

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING AND PARKING PANEL – 23 JANUARY 2020
CABINET PLANNING AND PARKING PANEL – 29 JANUARY 2020
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

LOCAL PLAN PROPOSED ALTERATIONS – ADDITIONAL SITES

1. Executive Summary

- 1.1 The Council submitted the Local Plan for public examination in May 2017. The inspector has advised that the plan cannot be found sound as currently submitted as it does not meet the objectively assessed need for housing. The Council therefore undertook a further call-for-sites exercise in January-February 2019 and consulted on all of the suggested sites in May-June 2019.
- 1.2 The purpose of this report is to consider which new sites should be proposed to the inspector for inclusion in the Local Plan.
- 1.3 It reports on the results of the Housing and Employment Land Availability Assessment (HELAA) and the updated Strategic Flood Risk Assessment (SFRA). Both documents are published on the Local Plan website at xxx.
- 1.4 It considers the results of the public consultation on sites.
- 1.5 It considers any policy implications associated with sites which are considered to be technically 'suitable' coming forward and the cumulative impact associated with combinations of sites.
- 1.6 The Site Selection Background Paper is published as Appendix A to this report. It sets out the methodology for assessing which sites and combinations of sites are suitable for allocation and the infrastructure issues associated with those combinations. It is supported by detailed site assessments which set out the results of the HELAA, the impact on the Green Belt, the sequential flooding test, the extent to which the site would help to deliver strategic objectives and the sustainability appraisal of those sites.
- 1.7 It ultimately recommends a scenario which comprises completions, commitments, windfall assumption, existing sites in the Submitted Local Plan and 36 new sites to achieve a total of **15,952 dwellings**.
- 1.8 It also highlights that there are a number of other scenarios. The report also discusses the following approaches one which avoids all high harm to the Green Belt to achieve 14,958 dwellings; one which seeks to maximise protection of employment land to achieve 15,361 dwellings; one which maximises delivery on all available sites to achieve 17,827 dwellings; and an alternative scenario which retains existing sites in the Submitted Local Plan and only adds in new urban sites to achieve 13,994 dwellings.

2 Recommendation(s)

- 2.1 That the Panel note the results of the technical evidence with regards to sites already in the Submitted Local Plan.
- 2.2 That the Panel note the results of the technical evidence and public consultation with regards to new sites for potential inclusion in the Local Plan.
- 2.3 That the Panel considers the sustainability implications related to different strategic options, the Sustainability Appraisal Addendum and Habitats Regulatory Assessment.
- 2.4 That the Panel recommends to Cabinet that the sites identified as Option 1 in the Site Selection Background Paper (Appendix A to this report) in sections 10-24 be published for public consultation as sites to be added into the Local Plan or where capacity on sites already in the Local Plan is intended to increase, alongside the Sustainability Appraisal Addendum and Habitats Regulations Assessment which inform this option.
- 2.5 That the Panel gives delegated powers to the Head of Planning and Corporate Director (Public Protection, Planning and Governance) to produce the consultation material in consultation with the Executive Member for Planning, to reflect the decisions made by members.

3 Background

- 3.1 The Submitted Local Plan's housing target did not meet the OAN in full and the Examination Inspector considered there was insufficient evidence to justify this and asked the Council to consider adding in additional sites and carry out an assessment of harm to the Green Belt from sites coming forward. The updated Green Belt evidence was considered at the Stage 5 hearing session in November 2018.
- 3.2 The Inspector also asked the Council to review the implications of the 2016 Population and Household projections. These were considered at the Stage 6 hearing sessions.
- 3.3 A programme of work was agreed with the Inspector last year and a call-for-sites exercise took place in January 2019. A total of 144 sites were promoted for inclusion in the Local Plan. Consultation on these sites took place between May and June 2019 and over 10,200 responses were received.
- 3.4 Examination hearing sessions last year in December 2019 were rearranged to take place immediately after the General Election. These considered the implications of the latest population and household projections and any necessary changes to the plan period as well as the northern part of Birchall Garden Suburb. The remainder of Birchall Garden Suburb and the proposed new village at Symondshyde will be debated at the hearing sessions in late February/early March 2020.
- 3.5 As well as assessing the capacity and suitability of new sites in the HELAA (Housing and Economic Land Availability Assessment) other new evidence has also had to be commissioned to ensure that sites are assessed on a consistent basis. This comprises:
 - Strategic Flood Risk Assessment (SFRA) update

- Landscape Sensitivity Study
 - Green Gap Study
 - Transport modelling
 - Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA)
 - Green Belt Stage 3
- 3.6 Infrastructure providers have also been consulted on the implications of individual sites and groupings of sites, different dwelling distributions and phasing of delivery.
- 3.7 Viability evidence is being updated to inform the Community Infrastructure Levy (CIL) Charging Schedule, but this evidence is also relevant for the Local Plan.

4 Explanation

- 4.1 The results of the Landscape Sensitivity Study and the Green Gap Study were reported to Members at Cabinet Planning and Parking Panel on 31st October 2019. The Inspector's consultation on these documents has now closed and the comments are being considered by the consultants and will be debated at forthcoming hearing sessions. Both studies have been used to inform the individual site assessments but are not fundamental to decisions about whether or not a site should come forward.
- 4.2 It is proposed that a modification should be made to Policy SP3 Settlement Strategy and Green Belt boundaries to refer to the Green Gap Policy Area Approach and the need for mitigation where development comes forward in the relevant areas.

