

For and on behalf of  
**Bayard Developments Ltd**  
**Wattsdown Developments Ltd**

**Submissions regarding Examination Document EX224**  
**Inspectors' Invitation of Comments on the WHDC Updated Housing Trajectory and Housing**  
**Supply Statement (including Stepped Trajectory) December 2020**  
**Welwyn Hatfield Borough Council Local Plan Examination Stage 9 Hearings**

**Fulling Mill Lane, Welwyn Wel1, Wel2. Wel 15**  
**Land at London Road, Knebworth WGr3**

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## **1.0 INTRODUCTION**

- 1.1 This report is a response to the Inspector's invitation for additional comments in response to Examination Documents EX224, EX224A and EX224B.
- 1.2 Together these documents comprise details of the Council's Updated Housing Trajectory and Housing Supply Statement (including Stepped Trajectory) (December 2020), include the trajectory itself (Appendix A) and components of supply (Appendix B)
- 1.3 These submissions do not seek to raise further general comments on the current status of the Examination.
- 1.4 Comments on this document are provided in the context of the potential revisions to the policies and proposals and the evidence on which the Council's proposed revisions are based. These comments should be read alongside representations to the Council's 2020 'Additional Sites' Consultation (specifically Table 2 - Impact of Recommended Consultation Proposals on the Proposed Housing Requirement and Housing Trajectory; and Paragraph 2.8 – soundness implications of the proposed stepped trajectory).
- 1.5 The reasons for this are that Examination Documents EX224A-B are the first such detailed trajectory published following the Council's submission of additional sites. No such details were provided as part of the 'Option 5' proposals subject to consultation in 2020, albeit it was apparent that the sites published for consultation would fail to meet minimum full objectively assessed needs of 16,000 dwellings 2016 to 2036 and would fail to achieve a significant boost to supply upon adoption of the Plan. This remains the case as a result of the latest details for specific sites illustrated in EX224A-B.
- 1.6 These submissions should also be read alongside comments on the Council's revised windfall allowance (EX221). This is because it is apparent that the proposed reduction in windfall supply is directly relevant to the site-specific assumptions adopted for delivery of the Broadwater Road West SPD. The Council's assumptions for delivery of relevant Urban Sites in Welwyn Garden City must be assessed for soundness in their own right.

## **2.0 SOUNDNESS IMPLICATIONS FOR THE PROPOSED 'STEPPED' TRAJECTORY**

### **a) The justification of the Stepped approach in EXAM224**

- 2.1 The evidence that the Council relies upon to indicate that a stepped trajectory would be required to meet full objectively assessed housing needs of 16,000 dwellings (800dpa) for the period 2016 to 2036 is not justified. The outcome of the Council's suggested calculation of a deficit of -879 dwellings against the five-year requirement on adoption under this requirement (using an annualised requirement) (Table 2 of EX224) is a function of the Council's decisions over the choice of additional sites and modifications to the 2016 submission draft Local Plan.
- 2.2 The justification for the introduction of a stepped approach as set out in the conclusion to EX224 is that taking into account the sites that the council have decided to allocate there are significant infrastructure, economic and structural reasons which prevent the council from identifying sites that could come forward within this period to address this shortfall.
- 2.3 Given the evidence now before the examination regarding the deliverability of omissions sites (with no such infrastructure constraints) and which would have no greater impact on the Green Belt than some of the proposed allocations the Council's justification appears extremely flimsy. Indeed, additional impacts and harm to the Green Belt is not listed as one of the barriers bulleted in EX224 regarding increasing supply.
- 2.4 In reality the justification is more simply explained by the fact that the Council have purposefully chosen a strategy and more importantly selected sites that will fail to deliver a five year land supply. The Council's own evidence highlights that there are sites that could be allocated that could come forward in the first five years of the plan to address this issue they have simply chosen not to allocate these sites. When full regard is given to the Council's own evidence base in terms of opportunities to overcome potential barriers and prioritise the early delivery of suitable sites (as required by the PPG (ID: 68-021-20190722)) is much reduced or removed altogether, together with the benefit of providing for an appropriate strategy that would meet needs in full.
- 2.5 Paragraph 47 of the NPPF2012 sets an overarching objective for local planning authorities to boost significantly the supply of housing. This imperative has been set out in national policy for almost a decade, with the main terms unchanged in the Revised NPPF2019. The plan as proposed to be changed does not meet this objective for the following reasons:
- a. It fails to satisfy the Inspector's requirement for additional work and rejects reasonable alternatives that could meet the OAN in full,
  - b. It proposes a 'stepped trajectory' that would, at best, delay the provision of the housing to meet full objectively assessed housing needs towards the end of the plan period
  - c. It is axiomatic that while the Council's proposed approach in Table 1 of EX224 is not 'stepped' the issue remains that as well as not meeting the FOAN of 16,000 the Council contests the trajectory would not even accommodate its own revised assessment of OAN at 690dpa, which we do not agree with. This is nonetheless itself partly a function of failing to select and prioritise the early delivery of appropriate sites.
- 2.6 It is important to note that the guidance related to the 2012 NPPF (Paragraph: 035 Reference ID: 3-035-20140306) states clearly that if the Plan the is to implement a stepped approach to deal with past under supply (as is the case here) then the Council should only do this if it has engaged other authorities under the Duty to Cooperate to determine if these unmet needs might be addressed earlier by additional allocations in other areas.

