



**WELWYN
HATFIELD**

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**Colin Haigh
Head of Planning**

Reply To: address as below
Date: 14 April 2016
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Dear Sir

**Welwyn Hatfield Local Plan
Sites BrP1 and BrP12, Brookmans Park**

I refer to your letter dated 31 March, which responds to my previous letter of 1 March 2016.

As previously stated, we consider that the processes adopted by the Council to date meet the legislative requirements for the preparation of the Local Plan as set out in the Town and Country (Local Planning) (England) Regulations 2012. In particular the Council considers that it has met the requirements of Regulation 18 and that consultation has taken place in accordance with the adopted Statement of Community Involvement.

With regards to the specific points raised in your letter I have the following comments to make.

1. Paragraph 1(i): I do not agree with your assertion that the Council has adopted a mindset since 2009 not to meet the objective assessment of need. The Issues and Options consultation in 2009 was prepared in the context of the Regional Spatial Strategy and set out options for how the borough could meet the need for 12,500 dwellings (500 dwellings per annum) including the identification of an option for a broad location around Brookmans Park. This pre-dated the NPPF. The Core Strategy was prepared in the context of what was considered to be the Objective Assessment of Need and the relevant evidence was set out in the Housing Background Report. The last consultation identified sufficient sites that would meet the Objectively Assessed Need but because the Council felt that the impacts of doing so would conflict with other policies in the Framework it indicated that it was minded to set a lower target than its Objective Assessment of Need.
2. Paragraph 1(ii): We have previously responded to this point and demonstrated that we have consulted on these sites.

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3. Paragraph 1(iii): I consider that major housing sites around Brookmans Park have been fairly and objectively assessed. All sites have been assessed in the SHLAA and all sites considered suitable at the last consultation were subject to Sustainability Appraisal including sites BrP1 and BrP12. In addition suitable sites in the green belt were subject to a Green Belt Purposes Assessment and Landscape Character and Sensitivity Assessment and both BrP1 and BrP12 have more recently been assessed in the Strategic Flood Risk Assessment.
4. Paragraph 2.1: It is considered that the Cabinet decision on 9 October 2012 was reasonable, rational and relevant. In any event the approach to the distribution of growth has subsequently changed, so it is not clear what remedy you now seek.
5. Paragraph 2.8.1: As you state the Housing Targets consultation took place in 2011 in the context of the successful legal challenge to the Regional Spatial Strategy relating to levels of growth identified for Welwyn Hatfield and prior to the publication of the draft National Planning Policy Framework. It included scenarios based on the latest household projections for the borough, the target set in the East of England Plan 2008 prior to the legal challenge and the provisional target set in the Review of the East England Plan published by EERA. Text within the consultation leaflet acknowledges the need for new housing and some of the pros and cons of each scenario.
6. Paragraph 2.8.2 and 2.8.3: It is not clear what point you are making here as scenario 4 relates to the East of England Plan figures. Secondly the 10,000 dwellings figure was not based on an assessment of need, rather it resulted from a recommendation from the East of England Plan Examination Panel Report and was subsequently the subject of a successful legal challenge. Similarly the Government's household projections were included as scenario 5.
7. Paragraph 2.8.4: The Issues and Options Consultation document was prepared prior to the successful legal challenge of the East of England Plan and therefore relates to the 10,000 dwelling allocation to 2021 and assumes the same rate of growth of 500 dwellings per annum to 2026, hence the reference to 12,500 dwellings.
8. Paragraph 2.8.8: It is not clear why you consider the Housing Targets consultation to be flawed as it included the scenarios you refer to as well as setting out the sustainability disadvantages and advantages of each scenario. Scenarios 1, 2 and 3 are rational scenarios which it was appropriate to include as part of the debate.
9. Paragraph 2.8.9 – 2.8.32: I have already replied to number of these points in my response dated 1 March and repeat that the Council does not believe its processes or consultation has been flawed. In that letter I also pointed out a number of factual inaccuracies in your letter which you do not appear to have been acknowledged, as they have been repeated here.
10. Paragraph 2.8.11: The consultation referred to by the Cabinet related to the response to the Issues and Options Consultation relating to the options on how growth should be distributed around the borough. Options 4 and 6 would have resulted in the same level of growth.