Strategic Flood Risk Assessment

- 4.3 Stages 1 and 2 Flood Risk Assessment for the Submitted Local Plan was carried out by JBA. For the Level 1 study, this report reviewed relevant policy and legislation, existing information in order to understand the flood risk, and discussed and made recommendations in terms of Flood Risk Assessment requirements for individual planning applications and policy considerations.
- 4.4 The Level 2 study focused in on 22 sites that were identified as being potentially affected by different sources of flooding. More detailed studies of these areas were undertaken, including modelling where none previously existed or where it was insufficient in detail. As a result of this, one site was excluded (Thunderbridge Yard, Welham Green) and recommendations were made for further assessment or mitigation measures for the other sites.
- 4.5 This Level 2 study needed to be updated to consider the implications for flood risk associated with new sites. In practice, this has resulted in more of an overall review, including some work that would normally be considered in the Level 1 study, as a policy review has been undertaken in order to consider new local and national guidance and any new modelling and data that has become available in the interim.
- 4.6 A screening exercise was undertaken for all sites, including those already in the Local Plan, to account for any changes in data affecting the site, or boundary changes that could have occurred in the intervening period.

Through this process, 9 sites were identified for further assessment that included a mix of sites primarily affected by fluvial flood risk and by surface water flood risk and one site already in the Local Plan assessed for surface water flooding, reflecting the increasing importance given to surface water flooding issues. None of these sites have insurmountable flood risk, however, Barbaraville has fairly significant surface water flood risk as well as an unmodelled culverted watercourse that is in open channel up to the boundary, before passing underneath. Further modelling work will need to be undertaken at the planning application stage for this site. Due to the size of the site and vulnerability of the end use proposed (caravans), the capacity of the site or pitches sizes may be affected.

- 4.7 Consultation has taken place with the Environment Agency (EA), Hertfordshire County Council as the Lead Local Flood Authority (LLFA) and our own internal flood resilience/emergency planning team and amendment have been made to accommodate their concerns. The report has now been endorsed by the EA.
- 4.8 As required by the NPPF, the sequential test has been applied to all sites and where necessary the exception test needs to be applied. This is set out in the accompanying Flood Risk Sequential and Exception Test Document. The sequential test aims to steer all development towards flood zone 1 or the lowest available area of flood risk if there is no flood zone 1. Mainly due to the fact that the borough has a low percentage of land within the flood plain, all the strategic sites put forward can be provided within flood zone 1. The developable area and subsequently the site capacity has been calculated excluding areas of flood plain that are present on a small number of sites.
- 4.9 The exception test is required where development is planned to take place in flood zones 2 and 3, following the application of the sequential test. It assesses whether the development will provide wider sustainability benefits and whether it will be safe without increasing flood risk elsewhere. However, because all allocations are situated in flood zone 1, the exception test has not been required.

Plan Period, Housing and Jobs numbers

- 4.10 At the time the draft plan was prepared, the Objectively Assessed Need for Housing (OAN) was assessed as being within the range **12,616 to 13,434 dwellings (2013-2032)** which is equivalent to 664 to 707 dwellings per annum.
- 4.11 Further, at the time the draft plan was submitted for examination, the OAN was under review. In the event, the SHMA 2017 concluded that there was a need in Welwyn Hatfield for around **800 dwellings per annum**, equivalent to **15,200 dwellings** over a 19 year period (**2013-2032**). During the earlier Local Plan examination hearing sessions it was acknowledged that the plan period should extend to 2033. Further technical work has been produced throughout the examination to consider the effect of the most up-to-date household and population data-sets on the OAN.
- 4.12 At the hearing session on 17th December 2019, the Inspector heard evidence relating to the implications of the government's 2016 population and household projections.

- 4.13 Following the submission of further evidence the Inspector has written to the Council and concluded that the OAN of 800 dwellings per year for the duration of the plan period remains appropriate. (EX178 in the examination document library) <https://www.welhat.gov.uk/local-plan/new/examination/documents>
- 4.14 The Inspector also heard evidence relating to the plan period. The Council accepted that the plan period should be modified to have a fifteen year post adoption period but that the start date should also be moved back to 2016. The Inspector's letter to the Council accepted this position.
- 4.15 This results in an OAN of 16,000 dwellings for the revised plan period of 2016-2036.
- 4.16 The Inspector's note does however make reference to the revised population and household projections which are expected to be published later this year. He warns that it may be necessary to revisit these figures unless sufficient progress has been made to deem it inappropriate.
- 4.17 The hearing sessions in December 2019 also considered new evidence on jobs numbers and the need for employment land. This considered the need based on forecasts for the economy and the needs arising from a growing population. It should be noted that this relates purely to the B Class employment uses (offices, manufacturing and warehousing) and not to other forms of employment. The session considered the requirements for different plan periods.
- 4.18 The Inspector concluded that the population based approach was not an unsound approach to take with regards to the provision of employment land. He has accepted that in order to meet those requirements there will be a need for the release of land from the Green Belt but that individual employment sites proposed for release from the Green Belt would still need to demonstrate exceptional circumstances by setting out how it was contributing to the need for specific types of employment land.
- 4.19 The population based approach identifies a need for **60,210** square metres of B class employment floorspace over the plan period 2016-36 or 11ha.
- 4.20 Table 1 sets out housing land supply comprising completions, commitments, windfall assumptions and existing Local Plan sites with updated capacity calculations, from 2016 onwards.
- 4.21 Table 2 sets out employment land supply comprising completions, commitments, windfall assumptions and expected losses, from 2016 onwards.
- 4.22 The analysis of windfall supply has also been updated to take account of changing trends and the potential impact of introducing an Article 4 Direction which will remove permitted development rights for the change of use of B1 strategic office sites to C3 residential use.

Table 1: Housing land supply 2019, Draft Local Plan 2016 sites, windfall allowance, completions and commitments

Supply	Number of dwellings
Completions (2016-2019)	1,446
Commitments (excluding Local Plan sites)	1,268
Windfall allowance	1,304
Draft Local Plan sites (8,027) + updated capacity through planning permissions/applications (645)	8,672
Small sites (urban, and not in windfall allowance)	17
Total	12,707

- 4.23 This continues to fall short of the OAN for the plan period 2016-2036 (16,000), with **an indicated shortfall of 3,293 dwellings**.

