

Welwyn Hatfield Local Plan.

Is the overall development strategy being advanced by the Council sound?

1: Housing Market Area.

We recognise the complexities in establishing housing markets for those authorities on the edge of London. There are complex migratory and commuting patterns that do not lend themselves to clearly defined areas. As such we would agree with the SHMA that Welwyn Hatfield does not represent its own self-contained housing market. There are strong relationships with the London boroughs of Enfield and Barnet as well as with the Hertfordshire authorities of East Herts, Stevenage, Hertsmere and St Albans and they must continue to engage with these authorities. However, we understand the pragmatic approach taken by the Council in considering housing needs solely in relation to Welwyn Hatfield.

Given the difficulty in defining Housing Market Areas on the edge of London we consider it important that Councils are clear as to the degree to which developments in other areas would meet their own needs rather than the needs of the adjoining HMA. As such the Council must be transparent within its Local Plan on which other development outside its boundaries will meet its unmet needs. At present policy SP2 suggests that additional development to the east of Welwyn Garden City, but within East Hertfordshire District Council (EHDC), is meeting the needs of both HMAs. There would seem to be no justification for this statement considering EHDC consider this site to be meeting the needs of the adjoining HMA of West Essex and East Herts.

2: Full Objectively Assessed Housing need

We agree with the latest update to the Strategic Housing Market Assessment (SHMA) published earlier this year that the latest official demographic projections, the 2014 based Household Projections, are the most appropriate basis for assessing housing needs. They are robust and provide a sound starting point for the consideration of OAHN. We do support the Council's amendment to the demographic starting point to reflect the suppression in household growth. The Council has not delivered housing growth at the required rate and this reflected in both the demographics and the worsening affordability within the Borough. However, we are concerned that this change to the demographic starting point is then used to justify a relatively low market signals uplift in the 2017 SHMA. It is important that amendments relating to demographic changes and those relating to market signals are not blurred. Market signals are indicators the housing market in that area has not delivered the right number of homes to meet the needs of its population, with subsequent impacts on affordability. Planning Practice Guidance clearly differentiates between these by considering amendments for suppression to part of the demographic starting point (paragraph 2a-015) separately to market signals. PPG is also clear that the adjustment for market signals:

"... should not attempt to estimate the precise impact of an increase in housing supply. Rather they should increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability, and monitor the response of the market over the plan period." (PPG 2a-020)

We would therefore consider it important that these two elements are considered separately and any uplift for market signals is considered separately. With this in mind we would suggest that the market signals for the area require an uplift of greater than 10% as

suggested in the 2017 SHMA. Based on inspectors' consideration at other plans an uplift of 20% to the adjusted demographic baseline would be more appropriate. This would result in an OAN of 866 dwellings per annum. Interestingly this level of housing need is more in line with the Government's standard methodology that was set out in the consultation document published on the 17th of September. Using the standard methodology would establish the Welwyn Hatfield's OAN as 877. Whilst this is still a consultation and as such only limited weight can be attached to it we do consider it to provide a better understanding of the degree to which market signals should be considered by local authorities in their SHMAs.

Are the FOAHNs being met within the relevant HMAs?

There is considerable uncertainty at present about whether FOAHNs within the authorities and HMAs identified by Welwyn Hatfield as being part of the Welwyn Hatfield HMA. In the London Boroughs of Barnet and Enfield neither authority is planning to meet the needs identified by the GLA in their latest household growth projections. These projections indicate that Enfield will need to provide at least 1,944 homes to meet need and Barnet 2,577. This is against current planned delivery of 798 dpa and 1,866 dpa respectively. Whilst the Mayor is not expecting to be able to meet needs across the London HMA we are concerned that current delivery does not support this assertion. As we set out in our representation London is facing significant difficulties in meeting its housing needs. The unmet need is rising because of London Boroughs' inability to close the gap between London's need for 49,000 but identified capacity (albeit very notional) for 42,000 dwellings. Only two London boroughs to date have advanced a plan for examination that indicates that they can lift supply above the London Plan benchmark housing targets (these are Camden and Croydon) but this is offset by boroughs such as Tower Hamlets, Southwark, and Kensington & Chelsea, who are all arguing that they are unable to match the housing benchmark targets.

In the West Essex and East Herts HMA, which includes EHDC, Uttlesford BC, Harlow DC and Epping Forest DC, the latest assessment of need and the agreed distribution of delivery for this area is set out below. The distribution is based on a Memorandum of Understanding between each of these authorities.

LPA	OAHN 2011 To 2033	Distribution
East Herts	18,396	18,000
Uttlesford	13,332	12,500
Harlow	7,409	9,200
Epping Forest	12,537	11,400
Total	51,710	51,100

This HMA is currently not able to meet its own needs with each authority, aside from Harlow who are meeting needs from elsewhere in the HMA, being able to meet their own needs. However, we have significant concerns relating to both the demographic starting point and the market signals uplift being used in the Strategic Housing Market Assessment prepared for this HMA. However, it is likely that, should it be introduced, Harlow and Epping Forest will be required to use the standard methodology for assessing housing needs which could see their OAHN increase to 466 dpa and 923 dpa respectively.

