



Strategic Planning & Research Unit

For and on behalf of
Bayard Developments Ltd. and
Wattsdown Developments Ltd

Matter 7-9
Examination of the
Welwyn Hatfield Local Plan 2011 – 2033
Representor Numbers:
ID:544489
ID:1046397

Prepared by

**Strategic Planning Research Unit
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Date: October 2017



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MATTER 7 – TARGETS FOR GROWTH

Are they appropriate?

Employment

What are the ramifications of the loss of employment floorspace to dwellings for future levels of employment?

- 7.1 It is considered inappropriate to retain employment sites for employment use where there is no longer specific and demonstrable market demand for employment use and when more appropriate alternative (albeit greenfield) sites are suitable for development

Housing

Are the constraints imposed by infrastructure requirements fully justified?

- 7.2 No
- 7.3 There are clearly sites which can be delivered without the need for extensive infrastructure provision.



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Matter 7-9: Legal Soundness
Examination of the
Welwyn and Hatfield Local Plan 2011 – 2033
Representor Nos 544489 & 1046397

MATTER 8 – FIVE YEAR LAND SUPPLY

Are the Council's assumptions sound?

8.1 No

Is the proposed windfall allowance appropriate?

- 8.2 The Framework (paragraph 48) states that windfall sites should only be included in the five-year supply where there is compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.
- 8.3 The evidence therefore has to be compelling and the supply from this source has to be consistent i.e. not sporadic.
- 8.4 In the SPRU Reg19 5 year land supply report we have highlighted that many of the sources that the Council are seeking to rely upon are very sporadic and cannot reasonably be relied on to provide the level of completions assumed by the council.
- 8.5 The evidence to justify the inclusion of the three elements of windfall is contained in the Housing and Economic Land Availability Assessment June 2016.
- 8.6 This identifies three types of windfall these are
- a. Core – based on evidence of past delivery from 7 potential sources of supply.
 - b. Additional - based on the assumption that windfalls will increase toward the end of the plan period
 - c. Hatfield Town Centre – based on the proposed redevelopment of Hatfield Town Centre
- 8.7 The evidence for the inclusion of each of these sources is examined in detail in section 4 of the SPRU Reg19 submission.

Core windfall

- 8.8 Agricultural and rural areas - the evidence in the HELAA Appendix I is that over the past 15 years an average of 3.1 dwellings a year has been delivered from this source.
- 8.9 The Council propose that this should be increased to 7 dwellings.
- 8.10 A fundamental problem with this source of windfall supply and that is that for the most part the rate of delivery has been very low and the average is influenced by just a few years which have contributed a much higher level of completions as illustrated on the chart in the Reg19 submission.
- 8.11 A reliance on a consistent higher rate of completions from this source is unsound.
- 8.12 Business offices - the evidence in the HELAA Appendix I is that over the past 15 years an average of 13 dwellings a year has been delivered from this source.
- 8.13 The Council propose that this should be increased to 27 dwellings a year on the assumption that these long term rates will more than double.
- 8.14 Such assumptions are not in accordance with the Framework and are unsound, as such the proposed increase should be rejected.
- 8.15 Community Facilities - the evidence in the HELAA Appendix I is that over the past 15 years an average of 5.7 dwellings a year has been delivered from this source.