- 2.7 It is important to note how other inspectors have considered the guidance that that LPA's should meet the undersupply in the first five years "where possible".
- 2.8 Mr Cullingford in the decision letter (APP/P2935/W/15/3141228) for Land west of 29 Church View, Longhorsley, Morpeth, Northumberland, opined that:
- "A legitimate doubt involves the interpretation of what 'where possible' might reasonably mean. It must mean more than just 'difficult'. After all, the whole point of the exercise is to 'boost the supply of housing significantly' and to encourage a proactive approach in bringing forward sites for development that have already been identified **and in identifying others to meet the specified requirements**. Moreover, the Guidance indicates that 'where [the shortfall] cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the Duty to Cooperate'. **That is quite a severe test.**"*
- 2.9 The Council have not met this test as it is clearly possible for the council to allocate sites that can contribute to the supply in the first five 5 years of the plan which do not have the constraints cited by the Council.
- 2.10 At recent stages of the Examination in Public Welwyn District Council's officers stated that the authority had contacted surrounding districts and that they could not help each other to ensure needs are met in full. Furthermore, the Duty to Cooperate cannot be satisfied following submission of the Local Plan hence the consultation proposals fail on this point in terms of legal compliance.
- 2.11 The approach is furthermore unsound against all four tests as set out in national policy, it is not positively prepared as it seeks to delay meeting need, it is not justified as there are clear alternatives and the alleged constraints are unevenced, it is ineffective and inconsistent with national policy.
- 2.12 The NPPF2012 and associated planning practice guidance does not define the terminology for a 'stepped' housing trajectory or the circumstances where this may be appropriate. It is, however, accepted that NPPF2012 Paragraph 47's requirement to illustrate delivery against a trajectory does not necessarily envisage a straight line profile of supply, particularly where this is dependent on the type of sites included in the forecast supply.
- 2.13 It is relevant to consider the definition in the most recent NPPG for the purposes of identifying appropriate circumstances for a 'stepped' trajectory. This is because from the day of adoption onwards whatever decision is made regarding the calculation of the five year land supply in the context of this plan it will be rendered out of date against the requirements of the NPPF2019. The transitional arrangements only relate to the housing requirement (NPPF2019 paragraph 73) and not to any trajectory stepped or otherwise, nor do the arrangements allow the importation of alternative methods of calculating the land supply.
- 2.14 Paragraph ID: ID: 68-019-20190722 notes that stepped trajectories are relevant when considering the ability to identify specific developable sites later in the plan period, where assumptions support a reasonable prospect either within years 6-10 or 11-15. Conclusions on the developability of sites should support the justification for a stepped trajectory. This is broadly consistent with the requirements of paragraph 47 of the NPPF2012.
- 2.15 The up to date NPPG states that Strategic policy-makers will need to identify the stepped requirement in strategic housing policy, and to set out **evidence to support this approach, and not seek to unnecessarily delay meeting identified development needs**. (ID: 68-021-20190722). It is considered that the evidence offered by the council is insubstantial in light of the range of sites which their officers have identified as being acceptable and relatively unconstrained which would address this issue. It would appear that members are simply seeking to unnecessarily delay meeting identified development needs.

