

Examination into the Welwyn-Hatfield Local Plan 2013-2032 Inspector's Supplementary Conclusions and Advice

Introduction

1. After concluding my Examination into the plan that the Council submitted under Regulation 19 of the Planning and Compulsory Purchase Act 2004, including its site development proposals, I wrote to the Council on 16 October 2020, attaching an interim report that set out my findings on the plan's soundness. I also provided advice, based on the evidence before me, on potential ways forward that could lead to the achievement of a sound plan. In particular, I asked the Council to provide
 - **Details of the additional sites that would make up the supply of housing land to meet the Full Objectively Assessed Housing Need (FOAHN) figure, along with any evidence that had been used in their selection that was not already before the Examination.**
 - **A housing trajectory that illustrated the five-year housing land supply position. If the Council was unable to meet this without a stepped trajectory, then the trajectory should be accompanied by a full justification for this course of action.**
 - **Additional evidence to demonstrate that the new village at Symondshyde is the most sustainable and deliverable option to make up any perceived shortfall in the FOAHN, including because of a shortage of more sustainable and deliverable options.**
2. Its response of 30 November 2020, purported to identify details of additional sites that could increase the supply of housing land in order to meet the then Full Objectively Assessed Housing Need (FOAHN) of 16,000 dwellings, for the agreed revised plan period 2016-36. However, it did not identify sufficient deliverable dwellings that had the full support of the Council. Furthermore, a new site that was effectively an urban extension to Potters Bar (not within Welwyn-Hatfield Borough) had been submitted without demonstrating that it had the support of Hertsmere Council or had been the subject of full and effective public consultation. Its submission was therefore inappropriate.

3. Whilst maintaining a stepped trajectory, there was no sound justification as to why this was still necessary, to demonstrate a five-year supply of housing land upon adoption of the plan.
4. Furthermore, additional evidence to demonstrate that a New Village at Symondshyde is the most sustainable option to make up any shortfall in the FOAHN was inconclusive. Whilst I recognise that the Council then considered that this site's release from the Green Belt (GB), along with a number of others that were submitted at the Regulation 19 stage, was no longer justified by exceptional circumstances, there was no accompanying sound reasoning to justify this conclusion. Additionally, and more fundamentally, there was no substitution of sufficient, additional and potentially sound sites to compensate for their removal. Consequently, sufficient housing sites to meet the then FOAHN, with the full support of the Council, were not before the Examination.

Stage 9 hearing sessions

5. However, the Council did put forward a number of sites for allocation that would together achieve the development of about another 1700 dwellings (ds.) and my preliminary examination of the evidence associated with the 2018 population and household forecasts suggested that there could have been a meaningful change that warranted a reduction in the FOAHN.
6. I therefore decided not to terminate the Examination at that point and proceeded to arrange to examine the additional sites at a series of virtual hearings in March 2021. My observations, following those events, are set out in a separate note¹. With the exception of 4 sites², I have concluded that the additional sites that I examined, following their submission by you last November, could be found sound, although a further 2 are in doubt. For the most part their soundness will depend upon a justification that exceptional circumstances exist to remove the land from the GB in the context of their comparative harm to the GB and its purposes as well as their comparative sustainability and in the context of the overall development strategy³. Excepting the unsound sites, the remaining sites could add about another 1,300 ds to those submitted at the Regulation 19 stage and subsequently found to be sound (about 9,000 ds). With development since 2016,

¹ Stage 9 Round-up notes on sites (EX262)

² Some of these could now be commitments, whilst others may come forward as windfalls.

³ These are planning judgements that the Council needs to make, on a justifiable basis, using a credible, planning related, evidence base

commitments and windfalls, they could together deliver over 14,000 ds. In addition, there are a further 5 sites that have already been examined, which could be found sound. They could provide an additional 1,750 ds.

