPPF’s core planning principles is for the system to be genuinely plan-led and, in keeping with this, the PPG recognises a balance is needed between keeping evidence up-to-date and avoiding a situation where assessments are rendered out-of-date every time new projections are published. Other local plan Inspectors (in areas where the projections show the same degree of decline as in Welwyn Hatfield) have noted that such changes in the starting point do not always constitute meaningful changes when taken in the round when determining OAN and that such updates need to be balanced against the need for plans to progress timely to adoption.
- 4.6 In summary:
- 1 the Council has not justified a departure from its currently ‘sound’ OAN and requirement figure of 800 dpa.
 - 2 It has not shown that there has been a meaningful change in the housing situation sufficient to justify main modifications to the plan to set the housing requirement figure below the level of need that was the basis of the SHMA evidence at the time the plan was submitted, and below that which the Inspector has indicated would be ‘sound’.
 - 3 It would be entirely justified (based on the evidence available) and consistent with the NPPF and PPG for the Welwyn Hatfield Local Plan to progress to adoption whilst retaining an OAN and requirement figure of 800 dpa over the period to 2036.

Appendix 1 - (prepared by JB Planning Associates)

- 1 The following commentary provides an account of the Borough Council's deliberations on the OAHN, firstly by its Cabinet Planning and Parking Panel on 10 September 2020, and subsequently by a Special Cabinet Meeting on 19 November 2020, and The Council on 23 November 2020. It demonstrates that key decisions were made without due regard to the available evidence and technical guidance provided by its advisors for political rather than planning reasons and accordingly undermine the prospect of the Inspector being able to find the Local Plan 'sound'.

Cabinet Planning and Parking Panel Meeting - 10 September 2020

- 2 The Estate considers it is important to highlight some key passages from the 10 September 2020 Cabinet Planning and Parking Panel Report (see **Annex A** for full printed minutes of the meeting).
- 3 The report referred to the fact that Turley's had recommended an updated OAN having used the 2018 based population and household projections alongside other factors to recommend an updated objective assessment of housing need of 715-800 (dpa) for the original plan period of 2013-2032, and that for the revised plan period of 2016-2036, the report had placed more justification on an OAN at lower end of the range (14,300-16,000 dwellings)²¹.
- 4 It is evident from the minutes of the meeting that:

"Some Members felt that the figure was too high and that if data changed within the five-year period this could have some disturbing affects. Reference was made to North Herts having taken the position of using a longer trend period of ten years to help smooth potential issues. Some Members felt that Turley's figures were unacceptable and that further work was required"²².

- 5 Consequently, a Member asked whether it would be feasible to obtain two further sets of figures besides Turley's reported figures to provide a comparison before a decision was made²³.

²¹ Paragraph 3.5, Local Plan Update Report, WHBC Cabinet Planning and Parking Panel Meeting - 10 September 2020

²² P.2, Minutes of WHBC Cabinet Planning and Parking Panel Meeting - 10 September 2020

²³ P.3, Minutes of WHBC Cabinet Planning and Parking Panel Meeting - 10 September 2020

- 6 The Head of Planning advised that it would be advantageous to go back to Turley’s with Member’s comments and see if they have a response to the points raised. Therefore, it was resolved that the item be deferred until November 2020, as additional information was required by the Panel²⁴.
- 7 The minutes of the subsequent Cabinet Planning and Parking Panel meeting on 17 November 2020 acknowledged the Inspector’s Interim Report dated 23 October 2020 (**EX 212**) stating that the Council should align its housing and economic strategies. It specifies that the Inspector’s report is based on a housing need of 16,000 dwellings, but suggests that this may fall because of 2018-based household projections. However, the Interim Report fully acknowledges that a substantially lower figure would not meet national policy. The Officers’ report to the CPPP proposed two possible courses of action; (i) to propose additional sites to try to meet the OAN; or (ii) withdraw the plan. Reference was also made to their being several deadlines set out in the Interim Report and that if these were not met, the Inspector will determine that the Plan is unsound²⁵.
- 8 In respect of Recommendation 1, the Objectively Assessed Need (OAN), the Panel meeting minutes refer to several very important points being discussed including:
- How windfall had been calculated and why it was not higher.
 - The standard methodology is not good for the Borough.
 - The surroundings of Welwyn Hatfield are attractive to people living in London so there will always be demand for housing.
 - There is a need for housing, but the Council should not bow to Government pressure. The Council should not satisfy Government at the expense of residents. The Garden City should be protected, and infrastructure not overloaded.
 - Why the Council was not going with a lower number in line with soundings from Government on a revised standard methodology. The Head of Planning replied that officers will advocate whatever Members decide and a case can be made for the ten-year projection. If a new standard methodology is adopted, there may be scope for officers to discuss this with the Inspector.
 - It is convenient to blame the Government for a decision. The Inspector has made it clear that less than 16,000 homes will not meet the national need. These numbers will not concrete over the Borough. A figure needs to focus on local and national need and be justified.
 - An increased figure means sites previously proposed for removal being added back in. Which Green Belt sites should go back in?

