

WELWYN HATFIELD BOROUGH COUNCIL
CABINET HOUSING AND PLANNING PANEL – 11 APRIL 2013
REPORT OF THE DIRECTOR (STRATEGY AND DEVELOPMENT)

PROPOSED INCREASE IN THE CAPACITY OF LONDON LUTON AIRPORT

1 Executive Summary

- 1.1 Luton Borough Council has received a planning application (12/01400/FUL) for development at London Luton Airport which would result in an increase in capacity from 9.5 million passengers per year (mppa) to 18 mppa. There are some concerns relating to the noise generated by the increased frequency of aircraft taking off and landing at the airport and the lack of any analysis of impacts on the B653.
- 1.2 This report recommends that the Panel instruct the Head of Planning to object to the planning application on the basis of these concerns.

2 Recommendation(s)

- 2.1 That the Panel agree that the Head of Planning should write to Luton Borough Council to object to planning application 12/01400/FUL as set out in section 11 of this report.

Implications

3 Financial Implication(s)

- 3.1 There are no specific financial implications arising from this report.

4 Link to Corporate Priorities

- 4.1 The proposed development will have no direct implications for the council's corporate priorities.

5 Legal Implication(s)

- 5.1 There are no specific legal implications arising from this report.

6 Climate Change Implication(s)

- 6.1 The Sustainability Statement submitted with the planning application states that, in overall terms, the proposed development would result in a significant increase in annual CO₂ emissions by 2028, though the CO₂ emissions per passenger would reduce from 2011 levels.

7 Risk Management Implications

- 7.1 Although it is important that the council responds to this consultation, the Panel needs to be aware that our response also has to be proportionate to the issues

raised and the resources available to pursue the objections. In the event that it is the wish to formally pursue these objections through for example a call-in, there will be significant implications for the delivery of the core strategy based on the current level of resources available.

8 Policy Implications

- 8.1 There are no policy implications for Welwyn Hatfield arising directly from this proposal.

9 Background

- 9.1 In 2012, two sets of proposals were made to increase the capacity of London Luton Airport (LLA) - one by the operator of the airport, London Luton Airport Operations Ltd and another by the owner of the airport, London Luton Airport Ltd. These were the subject of public consultation, but did not reach the stage of being submitted as planning applications. The Director (Strategy and Development) wrote to each of these organisations objecting to their proposals. These proposals were also the subject of objections by Hertfordshire County Council and other Hertfordshire districts and boroughs. This council supported the county council's concerns about the proposals which included:

- The haste with which LLA intend to submit the planning application (by April 2012), the lack of evidence to accompany this application and the lack of consideration of alternatives. This process seems to be being driven by contractual pressures.
- That the Government is about to review aviation policy nationally, which could alter the context for considering a planning application of this type.
- Unlike the other three large airports serving London, there is currently no limit on night flights from Luton airport, but this should be introduced to protect the local environment and provide people with certainty.
- That forthcoming planning applications should include a comprehensive analysis of the future noise implications of growth proposals and be proactive in coming forward with proposals for improvements and mitigation.
- That the scale of the proposal may require that it should be determined by the Infrastructure Planning Commission and not the local planning authority.

- 9.2 Additionally, this council raised concerns about the paucity of information about noise, particularly from night flights, that no consideration was being given to the mitigation of impacts on the highway network in Hertfordshire and that aspirations for a greater proportion of passengers to access the airport by public transport were not being addressed in terms of improvements to access by public transport from Welwyn Hatfield.

- 9.3 The new planning application has been agreed between the operator and the owner of the airport and will be considered by Luton Borough Council in due course.

10 Explanation

- 10.1 Various works are proposed in and around the existing airport with the aim of increasing capacity from 9.5 million passengers per year (mppa) to 18 mppa by 2028. The proposed development is broadly in line with the government's draft Aviation Policy Framework, for which there was public consultation during 2012.

To some extent, the concerns previously raised have been addressed in this planning application. The approach is more considered than previous proposals as there appears to be agreement between the operator and the owner of the airport. Some restrictions on the number of night flights are now proposed, together with a fining system for aircraft breaching the agreed noise limit. Although the proposals place great store by the fact that newer aircraft will become quieter over time, it is not clear that these measures would compensate for the increase in aircraft movements over time.

- 10.2 The noise contour maps submitted with the planning application show a slight increase from 2011 in the area affected in the daytime by the 57 dBA Leq noise contour (which is considered to be the lowest level of noise that adversely affects living conditions during the day) as a result of the proposed development and no change in the area affected at night by the 48 dBA Leq noise contour (which is considered to be the lowest level of noise that adversely affects living conditions at night). It should be borne in mind, however, that these noise contours are at some distance from the nearest parts of Welwyn Hatfield (about 5km in the daytime and 5.5km at night from Ayot St Lawrence and further still from Oaklands and Welwyn). If growth in air travel to and from London Luton Airport happens more quickly than envisaged by this proposal, then it is possible that the area covered by these noise contours could be greater before it recedes to the levels envisaged for 2028. However, the Noise Assessment included with the planning application shows that even if present day aircraft were used at the passenger throughputs envisaged, the footprint of the noise contours would not expand significantly. The expansion proposals represent an ideal opportunity to put in place a more vigorous Night Noise Policy that is focused on the meaningful protection of residents affected by the proposals.
- 10.3 The main highway improvements proposed as part of this development relate directly to the access road to the airport. Funding has already been obtained for improvements to Junction 10A of the M1, which is the main route used by passengers accessing and leaving the airport by road (though a final decision has not yet been made to proceed). The main route for accessing the airport from Welwyn Hatfield is the B653 via Wheathampstead and Harpenden. The Transport Assessment accompanying the planning application states that about 2% of passengers accessing or leaving the airport travel by this route and that this proportion is unlikely to change with the proposals. It is notable that no improvements are planned for this route as part of the planning application either in terms of the carriageway itself or improving public transport access from Welwyn Hatfield. In this context, it is important to note that modelling work done on behalf of this council predicts that, even with no development in Welwyn Hatfield, vehicle flows will exceed 95% of capacity on the section of the B653 from Lemsford to Wheathampstead during the AM and PM peaks by 2031.

11 Conclusions

- 11.1 The proposed development at London Luton Airport is unlikely to have a significant affect on Welwyn Hatfield in terms of noise levels. However, it is important to note that the frequency of noise from the airport is likely to increase even if the volume does not. It is also a potential matter of concern that additional traffic generated by the expansion of the airport could exacerbate congestion likely to be experienced on the B653 close to Welwyn Garden City.

11.2 Accordingly, members may wish to recommend that an objection is made to the planning application on the basis that there is not a clear analysis of the frequency of aircraft noise and that more detailed analysis should be made of the impact of this proposal on the B653 from Welwyn Garden City to Luton including the possibility of improving public transport accessibility along this route.