- 8.16 The Council propose that this should be counted as 5 dwellings a year.
- 8.17 The Council should be able to identify those facilities that will become available over the plan period and be suitable for redevelopment.
- 8.18 The increase in the population that is being projected will increase the demand for community facilities so it is much less likely that these will become surplus to requirements and the Council recognise these facilities will be protected by policy in the future and furthermore the supply has clearly been very sporadic in the past. The evidence does not represent compelling evidence of consistent delivery, as such it does not meet the requirements of the Framework.
- 8.19 Education - The evidence in the HELAA Appendix I is that over the past 15 years an average of 7.4 dwellings a year has been delivered from this source but only very occasionally.
- 8.20 The Council propose that this should be counted as 2 dwellings a year.
- 8.21 The Council should be able to identify those facilities that will become available over the plan period and be suitable for redevelopment especially if the county Council are “proactive” in promoting surplus education land as stated (HELAA Table 19). The suggestion that the new source of windfall will come from academy and private educational institutions is unsupported by evidence of past deliveries from these sources.
- 8.22 The evidence does not represent compelling evidence of consistent delivery as such it does not meet the requirements of the Framework.
- 8.23 Public Houses - the evidence in the HELAA Appendix I is that over the past 15 years an average of 3.3 dwellings a year has been delivered from this source.
- 8.24 The Council propose that this should be increased to 4 dwellings a year.
- 8.25 Only in 6 of the last 15 years has there been completions from this source and the average is also inflated by a single year.
- 8.26 As the Council recognise these facilities will be protected by policy in the future (HELAA table 22) and furthermore the supply has clearly been very sporadic in the past. The evidence does not represent compelling evidence of consistent delivery as such it does not meet the requirements of the Framework.
- 8.27 Residential Redevelopment - the evidence in the HELAA Appendix I is that over the past 15 years an average of 18 dwellings a year has been delivered from this source.
- 8.28 The Council propose that this should be increased to 21 dwellings a year.
- 8.29 For the most part the Council should be able to identify those residential areas that are likely to be redeveloped through the HELAA process.
- 8.30 While there have been completions from this source in every year of the past 15 years the actual level of contribution has varied considerably.
- 8.31 The increasing windfall levels above past rates is not supported by reference to the requirements of the Framework.
- 8.32 Retail - the evidence in the HELAA Appendix I is that over the past 15 years an average of 3.3 dwellings a year has been delivered from this source but only in 4 of the 15 years.
- 8.33 The Council propose that this should be increased to 4 dwellings a year.

8.34 It is clear from the Chart below that the completions from this source is very sporadic with completions recorded only 4 years in the last 15 years.

Conclusion on Core Windfalls

8.35 An analysis of the evidence in the HELAA (2016) suggests that for many sources the Council seek to include into the windfall calculation fail the test required by the Framework that the information fails to present compelling evidence on consistent delivery.

8.36 The implications of removing those sources of supply that cannot demonstrate a consistency of supply and reducing other so that they are based upon their past rates rather than assumptions regarding an uplift in the rate of delivery then the table below sets out the Framework compliant evidence for windfall.

Table 1 Framework compliant evidence for windfall

| Windfall | Average | W&H Future | Framework compliant figure |
|------------------------------|---------|------------|----------------------------|
| Agricultural and rural areas | 3.1 | 7 | 3 |
| Business offices | 13 | 27 | 13 |
| Community Facilities | 5.4 | 5 | 0 |
| Education | 7.4 | 2 | 0 |
| Public Houses | 3.3 | 4 | 0 |
| Residential Redevelopment | 18 | 21 | 18 |
| Retail | 3.3 | 4 | 0 |
| Total | 53.5 | 70 | 34 |

8.37 It is concluded that the level of windfall from the “Core windfall” should be 34 dwellings a year.

Additional Windfall Allowance

8.38 The suggestion that the average rate of windfalls should be increased in the last 5 years of the plan is unsound.

8.39 As explained above the average rate of completions already includes an uplift in past rates of windfall by introducing a second up[lift the rate of windfall quadruples the Framework compliant windfall figure for the last 5 years of the plan period.

8.40 Reference to the last 2 years (HELAA paragraph 3.4.7) is clearly an acceptance that this approach is not in accordance with the Framework requirement of reliance on compelling evidence of consistent supply.

8.41 The inclusion of the Additional Windfall Allowance is unsound.

Windfall Projection for Hatfield Town Centre

8.42 This is not a windfall allowance but appears to be based upon two identified Council owned sites providing for 125 dwellings (HELAA paragraph 3.4.10).

8.43 The redevelopment of Hatfield Town Centre is likely to be a “key component to the local plan” (HELAA paragraph 3.4.9) and as such if these sites are identifiable they should be included into the plan and subject to both public consultation and tested in order to determine their deliverability.

