

## Christine Whyte

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**From:** Planning Policy <planningpolicy@welhat.gov.uk>  
**Sent:** 14 September 2015 12:08  
**To:** Local Plan  
**Cc:** Sue Tiley; Laura Guy  
**Subject:** Response to the SADM Policies Plan  
**Attachments:** SADM-Hertsmere Response form.docx

Dear sir or madam,

Please find Welwyn Hatfield Borough Council's response to the SADM Policies Plan attached, which has been approved by the Executive Member. Please note that this response is being taken to Cabinet Housing and Planning Panel on September 24<sup>th</sup>.

Kind regards  
Laura Guy  
Senior Planning Policy Officer

Welwyn Hatfield Borough Council  
Telephone: 01707 357261  
E-mail: [l.guy@welhat.gov.uk](mailto:l.guy@welhat.gov.uk)

[www.welhat.gov.uk](http://www.welhat.gov.uk)  
@WelHatCouncil  
All Things Welwyn Hatfield

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**Site Allocations and Development Management Policies Plan (SADM)**  
**Publication Stage Representation Form**

For office use only  
 Reference No:  
 Date received:

**Please use this form to make Representations**

**Please return to Hertsmere Borough Council by 5pm on Monday 14 September**

**2015**

**By post:** Policy and Transport Team, Planning and Building Control, Hertsmere Borough Council, Civic Offices, Elstree Way, Borehamwood, Herts, WD6 1WA.

**By email:** local.plan@hertsmere.gov.uk

This form has three parts:

**Part A** – Personal details (only needed once).

**Part B** – Your representation(s). Please complete a separate sheet (Part B) for **every** representation you wish to make, remembering to insert your or your organisation’s name at the top of the page.

**Part C** – What information you want the Council to provide you with about future progress of SADM (only needed once).

**Please read the guidance notes at the end before completing this form. They explain the terms used and will help you make your representation(s).**

<b>Part A</b>	<b>1. Personal details*</b>	<b>2. Agent details (if applicable)</b>
Title	Mrs	
First name	Susan	
Last name	Tiley	
Job title (where relevant)	Planning Policy and Implementation Manager	
Organisation (where relevant)	Welwyn Hatfield Borough Council	
Address	The Campus, Welwyn Garden City, Hertfordshire	
Post Code	AL8 6AE	
Telephone number	01707 357268	
Email address	planningpolicy@welhat.gov.uk	



\*If an agent is appointed, please enter the person and/or organisation being represented in column 1 and complete all contact details in column 2.

Please note that all representations received will be made publicly available and cannot be treated as confidential. This means that the names of all those making representations will be publicly available. Other personal information relating to private individuals, including Contact details, will not however be made publicly available.

<b>Part B</b>	Name or organisation: <input style="width: 90%;" type="text" value="Welwyn Hatfield Borough Council"/>	For office use only Ref No: support: object: change:
<b>IMPORTANT: Please use a separate Part B form for each representation</b>		

**3. To which part of SADM ('the Plan') does this representation relate?**

Paragraph	<input style="width: 90%;" type="text" value="2.28-2.32"/>	Policy	<input style="width: 90%;" type="text" value="SADM5"/>	Policies Map	<input style="width: 90%;" type="text"/>	Other part of Plan (specify)	<input style="width: 90%;" type="text"/>
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**4. In relation to the part of the Plan you identified in 3, do you consider the Plan to be:**

Please tick which boxes apply

4(a) Legally Compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	no comment to make	<input checked="" type="checkbox"/>
4(b) Compliant with the Duty to Co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	no comment to make	<input checked="" type="checkbox"/>
4(c) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	no comment to make	<input type="checkbox"/>

If you have entered 'No' to 4(c), please continue to Q5. In all other circumstances, please go to Q6.