12 Equality and Diversity

12.1 There are no equality and diversity implications arising directly from this report.

Chris Conway
Director (Strategy and Development)
11 April 2013

Background Papers:

Design and Access Statement, London Luton Airport Operations Limited, November 2012 http://www.eplan.luton.gov.uk/plannet/documentstore/DC19512388-224-1_01_A.PDF

London's Local Airport Planning Application – Sustainability Statement, November 2012 http://www.eplan.luton.gov.uk/plannet/documentstore/DC19512388-229-1_01_A.PDF

London's Local Planning Application – Transport Assessment, URS, November 2012 http://www.eplan.luton.gov.uk/plannet/documentstore/DC19512388-311-1_01_A.PDF

Environmental Statement, London Luton Airport Operations Limited, November 2012 http://www.eplan.luton.gov.uk/plannet/documentstore/DC19512388-283-1_01_A.PDF

WELWYN HATFIELD BOROUGH COUNCIL
CABINET HOUSING AND PLANNING PANEL – 11 APRIL 2013
REPORT OF THE DIRECTOR (STRATEGY AND DEVELOPMENT)

THE COMMUNITY INFRASTRUCTURE LEVY

1 Executive Summary

- 1.1 The Community Infrastructure Levy (CIL) allows local authorities to raise funds from developers undertaking new building projects in their area, which can be used to fund a wide range of infrastructure required as a result of development.
- 1.2 The statutory basis for charging CIL was introduced by the Planning Act 2008. Following this, the Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010, allowing CIL to be charged for the first time.
- 1.3 Since then, the CIL Regulations 2010 have been amended twice: first by the CIL (Amendment) Regulations 2011, and then more recently by the CIL (Amendment) Regulations 2012.
- 1.4 A third amendment to the CIL Regulations 2010 is however expected later this year, as the Government has just laid the draft CIL (Amendment) Regulations 2013 before parliament.
- 1.5 In addition to publishing amendments to the Regulations the Government has also issued new statutory guidance on CIL (December 2012) to which Charging Authorities must have regard. This replaces previous guidance and should be complied with in terms of the setting and operation of CIL.
- 1.6 Some authorities around the country have already introduced Charging Schedules, and many others are progressing towards their introduction, including four other Hertfordshire authorities which have consulted publicly on preliminary schedules.
- 1.7 The current timetable for preparation of this Council's Emerging Core Strategy and associated documents indicates that the Council will consult on a preliminary schedule at the end of 2013.

2 Recommendation(s)

- 2.1 That the Panel note the contents of this report.

Implications

3 Financial Implication(s)

- 3.1 There are no specific financial implications arising from this report. The costs of the production of the council's CIL Charging Schedule will be met from existing budgets. The CIL Regulations allow for up to 5% of total CIL revenues to be spent on administering the charge.

4 Link to Corporate Priorities

- 4.1 The preparation of a CIL Charging Schedule links to corporate priority 3 'Our Places' in relation to delivering housing growth and infrastructure.

5 Legal Implication(s)

- 5.1 There are no legal implications arising directly as a result of this report.

6 Climate Change Implication(s)

- 6.1 No climate change implications have been identified resulting from this report.

7 Risk Management Implications

- 7.1 There are no specific risk management implications arising from this report.

8 Policy Implications

- 8.1 When setting its levy and producing its CIL Charging Schedule the council must have regard to the CIL (Amendment) Regulations 2012, the draft CIL (Amendment) Regulations 2013, and the new statutory guidance on CIL, in addition to the CIL Regulations 2010 and the CIL (Amendment) Regulations 2011.

9 Background

- 9.1 The Community Infrastructure Levy (CIL) was introduced as a means of seeking to ensure that an appropriate amount of the value generated by new development is returned to the community where that development takes place, to provide for new or enhanced infrastructure. The Planning Act 2008 is the legal basis for CIL, and this Panel first received a report on Government consultation into the levy at its meeting in October 2009.
- 9.2 CIL is intended to partly supersede planning obligations under Section 106 of the Town and Country Planning Act 1990 to the extent that it will be the government's preferred means of collecting financial contributions from a number of developments which are to be pooled to provide key infrastructure. Section 106 will remain in place, however, to deal with site-specific requirements for infrastructure and affordable housing.
- 9.3 Following the 2008 Act, the Community Infrastructure Levy Regulations 2010, introduced on 6th April 2010, set out the detailed legislation governing CIL, and at the same time brought into law the tests of reasonableness for planning obligations under section 106 of the 1990 Act, which had previously been governed by Circular 05/05.
- 9.4 The Regulations confirmed that 'Infrastructure' for the purpose of CIL includes (but is not necessarily limited to) flood defences, open spaces, recreation and sporting facilities, roads and public transport, education and health facilities.
- 9.5 Shortly after the CIL Regulations 2010 came into effect, the Coalition Government came to power and there was a period of deliberation as to whether the CIL legislation would be retained. In November 2010, however, the Government announced its intention to continue with CIL, subject to modifications.

- 9.6 CIL is intended as an additional element to mainstream funding (in the form of Government direct funding, grants and bidding programmes) and is not intended to be the sole means of funding the infrastructure required to serve housing and employment growth.
- 9.7 CIL is payable by a developer or owner of land where development takes place. Once planning permission for development has been granted, the appropriate amount of CIL becomes payable on commencement of the development. CIL applies to most forms of built development, where the net floorspace to be created is over 100 square metres gross internal area. A CIL charge is set by a charging authority in terms of a fixed rate per square metre. It can be applied to any land use, although certain development by charities, affordable housing and householder development are exempt from having to pay the charge
- 9.8 The authorities entitled to set a CIL charging schedule are the unitary authorities and second-tier district or borough councils. The legislation does not allow county councils to charge CIL, though a charging authority is free to decide to pass some of its CIL revenues to a county council or another public agency for the purposes of spending on infrastructure.
- 9.9 When setting their CIL charge, a Charging Authority...*“must aim to strike what appears to be an appropriate balance between’ the desirability of funding infrastructure from the levy and the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area”*. In doing this, Charging Authorities should ensure their charging schedules are supported by evidence on economic viability and infrastructure planning.
- 9.10 To be brought into effect, a CIL charging schedule must be subject to public consultation and must pass an Examination in Public of the type already used to examine local planning documents. There is essentially a single issue to be examined; whether the level of CIL charge which an authority proposes to set would or would not “threaten the delivery of the relevant Plan as a whole”. Hence, in setting a charge, the authority must have sound evidence that the financial viability of development proposed as part of a Local Plan will not be jeopardised.
- 9.11 A charging schedule can only be introduced by a local authority once it has a sound and up-to-date development plan basis for doing so. Effectively this means a Core Strategy (or new style Local Plan), either already adopted or being submitted for examination at the same time as the proposed CIL charging schedule.

10 Explanation

- 10.1 The Localism Act 2011, introduced by the coalition government, contained a number of proposed changes to the CIL regime. Some of these concerned detailed process; however one or two were more fundamental, in particular the requirement for charging authorities to pass a meaningful proportion of all CIL revenues to the neighbourhoods where the relevant development has taken place.
- 10.2 As a result of this, new Regulations have been published by the Government to amend the original CIL Regulations 2010 and new statutory guidance has been issued to clarify how CIL operates in practice. These are discussed below:

CIL (Amendment) Regulations 2012

- 10.3 The 2012 amendment Regulations were published in December 2012 and are designed to build on best practice from other charging authorities who are now implementing CIL and to clarify some key issues in relation to how CIL operates.
- 10.4 The CIL (Amendment) Regulations 2012:
- amends the relationship between CIL and section 73 applications.
 - makes provision to extend the life of a planning consent made under article 18 of the Development Management Procedure Order
 - corrects technical errors in the main CIL liability formula for sites with both demolition and change of use
 - corrects an error which means that social housing relief may be wrongly being granted where a development includes retained housing, some of which will be used for social housing.
 - ensures that the regulations around instalment policies set by the Mayor of London and London Boroughs operate in a complimentary way
 - allows CIL to be chargeable on development granted consent by Neighbourhood Development Orders, including Community Right to Build Orders
 - makes technical amendments to implement other changes introduced by the Localism Act.

