

**Welwyn and Hatfield Borough Council**  
**Draft Local Plan - Examination in Public**

**Stage 3 Hearing Sessions, 20-22 February 2018**

**Matter 4 – Topic Specific Policies**

**Statement on behalf of Hill Residential, Landform Estates and Potterells Farm Partnership (the Promoters), who are promoting land at Welham Green.**

Each of the Promoters has made their own representations to the draft plan, but have common interests, which this statement addresses. This statement does not prejudice the ability of the promoters to submit further statements, either jointly or independently, to future matter sessions.

**Executive Summary**

The Promoters at Welham Green consider that the Council's failure to provide for adequate infrastructure, or its argument that such infrastructure cannot be provided, including new schools, has contributed to a reduction in the proposed housing requirement to 12,000 in the period 2013-2032, against an identified OAN of between 12,616 to 13,433 new homes (664-707 dpa) (as per the 2015 SHMA). This is an artificial constraint and the Promoters have demonstrated that the education requirement of Welham Green can be met in full.

**1 INTRODUCTION**

1.1 This Joint Hearing Statement (JHS) has been prepared on behalf of;

- Hill Residential who has an interest in land South of Welham Manor (WeG3)
- Landform Estates who control Skimpans Farms, Bulls Lane (WeG6)
- Potterells Farm Partnership who has an interest in land at Potterells Farm (WeG15)

1.2 These sites have each been assessed as being suitable, available and achievable for residential development in Welwyn and Hatfield Borough Council's (WHBC) HELAA. Sites WeG1, WeG10 and WeG12, also at Welham Green, have been similarly assessed as being suitable for residential development in the HELAA. WHBC has not proposed the allocation of any of these sites, which

collectively have capacity for 447 dwellings, due to a claimed education capacity constraint. In effect, the Plan fails to make adequate provision for education needs and then imposes that as a constraint on meeting housing needs, whereas the Plan should meet housing needs and then set out how the supporting infrastructure will be delivered.

- 1.3 This JHS responds to the Issues and Questions raised by the Inspector in respect of Matter 4. Question 138, in relation to proposed Policy SP 14 New Schools, is of most relevance in respect of the approach taken to growth at Welham Green, although proposed Policy SP 13 Infrastructure Delivery is also addressed.

### **Supporting Information**

- 1.4 The following supporting documentation is included with this statement:

1. Education Position Statement (EPS) prepared by EFM Consultants;
2. School Delivery Plan (SDP) prepared by EPDS Consultants;
3. A Memorandum of Understanding (MoU) prepared by the Promoters;
4. Green Belt Review prepared by Terence O'Rourke;
5. Transport Statement prepared by Vectos; and,
6. Letter from Landform Estates dated 24 January 2018.

### **Welham Green Background**

- 1.5 Despite determining the suitability, availability and achievability of the six sites, WHBC has only proposed limited growth at Welham Green during the plan period restricting it to 92 homes, including 80 dwellings at Marshmoor (WeG4b) and 12 gypsy and travellers pitches at Foxes Lane (GTLAA01). As set out in the Housing Sites Selection Document (June 2016), the Council rejected making further allocations at Welham Green *inter alia*, on the grounds of the limited capacity at the existing St Mary's Church of England Primary School, which is a 1FE Voluntary Aided School, run under the auspices of the Diocese of St Albans. The result is a reduction in housing requirement against the OAN based on an artificial education restriction. This is an unjustified approach and one that is not supported by the evidence.
- 1.6 Following the Regulation 19 consultation on the Draft Local Plan Submission Document, the Council, at a Cabinet Housing and Planning Panel Meeting on 16 March 2017, subsequently

introduced insufficient secondary school capacity in the area as a further justification for not providing the additional growth at Welham Green.

