

OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED EXCEPT ACCESS, FOR UP TO 125 DWELLINGS, A CARE FACILITY FOR UP TO 60 BEDROOMS (USE CLASS C2), AND A SCOUT HUT (USE CLASS F2), LAND NORTH OF BRADMORE WAY, BROOKMANS PARK, HERTFORDSHIRE

**THE EMERGING WELWYN HATFIELD LOCAL PLAN**

PROOF OF EVIDENCE OF

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**Welwyn Hatfield Borough Council ref: 6/22/1097/OUTLINE**

**Planning Inspectorate ref: APP/C1950/W/22/3307844**

**January 2023**

## 1. INTRODUCTION

### **Qualifications and experience**

- 1.1 I am Planning Policy and Implementation Manager for Welwyn Hatfield Borough Council. I have a BA honours degree in Geography and a post graduate Masters degree in Town Planning. I am a chartered member of the Royal Town Planning Institute and have been in planning for over 16 years (three years in the private sector and 13 years as a local authority planner).
- 1.2 Whilst my current role covers the full spectrum of Planning Policy matters the primary function is to manage the progression of Development Plan Documents, principally the Welwyn Hatfield Local Plan.
- 1.3 I have been at Welwyn Hatfield Borough Council since January 2021 firstly as a Principal Planning Policy Officer and since August 2022 as Planning Policy and Implementation Manager. My focus since starting at Welwyn Hatfield has been progressing the Local Plan. As set out below, the Plan is now very well advanced.
- 1.4 The evidence which I have prepared and provide for this appeal, reference APP/C1950/W/22/3307844, is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

### **Scope of evidence**

- 1.5 My evidence relates to the emerging Welwyn Hatfield Local Plan. This proof of evidence provides a high level summary. It does not seek to provide significant details relating to Housing Land Supply, landscape & biodiversity, the weight that should be given to emerging policy or the 'planning balance' – these are the subject of other proofs and Statements of Common Ground.

## 2 THE EMERGING WELWYN LOCAL PLAN

2.1 The appellant's Grounds of Appeal contend that although the examination of the Draft Welwyn Hatfield Local Plan is underway, fundamental issues, such as the FOAHN that the Plan should be seeking to meet, remain unresolved and with no desire from the Council to achieve a resolution. The Grounds of Appeal go on to state that evidence will be provided on the weight to be given to this Plan and its emerging policies, having regard to progress made by the time of the inquiry. This section addresses why the Council consider that the Emerging Local Plan is a material document within the determination of this appeal and should be afforded significant weight.

2.2 The 2016 Draft Local Plan Proposed Submission (Emerging Local Plan) was submitted for examination to the Secretary of State in May 2017. Whilst the examination is currently being held, the hearings concluded in March 2021 and Main Modifications consultation commenced on 4 February 2023 and is set to conclude on 15 February 2023.

2.3 The Emerging Local Plan (ELP) was submitted in May 2017 with a target of 12,000 homes. The Plan is being examined under the policy requirements set out in the 2012 National Planning Policy Framework (NPPF) rather than the revised policy requirements first set out in the 2018 NPPF. This means that the housing target for the Plan is established through the assessment of the Full Objectively Assessed Housing Need (FOAHN) rather than the standard housing methodology. There have been ten stages of hearing sessions on the following matters.

- Stage 1 Legal Soundness and Duty to Cooperate (September 2017)
- Stage 2 Overarching Strategy (October 2017)
- Joint session with East Herts on Birchall Garden Suburb (January 2018)
- Stage 3 Topic Specific Policies (February 2018)
- Stage 4 Hatfield and Welwyn Garden City policies and allocations (June 2018)
- Stage 5 Green Belt Assessment (November 2018)
- Stage 6 Birchall Garden Suburb, Housing and Employment Land Needs (December 2019)

- Stage 7 Birchall Garden Suburb and Symondshyde (March 2020)
- Stage 8 Village Sites (July/August 2020)
- Stage 9 Additional Sites, FOAHN, Windfall and Green Belt boundaries (February/March 2021)