7. The Procedural Guide for Local Plan Examinations discourages the examination of sites that have been assessed when preparing a Local Plan but discounted and not allocated. However, the document also refers to exceptional circumstances where it is necessary to discuss alternative sites. One of these is where the provision of housing land in the plan falls below the area's housing need.
8. This has been the position at Welwyn-Hatfield since shortly after the plan was submitted, nearly four years ago. I initially invited the Council to submit additional housing sites to the Examination, to make up the shortfall, in December 2017. This followed the outcome of the Stage 2 Hearings into strategic matters that were held the previous October. To date there has been no satisfactory response.
9. In these circumstances and whilst previously rejecting invitations from aggrieved third parties to examine exception sites, in order to move matters forward, I decided to examine all of the sites that had successfully met all of the tests that sites were subjected to, in the Council's site selection process but eventually did not receive the full support of the Council (16 sites). They were consequently not formally submitted to the Examination¹.
10. Additionally, four sites in Digswell and Oaklands-Mardley Heath, that had been submitted in response to the call for sites but had failed to complete the site selection process, were also examined⁴. This was because, despite them being excluded villages, with a presumption in Policy SP 3 that they are to be a secondary focus for a limited amount of new development, there was no, or very little new residential development proposed at these settlements. There may be sound reasons for this, but the evidence currently before the Examination does not conclusively add up to that. As there are no sites in Digswell and only two small sites at Mardley Heath, which have passed the site selection process, I examined the evidence that led to the rejection of Dig 1 and OMH 6 and 9 in the latter stages of the site assessment process¹.

⁴ One was subsequently found to be unable to accommodate the required number of dwellings to qualify for allocation in the local plan.

11. In my view, 14 out of the 15 additional sites examined could be found to be sound in the right circumstances⁵. These would provide opportunities to construct about another 1300 additional ds, making an overall total that exceeds 17,000 ds. on sites that have already been found to be sound or could be found to be sound.
12. The Council has also submitted further evidence in support of Regulation 19 sites where I had previously found that in principle, they could be made sound, subject to changes to their boundaries and/or the accompanying policy criteria. My findings on those sites are also set out in my note of the hearings¹.
13. At the hearings, I asked for additional information about some of the sites that the Council submitted to the Examination in November 2020. This was subsequently submitted and is discussed, on a site by site basis, in my note of the hearings where appropriate.

Treatment of Green Belt harm and Green Gaps

14. The sites that passed the site selection process but were not submitted to the Examination, appear to have been rejected primarily because the Land Use Consultants (LUC) stage 3 GB study concluded that they would cause high or moderate/high harm to the GB and/or they would erode the green gaps between excluded villages. At the same time, the Council also resolved to no longer support a number of Regulation 19 sites that the LUC report had similarly concluded would cause high harm to the GB, including some that had already been examined and found to be potentially sound.
15. Whilst the harm to the GB's purposes is certainly a significant consideration in the assessment of a site's appropriateness for allocation, other than in locations that were specifically classified as "essential GB", it is not a trump card. It is undoubtedly an important starting point for the assessment, but it is nevertheless only one of a number of factors that should be appropriately weighed in the exceptional circumstances' consideration and then in the overall soundness balance. Whilst site selection should have regard to the extent of the harm to the GB, sustainability and accessibility factors, as well as other planning considerations, also warrant weight in this balance.

⁵ See para. 6 above

16. Site selection is a complex process, which needs to be undertaken in a consistent and transparent manner. There is no evidence to suggest that the Council followed such a process when considering which additional sites to place before the Examination. Indeed, not all land previously considered appropriate for development by the Council but also being assessed as causing high or moderate/high harm to the GB, if developed, was selected for removal from the plan. At best this suggests an inconsistent approach and a lack of objectivity. The conclusions are not justified and thereby unsound.
17. The first two stages of the GB review included a local purpose of maintaining the existing settlement pattern. In examining the GB evidence, I pointed out that this was not a GB purpose and that in any comparison of sites, re harm to GB purposes, as defined in para. 80 of the Framework, it should not be a consideration. Nevertheless, the stage 3 GB analysis also included this concept. To what extent (if any) this has influenced the outcome is not entirely clear. It does however suggest, along with the study's failure to specifically assess all of the potential sites individually, rather than in combination with other areas and to consider mitigating the potential harm to the GB through amelioration, as suggested in Calverton⁶, that the results should be interpreted cautiously.
18. Among other considerations, strategic objective 1 seeks "To provide for the borough's development needs over the plan period, in a form which maintains the existing settlement pattern and prevents coalescence of our towns and villages". At submission it was anticipated that maintaining the settlement pattern and preventing coalescence of villages would be specifically achieved through the inclusion of a "local purpose" in the GB assessment. In suggesting the removal of this purpose from the GB assessment, I indicated that a policy that embraced the concept of "Local Green Space" to protect important areas, specifically between the excluded villages, might be an appropriate replacement.
19. The Council subsequently undertook a "Green Gap Assessment"⁷, which rather than seeking to define the most critical areas between the excluded settlements, in order to prevent their coalescence, aims to provide evidence to inform the location of site allocations. It identifies large areas of land between and adjacent to the excluded villages as Green Gap Policy areas and appears to have been latterly

