

# Welwyn Hatfield Council Draft Local Plan Proposed Pre-Submission

## Representation

By Campaign to Protect Rural England (CPRE) Hertfordshire  
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## PART B

### Section 5

To which part of the draft Local Plan does this representation relate?

Paragraph Number:	
Policy Number:	SP 2
Policies Map Number or Inset Map Name:	
Table Number:	
Figure Number:	

### Section 6

Do you consider the draft Local Plan is legally compliant?

No response

### Section 7

Do you consider the draft Local Plan is sound?

Yes	
No	X

If no, is this because it is NOT (please select all that apply):

Positively prepared	
Justified	X
Effective	
Consistent with national policy	X

**Please give details of why you consider the draft Local Plan is sound or unsound. Please be as precise as possible.** (Attach supporting documents if necessary.)

CPRE Hertfordshire considers that bullet point 2 of Policy SP 2 sets out an excessive and unjustified housing target of 12,000 dwellings to be built in the borough in the plan period. This is also in conflict with the policies set out in the NPPF, and in particular paragraphs 14 and 47 of the NPPF which state that housing needs should only be met to the extent that policy constraints, specifically including Green Belt, allow.

Bullet point 4 of SP 2 also proposes the construction of 1,350 dwellings and associated development east of Welwyn Garden City in the area of East Hertfordshire District Council in order to meet the needs for housing within the Welwyn Hatfield Housing Market Area. These proposals are not justified and are unsound in part because they cannot be delivered as they rely on the delivery of housing that is currently in direct conflict with the policies of the adopted Development Plan for the area concerned, and there cannot be any certainty that any agreement or draft proposal for that area will be found sound and adopted as part of the future East Hertfordshire District Plan.

The above parts of the policy are also unsound because they are not consistent with the Green Belt policies in the NPPF.

The text following Policy SP 2 sets out 'justification' of above policy provisions, and the following paragraphs are also unsound and inconsistent with the NPPF:

Paragraph 5.4 refers to employment forecasts that are not limited as necessary in order to take into account the Green Belt constraint to development that national planning policy requires the Council to apply. This is an unsound approach.

The second sentence of paragraph 5.6 fails to include any reference to policy objectives, including protection for the Green Belt, and also refers to considerations that should apply when allocating individual sites, not when determining the scale of housing growth. This approach is inconsistent with the NPPF.

Paragraph 5.7 fails to consider the key steps necessary to determine the scale of development that is justified given that nearly 70 per cent of the borough, and all the land outside the current settlement boundaries, lies within the Green Belt.

Paragraph 5.8 sets out a housing target that it states is 10 per cent above demographic forecasts without any explanatory justification in the context of paragraph 14 of the NPPF, and appears to be based on aspirational employment-led projections. This approach is both unjustified and inconsistent with the NPPF.

Paragraph 5.10 states that the target in SP 2 will necessitate development of land currently in the Green Belt, 'the impact of which has been considered', but there is no evidence referred to in the text or cross-referred to in other documents that demonstrates that consideration has been given to the impacts and why this justifies the setting of a target that would result in the loss of so much Green Belt in such a sensitive location as Welwyn Hatfield.

CPRE Hertfordshire therefore challenges Policy SP 2 and the supporting text, and also makes the following comments that further explain our reasons for objecting to this part of the Plan.

The housing target set out in the Plan is based on an updated assessment of Housing Need that has been increased to reflect an increase employment growth that takes no account of the constrained planning policy context of the Employment or Housing Market Area. The reasons for this are not made explicit in the Plan, but appear to result from the use of the Local Enterprise Partnership's non statutory 'Strategic Economic Plan' as the basis for employment planning, rather than 'taking it into account' and testing it against policy constraints and both social and environmental factors as required by national policy.

The result of the above process is an over-optimistic set of employment projections that the Council has chosen to apply to its housing need calculations that are already unreliable because they do not reflect the volatility of demographic projections and were already excessive.

An even more serious failing however, is the absence of any attempt by the Council to justify the setting of a housing target that exceeds the scale of housing resulting from population projections, and is almost at the level of its inflated updated OAN figure. Setting a target without any regard to the requirement in paragraph 14 of the NPPF to set a target that meets OAN 'unless specific NPPF policies indicate development should be restricted' is clearly unsound.

