



Hearing Statement- Stage 3 Topic Specific Policies

On behalf of:

King & Co

Representor ID:

863963

In respect of:

**Welwyn and Hatfield Local Plan
Examination in Public Stage 3**

Date:

January 2018

Reference:

MA/KING & CO/003-04/R003m

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 3 Hearings session which are due to commence on 20th February.
- 1.2 This Statement is submitted in respect of the questions set out under document EX43, and it is confirmed that we will provide further Statements in terms of Stage 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 During Stage 4 of the Hearings there will be consideration of settlement-specific policies, and we envisage that the Council may by that point have completed additional work to seek the allocation of further sites coalescent with settlement boundaries to help address the shortfall in terms of the objectively assessed need.
- 1.4 We will say during the Stage 4 sessions in terms of Welwyn, that we believe that the School Lane site should be subject of Green Belt release because it makes limited contribution to Green Belt purposes. There is also very special circumstance which is comprised of:
- Highway improvements to School Lane, which HCC have now agreed is acceptable for access;
 - Contribution towards objectively assessed need both at district and settlement level;
 - Marked contribution towards affordable housing through on-site delivery of 49 affordable homes;
 - No issues with primary school places;
 - New Homes Bonus payments to WHBC of circa £86gk plus CIL receipts;
 - Positive engagement with local people with a groundswell of support for affordable homes; and
 - Provision of substantial open space covenanted to the parish council to provide for a highly defensible boundary.
- 1.5 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.

- 1.6 The Inspector has published a Note (EX39) on 15th December 2017, which builds upon his commentary during the Hearing sessions in a number of key respects. The most fundamental of these is the reiteration of his expressed view that the development strategy put forward by the Council through the draft Plan is unsound because there was insufficient justification to support a strategy that would fail to meet objectively assessed need.
- 1.7 The Council have sought to argue that the presence and importance of Green Belt parcels around the defined settlements is a key impediment to meeting the identified need. The Inspector has also reiterated his expressed view that the Green Belt Review work was not well considered, and intimates that this process needs to be fundamentally reviewed.
- 1.8 Following some dialogue with the Programme Officer, the view is that if and until the Council did decide to provide any substantive response to those Inspector Notes or indeed any substantive modifications to the Plan then the Hearings will progress with Respondents only able to make comment in terms of policies identified by them as unsound in their Regulation 19 submissions.
- 1.9 At the point of drafting this Statement, the Council have not produced any response to the EX39 Note or the Inspector's Matters and Issues as set out at EX43. We respectfully reserve the right to add to these comments as and when the Council do make any further comments.

2.0 Responses to Key Questions

- 2.1 Comments were made in terms of Policy SP2 and SP3 as part of our submissions to Stage 2. We will be looking to comment on policies SADM29 and SADM32 during Stage 4, and in relation to any main modifications which may be proposed in due course.
- 2.2 In accord with the discussions with the Programme Officer, we make no substantive comments in terms of the following policies. We have set out our view that there are several matters raised by the EX43 document in respect of these policies which are intrinsically linked to matters pertaining to policies SP2 and SP3, which in our view remain unresolved. The Inspector's EX39 Note reinforces that viewpoint in a very fundamental way. We do however reserve the right to address these matters in the event that the Council do progress any material changes to the Plan as submitted for Examination in due course.

POLICY	EX43 QUESTIONS	RESPONSE
SP4	1-9	No substantive comments as agreed with PO.
SADM2	10-13	No substantive comments as agreed with PO.
SADM3	14-15	No substantive comments as agreed with PO.
SP5	16-18	No substantive comments as agreed with PO.
SADM4	19-22	No substantive comments as agreed with PO.
SADM5	N/A	No substantive comments as agreed with PO.
SADM6	23	No substantive comments as agreed with PO.
SP6	24	No substantive comments as agreed with PO.
SADM7	25-28	No substantive comments as agreed with PO.
SADM8	29-32	No substantive comments as agreed with PO.
SADM9	33-48	No substantive comments as agreed with PO.
SP8	49-51	No substantive comments as agreed with PO.
SADM10	52-54	No substantive comments as agreed with PO.
SP9	55-57	No substantive comments as agreed with PO.
SADM11	58-59	No substantive comments as agreed with PO.
SADM12	60	No substantive comments as agreed with PO.
SP10	61-65	No substantive comments as agreed with PO.
SADM13	66-69	No substantive comments as agreed with PO.
SADM14	70-73	No substantive comments as agreed with PO.

SP11	74-84	No substantive comments as agreed with PO.
SP12	85-97	No substantive comments as agreed with PO.
SADM15	98-104	No substantive comments as agreed with PO.
SADM16	105-118	No substantive comments as agreed with PO.
SADM17	119-122	No substantive comments as agreed with PO.
SADM18	123-124	No substantive comments as agreed with PO.
SP13	125-137	No substantive comments as agreed with PO.
SP14	138	No substantive comments as agreed with PO.