## **2 POLICY SP 14 NEW SCHOOLS**

### **Q.138 Does the plan make adequate provision for the increased educational capacity required to service the additional school population generated by the proposed development?**

- 2.1 Firstly, it is assumed that the 'proposed development', as noted in the inspector's question, constitutes the full OAN. It is important to note that the Council's failure to provide for adequate infrastructure, or its argument that such infrastructure cannot be provided, including new schools, has contributed to a reduction in the proposed housing requirement to 12,000 in the period 2013-2032, against an identified OAN of between 12,616 to 13,433 new homes (664-707 dpa) (as per the 2015 SHMA). This artificial constraint (we say that education needs can be met) represents a significant shortfall of up to 1,433 homes against the upper range. The 2017 SHMA update, which uses the most recently published 2014 based Sub-National Household Projections, suggests that 15,067 (793 dpa) new homes are now required. However, even this falls some way short of an OAN of 877 dpa that results from the Government's recently published standard methodology (September 2017), which, importantly, does not take into account employment growth.
- 2.2 However, whichever OAN scenario is eventually adopted, WHBC is seeking to under-provide for housing need by a considerable margin, citing in part, educational capacity as a constraint. The Draft Local Plan does not therefore provide for the increased educational capacity required to meet the needs arising from the full OAN, nor does it satisfy the requirements of NPPF Paragraph 47 to meet in full the OAN for market and affordable housing.
- 2.3 The Promoters at Welham Green consider that the alleged constraints imposed by infrastructure requirements, in this case both primary and secondary education, in restricting the proposed level of new homes at Welham Green is contributing to the Council's failure to meet its identified OAN. The Council's approach is unjustified, is contrary to the findings from their own evidence base, including the HELAA, and is in direct conflict with the requirement at NPPF Paragraph 14 for local planning authorities to positively seek opportunities to meet the development needs of their area. Indeed, WHBC has not taken "a proactive, positive and collaborative approach" to meeting the requirement for additional school places that would enable the growth needs of the borough to be

met in line with NPPF Paragraph 72. This has included a failure to properly consider known reasonable alternatives, including the potential for additional primary school capacity at Welham Green.

2.4 Accordingly, the question is not one as to “whether adequate provision for increased educational capacity has been made to support the proposed level of development in the draft plan”, but rather **“whether adequate provision for increased educational capacity has been made to support the level of development required to help meet the OAN for housing in full”** (in line with NPPF Paragraph 47).

2.5 Indeed, we would respectfully suggest that the point of principle in front of this examination is **‘whether it is legitimate or justified to constrain housing provision on the basis of education capacity, and if so, where evidence demonstrates such a constraint does not exist as a matter of fact?’**

#### **Additional education capacity at Welham Green**

2.6 The Draft Local Plan is proposing to locate only 0.8% of new homes (92 out of 12,000 dwellings) in Welham Green. However, Welham Green is home to approximately 4% of the Borough’s population. If a ‘pro rata’ spatial strategy was applied across the Borough to meet the requirement of 12,000 new homes, Welham Green would accommodate 480 new homes. This would increase to 505 or 538 new homes if applying the lower and upper ends of the OAN in the 2015 SHMA. Interestingly, 480 units is almost the same as the original draft allocation at Welham Green. The pro-rata requirement at Welham Green would increase to 603 dwellings if the OAN in the 2017 SHMA is used.

2.7 The imbalance in the allocation and its inconsistency with the spatial strategy is exacerbated by the designation of Welham Green as a Large Village in the settlement hierarchy reflecting the higher level of services, infrastructure and transport accessibility (e.g. a mainline railway station). This is a valuable transport resource, offering sustainable transport opportunities, that is unavailable in almost every other settlement within the Borough. Welham Green has accordingly been identified by WHBC as a ‘main focus’ for development outside of Welwyn Garden City and Hatfield however, the draft allocations are inconsistent and at odds with its high level of infrastructure.

