

# Examination of the Welwyn Hatfield Local Plan 2013-2032

Inspector: Melvyn Middleton BA(Econ) DipTP DipMgmt MRTPI

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16 February, 2022

Mr. Christopher Dale,  
Head of Planning,  
Welwyn Hatfield Borough Council

## By email only

Dear Mr Dale,

### Welwyn-Hatfield Local Plan Examination

1. I refer to your letter of 31 January 2022, informing me that your Council is unwilling to submit additional sites for residential development to the Examination, in order to facilitate the delivery of housing to meet the Full Objectively Assessed Housing Need (FOAHN) of 15,200 dwellings (ds). I note your observations concerning the revised FOAHN but for the reasons that I clearly set out in my assessment of June 2021 (EX274), I do not accept your conclusions.
2. I concluded in June 2021 that the FOAHN should be 15,200 ds (760 dwellings per annum (d.p.a.))<sup>1</sup>. I arrived at that judgement after a detailed examination of all of the evidence submitted, following a consultation and a debate at a virtual hearing. As well as the Council's representations, there were numerous assessments provided by other parties that reached different conclusions. I would remind you that your own assessment resulted in a FOAHN of 13,800 (690 d.p.a.) and that your consultant's conclusion was a FOAHN within a range between 14,300 and 16,000 (715 to 800 d.p.a.) but towards the lower limit, for the revised plan period. Both are significantly higher than the 13,279 ds (664d.p.a.) that you are now suggesting is an appropriate dwelling requirement for the plan period.
3. Whilst I note your points about employment growth, whatever happens, the commuting imbalance is such that Welwyn-Hatfield is very unlikely to move to a position whereby its economically active population is greater than the

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<sup>1</sup> A reduction from the 16,000 (800 d.p.a.) that you submitted to the Examination at the Regulation 19 stage in May 2017 (HOU21) and subsequently supported in July 2019 (EX103A), following the publication of the 2016 household forecasts.

number of jobs available. Significant levels of inward commuting are very likely to continue. I also note that you fail to mention the acute affordability problems that beset housing in your area. This can only be resolved by boosting the supply of housing, which is an aim of national planning policy. From my perspective, this Examination has now reached a stage when it is inappropriate to revisit matters such as housing need. If your Council is uncomfortable with my housing need conclusion, to an extent that it considers it unacceptable, then it now has no option available to it other than to withdraw the plan. In order to be found sound Policy SP 2 should be modified to reflect the FOAHN of 15,200 ds.

4. In some instances, housing requirements have been set for plans that are lower than the FOAHN and Green Belt (GB) has been a justification for this. Nevertheless, I do not consider the circumstance of your local plan, as compared to some others, to warrant this. The strategy that you put forward for examination is founded in continued economic growth, to an extent that land is being removed from the GB to accommodate the provision of new jobs. In an authority that already had a surplus of jobs over economically active people of around 20,000, it cannot be a sound judgement on the one hand to release land from the GB to provide for even more jobs, whilst at the same time arguing that other land in the same GB cannot be released to provide land to facilitate the construction of housing for the additional workers that the job growth would attract or to address the Borough's housing affordability crisis. I have already reminded you (EX212B para. 29) of the advice in the Planning Practice Guidance that *"Where the supply of working age population that is economically active (labour force supply) is less than the projected job growth, this could result in unsustainable commuting patterns and could reduce the resilience of local businesses. In such circumstances, plan makers will need to consider how the location of new housing or infrastructure development could help address these problems"*.<sup>2</sup>
5. From my perspective a lower housing requirement could only be justified if the plan was not releasing land from the GB to provide for employment growth. I pointed this out to you as early as October 2017, at the hearings into the spatial vision<sup>3</sup>. I was assured that you could identify sites that could accommodate your then FOAHN of 16,000 ds, without unacceptable harm to the GB. To be fair, you appear to have demonstrated that such an outcome is possible, in your subsequent work. The removal of the employment sites from the plan would necessitate a complete reassessment of the plan's strategy and effectively result in a different plan. Such a plan would require other major changes and updates and a consequent full consultation. It is not appropriate to attempt to modify this plan in that way at this point in the process. Consequently, again and if you wished to follow that path, the

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<sup>2</sup> Planning Practice Guidance, Paragraph: 018 Reference ID: 2a-018-20140306.

