

Examination of the Welwyn Hatfield Local Plan 2013-32

Stage 9 Site Allocations

Hearing Thursday 17 March 2021 at 14:00

Round up Notes

Good afternoon

Welcome to this round-up session following the completion of the Welwyn Hatfield Local Plan Examination's Stage 9 hearings. This afternoon I want to set out my thoughts on the current position re the Examination, my proposed actions in the immediate future and to discuss a programme of work and events that would lead to a road map with the Council that could achieve the adoption of a sound plan in a number of months. Although only the Council is participating in this hearing along with myself, much of what I have to say will be relevant to most people watching.

As I proceed through the items that I want to talk about I will pause at the end of each item to enable the Council to ask questions or make comments. If any of you wish to say something would you raise your hand at any appropriate juncture to attract my attention.

Before I begin does the Council wish to say anything?

1. Over the past four weeks I have held a series of hearings into three strategic matters. The Full Objectively Assessed Housing Need (FOAHN), the appropriate windfall allowance and the appropriate approach to take when defining Green Belt boundaries at proposed development sites adjacent to the Green Belt. These were followed by a succession of hearings into sites that passed the Council's site selection tests in 2019, some of which have been submitted by the Council as potential additional allocations and others following their rejection by members, which have not.
2. The Framework at Paragraph 47 requires Local Planning Authorities to boost significantly the supply of housing and to use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the appropriate housing market area. As you are all probably aware, the Council's plan did not meet its FOAHN soon after its submission, following the upward revisions to that number that the Council submitted to the Examination in the summer of 2017. Much of the work that it has undertaken since then has sought to strengthen and widen the evidence base to enable it to reach a position where

it could put forward sound housing proposals that at least meet its FOAHN.

3. As you know I wrote an interim report on the Local Plan's progress in October 2020. That document referred to all of the significant sites then considered by the Examination, and contained my thought at that time on the soundness of those sites in particular and the Plan in general. I invited the Council to submit additional housing sites sufficient to supply the need identified by the then FOAHN and make the plan sound. However, as I set out in subsequent correspondence, although it complied with the letter of my request to identify sufficient sites and dwellings, it did not, in my view, submit sufficient to enable me to find the plan sound. It is in that context, and in an attempt to move matters along, that I have examined those sites that passed the site selection test but have not been formally placed before the Examination (Such sites are sometimes referred to as omission or exception sites).
4. I also examined four sites in Digswell Oaklands and Mardley-Heath that had been considered in the 2019 call for sites process but had not passed the final site selection test. That was because, despite the strategic objective of a proportionate distribution of development among green belt excluded villages, weighted in favor of accessible and sustainable locations, these settlements had little or no development proposed and no sites that had passed the site selection process. These settlements will have some local housing need that should be provided for unless there are compelling reasons not to do so, and having a railway station, Digswell has access sustainability credentials that some other villages where development is proposed do not have. The purpose of that part of the Examination was therefore to satisfy myself that there are no further sites that could contribute to meeting the housing need at these locations and that the rejection of the four potential sites was soundly based. I will be making separate conclusions on this in a forthcoming report.
5. There are a number of items of work that I have asked various people and organizations to submit to the Examination. I would prefer to receive it by 31 March if that is possible to enable me to digest it before conducting the remaining site visits in April.
6. I have been asked to give an indication as to what I require from County education and when. I am expecting to receive updated assessment of current educational provision and usage at Welwyn, Brookmans Park and Welham Green together with an indication as to how future growth can be accommodated. I have information about Cuffley and Little Heath that was submitted following the hearings last July and I made notes at the hearings this week.

However, if there is updated evidence available it would be useful to supply it to the Programme Officer in due course and for it to be uploaded onto the website. I have also asked for a reassessment of the most appropriate way to provide educational capacity for the residents of the reduced development area at Birchall Garden Suburb.

7. My next step will be to write a series of reports for the Council as to my findings on the reassessment of the FOAHN, the windfall allowance, Green Belt boundaries at proposed development sites and the sites that I have examined. I will also write soundness assessments, similar to those in my interim report for those sites that have recently been formally submitted to the Examination and were the subject of some of the hearings and conclude on those sites that were submitted at the regulation 19 stage that I have not previously been able to conclude on, if there is sufficient evidence to enable me to do so now.
8. As previously, the soundness reports will indicate those sites that I consider to be sound, those that I do not and those that may be found sound subject to the submission of satisfactory additional information.
9. I will also write a factual report, based on my findings, having considered all of the submitted evidence in response to the recent consultation and the discussions at the Hearings for each of the omission sites.
10. I will indicate in my report on the omission sites if I consider that there are any that could not be found sound even with changes, but I will not be making a formal judgement on the other sites where I do not make such a finding. The decision whether or not to formally submit any or all of them to the Examination is a matter for the Council to decide, although in some circumstances I could find the plan unsound if I consider there to be potentially sound sites that have not been submitted but are clearly more sustainable than ones that have and are likely overall to be less harmful to the Green Belt.
11. Local government Purdah begins today at Welwyn Hatfield so I will be unable to publish any of the above findings until after 6 May. When I do, I will indicate what I consider the FOAHN should be going forward and the reasons for any change subsequent to the last one if there is one. I will also invite the Council to submit additional sites to achieve a supply that meets the need if there is a shortfall.