CIL Statutory Guidance (2012)

- 10.5 The Government issued new statutory guidance on 14 December 2012, under section 221 of the Planning Act 2008, that Charging Authorities must have regard to. This replaces the 'Community Infrastructure Levy Guidance: Charge setting and charging schedule procedures, March 2010'. This guidance should be complied with in terms of the setting and operation of the Levy. It sets out the evidence required and outlines the linkages between the relevant plan, CIL, s106 obligations and spending of the CIL on infrastructure.
- 10.6 The principal changes, following the issue of this guidance, are related to:
- ensuring that the CIL guidance is aligned with the National Planning Policy Framework in England (and reflects Localism Act and regulatory changes);
 - the evidence tests at examination, as charging authorities will now need to 'show and explain' how their CIL rates contribute positively towards, and not threaten delivery of their core strategy/ local plan as a whole, now and through the economic cycle
 - the introduction of a clear thread between:
 - plan-making evidence on infrastructure need,
 - the evidence on the aggregate infrastructure gap, that proves the need for CIL
 - the draft regulation 123 list that is now required at examination, that sets out the charging authority's spending plans
 - showing that in assessing the impact of the charging rate/s on the delivery of the plan as a whole, the charging authority have taken into account:
 - the costs associated with regulatory requirements
 - policies on planning obligations including affordable housing strategic sites

- clarifying the interaction between CIL and section 106 agreements, including ensuring it is as clear as possible at the point of examination how CIL will be used and how section 106 agreements will be scaled back;
- requiring the charging authorities to consult if they change the regulation 123 CIL spending list, and to review the charging schedule if the change to the list affects viability
- encouraging the use of differential rates, including for major sites (where justified by viability evidence)
- tightening the viability test at examination and the evidence to support this (for instance, through stronger wording on sampling, particularly of strategic sites)
- charging authorities should collaborate with county councils in two-tier areas on setting the rate, and agreeing CIL spending priorities, taking into account the county council's spending priorities, where possible
- developers are expected to give the charging authority support with evidence and charging authorities are encouraged to engage early with developers and be clear about their infrastructure needs and how they will be paid for.

Draft CIL (Amendment) Regulations 2013

- 10.7 These regulations are currently before parliament and are likely to come into effect in the next few months. The main points covered relate to the passing of the much advertised 'meaningful proportion' of CIL revenues from a charging authority to local councils in whose area development takes place.
- 10.8 In essence, where there is a parish or town council for an area where CIL-liable development has taken place, that council must receive from the charging authority 25% of the CIL revenues arising from the development, if a neighbourhood development plan is in place. If no neighbourhood plan is in place, then the parish or town will receive 15% of the CIL revenues, capped at £100 per dwelling in the parish or town area per year.
- 10.9 The parish or town council must spend these funds on "...the provision, improvement, replacement, operation or maintenance of infrastructure", or on "anything else that is concerned with addressing the demands that development places on an area".
- 10.10 In areas where there is no parish or town council, such as Welwyn Garden City, the charging authority will retain control of the funds but will be required to allocate equivalent proportions (i.e. 25% or 15% depending on the existence of a neighbourhood plan) to the relevant area, for the same purposes as set out in paragraph 10.9.
- 10.11 The draft regulations also contain provisions for accounting for, and monitoring, the CIL revenues, and for local councils to repay revenues to the charging authority if they remain unspent after a given period of years. In any event it is open to the local councils to agree from the outset that some or all of their proportion of the CIL revenues should remain with the charging authority for spending on infrastructure projects.
- 10.12 At present there are no neighbourhood plans adopted for any part of the Welwyn Hatfield Borough, and none at an advanced stage of preparation.

Taking CIL Forward

- 10.13 In terms of this Council's current work on CIL, officers are preparing for its introduction through attending training events and participating in the countywide CIL Reference Group, where the ten Hertfordshire districts, the County Council and other key infrastructure agencies meet to share knowledge and discuss national developments in guidance and legislation. Strategic issues around CIL and infrastructure planning are also increasingly being discussed at senior officer level through the Hertfordshire Planning Group (HPG) and in the joint member forum of the Hertfordshire Infrastructure Planning Partnership (HIPP).
- 10.14 Welwyn Hatfield is one of eight Hertfordshire districts which have jointly commissioned the Hertfordshire CIL Viability Study (stage 1 study) from consultants Lambert Smith Hampton, and this has provided much useful information and guidance on the likely CIL charges which could reasonably be achieved for different types of development, analysed by postcode areas.
- 10.15 This council will need to commission a further stage of focused viability work (stage 2) which will look at the viability of development in key broad locations and representative sites emerging through the core strategy process. This will ensure that any CIL rates set strike a balance between contributing to the funding of essential infrastructure and not jeopardising the delivery of these key housing locations.
- 10.16 The picture across Hertfordshire is that four authorities have already published preliminary draft charging schedules for consultation, as required by legislation and guidance. These are Dacorum, Three Rivers, Watford and North Hertfordshire.
- 10.17 The picture emerging from these preliminary draft schedules is that all authorities are looking to charge CIL on residential development, at a rate generally around £120 to £150 per square metre. Some are also looking to set a charge for retail developments and for certain other limited uses such as hotels and care homes. No Hertfordshire authority has yet proposed a charge for employment development. The reasons for these decisions are related to the findings of the stage 1 viability study, and to these authorities' own stage 2 work, regarding the different values to be realised in current market conditions from developments for the different uses.
- 10.18 The adoption of a CIL charge needs to be informed by infrastructure planning work on the core strategy. In the light of the above, it is currently planned to consult on a preliminary draft charging schedule alongside the proposed submission version of the Core Strategy. The draft schedule would then be submitted for examination at the same time as, or shortly after, the core strategy examination.
- 10.19 There is currently an incentive for councils to have a CIL in place as soon after April 2014 as possible, because that is the date where restrictions on pooling section 106 contributions will come into force. This will particularly affect funding for those services administered by the County Council, such as education and transport, which currently benefit from the 'standard charge' approach set out in the HCC Planning Obligations Toolkit.
- 10.20 On the administrative side, this council has recently entered into contract with a supplier to obtain new computer software for monitoring section 106 obligations, and the system has been procured with a full specification for administering CIL in the event that the council adopts the charge. Officers from planning, finance

and legal services have been involved in this process, together with the council's IT contractor, Steria. As previously stated, the administrative costs of setting up and running a CIL charging regime can be recouped from CIL revenues up to a maximum of 5% of total revenue.

11 Conclusions

- 11.1 The CIL legislation and guidance are quite complex and have been subject to a number of amendments and developments reflecting the current Government's thinking around 'localism' and 'incentivising development'. Notwithstanding this, CIL presents an important opportunity to ensure that development, where profitable, contributes to funding the infrastructure required to meet the demands placed on services within the borough. This is particularly important as the borough attempts to accommodate substantial housing growth over the next sixteen years.

12 Equality and Diversity

- 12.1 This is a report for noting, so there are no direct implications for equality or diversity arising from the report.

