



Hearing Statement- Stage 2

On behalf of:

King & Co

Representor ID:

863963

In respect of:

Welwyn and Hatfield Local Plan

Examination in Public

Stage 1

Date:

October 2017

Reference:

MA/KAC/003-04/R002m

1.0 Introduction

- 1.1 This Hearing Statement is submitted by Aylward Town Planning Ltd ("ATP") on behalf of our client King & Co ('King & Co') to supplement the representations previously submitted in advance of the Stage 2 Hearings session which are due to commence on 24th October.
- 1.2 This Statement is submitted in respect of the questions set out under document EX22, and it is confirmed that we will provide further Statements in terms of Stages 3 and 4 in due course. Whilst we have of course submitted representations to the emerging Local Plan on these matters, we reserve our position on those themes at this time in the light of updated evidence.
- 1.3 King and Co has previously expressed development aspirations through the Local Plan for site HS25 (Hawkshead Rd, Little Heath) and HS20 (School Lane, Welwyn) up to and including October 2016. The representor has also promoted site LHe3 (Swanley Bar) in earlier iterations of the emerging Local Plan.
- 1.4 The Council has latterly published a comprehensive document EX14 in August 2017 (responding to the Inspector's Questions as per EX09) in respect of a range of matters which include those covered by the key questions set out under document EX22.
- 1.5 It is clear that both the identified Housing Market Area and other parcels within a reasonable drivetime are under substantive pressure, in terms of ensuring that the supply of housing would genuinely meet demand conditions both in terms of quantum and affordability.
- 1.6 It is therefore regrettable that the Council's housing target continues to fall well below its own objectively assessed need and that the effectiveness of cross-border work (i.e. duty to co-operate matters) has been so limited other than belated work in the Summer of 2017 which is too late to inform the Plan at Examination.
- 1.7 It is also clear in our view that the Council has not taken a proactive approach to identifying all opportunities to meet the identified needs of its current and future residents. The inability to identify and plan for secondary school provision is a central failing of the Plan and impacts markedly on a number of objectives of the Council and the LEP.
- 1.8 We are therefore compelled to prepare and submit this Statement to assist the Inspector to draw out this information from the Council at the Examination.

2.0 Responses to Key Questions

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

2.1 Please see response to Q9.

Q1 Housing Market Area

What is an appropriate HMA on which to base objectively assessed need calculations for this LP.

Has the Council used an appropriate area?

2.2 Given the nature of local geography and travel to work areas, it is evident that planning for housing needs must look beyond administrative boundaries for a single local planning authority area. In the same sense, if the HMA was equivalent to a Travel to Work Area that could be excessively large in terms of an HMA and result in sub-areas of the HMA which would be fundamentally different and impede effective HMA planning.

2.3 To that extent, we would accept that the identification of an appropriate HMA is a far from straightforward exercise in this location. We would therefore conclude that we would accept the identified HMA but would urge the Council and the Inspector to make stronger efforts to ensure that the combined housing requirements of the HMA are properly understood. It is evident to us that the Plan-led housing targets of many of the surrounding LPAs fail to address their own objectively assessed need which leads to individual and collective undersupply, which then impacts affordability ratios.

Q2 Full Objectively Assessed Housing need

Are the Council's successive forecasts of housing need robust and reliable? Is its methodology for calculating FOAHN sound?

Demographic forecast of households. Is it unduly influenced by untypical historic circumstances?

Economic adjustment.

Market signals.

Are the FOAHNs being met within the relevant HMAs?

- 2.4 We note that the Council's earlier estimates for objectively assessed need were in the range of 12616-13433 dwellings over the Plan period. This has recently been updated by Turley in light of more up-to-date ONS data and on that basis the OAN is now declared by Turley (on behalf of the Council) to be 15200 over the same Plan period.
- 2.5 It is not therefore possible to argue that the successive forecasts have been robust and reliable given a change in the order of 20%. It is also unclear at this point as to whether the adoption of the Government's new guidance in terms of the calculation of OAN would move this again and in which direction.
- 2.6 Nonetheless, we would conclude that an objectively assessed need of 15200 is a step in the right direction from historic delivery and Plan targets. However, it is also the case that the Local Plan in front of the Inspector only seeks to plan for the delivery of 12000 homes.
- 2.7 We also note that the housing targets from neighbouring authorities are consistently failing to reflect and meet the objectively assessed need levels which are being declared by these same local planning authorities.
- 2.8 We therefore conclude that whilst we broadly accept the Council's latest OAN figures, the Plan being promoted categorically fails to meet those needs. This pattern is replicated across neighbouring authorities, leading to systemic under-delivery.
- 2.9 Paragraph 14 of the NPPF is well-rehearsed but it is nonetheless instructive to remind ourselves that in terms of plan-making it states:
- "At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For plan-making this means that:*
- *planning authorities should positively seek opportunities to meet the development needs of their area;*
 - *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless: – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or – specific policies in this Framework indicate development should be restricted.*
- 2.10 To that extent, a Local Plan which fails to meet objectively assessed needs would ordinarily be in conflict with the NPPF. There is a caveat at paragraph 14 to ensure that the requirement to meet the OAN should not override the potential for significant adverse effects. It is our very clear view that the Council has had the opportunity to better meet objectively assessed needs