11. Paragraph 2.8.12: As stated in my letter the Council did have a SHMA. The meeting of 9 October 2012 related to agreeing the vision and objectives, the housing target and the strategy for the distribution of growth. Cabinet had before it the Sustainability Appraisal matrices of the reasonable alternatives relevant to the decisions it was making.
12. Paragraph 2.8.13: The full Sustainability Appraisal relates to the Emerging Core Strategy and an assessment of the reasonable alternatives. The Emerging Core Strategy was not before Members as a decision needed to be made on what the appropriate target should be and the approach to the distribution of growth. The full Sustainability Appraisal version 6 had not been signed off by officers and indeed could not be finalised until a decision on 9 October 2012 had been taken. The full Sustainability Appraisal version 7 including the assessment of reasonable alternatives was subsequently considered by Members as it related to the Emerging Core Strategy.
13. Paragraph 2.8.14 – 2.8.16: The Council has previously responded to your client on these matters.
14. Paragraph 2.8.17 and 2.8.18: One of the purposes of consultation is to allow the Council to consider the views of the community and stakeholders. It is therefore not surprising that its strategy should change in the light of views expressed. No matter what approach had been adopted by the Council its evidence base would still need to have been updated and the new SHMA was able to take account of the latest population and household projections, which had not been published at the time of the Emerging Core Strategy.
15. Paragraph 2.8.21: The assessment of sites as more favourable, finely balanced and less favourable formed part of the consultation and the Council received a number of comments on the appropriateness of these assessments.
16. Paragraph 2.8.26: Members wished to make it clear that having regard to Paragraph 14 of the NPPF they had concerns relating to the finely balanced sites and the extent to which these sites would compromise other policies in the Framework. It was clear that Members wished information on the finely balanced and less favourable sites to form part of the consultation either in a supporting document or as subsequently agreed by Cabinet with those sites appearing in the Appendix to the document.
17. Paragraph 2.8.31: I have already stated that information on the finely balanced and less favourable Sites was made available at the exhibitions. Furthermore the online version of the consultation document included consultation points in the Appendix and clearly the sites were not omitted from the consultation document.
18. Paragraph 3.1: You state that your point relates to the Local Plan but the meeting you refer to in your previous letter relates to decisions on the Core Strategy.
19. Paragraph 3.2: I have already addressed these points in my previous response to you and pointed out that the Council did not ignore these requirements.

20. Paragraph 3.3: You refer to paragraph 2.8.21 as providing the reasons for why the assessment of your client's site was in your view not objective or consistent yet this paragraph simply refers to there having been no consultation. This in itself does not lead to a conclusion that the assessments are not objective or consistent.
21. Paragraph 3.4-3.5: An assessment of cumulative impact was included in the Green Belt Review Stage 2 assessment under the Other Considerations section and was also considered as part of the assessment of sites as detailed in the report to Cabinet Housing and Planning Panel in Appendix D in October 2014.
22. Paragraph 3.6- 3.7: As I have already stated these sites were included in the consultation document.
23. Paragraph 3.8-3.11: As has been previously stated the Council is reviewing its evidence on the suitability of sites in the light of representations received both on existing and new sites. Please note that the North Mymms Green Belt Society has not seen the updated SHLAA.
24. Paragraph 3.12: The Council has refused requests for meetings with a number of landowners where it has all the evidence it needs to make an assessment. Your client has had a meeting with officers, entered into correspondence with the Council with regards to his sites and has provided sufficient evidence. Please note however that I have recently offered to meet with Mr Perkins to update him on general Local Plan progress, but made it clear that we will not discuss the merits of individual sites or any future recommendations to Members at this stage in the process. This information is scheduled to be presented to Cabinet Housing and Planning Panel in June 2016.
25. Paragraph 3.13: The Council has already responded to this point.
26. Paragraph 3.14 – 3.15: As has been described, this piece of work sits alongside the SHLAA and will take account of a number of pieces of work including infrastructure testing relating to different distribution strategies and the Green Belt Review Stage 2.
27. Paragraph 3.16: The SHLAA and Site Selection Background Paper have not yet been finalised. Your client has already been advised that the intention is to publish these documents in June so that Members will have the information in order to consider which sites should be included in the Local Plan. It is not clear from your letter what advantage to the process there would be in early publication of these pieces of evidence.
28. Paragraphs 4.1 – 4.4: Thank you for drawing my attention to the recent Court of Appeal decision and the five year land supply. It will clearly be important for the Council to demonstrate that it have a five year supply of housing sites when measured against its housing target.
29. Paragraphs 5.1 – 5: The Council are aiming to submit a plan that will be found sound taking into the NPPF as a whole. The Council's evidence base is in the process of

being updated and will be available for Members to make decisions on the content of the Local Plan.

30. Paragraph 5.6: The Council disagrees that another round of Regulation 18 needs to take place before it finalises its Proposed Submission version. It is not clear what will be achieved by delaying the Local Plan and is not required by the regulations.
31. Paragraph 5.7: Thank you for identifying the paragraph reference to Stevenage Borough Council's response in the committee report. I can now understand why you have formed that impression and whilst this point was made by at least one consultee it was not made by Stevenage Borough Council and I apologise for the confusion. The risk assessment included in the Local Development Scheme related to the assessment of risk of the plan being found unsound, and the likelihood was assessed as being low based on the plan being produced in accordance with current legislative requirements and the tests of soundness. Committee reports also carry a section on risk implications and Members are frequently reminded of the Tests of Soundness and legislative requirements associated with preparing a plan.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Colin Haigh', written in a cursive style.

Colin Haigh
Head of Planning