5: What should constitute exceptional circumstances?

The Government in its housing white paper set out the importance of housing needs when considering exceptional circumstances. Whilst this is still to be taken forward into policy it gives an indication as to how LPAs should consider Exceptional Circumstances. The case of

Calverton Parish Council v Nottingham City Council, Broxtowe and Gedling Borough Council [2015] EWHC 1078 also highlights the importance of considering housing needs and supply against the nature of the Green Belt when assessing whether exceptional circumstances are present. The judgement states:

“In a case such as the present, it seems to me that, having undertaken the first-stage of the Hunston approach (sc. assessing objectively assessed need), the planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters:

- (i) the acuteness/intensity of the objectively assessed need (matters of degree may be important);*
- (ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development;*
- (iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;*
- (iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and*
- (v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.”*

We would consider that using these matters as part of the decision to amend Green Belt boundaries would be sufficient to support not only the proposed amendments but potentially to support the allocation of further sites in the Green Belt.

7: Targets for growth

We consider the growth targets for housing set out in the Local Plan to be insufficient and does not meet the housing needs identified in the SHMA. As set out in our previous representation we consider the scale of development that has been considered in villages, including those in the Green Belt to be insufficient. Paragraph 86 of the NPPF established that this should only be the case where it contributes to the openness of the Green Belt. In all other cases it should be excluded from the Green Belt. There is potential to remove villages washed over by the Green Belt which could facilitate infill development.

Also, we do not consider that the Council has sufficiently justified its decision to limit development based on infrastructure without considering in detail whether those constraints could be overcome. One example of this is at Welham Green where development sites have been rejected based on the capacity of the local primary school capacity. We could find no detailed assessment as to the capacity of the site on which the local primary school is sited and whether there is sufficient land to expand within Government guidelines. More should have been done to address capacity issues within this plan rather than through an early review as outlined in the Council's responses to the Inspector's Preliminary questions (EXE1).

8: Five Year Land Supply

Are the Council's assumptions sound?

We do not consider the Council to have a five-year housing land supply even using the stepped trajectory. The Council's past performance would indicate the need to provide a 20% buffer as set out paragraph 47 of the NPPF and this would leave the Council with just 4.8 years of housing land supply if the back log of delivery is addressed in the first five years

of the plan as set out in PPG. Without the stepped trajectory the Council's supply of land dwindles to just 4.2 years. The table below summarises the Council's position with regard to their 5-year land supply based on the stepped trajectory.

	Liverpool method with 5% buffer	Liverpool with 20% buffer	Sedgefield with 5%	Sedgefield with 20%
Basic five-year requirement 2017/18 to 2021/22	2744	2744	2744	2744
Backlog 2013/14 to 2016/17	135	135	379	379
total 5-year requirement 2017/18 - 2021/22	2879	2879	3123	3123
Buffer applied (5%/20%)	3023	3455	3279	3748
Supply 2018/19 to 2022/23	3588	3588	3588	3588
surplus/shortfall	565	133	309	-160
years supply in first five years	5.9	5.2	5.5	4.8

In addition to our concerns that the Council do not have a five-year land supply are their assumptions regarding the non-implementation of existing planning permissions. The Council have assumed this to be 2.5% however this is much lower than the standard 10% usually applied. We cannot find any evidence supporting such a low rate. A 10% non-implementation rate will place further pressure on an already marginal 5-year housing land supply.

Is the proposed windfall allowance appropriate?

As set out in our representation on the submission draft we continue to consider the proposed windfall allowance to be too high for the 2020 to 2032 period and not supported by the evidence. We have not been able to find any justification that windfall will double in the last five years of the Plan has been put forward by the Council.

Is the proposed split housing trajectory sound?

Planning Practice Guidance sets out that any backlog in supply should be addressed within the first five years of the plan. The proposed split housing trajectory effectively seeks to deliver this backlog across a ten-year period and as such the approach is not consistent with national policy.

Is the overall development strategy being advanced by the Council sound?

Whilst we recognise that there are constraints within Welwyn Hatfield the Council are not meeting their housing needs in full as required by the NPPF. More could have been done to release land for development. For example, the Council could have removed villages from

the Green Belt that are currently washed over as set out in paragraph 86 of the NPPF. This could have identified further development sites both in these settlements and on the edge without compromising the integrity of the Green Belt. The Council have also imposed infrastructure constraints that could have been overcome which has further limited their supply of developable land. Finally, the approach taken by the Council means that they do not have a five-year housing land supply that is in conformity with the approach required by national policy and guidance. Further sites need to be allocated to address both these issues to ensure the plan is sound.

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