

Statement from Respondent Panshanger People on the subject of the Local Plan Duty to Cooperate.

The following points were raised mostly as consultation responses and they are summarised below.

Legal Soundness Questions and their application with regard to our objections:

1) Is the DPD in general accordance with the Statement of Community Involvement and its public consultation requirements?

And:

2) Has the Council fulfilled its Duty to Cooperate?

Our statements to the Inspector cover two topics. The first is regarding the overall process and the experience of participating in it for local residents. The second topic concerns the late addition of traveller pitches to the Panshanger development and the lack of evidence and communication about this to both the settled and traveller community.

1. Overall Process (2980 words):

Section 1.5 of the DPD states it has been prepared following consultation with the local community in accordance with the Council's Statement of Community Involvement.

We have not seen detailed evidence of this. The WHBC Statement of Community Involvement adopted December 2013 states on page 4:

"How will we consult

We will use a range of types of consultation during this stage in order to understand key issues and views. Methods will include one or more of the following:

Surveys and questionnaires.

Correspondence through letters or email.

Workshops or focus groups.

Drop-in events, displays or exhibitions.

Meetings (one to one or group).

Make plans available on our website and at public inspection points (council offices and local libraries).

Targeted measures for hard to reach groups.

The council will prepare and consult on the final draft of the plan before it is submitted to the Secretary of State for examination. Representations submitted at this stage are forwarded to the Planning Inspector.

We will contact everyone on our planning consultation database by letter or email and we will use targeted measures for hard to reach groups.

To explain the preferred plan we will use one or more of the following methods: events, displays, exhibitions or meetings."

There have been 5 consultations since 2009 with many thousands of comments received, although not as many as there would have been if WHBC had made a proper attempt to notify all residents of the borough by writing to them directly, which they did not do. Letters have been sent to all residents on other non-related matters in the meantime, but none to all residents concerning the Local Plan consultations. The council's in-house magazine has featured vague articles about "Planning Welwyn Hatfield's Future" but this contained no significant detail or information about the proposals for any specific areas of the borough.

Looking at the list of participation methods listed above we are aware of very few of them being undertaken.

WHBC produced a report to inform all Councillors on the decisions they would be asked to make in taking forward the draft Local Plan to full inspection, this was presented to councillors on 10th April at 7:30pm in the Council Chamber.

That report contained these two statements at 3.4 and 3.7:

"3.4 Preceding this latest consultation there have been a number of consultation events from workshops for targeted groups to wider consultation events open to all. Statements of consultation have been produced for these events which summarise the issues raised and the Council's response.

3.7 Neighbourhood Workshops – Following the introduction of the Localism agenda a series of workshops were held with community representatives. Objectives for different settlements in the borough were identified and reflected in the Emerging Core Strategy."

A Freedom of Information request was then made on 26th April 2017 seeking evidence of the series of workshops it was claimed had taken place, as we were unaware of anything happening in recent years. The response to that request came on 22nd May 2017 from the FOI officer, Mr Ian Colyer. The response revealed that the last time a workshop was held was 27th November 2010. It stated there were only ever 5 workshops

held in total, and only one took place in Welwyn Garden City. In 2010 the Local Plan document did not exist, only an early version of the emerging Core Strategy. In addition, the WHBC document reporting on all these meetings billed as a "Community Representative Workshop" from November 2010 contains the following extract:

"The location South-east of Welwyn Garden City was not supported by three groups, though one group identified it as the 2nd best. There were concerns about building close to the Commonswood nature reserve and the Cole Green Lane landfill site. There were also concerns about possible coalescence if East Hertfordshire District Council chose to expand in this location. However, the group that supported this location identified that the land had little merit after being spoilt by the landfill site. The location North-east of Welwyn Garden City was not supported by any group. Participants were concerned about the loss of the airstrip (which residents want to keep) and the loss of views from Moneyhole Lane Park.

Borough-wide objectives and vision: General agreement, with some additions rather than alterations. One group, however, strongly disagreed with the objectives as they had no input from local people; Green Belt must be retained to prevent coalescence;"

As is noted above, even back in 2010 there were objections to the WHBC Core Strategy proposals. These concerns have continued, and grown throughout the follow-up consultations since 2010, and yet WHBC have not materially changed their proposals.

Other than the one WGC workshop event almost seven years ago we also point out the other aspects of the SCI we feel have not been met and are listed below with comment in bold.

