

WELWYN HATFIELD LOCAL PLAN DPD EXAMINATION: SEPTEMBER 2017

Statement from CPRE Hertfordshire

MATTER 1 – Legal Soundness and Duty to Co-Operate

INSPECTOR'S QUESTION 6: Has the DPD had regard to appropriate national policy?

1. I am Stephen Baker, DMS, BSc, Dip TP, MRTPI, Planning Manager at Campaign to Protect Rural England, Hertfordshire (CPREH).
2. This statement relates to the legal and procedural context for the Examination of the policy content of the Submission Welwyn Hatfield Local Plan DPD (WHLP) in the light of the Inspector's Preliminary Questions (EX 02) and the response (EX 04) by Welwyn Hatfield Borough Council (WHBC).
3. The issue raised in this statement is fundamental the representations by CPREH on the soundness of the WHLP, that will be addressed at the later stages of the Examination Hearings.
4. CPREH made representations on the Inspector's question in respect of the Housing targets and allocations in the WHLP, and wishes to participate at the relevant Hearings where the soundness of the Plan on such matters is considered, in particular under Matter 2 (Overall provision for housing and jobs). The context for such matters is, however, being addressed under Matter 1, and CPREH is concerned that the Inspector's Issue 1 under 'Housing market area' in his Preliminary Questions (EX 02) omits the key qualification to the application of paragraph 14 of the NPPF by local planning authorities when setting their housing targets.
5. Paragraph 14 of the NPPF, the key paragraph of the NPPF which sets out the implications of sustainable development, clearly states that for plan-making this means that local plans should seek to meet the development needs of their area, '*unless*' (as well as because of adverse impacts), '*specific policies in this Framework indicate development should be restricted, for example those policies relating to ... land designated as Green Belt*', one of the policies set out in footnote 9 to the NPPF (CPRE emphasis).
6. We understand that the courts have determined that this caveat has to be taken into consideration by a council in its decision making. The whole of Welwyn Hatfield outside the defined towns and villages is Green Belt, and this key national policy caveat will no doubt be a significant factor in the examination of the soundness of the Plan's housing proposals in particular.
7. The Inspector's Preliminary Questions 6 to 10, 14 and 15, ask about how 'housing need' has been addressed in the SHMA and LHMA. Questions 6 to 8 are about this need in the SHMA, but Question 9 asks about 'housing provision' as if this is the same thing as 'housing need'. Similarly Question 15 asks where 'this need' in the LHMA would be met, but Question 14 that it follows refers to 'housing requirements', not 'housing need'.

8. CPREH is concerned that the Inspector's Questions imply that the WHLP should be treating housing need as its housing requirement / provision.
9. There is no reference to the key NPPF paragraph 14 caveat in the Council's response (EX 04) to the Inspector's Preliminary Questions 6 to 9 either, and no justified explanation of how the Council has met its obligation to balance housing need with constraints as set out in NPPF paragraphs 14 and 47, which includes a similar caveat. NPPF paragraph 47 states what the Government expects local planning authorities to do to boost housing supply when preparing local plans, and that is to use evidence '*to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework*' (CPRE emphasis)...
10. The Council's response to Question 10 simply outlines the situation it believes exists in neighbouring districts (Q 10c), and an intention to address the issue in a future Plan review.
11. Similarly, in response to Questions 14 and 15, the Council makes no comment on the Inspector's reference to 'meeting their (the other districts in the LHMA) respective housing requirements' being a separate consideration from their 'housing need', and simply points out that housing need will not be fully met, without referring to the fact that this result can be consistent with NPPF paragraphs 14 and 47. Nor is there any reference to where the evidence for not meeting housing need in full is explained and justified, or to where the balancing exercise required by NPPF paragraph 14 that was undertaken by the Council, is set out.
12. Consequently, for the benefit of the parties who will be presenting their arguments in respect of the development targets and proposals in the Plan under Matter 2, CPREH is asking the Inspector to clarify the difference between housing need and housing requirement, and what WHBC need to do to show that the WHLP is sound in terms of how it has carried out the balancing exercise referred to above. This could perhaps be done through a short further note from the Inspector in the light of the Council's response (EX 04) to his preliminary questions (EX 02), also indicating where under Matter 2 the Inspector expects discussion of the setting of the Plan's 'Housing Requirement' relative to the 'needs assessment', to take place at the examination hearings.

06.09.17.