<sup>3</sup> See also paras. 16-30 of Inspector's preliminary conclusions and advice (EX212B) for further observations on the strategy.

appropriate course of action would be for you to withdraw the plan and begin again.

6. In this context I have looked sympathetically at the adoption of a trajectory that seeks only to meet the housing requirement, in a site-specific way, for a limited period. This would leave some housing, to meet the requirement in later years of the plan period, to be identified through a future review of the plan. As well as determining which additional sites should be allocated to meet the requirement in these years, the review would provide an opportunity to examine the plan's performance to that date.
7. The National Planning Policy Framework (NPPF) 2012 requires a supply of specific developable sites for a period of ten years. If adoption was in 2022, then a ten-year period would run until 2032. In such circumstances provision for the last four years could be delayed to a review of the plan, and further sites identified through a formal update of the plan, by a prior date to be agreed. The review would be undertaken in the context of housing need, national policy, and other relevant circumstances at the time. At that stage there would be greater clarity as to the housing requirement going forward. The review would also be an opportunity to look more closely at the balance between the sustainability advantages of sites and the GB harm that would result from their development, when finalising the locations of the unidentified sites for housing in the latter part of the plan period and beyond. In particular, locations on the edges of the villages, where a proportionate amount of development is currently not proposed, or in a new village, or in a combination of both could be objectively considered in greater depth.
8. Using the data provided by the Council, there have been about 3,100 completions during the plan period to date, leaving a residual requirement of about 12,100 ds. to plan for over a fourteen-year period. If the plan were to provide a supply of 10 years from 2022 and meet a five-year supply requirement with a 20% buffer, then this would probably require an overall supply of at least 9,400 ds. in the first ten years. This would leave about 2,700 ds. to be provided for the final 4 years of the plan period and dealt with through a review and update of the plan. The remainder of the plan's housing requirement from 2022 could be provided from identified sites that have already been examined and have been or could be found to be sound.
9. If you wish to pursue this option, then further work would be necessary in order to achieve a sound housing trajectory. The one that accompanies your letter excludes five sites that you formally submitted to the Examination at the Regulation 19 stage, in May 2017. One of those had already been found to be sound when your Council decided that it wished to remove it in November 2020. I would remind you again that there is no provision in the procedures that govern the examination of Local Plans to enable a Council to withdraw sites from a plan that it has submitted for examination. The NPPF

at paragraph 182 is perfectly clear “*a local planning authority should submit a plan for examination which it considers is sound*”. Policies and proposals can only be subsequently changed, and sites removed, if the examining inspector, having examined all of the relevant evidence before the Examination, concludes that they cannot be made sound by Main Modifications (MMs) and thereby finds them to be unsound<sup>4</sup>.

10. I have given further consideration, as to the soundness of the other four submitted sites that I was unable to conclude on in my Stage 9 Round-Up notes (EX273). In the context of the subsequent information that you have provided for the Examination, including your letter of 31 January 2022 and for reasons that I would explain in my final report, I have now found another two sites (HS29<sup>5</sup> and HS30<sup>6</sup>) to be sound, subject to the agreed modifications to the site-specific considerations and two other sites (HS24<sup>7</sup> and SDS6<sup>8</sup>) to be unsound. The three sites referred to above as being sound should remain in the plan subject to the agreed MMs and be included in the revised housing trajectory. If your Council does not accept this, then it has no course open to it now, other than to withdraw the plan.
11. If you wish to move forward to the adoption of a sound plan, you will need to look at revisions to the housing trajectory. In my letter of June 2021, I asked the Council to submit evidence to demonstrate that it would have a five-year supply of specific deliverable sites from the intended date of the adoption of the plan. The submitted trajectory, which includes site development until 2036, not only seems to show non delivery of the required five-year supply, even when the shortfall is retrieved over the entire 10-year period for which sites would be identified, but also suggests that there will be under delivery in the latter part of the ten-year period as well. In this context, I note that some of the output from anticipated sites is not expected to occur until after 2032.
12. The evidence that you have recently provided does not seem to indicate that the plan provides a reasonable prospect of the Council having a 5-year housing land supply on adoption and potentially after that. Nor is there a satisfactory justification for the position advanced. If a full five-year supply is not to be achieved, then there needs to be a rigorous justification for adopting that course of action. That should include objective evidence that demonstrates that it is not possible to increase the supply in the early years including, if necessary, through the development of some small sites in locations that have been examined, found to be sustainable and whose contribution to the GB’s purposes and openness is not high. If this is not satisfactorily resolved in your response, then I should inform you that I do

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<sup>4</sup> See Sections 20 and 23 of the Planning and Compulsory Purchase Act 2004.