Table 2 Employment Land supply 2019 Draft Local Plan 2016 sites, windfall allowance, completions and commitment

Supply	Floorspace (sqm)
Completions (2016-2019)	-18,515
Commitments (excluding Local Plan sites)	27,242
Windfall allowance	-23,160
Draft Local Plan sites (capacity updated where planning permission now granted)	61,090
Vacant Sites (excluding Chequersfield)	9,200
Total	55,857

- 4.24 This results in a 'to find' figure of **4,353sqm for employment land**. As can be seen from the completions figure, the borough has less employment floorspace now than it did at the start of the plan period.

Site Selection Methodology

- 4.25 Section 7 of the Site Selection Background Paper (Appendix A to this report) sets out the methodology which has been followed for the selection of sites. Table 7.1 provides a useful summary of the key stages and is reproduced as Appendix B to this report.
- 4.26 The methodology addresses the concerns and questions raised by the Examination Inspector and is consistent with national policy. It is similar to the approach adopted for the 2016 site selection process but has been amended to take account of the examination hearing sessions so that sites in or adjoining Green Belt washed-over villages, and sites promoted for residential development in employment areas have now progressed to a more detailed stage 2 assessment.

4.27 The methodology essentially consists of a filtering process where sites are assessed in an increasing level of detail. Stages 1 and 2 comprise the HELAA assessment. Stages 3 – 6 are covered in the Site Selection Background Paper. At Stage 3 individual sites assessment are carried based on policy objectives, relating to flooding, the Green Belt, sustainability appraisal, infrastructure and strategic advantages and disadvantages. The Stage 3 assessment can be found in the Appendix to the Site Selection Background Paper. Stage 4 comprises the settlement level assessment where cumulative impacts are considered and conclusions reached on which sites should go forward. Stage 5 comprises an assessment of different strategic options and stage 6 results in the identification of the preferred option.

Results of the Housing and Economic Land Availability Assessment

4.28 The Housing and Economic Land Availability Assessment (HELAA) has been updated to review conclusions on past assessment where new evidence has been submitted and to assess the suitability, availability and achievability of new sites promoted through the call-for-sites exercise. The results of this have been published as an Addendum to the 2016 HELAA and is available for viewing on our website <https://www.welhat.gov.uk/evidencebase>

4.29 The conclusions of the HELAA indicate that 73 of all the sites assessed are considered to be suitable, available and achievable for development. The assessment indicates a potential capacity of these sites is **5,095 dwellings**.

4.30 The HELAA has also considered the promoted additional capacity on sites allocated in the draft Local Plan. This resulted in a potential net increase of 262-5 dwellings.

4.31 At first sight this would indicate that the Council could more than meet the OAN if it releases land from the Green Belt.

Table 3: Potential capacity from HELAA sites found suitable, available and achievable for housing

Dwelling Potential			
	Urban Sites (dwellings)	Green Belt sites (dwellings)	Total (dwellings)
New Sites	1,397	3,698	5,095
Allocates sites	0	262-5	262-5

4.32 The HELAA also indicates potential capacity for B class use related development on three sites. Two sites (BrP34 and Pea106) provide the cumulative **potential for 12,276 square metres of B1a/b** class use floorspace as part of mixed-use schemes (assuming no losses). However, Pea106 result in an overall loss of employment floorspace as it currently 4,560 square metres of B2 floorspace.

- 4.33 A third site (Hat20) provides the potential for a mix of B class uses (61,725m² B1a/b or 32,920m² B1c, or a mix of B1 class uses, or a mix of B1 and B2 - B2 only as part of a mixed use scheme) .
- 4.34 However land at Chequersfield is no longer considered to be suitable or achievable for employment use and insufficient evidence currently exists around the suitability and achievability of the site for residential use.
- 4.35 Five sites, partly or wholly in B class uses, have been found to be suitable for residential use, which provide a potential capacity for 685 dwellings. However, Prior Approval is already in place for one of these sites and for part of another site to be used for residential purposes. If all of these sites were to come forward for housing, this would result in the loss of 20,846 sqm (gross).
- 4.36 One site was found suitable, available and achievable for a standalone primary school site at Welham Green.
- 4.37 There are some opportunities to increase densities on sites already identified in the Submitted Draft Local Plan (some have already been granted planning permission for higher densities whilst others have had consent for slightly lower numbers than estimated).
- 4.38 The inspector has already stated at earlier hearing sessions that he does not think two sites should come forward (Waterside in Welwyn Garden City and Coopers Green Lane).
- 4.39 The NPPF requires local planning authorities to plan positively for growth unless harm to other objectives in the NPPF outweighs the benefit. Paragraph 182 of NPPF also requires the Council to consider whether the borough could meet the unmet requirements of neighbouring authorities where it is reasonable to do so and consistent with the principles of sustainable development.
- 4.40 It should be noted that whilst this Council has written to other neighbouring local authorities within the Housing Market Area to see if any can assist in meeting this Council's needs none have indicated they can do so. Furthermore the London Borough of Barnet has written to this Council asking if this borough could assist in meeting their needs.

Table 4 Potential employment (B class) land losses and gains

Supply	Urban sites sqm	Green Belt sites sqm	Total Floorspace sqm
Potential losses (gross) - Sites promoted through the call for sites for residential use	-16,771		-16,771
Potential gains (gross) - Sites promoted for mixed use or employment uses (Angerland Common potentially delivers up to 61,725sqm)	1,653	10,623 – 71,725	+12,276 to +74,001
Total (net)	-15,118	10,623 – 71,725	-4,495 to +57,230

- 4.41 Whilst sites have been assessed on an individual basis they now need to be considered in terms of the potential distribution and their cumulative impact on infrastructure, other sustainability considerations and the harm to the Green Belt.