²⁴ P.3, Minutes of WHBC Cabinet Planning and Parking Panel Meeting - 10 September 2020

²⁵ P.5, Minutes of WHBC Cabinet Planning and Parking Panel Meeting – 17 November 2020

- Unplanned development through a rejected Local Plan is nobody's vision for the Borough and a figure needs to be a justified one.

9 Recommendation 1: Determination of Objectively Assessed Need (OAN) the Officers presented the following OAN figures but made no recommendation asking Members to identify an appropriate precise figure including annual rate for the period 2016-2036:

- Turley Associates Five Year Alternative Projection: 715 dpa = 14,300
- ONS 10 Year Projection: 690 dpa = 13,800
- ONS 2-year principal projection: 507 dpa = 10,140
- The current standard methodology: = 875 dpa = 17,500
- The proposed new standard methodology (since abandoned as a Government proposal): 667 dpa = 13,340.

10 Members of the Panel voted (8 FOR and 2 AGAINST) to recommend that an OAN of 690 homes per year equivalent to 13,800 homes over the plan period 2016-2036 based on the ten-year projection is identified. The Head of Planning confirmed that he would write to the Inspector with the agreed OAN figure.

11 In relation to Recommendation 2 – Selection of sites to meet OAN, the Panel recommended that a strategy was put forward for 13,277 dwellings plus allocating site PB1 (East of Potters Bar) as safeguarded land. The recommendations were subsequently considered by and endorsed by the Council's Cabinet on the 19 November 2020 and the Council on the 23 November 2020 with minimum debate.

Special Cabinet Meeting – 19 November 2020

12 The meeting heard details of the consultation that took place between 19 February and 1 May 2020. It was reported that around 770 comments to document and the Sustainability Appraisal had been received from 387 different respondents. 62% of the comments were from organisations, bodies, groups, developers, and landowners.

13 The Minutes (see **Annex B**) refer to the Inspector having issued an Interim Report endorsing a housing need of 16,000 dwellings. The Minutes also refer to the Council having concluded that there was evidence to support a lower OAN but had accepted that there was a need for a significant uplift to address affordability issues. The Estate believes that increasingly poor affordability is a crucial reason for not reducing the OAN below 800 dpa.



Commentary on the Borough Council's deliberations on the OAHN by the Cabinet Planning and Parking Panel, Cabinet and The Council

- 14** Members were provided with updated information that identified a completions figure of 2,121 dwellings, updated commitments of 961 dwellings (correcting the earlier figure of 1,141 dwellings) and New Windfall assumptions of 1,402 dwellings²⁶. Based on issues debated at hearing sessions between March and August 2020 and new information that was received from applicants and site promoters there was said to be some new capacity assumptions for Urban Sites and Green Belt Sites. The Estate remains seriously concerned that undue reliance is being placed upon unrealistic windfall assumptions, particularly in relation to brownfield sites. It is important that site capacity and density assumptions are realistic and take proper account of the character of their locality and the likely impact on neighbouring development. Otherwise, the result will inevitably be a shortfall in delivering the Borough's required housing supply.
- 15** The Minutes of the meeting refer to the Inspector's Interim Report requesting that the Council identify which additional housing sites are most sustainable to meet the OAN. It says that in the report the Inspector assumes the OAN is 16,000 but acknowledged that it may go down because of the latest 2018 based household projections but commented that a target lower than the OAN may not support the national housing crisis or tackle the affordability issues in the Borough. The Estate strongly agrees with the concluding comments made by the Inspector. Given the lack of sufficient housing delivery in recent times, together with pressing affordability pressures, it sees no justification for the Council's proposed significant reduction in the annual housing target from 800 to 690 dpa as unanimously voted for at the Special Cabinet meeting.
- 16** The Minutes also identify the following action points:
- That the Head of Planning will immediately write to the Inspector to confirm the outcome of recommendation 1 to select the most appropriate OAN (done on 18 November 2020).
 - That the submission of changed sites represents a request that the Inspector considers them as 'Main Modifications' to the submitted plan.
 - That Officers will continue to advocate decisions made by Full Council to examination hearing sessions.
- 17** The Estate considers it is apparent, therefore, that the Council's decisions at both the Special Cabinet meeting and subsequently by the Council meeting referred to immediately below were politically motivated and were not based upon firm demographic evidence.

²⁶ It should be noted that at the CPPP meeting on 23 January 2020, Members were seeking a windfall assumption of over 2,000 dwellings.



Commentary on the Borough Council's deliberations on the OAHN by the Cabinet Planning and Parking Panel, Cabinet and The Council