**5. If you consider the Plan to be unsound is this because it is not:**

5(a) Positively prepared box(es) apply	<input checked="" type="checkbox"/>	Please tick which
5(b) Justified	<input checked="" type="checkbox"/>	
5(c) Effective	<input type="checkbox"/>	
5(d) Consistent with national policy	<input checked="" type="checkbox"/>	

**6. If you consider the Plan is not legally compliant or fails to comply with the Duty to Co-operate or, having regard to the criteria you ticked at 5 above relating to soundness is unsound, please give details of why. Please be as precise as possible.**

If you wish to comment in support of the Plan's legal compliance, compliance with the Duty to Co-operate or soundness or wish to make any other comment, please also use this box.

**Gypsies and Travellers**

The policy approach has not been positively prepared or justified and is not consistent with

national policy.

National Planning Policy for Traveller Sites (PPTS) states that LPAs should, in producing their Local Plan:

- A. Identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set target
- B. Identify a supply of specific, developable sites or broad locations for growth, for six to ten years and, where possible, for years 11-15.

The document has failed to identify a supply of sites to meet the identified tests of soundness for the following reasons:

- Policy SADM5 identifies 3 new additional pitches on a Hertfordshire County Council (HCC) managed site in Sandy Lane, Bushey as contributing towards the need from 2013/14. However, in their response to the draft Site Allocations and Development Management Policies Site GT1, HCC Development Services indicate that the deliverability of the 3 additional plots is uncertain until the flood plain issues and funding is resolved. Furthermore, on 8<sup>th</sup> September 2014 a letter from Hertfordshire County Council confirmed that the County Council has no plans to extend or develop its existing sites and there is some uncertainty regarding the lease arrangements on three of the sites on land owned by local Districts. This evidence from HCC suggests that the deliverability of GT1 within the plan period is questionable.
- Two additional sites GT2 and GT3 are shown as being allocated for 6 additional pitches but these are identified as 'regularised'. This means they are unauthorised pitches. Because the evidence base has not been published, it is difficult to see what the planning history is for these sites and how the needs assessment has taken the presence of these unauthorised sites into account. Whilst it is acknowledged that these pitches have not been counted in the existing supply, they are not considered new (additional pitches) so it is queried to what extent this is a justified approach to meeting on-going local need. Therefore on the basis of the above concerns about the three identified sites in SADM5 the council questions if Hertsmere is justified in their estimated pitch provision.
- In addition to the provision set out in policy SADM5, the SADM Policies Plan indicates that the updated needs assessment (ORS) identifies a need for 28 new pitches between 2014 and 2028. Whilst this study is referred to, it has not been available to view on the Hertsmere Borough Council on the website. This lack of transparency makes it difficult for this council to comment if the approach is justified. For example, the evidence may suggest that sites would need to be brought forward early in the plan period to meet an identified need and if this were the case, the decision to defer to a review of the Core Strategy and then a future review of site allocations could lead to a considerable time delay in allocating sites. Nevertheless, Hertsmere Borough Council is deferring the decision about the provision of more pitches until the Core Strategy Review. As such, the SADM Policies Plan relies on an out of date needs assessment (2005) and is not based on adequate, up to date and relevant evidence as required by paragraph 158 of the NPPF.
- Even if the identified sites in Policy SADM5 are considered deliverable, the SADM Policies Plan does not identify sufficient, deliverable sites to deliver a five year land supply or additional supply of developable sites for 6-15 years. Once the SADM Policies Plan is adopted in 2016 it will only deliver 1 years supply as the Core Strategy target is only until 2017. Given that a review of the SADM Policies Plan is unlikely until 2019/20 (following adoption of the Core Strategy in 2018) waiting for a

review to allocate sites will mean there will be at least a 2 year void without a supply of sites. Given the shortage in supply it is recommended that Hertsmere Borough Council identify new gypsy and traveller sites in the SADM Policies Plan. Welwyn Hatfield Borough Council recognises that the review of the Green Belt is being considered in the Core Strategy Review. However, if there are exceptional circumstances for making limited alterations to the Green Belt to accommodate a specific need and ensure the delivery of a 5 year supply of pitches, then this should be considered. It is noted that minor changes to the Green Belt boundary have been made elsewhere in the SADM Policies Plan.