Call-for-sites consultation responses

- 4.42 2,034 individuals and organisations responded to the call-for-sites public consultation in May-June 2019, making 10,249 representations. Of these comments, 98% were made by individuals and 2% were from organisations. Just over three quarters of comments (76%) were received online, 16% were received by email and 8% by letter.
- 4.43 Four petitions were lodged, two of which related to the same site. All of these signatures opposed the selection of these sites for allocation.
- WGC6, 6a & 10 – 38 signatures
 - WGC6, 6a & 10 – 77 signatures
 - Raybrook Farm – 385 signatures
 - Welwyn – 922 signatures
- 4.44 Overall, 87% of comments were objections to promoted sites, 4% were supportive and 9% neither objected nor supported. Only one site did not receive any comments (StL17 in Stanborough) and only three further sites (Pea103, Pea104, Pea105 in Welwyn Garden City) did not receive any objections. Sites in Cuffley received the highest number of comments (2,722) although Welwyn had the highest number of respondents. The views of residents in the towns were particularly underrepresented as they made up only 8% of the responses but make up 76% of the population.
- 4.45 Outside the borough, comments were made from people living in North Herts in relation to sites in Woolmer Green, in particular WGr3 which is in effect an extension to Knebworth and those living in Hertsmere in relation to PB1, which in effect would be an extension to Potters Bar, and to Nor1 which lies just to the north of Little Heath and Potters Bar. Representations were also received from people living in East Herts in relation to Dig3 and living in Broxbourne in relation to sites in Cuffley, Newgate Street and Northaw.
- 4.46 Not everyone who responded to the consultation provided information on their ethnicity, age and religion. Monitoring of those who did indicates that as with previous consultations the views of younger people were underrepresented in the response, with two age groups 55-64 and 65-79, which together represent 21% of the borough's population, but accounting for 51% of consultation respondents. White British respondents were also over represented and Black British in particular were under-represented.
- 4.47 The representations are available for viewing on the council's website https://welhat-consult.objective.co.uk/portal/planning_policy/consultation_may_2019/local_planning_policy_consultation_may_2019?tab=list
- 4.48 Appendix C provides a summary of the issues raised in the responses for each site. Consistent themes raised related to the following:

- Harm to the Green Belt or the Green Belt boundary resulting from sites being developed, with a number of respondents stating that exceptional circumstances had not been demonstrated
- Harm to the environment resulting from the sites coming forward – character of settlements, ecology or heritage assets
- Infrastructure in particular traffic congestion, schools, and the lack of GPs and doctors surgeries
- Concern about existing air quality and the potential for new development to exacerbate this was a frequent concern raised by respondents expressing concern about sites in Northaw and Cuffley.

4.49 Duty to Co-operate and statutory bodies raised the following issues:

4.50 Hertsmere Borough Council have asked that consultation take place with them over the analysis of the suitability of PB1 and LHe3. However, PB1 has not been found suitable and whilst an expansion of HS24 (BrP7), with site LHe3, has been found suitable, it is not recommended for inclusion in the plan as it would result in high harm to the Green Belt.

4.51 North Herts District Council consider that sites in Welwyn, Woolmer Green and Oaklands and Mardley Heath may have an impact traffic, transport, health and educational provision. They anticipate that additional work will be required to assess the impacts of development. They request that regard is had to the emerging North Herts Transport Strategy and the approach set out in the North Herts Local Plan.

4.52 Natural England have given some general advice about avoiding harm to landscape, biodiversity and agricultural land and seeking opportunities for biodiversity enhancement and the creation of green infrastructure.

4.53 Historic England have commented on specific sites, both as part of the technical assessment of sites and in response to the consultation event.

4.54 Transport for London have asked to be notified of any proposals relating to PB1.

4.55 Hertfordshire County Council's response is from their Corporate Property section. Officers have also liaised with the HCC Growth and Infrastructure Team to consider infrastructure issues and other specialist teams (Ecology and Archaeology) have been consulted as part of the technical assessment of sites.

4.56 Homes England have responded as a landowner of a site.

4.57 Highways England have asked that discussions take place with them once more details are known to ensure there isn't a negative effect on the strategic road network.

4.58 As well as making site specific comments a number of the Parish Councils have made comments on the scale of growth, the ability of infrastructure to cope and whether or not exceptional circumstances exist.

Sustainability Appraisal Addendum and Habitats Regulations Assessment

- 4.59 An addendum to the Sustainability Appraisal (SA) and appendices has been published on our website here: <https://www.welhat.gov.uk/evidencebase>
- 4.60 Appendix C of the SA Addendum contains the appraisal matrices for additional sites which have not been appraised before. Appendix B contains the reassessed matrices for the 2016 sites. The SA Addendum report in Table 4.2 sets out the changed scores.
- 4.61 The SA Addendum considers that there are no sites which perform particularly better or worse than others as all are likely to have mixed effects but the objectives against which negative and effects are expected varies.
- 4.62 Section 5 of the SA Addendum report sets out the appraisal associated with the different strategic approaches and is discussed below. Options 1 and 3 perform the best in terms of the appraisal.

Site Selection Criteria and Exceptional Circumstances

- 4.63 The Calverton judgement and the more recent Compton PC vs Guildford Borough Council case forms the basis for considering whether or not exceptional circumstances exist for the release of land from the Green Belt. The criteria relate to the following:
- a) The acuteness of the Objectively Assessed Need,
 - b) The constraints on supply and availability of land for sustainable development,
 - c) The consequent difficulties in achieving sustainable development without imposing on the Green Belt,
 - d) The nature and extent of the harm to the Green Belt if boundaries are reviewed; and
 - e) The extent to which the consequent impacts on the purposes of the Green Belt maybe ameliorated or reduced to the lowest reasonable extent.
- 4.64 It is generally considered that in making the case for exceptional circumstances that points (a), (b) and (c) are relevant at a general/ strategic level, whilst points (d) and (e) require consideration of the specific areas of settlement proposed to be released from the Green Belt. The Council's assessment of these matters is summarised in the Site Selection Background Paper (Section 6 for points (a), (b) and (c) and the Site Templates – Appendix A of the paper for points (d) and (e)).
- 4.65 The Inspector has confirmed that in terms of the first point (a) above 'the acuteness of the need' exceptional circumstances exist to release land for housing and employment on a boroughwide basis but this will need to be further demonstrated for each site.
- 4.66 The call-for-sites exercise in 2019 provides the Council with the opportunity to consider whether or not the harm to the Green Belt could be reduced - arising from meeting the need for housing and employment - by selecting sites of lowest harm or sites in the urban area and removing from the plan those sites with higher levels of harm. However in doing so, Members also need to

consider the implications for achieving sustainable development, which is a legal duty placed on local planning authorities.