Conclusion on windfall

- 8.44 In light of the above it is concluded that a Framework compliant windfall figure is 34 dwellings a year. This is considered appropriate as the council have already identified all sites of 5 or more and the two largest urban areas are planned towns where green space is to be retained.
- 8.45 Neither the Additional Windfall or the Hatfield Town Centre are considered to be Framework compliant and so should not be included in either the five-year land supply calculation or the assessment of the delivery of the plan.

Is the proposed split housing trajectory sound?

- 8.46 No
- 8.47 The guidance is very clear if an area cannot meet its housing requirement in the first five years of the plan it should engage the Duty to cooperate. The council have not identified that they need neighbouring authorities to deal with their shortfall.
- 8.48 If a different selection of sites were chosen then there would be no need to effectively postpone the meeting of what is very clear housing needs for 5 or more years.

Could the proposed housing development strategy result in a 5-year supply of housing land?

- 8.49 No
- 8.50 Policy SP2 states that there is a requirement for 12,000 dwellings (net) in the period April 2013 to March 2032. This is a period of 19 years.
- 8.51 Completions to end of March 2016 are 1,057.
- 8.52 There is already a backlog of 437 dwellings measured against the proposed annualised level of housing requirement of 498 dwellings a year. This would have provided 1,494 dwellings.
- 8.53 The Council choose to meet this back log over the remainder of the plan period (the Liverpool Method).
- 8.54 In the circumstances of this Borough, including the nature of the housing crisis and the extreme nature of the market indicators, every effort should be made to meet the backlog in the shortest period of time and as such it is considered that the backlog should be made up over the next five years (the Sedgefield Method). This is even more important if the low OAN figure of 498 is being used.
- 8.55 It should be further noted that the Liverpool approach may not be adopted until the Duty to Cooperate has been engaged to ascertain if the shortfall cannot be made up by allocations in neighbouring authorities. There is no evidence that DtC has been engaged on this basis.
- 8.56 The record of the Council may be judged over a selection of time periods and against both the development plan requirements and the DCLG projections.

Table 1 Measures of housing need: the DCLG Household projections

| DCLG Projection | Dwellings allowing for 3% vacancy |
|-----------------|-----------------------------------|
| 2004 | 494 |
| 2006 | 721 |
| 2008 | 742 |
| 2012 | 561 |
| 2014 | 670 |

Source: DCLG Household Projections

- 8.57 The fact that the Council has persistently undelivered against its projected housing need is a material consideration in determining whether a 5% or 20% buffer should be used.
- 8.58 Over the period covered by this plan, the Council has persistently under delivered, even against the lower OAN figure of 498 dwellings a year and therefore a 20% buffer should be applied in accordance with paragraph 47 of the Framework.
- 8.59 The time period for the assessment should be 2016 to 2021 as this is the date of the latest evidence.
- 8.60 The Council have provided no evidence to support their proposed completions rates or the lead-in times set out in their trajectory.
- 8.61 In our Reg19 Submission regarding the 5-year supply it sets out the research upon which the lead in times and completion rates on the sites can be evaluated. This research has been further enhanced by the research published by NLP “Start to Finish” which sets out the average rates of build out and lead in times for various types of housing sites.
- 8.62 SPRU have utilised this national research as well as local knowledge to assess the forecasts of completions suggested by the council. For the reasons set out in section 3 of the SPRU Regulation 19 submission 5 years land supply Report it is considered that the council have overestimated the contribution on the first five years from sites SDS2, 3, 5 & 6 are disputed and appear to reflect an over optimistic approach when compared to evidence of delivery.

Windfalls

- 8.63 The Council have included 3 elements of windfall in the trajectory (although only two are included in the 5-year land supply calculation).
- 8.64 The SPRU Reg19 submission summarised above conclude that only some elements of the Core Windfall can be included in accordance with the requirements of the Framework. This reduces the number of windfall completions to 34 dwellings a year.