Surveys and questionnaires - **we are not aware of either ever being done.**

Correspondence through letters or email. - **As stated no letters sent to all residents.**

Workshops or focus groups - **One workshop in 2010, no focus groups we are aware of.**

Drop-in events, displays or exhibitions. - **Only exhibitions of WHBC intended Local Plan, not plan making events.**

Meetings (one to one or group). - **WHBC have not held any group 'town hall' style meetings seeking and listening to residents' views. They have been unsuccessfully requested previously.**

Make plans available on our website and at public inspection points (council offices and local libraries). - **This was done.**

Targeted measures for hard to reach groups - **There is no evidence of what the measures were or what was done to reach such groups.**

One exhibition event held in the Panshanger ward was not well advertised by the council and the turnout was low. The event itself was not signposted properly and those who went along struggled to actually find it. Our anecdotal evidence suggests most of those who attended only did so as a result of the information received via the door-to-door leafleting and emailing of Panshanger People and word of mouth.

The council's in house magazine which arrived on doorsteps 2 weeks before the end of the consultation has a paltry one page of A4 about this consultation (WH Life Spring edition). It makes no mention at all of the housing target for the borough. Why have they not taken the opportunity to publicise and expand upon these plans and events in their own magazine over the last two editions (Autumn Winter 2014 & Spring 2015)? It would have been useful to spell out that this consultation is chiefly about where 12,500 new homes will ultimately go in the borough, what the council's current preference is, and why that is. Even better, considering the low response rate to the previous consultations and the council's stated aim to do more to engage with "hard to reach groups" it would have been better to have written to residents directly.

Additionally, in response to the Inspector's preliminary questions about the Duty to Cooperate WHBC responded with the following answer in relation to events held:

"A Stakeholder event was held in October 2013 (activity 6.2 (c) DTC/3 and HOU/14 Appendix 1). Around 200 stakeholders were invited to attend including Broxbourne, East Hertfordshire, North Hertfordshire, St Albans, Stevenage, Barnet and Enfield. The Hertfordshire authorities all attended. The London boroughs did not. Invitations were also extended to other stakeholders including parish/town councils, residents' groups, service providers, local agents, the LEP, housing associations and developers. The event included a presentation from the consultants and invited comments on the methodology, scope and approach to the research and explored the complexity of the local housing market. (Evidence – presentation – Q2e). "

Our group, and others residents' groups we have spoken to, have no recollection of being invited to attend this stakeholder event, we also note that it was not billed as a focus group or workshop.

Overall, there seems to be scant evidence of genuine attempted participation of the local community in the plan making process; the WHBC Statement of Community Involvement is not followed, as per NPPF paragraphs 150 and 155. Also, the Planning and Compulsory Purchase Act 2004, as amended.

We believe local people should be actively made aware of consultations in effective ways. Local views should not be ignored and the plan should not

be effectively developed behind closed doors over many years. Feedback made at consultations should have some effect on the resultant plan, residents' feedback has resulted in a few minor tweaks but these are really cosmetic in nature. The WHBC response document to the comments made on the last consultation included the phrase "No Change" 811 times, indicating that practically all objections from the local community are being discounted.

The Town and Country Planning (Local Planning) (England) Regulations 2012 states the following Regulation 22(C):

*"(iii) a summary of the main issues raised by the representations made pursuant to regulation 18,
(iv) how any representations made pursuant to regulation 18 have been taken into account;"*

We cannot see any justification for claiming our representations have been taken into account. Despite much lobbying by residents, requesting Panshanger Councillors object to this plan, they have voted through this plan, as endorsed by their leader, at every opportunity, despite stating in person and in the press that they were opposed to the plan. This was not the intention of this planning system and local representation. Regulation 22C is not adhered to in our view.

In March 16th 2017 a question was submitted to the WHBC Cabinet Housing and Planning Panel which included the following:

"The council's own figures show just under 3.5 thousand responses were submitted the 2012 consultation on the subject. The 2015 consultation later yielded almost 5.5 thousand responses. But, you now state that the 2016 consultation attracted only 2,191 responses to the draft Local Plan, well under half the number for 2015. The figures speak for themselves, clearly not enough has been done to engage local residents in this process..."

You also state there were only 1,245 individuals and groups submitting all those responses in 2016. This represents barely one percent of the boroughs population. Does such a paltry figure demonstrate community involvement in the process?"

These points are included as they are pertinent to understanding the level of engagement that local communities have had following the Local Plan public consultations undertaken by WHBC.

Section 5.1 of the proposed plan states: *"Duty to co-operate discussions with neighbouring local planning authorities means that the Council has been unable in this plan to identify the capacity to address a Welwyn Hatfield shortfall. However, the Council supports proposals for a new neighbourhood comprising around 1,350 dwellings along with primary and secondary school provision, retail and employment uses on land within East Herts."*

Surely this means that WHBC have failed to agree with East Herts any capacity to address their own shortfall. They admit this failing but do then support East Herts plan for 1,350 homes abutting the WHBC boundary. Where is there any robust and credible evidence to support this decision and where is there any discussion about alternatives? Is this some sort of house trading arrangement between WHBC and East Herts, if so where is this documented and what is the rationale? This statement is confusing and/or extremely vague. How can the plan be justified or effective in this regard?