- 4.67 The Site Selection Background Paper (2019), Appendix A to this report, sets out the considerations that need to be taken into account when selecting sites on both an individual and cumulative basis. It is similar in approach to the Housing and Employment Land Site Selection Background Papers (2016) which informed the selection of sites included in the Proposed Submission Local Plan but now also includes a section on exceptional circumstances in line with the Calverton Test. It reviews whether any new evidence changes any of the previous assessments as well as assesses the potential to allocate sites identified as suitable, available and achievable in the HELAA which have been promoted through the call-for-sites exercise.

Strategic Distribution options and cumulative impacts

- 4.68 The Examination Inspector has made it clear of the importance of planning for a balanced level of housing and employment, stating that (as in the plan as submitted): “A situation where employment growth outstrips housing growth, *such that the net inflow of commuters into Welwyn/ Hatfield increases would not be a sustainable outcome and would not be found sound*”. Officers have therefore reviewed the extent to which employment land needs to be protected as part of the options testing.
- 4.69 As indicated to Members when drawing up the work programme, two scenarios were developed and tested over Summer 2019 for their infrastructure impacts. Both scenarios included all the site allocations in the Submitted Local Plan and a number of sites around the villages. The main differences between the two were as follows:
- **Scenario 1:** Maximise protection of the Green Belt option = 16,866 dwellings. This scenario resulted in the loss of employment land to residential and higher density proposals on some urban sites thereby minimising the amount of Green Belt land that would need to be released. Although this scenario was designed to protect the Green Belt it did include the release of land for employment uses in an area of high harm to the Green Belt (Hat20).
 - **Scenario 2:** Maximise protection of employment land option = 16,706 dwellings. This scenario resulted in no further high harm to the Green Belt but included higher densities on some Green Belt Sites.
- 4.70 Transport modelling was carried out using Hertfordshire County Council’s COMET model. The technical note is published on our website here: <https://www.welhat.gov.uk/evidencebase> This sets out the results of the modelling. The note concluded that Scenario 2 (described as Option 2 in the note) was marginally better than Scenario 1 (described as Option 1 in the note). However there were more significant impacts associated with Hat20. The results of the transport modelling have been reviewed by Highways England who have expressed concern about the impact of Scenario 1 resulting from the inclusion of Hat20 on the strategic road network. Both scenarios result in additional congestion and waiting times at key junctions but the County Council does not consider that these delays will be severe or compromise highway safety.

- 4.71 Primary school provision was also more problematic with Scenario 1 because of the difficulty in finding sites close to residential development in the employment areas and the higher levels of growth for Welwyn Garden City. This particularly affected Welwyn Garden City where most of the employment losses are proposed. In both cases an additional secondary school would be required for the borough.
- 4.72 It should be noted that dwelling numbers for some sites have since changed and that assumptions relating to jobs number exceeded the requirements for the plan.
- 4.73 Detailed discussions have also take place with infrastructure providers on the phasing of delivery of sites on both an individual and cumulative basis.
- 4.74 The infrastructure testing informed Stage 4 settlement analysis of the site selection process.
- 4.75 Stage 5 of the site selection process involved testing different strategic options. Four options were tested through the sustainability appraisal for the purposes of considering different strategic approaches. Two of these were a variation of the two scenarios described above but please note the different numbering for options 1 and 2 and that although they have similar headings they do not have the same development proposals:
- **Avoid high harm to the Green Belt = 14,958 dwellings (option 2** in the Background paper) removes the high harm allocations in the Local Plan but also removes the secondary school in Hatfield and associated playing fields. It results in a 1.63 hectares shortfall in employment land when measured against the population based scenario.
 - **Maximise protection of employment land = 15,361 dwellings (option 3** in the Background paper) retains 5 sites in employment use and includes an additional mixed use site coming added at BrP34. It does not include Hat20 and therefore reduces the shortfall to 0.80 hectares.
 - **Max out = 17,827 dwellings (option 4** in the Background paper) includes all suitable sites including those which result in high harm to the Green Belt and would result in 1.63 hectares shortfall in employment land.
 - **Recommended Strategy = 15,952 dwellings (option 1** in the Background paper) retains the high harm sites currently in the plan but no further high harm sites and includes the loss of 4 B Class employment sites, as well as a sui generis site proposed for designation as an employment area in Woolmer Green, resulting in shortfall in employment land of 1.63 hectares.
- 4.76 All four options are described in more detail in section 26 of the Site Selection Paper and the key issues associated with them are described below.
- 4.77 To assist Members Appendix E comprises a list of sites and which options they appear in.

Option 4: Max Out scenario 17,827 dwellings

- 4.78 This results in additional high harm to the Green Belt. Following the outcome of the hearing session it has been confirmed that the OAN for the plan period is 16,000. Therefore exceptional circumstances do not exist for this level of harm to the Green Belt and is not a reasonable alternative. Consideration has also been given to whether the high harm sites in the Local Plan could be replaced by alternative high harm sites in more sustainable locations or whether any would provide better strategic advantages. It is considered that none do.
- 4.79 It should be noted however that a new set of population and household projections are expected to be published in March and June.
- 4.80 The Sustainability Appraisal concluded that this was the only option that fully met and exceeded the housing target. This option is likely to have greater social and economic benefits in terms of housing provision but greater negative effects in terms of the environmental impacts of development. Planning for significantly more homes than jobs would result in an imbalance between jobs and housing.