Full Council Meeting – 23 November 2020

- 18** The printed minutes (see **Annex C**) identify that it was RESOLVED: (23 voting FOR, 12 AGAINST AND 13 ABSTENTIONS):
- (1) That the new objective assessment housing need (OAN) is 690 per year equivalent to 13,800 over the plan period of 2016-2036 based on the ten-year projection identified.
 - (2) That a strategy is put forward for 13,277 dwellings plus allocation of site PB1 for safeguarding.
- 19** The Estate is aware that the Inspector's recent letter to the Borough Council dated 22 December 2020 (**EX220**) has since indicated that the proposed safeguarded site PB1 is not an appropriate course for this Plan to take at such a late stage and he will not be examining this further²⁷.
- 20** The Estate notes that Members also discussed the potential for changes to site capacities and status, as well as sites that could potentially deliver additional numbers of dwellings. The Estate continues to hold the strong belief that it has expressed throughout the Examination process that Welwyn Hatfield's overall housing requirement is at least 800 dpa and the course of action being followed by the Council will not address its acute housing need, assist in improving affordability levels, and the proposed allocation at Symondshyde should continue to be included albeit with a revised capacity of around 1,500 dwellings to secure sustainable development.
- 21** The Estate notes that the Inspector's reference in his letter to the Council dated 22 December 2020 (**EX220**) to the missing evidence largely revolving around the better suitability or otherwise of alternative sites from a sustainability, as well as a Green Belt, perspective²⁸. The Estate believes that once the Schedule of Sites and Capacity (**EX219A**) is carefully scrutinised, it will be evident that an enlarged Symondshyde scheme provides a more sustainable option than the listed alternatives and will continue to be an essential component of the Plan if the Borough's OAN requirement is to be met.

²⁷ Paragraph 14, EX220 – Inspector's letter to WHBC dated 22 December 2020

²⁸ Paragraph 8, EX220 – Inspector's letter to WHBC dated 22 December 2020



Annex A

Cabinet Planning and Parking Panel
10 September 2020

WELWYN HATFIELD COUNCIL

* Reporting to Cabinet

Minutes of a meeting of the WELWYN HATFIELD COUNCIL CABINET PLANNING AND PARKING PANEL held on Thursday 10 September 2020 at 7.30 pm via a Zoom meeting.

PRESENT: Councillors S.Boulton (Chairman)

A. Chesterman, B. Fitzsimon, G. Hayes, T. Kingsbury,
J. Quinton, A Rohale, P. Shah and P. Zukowskyj

OFFICIALS Head of Planning (C. Haigh)
PRESENT: Planning & Policy Implementation Manager (S. Tiley)
Parking and Cemetery Services Manager (V. Hatfield)
Senior Parking Services Officer (M. McCann)
Governance Services Officer (G. Paddan)

83. MINUTES

The Minutes of the meeting held on 30 July 2020 were approved as a correct record and signed by the Chairman.

84. DECLARATION OF INTERESTS BY MEMBERS

Councillors S. Boulton and P. Zukowskyj declared a non-pecuniary interest in items on the agenda as appropriate by virtue of being Members of Hertfordshire County Council.

85. INTRODUCTION OF TWO DISABLED BAY PARKING PLACES IN CHURCH STREET, WELWYN

Members considered the report of the Corporate Director (Resources, Environment and Cultural Services) on the introduction of two disabled bay parking spaces in Church Street, Welwyn. With more of the UK population being eligible to apply for a disabled blue badge; eligibility now includes medical conditions where those with health issues cannot undertake a journey without there being a risk of serious harm to their health.

Welwyn Parish Council had highlighted that currently there was no on street provision for disabled badge holders only. Letters were sent to nearby residents and businesses in Church Street/High Street in respect of the advertisement of the proposals to invite any objections against such a scheme. The report noted that two objections had been received.

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Members were pleased with the proposal. It was agreed that more disabled parking bays were required especially within the current climate of social distancing.

RESOLVED:
(Unanimously)

“The Borough of Welwyn Hatfield (Church Street, Welwyn) Disabled Bay Order 2020.” That the Panel considers the objections received, and in addition to the issues raised in Section 15 around equalities and diversity. Having considered all the issues in this report, recommends to Cabinet to proceed with the creation of the above Traffic Regulation Order for two disabled bays in Church Street (**Appendix B**) for the reasons set out in this report.

86. LOCAL PLAN UPDATE

Report of the Corporate Director (Public Protection, Planning and Governance) providing an update on the Local Plan process, including the recent examination hearing sessions, the updated Objective Assessment of Housing Need (OAN) and recent letters between the Inspector and Head of Planning.

The Officer advised that the ONS published the new 2018 based projections earlier this year and the household projections in June 2020. These had been recognised by the Council, the Inspector and other parties that these were important pieces of evidence to inform the objective assessment of housing need for the Borough. It was noted that Turley’s updated OAN had used the 2018 based population and household projections alongside other factors to recommend an updated objective assessment of housing need of 715-800 dwellings per annum for the original plan period of 2013-2032. For the revised plan period of 2016-2036 the report had placed more justification on an OAN at lower end of the range, which equates to 14,300 dwellings as shown in Turley’s OAN report in Appendix 1.

The Inspector has commenced consultation on the updated OAN evidence and further evidence on Birchall Garden Suburb and Symondshyde. Members noted that in addition to the potential for additional dwellings at Symondshyde the Inspector had also indicated that consideration be given to increasing dwelling numbers at HS27 and HS22. The numbers had been limited for these sites at Cuffley and Brookmans Park due to highway capacity issues which were challenged at the hearing session.

Members discussed the following:

1. Some Members felt that the figure was too high and that if data changed within the five year period this could have some disturbing affects. Reference was made to North Herts having taken the position of using a longer trend period of ten years to help smooth potential issues. Some Members felt that Turley’s figures were unacceptable and that further work was required.

