

Examination of the Welwyn/Hatfield Local Plan 2013-32
Strategic Matters Duty to Cooperate:-
Inspectors Preliminary Questions

Having now read the Local Plan (LP) and much of the supporting information that relates to strategic matters, the Inspector is beginning to formulate the issues that may need to be discussed at the Hearing sessions and is coming to preliminary conclusions as to the areas of the plan that it may not be easy to find sound, either because of the nature of the supporting information or the lack of it. To assist the process, in the first instance he has asked me to write to you about your approach to the Duty to Cooperate and he has set out some questions. He would value your brief comments on these.

Matter 1 – The duty to co-operate

Issue

Whether the Council has complied with the duty to co-operate in the preparation of the Plan.

Housing market area

- 1) Paragraph 178 of the National Planning Policy Framework (NPPF) says that public bodies have a duty to cooperate on planning issues that cross administrative boundaries. It also says at paragraph 14 that Local Planning Authorities (LPA's) should positively seek to meet the development needs of their area.
- 2) Chapter 2 of the Strategic Housing Market Assessment 2014 acknowledges that Welwyn and Hatfield (WH) District does not constitute a Housing Market Area (HMA) that meets an appropriate combination of the indicators recommended within the National Planning Policy Guidance (NPPG). At paragraph 2.16 and in Appendix 3, the conclusion is reached that the borough operates within a wider Strategic Housing Market Area (SHMA) that includes all or parts of eight adjacent authorities, including two London Boroughs.
- 3) That document also suggests that it has not been feasible to prepare a SHMA to assess the full housing needs of this area and working with neighbouring authorities within the housing market area, because of differences in plan timescales. Nevertheless, Chapter 4 to Appendix 3 indicates that four of the five affected Hertfordshire authorities, Broxbourne, East Hertfordshire, North Hertfordshire, St Albans and Stevenage published SHMAs in 2013. Barnett and Enfield are a part of Greater London and are predominantly in a London Housing Market so that their direct participation would be doubtful in any event. LPs are currently being examined in East Hertfordshire, North Hertfordshire, St Albans and Stevenage.
- 4) The concept of the Duty to Cooperate was introduced in the 2011 Localism Act so it is not new. Whilst the NPPG recognises that a coordinated approach to Strategic Housing Market Assessment may have been initially difficult in some areas, it says that LPAs should coordinate future housing reviews. That part of the document was

published over three years ago in March 2014, following an earlier draft version.

- 5) It is noted that the study, into local Housing Market Geography, identified a more localised HMA based on most of WH district and adjacent wards in six other authorities and that both the 2014 and 2017 SHMAs established a Full Objective Assessment of Housing Need (FOAHN) for this area, the former feeding into the LPs strategic preparation. A housing requirement of just under 50% of the overall need is attributed to WH, the remainder is disproportionately spread among the other six authorities. However, nearly all of this is attributed to four authorities, Barnet, East Hertfordshire, Hertsmere and St Albans.
- 6) The housing proposals in the submitted plan do not meet the FOAHN identified at the time of preparation and they fall far short of meeting that identified in 2017.

Questions

SHMA

- 1) What engagement took place with the Hertfordshire authorities within the SHMA to ascertain their ability to participate in the production of a joint SHMA both at the time of the commencement of WH's 2014 SHMA and when the subsequent 2017 update was prepared and what was the outcome of this engagement?
- 2) If no joint working was possible, why was this and what evidence is there to demonstrate that WH sought the cooperation of other LPAs in the SHMA on this matter.
- 3) Does the situation regarding the relative timing of plans in the different authorities, really justify the Council's apparent approach to the issue of co-operation on housing provision?
- 4) Has there been a requirement to revise/update the SHMAs produced by the other LPAs since 2013?
- 5) If so what involvement has WH had in these reviews and what efforts were made to coordinate this further work between WH and its neighbours in this context.
- 6) Is there a comprehensive picture as to the housing need within the SHMA that WH is a part?
- 7) If not why not?
- 8) If so, to what extent is this being met by WH and the other LPA's?
- 9) If not can it be demonstrated that housing provision is being fully met in this SHMA and in accordance with National Guidance?
- 10) If there is a shortfall, where is this shortfall expected to be accommodated?
- 11) In the absence of a joint SHMA what evidence did WH seek and obtain from potential partner authorities in order to build up a comprehensive picture of the overall housing needs of the SHMA.

LHMA

- 12) What involvement did the affected LPAs have in defining the LHMA and the production of its FOAHN.

- 13) To what extent have they endorsed the findings of the LHMA assessment and the resultant FOAHN?
- 14) Are all of the other constituent authorities but particularly the four most affected, committed to meeting their respective housing requirements and in particular that part of the Welwyn/Hatfield LHMA need within their district?
- 15) If not where is it anticipated that this need would otherwise be met?

HMA's

- 16) Has co-operation taken place to ensure that the FOAHNs in both HMA's are being met, wherever possible, if so how?
- 17) What are the cross boundary issues in relation to both of the HMA's and have these been addressed through co-operation and joint working?
- 18) Within the HMA's, has the issue of accommodating unmet needs from one local authority area elsewhere been addressed, if so how?
- 19) Has WH positively sought opportunities to meet the unmet development needs of its area as required by NPPF?
- 20) Who else has the Council engaged with in terms of overall housing provision? When did this engagement begin, has it been active and ongoing and what form has it taken? Specifically how has the Council engaged with other stakeholders on housing matters?
- 21) What has been the outcome of co-operation and how has this addressed the issue of housing provision?
- 22) In overall terms has the Council engaged constructively?

Other matters requiring co-operation

- 1) To what extent has there been cooperation on overall employment provision?
- 2) In addition to the joint review of the Green Belt (GB), with St Albans, has there been any joint working with other authorities in the HMA's on GB matters.
- 3) If not, to what extent has the GB been reviewed in these other authorities and to what extent are the methodologies used consistent with those used to review the GB within WH.
- 4) Has there been any inter authority coordination in assessing the overall need for gypsies and travellers and ensuring that it is appropriately met?
- 5) Are there any other specific issues requiring co-operation and what do they involve.
- 6) On other matters with a strategic context, who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?
- 7) In overall terms has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issues?

7th July, 2017