Option 2: Avoid high harm to the Green Belt 14,958 dwellings

- 4.81 Consideration was first given to whether a strategy could be developed which would result in **only moderate harm** to the Green Belt. This would result in a lower housing target than that set out in the current submitted plan, loss of employment land, a number of larger villages receiving no growth or very limited growth, growth being directed to some of the smaller washed-over villages which have no or very limited facilities such as Bell Bar, Stanborough and Lemsford and an inability to deliver a number of new schools and one secondary school because of lack of critical mass or the sites no longer being selected.
- 4.82 For this reason it is considered that this would **not** result in a sustainable pattern of development, would **not** deliver the infrastructure required to accompany development, would **not** be found sound and is therefore **not** a reasonable alternative.
- 4.83 Another **alternative scenario** would be to retain all the existing allocations in the plan regardless of harm and only add in urban sites. This would result in **13,994 dwellings** but whilst it would perform better in terms of delivering some of the infrastructure required there would be no justification for not including comparable sites with 'moderate' or 'moderate to high' harm. The Inspector's letter to the Council dated 24th October 2018 (which is published on the examination website pages as examination document EX91B) made it very clear that such an approach is unlikely to be found sound and therefore this option is not considered to be a reasonable alternative.
- 4.84 As the scale of the shortfall is so significant it is considered that exceptional circumstances exist to release 'moderate to high' harm land from the Green Belt.
- 4.85 Therefore Option 2 is based on releasing land in the 'moderate to high' category and removing high harm and very high harm sites from the Submitted Local Plan. This would still result in a significant shortfall of land to

meet the OAN although it would be higher than the submitted plan. Furthermore it would result in the loss of primary and secondary school infrastructure provision in Hatfield which could not be re-provided elsewhere.

- 4.86 The Sustainability Appraisal considered that option 2 would result in a significant shortfall of homes of over 1,000 homes, with a significant reduction in housing in one of the strategic sites, fewer sites in larger villages and less contribution towards delivering supporting infrastructure.

Option 3: Protect Employment Sites 15,361

- 4.87 This scenario includes the high harm Green Belt sites already proposed for allocation in the Local Plan, the increases in capacity on sites in the Local Plan but excludes 4 sites in B class use (Pea97, Pea102, Pea105, Pea106) together with WE100 Marshalls in Woolmer Green (not in B class use but within a proposed employment area) all of which have been promoted as housing (or mixed-use) sites.
- 4.88 Site Pea103 does not form part of this option as it already has prior notification approval for 72 residential units. A planning application has been submitted for this site which, if granted, would increase the capacity to 128 dwellings. Given the lack of a five year land supply it is thought unlikely that a refusal would be supported on appeal.
- 4.89 This option results in a reduced shortfall of 0.8 hectares of employment land. Site Hat20 would provide more than sufficient additional land for employment use but would result in issues for the local highway network and result in high harm to the Green Belt in a visually prominent location. It is unlikely that exceptional circumstances exist for the scale of development which would result in high harm to the Green Belt and potential impacts to the strategic road network and therefore has not been included in this option.
- 4.90 The Sustainability Appraisal considered that Option 3 would score well in relation to meeting the needs of businesses to foster employment growth and also in terms of housing provision. The lower levels of housing also leads to reduced impacts on open space, landscape character and local distinctiveness. However the following factors need to be taken into account.
- 4.91 Site Pea97 is under-utilised for B class land uses. It adjoins new residential development but backs onto a mix of B class uses. Its use as residential would result in the loss of little active B class use employment uses on the site but any proposal coming forward would need to ensure that there were no unintended impacts to the operations of existing employment uses adjoining the site. The changes to the NPPF with the introduction of the agent of change should assist in this.
- 4.92 Site Pea105 is considered to be good quality employment floorspace but if Pea97 and Pea106 come forward, it would be surrounded by residential uses. The estimated dwelling capacity is 21 units.
- 4.93 Pea106 is the subject of a current planning application for a residential-led mixed use development to replace the car showroom and B2 use. Whilst it would result in a net loss of employment floorspace, it would result in more jobs as the proposals includes B1 office use as part of the proposal.

- 4.94 Pea102 currently comprises approximately 11,071 sqm of B1 office floorspace. It is understood that the current tenants have all been given notice to quit and that the site has been put on the market and there is a prospective residential developer interest. Policy SP17 requires that employment use be retained unless it can be demonstrated that it is no longer suitable as a research facility or is re-provided. It is understood that the wet-lab facilities need modernising in order to be attractive for life sciences and the marketing evidence would indicate that there is limited interest in this site for B1 use.
- 4.95 The harm to the local economy needs to be balanced against bringing forward housing. The other 3 options result in a shortfall of 1.63 hectares of employment land compared to this option which results in 0.8 hectare shortage.
- 4.96 It should be noted that viability evidence indicates that flats generally are less viable than houses, in particular on employment land, and that some sites in these areas may therefore be compromised in terms of delivery of affordable housing and other infrastructure requirements. Clearly this is not the case with every such site as applications are continuing to be submitted which meet all the policy requirements.

Option 1 Preferred strategy 15,952

- 4.97 The preferred strategy is close to meeting the OAN such that the scale of the shortfall would be unlikely to justify further high harm release from the Green Belt for housing. This option includes all (36) additional sites that pass the Site Selection Methodology that do not lead to 'high' harm to the Green Belt including the release of employment land in the Welwyn Garden City employment area and proposed employment land in Woolmer Green (although a small area would still be retained). It increases densities on some allocated sites (e.g. 100 each at SDS2/WGC5 and SDS 5/HAT1) and builds on the Submitted Local Plan by identifying additional sites around some of the villages, removing Stanborough and Lemsford from the Green Belt. A new primary school would be provided in Welham Green and a new secondary school at New Barnfield.
- 4.98 Reflecting on the Examination Inspector's comments relating to the importance of balancing housing and employment development, the option leads to a shortfall of 48 dwellings in comparison to the OAN and a shortfall 1.63 hectares of employment land. The loss of five employment sites for housing is considered appropriate as this helps to ensure the housing requirement is met in the most sustainable locations whilst also seeking to minimise any harm to the Green Belt.
- 4.99 The Sustainability Appraisal considered that option 1 would result in a much smaller housing shortfall and whilst it would involve the release of employment land for housing it would still meet the needs of businesses through the protection of the remaining employment land. The sustainability benefits of option 1 as compared to option 2 outweigh the harm to the Green Belt.
- 4.100 Should Members decide to take this option forward the target would be rounded to **15,950 dwellings**.