⁶ Calverton Parish Council v Greater Nottingham Councils and others, CO/4846/2014

⁷ EX160

used to reject sites. This is not in accordance with paragraphs (paras.) 76 and 77 of the Framework, which among other considerations, says that such areas should not be extensive tracts of land. Para. 78 also says that such policy should be consistent with GB policy.

20. In the form that it has been prepared, I am not persuaded that the "Green Gap Assessment" is sound. Indeed, it seems to elevate these areas, which are considerably more extensive than that defined as essential GB, to a higher status and gives them dual protection. Additionally, the Procedural Guidance for Local Plan Examinations points out that evidence should not be collected retrospectively. If applied to sites in the Regulation 19 plan this would be the case. However, in not applying it comprehensively, the overall assessment would not be consistent. I therefore consider the introduction of this document at this stage and in its current form, to be inappropriate and the conclusions derived from its application to site selection to be unsound.

Housing requirement

21. I have reported my findings on the implications of the 2018 household forecasts for the FOAHN in a separate report. My reassessment suggests that there has been a meaningful change, in the context of a lower forecast of natural population growth and a likely corresponding reduction in household growth during the plan period. Consequently, the plan should be taken forward on the basis that it needs to provide for 15,200 dwellings (760 d.p.a.) during the revised plan period 2016-36.
22. I would remind the Council that the Framework says at para. 47 that in order to boost significantly the supply of housing, local planning authorities should
- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area.
 - Identify a supply of specific deliverable sites sufficient to provide five years' worth of housing against the housing requirements, with the appropriate additional buffer. Given the persistent under delivery of housing, that buffer is 20% at Welwyn-Hatfield.

- Illustrate the expected rate of housing delivery for both market and affordable housing through a housing trajectory for the plan period, together with a housing implementation strategy that describes how they will maintain the delivery of a five-year supply of housing land to meet their housing target.

Meeting the FOAHN/Distribution of development

23. There is no doubt that, unless some GB land is released, the plan will fall significantly short of meeting the FOAHN⁸. The Framework at para. 84 says that in drawing up GB boundaries local planning authorities should take account of the need to promote sustainable patterns of development. In the first instance they should consider the consequences for sustainable development of channelling development towards urban areas inside the GB boundary or towards villages inset within the GB.
24. I am satisfied that the Council has maximised the potential opportunities for residential development that sites within these areas provide. Nevertheless, when allowing for the development potential of such areas there is still a significant shortfall in dwelling provision.
25. The Council's development strategy is based on the assumption that there will be further economic growth in the area during the plan period. Land to accommodate some of this is to be released from the Green Belt. I discussed my concerns about this when I examined the overall strategy in 2017⁹ and again in my preliminary conclusions and advice¹⁰. Following responses from the Council that sufficient land could be released from the GB, both to accommodate this development and that required to meet a housing requirement equivalent to the FOAHN¹¹, I indicated that such a strategy could be found sound and again confirmed the point in my preliminary conclusions and advice¹².

⁸ The fourth para. of the LPs spatial vision (page (pg.) 29) points out that land would need to be taken from the GB to accommodate 6,200 of the 12,000 new homes then put forward to meet the FOAHN. The FOAHN is now 15,200

⁹ Inspectors issues and questions on the overarching strategy and the provision for housing and jobs, (EX03 and EX09)

¹⁰ Paras. 10-13 and 16-33 of EX212 October 2020

¹¹ Council's responses to Inspector's issues and questions on the overarching strategy and the provision for housing and jobs, (EX11 and EX14)

