



Wel14, Linces Farm, Welwyn: Representation

Welwyn Hatfield Borough Council Local Plan
Examination

September 2017

Turnberry

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1. Overview

- 1.1. The following document constitutes a representation to the Examination into the Welwyn Hatfield Local Plan (2013-2032) Development Plan Document (DPD) on behalf of our clients in respect of site Wel14 'Linces Farm', Welwyn.
- 1.2. This representation does not seek to repeat the arguments set out in our submission to the Draft Local Plan Proposed Submission August 2016, rather it addresses 2 of the 7 Legal Soundness questions on which input is sought by the Inspector, namely:
 - Has the DPD had regard to appropriate national policy?
 - Has the Council fulfilled the requirements of the Duty to Cooperate?
- 1.3. It is our submission that the DPD fails to have regard to national policy regarding meeting Objectively Assessed Housing Need (OAN) and meeting educational needs, and that Welwyn Hatfield Borough Council (WHBC) has failed in its Duty to Cooperate on cross-boundary educational matters.
- 1.4. WHBC's self-assessment on Soundness states that the Council accepts it has not met its housing OAN and that discussions with neighbouring authorities have not resulted in any shortfall being met outside the Borough.
- 1.5. The Council further states that, following a Green Belt Review which has sought to meet this shortfall through targeted release of Green Belt land, no more shortfall can be met whether in or out of the Green Belt due to infrastructure constraints, in particular highways and secondary education capacity.
- 1.6. The Council's position is, therefore, that it will continue to work with neighbouring authorities to try to meet both its housing OAN and infrastructure needs, including those relating to education, within other authority areas. This representation contends that as no agreement has emerged to-date and given neighbouring authorities' own housing OAN shortfalls and infrastructure constraints, it is

reasonable to assume this approach will fail. WHBC has therefore submitted its Local Plan without having resolved these points.

1.7. Despite citing education as a key infrastructure constraint, neither WHBC nor HCC have provided a clear strategy on how secondary education is presently accessed in terms of cross-boundary outflows, how these flows might change in the future, the impact of future development on these flows and how the full requirement for secondary education places will be provided over the full plan period. Any increase in housing to meet the full housing OAN would also need factored into secondary education provision within WHBC and surrounding districts.

1.8. We contend that WHBC has been half-hearted in its attempts to meet its housing OAN or that of its neighbours, and in its attempts to fully resolve a supportive education strategy with HCC. In short, deficiencies related to the Duty to Cooperate in respect of meeting housing need appear to similarly undermine the effective planning and delivery of education infrastructure necessary to support the Local Plan.

1.9. This representation will address the points set out above to answer the two key questions of whether the DPD has had regard to appropriate national policy and whether the Council has fulfilled the requirements of the Duty to Cooperate. The representation is structured as follows:

- Section 2: Objectively Assessed Housing Need
- Section 3: Duty to Cooperate on Education
- Section 4: Concluding Statement

2. Objectively Assessed Housing Need

- 2.1. The 2017 update to the Welwyn Hatfield SHMA identifies an increased OAN of 800 dwellings per annum (dpa), up from the 625 dpa figure identified in the 2014 SHMA. The Examination DPD sets a target of 12,000 homes from 2013-2032 with a delivery rate of 498 dpa until 2022, with 752 dpa thereafter. Based on the delivery timescales, a shortfall of 3,192 homes will result from the WHBC DPD, equating to 168 dpa. The Inspector's questions to WHBC highlight this failure to meet OAN.
- 2.2. In preparing the Examination Local Plan, WHBC have carried out a Green Belt review. Despite the significant shortfall in housing provision, the Council has sought to prioritise the protection of Green Belt land and minimise development over its responsibility to promote sustainable patterns of development under paragraph 84 of the National Planning Policy Framework (NPPF):
'When drawing up or reviewing Green Belt boundaries, local planning authorities should take account of the need to promote sustainable patterns of development'.
- 2.3. WHBC's identification of 'Reasonable Alternative Sites' within its Sustainability Appraisal undermines the Council's contention that it cannot identify sufficient sites within or outwith the Green Belt and indicates that it can address its OAN within its administrative boundaries, should it be minded to do so.
- 2.4. WHBC has failed to agree any apportionment of its OAN to a neighbouring local authority. However, WHBC's position is that they will continue to work with other local authorities to accommodate their housing OAN within a neighbouring authority area. Given the quantum of development proposed¹, the shortfall in neighbouring areas' housing targets against their own OANs² and the failure to-date to agree any accommodation of unmet need, it is unlikely that this approach will bear fruit, unless the terms and timetable of a Review were clearly set out and defined.

¹ Total of 3,296 dwellings per annum proposed in Welwyn Hatfield and adjacent 5 local authority areas.

² Total of 611 dwellings per annum shortfall against OAN in Welwyn Hatfield and adjacent 5 local authority areas.

2.5. The Examination Local Plan is therefore not positively prepared or consistent with national policy and is therefore unsound. Previously-rejected 'Reasonable Alternative' sites which have the potential to help the Council meet its OAN in a sustainable manner should be considered as a starting point for reviewing how the Examination Local Plan can be amended so it does comply with national policy, particularly where these sites can assist the Council in overcoming its infrastructure constraints.