12. The site selection should be based on the evidence base, including that in my site assessments as well as the housing distribution strategy in the submitted plan. The Council should also bear in mind that on adoption it is expected that the plan will demonstrate that there is a five year supply of deliverable housing sites.
13. If there is a surplus of housing supply when assessed against any revised housing need then the Council should suggest the removal of the surplus housing on an objective basis using sites removed from the Green Belt. If the Council is unable to submit sufficient housing proposals to at least meet its FOAHN and without sound reasoning, then I will be left with no alternative other than to find the plan unsound. This Examination will be four years old by then and I have come to the conclusion that if after what is a considerable time period the Council is unable to meet the requirement of Framework paragraph 47 then it needs to return to first principles and reassess its strategy
14. I am aware that the Council has resolved to remove some sites from the plan. That is not a legal option available to it. The regulations are perfectly clear. Once a plan has been submitted, its policies and proposals can only be changed by way of Main Modifications that are recommended by the Inspector and only then if she/he considers the subject policy or proposal to be unsound. That is not to say that the council could not have submitted further evidence following the additional work carried out in 2018 to justify changes to its site selection process, and on that basis comprehensively reviewed the results of its previous site selection process and assessed the new sites that came forward through the call for sites on the revised basis. However, that did not happen, and I am of the opinion that we have reached a stage in the Examination when it is no longer appropriate to follow such a timely course of action. The appropriate course would be to withdraw the plan and begin again.
15. However, although I have already made interim findings on the sites that the Council has referred to, in some cases I have not yet reached a final conclusion so in some instances I could eventually reach the same conclusion as the Council members but for different reasons. I must stress that If further regulation 19 sites are found to be unsound it will be because the overall weight of evidence against their allocation justifies such action.
16. Before I move on to discuss the way forward, I should perhaps emphasis that we have almost run out of opportunities for making this plan sound from a housing need and supply perspective. If the Council returns with a housing supply that does not soundly meet the FOAHN then I will very likely proceed to find the plan unsound.

17. However, let's be positive. Assuming the Council finally submits a basket of sites sufficient to meet the FOAHN and I find them all to be sound, then assuming that by then we have already completed the examination of all of the generic policies, I will invite the Council to submit Main Modifications sufficient to make the plan sound. These will be consulted on for a period of six weeks. Following that I will assess the representations and decide whether it is necessary to reopen the Examination to consider some of those made against the Main Modifications. Such representations could be examined by written correspondence with the parties or by hearings, but I will only be re-examining the policies and proposals in the context of the Main Modifications, not the original policy, and only those if there is new evidence to suggest that the Main Modification is likely to be unsound.
18. Following that process I will write a Final Report that explains why the Main Modifications have been necessary. It will be submitted to the council with a recommendation that it adopts the plan with the Main Modifications. The Council then has the choice of implementing the recommendation or resolving not to adopt the plan. In such circumstances it will be required to prepare a new plan using the guidance contained in the 2018 Framework. That document contains a standard method for determining FOAHN on a consistent basis across local planning authorities. The FOAHN that would be derived for Welwyn Hatfield using that method is greater than that which was calculated using the 2012 Framework method and the 2018 household projections.
19. Following the receipt of my findings on the recent hearings and the establishment of a new Council following the May elections, I will ask the Council to prepare a timetable in consultation with myself to the adoption of the plan. As well as the matters discussed above that timetable should include, for the completion of the Examination, a number of generic matters. These would probably include Gypsy & Traveller accommodation, Green Gaps, Green belt washed over settlements, Housing Trajectory and five-year housing land supply but there may be others. Not all of these matters require further consultation and not all of them require hearings to be held, although it may be appropriate to hold a live streamed discussion with Council officers to conclude some of them. The timetable should be conscious of the fact that from two weeks hence the plan period will be less than 15 years post adoption time horizon that paragraph 157 of the Framework suggests should be in place. If by the end of the calendar year we have not progressed beyond the Main Modifications stage, then it will be necessary to review the plan period.

20. Even if the plan is found sound eventually, this could be the last occasion when I will be holding a hearing as a part of the Examination of this plan so I would like to take the opportunity to thank all of the participants for their contributions and patience over the past four years. Whilst a challenging experience I have nevertheless found it an interesting and rewarding one. In particular I would like to thank the council Officers and their leaders Colin Haigh and Sue Tiley for all the hard work that they have devoted to this Examination during what must at times have been an arduous task. Could I also thank Barney Abbott for his sterling work organising and supervising these virtual hearings and those held last July. Without his work, the examination would be 9 months behind where it is now.

Finally, can I express my sincere thanks to Louise St John Howe my Programme Officer who more than anyone else has enabled this Examination to happen. Louise has been a brick and a star throughout the whole of this process. Everything has been efficiently carried out and from my perspective nothing has been too much trouble. Thank you Louise. And thank you to everyone else. Enjoy the rest of your day and the forthcoming weekend and stay safe.

Melvyn Middleton
Inspector.
18.3.21