- 2.16 Stepped requirements should reflect step changes in the level of housing expected to be delivered rather than following constraints to the Council's own decisions on strategy and the type and scale of sites identified in the early part of the plan period. It is clear from the Council's proposed approach that the Council's choice of stepped requirements is backward-looking and has little relevance to actual levels of housing need. The stepped requirements from 2023/24 onwards are furthermore unrealistic and not based on a realistic or justified forecast increase in supply.
- 2.17 In conclusion therefore the justification for the stepped approach as set out in EX224 is unsound based on the details in EX224 and EX219 relating to additional sites currently proposed for allocation following additional work.
- b) The Alternative Stepped Approach at "Option 1" of the 2020 Sites Consultation Proposals**
- 2.18 It is noted that the council have not further developed their reasoning for the potential for a stepped approach to be required based on the scenario within Table 2 of EX224.
- 2.19 Appendix E to the 'preferred' 'Option 1 2020 Sites Consultation Proposals reported to Members of 23 January 2020 confirmed that the Council considered use of a 'stepped' trajectory to be appropriate to address the housing requirement over the plan period following re-testing of options in accordance with the Inspector's request and taking account of the revised 2016 to 2036 plan period.
- 2.20 It is worth noting that the preferred "Option 1" includes a number of the omission sites but fails to recognise that a considerable level of work has already been undertaken which would allow for the early delivery of these sites. For example, WEL1, WEL2 and WEL15 can all be delivered within years 1-5 of the plan period upon adoption, rather than years 6-10 as indicated in the Site Selection Background Paper. Similarly, the smaller site at WGr3 can easily be delivered within 1-5 years.
- 2.21 SPRU submitted detailed observations regarding the proposed approach as part of representations to the 2020 Sites Consultation. However, it is important to note that the 'stepped trajectory' reported at the Council's Appendix E was not itself applicable to proposals on changes to the draft Local Plan due to amendments to the recommendations for 'Option 5'. Based on details available with the consultation material it is apparent that the assumptions for the stepped trajectory were not revisited in accordance with the proposals to meet a reduced housing requirement of 14,011 dwellings.
- 2.22 In our opinion, while the 'stepped' approach identified in Option 1 would in principle meet objectively assessed needs of 16,000 dwellings and is enhanced through inclusion of our client's land at Welwyn and Woolmer Green it is in practice only necessary because WHDC did not previously choose to select an appropriately wide range of sites in terms of size and location which would have greatly assisted early delivery.
- 2.23 Notwithstanding selection of our clients' sites, the Council re-testing of options in accordance with the Inspector's request has continued to fail in achieving a significant boost to supply without deferring requirements to later in the plan period. This could be addressed in part through recognising and supporting the early delivery of our client's land at WEL1, WEL2 and WEL15 within years 1-5 of the plan period upon adoption, rather than years 6-10 as indicated in the Site Selection Background Paper. The Council also fails to explicitly acknowledge the deliverability of land at WGr3 within 1-5 years (instead citing '0-10 years').
- 2.24 The Council in EX224 is now suggesting that a stepped approach would not be required (albeit against an even lower housing requirement of 668dpa) but that this would still be the approach required under a FOAN scenario of 800dpa. Document EX224 continues to fail to illustrate any of the Council's detailed assumptions (for example of matters relating to lead-

in timeframes for development and average build rate) to justify the change in its position under either scenario.

- 2.25 While overall it could be assumed that the reduced requirement obviates the need for a stepped trajectory this is not a conclusion that can be reached without reference to the profile of remaining sites proposed for allocation and the Council's revised windfall assumptions.
- 2.26 Specifically, for example, it is apparent that the Council's conclusions that a 'stepped' approach would not be required under the current iteration of the trajectory in EX224A are heavily dependent on the assumptions for specific strategic sites, notably Broadwater Road West (SDS3/SDS4 and associated proposed additional sites). In accordance with paragraph 47 of the NPPF2012 it is relevant to consider implications for the trajectory in terms of the ability of the Plan to deliver requirements over the plan period.
- 2.27 The marginal nature of the calculation of supply in Table 1 of EX224 (5.1 years' supply) indicates a significant risk that the Council's own selected sites, strategy and requirement would still fail to result in a rolling five year supply. On that basis the details of an alternative trajectory (such as the 'Option 1' consultation trajectory recommending the allocation of further additional sites) remain a relevant comparison in terms of understanding whether the assumptions in EX224 are robust