Chris Conway
Director (Strategy and Development)
April 2013

Background Papers: CIL Guidance and Regulations as discussed in report.

WELWYN HATFIELD BOROUGH COUNCIL
CABINET HOUSING AND PLANNING PANEL – 11 APRIL 2013
REPORT OF THE DIRECTOR (STRATEGY AND DEVELOPMENT)

THE CORE STRATEGY – NEXT STAGES

1 Executive Summary

- 1.1 Consultation on the Emerging Core Strategy took place between November 2012 and January 2013. Over three thousand representations and four petitions have been received and over three thousand to the Land for Housing Outside Urban Areas.
- 1.2 The representations are currently being processed and analysed. Those representation received on paper and by email are in the process of being added to the website.
- 1.3 The report sets out the next steps for producing the next version of the Core Strategy and identifies areas of further work which will need to be carried out.

2 Recommendation(s)

- 2.1 That the Panel note the next steps for the preparation of the Core Strategy and agrees to the publication of a e-newsletter.

Implications

3 Financial Implication(s)

- 3.1 There are no specific financial implications arising from this report. The costs of the production of the technical work will be met from existing budgets.

4 Link to Corporate Priorities

- 4.1 The preparation of the Core Strategy is a corporate target of the council, as part of the *Our Places* priority. Consultation is linked to the council's "*Our Council*" priority in the Welwyn Hatfield Business Plan 2012-2015.

5 Legal Implication(s)

- 5.1 It is a legal requirement that consultation associated with the preparation of a Core Strategy (and any other development plan documents) is carried out in accordance with the Statement of Community Involvement (SCI) and the Local Development Scheme. The Localism Act 2011 introduced the Duty to Cooperate, not only with other planning authorities but also with bodies such as the Local Enterprise Partnership (LEP).
- 5.2 The council is required in accordance with the Planning and Compulsory Purchase Act 2004 to carry out a Sustainability Appraisal of the economic, social and environmental sustainability of the strategies and policies within a

development plan document. Strategic Environmental Assessment (SEA) is also a statutory assessment process, required under the SEA Regulations (Statutory Instrument 2004, No 1633). SEA and SA are separate processes but have similar aims and objectives and both requirements may be satisfied by undertaking a joint SA/SEA process, and a Sustainability Appraisal report that incorporates the requirements of the SEA Regulations. Because of the potential impact of growth on Europa 2000 sites (that is sites of international significance which are designated for their habitat value) the council also has a duty to carry out a Habitats Regulations Assessment.

- 5.3 Planning legislation requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Core Strategy once adopted would form part of the development plan.
- 5.4 Section 7 below highlights the risks of legal challenge. This particularly relates to the Sustainability Appraisal process. Case law at the High Court makes it clear that the reasonable alternatives to the preferred strategy have to be appraised through the Sustainability Appraisal in as much detail as the strategy itself.
- 5.5 In addition, as a consequence of the introduction of the National Planning Policy Framework (NPPF) there is a level of uncertainty on how some sections of the Framework should be interpreted.

6 Climate Change Implication(s)

- 6.1 No climate change implications have been identified resulting from this report.

7 Risk Management Implications

- 7.1 The NPPF gave local planning authorities 12 months to prepare local plans before its provisions took full effect. The 12 months expired at the end of last month. Although it is early in the new regime there is an increased risk of speculative applications being submitted if progress is not being made.
- 7.2 The NPPF also allows for some weight to be given to emerging policies depending on the stage they are at, their consistency with the NPPF and the extent of objections.
- 7.3 The requirement to make speedy progress on the preparation of the Local Plan, the introduction of the presumption in favour of sustainable development and the concept of Neighbourhood Plans in the NPPF make it critical that progress is made on moving forward with the Core Strategy to adoption at the earliest opportunity.
- 7.4 There is a risk of the Core Strategy being found unsound if it is not justified by the technical evidence or if it does not result in a deliverable strategy. The presumption in favour of sustainable development and the lack of an up to date plan would result in pressure on the Green Belt and planning by appeal.
- 7.5 The risk of delaying preparation of the Core Strategy needs to be weighed against the risk of legal challenge or being found unsound at a later stage. We are managing these risks by a number of methods. Firstly, by engaging consultants who specialise in Sustainability Appraisal. Secondly, the consultation on the Emerging Core Strategy allows us to reflect on the responses to the

consultation before finalising the draft strategy at Proposed Submission stage. It also is a public statement of the council's direction of travel and demonstrates that the council is in the process of preparing a plan. Prior to finalising the proposed submission document legal advice will be sought.

8 Policy Implications

- 8.1 The Core Strategy is the key planning policy document in the Local Development Framework or Local Plan. It should help to deliver the spatial implications of other strategies in particular the Sustainable Community Strategy. It sets out how much growth should be planned for over the plan period, where growth should be directed to, what areas should be protected and what infrastructure is required. The NPPF requires councils to positively seek opportunities to meet the development needs of an area.
- 8.2 Local planning authorities should use their evidence base to ensure that their Local Plan meets objectively assessed needs for housing with sufficient flexibility to adapt to rapid change unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or where specific policies in the Framework indicate development should be restricted.
- 8.3 The Localism Act introduced the Duty to Cooperate. The NPPF lists those strategic matters over which there may need to be cooperation. This includes strategic priorities relating to growth and infrastructure. Local planning authorities will be expected to demonstrate how joint working has taken place. This could be by way of joint documents, strategies or through a memorandum of understanding.
- 8.4 The Localism Act makes provision for the revocation of Regional Spatial Strategies (RSSs) and the East of England Plan was formally revoked on 3rd January 2013. This means that for the first time this council has the responsibility of setting its own housing requirement.

9 Background

- 9.1 Well over three thousand representations have been received to the Emerging Core Strategy and associated consultation documents, with two thousand of these arriving in the last few days. At the time of writing the report the representations were still being processed and analysed. It is therefore not possible to provide a full analysis of the issues raised in the representations at this stage. A further report will therefore be brought back to this Panel on this matter.
- 9.2 In addition not all of the infrastructure providers have responded and we will need to follow this up before the next version of the Core Strategy and the Infrastructure Delivery Plan is prepared.
- 9.3 However it is already clear from an initial analysis that there will be a need for further technical work to be carried out before the council can consider what changes need to be made to the Core Strategy in order to be compliant with the NPPF and the test of soundness.
- 9.4 **Objective Assessment of need for growth.** A number of representations have been received expressing concerns that either the figures for housing growth are

either too high or too low. Our evidence base will need to be updated to reflect latest census data and household projections together with further demographic profiling of the population that will be generated by our housing numbers to aid infrastructure planning.