Conclusion

- 8.65 It is concluded that the plan will not be able to demonstrate a five-year land supply at the date of adoption, even using the unsound stepped approach as set out in Policy SP2.
- 8.66 If our conclusions regarding timing and delivery rates are taken into consideration, then this situation will persist for much of the plan period.
- 8.67 It is recommended that a main modification is made to the plan to include a number of small and medium sized green belt sites which are less constrained by infrastructure and can be brought forward quickly and contribute to the five-year land supply position without compromising the overall strategy.

MATTER 9

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

- 9.1 No.
- 9.2 The shortcoming of the plan in terms of soundness maybe overcome by the inclusion of a wider range of housing sites that will not only assist in meeting the OAN but if the range included small and medium sites then these could also address what is very clearly going to be a five-year land supply shortfall at the period immediately following the adoption of the plan.
- 9.3 In the SPRU Reg19 OAN Report an alternative distribution was set out utilising known levels of commitments and this suggested that spreading the demand across a wider choice of sites would not negatively impact on the patterns of settlements within the area but would in fact deliver dwellings in a more proportional was across the borough.
- 9.4 The proposed distribution is set out in Appendix 1 for convenience.

APPENDIX 1 - DISTRIBUTION OF HOUSING GROWTH

- A1.1 In the Housing Sites Selection Background Paper 2016, the council set out the proportionate distribution of the OAN against known levels of commitments in order to provide an indication of the level of additional allocations that may be required in the various locations within the area.
- A1.2 The table below adopts the same proportionate distribution but applies this to 3 of the demographic projections; these being the 2014 DCLG based projection, the 2014 DCLG based projection including an uplift of 25% for market indicators and lastly the 10 year migration based projection. Reg 19 OAN report
- A1.3 The implication for this is that additional sites will be required across all settlements, however our submission on the delivery of allocated sites should be taken into consideration when selecting further sites as it would be appropriate to include some smaller sites with deliverable infrastructure to allow an increase in the supply early in the plan period.

Table 2 Proposed Distribution based on selected Demographic projections.

| | Percentage distribution of housing stock | Commitments | | Up-to-date projections of need | | | To find to meet | | |
|----------------------------|--|--------------|----------------|--------------------------------|---------------|---------------|-----------------|---------------|---------------|
| | | Completions | Urban capacity | DCLG | DCLG + 25% | 10 year Mig | DCLG | DCLG + 25% | 10 year Mig |
| Welwyn Garden City | 44.8 | 359 | 806 | 5,703 | 7,129 | 9,193 | 4,538 | 5,964 | 8,028 |
| Hatfield | 30.56 | 481 | 339 | 3,890 | 4,863 | 6,271 | 3,070 | 4,043 | 5,451 |
| Northern Villages | | | | | | | | | |
| Wollmer Green | 1.28 | 0 | 4 | 163 | 204 | 263 | 159 | 200 | 259 |
| Oaklands and Mardley Heath | 2.72 | 9 | 15 | 346 | 433 | 558 | 322 | 409 | 534 |
| Welwyn | 3.36 | 133 | 153 | 428 | 535 | 689 | 142 | 249 | 403 |
| Digswell | 1.44 | 3 | 12 | 183 | 229 | 295 | 168 | 214 | 280 |
| Southern Villages | | | | | | | | | |
| Welham Green | 2.88 | 23 | 4 | 367 | 458 | 591 | 340 | 431 | 564 |
| Brooklands Park | 3.04 | 6 | 40 | 387 | 484 | 624 | 341 | 438 | 578 |
| Little heath | 1.12 | 1 | 5 | 143 | 178 | 230 | 137 | 172 | 224 |
| Cuffley | 4 | 32 | 85 | 509 | 637 | 821 | 392 | 520 | 704 |
| Rural Areas | 4.8 | 10 | 20 | 611 | 764 | 985 | 581 | 734 | 955 |
| Total | 100 | 1,057 | 1,483 | 12,730 | 15,913 | 20,520 | 10,190 | 13,373 | 17,980 |

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