### **3.0 RELEVANCE OF COMPARISON WITH THE COUNCIL'S REVISED WINDFALL ASSUMPTIONS**

- 3.1 The Council accepts that its proposals for 'additional sites' (particularly those relating to urban sites in Welwyn Garden City including redevelopment under the Broadwater Road West SPD) and proposed amendment of site capacity directly affect the assumptions for windfall supply in EX221, as compared with windfall assumptions as presented at the 2020 Sites Consultation.
- 3.2 SPRU's revised windfall assumptions (which include the Council's proposed reliance on future levels of Permitted Development not yet currently reflected in past trends or subject to the imposition of existing and proposed Article 4 Declarations) have a more significant impact on the contribution from unidentified sites in the calculation of supply towards the housing requirement through 'windfall' in the years immediately following adoption of the Plan.
- 3.3 SPRU's review of the robust evidence to justify a windfall calculation is set out in detail in our response to EX221 and leads to the conclusion that there should be a windfall allowance of 51 dpa providing a total 612 for the plan period.
- 3.4 The Trajectory in EX224A (appendix 1) forecasts a windfall of 264 dwellings in the last 2 of the first five years from 2020/21–2024/25. This compares to the 51 that would derive from the SPRU approach (applying a revised windfall assumption from 2024/25 only). This difference, while also reducing the lack of a five year land supply judged against the housing requirement of 800 dpa, would make no difference to the central argument in terms of the justification to adopt a stepped trajectory.
- 3.5 The Council's position that a stepped trajectory is necessary in the context of full objectively assessed needs of 16,000 dwellings for the period 2016 to 2036 is not justified. The issues with the proposed stepped approach are simply compounded by the fact that the Council's allowances for development on unidentified sites are also not justified.
- 3.6 By way of simple comparison, even accepting only SPRU's adjustment to total windfall provision in the five-year period 2020/21 to 2024/25 (corresponding to Table 1 in EX224) the calculation of supply against the five-year requirement would reduce to **4.88 years**. This is based on a reduced forecast total for delivery of 4447 units ((4660 – 264) + 51 = 4,447) (4,447 / 912 = 4.88).
- 3.7 This has specific soundness implications, especially when considered as part of the realism of the Council's overall trajectory as set out in EX224A-B. These observations should be read together with observations regarding the lack of realism regarding the Council's forecasts in previous years such as for Urban Sites in Welwyn Garden City. This is considered in more detail in the following section.

## **4.0 RELATIONSHIP BETWEEN THE REVISED WINDFALL ASSESSMENT BASED ON FORECAST SUPPLY FROM SPECIFIC SITES**

### **a) Overview**

4.1 The proposed reduction in the 'windfall' component of supply does not necessarily equate to greater robustness in the Council's proposed overall trajectory as set out in EX224A-B. In EX221 the Council at paragraph 2.3 the Council states regarding the reduction in windfall assumptions compared to the 2020 Consultation Proposals:

*"This was as a consequence of the additional dwelling capacity (from ongoing advanced pre-application discussions indicating the potential for higher dwelling numbers than set out in the HELAA 2019) being added to specific sites identified for allocation rather than included within the windfall allowance."*

4.2 The Council in their earlier approach were confusing site specific assessments with the type of evidence that is required to support windfall. The plan should be capable of identifying sites and opportunities such as those proposed by the Wheat Quarter and Pall Mall sites and the Council should produce evidence to justify their identification and the assumed delivery rate on a site by site basis. This should fully support the assumptions in EX224.

4.3 The issue is that having now changed its position, the revised approach in EX224 means that specific assumptions regarding the deliverability of individual sites need to be assessed in their own right. Document EX224B assists by giving the current capacity of planning permissions on proposed site allocations identified in the trajectory, together with existing commitments elsewhere. For specific sites that should provide the starting point to identify potential deliverable supply.

4.4 This would, for example, include extant permission for 1,403 units on site SDS3. Notwithstanding whether this consent itself satisfies the definition of deliverable the Council's latest trajectory in EX224 is dependent on replacing assumptions for the first five years based on known commitments with untested assumptions regarding additional capacity that have yet to be supported by the outcome of this Examination.