- 9.5 A number of respondents also considered that we have not assessed the impact of growth on other objectives in the NPPF. The consultation has been successful in drawing this out in some cases and we will be able to use some of the responses received to make more explicit statements on this impact but further work will need to be done in some areas (see paragraph 9.8 below).
- 9.6 **Distribution strategy.** The distribution strategy in the Core Strategy along with other policies will be reviewed as part of the consideration of what changes need to be made to the Strategy in response to the representations and will ultimately be a matter for testing at the Examination in Public. One respondent in particular has expressed concern that the process of selecting option 4 was procedurally incorrect as the most sustainable option was not selected. It is considered that there was no procedural error in selecting option 4.
- 9.7 Nearly all of the borough lies within the sand and gravel belt. The county council has stated that it requires more detailed evidence that development can take place without sterilising minerals within the broad locations, the urban extensions and safeguarded land. This comment also applies to those locations which were considered to be unsuitable in the Land for Housing Outside Urban Areas. Discussions are taking place with the County Council as to what form this will need to take.
- 9.8 **Infrastructure capacity.** Both the Highways Agency and the Highways Authority have identified the need for further transport modelling work to test what highway improvement mitigation measures will be required. Whilst the Core Strategy proposed deferring this work to the Area Action Plans the Highways Agency considers that this further detailed modelling needs to take place now to demonstrate the deliverability of the Core Strategy. This work has commenced and will aid the preparation of the IDP and help to meet the more onerous requirements introduced by the 2012 Regulations for the preparation of the CIL Charging Schedule. The Highways Agency has advised that there is insufficient road capacity on the strategic road network to accommodate housing numbers in the borough over and above 7,200 dwellings.
- 9.9 St. Albans Council also consider that further modelling is necessary and have advised that the recent appeal decision for the rail freight terminal is likely to have an impact on congestion in the area which will need to be taken into account.
- 9.10 It is extremely disappointing to report that to date no response has been received to this round of consultation from Thames Water and Affinity with regards to infrastructure requirements. The Environment Agency has requested that the council should work closely with both Thames Water and Affinity. The Environment Agency has referred to the Mimram as being of international importance although there is no formal designation. Should it become a designated SAC or SPA then this would have implications for the Habitats Regulatory Assessment and proposals for growth in the borough. It is clear that the Water Framework Directive will have an impact on water abstraction levels from the Mimram and water supply

- 9.11 **Historic Environment.** A request has been made for the designation of Panshanger Airfield as a conservation area. In order to consider whether the airfield would meet the test for designation as an area of ‘special architectural or historic interest’ it will be necessary to carry out an appraisal. As this area is affected by proposals in the Core Strategy it is considered that this will need to be carried out to inform before the next version of the document is published.
- 9.12 **Strategic Green Belt Review.** St. Albans representations refer to the preliminary report of the Planning Inspector’s into the Dacorum Core Strategy which refers to the need for a strategic Green Belt review. This would of necessity include land in St.Albans. St.Albans City and District Council have therefore requested that that Welwyn Hatfield should also be included in this work. A number of objectors have also made the point that a formal review needs to take place. In preparing the Core Strategy this council has taken the same approach as that adopted by Dacorum in assessing the impact on the purposes of the Green Belt of individual broad locations rather than a comprehensive review of the whole borough.
- 9.13 **Strategic Sporting Facilities.** Sport England has advised the council of the strategic significance of Panshanger Airfield as a facility for one of their recognised air sports, that of of light aircraft. In spite of Sport England participating in the recent Sports Strategy for Welwyn Hatfield last year this was not identified as a strategic facility at that time. Further work will need to be done to clarify the evidence for the need for such a facility. The Light Aircraft Association who are the governing body for the sport have also objected.
- 9.14 **Duty to cooperate.** A number of meetings have taken place with neighbouring authorities on the implications of the Core Strategy. Agreement has not been reached on numbers and further discussions will be scheduled over the forthcoming months.
- 9.15 **CIL stage 2 viability assessment.** A separate report is on this agenda updating Members of the implications of the new CIL Regulations 2012. Once we have confirmed the infrastructure requirements with regards to proposals for growth Stage 2 of the viability assessment can be carried out. This will be needed to demonstrate deliverability of the plan.
- 9.16 **Information on sites and housing land supply.** Additional information has been submitted by a number of landowners and some new sites have been promoted all of which will need to be assessed.

10 Explanation

- 10.1 Because of the implications of paragraph 215 of the NPPF from March 27th 2013 the District Plan will have less weight in decision making when determining planning applications. The Annual Monitoring Report has identified that we currently have a six year land supply but this will run out if good progress is not made on producing the Core Strategy. This all means that we need to make good progress with the Core Strategy if we are to avoid planning by appeal.
- 10.2 It is clear from this early analysis of some of the representations that further technical work will be required in order for the plan to meet the requirements of the NPPF and the test of soundness before any consideration can be given as to what changes need to be made to the Emerging Core Strategy. Work has already commenced on commissioning some of this work with the intent that this be completed by the summer.

10.3 Once the technical work is complete we can then consider what amendments need to be made to the Core Strategy for further consultation.

10.4 It is intended to produce an e- newsletter which will also be published on the website setting out the next steps.

11 Equality and Diversity

11.1 As this report is simply for noting rather than developing a new policy or amending an existing policy approach, an Equalities Impact Assessment has not been carried out.

Chris Conway
Director (Strategy and Development)
11th April 2013

WELWYN HATFIELD BOROUGH COUNCIL CABINET HOUSING AND PLANNING
PANEL -11 APRIL 2013
REPORT OF THE DIRECTOR (STRATEGY AND DEVELOPMENT STRATEGY
AND DEVELOPMENT)

North Hertfordshire District Council Local Plan 2011-2031 - Housing Options Growth
Levels and Locations 2011-2031 Consultation Paper February 2013 & Community
Infrastructure Levy preliminary Draft Charging Schedule

1.0 Executive Summary

- 1.1 This report puts forward a response to North Hertfordshire District Council's consultation on Housing Options, Growth Levels and Locations. The deadline for responses is Thursday 28th March and therefore the response was formed in liaison with the Executive Member for Planning and Business.
- 1.2 There are two consultation documents, the Housing Options Growth Levels and Locations and the Community Infrastructure Levy (CIL) preliminary draft charging schedule. The CIL schedule is at the preliminary draft stage and we have no specific comments at present.
- 1.3 The Housing Options Growth Levels and Locations is divided into three sections, part 1 deals with the Housing Numbers, part 2 the Strategic Sites and part 3 the non strategic sites. There has been previous consultation on emerging housing targets in February 2012, however this took place before the publication of the NPPF, which makes clear that needs should be objectively assessed.
- 1.4 The document suggests that a total of 10,700 homes for North Hertfordshire could be the appropriate level for the period 2011-2031.
- 1.5 A large number of possible sites have been investigated which have been put forward by landowners and Developers which consist of :
- Strategic - over 1,000 dwellings which would require at least one completely new primary school.
 - Non strategic - less than 1,000 dwellings.
- 1.6 The Housing Options paper can be found at www.north-herts.gov.uk/housingoptions and the CIL preliminary draft charging schedule at www.north-herts.gov.uk/CIL. A full consultation response is set out as Appendix A.

2.0 Recommendation

- 2.1 That the Panel notes the response to the consultation on the North Hertfordshire District Council Local Plan 2011-2031 Housing Options Growth Levels and Locations 2011-2031 Consultation Paper February 2013 as set out in Appendix A to this report.

Implications

3.0 Financial Implication(s)

- 3.1 There are no specific financial implications arising from this report.

4.0 Link to Corporate Priorities

- 4.1 There are no confirmed links to the council's corporate priorities.

5.0 Legal Implication(s)

- 5.1 There are no legal implications arising directly as a result of this report.

6.0 Climate Change Implication(s)

- 6.1 No climate change implications have been identified resulting from this report.