- 2.3 Further to the dialogue with the Programme Officer, for the purposes of the Stage 3 Hearings we comment only upon policy SP7, and the Inspector's Questions numbered 33-42 inclusive.

SP 7 Type and Mix of Housing

- Q33 *Given the evidence base on housing need, shouldn't more than 50% of overall housing provision be provided as affordable housing?*
- 2.4 The Council's OAN evidence suggests a realistic delivery of 160 affordable homes per annum if the overall delivery was 800 homes per annum (effectively 20% affordable). It is noteworthy that the Council's general targets for affordable delivery average at 30% (with some variation by geography) but by implicit reference to the delivery of smaller schemes and some viability arguments that Turley have assumed that 20% delivery is more realistic.
- 2.5 Given that the Council's overall Plan target is 12000 homes (632 per annum) then if one were to assume that affordable provision was secured at 20% of housing delivery (in line with the OAN advice) then this would secure delivery of 126 affordable units per annum and 2402 over the Plan period. By implication, this would represent a shortfall of 10116 affordable homes over that same period as compared to the affordable housing requirement of 12518 homes over the Plan period (only 19% delivery of the affordable OAN).
- 2.6 Clearly the Council is taking forward a Local Plan with affordable housing ambitions, and is separately progressing a CIL Charging Schedule. This reflects the emerging Plan targets in terms of affordable delivery i.e. 30% average.
- 2.7 Clearly if a higher proportion of affordable delivery was to be taken forward through the Local Plan (such as 50%) then there would need to be a corresponding adjustment to the evidence

work underpinning the draft CIL Charging Schedule, as otherwise this would impede viability and housing delivery.

- 2.8 By the same token, other aspirations to require adherence to higher level standards for BREEAM should be tested to see whether they are necessary and proportionate, and that any cost implications arising are factored into the CIL viability work. Given that Building Regulations are increasingly stringent and broad-based and already mandatory under separate legislation, it appears unnecessary and disproportionate to require adherence to another set of partly competing guidance towards the same overall sustainability agenda.
- 2.9 We would suggest that the stark under-delivery of affordable housing and overall housing across the Plan period is one of the main failures of the proposed Local Plan. We are aware that the Inspector has stated that the Plan as presented is unsound due to inadequate justification of why the OAN is not being met and with criticism of its Green Belt assessments.
- 2.10 It could be the case that a requirement for 50% affordable delivery would render a proportion of development schemes unviable with or without reference to CIL levies. That analysis would need to be undertaken by the Council in due course.
- 2.11 Notwithstanding the above, we would encourage the Inspector to seek amendments to SP7 to the effect that schemes which would deliver in excess of the Local Plan affordability targets should be afforded very substantial positive weight.
- 2.12 The Council has rejected a number of Green Belt sites contiguous with Development Limits (such as HS20) and other sites contiguous with built form (such as Swanley Bar near Little Heath) which proposed 50% affordable housing, apparently giving no weight to the substantial contribution to affordable housing delivery.
- Q34 Does the Council's affordable housing delivery estimate marry with its objectively assessed need for affordable housing?*
- 2.13 The Council's OAN evidence advises that the affordable housing **requirement** over the Plan period of 12518 homes. However, the OAN evidence suggests a more realistic **delivery** of 160 affordable homes per annum if the overall delivery was 800 homes per annum (effectively 20% affordable). It is noteworthy that the Council's general targets for affordable delivery average at 30% (with some variation by geography) but by implicit reference to the delivery of smaller schemes and some viability arguments that Turley have assumed that 20% delivery

is more realistic.

- 2.14 Given that the Council's overall Plan target is 12000 homes (632 per annum) then if one were to assume that affordable provision was secured at 20% of housing delivery (in line with the OAN advice) then this would secure delivery of 126 affordable units per annum and 2402 over the Plan period.
- 2.15 By implication, this would represent a shortfall of 10116 affordable homes over that same period (only 19% delivery of the affordable OAN). We would suggest that the stark under-delivery of affordable housing and overall housing across the Plan period is one of the main failures of the proposed Local Plan.
- Q35 If not why doesn't it and what steps does the Council propose to take to ensure that sufficient housing is built and available to meet the needs of all households?*
- 2.16 The Council's OAN evidence advises that the affordable housing requirement over the Plan period of 12518 homes, which is profiled on the basis of higher delivery in the first five years then tailing off to 602 affordable homes per annum.
- 2.17 Given that the Council's overall Plan target is 12000 homes (632 per annum) then if one were to assume that affordable provision was secured at 20% of housing delivery (in line with the OAN advice) then this would secure delivery of 126 affordable units per annum and 2402 over the Plan period. By implication, this would represent a shortfall of 10116 affordable homes over that same period (only 19% delivery of the affordable OAN).
- 2.18 Clearly if a higher proportion of affordable delivery was to be taken forward through the Local Plan (such as 50%) then there would need to be a corresponding adjustment to the evidence work underpinning the draft CIL Charging Schedule (which assumes 30%), as otherwise this would impede viability and housing delivery.
- 2.19 We would suggest that the stark under-delivery of affordable housing and overall housing across the Plan period is one of the main failures of the proposed Local Plan. We are aware that the Inspector has stated that the Plan as presented is unsound because there is inadequate justification of why the OAN is not being met and with criticism of its Green Belt assessments. We also note the questioning during the Hearings which challenged the notion that the release of certain Green Belt sites now could be unacceptable whilst being deemed acceptable shortly afterwards through a Local Plan Review.