4.5 These sites should not have been rolled into the windfall calculation. However, paragraphs 4.4 and 4.76 of the Report 'LOCAL PLAN – OBJECTIVE ASSESSMENT OF NEED AND FINAL SITE SELECTION' (Agenda Item 7 to the 17 November Meeting of the CPPP) assist by stating:

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

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

4.6 Read together the two paragraphs illustrate that the Council accepts the robust criticism presented against its reasons for previously selecting the revised windfall estimate of 2,249

dwellings.

- 4.7 The suggestion that an increase in previously unidentified capacity can be justified retrospectively based on incorporating knowledge of potential additional capacity on sites within the Wheat Quarter is not a sound planning judgement. The soundness of any revision to capacity on these sites needs to be assessed in its own right in relation suggested modifications to specific policies and proposals in the submission draft Local Plan.
- 4.8 A further observation relates to paragraphs 40 and 41 of the Inspector's Preliminary Conclusions regarding Housing Land Supply. These set out that based on the previous July 2020 trajectory (including additional windfall supply) the Plan would be unable to demonstrate a Five Year Supply on adoption.
- 4.9 Notwithstanding that there is no evidence to support the alternative 2020 Consultation Proposals proposition of an average 173 units windfall supply delivered across each year of the remaining plan period the Council's EX224 trajectory seeks to present a fundamentally different assessment. This seeks to claim that a Five Year Supply can be demonstrated, contingent on accepting a lower housing requirement, windfall assumptions in EX221 **and (critically)** revised site-specific assumptions in relation to sites such as the Wheat Quarter.

**b) Broadwater Road West SPD and associated Welwyn Garden City Urban Sites**

- 4.10 For the purposes of this analysis the sites selected for comparison comprise sites SDS3 and SDS4 (Broadwater Road West SPD Sites) together with the additional 'Other Key Sites' in the Welwyn Garden City Urban Area identified as part of the 2020 Sites Consultation (carried forward into EX219 and EX224) where delivery is forecast in the period to 2030/31 or before. These sites are listed below (and referred to collectively as 'Welwyn Garden City Urban Sites' in the following tables):
- SDS3 (Pea02b) Broadwater Road West SPD Site,WGC
  - SDS4 (Pea02c) Broadwater Road West SPD Site,WGC
  - HS3 (Pea08) 80 Bridge Road East,WGC
  - HS8 (Pea24) St Michaels House,Holwell Road,WGC
  - (Pea106) 73-83 Bridge Road East, WGC
  - (Pea103) 29 Broadwater Road,WGC
  - (Pea102) Bio Park, Broadwater Road,WGC
  - (Pea104) YMCA, 90 Peartree Lane, WGC
  - (Pea105) 61Bridge Road,WGC
  - (Pea97) Former Norton Building, WGC
  - (Han40a) Town Centre North- campus, WGC
- 4.11 This analysis is without prejudice to overall conclusions on deliverability of each individual sites. Its purpose is simply to compare the position previously consulted upon by the Council with the latest trajectory as set out at EX224.
- 4.12 If the assumptions from the 2020 Consultation proposals were adopted, then the Council would be relying on 173 units windfall completions per annum plus completions on the Welwyn Urban Sites referred to above. For the period 2023/24 to 2027/28 (i.e., the first five years that the Council is seeking to apply the windfall allowance) this would generate the following total:

**Table 1. Cumulative Forecast Supply from Windfall and WGC Urban Sites (2020 Consultation Proposals)**

'Option 5' - 2020 Sites Consultation Proposals	2023/24	2024/25	2025/26	2026/27	2027/28	5-Year Total
Welwyn Garden City Urban Sites	549	276	471	358	243	1897
Windfall Allowance (per annum)	173	173	173	173	173	865
Total	722	449	644	531	416	2762

- 4.13 It should be noted that previous assumptions applicable to the Welwyn Garden City Urban Sites row in Table 1 above have not been subject to any testing regarding the specific allocation of additional sites or findings in relation to forecast assumptions for delivery.
- 4.14 It should also be noted that the previous consultation proposals relied upon development commencing on several of the Welwyn Urban sites (including SDS3 and five of the additional proposed sites (Pea106; Pea103; Pea104; Pea105 and Pea97) prior to 2023/24 (a combined total of 542 units 2021/22 to 2022/23). In simple terms this means that the Council's assumptions for 2023/24 onwards (i.e., as a substitute for the previously suggested level of windfall supply at 173 units per annum) cannot be correct unless site-specific components relied upon in place of the windfall allowance were delivering **before** 2023/24.
- 4.15 In EX224 the Council's proposed trajectory, incorporating the revised Windfall estimate (EX221) and forecast trajectory for the same sample of Welwyn Urban Sites is as follows:

