

WELWYN HATFIELD LOCAL PLAN DPD EXAMINATION: OCTOBER 2017

Statement from CPRE Hertfordshire

MATTER 2 – Overarching Strategy

1. I am Stephen Baker, DMS, BSc, Dip TP, MRTPI, Planning Manager at Campaign to Protect Rural England, Hertfordshire (CPREH).
2. In this statement I wish to follow up the issues raised in our statement under the Inspector's Matter 1 in respect of consistency of the Pre-Submission Welwyn Hatfield Local Plan DPD (the Plan) with National Planning Policy, insofar as they relate to the soundness of the Plan in terms of its overarching strategy for new development for Housing and Employment purposes, and for the Green Belt.
3. Our concerns are therefore set out in response to the Inspector's Questions 2 to 9 below, making reference to our original representations on the Plan, and the initial written exchanges between the Inspector and the Council where appropriate.

Full Objectively Assessed Housing Need

INSPECTOR'S QUESTION 2: Are the FOAHN's being met within the relevant HMA's

4. CPREH is unable to comment on whether the FOAHN would be met by the Plan's proposals within the HMA's within which the Borough lies. The degree to which FOAHN should be met is however, a matter on which CPREH wishes the Inspector to address under his Question 7, on 'Targets for growth', because setting a Housing Target for the Plan should take place in the context of both the FOAHN's for the HMA's and National Planning Policy constraints set out in the NPPF.
5. On the context for this question however, CPREH wishes to refer the Inspector to a very recent report ('Needless Demand: How a focus on need can help solve the housing crisis' – Foresight Paper No. 8) which we have asked the Programme Officer to include as an Examination Document. The Paper is about the relationship between Housing Need and Housing Demand and is published by CPRE's National Office.
6. The Paper highlights the important distinction between housing need and demand and illustrates this as a spectrum in Figure 1 on page 12. The Paper points out that the NPPF and NPPG can be interpreted as conflating need and demand (Section 6, page 25), and indeed, paragraph 159 of the NPPF specifically states that local planning authorities

(LPA's) should prepare a SHMA that identifies the scale of housing that is likely to be needed which, along with other categories 'caters for housing demand and the scale of housing supply necessary to meet this demand'. (CPREH emphasis)

7. Clearly this is happening across the Country, because CPRE research (Appendix 1 – Housing Targets Database) has revealed that the OAN and Housing Target figures for 193 local authorities exceed household projections by an average of 63%, and at the same rate across England would result in provision for over 230,000 households a year, close to doubling the annual building rate over the last 10 years.
8. This context is important because the NPPF states that in translating Housing Need into Housing Targets in a Local Plan the LPA must take specific constraining policies in the NPPF (identified in footnote 9) into account, and decide if this means that full OAN should not be met.
9. Given the extreme importance of this step, it would be reasonable to expect government advice on how to make this decision, but there is none. My Appendix 8 comprises the two extracts from the Planning Advisory Service in its Technical Advice Note on Objectively Assessed Needs and Housing Targets. In section 8 on turning need into targets, the only advice is that 'The OAN is a minimum target, subject to supply' (para 8.3). In paragraphs 9.26 to 9.29, entitled 'From housing need to plan target', there is no reference to national policy constraints at all. Indeed para 9.27 notes only three considerations, none of which include constraints, and states that the authority's wider policy objectives 'can only be used to raise (CPRE emphasis) the target above the OAN, never to reduce it'.
10. This 'advice' is clearly inconsistent with the NPPF, as pointed out by the LPEG in its report last year to the Government. My Appendix 9 is the section in that Report on turning OAN into local plan requirements, and in paragraph 4.5 it states that a position that asserts that all needs must be met 'would be contrary to the NPPF, which recognises (at paragraph 14) that there may be circumstances where development requirements cannot be met' , and recommends new guidance that authorities should do everything they can to support sustainable development '*but it would not insist that all needs must be met in each local authority area or even in each HMA*'.
11. This recommendation reflects repeated government statements and letters to various bodies confirming actual national policy, some of which I have appended. Common themes are that Paragraph 14 constraints may restrict development (App 3) and

‘demand for housing alone will not change Green Belt boundaries’ (App 5). The most recent letter, to our Honorary Director (App 2), in reply to a letter about how East Herts DC dealt with this issue, specifically refers to housing demand, and states that *‘under existing national policy it would not be a basis for altering a Green Belt boundary.’*

12. Clearly these issues are relevant to the Inspector’s Question 7 on Targets for growth, but they are also relevant to how much of the OAN comprises housing need that should be met, even if this would mean the loss of some Green Belt land, and how much, at the other end of the CPRE Paper’s spectrum, is aspirational and opportunistic demand for which there is no overriding justification if it would result in the loss of Green Belt.
13. On that last point this issue merges with the Inspector’s Question 5, on what should constitute exceptional circumstances for removing land from the Green Belt, and I will therefore return to it there.