7. Please set out as precisely as possible what change(s) you consider necessary to make the Plan

- legally compliant or
- sound (having regard to the criteria you ticked at 5 above relating to soundness).

You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.

To ensure that the Site Allocations and Development Management Policies Plan is sound, it is recommended that the following changes are considered:

- Verify that the sites identified in policy SADM5 are deliverable and can therefore contribute towards the delivery of a 5 year land supply. Questions and uncertainty about the identified pitches need to be addressed if the SADM Policy Plan is to plan positively to help deliver a five year supply to meet on-going need and to be compliant with national policy.
- If the approach to gypsy and traveller provision in Hertsmere is to be considered appropriate and justified, the SADM Policy Plan should identify more gypsy and traveller sites, to ensure a five year supply of deliverable sites and at least ten years of developable sites. Based on the new evidence from the ORS study, an additional 10 pitches (over and above existing requirements) are needed to achieve at least a five year land supply.
- Even if a Local Plan Review is taken forward instead of separate documents, it is unlikely that a review could be delivered as early as 2018. Delivering new sites through the SADM Policies Plan will ensure Hertsmere Borough Council is positively planning, reflecting up to date evidence and national guidance.

(continue on a separate sheet/expand box if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity for further submissions based on the representation you are currently making. **After this current publication stage, further submissions will only be able to be made at the Inspector's request, based on the matters and issues he/she identifies for Examination.**

8. If you do not consider the Plan to be sound and the Council is prepared to make changes to the Plan which reflect your suggested change, would you be prepared to enter into a 'Statement of Common Ground' with this Council?

Yes  No

9. If your representation is seeking a modification/change to the Plan, do you consider it necessary to participate at the oral part of the Examination?


No, I do not wish to participate at the oral Examination  Yes, I wish to participate at the oral Examination

10. If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary:

To update the inspector on the duty to cooperate.

(continue on a separate sheet/expand box if necessary)

**Please note:** the Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the oral part of the Examination.

Signature: \_\_\_\_\_  \_\_\_\_\_ Date: 14.09.15

<b>Part B</b>	<b>Name or organisation:</b> <input type="text" value="Welwyn Hatfield Borough Council"/>	<b>For office use only</b> Ref No: support: object: change:
<b>IMPORTANT: Please use a separate Part B form for each representation</b>		

3. To which part of SADM ('the Plan') does this representation relate?

Paragraph  Policy  Policies Map  Other part of Plan (specify)

4. In relation to the part of the Plan you identified in 3, do you consider the Plan to be:

Please tick which boxes apply

4(a) Legally Compliant Yes  No  no comment to make

4(b) Compliant with the Yes  No  no comment to make

## Duty to Co-operate

4(c) Sound                      Yes                       No                       no comment to make

*If you have entered 'No' to 4(c), please continue to Q5. In all other circumstances, please go to Q6.*

### 5. If you consider the Plan to be unsound is this because it is not:

- 5(a) Positively prepared box(es) apply  Please tick which
- 5(b) Justified
- 5(c) Effective
- 5(d) Consistent with national policy

**6. If you consider the Plan is not legally compliant or fails to comply with the Duty to Co-operate or, having regard to the criteria you ticked at 5 above relating to soundness is unsound, please give details of why. Please be as precise as possible.**

**If you wish to comment in support of the Plan's legal compliance, compliance with the Duty to Co-operate or soundness or wish to make any other comment, please also use this box.**

#### Transit Provision

It is acknowledged that Hertsmere is the only borough in Hertfordshire with a transit site. The ORS Study indicates there is no need for transit provision. As this study has not been published it is difficult for Welwyn Hatfield Borough Council to comment on whether this conclusion is justified, on this basis the council maintains a holding objection in relation to soundness and the duty to cooperate.