Five year land supply

- 4.101 As well as positively planning to meet the OAN the Local Planning Authority will also need to demonstrate a five year land supply. A target of 15,950 equates to an annual rate of 798 dwellings.
- 4.102 The Submitted Local Plan proposed a stepped target of 498 homes per year for the first five years and 752 homes per year thereafter, because of the difficulty of significantly increasing delivery in the first three to four years after adoption as so much of the supply relates to land in the Green Belt, the need to have a buffer and the need to make up for under-delivery in the early part of the plan period.
- 4.103 Government guidance refers to stepped targets being appropriate where there is a significant change in the level of housing requirement between emerging and previous policies and/or where strategic policies will have a phased delivery or are likely to be delivered later in the plan period.
- 4.104 Infrastructure providers have been consulted on the anticipated rate of delivery associated with the preferred strategy. This indicates that there will still be a need for a stepped target. Investment in new water infrastructure will be required which means development cannot come forward more quickly and the larger strategic rates will be built out over a number of years.
- 4.105 Appendix D to this report sets out that the Council would only have 4.5 years supply at the point of adoption and the Housing Delivery Test would be 61% meaning that the presumption in favour of sustainable development would apply. It is therefore considered appropriate to maintain the approach of a stepped target
- 4.106 Should members agree to the preferred strategy this would result in a stepped target of 498 dwellings for the years 2016/17-2022/23 and 959 dwellings for 2023/24-2035/36. It has also been looked at in terms of the Housing Delivery Test and the figures would not fall below 95% for the first ten years assuming sites are built out as expected.
- 4.107 Members should note that the NPPF requires that plans are kept up to date and reviewed every five years and earlier reviews take place where housing need is expected to change significantly or where there has been significant under-delivery. It is likely that the Council will fall below the 85% figure this year meaning that the borough will now have a requirement for a 20% buffer to be added to its five year land supply figures.

Air Quality

- 4.108 As stated above a number of respondents raised concerns relating to air quality in the Cuffley area. The Council carries out air quality testing on an annual basis in accordance with DEFRA methodology. Government policy and guidance requires planning decisions and Local Plan policies to take account of air quality management plans. However as there are no Air Quality Management Areas (AQMAs) in the borough, because the air quality levels are above the limit value as set in the Environment Act 1995. Monitoring indicates that parts of Hatfield close to A1(M) at West View have the highest levels in the borough and whilst Cuffley High Street does have elevated levels but the levels drop when distance is corrected to the nearest relevant receptor

and the sites promoted for residential development are unlikely to be affected. The issue then is one of cumulative impact on the road network and the extent to which congestion is likely to increase.

- 4.109 The Sustainability Appraisal (SA) considers this issue and scores sites with poor accessibility negatively. Sites which are well located to public transport or are of a strategic scale which are likely to deliver new public transport infrastructure are weighted more positively.
- 4.110 The SA considers that most sites performed well against the SA objectives on greenhouse gas emission and air pollution particularly with regards to proximity to public transport.

Next steps

- 4.111 It is proposed that another round of public consultation take place on the proposed alterations to the Submitted Local Plan. Officers will prepare a consultation document relating to the additional sites and any changes to the capacity of sites currently in the plan which are not a result of a planning decision or an examination hearing session which has already taken place. Public consultation will start no later than 10th February and close no later than 22nd March. The Sustainability Appraisal and HRA will also be subject to consultation. Respondents will be asked to address matters of soundness as their responses will be forwarded to the Inspector and they will be given the opportunity to appear at the hearing sessions.
- 4.112 It is intended to report back to Full Council on the results of the consultation after the local elections so that hearing sessions can take place in the summer on the villages and the new sites
- 4.113 Hearing sessions on the southern part of Birchall Garden Suburb and Symondshyde will take place in late February / early March 2020 The Infrastructure Delivery Plan is in the process of being updated. The Site Selection Background Paper in section 10-24 includes a sub-section on the infrastructure implications associated with the recommended strategy.
- 4.114 Once the hearing sessions have been completed members would consider the main modifications required to make the plan sound. Public consultation would take place in the autumn with the results of being reported to the Inspector for him to consider before writing his report. It is anticipated that adoption would be in early 2021.

Implications

5 Legal Implication(s)

- 5.1 The preparation of Local Plan is governed by legislation most notably the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011, case law and secondary legislation set out in regulations.
- 5.2 It also has to comply relevant legislation relating to the preparation of Sustainability Appraisal and Habitats Regulatory Assessment

- 5.3 The legislation requires that it is prepared in accordance with the Local Development Scheme (LDS), the Statement of Community Involvement (SCI) and, under the transitional arrangements, the 2012 version of the National Planning Policy Framework.
- 5.4 It also requires that Local Planning Authorities seek to deliver sustainable development when preparing the plan.
- 5.5 The NPPF sets out the Tests of Soundness against which the Local Plan is examined. That is that the plan is positively prepared, justified, effective and consistent with national policy.
- 5.6 There would be a need to modify a Local Plan Policy so that the Green Gap Study can be a consideration in the determination of planning applications.

6 Financial Implication(s)

- 6.1 The costs of the technical work have been met from the Local Plan budget.
- 6.2 The financial implications of not having a sound Local Plan is that the Council would have to start the process again. In the meantime the Council would very likely start receiving planning applications for urban and Green Belt sites and could face costs if these were refused and successfully appealed.