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2. A Member asked whether it would be feasible to obtain two further sets of figures besides Turley's reported figures to provide a comparison before a decision is made.
3. Two questions were raised in terms of how long did it take Turleys to produce the report? Also are Turley's exclusive to the Council? The Officer explained that it took Turley's approximately one and half months to produce the report and that they are national consultants. There are other OAN consultants that could be engaged but Turley's have the background knowledge to the Council's Local Plan.
4. Clarification was sought on the percentage of affordable housing in different towns and villages that is applied within the Borough in the submitted Local Plan. The Officer clarified that the percentage of affordable dwellings was based on viability evidence. If there was to be the same percentage affordable housing applied in the Borough it would reduce the affordable housing figures for Welwyn Garden City to 25%, currently the figure was 30%. The figure for villages was currently 35%.
5. Further questions were raised in terms of: Was there a danger of building more house than those needed? Would builders be waiting for payment with part developed sites?
6. Reference was made to the Government's consultation on fundamental changes to the planning system. It was noted that they are also consulting on the proposed changes to the standard methodology for calculating housings need – a figure of 667 dwellings per year for Welwyn Hatfield had been generated using the new methodology. The material difference was noted.
7. The issues relating to discussing figures from three different consultants would not necessarily provide a comparison, as they could be very different and how would one justify the dissimilarity in figures? Also there would be a cost involved. There are other parties who have commissioned work and information will be fed into the Inspector's consultation, which will be reviewed.

The Head of Planning advised that it would be advantageous to go back to Turley's with Member's comments and see if they have a response to the points raised. They may prepare a supplement to their report.

RESOLVED:

That this item be deferred until November 2020, as additional information is required by the Panel.

87. MHCLG WHITE PAPER - PLANNING FOR THE FUTURE

Members considered the report of the Corporate Director (Public Protection, Planning and Governance) on the MHCLG White Paper for planning for the future. The Government is consulting on fundamental reforms to the planning system. It proposes to build a new simpler, clearer and quicker system that would actively encourage sustainable, beautiful, safe and useful developments

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but at the same time make it harder for developers to escape their obligations to improve infrastructure.

The Government is also consulting on four associated measures until 1 October 2020: changes to the standard methodology for calculating housing requirement; First Homes; temporarily lifting the small sites threshold for affordable housing; and extending the current permission-in-principle to major development. www.gov.uk/government/consultations/changes-to-the-current-planning-system.

The Head of Planning summarised the White Paper and explained that a response has been drafted for Members to consider and add comments. It was structured around three pillars and 24 proposals. The three pillars being:

Pillar One – Planning for development. These proposals focus on certainty and delivery by proposing the organisation of land and associated simplified routes to planning permission.

Pillar Two – Planning for beautiful and sustainable places. To have good design in the planning system, to introduce a fast-track for beauty through changes to national policy and legislation to fast-track high quality development which would reflect on local character and preferences.

Pillar Three – Planning for infrastructure and connected places. The Government could seek to use developer contributions (levy) to obtain a greater proportion of the land value which occurs through the grant of planning permission.

The White Paper notes that areas zoned as “protected” will basically continue with the existing planning process, with all existing Green Belt designations remaining in force.

Within the “growth” areas, certain pre-approved development types will be given automatic pre-approval via the new permitted development rights. These new permitted development rights will also have to take account of local design codes.

Changes to the Standard Methodology - The new methodology proposes to introduce a new element to take account of the number of homes already in the area and an affordability adjustment that takes account of changes over time. The new standard methodology currently results in a requirement for 667 dwellings per year, compared with the current requirement for 875 dwellings per year.

Members raised and discussed the following:

1. It was agreed that change was needed but concern was expressed in terms of the watering down of the democratic process. Members felt that local

Cabinet Planning and Parking Panel
10 September 2020

- views and their electorate's visions would not be taken into account, it seemed to be controlled by the Government's national codes and policies.
2. Further comments were made on the lack of emphasis on climate change, environment impact and affordable housing.
 3. Concern was expressed in terms of the Infrastructure Levy and its use; would there be sufficient levy to complete what is required locally by the community? Growth area developments – what type of development would be permissible? Head of Planning explained that there will be national codes but local authorities would also have localised design codes and officers processing planning applications would check proposals against agreed design codes before applications are approved.
 4. On a positive point it was felt that getting local plans through would be swifter.
 5. Members agreed that a robust response was required to the proposals listed within the consultation paper.

It was noted that individuals could submit comments directly to the Government's consultation by 29 October 2020:

www.gov.uk/government/consultations/planning-for-the-future.

RESOLVED:
(Unanimously)

That Head of Planning circulates a draft response to Members for comment.

88. NEW PERMITTED DEVELOPMENT RIGHTS

Report of the Corporate Director (Public Protection, Planning and Governance) on the new permitted development rights (PD). The Government has recently announced a number of new permitted development rights to help kick-start construction and speed-up development, as part of the response to the coronavirus pandemic. This report explored the possible implications of these new rights and whether the Council should create Article 4 Directions to remove them.

Additionally new legislation has been published which will dramatically change the well-established use class system in England. These new provisions have come into force on 1 September 2020. The new Class E use class for commercial, business and service uses has been introduced, which subsumes A1 shops, A2 financial and professional services, A3 restaurants and cafes, B1 business/offices and some D1 (clinics, health centres, crèches, day nurseries and day centres) and D2 (gyms, indoor recreations not involving motorised vehicles or firearm) uses.