Although there may not be a specific local need for transit sites in Hertsmere, there may be a sub-regional need that in the absence of a county-wide assessment, Hertsmere Borough Council will need to consider. Once the evidence is published and reviewed, depending on findings this may raise issues for the duty to cooperate.

*7. Please set out as precisely as possibly what change(s) you consider necessary to make the Plan*

- legally compliant or*
- sound (having regard to the criteria you ticked at 5 above relating to soundness).*

*You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.*

Welwyn Hatfield Borough Council will need to review the evidence in the ORS Study to consider if the decision not to include transit provision in the SADM is a justified strategy and whether there are any duty to cooperate issues on the basis of any regional need for transit provision.

Hertsmere Borough Council should clarify their approach to transit provision in the SADM Policies Plan, setting out how they have considered and addressed any possible duty to cooperate issues related to transit provision.

(continue on a separate sheet/expand box if necessary)

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**8. If you do not consider the Plan to be sound and the Council is prepared to make changes to the Plan which reflect your suggested change, would you be prepared to enter into a 'Statement of Common Ground' with this Council?**

Yes  No

**9. If your representation is seeking a modification/change to the Plan, do you consider it necessary to participate at the oral part of the Examination?**

No, I do not wish to participate at the oral Examination  Yes, I wish to participate at the oral Examination

**10. If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary:**

To update the inspector on the duty to cooperate.

(continue on a separate sheet/expand box if necessary)

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Signature: \_\_\_\_\_

Date: 14.09.15

**Part B**

Name or organisation:

Welwyn Hatfield Borough Council

For office use only

Ref No:

support:

object:

change:

**IMPORTANT: Please use a separate Part B form for each representation**

**3. To which part of SADM ('the Plan') does this representation relate?**

Paragraph

4.74-  
4.76

Policy

SADM23

Policies Map

Policies  
Plan

Other part  
of Plan  
(specify)

**4. In relation to the part of the Plan you identified in 3, do you consider the Plan to be:**

Please tick which boxes apply

4(a) Legally Compliant

Yes

No

no comment to make

4(b) Compliant with the  
Duty to Co-operate

Yes

No

no comment to make

4(c) Sound

Yes

No

no comment to make

If you have entered 'No' to 4(c), please continue to Q5. In all other circumstances, please go to Q6.

**5. If you consider the Plan to be unsound is this because it is not:**

5(a) Positively prepared  
box(es) apply

Please tick which

5(b) Justified

5(c) Effective

5(d) Consistent with national policy

**6. If you consider the Plan is not legally compliant or fails to comply with the Duty to Co-operate or, having regard to the criteria you ticked at 5 above relating to soundness is unsound, please give details of why. Please be as precise as possible.**

**If you wish to comment in support of the Plan's legal compliance, compliance with the Duty to Co-operate or soundness or wish to make any other comment, please also use this box.**

**Inserting Gypsy and Traveller Sites in the Green Belt**

Policy SADM23, the supporting text and the Policies Plan identify the amended Green Belt

boundary and the sites that have been removed from the Green Belt.

Where proposed sites are located in the Green Belt, national planning policy advises that if a local planning authority wishes to make an exceptional limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only.

The Inspector reporting on the Solihull Metropolitan Borough Council Gypsy & Traveller Site Allocation Plan – Main Modifications in January 2014, makes it very clear that the use of the word ‘If’ does not offer a choice of whether or not to make an exceptional limited alteration to the defined Green Belt boundary (if identifying sites). Instead, the choice for the local planning authority to make is whether or not it wishes to identify sites in the Green Belt at all. If exceptional circumstances exist and the council wishes to identify sites in the Green Belt, then it is necessary to make an exceptional limited alteration to the Green Belt boundary to do so. Where proposed sites are not adjacent to the existing Green Belt boundary, then it would be necessary to identify the sites as insets within the Green Belt in this instance. This must be so. If it were not, any subsequent development of the site as a traveller site would remain inappropriate development.