- 2.4 At the end of the Stage 2 session the inspector indicated that the Submitted Local Plan's housing target did not meet the FOAHN in full and that there was insufficient evidence to justify this. He therefore asked the Council to consider adding in additional sites and to carry out an assessment of harm to the Green Belt.
- 2.5 In addition, the Inspector subsequently asked the Council to review the implications of the 2016-based and then more recently the 2018-based population and household projections. The 2016-based projections were considered at the Stage 6 hearing sessions in December 2019 and the 2018-based projections at the Stage 9 hearing sessions in February 2021.
- 2.6 In response to the Inspector's request for more sites the Council carried out a call for further sites in 2019 and subsequent public consultation on the promoted sites.
- 2.7 In November 2020 the Council put forward to the Examination that the FOAHN should be reduced to 13,800 dwellings. Also, having taken account of the range of population and household projections, the evidence on Green Belt harm and the results of the public consultation, that the Plan could soundly make provision for sites sufficient to meet a housing target of 13,277 dwellings.
- 2.8 As the additional draft allocations put forward to the Examination would not have provided a housing supply to meet the Borough's then FOAHN the Inspector examined 16 sites that had successfully passed the Council's site selection process but had not been formally submitted to the Examination. Additionally, the Inspector examined several sites in Digswell and Oaklands/Mardley Heath which had not successfully completed the site selection process.

- 2.9 The Appeal site (referred to as BrP12a) was one of the sites that had successfully passed the Council's site selection process, but had not been formally submitted to the Examination, so it was considered at the Stage 9 Hearings (February – March 2021).
- 2.10 The Inspector's Stage 9 Hearings observations are set out in Examination Document EX273, June 2021 (Core Document CD6.71, paragraphs 115-121). The Inspector sets out his considerations as to the soundness of sites put forward to the Examination. In respect of other sites not put forward – such as BrP12a - in the document (CD6.71 paragraph 7) the Inspector states that *"I have not concluded on the sites that have not been formally submitted to the Examination by the Council. I have however discussed, where appropriate, my findings on the evidence base, including the representations and hearing discussions, concerning these sites"*.
- 2.11 At the meeting of Full Council (January 27th, 2022) the Council resolved to put forward a revised strategy of sites which was not dependent on the release of high harm land from the Green Belt or the creation of a new settlement. This agreed development strategy resulted in an overall target for the plan period of 13,279 dwellings. The subsequent letter from the Council to the Inspector highlighted that the revised strategy of sites was closely aligned to the supply of sites required for the first 10 years of the FOAHN requirement. In response the Inspector wrote to the Council (Examination Document EX282 - 31 January 2022, Core Document 6.74) stating that he has 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 [of ten years]. That approach would leave some housing (sufficient to meet the requirement arising in later years of the plan period) to be identified through a future review of the plan. The Inspector requested a decision from the Council on the way forward including identifying additional housing sites no later than 8 July 2022. Also, he requested confirmation that the Main Modification consultation should begin as soon as practicable thereafter so that adoption of the plan may be achieved in 2022-23.
- 2.12 In July 2022, at a meeting of full council, it was agreed to put forward to the Inspector a strategy to deliver 12,755 dwellings equating to 8,817 dwellings over the first ten years

of the plan period. It was felt this would provide a basis for a sound plan with a ten-year post adoption supply that is linked to a commitment to review within 5 years. The subsequent response from the Inspector dated 6 September 2022 set out that there would be a requirement for at least 9,460 dwellings, to meet a ten-year post-adoption period beginning in April 2023. During that period, approaching 9,200 dwellings could be accommodated on sites that Welwyn Hatfield have submitted to the Examination and which following examination, the Inspector has concluded could be made sound.

2.13 The Inspector stated that he is supportive of a plan that would provide 9,200 homes over ten years with a commitment for a review of the plan. Such a plan would facilitate the construction of more dwellings in the short term and, in the view of the Inspector, is preferable to further delay. To achieve the Inspector's identified 9,200 dwellings over ten years requires the addition of three sites to the supply identified by the Council in July 2022. The three sites were in the submitted draft Local Plan, submitted to the examination in May 2017 and have been identified as sound. This includes a site in Brookmans Park for 428 dwellings plus a primary school (BrP4/4a).