The report noted that the PD rights do not apply to listed buildings, scheduled monuments and land within their curtilages, conservations areas and Sites of Special Scientific Interest (SSSI) and certain other areas. Additionally buildings which were not used for an eligible use or for a Class C3 residential use on 5 March 2018 and buildings constructed before 1 July 1948 or after 5 March 2018.



Annex 6

Special Cabinet
19 November 2020

WELWYN HATFIELD COUNCIL

Minutes of a special meeting of the WELWYN HATFIELD COUNCIL CABINET held on Thursday 19 November 2020 at 5.00pm via Zoom.

PRESENT: Councillors T.Kingsbury (Leader of the Council) (Chairman)
D.Bell (Deputy Leader and Executive Member, Resources)

S.Boulton (Executive Member, Environment and Planning)
T.Mitchinson (Executive Member, Leisure, Culture and Communications)
N.Pace (Executive Member, Housing and Community)
B.Sarson (Executive Member, Regeneration, Economic Development and Partnerships)
F.Thomson (Executive Member, Governance, Public Health and Climate Change)

OFFICIALS Chief Executive (K.Ng)
PRESENT: Corporate Director (Public Protection, Planning and Governance) (N.Long)
Corporate Director (Housing and Communities)
Head of Law and Administration (M.Martinus)
Head of Planning (C.Haigh)
Planning Policy and Implementation Manager (S.Tiley)
Governance Services Manager (A.Marston)
Communications Officer (L.Creed)

195. PUBLIC QUESTIONS

Question 1 :- Colin Campbell, Head of Planning, Hill Residential Ltd

The Inspector concluded, in relation to HS22, that

- “potential harm [to the Green Belt] could be successfully mitigated, and a permanent defensible GB boundary established. This would enable the site’s impact on the wider GB to be limited.” and
- the benefits of HS22 “particularly its movement sustainability, more than outweigh the adverse impact on the purposes of the GB and the loss of the site’s openness.” and
- “exceptional circumstances to justify its removal from the GB.”

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The Inspector also concludes that “a fundamentally lower housing requirement [than 16,000] would not support the national objective to boost the supply of housing, which is as relevant in Welwyn-Hatfield as anywhere. It would also fail to address housing affordability issues, affordable housing need and the housing impediments to the successful economic growth of the Borough.”

What are the planning reasons for departing from the Inspector’s well-reasoned conclusions on the exceptional circumstances which justify the release of HS22 from the Green Belt and its soundness as an allocation which is sustainable, is in accordance with the settlement strategy, delivers desperately needed new market and affordable homes, and without which there is a very real risk that the Royal Veterinary College (as a major employer, provider of veterinary services and research output) will be unable to continue to invest in its facilities within the Borough?

Response

The Inspector has made it clear that his report is based on an assessed housing need of 16,000 dwellings and it is in that context that his comments on HS22 relating to exceptional circumstances need to be considered. The Inspector has also acknowledged that a lower OAN could be justified.

The Council has concluded that there is evidence to support a lower OAN but has accepted that there is a need for a significant uplift to address affordability issues.

The exceptional circumstances for releasing this site from the Green Belt have to be reconsidered in that context. Cabinet Planning and Parking Panel have made recommendations to Cabinet on what it considers to be the appropriate balance between making provision for both the economy and the need for housing and the protection of the Green Belt. These will now be debated by Cabinet before a final decision is made by Full Council.

Question 2:- Stuart W.J. Reid, Principal, RVC

On the 17 November CPPP decided to recommend that the Council pursue a lower OAN based on the removal of sites from the submitted plan. In this connection, we would be grateful if the Cabinet could please answer the following questions:

Can the Cabinet please set out how the removal of HS22 and HS24 from the site allocations, against the direction of the Inspector, has been considered and justified with due process in the context of its inclusion in the submitted plan and robust support from the Inspector? The Royal Veterinary College is deeply concerned that the significant changes proposed to the submitted plan risk the plan being found unsound, especially given the Inspector’s clear findings on housing need and the submitted spatial strategy.

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Does the Cabinet / Council acknowledge that the new proposals prevent investment in the delivery of a new small animal hospital providing vital services to the local community, along with further campus improvements supporting education and research, required to maintain the RVC's world leading status? This investment is reliant on delivering HS22 and HS24.

Are the risks to the Local Plan process, together with potential outcomes, and the impact on the RVC's status fully understood and accepted by the Cabinet?

Response

The Inspector has issued an interim report based on a housing need of 16,000 dwellings. The response to the previous question has referred to the Council's view that the 2018 Population and Household projections result in a reduced need for housing. The Council considers that the exceptional circumstances relating to the release of this site for housing therefore need to be reconsidered by Members.

The Council is following due process by ensuring these important decisions are fully debated by CPPP, Cabinet and Full Council.

It is acknowledged that the RVC is a charity and that the proceeds from any sale of land for housing would be reinvested in the College but this is not a consideration that should inform the selection on which are the most sustainable local plan sites.

196. DECLARATION OF INTEREST BY MEMBER

Councillor S.Boulton declared a non-pecuniary interest in the item on the Agenda as a Member of Hertfordshire County Council.