Policy SADM23 and the Policies Plan do not propose inseting the three identified Gypsy and Traveller sites in Policy SADM5 (the status of which is queried in any event), which means that the plan will be allocating sites in the Green Belt for inappropriate development. Hertsmeres’s response to Welwyn Hatfield’s comment on this issue in the draft SADM document was that the pitches listed already exist so should not be removed from the Green Belt; this emphasises the fact that they are not new allocations. It is contrary to national policy to allocate them as new gypsy and traveller provision in the SADM Policies Plan, but not to inset them in the Green Belt and for this reason this approach to the allocation of sites within the Green Belt is considered unsound.

*7. Please set out as precisely as possibly what change(s) you consider necessary to make the Plan*

- legally compliant or*
- sound (having regard to the criteria you ticked at 5 above relating to soundness).*

*You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.*

Policy SADM23, the supporting text and Policies Plan should inset the Gypsy And Traveller Sites providing new pitches (Policy SADM5) in the Green Belt. This is a justified approach because exceptional circumstances exist for a limited alteration to the Green Belt to accommodate the specific need for gypsy and traveller provision, in line with national policy. Failure to make these amendments will mean any future development to the sites is inappropriate development in the Green Belt, which would not be in conformity with national policy.

(continue on a separate sheet/expand box if necessary)

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are currently making. After this current publication stage, further submissions will only be able to be made at the Inspector's request, based on the matters and issues he/she identifies for Examination.

**8. If you do not consider the Plan to be sound and the Council is prepared to make changes to the Plan which reflect your suggested change, would you be prepared to enter into a 'Statement of Common Ground' with this Council?**

Yes  No

**9. If your representation is seeking a modification/change to the Plan, do you consider it necessary to participate at the oral part of the Examination?**

No, I do not wish to participate at the oral Examination  Yes, I wish to participate at the oral Examination

**10. If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary:**

To update the inspector on the duty to cooperate.

(continue on a separate sheet/expand box if necessary)

**Please note:** the Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the oral part of the Examination.



Signature: \_\_\_\_\_ Date: 14.09.15

**Part B**

Name or organisation:

For office use only

Ref No:

support:

object:

change:

**IMPORTANT: Please use a separate Part B form for each representation**

**3. To which part of SADM ('the Plan') does this representation relate?**

Paragraph  Policy  Policies Map  Other part of Plan (specify)

**4. In relation to the part of the Plan you identified in 3, do you consider the Plan to be:**

Please tick which boxes apply

4(a) Legally Compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	no comment to make	<input checked="" type="checkbox"/>
4(b) Compliant with the Duty to Co-operate	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	no comment to make	<input type="checkbox"/>
4(c) Sound	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	no comment to make	<input checked="" type="checkbox"/>

If you have entered 'No' to 4(c), please continue to Q5. In all other circumstances, please go to Q6.

**5. If you consider the Plan to be unsound is this because it is not:**

5(a) Positively prepared box(es) apply	<input type="checkbox"/>	Please tick which
5(b) Justified	<input type="checkbox"/>	
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**Duty to cooperate**

The "Positively Prepared" test of soundness is described as "seeking to meet objectively assessed development requirements including unmet requirements from neighbouring authorities where it is reasonable to do so". Given that Hertsmere is required to review its Core Strategy by 2016 in order to fully satisfy the housing and employment needs in respective market areas, in cooperation with neighbouring authorities, it is not clear what arrangements will be put in place to similarly review the Site Allocations document should provision need to be made to meet a higher housing target and/or the needs arising from neighbouring authorities.

Welwyn Hatfield Borough Council welcomes the 'oversupply' of housing against the Core Strategy target. However, it is noted the supply is significantly below household projections and therefore there is potential for there to be a significant shortfall in supply once the new Core Strategy housing target is adopted.