Employment forecasts

INSPECTOR’S QUESTION 3: Are the employment forecasts and targets appropriate?

14. CPREH is concerned that much of the employment growth planned by the Council is based in the aspirational economic objectives of the Hertfordshire Local Enterprise Partnership (HLEP) and the self-appointed London Stansted Cambridge Consortium (LSCC), which have not been tested against national planning policy constraints.
15. A general desire is expressed by the Council in its response to the Inspector’s preliminary questions (EX 14) at paragraph ‘k’ under Spatial Vision, to minimise the amount of land to be removed from the Green Belt, but in paragraph ‘l’ the Council refers to ‘addressing the social and economic needs of the borough’. It is clear that the Council did not consider how much of the ‘need’ for employment land should be met in the context of paragraph 14 of the NPPF, which, as noted above, it is also required to do when setting its housing target.
16. Despite the explanation in paragraphs ‘m’ to ‘p’ in EX 14, we disagree that the Council has demonstrated exceptional circumstances for the scale of loss of Green Belt for employment land and therefore for the target in the Plan.

Green Belt Review

INSPECTOR'S QUESTION 4: Has an objective assessment of the contribution land makes to the purposes of the GB been undertaken?

17. In our opinion inadequate consideration was given to Green Belt purposes in reaching conclusions about the removal of land from the Green Belt. This is because the Green Belt review did not take into account the Green Belt purpose set out in NPPF paragraph 80 'to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'
18. Most Green Belt Reviews normally exclude this purpose, because all Green Belt land contributes equally to this purpose by its very existence, and it is therefore irrelevant when comparing one parcel of Green Belt land with another, except in terms of scale.
19. Unusually, the Council's Green Belt Topic Paper (TPA/2) paragraph 2.5 states that this purpose is not relevant because it has already been achieved. We consider this to be a flawed application of this purpose, which has been fundamental to the successful planning of the urban areas of the country surrounded by Green Belt, which has ensured the regeneration of large areas of brownfield and other urban land at higher densities, that would not have happened without the Green Belt.
20. This purpose is therefore a key ongoing Green Belt purpose that obliges the Council and developers to seek to optimise the use of land within settlements constrained by the Green Belt, including finding ways of increasing their net density through redevelopment of previously developed land within them, not only those sites put forward by landowners and developers through a land availability 'call for sites'.
21. This purpose continues to be an essential consideration when there is any proposal to develop or remove land from the Green Belt, because it weighs against any considerations that the local planning authority may think are exceptional circumstances for doing so.
22. CPREH considers that the failure to address this purpose when the Council took its decisions on removal of land from the Green Belt in the light of the Green Belt Review, renders the Plan unsound in respect of the overall Housing Target and Green Belt land allocations.

Green Belt exceptional circumstances

INSPECTOR'S QUESTION 5: What should constitute exceptional circumstances for removing land from the GB?

23. The Council's Green Belt Topic Paper (TPA/2) sets out at section 1 the Council's case for exceptional circumstances for the Green Belt development proposals in the Plan. The only commentary on why the amount of Green Belt land release is justified is in paragraph 1.5, which concludes that a target of 12,100 dwellings 'would represent a significant uplift in the supply of housing, would address the social and economic needs of the borough and would represent sustainable development.'
24. Paragraph 1.7 states that the Council's case for exceptional circumstances therefore (CPREH emphasis) relates the scale of the need for housing and employment land, which cannot be met within the urban areas, and the social and economic consequences of not addressing need as far as possible.
25. The Council also refers to the 20 July 2016 Cabinet Meeting where the Council decided to proceed with the housing target and Green Belt development proposals in the light of an analysis of 'exceptional circumstances set out in section 6 from the Calverton case.
26. In the 'Calverton' case [2015] EWHC 1078 (Admin), at paragraph 50 of the judgment, the judge said "*it would be illogical, and circular, to conclude that the existence of an objectively assessed need could, without more, be sufficient to amount to "exceptional circumstances" within the meaning of paragraph 83 of the NPPF*". He expands more in paragraph 51, on what matters he considered could constitute "exceptional circumstances", for example, the acuteness of the need. As he pointed out, if housing need alone constitutes "exceptional circumstances", then the need to consider whether meeting such need is consistent with national policy, is circumvented.
27. Hence, the 'scale' of need referred to above (paragraph 24), is not the significant factor, it is how that need is made up, and the references in the Council's analysis of exceptional circumstances stops short of an analysis of the actual acuteness and intensity of need identified. Such an analysis should bear in mind the difference between need and demand highlighted in the documents referred to above in this statement under Question 2, and the implications that this has in terms of NPPF paragraph 14.