and this could have been achieved through the selection of sites which would not have resulted in any such significant adverse effects.

- 2.11 The Council's Plan target of 12000 homes was partly based upon a previous understanding of an OAN between 12,616-13,433 dwellings. Their latest OAN evidence clarifies that this has climbed to 15200 and this does not provide the opportunity to fully meet affordable housing requirements. Nevertheless, the emerging Plan fails to respond to evidence and market signals and this conflicts with the advice of paragraph 158 of the NPPF which states:

"Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals."

Is the assessment and provision for affordable housing sound?

- 2.12 In the same vein as the commentary on OAN and the Plan-led housing target, the evidence base work for the Plan has resulted in proposed levels of affordable housing need which would be considerably higher than have been delivered historically (which would explain the extremely high affordability ratios in the local housing market).
- 2.13 The objectively assessed need for affordable housing is also markedly different and higher than the Council's proposed extent of housing supply as measured by the housing targets. This suggests conflict with the requirements of paragraph 158 of the NPPF in this respect as well.

Q3 Employment forecasts

Are the employment forecasts and targets appropriate? Are they unduly influenced by one-off historic circumstances?

- 2.14 We make no specific comments in these respects.

Q4 Green Belt Review

Has an objective assessment of the contribution land makes to the purposes of the GB been undertaken?

Do the proposed revisions to GB boundaries result in stronger boundaries that will endure well beyond the life of this plan?

- 2.15 The NPPF sets out that there are five principal purposes of Green Belt, and the Council's methodology to assess new sites was clearly stated from an early stage. Sites which were promoted from an early stage in the Local Plan process were subject of a Stage 1 assessment key to which was whether the development was coalescent with a settlement boundary.
- 2.16 Those that were not contiguous with a settlement boundary principally "failed" at that stage. Sites then went through a more detailed analysis (stage 2 assessment) that specifically considered the proposal's potential to impact upon the 5 purposes of Green Belt. Where a development site would provide a significant contribution to one or more of the Green Belt purposes and that would be impacted, this would weigh against the potential for the site to be considered to be removed from the Green Belt.
- 2.17 In terms of the Stage 1 assessment, we note that in the WHBC area there are substantive parcels of built development which are effectively washed over by Green Belt. To that extent, the potential contribution to the purposes of Green Belt for a site adjacent to built form washed over by Green Belt must be different to a prominent site in an open field setting. It is however clear that the stage 1 methodology simply rejected site which were not contiguous with a settlement boundary regardless of any other matters, and we conclude that this was not an appropriate methodology to use in such a blanket fashion.
- 2.18 We agree that the generic approach for the Stage 2 assessment has merit, but we do not agree that the methodology has been carried out on a consistent and objective basis. For example, the Green Belt assessment for site Wel16 made its assessment on the basis of the entire site being developed out for housing and highlighted concerns in terms of housing in more prominent parts of the site which could have more substantive effects on the purposes of Green Belt. We raise this because the applicant's submission for that site does not propose housing in these more prominent areas and therefore the potential for prominence and coalescence are fundamentally incorrect. If that had been addressed properly, we conclude that the assessment would have not suggested conclusions of significant impacts on either of tests 3 and 5.
- 2.19 We set this in contrast with site BrP7 that was originally promoted as a larger site including areas which were more prominent and more prone to cause concerns re coalescence. The

2014 Green Belt Assessment raised the understandable concerns re the purposes of Green Belt, and then in the subsequent consultation exercise the developable part of the site was reduced accordingly and the site has ultimately been recommended for allocation.

- 2.20 We make no adverse comments in terms of the allocation of the BrP7 site, but conclude that the assessment methodology has not been consistently applied on an objective basis.
- 2.21 We feel that the identification of strong boundaries can straightforwardly be achieved, albeit this will also require input into development management processes to ensure that site-specific policy provides for those new boundaries in practice.