¹² Para. 27 EX212

26. I am still of the opinion that this strategy could be found sound¹³. Nevertheless, my support for the release of GB land to facilitate economic development is still conditional upon the Council providing sufficient suitable sites from the GB to enable it to deliver sufficient dwellings to meet its FOAHN.
27. The scale of housing need that cannot be met within the urban areas is likely to be over 7,000ds¹⁴. Sites to meet this need can only be found in the GB and through revisions to its boundaries. Additionally, whether or not there are exceptional circumstances that justify the release of specific sites, can only be made on a site by site basis. Nevertheless, that does not negate the overarching consideration that the principle of GB land release is justified by the scale of unmet housing need and that this can only be fulfilled by this course of action¹⁵.
28. Having accepted this and at a site-specific level, the starting point and focus for the analysis, as to which sites should be released, should be the varying contribution that different sites make to the purposes of the GB. The focus is upon purposes because these are characteristics where the differences between sites in a GB context are most apparent. However, the extent to which the harm to the visual openness of the wider GB can be ameliorated is also an important consideration. This is not covered in the LUC report.
29. It is also necessary to consider the positives and negatives of the different potential sites from a sustainability perspective. In this context, locational sustainability is particularly important both in the form of amount and access to facilities, as well as the opportunities to make journeys in a sustainable way and thereby minimise the need to travel by the private car. Other site-specific considerations such as noise, heritage or landscape value are also relevant at a site-specific level. The conclusions of this exercise should be weighed against the harm to the GB. This is far from an exact science, but the process should be objective and transparent as well as justified and the results founded in sound planning judgements.
30. Land that could be removed from the GB to meet the overall housing need and has been formally submitted to the Examination, could

¹³ A detailed assessment of my findings on the proposed development strategy can be found in my preliminary conclusions and advice report, paras 16-33 (EX212).

¹⁴ In the submitted plan it was 6,200 but the FOAHN is now more than 3,000ds higher. However, additional capacity has been found within the urban areas to accommodate some of this

¹⁵ Inspector's preliminary conclusions and advice, paras. 45 & 46, EX212 October 2020

accommodate over 6,000 additional dwellings. Additional land that could accommodate another 1600 dwellings has also now been examined. About 1,300 of these could be found sound, the others may not be¹⁶. There are now clearly more potential dwellings on sites that have been examined and could be found sound than the plan is now required to allocate.

Site selection

31. In making the final selection of sites you will need to bear the following in mind

- **The distribution of development should reflect the plan's Development Strategy.**

32. That requires a proportionate distribution of development among the two main towns and the excluded villages. It seems to me that the potential to meet the Borough's development needs in or adjacent to the two main towns and within the excluded villages, has been largely exhausted so that the remainder of the housing requirement will, for the most part, have to be met in locations adjacent to the excluded villages, possibly supplemented by the release of land for the construction of a new settlement at Symondshyde.

33. I said in my interim report that a sustainable settlement could be created at Symondshyde if its critical mass were to be of a sufficient size to enable the provision of relevant services and a regular public transport offer that would remain viable. In my view such an area has latterly been discussed in the Examination. However, this new village is unlikely to be as sustainable as some locations that are within acceptable walking distances of facilities, as well as to frequent public transportation and in locations that are adjacent to some of the excluded villages.

34. The sites recently considered by the examination vary in their sustainability and some would undoubtedly be more sustainable than Symondshyde, but others less so. The need to allocate land for the development of a new community at Symondshyde is a judgement call for the Council to make. In doing so it could conclude that there is no

¹⁶ Significantly more dwellings than are required to meet the FOAHN have now been examined. It will be necessary for the Council to comparatively assess these sites in an updated sustainability appraisal and site selection assessment and to demonstrate site specific exceptional circumstances for the removal of specific sites from the GB. Additionally, some site-specific considerations that are outlined in the Stage 9 roundup notes need addressing

need for a development at Symondshyde during this plan period but then it may not. It could alternatively conclude that the village should be built as a whole or in part during this plan period, with some land being safeguarded for development in the years immediately after this plan period ends. Whatever the eventual outcome is, it should be properly justified.