7 Risk Management Implications

- 7.1 The Inspector has made it clear that unless the Council add in more sites to the Local Plan it will be found unsound. He has also made it clear that decisions upon which sites to add in to the Plan need to be based on sound planning grounds which are then applied consistently. The current District Plan is considered to be out of date particularly with regard to policies relating to new residential development. If this plan is found to be unsound the Council would have to rely on the National Planning Policy Framework for decision making.
- 7.2 Without an adopted Local Plan the Council's five year land supply figures will continue to be based on the Government's standard methodology. Because the Council no longer has a five year land supply the presumption in favour of sustainable development already applies. As a consequence policies seeking to protect areas from residential development carry less weight and the Council is more likely to lose decisions on appeal. This will impact on the Council's performance figures.
- 7.3 The Housing Delivery Test for 2020 is likely to result in a requirement for a 20% buffer being added to the five year land supply figures. In future years without an adopted plan it is likely that performance will fall below 45% resulting in a risk of special measures being introduced.
- 7.4 Members should note the extracts from the NPPF 2019 on housing need quoted in paragraph 7.5 below.

- 7.5 Regulations now require a plan to be reviewed every five years and the NPPF particularly where there are significant changes in the housing need figure. Paragraph 73 NPPF 2019 states:

“The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5 % to ensure choice and completion in the market for land; or*
- b) 10 % where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement **OR recently adopted plan**¹ (Footnote 38), to account for any fluctuations in the market during that year; or*
- c) 20 % where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply (Foot note 39)”.*

*Footnote 38 states: “For the purposes of paragraphs 73b and 74 a plan adopted between 1 May and 31 October will be considered ‘recently adopted’ until 31 October of the following year; and a plan adopted between 1 November and 30 April will be considered ‘recently adopted’ **until 31 October in the same year**”.*

Footnote 39 states: “From November 2018, this will be measured against the Housing Delivery Test, where this indicates that delivery was below 85 % of the housing requirement”.

- 7.6 Should housing completions not increase the Council will come under pressure to carry out an immediate review of the Local Plan. The introduction of a stepped target in conjunction with the allocation of as many sites as possible which can deliver in the first five years will help to manage this risk.
- 7.7 Members should note how short the period is for an up to date adopted plan to count towards a five year housing land supply figure is. New demographic and household projections are published every two years.
- 7.8 Members should note that because the plan is being examined against the 2012 NPPF it may once adopted need to be updated to bring it in line with the 2019 NPPF. Wherever possible Officers will seek to ensure there is not likely to be a conflict.
- 7.9 In proposing modifications to the plan the Council has to ensure that it has not proposed so many changes that it is, in essence, a different plan, which even if found sound might make it subject to legal challenge. Nevertheless, the Council is allowed to make changes to make the plan sound and these must by definition be substantive otherwise they would not be needed to make the plan sound. Substantive changes which are not required to make the plan sound cannot be made. As the Inspector has indicated that reliance on the Green Belt for local purposes i.e. protection of settlement pattern, is not

¹ Officer emphasis added

² Officer emphasis added

appropriate. It therefore follows that a modification to make the plan sound in this respect could be considered.

8 Security & Terrorism Implication(s)

8.1 There are no security and terrorism implications arising from this report.

9 Procurement Implication(s)

9.1 There are no procurement implications arising from this report.

10 Climate Change Implication(s)

10.1 There are climate change implications arising from the identification of land for housing and employment. The Sustainability Appraisal judges that there will be greater energy use and emissions of greenhouse house gases and reductions in air quality.

10.2 The effects of this will be mitigated through the implementation of policies in the plan on sustainable design and construction and delivering sustainable development. The Government are currently consulting on building regulations to increase the base sustainability standards of new homes.

10.3 Minimising the need to travel by locating development in accessible locations close to a range of facilities and services and/or where they are close to public transport and cycle paths will assist in this or, alternatively, requiring through Section 106 or Community Infrastructure Levy (CIL) to improvements to public transport infrastructure, cycleways and footpaths.

10.4 Ensuring the balance of employment provision alongside housing will also help to address this.

11 Policy Implication(s)

11.1 Modifications would be required to all relevant settlement sections in the Submitted Local Plan where additional sites are proposed to be allocated or where modifications are proposed to sites already contained within the submitted plan.

11.2 A modification to Policy SP3 in the plan would be required making specific reference to the green gap approach and where the policy applied. The assessment itself is interim and would need to be finalised once decisions have been made through the examination.

11.3 It is proposed that land be released from the green belt at Welham Green and an allocation be made to provide for a new primary school.

11.4 It is proposed that land continue to be designated as a Major Developed Site but remain in the Green Belt at New Barnfield which will be identified as the location for a third secondary school.

12 **Link to Corporate Priorities**

12.1 The production of the Local Plan is linked to all five priorities of the Council's Business Plan, but most specifically Priority 3 (meet the borough's housing needs).

13 **Health and Wellbeing**

13.1 Providing sufficient housing and jobs have health and wellbeing benefits for residents as does the quality of the environment.

14 **Human Resources**

14.1 There are no human resources implications arising from this report. The Local Plan will continue to be prepared by the policy team and agency staff.

15 **Communications and Engagement**

15.1 Officers will work closely with communications colleagues to ensure that progress on the Local Plan is communicated to the public through newsletters, information on the website and press briefings.

16 **Equality and Diversity**

16.1 The submitted policies in the Local Plan were subject to an Equality Impact Assessment. Any policies which are subsequently proposed for main modification will need an updated equality impact assessment.

Sue Tiley
Planning Policy and Implementation Manager
7th January 2020

Appendices:

Appendix A – Site Selection Background Paper and Appendices (published in 3 parts)

Appendix B – Site Selection Stages

Appendix C Summary of Consultation Responses

Appendix D – List of sites

Appendix E – Housing Trajectory

Appendix F – Sustainability Appraisal Addendum

Appendix G – Habitats Regulations Assessment updated HRA Report 2020