Welwyn Hatfield Borough Council consider that the most effective means of addressing this shortfall is by undertaking a review of the Local Plan, instead of separate Core Strategy and SADM Policy Plan reviews. Otherwise, Hertsmere Borough Council may not be able to secure a five year land supply or potentially comply with the duty to cooperate.

Welwyn Hatfield is currently reviewing responses to its Local Plan consultation document, which took place earlier this year. As set out in the consultation and on the basis of the council's evidence, it is unlikely that Welwyn Hatfield's Local Plan will be able to allocate sufficient sites to meet the objectively assessed need without considerable harm to the Green Belt. As such the council may have to ask in the future if neighbouring authorities

including Hertsmere can accommodate some of our need.

7. Please set out as precisely as possible what change(s) you consider necessary to make the Plan

- legally compliant or
- sound (having regard to the criteria you ticked at 5 above relating to soundness).

You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.

Set out a timetable for a review of a Local Plan, to ensure matters raised through the duty to cooperate can be addressed. In particular Welwyn Hatfield Borough Council may need to ask Hertsmere if they can accommodate any of Welwyn Hatfield's housing need in their borough.

(continue on a separate sheet/expand box if necessary)

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Yes  No

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Date: 14.09.15

**Part B**

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Ref No:

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**IMPORTANT: Please use a separate Part B form for each representation**

**3. To which part of SADM ('the Plan') does this representation relate?**

Paragraph

Policy

SADM25

Policies Map

Other part  
of Plan  
(specify)

**4. In relation to the part of the Plan you identified in 3, do you consider the Plan to be:**

Please tick which boxes apply

4(a) Legally Compliant

Yes

No

no comment to make

4(b) Compliant with the  
Duty to Co-operate

Yes

No

no comment to make

4(c) Sound

Yes

No

no comment to make

If you have entered 'No' to 4(c), please continue to Q5. In all other circumstances, please go to Q6.

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box(es) apply

Please tick which

5(b) Justified

5(c) Effective

5(d) Consistent with national policy

**6. If you consider the Plan is not legally compliant or fails to comply with the Duty to Co-operate or, having regard to the criteria you ticked at 5 above relating to soundness is unsound, please give details of why. Please be as precise as possible.  
If you wish to comment in support of the Plan’s legal compliance, compliance with the Duty to Co-operate or soundness or wish to make any other comment, please also use this box.**

Welwyn Hatfield Borough Council supports the identification of Elstree as a Key Green Belt Site (site h). Since Panshanger Airfield closed in September 2014, following the expiry of the lease, it is understood that some of the operations at Panshanger Airfield have relocated and that some of these have moved to Elstree Aerodrome.

As Hertsmere Borough Council will probably be aware, Panshanger Airfield has been identified as a ‘more favourable’ site for housing in the Local Plan consultation, which took place earlier this year.

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Yes

No

**9. If your representation is seeking a modification/change to the Plan, do you consider it necessary to participate at the oral part of the Examination?**

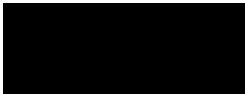
No, I do not wish to participate at the oral Examination

Yes, I wish to participate at the oral Examination

**10. If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary:**

(continue on a separate sheet/expand box if necessary)

***Please note:** the Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the oral part of the Examination.*

Signature: \_\_\_\_\_  \_\_\_\_\_ Date: 14.09.15

**Part C** (Only needed once)

Name (Print): Susan Tiley

- If you wish to be informed of the date of the submission of the Plan to the Secretary of State, please tick this box.
- If you wish to be informed of the recommendations of the Inspector appointed by the Secretary of State to carry out the independent Examination of the Plan, please tick this box.
- If you wish to be informed of the adoption of the Plan by Hertsmere Borough Council please tick this box.
- If you no longer wish to receive communications from the Council on SADM please tick this box.