At the time of the final consultation and earlier this year when the final proposed plan was put for approval by council members there was only a draft Memorandum of Understanding between WHBC and East Herts, according to WHBC. The document library that has now been made available to the Inspector by WHBC includes finalised and signed MOU's including that for the Duty to Cooperate with East Herts. The date on the East Herts MOU shows it as being signed in May 2017, well after the final consultation and after the proposed Local Plan was finalised for submission.

Looking at the evidence library provided by WHBC to the Inspector, it appears to be more extensive than that made available to residents as part of the Local Plan consultation process. Residents were therefore less informed and less capable of making judgements and comments on the Local Plan that they should have been. The Inspector now has all the information to hand, but residents were in a weaker position and therefore less able to make informed judgements and comments on the soundness and legality of the plan. This was surely not the way the process was designed to work.

Committee decision making process:

Earlier in the process, in 2014, WHBC adopted a strategy of classifying sites for development as being "less favourable", "finely balanced" and "more favourable". The planning department considered WGC4 to be "finely balanced" in December 2014. Only the "more favourable" sites were to be taken forward to the final proposed plan. However, some councillors from other areas of the borough, and our own councillor on the cabinet, decided to overturn the planning professional's classification for

WGC4, Panshanger at the end of their cabinet meeting thus going against the recommendation of the planning department.

During that meeting a leading party's own councillor was heard to say to the chairman:

"In the interests of probity it would not look very well for the people of Panshanger if we take a site that was declared as finely balanced and make it more favourable at this meeting...It really doesn't look well, it doesn't look neutral. It looks as though we are taking action to include this site. I really do think that you should have a double think about it...we are now seen to be ignoring the local concern and putting it in the pot."

Another leading party councillor also commented that she was horrified and quite shocked by this decision.

A similar thing had also happened earlier on in the process a few years before. We have to question the motivations for this behaviour. It does not demonstrate community involvement and it skews proposed development to one part of the borough, while other areas avoid development to a significant extent as evidenced by the December 11th 2014 planning meeting (video link below to short clip):

<https://youtu.be/lgsaFa4x7qo?t=57m15s>

The SCI is designed to spell out how local residents can participate in the planning process. Our elected representatives are part of that representation process and have been left in no doubt how residents feel and how residents want them to vote. Despite this they have ignored our pleas on several occasions and voted against what residents have lobbied for. This is against the spirit of local involvement as set out in the Localism Act and not in keeping with the SCI and its remit to promote community engagement, including through the representation of elected councillors. The aviation community, who used the airfield, were also not contacted or sought out for participation in consultations, as far as we are aware.

WHBC Annual Monitoring Report (AMR) page 2:

"Community Engagement - The major engagement exercise on the Local Plan Consultation Document yielded nearly 5,900 responses from around 1,600 respondents this is a significant number, and will inform the preparation of the final Draft Local Plan, expected to be published in 2016."

How is this a significant number? It is barely 1.4% of the borough's population. Of that 1.4% many of them are developers and lobbyists for developers, construction industry representatives and people who live outside the borough, they have a different axe to grind. We take serious issue with this claim, it is not satisfactory that due to their poor local engagement they accept that this paltry figure is acceptable.

Page 18 of the 2014-15 AMR considers criticisms of the previous consultation and states:

"3.18 Nevertheless, the consultation welcomed comments on how the consultation could have been improved – 182 individual suggestions were made. Common themes included:

The consultation materials being difficult to understand, either because they were too complex (in language or layout) or not clearly presented;

The online consultation portal being too difficult to use, particularly for older people;

The overall approach of the consultation not being transparent – some respondents considered that it was purely a 'tick-box' exercise and that responding was not worthwhile;

The consultation being under-publicised, given the scale of the proposals. Suggestions included all properties surrounding a potential development site being written to, erecting posters around sites, and publicising the consultation through broadcast media."

These valid points made in the AMR were not later addressed for the final consultation in our view.

Also in the AMR:

"3.19 Given the Council's desire to engage as broadly as possible with the public, the above issues will be considered when planning future consultations. This is particularly the case where the issues identified might be further preventing hard-to-reach groups from responding to consultations on issues that will affect them."

There is no evidence we can see that these 'Hard to reach groups' were engaged with in the final public consultation. This represents clear evidence that WHBC does not genuinely engage residents. There is a serious question mark over plan soundness in terms of participation with the local community. There is no evidence of participation from those in "Hard to Reach" groups.

Section 155 of the NPPF states:

"Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made."

We do not believe this has happened. Section 19 (3) of the Housing and Compulsory purchase Act 2004 states:

"In preparing the other local development documents the authority must also comply with their statement of community involvement"

We do not believe there is robust and credible evidence that they have for the reasons stated above.