197. ITEM RELATING TO THE BUDGET AND POLICY FRAMEWORK FOR RECOMMENDATION TO THE COUNCIL

The following item was considered:-

197.1. Local Plan - Objective Assessment of Need and Final Site Selection (Forward Plan Reference FP982)

This Special Cabinet meeting has been convened to consider the recommendations from the meeting of the Cabinet Planning and Parking Panel on 17 November 2020 on 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.

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198. PRESENTATION BY HEAD OF PLANNING

198.1. Local Plan

Members may recall that the Local Plan was submitted for examination in 2017 with a target of 12,000 homes.

The inspector has since advised through the examination process, that it does not meet the Council's objective need. Members debated additional site at the Cabinet Planning and Parking meetings in January 2020 and Officers presented options to achieve the objective need at that time of 16,000 and Members chose to consult on a collection of sites totalling 14,011 homes for public consultation.

The reports from Cabinet Planning and Parking Panel take into account:

- Consultation responses
- Inspector's interim report advice on sites. This was received in October 2020.
- Updated site and sustainability options from recent hearing sessions and other engagement with land owners and site promoters.

198.2. Consultation Responses

The consultation took place between 19 February and 1 May 2020. The Council received around 770 comments to document and the Sustainability Appraisal from 387 different respondents. 62% of the comments were from organisations, bodies, groups, developers and landowners.

33% of comments indicated legal compliance of changes to site allocations
31% indicated that the changes were not legally compliant

23% indicated that the changes were sound.
45% indicated that the changes were not sound.

Most of the comments received were about sites in the Green Belt -

- PB1 had received 88 representations – this was East of Potters Bar
- BrP1 (Bell Bar) had received 60 representations

198.3. New Assumptions

On the basis of all the information that had been received, since then the assumptions have been updated.

Updated completions figure (2,121 dwellings), this includes new dwellings that have been built.

Updated commitments (961 dwellings NOT 1,141 dwellings)

Updated New Windfall assumptions (1,402 dwellings)

Special Cabinet
19 November 2020

Based on issues debated at hearing sessions between March and August 2020 and new information that was received from applicants and site promoters there was some new capacity assumptions for Urban Sites and Green Belt Sites.

198.4. Inspector's Interim Report

Received the inspector's interim report in October 2020. It is a summary of the submitted plan based on the learning sessions.

The report sought to align housing and economic strategies to avoid worsening affordability and commuting rates.

The inspector asked the Council which additional housing sites are most sustainable to meet the OAN. In the report the inspector assumes the OAN is 16,000 but acknowledged that it may go down because of the latest 2018 bases household projections, but commented that a target lower than the OAN may not support the national housing crisis or tackle the affordability issues in the Borough.

The inspector concluded that there general exceptional circumstances to release Green Belt land bust justifies individual sites – acknowledged that the Council cannot deliver all of our need on available urban sites but also advised that individual sites still need to be justified in terms of exceptional circumstances.

Number of comments on particular sites-

Birchall Garden Suburb South harms openness of Green Belt

Marshmoor should be considered for housing if Council cannot meet the OAN

Symondshyde may be selectable if OAN cannot be met from village sites

The inspector identified two options for the Council –

- 1.) Propose additional housing sites to meet the OAN
- 2.) Withdraw the plan from the examination

The inspector identified a list of deadlines that they would like the Council to achieve or the inspector will confirm the plan as unsound if the Council cannot achieve the deadlines.

198.5. Clarifications

Table 5 - commitments of 961 dwellings not 1,402 dwellings

Paragraph 2.8 – housing land supply of 13,277 dwellings not 13,457 dwellings

Table 5 – housing land supply of 13,277 dwellings not 13,457 dwellings

Paragraph 4.80 should state removal of 700 dwellings (not 600) at Birchall Garden Suburb South.

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Appendix A – Summary of consultation: Interim report comments that “there would be no appropriate site on the western edges of Hatfield that could be available to deliver a reasonable number of dwellings” but does not specifically comment on HAT2.

HS29 and HS30 – Interim report comments that Cuffley is not a particularly sustainable location from a transport perspective, that defensible boundary could create for these sites but that “demonstration of exceptional circumstances will partly depend upon relative amount of overall development that is justified in Cuffley and deliverability of other sites”.

198.6. Recommendation 1

That Members identify the most appropriate precise figure for annual rate of objectively assessed housing need (OAN) over the plan period 2016-2036.

Officers advised Members of the panel that the office of national statistics has published multiple projections. Best practice guidance does not comment on what to do in this situation. As a consequence the issues of OAN was raised at the Cabinet Planning and Parking Panel meeting in September 2020 and Officers were asked to bring more information to Councillors.

- Turley (appointed housing consultation) – five year alternative projection = 715 homes per year (=14,300). Criticised as overly cautious and does not reflect projected reduction.
- ONS ten year projection = 690 homes per year (=13,800). More stable outcome, less susceptible to anomalies and economic cycles.
- ONS two year principal growth projection = 507 homes per year (=10,140). Similar to recent growth rates in the Borough but has not improved affordability.

Members noted Government has a current standard method = 875 homes per year.

Proposed standard method = 667 homes per year.