<sup>5</sup> HS29 (Cuf12), Land north of Northaw Road East.

<sup>6</sup> HS30 (Cuf7), Wells Farm, Northaw Road East.

<sup>7</sup> HS24 (BrP7) Land south of Hawkshead Road.

<sup>8</sup> SDS6 (Hat15) New Village at Symondshyde.

not intend to specifically ask the Council to address this matter again. The examination has already gone on long enough and it should not be prolonged. However, the Council will be aware of the implications of not having a 5-year supply as set out in the NPPF.

13. Attention also needs to be given to the provision of an adequate supply of sites to meet the requirement in years six to ten. If the plan is not to be adopted before 2023, which on past performance is not an unlikely scenario, then even greater attention needs to be given to boosting supply through the allocation of sufficient suitable sites, in order to provide a ten-year supply.
14. If you do not wish to withdraw the plan then I would be grateful if you could now confirm the overall supply of land that the plan could provide from completions, commitments, windfalls and allocations (noting my conclusions in paras. 8 and 10 above, and avoiding any double counting), taking into account all of the proposed MMs. I expect this to show at least ten ten-years of supply from the likely date of adoption.
15. I am sure that I do not need to remind you that it is becoming increasingly imperative that this plan either moves forward to a position whereby agreed MMs can be advertised at an early date, enabling the plan to be adopted or it is withdrawn. If you wish to follow the first option, then you will need to prepare a revised timetable for the process that indicates an early submission of re-evaluated site capacities and the achievement of appropriate five- and ten-year supplies of housing, followed by a MMs consultation. If there is insufficient capacity, from submitted sites that have been found to be sound and are deliverable within the relative time-period, to meet the five and ten-year requirement, then you would need to submit additional sites or withdraw the plan.
16. If you want the examination to continue on the basis of only a ten-year supply of housing sites being identified and to reach a position where your plan can be adopted, you should now finalise the MMs for consultation. I will want to see a final draft before issue. The MMs should ensure that the plan is clear on the following:
  - The FOAHN for the plan period – 15,200.
  - The housing requirement for the plan period, which will be the same as the FOAHN.
  - Housing completions, to 31 March 2022, since the start of the plan period.
  - The residual requirement to the end of the plan period (i.e. the housing requirement for the plan period minus completions to date).
  - The residual requirement expressed as an annual average (so that the basis for future 5 year Housing Land Supply

- calculations is clear).
- The supply to meet the residual requirement for five and ten years, from commitments (i.e. sites with planning permissions that have not yet been completed), windfalls (where justified) and allocations, ensuring no double counting between categories.

This should include:

- Any proposed new site allocations.
- All of the sites that have now been found to be sound, including the three sites referred to in para. 10 above as being sound, which should be left in the plan, together with their agreed modifications.
- The 2 sites mentioned in para.10 above as not being sound should be deleted by MMs.
- A firm commitment to carry out a review and update of the plan, including its housing need and supply, ensuring that an updated plan is in place well before the ten-year supply runs out. Please propose a timetable for the start of this work, and a target date for submission to the examination.

I will also require:

- Sound evidence to demonstrate that at adoption the plan will ensure a supply of housing land capable of delivering five years' worth of housing against the plan's housing requirement, with flexibility to respond to changing circumstances.
17. Please confirm if you intend to provide a sound plan that includes a ten-year supply of identified housing sites and thereby proceed quickly to MMs, by 21 March 2022. If not, please confirm that you intend to withdraw the plan. If you do not intend to proceed to MMs but will not withdraw the plan, then regrettably I will write a brief report explaining that in those circumstances it would not be possible to recommend MMs that will make the plan sound, that it cannot be adopted and that the examination is closed. If you intend to move to MMs, I will need to see your commitment to a firm timetable for their publicity, consultation and assessment of any representations against them on 21 March 2022. I will also want to receive a monthly progress summary from you to be published on the examination website.

Yours Sincerely

*M Middleton*

Melvyn Middleton

INSPECTOR