Topic 2: Gypsy and Travellers and the Duty to Cooperate (1069 words)

The statement about this in the proposed plan, at section 9.13 includes:

"In 2016, the Council carried out a review of the accommodation needs of Gypsies and Travellers and Traveller Showpeople. The assessment indicates that there is likely to be a need for 61 Gypsy and Traveller pitches between 2016 and 2032. Whilst it has not been possible to conclude if households registered on the waiting list for a pitch on a public site or associated with unauthorised development activity intend to cease travelling temporarily and lead a nomadic habit of life in the future, there are other relevant matters to consider. The observed demand for pitches, as seen in the context of levels of illegal encampments and unauthorised developments and the waiting list for a pitch on a public site, indicates that there is a shortage of authorised pitches"

The 2016 review while not easy to find as it was not clearly displayed among the consultation documents online, or at the exhibitions, is concerning. This 2016 document updates the previous 2012 document. It is clear upon reading it that the strategy for engaging with this community failed, they hardly managed to speak to any community members and therefore have virtually no facts or evidence to back up their pitch provision numbers from the traveller community itself.

The 2016 assessment lists the members of a new steering group set up to facilitate stakeholder involvement with the Gypsy and Traveller Community and they are listed as:

"Hertfordshire County Council (HCC) Gypsy and Traveller Section;

HCC - Access to Education for Travellers and Refugees Integrated Services for Learning;

Welwyn Hatfield Housing and Planning teams; and The Welwyn Hatfield Community Trust."

It is obvious that the key stakeholder in this area would be representatives from the traveller communities in question, and yet they are not involved at all, according to this list. Although it is said they were involved in the preparations for the fieldwork, it appears there were only 11 of the 57 pitches engaged in the assessment when it took place. Other local authorities have been significantly more successful in obtain the views of their traveller communities, some interviewing dozens of families and forming partnerships with local university and traveller forums in order the facilitate their involvement.

The WHBC Local Plan proposes new locations for traveller pitches beside existing settled communities and as part of a new development of 650 new homes in Panshanger WGC. Where is there any evidence that this is what the traveller community would favour, and where is the evidence that it is what the existing local settled community would favour?

WHBC have not been able to successfully canvas views about the matter from either.

This traveller community could be seen as a "hard to reach group" without a well-developed culture of public participation. It could be said that the SCI is flawed as it contains no strategy for engaging with "hard to reach groups", even so, if they truly want to engage with all sections of the community they clearly have not done so in this context. The plan is not sound as there is no recent robust and credible evidence to support the proposals for Gypsy and Traveller pitch provision.

There is no evidence of a proper engagement exercise where significant numbers from the traveller community express their preferences, and where settled communities living close to the potential new pitches also have their views also taken on board. Other LPA's have managed to do this and have produced very comprehensive assessments reports, vastly superior than the WHBC assessment.

The WHBC head of planning previously told us there were no plans for traveller pitches within SDS1 (WGC4). Shortly afterwards our group was told by an independent planning advisor working for the landowner that there were plans for traveller pitches within SDS1, and they had been requested to be accommodated by the WHBC planning department. The

landowners' last exhibition to promote their development plans for WGC4 to residents did not include any traveller provision. Their representatives at the exhibition went out of their way to tell attendees there would be no traveller pitches on the development. The Homes and Communities Agency have never contacted local residents about this, and were not at the exhibition themselves, they have never promoted any traveller provision as far as we are aware. WHBC have been very opaque on this subject all along. Panshanger residents we know feel they have been kept in the dark with this coming in at the 11th hour of the Local Plan process.

The WHBC report carried out in 2009 is presented in the evidence base titled:

"Welwyn Hatfield Core Strategy - Consultation with the borough's Gypsy and Traveller community on the provision of additional pitches - Report of consultation"

This report had a very low traveller response rate, but it does reveal that only one third of travellers who participated were in favour of living alongside new housing. It is also noticeable that there are no sites defined in the southern part of the borough (only in WGC, Hatfield and Welham Green). Do travellers and gypsies not want the opportunity to move around the whole of the borough? In any case, there is no evidence that they were recently consulted and provided comment about pitch location in the formation of the plan.

Where is there any evidence that potential pitches in the southern half of the borough have been explored? Overall it appears that the traveller community itself has played at best a minimal role in the formation of this plan regarding pitch locations, how does the council know what the current views of the traveller community are, in relation to where the majority of them would choose to live? It is not evident from the documentation presented.

The distribution of homes and traveller pitches across the borough is very lopsided. The consultation documents offers no explanation as to why the WGC4 site and GTLAA006 are more preferable in comparison to other possible locations across the borough.

Both housing allocations and traveller pitch allocations have not genuinely involved the local settled community and certainly not the traveller community, from the evidence we have seen. We therefore do not agree that the SCI policy has been properly applied, particularly with regard to "hard to reach" groups such as the traveller community.

Panshanger People September 2017.