Q5 Green Belt exceptional circumstances

What should constitute exceptional circumstances for removing land from the GB?

Has the choice of land to be lost from the GB been objectively derived? i) Housing. ii) Employment.

- 2.22 In this instance, the Council has the opportunity to identify local needs based on evidence and then decide how to meet those needs on a spatial basis. This is the key purpose of the Development Plan process. Where those identified needs cannot be feasibly met within the Development Limit, then opportunities should be considered in other areas and appropriate weight given to other policy matters including the degree of contribution a site provides to the five stated purposes of Green Belt. The objectively assessed needs should be met.
- 2.23 We say that in certain instances that the choice of land to be lost from Green Belt has not been objectively derived for two key reasons. Firstly, the Council's identified housing targets fall very far short of the objectively assessed need. To that extent, a substantial quantum of housing need is simply not being met in any location. It might well be the case that this would need to be met in large part by further release of Green Belt sites.
- 2.24 We also note that a number of sites have been impacted by suggested infrastructure difficulties including the delivery of sufficient secondary school places and a need to resolve localised issues on the highway network.

Q6 Spatial Vision and Settlement Strategy

Do they reinforce the Garden City and New Town heritage of the Borough, whilst maintaining

the area's distinctive character?

Is the strategy being advanced consistent with the Borough's GB location?

Is the strategy being advanced one that seeks to maintain the existing pattern of settlements?

- 2.25 There is an inherent challenge here where the evidence base demonstrates a degree of need that cannot realistically be met within the established Development Limit. The same conclusion is being reached in the surrounding local planning authority areas. If the objectively assessed needs of residents are going to be met, then settlement boundaries or settlement patterns will need to change to some extent.
- 2.26 The degree of change and the location of such change will impact the extent to which there might be a shift in character and settlement pattern. To that extent, we do not think it is realistic to assume that there would ever be a position where the objectively assessed needs could be met without some resultant effect on settlement boundaries and the settlement pattern. It is therefore a question of extent of change rather than a maintenance of the existing character and pattern.
- 2.27 This Local Plan is seeking to minimise the extent of change, but by doing so it is failing to meet the needs of local people as measured by the Council's own objectively assessed needs. It is also the case that neighbouring authorities are unwilling to meet any shortfall (which will be in excess of 3000 homes over the Plan period). As such, it is difficult to envisage what the effects of this systemic undersupply will be within the wider Housing Market Area on supply.
- 2.28 It is this structural shortfall which feeds the supply-side market signals that the Council already recognises- the affordability ratio in the WHBC area is now at a very high level and thus the extent of the affordable housing need should not be under-estimated. To this extent, the Plan is unsound because it is not effective.

Q7 Targets for growth, Are they appropriate?

Employment

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

- 2.29 The critical consideration is to seek to ensure the most effective use of land and resources. To that extent, if a given parcel of employment land was unlikely to be well-utilised then it may

be appropriate to reconsider its potential for other uses including housing. This inevitably requires a case-by-case analysis.

- 2.30 The use of old employment sites within the Development Limit for housing would provide the opportunity to deliver new homes in more sustainable locations and in general accord with local and national planning policy. The degree of contribution to housing requirements will be subject to the extent of such land being released for housing and the development density being achieved. We would argue that where employment sites are being proposed for residential use, that development density levels should ideally increase to optimise the delivery of new homes.
- 2.31 If the higher density approach is followed, then by consequence the extent of employment land to be lost would reduce accordingly. In addition, if the case-by-case analysis of any given site is robust, then it would be ensured that genuinely good quality sites are retained.

Housing

Are the constraints imposed by infrastructure requirements fully justified?

- 2.32 A central failure of the Local Plan is its recognition of the chronic undersupply of secondary school place and no positive resolution of a plan-led proposal to address this. The representor of course accepts that the cost implications of delivering such a school is not insubstantial, but that is inevitably the purpose of preparing an Infrastructure Delivery Plan and then taking the opportunity to meet the very clear needs of current and future residents.
- 2.33 A central failure of the Local Plan is its recognition of the chronic undersupply of secondary school place and no positive resolution of a plan-led proposal to address this. The representor of course accepts that the cost implications of delivering such a school is not insubstantial, but that is inevitably the purpose of preparing an Infrastructure Delivery Plan and then taking the opportunity to meet the very clear needs of current and future residents.
- 2.34 We would argue that it is imperative that the Local Plan identifies measures to fulfil the needs of its residents and workforce. The Plan should identify the opportunity for a new secondary school, and clarify how (presumably through CIL receipts geared towards key projects to be set out in the Infrastructure Delivery Plan) any infrastructure deficiencies can be addressed over the Plan period, which might also result in an effective phasing of housing and employment delivery until certain infrastructure matters are resolved.