**Table 2. Cumulative Forecast Supply from Windfall and WGC Urban Sites (EX219/EX224)**

Additional Sites Proposal (EX219/EX224)	2023/24	2024/25	2025/26	2026/27	2027/28	5-Year Total
Welwyn Garden City Urban Sites	655	289	579	512	244	2279
Windfall Allowance (per annum) (EX221)	133	131	100	51	51	466
Total	788	420	679	563	295	2745

- 4.16 Evidently the Council's further increase to forecast delivery from the WGC Urban Sites (particularly SDS3) largely offsets the reduction in the proposed windfall allowance consulted upon as part of the 2020 Sites Consultation. The difference is summarised below:

**Table 3. Difference in Forecast Supply – Welwyn Garden City Urban Sites**

Difference	2023/24	2024/25	2025/26	2026/27	2027/28	5-Year Total
Welwyn Urban Sites - 'Option 5' vs EX224	+106	+13	+108	+154	+1	+382

- 4.17 In EX224 the Council has slightly reduced the expected supply from Welwyn Urban Sites in 2021/22 and 2022/23 compared to the 'Option 5' consultation proposals (504 vs 542 units). However, it remains the case that the Council's own assumptions rely on delivery of a significant number of units (including 208 units in 2022/23 from SDS3 (Bridgewater Road West SPD) in order for the assumptions in EX224 for 2023/24 to 2027/28 to be even plausible.
- 4.18 The comparison above illustrates that while the Council's revised windfall estimate in EX221 is itself still unsound for the reasons outlined the overall profile of the trajectory (including site-specific adjustments that the Council has applied in place of a higher windfall figure) is simply not credible.

- 4.19 In relation to the Wheat Quarter this location has been subject to extensive discussion and planning application activity and is supported by the Broadwater Road West SPD. Paragraph 6.17 of the SPD supports buildings of generally no more than five storeys in height. Paragraph 6.15 of the SPD illustrates that these requirements are fundamentally driven by regard to the historic environment, specifically ensuring that the CPUK silos continue to remain the main landmark on the skyline and that all building heights have regard to the setting of these Listed structures together with the Roche Reception Building. The SPD has regard to the WGC Conservation Area Appraisal (2007) which identifies various key views and vistas within which development may impact upon the significance of the Silos.
- 4.20 The Council is seeking to suggest that an additional 700-900 units may be realised from this site, while proposed criteria (iv) of Policy SADM1 simultaneously suggests proposals should not undermine the delivery of allocated sites or the strategy of the plan.
- 4.21 The SPD is clearly part of this strategy and has governed existing decisions in terms of design and viability. The suggested increase in capacity is therefore also not justified as well as not effective in terms of a reasonable prospect of potential contributions towards the housing requirement.
- 4.22 The Council's own HELAA Addendum (EX236) does not assist in indicating that the revised assumptions in EX224 are likely to be robust. In relation to site SDS3 (Pea02b) this states:  
*"The applicant undertook public consultation on a revised proposal in September/October 2020 ... it is reported the applicant in reviewing feedback **and intend to submit a new application.**"*
- 4.23 Details submitted by the promoter suggest an increased capacity for 2,315 units whereas the Council has opted to limit the increase to 600 dwellings (2,003 units) compared to the 2020 Consultation proposals. While some work has been undertaken to discharge conditions under the currently approved scheme for 1,403 units it is unclear how any potential implementation of the extant scheme would relate to the apparent disagreement regarding scope for additional capacity.
- 4.24 For context, the extant approved scheme represents an increase of +553 units (165%) of the capacity set out in the relevant Broadwater Road West SPD. Even the Council's own suggested increase of capacity to 2,003 units would comprise +850 units (236% increase) on the position set out in the SPD. The extant commitment itself ranges from approved buildings between 5 and 9 storeys. There is no certainty in the suggestion in the HELAA Addendum that an increase in density and capacity limited to a further increase in height to 10 storeys (associated with the Council's estimate of 2,003 dwellings) is either acceptable in planning terms or achievable.
- 4.25 At this stage, the only evidence based capacity for the site is that for which it has an extant planning permission for i.e., 1,403 units. It is noted that some conditions have been discharged showing an intention to implement. It is also noted that the Council is anticipating delivery of 208 units from proposed allocation SDS3 in 2022/23 - this is unlikely to be available except though the implementation of the approved scheme given the lead in time and build out rate for this relatively complex site.
- 4.26 If a much higher total level of housing is considered to be delivered on this site, then this would require a much longer lead in time.
- 4.27 Similar points regarding the HELAA Addendum can be made in relation to proposed additional site Pea102 (Bio-Park). EX224 forecasts completion of 50 units in 2021/22 (i.e., commencing in less than 3 months). The HELAA Addendum confirms that the Council's assumptions regarding 250 units total capacity (taking account of heritage constraints) remains at-odds with the applicant's proposals for 289 units under 6/2020/3420/MAJ which

