

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

REBUTTAL PROOF OF EVIDENCE

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INTRODUCTION

1. My rebuttal evidence set out below is brief and highlights some evidence offered by Russell Gray with which I do not agree or do not accept. The absence of any rebuttal evidence on a particular matter does not necessarily signify agreement with the evidence offered by those parties.
2. I have reviewed the information contained in the proof of evidence by Russell Gray of Woods Hardwick Planning Ltd on behalf of the appellant.

LOCAL PLAN EXAMINATION PROCEEDINGS TO DATE

Officer recommendation

3. On several occasions it has been suggested that officers have recommended the Appeal site's inclusion in the emerging plan, including at the following points (my emphasis added)

Para 5.7, bullet point 16:

“Officers have put forward options for meeting the FOAHN of 15,200 and even 16,000 dwellings. Notably, in a Report to the Council’s Cabinet Planning and Parking Panel (“CPPP”) of January 2020 (See paragraphs 4.97 – 4.100 of the Report; CD 6.96) appended to which was the Site Selection Background Paper 2019 (CD 6.10) recommending sufficient sites, including the Appeal Site (which I discuss in greater detail in Section 6), but Members refused to agree this (See Minutes of the meeting (CD 6.86)”

Para 5.7, bullet point 18:

“The Appeal site (BrP12a) was one of the sites that the Council’s Planning Officers had found suitable and sustainable for allocation but the members had not allocated **despite Officer advice to do so**, as I cover in greater detail in Section 6 below.”

Para 6.1.

“The appeal site has been promoted for allocation by the Appellant throughout the lengthy draft Local Plan process to date, during which it has been found suitable for allocation and recommended for inclusion in the Plan by Officers several times, but the Council’s Members have chosen not to support this. It has also been found by Inspector Middleton to be a suitable site to assist the Council in making up the shortfall of housing land he identified.”

4. During the examination, the Inspector indicated a need for modifications to the plan to increase the housing target to meet the objectively assessed need for housing (OAN), which at that point was acknowledged to be around 16,000 homes. A Call for Sites was undertaken in January 2019 and consultation on sites promoted through the Call for Sites took place in May/June 2019. An update to the Housing and Economic Land Availability Assessment (HELAA), which was published in January 2020, assessed the suitability, availability and achievability of these promoted sites for development, while the Site Selection Background Paper considered different options for the selection of sites and was presented to Cabinet Planning and Parking Panel (CPPP) on 23rd and 29th January 2020 (CD 6.96).
5. The officer recommendation of the report to CPPP of January 2020 (see paragraphs 2.1-2.5 of the Report; CD 6.96) was that Option 1 sites (which included BrP12a) be published for consultation.
6. The ‘next steps’ section of the report (paragraph 4.111 – 4.112; CD 6.96) notes that following the consultation a report was to be taken back to Full Council on the results of the consultation. Also, that the OAN was identified as 16,000 dwellings for the revised plan period of 2016-2036 and that (para 4.16; CD 6.96) the Inspector had stated the OAN may need to be revisited in response to the revised population and household projections which were expected to be published later that year.

7. Members agreed to consult on additional sites which would result in a target of 14,011 dwellings. The consultation ran from 19th February until 1st May 2020. This did not include BrP12a.
8. Following the Inspector's Interim report (CD 6.61) it was agreed at CPPP on 17 November 2020 (Report, CD 6.97) that the proposed 14,011 be amended to 13,277 dwellings.
9. To my knowledge, on only one occasion has BrP12a been included in an officer recommendation, this was in January 2020. However, it should be noted that this recommendation was for no more than that a series of sites to be the subject of consultation. Also, that was in the context of an anticipated obligation to meet an OAN of 16,000 which was identified at that stage as potentially subject to change, and has subsequently been reduced.

THE LATEST POSITION

10. At para 5.14 it is stated that (my emphasis added):

After a stagnant period of nearly two years since the Inspector closed the formal Examination Hearings, there is no reasonable explanation for the sudden urgency within the Council to rush into public consultation, indeed a number of other LPAs have done the opposite and paused or delayed work on their plans (See Horsham, Teignbridge, Mole Valley, Gedling, Vale of White Horse & South Oxfordshire, Swindon and Stockport), other than to give the impression of progress. Indeed, the Officer's presentation to the three Committee meetings advised Members in each case that progressing the Local Plan would assist the Council in fending off speculative development and defending appeals, including this one.

11. I consider the reasons for progressing to Main Modifications is clear, as set out in the report of the report to CPPP in December 2022 (CD 6.101). In the report it is stated (para 3.22; CD 6.101) that there is an opportunity to commence and conclude consultation on the Main Modifications in January and February 2023. Should consultation take place after the Local Elections it would be no longer be possible to have the post-adoption period beginning April 2023. This would result in the ten year requirement increasing beyond 9,460 dwellings and the opportunity to identify a supply of 9,200 dwellings as set out by the Inspector would be lost. In the event the requirement increases additional sites would be required beyond those examined by the Inspector.

12. As stated in the report to CPPP in December 2022 and by Mr Gray in several part of this proof, the Welwyn Hatfield Local Plan is being examined under 2012 transitional arrangements. It is my understanding the examples of given are not Local Planning Authorities progressing a local plan under the 2012 transitional arrangements. Welwyn Hatfield is not in isolation in progressing to Main Modifications.

13. At the meeting of Full Council on 22 December 2022, the vote on the decision to progress to Main Modification consultation was 28 FOR, 6 AGAINST and 6 ABSTENTIONS.