35. However, in deciding on a distribution of development among the excluded settlements the Council also need to respond to the strategic requirement for a proportionate distribution of development that is tempered firstly by the two classes of excluded village settlements and secondly by their comparative sustainability. In this context, the four villages with railway stations are better positioned to take sustainable growth than their counterparts that have not got the benefit of such a facility.
36. Because of the additional benefits provided by its large employment area, Welham Green is clearly the most sustainable excluded village. This consideration would be enhanced further by the development of the strategic employment site at Marshmoor. Furthermore, Welham Green appears to have a number of GB sites that only make a moderate contribution to its purposes.
37. Nevertheless, there is a need for some housing in all locations across the Borough in order to meet local needs, particularly that arising from the acute levels of affordability that now exist within Welwyn-Hatfield. It is for the Council to establish the levels of these needs. However, a distribution that has a level of development proposed in some villages that does not meet essential local needs but without a proper justification for such an outcome, is unlikely to be found sound. It seems to me that the critical area in this respect is the Parish of Welwyn. It has three excluded villages, one has no housing proposals, the other two only limited amounts.
38. It will be necessary to update the Sustainability Appraisal (SA) and if appropriate, review the site selection process, in order to incorporate all of the examined sites and including any other fundamental changes to the plan. Such assessments are only necessary in instances where significant MMs that were not previously the subject of SA, are being put forward. Additionally, the extent of the additional work should be approached pragmatically and flexibly¹⁷, as well as being undertaken

¹⁷ Strategic Environmental Assessment Directive

in a proportionate way¹⁸. The conclusion of this work at an early date and prior to the publication of MMs, would be appropriate.

- **The plan should establish a five-year supply of housing land from adoption.**

39. I am required to assess whether or not the plan's development strategy would provide a five-year supply of housing land on adoption. Whilst on submission this was only being achieved through the introduction of a stepped trajectory, that was four years ago. There has been a further call for sites since then and the achievement of a five-year supply, using this source to supplement the original sites that made up the five-year supply, should be rigorously explored. A stepped trajectory will only be acceptable if there are sound reasons for doing so.

- **On adoption the housing trajectory should ensure, as far as possible, the delivery of a proportionate amount of the housing supply throughout the plan period.**

40. Welwyn-Hatfield's housing market is not as self-contained as most. Affordability ratios are also high in surrounding authorities and demand has not been meeting supply for some years in some of these areas as well as at Welwyn-Hatfield. There is also evidence of under supply in London. Consequently, whilst this situation prevails, it is quite likely that allocated sites that have no impediments constraining their early development will quickly come forward.

41. In such circumstances, a housing delivery rate notably in excess of the annual requirement is a possibility. However, the housing requirement already has a large number of dwellings included within it to address the affordability issues caused by the historic under delivery within the Borough. It would not be in the interests of the long-term protection of the Borough's GB for the housing requirement for a twenty-year period to be largely met in ten or fifteen years. The consequence of that would be the need to release further GB land in the latter years of the plan to maintain a five-year supply. The inclusion of some sites that would have long lead in times, such as where prior mineral extraction is a requirement or site access, or assembly is complicated, would assist the phasing of the plan's housing delivery over a longer period.

¹⁸ Framework para. 167

Education

42. There was much discussion at the hearings into education provision and the ways in which dwelling provision could be skewed to support it in an optimum way. However, whilst education provision is a consideration, it should not be a determining factor in the choice of sites. Most areas will require an expansion of their education capacity during the plan period.
43. However, all of the planned education provision is unlikely to be built in the early years of the plan period. Rather it will be constructed in a phased manner according to the most acute need, with an inevitable need for some children to attend a school in another village, at least for a period. Additionally, there will very likely be a requirement for additional education capacity to meet the needs of further development after 2036 in most areas.

Conclusion

44. I would be grateful if you would bear the above observations and requirements in mind when considering the submission of sites to be developed for housing purposes, in order to meet the revised FOAHN. You should submit a list of additional sites, selected from those that have been examined, sufficient to provide a FOAHN of at least 15,200 ds, accompanied by exceptional circumstances to justify their removal from the GB. The extent to which any sites already before the Examination that I have not already found sound, are removed, should be based on a comparative, transparent justification of exceptional circumstances and in the context of the other considerations that I have discussed in paras. 31-43 above.

Yours Sincerely

M Middleton

Melvyn Middleton

INSPECTOR

June 2021

Abbreviations

ds	dwellings
EX	Examination Document
GB	Green Belt
Framework	National Planning Policy Framework 2012
FOAHN	Full Objectively Assessed Housing Need
LUC	Land Use Consultants
MMs	Main Modifications
Para.	Paragraph
Pg	Page
SA	Sustainability Appraisal