Cabinet Planning and Parking Panel agreed that the office of national statistics 10 year projection of 690 homes per year (=13,800) is the most appropriate precise figure for annual rate of objectively assessed housing need (OAN) over the plan period 2016-2036.

It was a more stable outcome, less susceptible to anomalies and economic cycles. It is also above the proposed standard method of 667 homes per year.

198.7. Recommendations 2

That Members considered whether they want to change the proposed changes for 14,011 homes agreed for consultation in January 2020 based on (a) comments submitted to public consultation, (b) judgements in inspector’s interim report, (c) updated completions, commitments, brownfield data, (d)

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updated site information, in order to achieve identified OAN over plan period 2016-2036.

- Does not add sites selected for removal in proposed changes consultation
- It does update completions, commitments and windfall figures
- Assumes on urban areas such as the Wheat Quarter for 2,000 homes and Bio Park for 250 homes
- It removes 700 at Birchall Garden Suburb South
- It removes 160 at PB1 east of Potters Bar

The strategy can now deliver 13,277 not 13,457 dwellings.

Cabinet Planning and Parking Panel agreed that housing land supply is 13,277 homes and agreed that PB1 should be identified as safeguarding land to meet longer term housing needs.

198.8. Actions

- That the Head of Planning will immediately write to the inspectors to confirm the outcome of recommendation 1 to select the most appropriate OAN – This was done on the 18 November 2020.
- That the submission of changed sites represents a request that the inspectors consider them as 'main modifications' to the submitted plan.
- That Officers will continue to advocate decisions made by Full Council to examination hearing sessions.

198.9. Risks

- Judicial Challenge – Published and presented properly
- Risk that the inspector could conclude that the plan is unsound
- Risk Government instructs another body to prepare the Council's Local Plan
- Lack of five year housing land supply. If the Local Plan is agreed it would enable the Council to have the 5 year plan.
- Presumption in favour of sustainable development
- Will struggle to resist proposal for brownfield sites and employment land
- Will start to receive speculative green belt planning applications
- Risk of planning by appeal and costs.

199. CABINET DECISION

The Leader thanked the Head of Planning, the Planning & Policy Implementation Manager and Officers on their hard work on the Local Plan.

Following discussion it was

**RESOLVED:
(UNANIMOUS)**

Special Cabinet
19 November 2020

That Cabinet agreed the recommendations from the meeting of the Cabinet Planning and Parking Panel on 17 November 2020:-

- (1) That the new objective assessment housing need (OAN) is 690 per year equivalent to 13,800 over the plan period of 2016-2036 based on the ten year projection identified.

and

RECOMMENDS TO COUNCIL:

- (2) That a strategy is put forward for 13,277 dwellings plus allocation of site PB1 for safeguarding.

Meeting ended 5.32pm
AM



Annex 7

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WELWYN HATFIELD COUNCIL

Minutes of a meeting of the WELWYN HATFIELD BOROUGH COUNCIL held on Monday 23 November 2020 at 7.30pm via Zoom.

PRESENT: Councillors R.Trigg (Mayor)
P.Hebden (Deputy Mayor)

D.Bell, M.Birleson, E.Boulton, J.Boulton, S.Boulton, H.Bower, L.Brandon, J.Broach, J.Caliskan, A.Chesterman, L.Chesterman, M.Cook, M.Cowan, J.Cragg, A.Dennis, S.Elam, B.Fitzsimon, G.Hayes, M.Holloway, T.Jackson-Mynott, C.Juggins, S.Kasumu, T.Kingsbury, M.Larkins, R.Lass, S.Markiewicz, F.Marsh, G.Michaelides, T.Mitchinson, L.Musk, N.Pace, H.Quenet, J.Quinton, J.Ranshaw, D.Richardson, A.Rohale, B.Sarson, P.Shah, J.P.Skoczylas, P.Smith, K.Thorpe, S.Thusu, F.Thomson, J.Weston, S.Wrenn, P.Zukowskyj

OFFICIALS Chief Executive (K.Ng)
PRESENT: Corporate Director (Public Protection, Planning and Governance) (N.Long)
Corporate Director (Housing and Communities) (S.Russell)
Monitoring Officer (M.Martinus)
Governance Services Manager (A.Marston)
Principal Governance Officer (J.Anthony)

78. MINUTES

The Minutes of the meeting held on 17 September 2020 were confirmed as a correct record and noted by the Mayor.

The hard copies of minutes will be signed by the Mayor as soon as it is reasonably practicable or alternatively, electronic signatures can be arranged after a meeting.

79. QUESTIONS FROM THE PUBLIC

79.1. Question from Mike Moulton, Moulton Walker

“Concerning Welwyn Village, Fulling Mill Lane: Local Plan References Wel1, Wel2, Wel15.

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delegated authority to nominate a substitute representative as required.

83.2. Council Tax Support Scheme

To recommend the continuation of our localised Council Tax Support Scheme into 2021/22.

The scheme fully protects pensioners, families with children under 5, as well as certain other vulnerable claimants. For others, the assessed entitlement is calculated on 75% of the Council Tax bill.

Consultation has taken place with Hertfordshire County Council and the Hertfordshire Police and Crime Commissioner on our intention to continue with the same scheme. Both bodies have responded in agreement.