- 2.8 Whilst, this has resulted in Welham Green having the largest draft employment allocation in the Borough, which is logical, the reduced level of housing is not logical and is contradictory to its hierarchy and capacity. This will create unsustainable patterns of growth through travel to work patterns and an unbalanced settlement. This will put further pressure on the local retail offer, which is already suffering commercially due to an ageing and falling population.
- 2.9 Additional housing growth at Welham Green would therefore be wholly consistent with WHBC's spatial strategy, it would help deliver the homes needed to meet the OAN and deliver a more sustainable pattern of growth. Allocating the six sites will deliver 447 new dwellings and these allocations will be sufficient to fund the provision of additional primary education capacity, and thus address any capacity constraint (if justified). A site has been identified which can accommodate either a new 1 FE School, or a relocation of the existing school and its expansion to 2 FE. A Green Belt Review and Transport Assessment have been undertaken, which consider the cumulative impacts of the six sites together with the new school. These demonstrate that there are no significant cumulative impacts that would prevent delivery.
- 2.10 This JHS and supporting EPS, SDP and MoU provide an overview of key education matters associated with providing additional growth at Welham Green and confirm:
- i. there is no overriding primary school capacity constraint at Welham Green;
  - ii. there are no grounds on which to restrict the provision of new homes at Welham Green on the basis of secondary school capacity. There is an identified need for additional secondary school capacity within the plan period but the failure to identify a third secondary school site for this has, in contrast to the approach at Welham Green, not prevented the allocation of suitable sites for housing elsewhere in the borough; and,
  - iii. there is agreement between the six land owners and The St Albans Diocese in respect of the delivery of a new 2FE primary school in Welham Green.

### ***Primary school capacity***

- 2.11 Hertfordshire County Council (HCC), as the local education authority, has not identified education capacity as a constraint to development at Welham Green. In fact, they have expressed support for higher levels of growth (around 500 new homes) at Welham Green, as this would generate the

higher level of demand needed to facilitate additional primary education capacity. Further details of HCC's position are provided in the EPS, including their consultation response to the draft Local Plan in January 2015.

- 2.12 HCC has taken the view that the existing 1FE primary school is not capable of being expanded and expressed a preference for a higher level of development to facilitate demand for a new 2 FE primary school.
- 2.13 HCC's Development Scenario Assessment – School Places (31 May 2016) put forward the relocation of the existing 1FE primary school and an expansion to a 2FE. They made it explicitly clear that it is for WHBC to assess these options through considering site selections. However, a review of the correspondence between HCC and WHBC on 6 June 2016 and 13 June 2016 demonstrates that there has been no credible review by either party of the school capacity issues. Yet, despite this, and somewhat strangely, WHBC maintain that primary education capacity is a constraint to development at Welham Green.
- 2.14 The SDP demonstrates that deliverability of a new primary school at the proposed new site is both viable and achievable. The MoU sets out the commitment of the Promoters to enter into formal agreement, subject only to the allocation of the sites, thereby binding the Promoters to implement the SDP. The Promoters have engaged with the Diocese who has confirmed their support to become the funder (in part) and operator of the new 2FE primary school.

### ***Secondary school capacity***

- 2.15 Emerging Policy SP14 confirms WHBC's position that a site for a third secondary school should be identified, **"if available evidence indicates that a site for a third secondary school to serve the borough is required"**.
- 2.16 WHBC's proposed approach to secondary school education provision in the draft plan would result in a 2 FE shortfall across the Borough. As a result, HCC has advised that the proposed secondary school at SDS5 (HAT1) should make provision for 10 FE, or alternatively a site for a third school should be identified. The need for a third additional secondary school for the Borough, irrespective of housing growth at Welham Green, has now effectively been established, especially to help meet the pupil demand created by meeting the full OAN housing numbers.