7.0 Risk Management Implications

- 7.1 It is not currently clear if there are any implications for Welwyn Hatfield but in order to manage potential risk in terms of what this could mean for future policy development or joint working requirements, it is considered prudent to raise the concerns set out in Appendix A.

8.0 Policy Implications

- 8.1 Because of the stage North Hertfordshire District Council is at in their plan preparation, it is not currently clear if there are any policy implications for Welwyn Hatfield. One of the tests of soundness is that local plans should be prepared positively, that is seeking to meet objectively assessed development requirements including unmet requirements from neighbouring authorities where it is reasonable to do so. Because they have identified that we share a housing market area, their assessment potentially has implications for the borough.
- 8.2 Furthermore the housing target for North Hertfordshire may impact on shared infrastructure in particular the A1(M). The extent of this impact on this borough is dependent on the location of the sites which is yet to be decided by North Hertfordshire.

9.0 Background

- 9.1 In response to changes in the development plan system and the revocation of the East of England Plan, North Hertfordshire District Council has decided to stop work on its separate Development Plan Documents and instead prepare a new Local Plan. Its Core Strategy and Development Management Policies have already been through a second stage of consultation with Preferred Options published in 2007.
- 9.2 There have been two previous consultations on Land Allocations, Issues and Options in January 2008 and in July 2009 with the publication of Land Allocations – additional suggested sites Issues and Options paper for consultation. The latter was reported to the Cabinet Planning and Transportation Panel on the 15th of October 2009. There was also consultation on housing numbers in February 2012 suggesting a target of 7,000 homes over 2011- 2031.
- 9.3 The responses from the current consultation will inform the Proposed Submission Local Plan for North Hertfordshire which, if adopted, would replace the Saved Policies of the North Hertfordshire District Plan.

10.0 Explanation

- 10.1 The document is divided in to three sections, part 1 deals with the Housing Numbers, part 2 the Strategic Sites and part 3 the Non Strategic Sites.

Part 1 Housing Numbers

- 10.2 This section discusses the changes to legislation and the devolution to District Councils of responsibility for setting housing targets under the Localism Act. As mentioned in paragraph 8.2 above, an initial consultation was carried out in February 2012 with a target of 7,000 homes over the period 2011-2031. However after the publication of the National Planning Policy Framework, North Hertfordshire decided to carry out a Strategic Housing Market Assessment (SHMA) to help it identify it's objectively assessed needs for housing.

Possible targets from the Strategic Housing Market Assessment

- 10.3 The consultation document considers 10 housing targets ranging from the nil net migration of 5,900 dwellings which is for reference only, through to the former East of England target of 15,800 dwellings.
- 10.4 The targets include low, mid and high trend migration excluding and including the impacts of Great Ashby. Great Ashby is north east of Stevenage, part of which is within Stevenage Borough but which mostly lies within in North Hertfordshire. The development was justified in the 1990s as meeting the needs of Stevenage.
- 10.5 The table also includes an employment led target based on the East of England Forecasting Model - Autumn 2010 (10,700 dwellings) based on local

economic considerations and the ONS/CLG 2008 based projections.(14,600 dwellings). North Hertfordshire consider that the SHMA figures are more robust than the ONS/CLG or the former East of England Plan target because they are more up to date.

10.6 The SHMA has also identified housing market areas. The document mentions that the district straddles 5 housing markets:

- Stevenage and the A1 corridor
- Cambridge
- Luton
- St Albans and
- Welwyn Garden City

Codicote is considered to be part of the Welwyn Housing Market Area.

10.7 North Hertfordshire has chosen 10,700 dwellings as a potential target, as they consider it would cater for:

- A low trend migration option that includes the impact of Great Ashby
- A high trend migration option that excludes the impact of Great Ashby and
- The employment led East of England Forecasting Model

10.8 They state that above 10,700 dwellings, there is a serious question of deliverability because it is rare that the District has seen more than 700 homes completed in a year. This statement would seem to imply that 14,000 dwellings are deliverable. It is unclear whether North Hertfordshire has considered their delivery rates over different periods or economic cycles. 10,700 dwellings over 20 years would average at 535 per annum, and it is recommended that they include an analysis over periods of recession and growth to compare with their planned housing target.

10.9 The proposed housing target of 10,700 dwellings from 2011-2031 seems to be a reasonable approach following the updating of the scenarios for growth with the SHMA.

Part 2 Strategic Sites

10.10 The document summarises information on each of the strategic sites, including, what and where and who; information on the housing market area; Sustainability Appraisal; landscape assessment; and implications identified in the Infrastructure Delivery Plan and transport modeling. A summary of the results of their Planning Assessment Matrix is also included. The matrix deals with environmental constraints, Green Belt, deliverability, transport / accessibility and the relationship to housing need. There are seven strategic sites which the consultation is considering.

- South and West of Hitchin - 6,000-7,400 dwellings to include new neighbourhood centres, schools businesses and a southern bypass - 442 hectares.
- North of Letchworth Garden City -1,000 dwellings to include a new school and potentially a new neighbourhood centre - 45 hectares. I would query whether this level of development is enough to deliver a new neighbourhood centre . Our research suggests that this quantity is not sufficient to deliver local shops and this could impact on the sustainability of this location.
- East of Luton 1,000-1,400 dwellings to include a new neighbourhood centre and school - 67 hectares. I have similar concerns about the ability of this level of development to deliver a new neighbourhood centre.
- Rush Green west of Stevenage – 1,000 dwellings - 19 hectares, in the same area as west of Stevenage but not connecting to the settlement. The sustainability of this proposal should be questioned as it is poorly connected, lacks facilities or infrastructure, there is the potential for flooding. Development here could have a potential negative impact on the local road network and North Hertfordshire should seek the views of the County Council as Highways authority on this matter.
- North of Stevenage -1,000-1,700 dwellings. This site could only proceed if adjoining land to the south within Stevenage were included. Development as a whole likely to be nearer 2,300 homes of which 600 would be within Stevenage.
- North East of Stevenage - 2,000-5,700 dwellings to include schools, neighbourhood centres and some land for employment development adjoins the recently developed Great Ashby area. Road access to this site is not straightforward.
- West of Stevenage - 3,600- 5,000 dwellings including neighbourhood centres, schools, employment land and open space. This site would require joint master planning work and could only proceed if the adjoining land to the east in Stevenage Borough were included.

10.11 The consultation paper does set out the advantages and disadvantages of each site and there would seem to be some issues of deliverability, which North Hertfordshire would need to address. The document states that a number of distribution scenarios have been modeled, incorporating different permutations of the strategic sites, and this has identified that there would be problems with junctions 7 & 8 of the A1(M). Substantial upgrades to the sewerage system would be required for all the major development sites on the edge of Stevenage with extensive reinforcements / upgrades to the gas network. There are therefore likely to be implication for Welwyn Hatfield arising from their approach to growth.

Part Three Non-Strategic sites

10.13 130 sites were assessed in the Strategic Housing Land Availability Assessment (SHLAA) against three tests:

- Suitability- is it physically possible to build here?
- Availability- is there a willing landowner?
- Achievability - is it plausible that development here might be financially deliverable ?

10.14 96 sites passed the tests and were then assessed using the following criteria:

- Priority 1 most likely to be acceptable - comprising previously developed land within existing settlements boundaries.
- Priority 2 moderately acceptable green field sites within existing settlement boundaries or sites outside existing settlement boundaries but considered less likely to be controversial, based on 2007 Core Strategy preferred options paper and responses to the 2008 & 2009 Land Allocations.
- Priority 3 Least likely to be acceptable includes all sites not categorized as priorities 1 or 2

These broad priority assessments are not definitive.