The cost of the scheme is met through the collection fund, through a reduction of the Tax Base. Based upon the latest information, the cost of the scheme for 2020/21 is likely to be £7.4M across all preceptors, an increase of £0.4M from 2019/20, largely because of the impact of the pandemic. Because this cost is met through the collection fund, the impact upon the General Fund will be spread over the following 3 years.

The likely adverse impact of Covid upon WHBC's share of the cost of this scheme for 2020/21 has been included within our estimated loss of Council Tax collections.

The likely cost for 2021/22, which will impact the General Fund in 2022/23 and beyond, will be estimated as part of the budget setting process.

It was moved and seconded by Councillors D.Bell and T.Kingsbury and

**RESOLVED:
(unanimous)**

That the localised Council Tax support scheme continued in 2021/22 to help people on low/no income to receive a reduction on their council tax.

83.3. Local Plan

To consider the recommendations from the special Cabinet meeting on 19 November 2020 on the results of the public consultation, the content of the inspector's interim report and other updated evidence in order to agree a precise figure for the objective assessment of housing need (OAN) over the plan period and to confirm which sites should be proposed for inclusion in the Local Plan to meet the OAN.

The Head of Planning gave a presentation to Members on the Local Plan.

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Members may recall that the Local Plan was submitted for examination in 2017 with a target of 12,000 homes.

The inspector has since advised through the examination process, that it does not meet the Council's objective need. Members debated additional site at the Cabinet Planning and Parking meetings in January 2020 and Officers presented options to achieve the objective need at that time of 16,000 and Members chose to consult on a collection of sites totalling 14,011 homes for public consultation.

The consultation took place between 19 February and 1 May 2020. The Council received around 770 comments to document and the Sustainability Appraisal from 387 different respondents. 62% of the comments were from organisations, bodies, groups, developers and landowners.

The Council received the inspector's interim report in October 2020. It is a summary of the submitted plan based on the learning sessions.

The inspector asked the Council which additional housing sites are most sustainable to meet the OAN. In the report the inspector assumed the OAN was 16,000 but acknowledged that it may go down because of the latest 2018 bases household projections, but commented that a target lower than the OAN may not support the national housing crisis or tackle the affordability issues in the Borough.

Number of comments on particular sites-

Birchall Garden Suburb South harms openness of Green Belt

Marshmoor should be considered for housing if Council cannot meet the OAN

Symondshyde may be selectable if OAN cannot be met from village sites

The inspector identified two options for the Council –

- 1.) Propose additional housing sites to meet the OAN
- 2.) Withdraw the plan from the examination

The inspector identified a list of deadlines that they would like the Council to achieve or the inspector will confirm the plan as unsound if the Council cannot achieve the deadlines.

Recommendation 1:-That the new objective assessment housing need (OAN) is 690 per year equivalent to 13,800 over the plan period of 2016-2036 based on the ten year projection identified.

Recommendation 2:-That a strategy is put forward for 13,277 dwellings plus allocation of site PB1 for safeguarding – this would be protected for longer term development needs and is not included in the 13,277 figure but could potentially be an additional source of supply beyond the plan period or possibility even in the plan period.

Executive Member (Environment and Planning) stated that it has been a hard and long task. You have heard, in the questions the views of only a tiny number

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of people. But we have had responses from over 1,000 people over the period of the plan. They reflect the feelings of the general public who responded to the consultation. Firstly, we have developers and land owners who wish to develop their sites as part of their business. On the other hand, we have heard from people who wish to preserve the nature of the green belt and prevent urban sprawl and coalition of the towns and villages and additionally we have heard from residents of towns who do not want overdevelopment in the urban areas. However there is a need for housing in the Borough and these proposals provide a reasoned approach to the numbers.

Following discussion, it was moved and seconded by Councillors S.Boulton and T.Kingsbury and

RESOLVED:

(23 voting FOR, 12 AGAINST AND 13 ABSTENTIONS)

- (1) That the new objective assessment housing need (OAN) is 690 per year equivalent to 13,800 over the plan period of 2016-2036 based on the ten year projection identified.
- (2) That a strategy is put forward for 13,277 dwellings plus allocation of site PB1 for safeguarding.

84. MEMBERS' ALLOWANCE SCHEME

The Independent Remuneration Panel had met to consider the annual review of members' allowances for 2020/21.

The Panel recommended that allowances be increased by 2.75% with effect from 1 July 2020 in line with this year's local government employee pay award and in accordance with the approach previously taken by the Council. The only exceptions being the allowances payable to the Opposition Group Leaders and Chair of the Audit Committee.

The Panel recommends that the methodology agreed in 2019/20 for calculating Opposition Group Leaders allowances is again used and this includes the supplement 10% of the basic allowance to Opposition Group Leaders to reflect the additional work currently undertaken with the Council in no overall control. The Panel noted an anomaly with the allowance awarded to the Chair of the Audit Committee. They recommend a slightly higher percentage increase to bring this special responsibility allowance (SRA) in line with the other comparable Committee Chairs.

The current and proposed rates are set out at Appendix B to the report.

The additional cost of these recommended increases is estimated to be £9,863 and can be met from within the existing budget.