3. Duty to Cooperate on Education

3.1. The Infrastructure Delivery Plan states that 22 Forms of Entry (FE) are required, based on 11,000 new dwellings being delivered over the plan period. 24 FE would be required to meet the Examination Plan's 12,000 home target and 31 FE would be required to meet the Council's full housing OAN. Policy SP14 of the Examination Local Plan sets out a requirement for three secondary schools based on the Council's target of 12,000 homes. To meet the full OAN, based on the Council's preference for 8 FE secondary schools, as evidenced in the discussions between WHBC, HCC and the landowner of SDS5, a total of four secondary schools would need to be provided.

3.2. Policy SP14 makes site allocations for only 2 of the secondary schools, both of which are planned for delivery towards the end of the plan period and are reliant on strategic sites with mineral extraction constraints. Further, the Council's proposals do not address:

- The existing backlog and over-subscription to existing secondary schools;
- The limited expansion potential identified by HCC in their representation to the Local Plan Consultation Document in both Welwyn Garden City and Hatfield;
- The fact that the school to be located in East Herts would also be accommodating its own housing growth;
- The increased Local Plan target of 12,000; and
- The OAN target of 15,200 homes.

3.3. HCC's assessment shows that total anticipated demand is greater than the total additional identified capacity³. It is HCC's position that the Local Plan provides little flexibility with all existing schools having been expanded to their known maximum expansion potential and existing outflows to other areas continuing. Hence, HCC recommend that an additional secondary school site should be identified.

³ Supplementary Education Statement Duty to Cooperate January 2017

- 3.4. WHBC and HCC have failed to adhere to paragraph 181 of the NPPF by failing to address infrastructure provision in terms of secondary education. The education strategy is based on conjecture that current pupil outflows from the district will be maintained in the future. The significant levels of growth which are planned for WHBC and adjacent districts are likely to have implications on existing pupil (out)flow patterns. No analysis into understanding the implications of planned housing growth on these flow patterns within WHBC and adjacent districts⁴ has been undertaken.
- 3.5. HCC and WHBC's education strategy is based on a growth strategy of maintaining existing outflows rather than seeking to address these and alleviate capacity constraints, particularly as new growth in surrounding Districts will inevitably restrict existing supply of school places. The proposed education strategy provides for an intensification of existing education provision in the south of the Borough, failing to take account of planned growth within the northern villages and neighbouring areas including Stevenage and North Herts, and does not seek to address the lack of existing provision in this area and pressures in Hitchin and Stevenage.
- 3.6. Alongside sites Wel1, Wel2 and Wel15, Site Wel14 has the potential to not only assist the Council in meeting its OAN, but also providing a rural secondary school which will serve the north of WHBC, and the fringes of Stevenage and North Herts, helping to address the shortfall in secondary education provision in a location which will help to remedy existing pupil outflows and prevent intensification in existing locations. This site could be identified as a potential rural secondary school in order to resolve education deficiencies within the Plan.
- 3.7. The current plan fails to meet the education needs of its growth strategy and does not represent a detailed and rigorous consideration of strategic cross-boundary

⁴ Total of 3,296 dwellings per annum proposed in Welwyn Hatfield and adjacent 5 local authority areas.

matters. It could therefore be viewed in the same light as the High Court's judgment on St Albans' approach to its Duty to Cooperate on strategic cross-boundary matters⁵.

3.8. The Examination Local Plan therefore fails to adhere to Paragraphs 157 and 182 of the NPPF in that it is not positively prepared, is not sustainable and is inconsistent with national policy. It further fails to adhere to goals of paragraph 181 of the NPPF by failing to provide the land and infrastructure necessary to support current and projected future levels of development both within and outwith the Borough.

⁵ [2017] EWHC 1751 (Admin)

4. Concluding Statement

- 4.1. The Local Plan does not provide for the full housing OAN of 15,200 dwellings. It does not identify sufficient secondary school sites for the future needs arising from forecast growth; any upward revision in the housing target to meet the OAN will further increase the secondary school provision which must be planned for.
- 4.2. A third and fourth secondary school site needs to be identified now to meet forecast growth needs, rather than leaving this to a potential future early review. Land adjacent to Linces Farm, site Wel14, provides the potential to assist WHBC towards meeting its OAN and provides the potential for an additional secondary school site in a location that could mitigate education pressures over a larger area than WHBC and reduce unsustainable outflows of existing pupils.
- 4.3. WHBC have failed to meet in its Duty to Cooperate with neighbouring authorities and the County Council on education matters, resulting in a plan that fails to adhere to paragraph 181 of the NPPF.
- 4.4. It is therefore our position that, with regards to OAN and secondary education provision, the Examination Local Plan is unjustified, ineffective, is not consistent with national policy and is not positively prepared. It therefore does not adhere to paragraph 182 of the NPPF and cannot be found to be fully Sound. A further review of potential sites already before the Inspector and provision of two more secondary schools should form part of this Local Plan. Any reviews to address remaining deficiencies in housing numbers or infrastructure would need to be addressed within clear and urgent terms.