28. We consider that the Council should have carried out an exercise to distinguish between the scale of housing need that it is essential to meet even if this involves development in the Green Belt, and less acute or intense need that could be met elsewhere, including over a longer term, which does not outweigh the loss of Green Belt, along with market demand. The latter, by definition, does not outweigh Green Belt, as confirmed by the Planning Minister in May this year (Appendix 2).
29. Neither is it sufficient for the Council to say that Green Belt can be weighed against the obligation to achieve sustainable development (para 6.6 of the Cabinet Report), because it is NPPF para 14 which defines sustainable development for plan-making as (amongst other criteria) meeting needs unless specific policies (including Green Belt) indicate development should be restricted.
30. CPREH considers that exceptional circumstances do not exist which necessitate the scale of development proposed in the Green Belt or the proposed changes to Green Belt boundaries set out in the Plan.
31. CPREH accordingly asks the Inspector to find the Plan's proposals for the removal of land from the Green Belt unsound.

Spatial Vision and Settlement Strategy

INSPECTOR'S QUESTION 6: Is the strategy being advanced consistent with the Borough's GB location?

32. CPREH does not consider that the strategy is consistent with Borough's Green Belt location for the reasons set out in our original representations, our statement to the Examination on Matter 1, and as set out in this statement under Questions 2 to 5 above and Question 7 below.
33. Greater emphasis should have been given by the Council to the avoidance of development in the Green Belt because that designation applies to all of the land outside the Borough's towns and villages not previously allocated or reserved for development.

Targets for growth

INSPECTOR'S QUESTION 7: Are they appropriate? ii) Housing.

34. The Housing Target in the Plan is unsound for the reasons set out above under Questions 2 and 5. In particular the target has not been determined in the context of the Borough's Green Belt setting as required by NPPF paragraph 14.
35. In setting the Plan's target, the Council should have distinguished between housing need that is so important to meet that it outweighs Green Belt policy, if sufficient alternative land cannot be found, and other need and demand that should not be met within the Borough, as indicated above.

Five Year Land Supply

INSPECTOR'S QUESTION 8: Are the Council's assumptions sound? Is the proposed windfall allowance appropriate?

36. A key Green Belt purpose is to '*assist in urban regeneration, by encouraging the recycling of derelict and other urban land*' (NPPF paragraph 80, CPREH emphasis)
Failure to fully acknowledge the likely scale of windfall development, and capacity of existing previously developed land, risks the unnecessary loss of greenfield Green Belt, and for this reason the Council should be seeking to maximise the supply of housing from existing urban areas and brownfield land within the Green Belt.
37. CPREH considers that the Council has underestimated the scale of housing development that can be accommodated on previously developed land in the Borough, and will refer to the Council's evidence documents on this question.
38. For example, CPREH considers that the Council's allowance for windfalls over the Plan period is a significant underestimate and that a higher figure is justified given the significant contribution of windfall development to dwelling supply over recent years, and the current government policy and regulatory encouragement for continued contributions from this source.

INSPECTOR'S QUESTION 9: Is the overall development strategy being advanced by the Council sound?

39. The strategy is not sound for the reasons set out above, and in particular because at its heart is the proposal to remove an excessive amount of land from the Green Belt that is not justified by adequate evidence of exceptional circumstances for doing so. The Plan is therefore unsound on two fronts, being unjustified, and being inconsistent with national policy.
40. In our view the Plan's strategy should be found to be unsound as drafted, and ask the Inspector to recommend that the Council prepare Modifications to the Plan to reflect a focussed review of housing need and demand, and of development capacity within the Borough, in order to identify a reduced Housing Target that properly reflects exceptional circumstances that outweigh Green Belt policy.
41. CPREH would also ask the Inspector to recommend that the Plan be reviewed at an early date to address, in a wider geographical and administrative context, the longer term accommodation of housing need and demand generated in the Borough, and neighbouring areas, in areas beyond the Green Belt.

09.10.17.