No planning process is described in any of the text of supporting documents referred to in the Plan of how the Council has decided on its housing target in the light of NPPF paragraph 14, despite ministerial statements reminding them of the need to do this that specifically state that housing need alone will not change Green Belt boundaries, and court rulings that confirm that relying on housing need to determine housing targets is a circular argument that would undermine national policy to protect the Green Belt.

Indeed it would appear that Green Belt has not been treated as a constraint at all in determining the Local Plan housing target.

This matter is of particular importance because without the application of constraints on development in the Green Belt the purposes of the Green Belt are undermined. All inappropriate development in the Green Belt is contrary to at least one Green Belt purpose, and setting development targets that do not constrain such development particularly undermines the purpose of assisting

in urban regeneration by encouraging the recycling, not just of derelict land but other urban land as well.

CPRE Hertfordshire considers that in deciding on a housing target the Council has interpreted the informal advice of a former and a current Planning Inspector on the implications of not meeting OAN in full in the Plan, in a way that may not have been intended. The advice of the practising inspector as reported to the Council was that 'it will be easier to justify that the plan is sound if we meet the OAN ... plus have a degree of flexibility/headroom' while the former inspector's advice was reported as being that 'a local authority can take the decision that the Green Belt is more important than housing, but it must find another local authority to take the housing that will not be provided for as a consequence.'

On the first point, there is no Planner that we have met that considers that justifying local plan policies is intended to be easy, but that does not mean that policy principles should be abandoned in favour of following the line of least resistance. The Council is obliged to follow national policy unless there are local considerations that justify a different course of action. We considered that the Council has failed to do this, threatening the unnecessary loss of a lot of Green Belt land.

On the second point, we consider that the advice has been misinterpreted, as there is no duty imposed on a planning authority to find another authority or authorities to take the balance of housing need that cannot be met in Welwyn Hatfield, only to seek to identify where such needs could be met, either in the HMA or elsewhere.

Paragraph 5.1 refers to a Welwyn Hatfield housing capacity shortfall, leading to a proposal, also in paragraph 5.18, that this should be met by urban development in the Green Belt, outside the borough in the neighbouring East Hertfordshire District.

CPRE Hertfordshire does not consider that there is a capacity shortfall, for reasons set out in other representations, and strongly opposes the inclusion in the Plan of a proposal for a major urban extension in a neighbouring local authority area. In addition to this being undeliverable in the context of the Development Plan, as pointed out above, major urban development proposals straddling a local authority boundary should be planned through a joint Local Plan document, rather than through the unsynchronised separate processes of separate local plans that are subject to very different external influences that may derail such proposals.

## Section 8

**Please set out the changes you consider necessary to make the draft Local Plan legally compliant or sound including revised wording of any policy or text. Be as precise as possible.** (Please note that any non-compliance with the Duty to Co-operate cannot be rectified at the examination.)  
**You will need to say why the change will make the draft Local Plan legally compliant or sound.** (Attach supporting documents if necessary.)

There would need to be a series of changes to the Plan, starting with the setting of a much lower housing target that should arise from a methodology that takes into account the various characteristics of the identified housing need, including both the acuteness of the need arising from the various elements, and the extent to which those factors outweigh the loss of Green Belt that would arise. In calculating this figure, a revised calculation of urban capacity will be necessary, because the draft Plan significantly understates this at present. (Please see our representation on Chapter 6)

The above changes would also need to be reflected in consequential amendments to the text after Policy SP 2.

The references to an urban extension into East Herts district in paragraphs 5.11 and 5.18 should be deleted.

**If your representation is seeking a change, do you consider it necessary to take part and speak at the examination hearing?**

<b>No</b>	I do not wish to take part in the examination hearing	
<b>Yes</b>	I wish to take part in the examination hearing if invited to do so by the Inspector	<b>X</b>

## Section 9

**If you wish to take part in the examination hearing, please outline why you consider this to be necessary:**

These matters are of fundamental importance to the Plan and its soundness, that need to be addressed in an Inspector-led discussion of this matter, and CPRE Hertfordshire wishes to participate in that discussion because our specific interest in the protection of the Green Belt.

**Do you wish to be notified of any of the following?** (please select all that apply)

<b>When the Welwyn Hatfield Local Plan has been submitted for independent examination</b>	Yes
<b>When the Inspector's Report of the Welwyn Hatfield Local Plan is published</b>	Yes
<b>Adoption of the Welwyn Hatfield Local Plan</b>	Yes

**Signature :**



**Date : 24<sup>th</sup> October 2016**