10.15 The overall totals are;

- Priority 1 1,154 dwellings (1130 in towns, 24 in villages)
- Priority 2 1,623 dwellings (1287 in towns, 336 in villages)
- Priority 3 4,595 dwellings (1988 in towns, 2607 in villages)

Knebworth sites 52,53,55,57 and 58

10.16 There are 8 sites around Knebworth, two of which (54 and 56) are on the northern edge of the parish, adjoining the southern edge of Stevenage. All the sites surrounding Knebworth, except the two mentioned previously, are counted as village sites. All the sites are classified as Priority 3 except a small site with capacity for eight homes within the village, which is priority 1.

10.17 The two sites west of Knebworth could provide 530 dwellings, and 3 sites to the east of Knebworth could provide 317 dwellings.

10.18 This council has previously objected to the 5 sites surrounding Knebworth through the Land Allocations Suggested sites Consultation (July 2009). The grounds for objection included the undermining of the Spatial Strategy put forward in the Core Strategy Preferred Options paper (2007), infrastructure constraints and impact on coalescence and visual amenity. These objections

have been reiterated. It is noted that these sites are now classified as priority 3 sites which means they are the least likely to be accepted.

Codicote sites 29, 30, 31, and 32

- 10.19 There are three sites remaining (site 31 to the west of the village has already failed a SHLAA site test) which could potentially be allocated, all of which are counted as village sites. One of these (site 32) to the east of Codicote is priority 2 and could provide 48 dwellings, the other sites to the south and west could provide 86 dwellings but these are priority 3.
- 10.20 It is noted that two of the sites are priority 3 but site 32 is priority 2 and therefore is considered moderately acceptable in the consultation. We have objected to the sites around Codicote previously, through the Land Allocations Suggested Sites Consultation (July 2009) on grounds including the undermining of the Spatial Strategy put forward in the Core Strategy Preferred Options paper (2007), infrastructure constraints and impact on coalescence and visual amenity. These objections have been restated.

Kimpton Sites 44,42,43 K/r01,K/r02 K/r3 and 144

- 10.21 There are five remaining sites surrounding and within Kimpton which could potentially be allocated, (sites Kr/3 and 42 have already failed a SHLAA site test) and all of which are counted as village sites. One site for 11 dwellings (144) within the village is ranked as priority 1, three other sites for 60 dwellings (K/r01,K/r02 and 44) as priority 2, and another site (43) for 33 dwellings as priority 3.
- 10.22 It is noted that K/r01 and K/r02 are priority 2 and are within the village envelope, however site 44 is also priority 2 and outside the settlement boundary. We have objected to some of the sites around to the South of Codicote (44,42 and 43) previously, through the Land Allocations Suggested Sites Consultation (July 2009) including the undermining of the Spatial Strategy put forward in the Core Strategy Preferred Options paper (2007), infrastructure constraints and impact on coalescence and visual amenity. I would reiterate these objections.

11. Conclusion

- 11.1 Appendix A sets out the response to North Hertfordshire which incorporates points we have previously made in response to growth around some of their villages.
- 11.2 Concern is also expressed that the level and distribution of growth, will potentially impact on the A1(M) and its feeder roads and hence place further pressure on the A1(M) junctions and increase congestion generally. The strategic sites around Stevenage will also impact on Rye Meads Waste Water Treatment Works. This could have a consequential impact on growth and choice of sites within Welwyn Hatfield which is also served by the same

infrastructure. There is a need for joint working on planning for growth under the Duty to Co-operate along the A1M and East Coast mainline corridor.

- 11.3 The consultation document implies that there is considerable capacity within North Hertfordshire. If all the strategic sites were to come forward they could provide up to 23,200 dwellings (highest estimate) with further additional capacity 7,372 from sites around the smaller towns and villages. This clearly exceeds the dwelling requirement of the borough. The NPPF does, as part of the test of soundness (paragraph 182), require local planning authorities to consider the extent to which it could meet the unmet needs of neighbouring authorities and it should be noted that a number of respondents to the Emerging Core Strategy consider that our objectively housing need should be higher than 7,200 dwellings.
- 11.4 Whilst it is considered highly unlikely that North Hertfordshire could deliver 30,000 dwellings within the plan period, not least because of the lack of capacity of its infrastructure particularly on the A1(M), Rye Meads and other deliverability issues, this will need to be clearly set out with clarification about what the impacts of meeting higher levels of growth are and the extent to which this would harm the objectives of the National Planning Policy Framework.
- 11.5 The document refers to the fact that North Hertfordshire has rarely delivered more than 700 dwellings. There does not appear to have been any analysis of delivery rates over a ten, twenty or thirty year period to reflect delivery rates across economic cycles. Such an analysis may help to strengthen the point North Hertfordshire is making on deliverability.

12.0 Equality and Diversity

- 12.1 As this report is simply for noting rather than developing a new policy or amending an existing policy approach, an Equalities Impact Assessment has not been carried out.

Chris Conway
Director (Strategy and Development)
11th April 2013

Appendix A: Response to the consultation

Background papers

North Hertfordshire District Council Local Plan 2011-2031 Housing options Growth Levels and Locations 2011-2013

North Hertfordshire District Council Local Plan 2011-2031 Housing Options Growth Levels and Locations 2011-2031 Consultation Paper (February 2013)

Response from Welwyn Hatfield Council

With regard to the above consultations this Council has the following comments and concerns

1. Your Council's proposed housing target of 10,700 over a 20 year period from 2011-2031 would appear to be reasonable as it is based on the evidence in the latest Strategic Housing Market Assessment carried out for North Hertfordshire District Councils .
2. The level of growth proposed, depending on which sites are chosen could impact on the A1(M) and its feeder roads and hence place further pressure on the A1(M) junctions and increase congestion generally. The strategic sites around Stevenage will also impact on Rye Meads Waste Water Treatment Works. This could have a "consequential impact on growth and choice of sites within Welwyn Hatfield which is also served by the same infrastructure. There is therefore a need for joint working on planning for growth under the Duty to Cooperate along the A1M and East Coast mainline corridor.
3. If all the strategic sites were to come forward they could provide up to 23,200 dwellings (highest estimate) with further additional capacity 7,372 from sites around the smaller towns and villages. This clearly exceeds the dwelling requirement of the borough and the NPPF does, as part of the test of soundness(paragraph 182), require local planning authorities to consider the extent to which it could meet the unmet needs of neighbouring authorities. It should be noted that a number of respondents to Welwyn Hatfield's Emerging Core Strategy have suggested that our objectively assessed housing need should be higher than 7,200 dwellings.
4. Whilst it is considered highly unlikely that North Hertfordshire could deliver 30,000 dwellings within the plan period, not least because of the lack of capacity of its infrastructure particularly on the A1(M) , Rye Meads and other deliverability issues, this needs to be clearly set out with clarification about what the impacts of meeting higher levels of growth are and the extent to which this would harm the objectives of the National Planning Policy Framework in delivering a wide choice of high quality homes.
5. The document refers to the fact that North Hertfordshire has rarely delivered more than 700 dwellings per annum. There does not appear to have been any analysis of delivery rates over a ten, twenty or thirty year period to reflect delivery rates across economic cycles. Such an analysis may help to strengthen the point North Hertfordshire is making on deliverability.
6. Because the consultation document would appear to have been prepared in the absence of a vision or a settlement strategy it is difficult to be clear how much growth would be directed to the villages and the towns. If all the

potential locations were to come forward then this would have a significant impact on the character of the villages and possibly the towns as well.