- 2.17 Not only is there uncertainty of the capacity of the proposed secondary school at SDS5 but HCC has concerns with the timing of its delivery. Clearly, the need for additional secondary education capacity in Hatfield is a factor affecting all allocations in the Hatfield area. This needs to be resolved irrespective of any allocations at Welham Green and this should be achieved through Main Modifications rather than a future review of the Local Plan. HCC has a statutory duty to meet the education needs of the community. This can be achieved through the provision of additional capacity as well as management of catchments. It is certainly not a justification for restricting the provision of new homes below need. The Local Plan should plan to meet housing needs. The County Council should then plan to meet the education needs which arise.
- 2.18 Whatever the approach, the allocation of an additional 447 new homes at Welham Green will not materially affect the need for new secondary capacity in the Hatfield area, as any shortfall would not occur until later in the plan period after which the longer term secondary capacity in any event will have been increased.
- 2.19 WHBC with HCC should undertake work to demonstrate a third school site is available and these should be included as Main Modifications to the Draft Local Plan. The modifications should include allocations for the additional 447 new dwellings at Welham Green. However, even if WHBC or HCC decide to defer the further work on secondary school capacity to a later review of the Local Plan, then the additional sites at Welham Green should still be allocated through the Main Modifications to the Draft Plan given the need for green belt boundaries to endure beyond the plan period in line with NPPF Para 83. Otherwise, how could these sites come forward for development once education capacity issues have been addressed?

### **3 POLICY SP 13 INFRASTRUCTURE DELIVERY**

- 3.1 WHBC should therefore update their Infrastructure Delivery Plan (IDP) to provide the infrastructure that is necessary to meet an increase in the proposed housing requirement that will help meet the OAN for housing in full. This will need to include additional forms of entry for both primary and secondary school education in the Borough and require further consideration of funding sources, through CIL and S106, delivery mechanisms, timescales, etc.

## **4 SUMMARY AND PROPOSED MAIN MODIFICATIONS**

- 4.1 WHBC's approach to the provision of education capacity is contributing to the Council's failure to meet the OAN for housing in full and is in direct conflict with the requirements of NPPF Paras 14 and 182.
- 4.2 On primary school provision, WHBC has failed to suitably assess the option recommended by HCC to provide a relocated and enlarged primary school at Welham Green. In doing so, the Council has overlooked the position advanced by the Promoters, which demonstrates that there is land available for an enlarged primary school that is suitable, available and achievable for development, and that a suitable delivery mechanism can be achieved. Instead, the Council has sought to rely upon the capacity of the existing school as a reason to constrain the provision of new homes.
- 4.3 On secondary school provision, the additional sites at Welham Green should not be treated any differently from other suitable sites in the Borough when it comes to providing for increased capacity. Even as the Draft Plan stands there is need for WHBC to further assess how secondary school capacity, especially in and around the Hatfield area, will be addressed.
- 4.4 The current local plan process is the key mechanism by which new infrastructure and services are to be planned and delivered across the Borough and in a manner, that is consistent with the spatial strategy, whilst meeting the needs of the community in a sustainable manner. The duty of the Council is to plan for the correct level of new housing and for HCC, as education authority, to provide for the education needs generated by that housing.
- 4.5 Through the preparation of the material that supports this Statement, the Promoters at Welham Green have provided a comprehensive review and offered a deliverable solution to the education position at Welham Green.
- 4.6 **The Promoters at Welham Green consider the following Modifications can be made to the draft Local Plan and should include:**
- **Policy SP 2 - Increase the housing target to meet an OAN of at least 15,067 new homes;**
  - **Policy SADM - Allocate additional sites in the Borough including at Welham Green for residential development;**

- **Policy SP 14 - Identify the location of the third secondary school OR commit to the identification of the site through a review of the local plan;**
- **Policy SP 14 - Identify the location of the site for a new primary school at Welham Green.**

#### **Attendance at the Examination in Public**

4.7 It is anticipated that Barton Willmore, Hill Residential, Terence O'Rourke, EFM and EPDS will attend the Examination on behalf of the Promoters at Welham Green and we respectfully request a seat at the table to facilitate this.