



26th January 2022

BY EMAIL

Dear Councillor,

## **RISKS ASSOCIATED WITH THE FAILURE OF THE WELWYN HATFIELD LOCAL PLAN**

The consequences facing the Borough of failing to adopt a sound and compliant Local Plan are profound. Without a sound and legally compliant Local Plan, Welwyn Hatfield Borough Council will be:

- Unable to refuse speculative green belt planning applications, leaving the Borough at risk of unattractive and unsustainable development in all wards.
- Forced to fight lengthy and expensive appeals, in which the Council are highly unlikely to be successful.
- Unable to introduce Community Infrastructure Levy at the cost of hundreds of millions of pounds to the public purse.
- Unable to adopt Neighbourhood Plans.
- Unable to deliver critically needed affordable housing, schools, services and infrastructure.
- Exposed to an even higher future housing need under the Standard Method used for any future Local Plan.

In the long-term, the housing crisis in the Borough will continue, with our young people forced to move away for affordable housing and employment opportunities. Welwyn Hatfield will lose all momentum and be left behind as London to the south and Cambridge to the north look forward to the future.

Councillors have an opportunity to proactively and positively plan the future of the Borough. Instead, voting to adopt the plan at 13,277 homes will result in total failure of the present Local Plan process. Councillors will lose all control of development in the Borough, with no policy basis to object any housing scheme which comes forward. Piecemeal development will be unable to deliver the vital services and affordable housing which will be achieved by strategically planned development.

Gascoyne is concerned that the recent letter from the Rt Hon Christopher Pincher, Housing Minister, has been at best misunderstood and at worst wilfully misinterpreted. It is clear that the approach proposed by CPPP and endorsed at Cabinet will be refused by the Inspector, making it tantamount to deliberately derailing the Council's own Local Plan. Councillors at CPPP and Cabinet have thus far placed inordinate emphasis on a single sentence in Mr Pincher's letter, that:

*'The Government is clear that councils and their communities are best placed to take decisions on local planning matters in their area without unnecessary interference from central government'*.

However, the Housing Minister very clearly and precisely separates central government from the Planning Inspectorate – whilst also highlighting that the Planning Inspectorate is the final arbiter on the soundness of a Local Plan. Inspector Middleton's judgement on the Objectively Assessed Housing Need is clear and unequivocal: 15,200 homes are required to make the Local Plan sound and legally compliant, and the lower figure of 13,277 has previously been rejected.

Several points highlighted by the Housing Minister in his recent correspondence with the Council require further examination.



- 1) *'Local Authorities are more at risk of appeals and speculative planning applications being successful if they do not have a Local Plan setting out an up-to-date housing requirement'*

The effects of this have already been seen with Green Belt sites winning permission at appeal in Welwyn Hatfield and neighbouring boroughs. Failure to adopt a legally compliant and technically sound Local Plan will result in piecemeal development in the Green Belt, with no accompanying services or infrastructure. This does not represent a protection of the Green Belt, but rather makes it more vulnerable to loss. The Council will be powerless to stop this due to the lack of Housing Land Supply. Voting to adopt the Local Plan at the full OAN of 15,200 will stop this from occurring by creating sufficient housing land supply. Green Belt loss will be targeted, planned and worthwhile.

- 2) *'Authorities must have regard to national policies'*

The Planning Inspectorate is the final authority on whether a Local Plan has due regard to national policies, including those which dictate the Objectively Assessed Housing Need. The OAHN in Welwyn Hatfield has been examined thoroughly and only the figure of 15,200 is acceptable to the Inspector – something he has made abundantly clear in his own correspondence with the Council. Failure to meet this figure will result in the plan being thrown out, and require a new plan to be created. Years will have been wasted. A new plan would be subject to the Standard Method for housing need calculation, resulted in an even larger OAHN. Councillors will recall the 'No way to 10k' campaign. Failure to act has seen 10,000 homes become 15,200. Continued delay and prevarication will see this rise further, and in the meantime critical homes, services and infrastructure will go unbuilt.

- 3) *'The Planning Inspectorate plays an important role in examining plans impartially and publicly to ensure that they are legally compliant and sound'*.

Here the Housing Minister clearly separates the functions of central government – who do not wish to intervene – and the Planning Inspectorate, whose function is to deem a plan legally compliant and sound. Inspector Middleton has been clear what is required to make this plan legally compliant and sound. To ignore him would be highly irresponsible and would result in the plan being found unsound, exposing the Borough to speculative green belt applications and planning by appeal.

- 4) *'The Government's policy for having a plan in place by 2023 has not changed'*.

It will simply be impossible for the Council to comply with this policy if it chooses to derail the plan now. Had the plan been withdrawn two years ago – when the Inspector dismissed an OAN of 13,277 – this may have been possible. Regrettably, this is no longer the case.

- 5) *'Authorities that fail to ensure an up-to-date plan is in place are failing their communities by not recognising the homes and other facilities that people need'*.

Gascoyne concurs with this assessment. At least seven years and several million pounds of public money will have been wasted if the Council votes to pursue a plan which the Inspector will be duty bound to find unsound. The community you represent will, in time, realise the folly of this action once speculative planning applications are submitted, without affordable housing, without schools and other reasonably required infrastructure or opportunities for local employment. They will agree with the Minister – you will have failed them.

Councillors are elected to make difficult decisions. Gascoyne sympathise with the difficult position Councillors find themselves in. This, however, does not excuse a short-sighted failure to adopt a



robust Local Plan. In proposing the reduced number, you are merely committing the borough to an uncertain future, without the reassurance of robust planning policy. Critically, you will have failed the government's obligation for WHBC to have a valid Local Plan in place by 2023 which addresses the challenges and opportunities of the future. Instead, you are seeking to shift the blame onto both central government and the Inspector. You appear too to be absolving yourselves of responsibility for the inevitable outcome. Failing to make the right decision takes the power out of the hands of the people of Welwyn Hatfield and places it firmly in the hands of speculative developers. Broadwater Road will be the first contentious appeal of many in a no-plan world.

Some might cite Gascoyne as having an ulterior motive for supporting a sound Local Plan. I would simply say that our motivation has never been out of a pursuit of pure financial reward but rather a desire to see the borough, our towns, green space and villages evolve in a way which is appropriate and serves the communities who live and work here. We are proud of the development work we have completed during the last decade and believe it serves to demonstrate what can be achieved when approaching development with an appropriate mindset. As I have pointed out upon numerous occasions, Gascoyne cannot uproot Hatfield House, the Old Palace, Park or other assets and sail away. We are an intrinsic part of the local landscape, the community, its history and, we very much hope, its future. This approach has shaped our response to the Local Plan, to thoughts on new settlements and developments, charrettes, design codes and green infrastructure. To be left sitting in an environment shaped by short term political ends and planning by appeal is uninspiring and unacceptable in equal measure.

However difficult this decision may be, Gascoyne implores you to support a sound Local Plan.

Yours sincerely,

Anthony Downs  
Hatfield Estate Director