7. This council wishes to advise caution on the deliverability of neighbourhood centres for the proposed amounts of development, on two of the strategic sites, North of Letchworth Garden Village, and East of Luton and whether this is insufficient to deliver a new neighbourhood centre which would incorporate shops. We are of the view that 1500 dwellings would be needed to deliver a new neighborhood centre.
8. The council question whether development at the strategic site at Rush Green would be a sustainable location for growth as it is poorly connected to the existing settlement, lacks facilities or infrastructure and there is the potential for flooding. There is also the potential for it to have a significant impact on the local road network and the views of the Highways Authority should be obtained. In combination with other sites it would also appear to have an impact on the A1M.
9. The council has previously commented on the non-strategic sites in response to the North Hertfordshire District Council Land Allocations Suggested Sites Consultation (July 2009) and would wish to reiterate these concerns. Where we have referred to the previous SA we are not aware that this has been updated for the current consultation.

1. Knebworth Sites 52, 53, 55, 57 and 58

It is noted that the sites surrounding Knebworth are now classified as priority 3 sites. The following comments were previously raised by Welwyn Hatfield in response to consultation on these sites.

- Development on the edges of the village of Knebworth would be contrary to the aim of the North Hertfordshire Core Strategy Preferred Options Paper (September 2007) for the following reasons:

It would undermine the spatial strategy which seeks to locate growth in accordance with the settlement hierarchy. Within the settlement hierarchy, the village of Knebworth is identified as a larger village where development only within the boundary of the settlement is allowed.

The additional suggested sites are outside of the boundary of the village of Knebworth and their development would therefore be contrary to the spatial strategy as set out in Core Policies C and F.

- The analysis for Knebworth at paragraph 3.64 of the Core Strategy Preferred Options paper identifies that there are infrastructure constraints notably the primary school which is operating close to capacity.
- In addition, sewage capacity at Rye Meads is constrained. The East of England Capacity Study identifies significant capacity difficulties at Rye Meads sewage treatment works which serves much of the north of Welwyn Hatfield, as well as

Knebworth and Codicote, and other areas proposed for new housing developments within the East of England.

- Development of the five sites promoted around the edge of Knebworth would erode the very narrow bands of countryside which separate Knebworth from surrounding settlements. All the sites are open and exposed where development would be highly visible.
- Sequentially preferable sites were identified within the boundary of Knebworth in the land allocations issues and options paper (January 2008).

The SA/SEA identified that sites 52, 53, 55, 57 and 58:

- Do not meet SA objective 2(a) to minimise development of greenfield land and other land with high environmental and amenity value. The sites are all green field and agricultural land grade 3.
- Do not meet SA objective 3(d) to reduce pollution from any source. The sites are all situated in a source protection zone.
- Do not meet SA objective 6(a) to use natural resources efficiently.
- There is uncertainty regarding the sites ability to meet objective 2(c), to deliver more sustainable location patterns and reduce the use of motor vehicles. This is due to capacity constraints at the primary school, resulting in additional trips to other schools.
- In addition there is uncertainty regarding objective 5(a), to share the benefits of prosperity fairly. Due to constraints on schools and social infrastructure.

The SA for site 58, objective 2(c) on page 183 appears to have a typo in the classification, it shows a √ and the others are ?/√.

2. Codicote Sites 29, 30, 31 and 32

It is noted that Site 32 at Codicote is now classified as priority 2 and therefore is considered moderately acceptable in the consultation. The following comments were previously raised by Welwyn Hatfield in response to consultation on these sites.

- Development on the edges of the village of Codicote would be contrary to the aim of the North Hertfordshire Core Strategy Preferred Options Paper (September 2007) for the following reasons:

It would undermine the spatial strategy which seeks to locate growth in accordance with the settlement hierarchy. Within the settlement hierarchy, Codicote is identified as a larger village where development only within the boundary of the settlement is allowed.

The additional suggested sites are outside of the boundary of the village of Codicote and their development would therefore be contrary to the spatial strategy as set out in Core Policies C and F.

- There are significant constraints on the capacity of infrastructure to deal with waste water. The East of England Capacity Study identifies significant capacity difficulties

at Rye Meads sewage treatment works which serves much of the north of Welwyn Hatfield, as well as Codicote and Knebworth, and other areas proposed for new housing developments within the East of England.

- We note that the SA/SEA for Codicote highlights a weakness that Codicote has no doctor's surgery (page 224).
- Development of the four sites promoted around the edge of Codicote would erode the very narrow bands of countryside which separate Codicote from surrounding settlements.
- Sites 29, 31 and 32 are particularly open and exposed. Development here would be highly visible from Welwyn Hatfield.
- Development of sites 29 and 30 would lead to further coalescence between Codicote and Welwyn village.

The SA/SEA identified that sites 29 to 32:

- Do not meet SA objective 2(a) to minimise development of greenfield land and other land with high environmental and amenity value. The sites are all green field and agricultural land grade 3.
- Do not meet SA objective 3(b) to protect and enhance landscapes. The landscape character area assessment recommends these are improved and conserved.
- Do not meet SA objective 3(d) to reduce pollution from any source. The sites are all situated in a source protection zone.
- Significantly, it also found the location of each of the sites is likely to promote commuting.

3. Kimpton Sites 42, 43, 44, 45, 46, 47 and 48

It is noted that Site 44 at Kimpton is now classified as a priority 2 site and therefore is considered moderately acceptable in the consultation. The following comments were previously raised by Welwyn Hatfield in response to consultation on these sites.

- Development around Kimpton, sites 42 to 48, at would be contrary to the aim of the North Hertfordshire Core Strategy Preferred Options Paper (September 2007) for the following reasons:

It would undermine the spatial strategy which seeks to locate growth in accordance with the settlement hierarchy. Within the settlement hierarchy, Kimpton is identified as a smaller village where development only within the boundary of the settlement is allowed.

The additional suggested sites are outside of the boundary of the village of Kimpton and their development would therefore be contrary to the spatial strategy as set out in Core Policies C and F.

- There are significant constraints on the capacity of infrastructure to deal with waste water and we note that sewerage constraints are highlighted in the SA and SEA for Kimpton.
- Sequentially preferable sites were identified within the boundary of Kimpton in the land allocations issues and options paper (January 2008).

The SA/SEA identified that sites 42 to 44:

- Do not meet SA objective 2(a) to minimise development of greenfield land and other land with high environmental and amenity value. The sites are all green field and agricultural land grade 3.
- Do not meet SA objective 2(c) deliver more sustainable location patterns and reduce the use of motor vehicles. There is no access to rail services within the village and it is a long distance to the next major town where employment is likely. The SA concludes that this is likely to encourage use of motor vehicles for commuting from village areas.
- Do not meet SA objective 3(d) to reduce pollution from any source. The sites all impact on a source protection zone.
- Do not meet SA objective 6(a) to use natural resources efficiently. There are identified constraints within the village and development pressures could increase the problem.