- 2.20 We would respectfully urge the Inspector to demand that the Council to review their Green Belt testing which we conclude should result (all parties acting reasonably) with more of these sites being held to be capable of being deemed acceptable for Green Belt release and therefore resulting in housing delivery meeting the OAN at a much earlier point in accord with Government advice.
- 2.21 It could be the case that a requirement for 50% affordable delivery would render a proportion of development schemes unviable with or without reference to CIL levies. That analysis would need to be undertaken by the Council in due course. Notwithstanding this, we encourage the Inspector to seek amendments to SP7 so that schemes which would deliver in excess of the Local Plan affordability targets should be afforded very substantial positive weight.
- 2.22 The Council has rejected a number of Green Belt sites contiguous with Development Limits (such as HS20) and other sites contiguous with built form (such as Swanley Bar near Little Heath) which proposed 50% affordable housing, apparently giving no weight to the substantial contribution to affordable housing delivery.
- 2.23 Certainly in the case of HS20, this is a site which should be capable of allocation especially given the substantial contribution to affordable housing needs. This was rejected as part of the Stage 2 Green Belt assessment without any proper basis, and we will seek to address this more fully as part of the Stage 4 Hearing sessions. This is an example of where the Council has not met its duty to explore all reasonable options to meet objectively assessed needs.

Q36 In that context are the Council's affordable housing targets justified?

- 2.24 We have set out above that the Council's OAN work has profiled that actual delivery will likely be at or around 20% of the overall supply which in the context of a 12000 target will be circa 2400. By reference to the affordable OAN of 12518 over the Plan period, this would represent a shortfall of 10116 affordable homes over that same period (only 19% delivery of the affordable OAN). The Council's affordable housing targets are not justified because they do not remotely meet the evidence in terms of need.
- 2.25 We would respectfully urge the Inspector to demand that the Council to review their Green Belt testing which we conclude should result (all parties acting reasonably) with more of these sites being held to be capable of being deemed acceptable for Green Belt release and therefore resulting in housing delivery meeting the OAN at a much earlier point in accord with Government advice.

2.26 Notwithstanding the above, we would encourage the Inspector to seek amendments to SP7 to the effect that schemes which would deliver in excess of the Local Plan affordability targets should be afforded very substantial positive weight.

Q37 Is the rural exceptions sites policy compatible with paragraph 86 of the National Planning Policy Framework in as far as it relates to Green Belt villages?

2.27 Paragraph 86 sets out a context wherein it would be appropriate for an LPA to identify Green Belt villages, i.e. where the open character of the village would make an important contribution to the openness of the Green Belt. Other than that, the character of that village should be protected by other means (such as Conservation Area status) which would mean that it should be released or not identified within the Green Belt.

2.28 The above implies that a process should be had where the contribution of these villages to the Green Belt purposes should be undertaken and then assessed. We would be grateful if the Inspector was to seek clarification from the Council as to how this has been undertaken within their evidence, and if he is not satisfied then this should form part of the additional work on Green Belt Review.

2.29 Clearly if this process were to conclude that currently identified Green Belt villages should be released from Green Belt, then by implication proposed development schemes contiguous with these new development boundaries should be re-assessed in that light. As we have set out previously, the Council's methodology which rejected all non-contiguous sites (regardless of whether they were in an open field setting or adjacent to a Green Belt village) is a blunt tool and not fit for purpose.

Q38 Are the housing mix policies too restrictive?

2.30 We would be concerned if these housing mix policies proved to be overly onerous and hindered the supply of housing. We would be grateful if the Inspector was to seek clarification from the Council as to how this has been tested within their evidence.

Q39 Does the plan sufficiently cater for the needs of older people, particularly in villages?

2.31 The Plan sets out a requirement for housing to serve the needs of older people as part of the overall housing target which we already know substantially fails to meet the OAN. As such, there will be a great challenge and competing pressures as to how housing needs can be met within an overall target figure which is bluntly inadequate.