2.14 At the meeting of Full Council (December 22nd, 2022) the Council resolved that Main Modifications consultation based on the housing supply of 13,392 dwellings (with a 10 year supply of 9,209 dwellings, including the three 'new' sites) be undertaken. The Inspector has confirmed he is satisfied that the identified Modifications are necessary to make the plan sound (Examination Document EX292 December 8, 2022, Core Document 6.119). Consultation on the Main Modifications commenced on 4 January 2023 and will conclude on 15 February 2023. The Modifications do not concern the appeal site, which remains as unallocated Green Belt land within the draft Plan.

### **Weight**

2.15 The weight to be attached to the Emerging Local Plan, or indeed any other material consideration, is a matter of judgement and for the decision maker to decide. In line with Paragraph 48 of the NPPF, local planning authorities may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and,
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

2.16 Although the ELP has been subject to delays, significant progress has been made and the Plan has progressed to Main Modification consultation. It should be acknowledged that the Examination is at an advanced stage, and the Inspector has indicated that, subject to the modifications being consulted upon, the Local Plan is likely to be capable of being found legally compliant and sound.

2.17 The Council expects the Inspector to produce and issue his final report swiftly following the close of the Main Modifications consultation on 15 February. With Local Elections scheduled for May 2023, a decision of the Council on adoption is expected to be made in the summer. This will ensure a ten-year post-adoption period beginning in April 2023.

### **3 Local Plan Site Assessment**

3.1 The Appeal site (HELAA reference BrP12a) and a larger site have been assessed through the Housing Employment Land Availability Assessment (HELAA) and passed the Council's site selection process. However, as stated, the site has not been selected for inclusion in the ELP.

3.2 As stated in paragraphs 2.8 to 2.10, in 2020 the Inspector examined 16 sites that had successfully passed the Council's site selection process but had not been formally submitted to the Examination. This included the Appeal site (BrP12a). The Inspector's observations on the evidence base for the site is detailed in his Stage 9 round up notes (Examination Document EX273, Core Document 6.71).

- 3.3 The appellant's Grounds of Appeal contend that the Appeal Site has been recommended for inclusion in the emerging Local Plan on three occasions, by WHBC Planning Officers due to its suitability and sustainability for development, with the same conclusion reached by Inspector Middleton at the Stage 9 Hearing Session on 17 March 2021. Officers have not recommended the site for inclusion in the ELP on three occasions, nor does the Local Plan Inspector recommended the inclusion of the site.
- 3.4 The development strategy that is the subject to Main Modification consultation does not require any of the 16 sites examined by the Inspector to be included in the draft Plan.

#### 4 **Conclusion**

- 4.1 The Appellant's Statement of Case states that fundamental issues, such as the FOAHN the Plan should be seeking to meeting, remain unresolved and there is no desire for the Council to achieve a resolution. I do not agree with this.
- 4.2 Although the ELP has been delayed, significant progress has been made and the Plan is now at Main Modifications consultation.
- 4.3 One of the proposed Main Modifications (reference MM2) to Policy SP2 identifies the Borough's FOAHN to be 15,200 dwellings and the plan identifies opportunities on specific sites in and around the towns and excluded villages to facilitate the delivery 9,209 dwellings between 2023/24 and 2032/33 and 13,392 dwellings over the plan period 2016-36.
- 4.4 Opportunities to meet the remaining need will be the subject of an early review of the plan to be submitted for examination within five years from adoption. The review would be undertaken in the context of housing need, national policy, and other relevant circumstances at the time. The review will determine additional sites to be allocated to meet the requirement in future years and provides an opportunity to examine the plan's performance to that date.

- 4.5 The ELP includes development at Brookmans Park, including Green Belt release. The identified development at Brookmans Park is in accordance with the development strategy for the borough. The development of the appeal site, in addition to the planned Local Plan growth of Brookmans Park, would be disproportionate in terms of ELP Policy SP3.
- 4.6 The Council's progression to Main Modifications and timetable to adoption is a clear identification of its desire to achieve a resolution.
- 4.7 Given the numerous stages the ELP has undergone, its consistency with the NPPF, and the absence of unresolved issues, I consider significant weight can be attributed to the applicable policies contained in it.