remain undetermined. The Council's assumptions that completions will be delivered in the next monitoring year lacks any realism as there appears to be outstanding concerns regarding the overall level of development being proposed for the site

- 4.28 This analysis illustrates that there is no reasonable basis for the Council to suggest that the current details in EX224/EX219 can be compared with the previous assumption of 173 completions per annum on unidentified sites. In their own right neither suggested position of future supply towards the housing requirement is sound or robust.
- 4.29 Referring back to paragraphs 40 and 41 of the Inspector's Preliminary Findings (regarding a reliance on windfall sites) it is evident from Table 1 of EX224, incorporating all of the assumptions listed above for Urban Sites in Welwyn Garden City, produces a surplus of only 101 units against the Council's suggested five-year requirement. If any of the soundness concerns identified by SPRU in the commentary above are accepted, then the Plan will not demonstrate a five year supply upon adoption.

## 5.0 IMPACT OF THE REJECTED ADDITIONAL SITES AND SITES PROPOSED FOR DELETION

- 5.1 The revised trajectory set out in EX224A-B must be read in the context of the 2020 Sites Consultation proposals and the ongoing failure of the Council to present a Plan that would address full objectively assessed housing needs of 16,000 dwellings.
- 5.2 As part of this analysis, it must be noted that the 'recommended' 'Option 1' site selection proposals supported by the trajectory at Appendix E of papers published for the Council's 23 January 2020 Cabinet Planning and Parking Panel would at least in principle seek to address FOAN of 16,000 dwellings.
- 5.3 The combined reduction as a result of removing sites identified in the draft 2016 Local Plan and omitting new sites proposed for allocation in 'Option 1' is **-2986 units**. This comprises removal of 1,688 units on sites proposed in the draft 2016 Local Plan and 1,298 units on new sites. This fundamentally undermines the Plan's proposals for delivery on identified sites in terms of the overall spatial strategy and a sound approach to distribution.
- 5.4 Moreover, the impact of units removed is disproportionately concentrated in the first five years of the plan period from adoption. This reflects the omission of deliverable small and medium sites, including our clients' land at Welwyn and Woolmer Green, that would make an identified contribution towards acute unmet housing needs.

**Table 1. The potential increase to the housing delivery as a result of the inclusion of new sites and 2016 LP sites as set out 'Option 1' compared to the trajectory anticipated from 'Option 5'**

	2020/21 to 2024/25	2025/26 to 2029/30	2030/31 to 2035/36	Total
New Sites	+499	+649	+150	+1298
Draft 2016 LP Sites	+315	+633	+740	+1688
Total	+814	+1282	+890	+2986

- 5.5 By our estimates this means that 70% of supply from sites removed by Members affects the plan period 2020/21 to 2029/30 (i.e.  $(814 + 1282) / 2986$ ;  $2096 / 2986 = 0.70$ ).
- 5.6 This clearly demonstrates that the actions of Members are clearly one of trying to delay meeting development needs and that there are additional sites that could be allocated which would either meet the needs within the first five years or at least come much closer to doing so than the chosen sites. The inclusion of these sites would not alter the general strategy of the plan and so could reasonably be added as part of the main modification process. Without such modification the Local Plan will need to be reviewed immediately following adoption in order to bring forward additional deliverable sites.

Response to EX224: WHDC Updated Housing Trajectory (December 2020)  
Inspector's Invitation for Further Comments  
Stage 9 Hearings  
On behalf of  
Bayard Developments Ltd  
Wattsdown Developments Ltd



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