2.32 It will inevitably be the case that (on the basis of the currently proposed Local Plan) that there will be sites which are not allocated but could be described as being accessible. It would perhaps be more effective to add in a further clause to this policy to the effect that substantial positive weight should be afforded to proposals which would deliver material contribution to the need for housing for older people. The support of such a proposal would (by consequence) increase overall supply and more specifically the supply of housing for older people. This would of course reduce the development pressure on sites in the centre of villages which might then improve the prospects of them being developed out and providing a material contribution to these housing needs.

Q40 Does the plan adequately cater for the needs of younger households?

2.33 As a wider community we draw upon a range of resources, but the relative importance (to individuals) varies as a consequence of their own needs at that point in time. For younger households, the availability of starter homes and school places are high priority matters.

2.34 Educational facilities are a key infrastructure item, and new development will inevitably result in a pressure to identify opportunities to deliver educational resources in appropriate locations. We would accept that the identification of sites for new or extended schools (primary and secondary) is not necessarily a straightforward exercise.

2.35 It is very clear that a number of development sites have been rejected on the basis of a deemed under-supply of school places, as well as issues around their spatial distribution. We would urge the Council and the Inspector to make stronger efforts to ensure that the educational land resource does not become an overriding impediment to the realisation of other planning objectives including much needed housing and by consequence reduces employment aspirations.

2.36 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 address infrastructure issues by strategic work with partner agencies (which include the education authority and neighbouring local authorities) and remove the impediments to better meeting objectively assessed needs.

2.37 A central failure of the Local Plan is its recognition of the chronic undersupply of secondary school places 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.

- 2.38 We would argue that it is imperative that the Local Plan identifies measures to fulfil the needs of its residents and workforce. Paragraph 158 of the NPPF 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."

- 2.39 The emerging Plan (by failing to provide enough affordable homes and secondary school places) rejecting sites on the basis of undersupply of schoolplaces) would be unsound because it is not positively prepared and conflicts with the requirements of paragraph 182 of the NPPF.

Q41 Has the plan made the correct assumptions concerning the proportion of both the young and the elderly population requiring communal housing and by default market and other affordable housing?

- 2.40 We make no specific comments in this respect, other than to state that it is clear from the OAN evidence that the Plan fundamentally fails to demonstrate how it will meet the objectively assessed housing needs or the latent affordable housing requirement.

Q42 Should residential development proposals have to demonstrate how the mix of tenure, type and size of housing on a site has had regard to and will reflect the latest available evidence of housing need and market demand?

- 2.41 It is somewhat odd that the applicant might be required to undertake this and demonstrate this, when the Council has so plainly failed to do so through its own submitted Plan. We would urge the Inspector to resist this stipulation which implies that the applicant might have to undertake evidence base work on behalf of the Council.

- 2.42 If the Inspector were minded to agree that there is merit in the demonstration of housing mix, then we would urge the Inspector to oblige the Council to agree to update their evidence base on a regular rolling basis and to accept that it represents the "latest available evidence" until they replace it in due course.

- 2.43 On a related point, the Plan aspires to affordable delivery in the range of 35-40%, and as such

there would need to be a corresponding adjustment to the evidence work underpinning the draft CIL Charging Schedule (which assumes 30%), as otherwise this would impede viability and housing delivery.

- 2.44 There is a clear potential here for a glaring error (if the Council were to adopt a Local Plan which was markedly deficient in terms of objectively assessed need) which would be identified by a mismatch with what the latest available evidence would actually say and what could be deemed acceptable by the adopted Local Plan.

Q43 Should nationally derived dwelling space standards be included in the policy?

- 2.45 We would urge the Inspector to resist such stipulations unless he is convinced that this is consistent with the evidence base and is inclusive of flexibility to respond to local circumstance or changes to the evidence base within the Plan period.

Q44 Is the requirement for gypsy and traveller accommodation founded on a robust evidence base that is fit for purpose?

- 2.46 We make no specific comments in these respects.

Q45 What reliance should be placed on the estimate that only 61 new pitches are required?

- 2.47 We make no specific comments in these respects.

Q46 Does the policy address the immediate rather than long term need for gypsy and traveller pitches?

- 2.48 We make no specific comments in these respects.

Q47 Should tables 4 and 5 be complementary?

- 2.49 We make no specific comments in these respects.

3.0 Summary

- 3.1 We trust that the above representations are clear. We are scheduled to attend the Hearing on 21st February in person but would note that some of the points we have made are also pertinent to other questions which were raised (under different policy headings) through EX43. We therefore ask that the Inspector seeks that the Council provides robust responses to the questions that have been set, at the point he feels is appropriate to do so.
- 3.2 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.