Q8 Five Year Land Supply

Are the Council's assumptions sound?

Is the proposed windfall allowance appropriate? Is the proposed split housing trajectory sound?

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

- 2.35 We make no specific comments in terms of the windfall allowance, other than to say that it might also require substantive weight to be afforded to housing delivery in terms of development management proposals which will result in the loss of employment land. Clearly if more weight is afforded to the retention of employment land even where the market signals show that employment demand is weak, then the scope for more substantive windfall delivery will likely be overstated.
- 2.36 In terms of the housing trajectory, it is important to show realism and understand that housing will be delivered over time. However, in the same vein if it transpired that housing delivery can be accelerated in certain locations then that should ordinarily be welcomed especially in the context where the Council's housing targets fail to meet or approach OAN.
- 2.37 As we have set out above and is implicitly accepted by the Council. the identified housing targets do not meet the objectively assessed need and also fail to meet the affordable housing requirements. It does not therefore seem likely that this development strategy will result in a five year supply of housing land.

Q9 Is the overall development strategy being advanced by the Council sound?

- 2.38 The target timetable for the Examination in Public has already slipped by consequence of the Council's need to undertake substantial additional and belated work to try and justify the Plan's proposals for housing and employment delivery, and the extent to which the Duty to Co-Operate had been met. To that extent, it has not been positively prepared and it is already shown to fail to be effective (in terms of delivery against its own targets).
- 2.39 This is a Local Plan which fails to meet objectively assessed needs, and this is a conflict with the NPPF. There is a caveat at paragraph 14 to ensure that the requirement to meet the OAN should not override the potential for significant adverse effects. It is our very clear view that the Council has had the opportunity to better meet objectively assessed needs and this could

have been achieved through the selection of sites which would not have resulted in any such significant adverse effects.

- 2.40 The Council's Plan target of 12000 homes was partly based upon a previous understanding of an OAN between 12,616-13,433 dwellings. Their latest OAN evidence clarifies that this has climbed to 15200 and this does not provide the opportunity to fully meet affordable housing requirements. Nevertheless, there is nothing within the emerging Plan to suggest that there has been any attempt to respond to relevant evidence and market signals and this conflicts with the advice of paragraph 158 of the NPPF which states:

"Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals."

- 2.41 A central failure of the Local Plan is its recognition of the chronic undersupply of secondary school place and no positive resolution of a plan-led proposal to address this. The representor of course accepts that the cost implications of delivering such a school is not insubstantial, but that is inevitably the purpose of preparing an Infrastructure Delivery Plan and then taking the opportunity to meet the very clear needs of current and future residents.
- 2.42 At his point, the Plan would be unsound because it is not positively prepared and conflicts with the requirements of paragraph 182 of the NPPF.

3.0 Summary

- 3.1 We trust that the above representations are clear. We do not seek to attend this stage of the Hearings in person, but would ask that the Inspector seeks that the Council provides robust responses to the questions that have been set.
- 3.2 We welcome the emerging themes of greater co-operation with neighbouring authorities and a growing realisation of the need to tackle infrastructure issues. It is however a real frustration that this method of working has only emerged at the eleventh hour and (as it is post-submission) does not inform the Plan at all.
- 3.3 It is also plain that if more effective joint working had been ongoing for the duration of the period since the Plan work commenced, then the issues around resolving locations and funding for secondary schools and the realisation of the structural issues around housing supply could have been moved forward.
- 3.4 At this stage, the absence of a firm commitment to those infrastructure matters has very plainly resulted in the Council feeling unable to support a greater quantum of housing development that would have met its objectively assessed need.
- 3.5 Several opportunities to deliver more housing have been promoted to the Council in sites with no material impediment and rejected on the basis of infrastructural issues (notably HS20). Clearly the Stage 2 phase of the Examination is not the forum to go through site or settlement specific matters, but it is instructive to note that those opportunities do exist if deemed infrastructure issues are resolved.
- 3.6 Despite our comments above, we do not seek to impede the progress of this Plan and nor would we encourage a proposal to defer these matters to an almost immediate cycle of Local Plan Review. We would suggest that a pragmatic compromise would be to seek to identify further opportunities for housing to reflect the OAN within the Plan period, but with clarification that implementation would be subject to resolution of any necessary infrastructure matters.