

CABINET HOUSING AND PLANNING PANEL – 11 APRIL 2013  
AGENDA ITEM NO. 6  
COUNCIL PROCEDURE RULE NO. 31

QUESTIONS FROM MEMBERS OF THE PUBLIC

Notice of the following questions has been received in accordance with Council Procedure Rule No 31:-

1. Question to the Chairman Councillor John Nicholls from Lesley Mardell

Can the Council tell me the final total number of comments for each of the six consultation documents on the Local Plan Consultation November 2012, and when they aim to have them all on the consultation portal? We note that on the agenda for tonight, page 13, it states that as many as 3,000 representations have been made on Land for Housing Outside Urban Areas alone, in addition to the ECS representations. Can you please clarify the numbers?

Answer

You will appreciate that a particular respondent's representation may have related to a number of different parts of the different consultation documents, so one representation may result in a number of separate comments. We are still going through a number of the responses and making sure that each comment the respondents have made has been attached to the right part of the right document. This will help to make sure that people's views are appropriately taken into account. Accordingly, the total number of comments is subject to change. The Council has received more than 6,000 individual comments to the six consultation documents. Broken down by document, the approximate totals are:

Infrastructure Delivery Plan	120
Emerging Core Strategy	3,200
Habitats Regulations Assessment	20
LfHOUA	3,000
Statement of Community Involvement	30
Sustainability Appraisal	50

It is difficult to be precise on the time it will take to get all of these comments analysed and put on the website as some are highly complex and relate to different sections of the document. Some are quite long and require summarising. In these circumstances the full representation is attached with personal details redacted. However, we aim to have all of the responses on the consultation portal by the middle of May.

2. Question to the Chairman Councillor John Nicholls from Will Davis

Why are the Council only now considering employing consultants specialising in sustainability appraisal, does this imply that the core strategy consultation was insufficiently informed? Section 1.4 of page 14 of tonight's report makes it clear that Case law in the High Court states that 'reasonable alternatives to the preferred strategy have to be appraised through the Sustainability

Appraisal in as much detail as the strategy itself.' As the current sustainability appraisal was not available for councillors to review before they decided to opt for only two broad locations for growth, how could they know in any detail whether any reasonable alternatives had been properly explored at all?

Answer

The Council has employed consultants specialising in sustainability appraisal and Strategic Environmental Assessment throughout the Core Strategy process, including the Issues and Options stage, How Many Homes consultation and the Emerging Core Strategy. The completed sustainability matrices, including a conclusion for each of the distribution options were available for Councillors to review at Cabinet Housing and Planning Panel (CHPP) on the 27<sup>th</sup> of September 2012. The full sustainability report was then subsequently considered by Members at the next meeting of the Cabinet Housing and Planning Panel and Cabinet before it was agreed to publish the document for public consultation. The matrices formed part of the Appendices to the report.

3. Question to the Chairman Councillor John Nicholls from Janet Hayden

"The Council have a duty to co-operate with other Councils when formulating the core strategy. The representations from HCC regarding gravel extraction on all proposed locations for growth suggest there has been little or no co-operation. Indeed HCC comment that potentially many years of gravel extraction should be factored into the ECS before it is submitted for final inspection, otherwise they may object. Why did WHBC not do all of the required collaborative work before going ahead with public consultation? Nearby residents would also like to know of any plans to extract gravel, and be given an opportunity to make representations about them."

Answer

The Council did have an officer level 'duty to co-operate' meeting with the County Council on minerals and waste planning matters at which the requirement to extract minerals prior to development where this is economically viable was discussed.

The County Council have asked for further evidence on this matter and this Council will advise landowners and ask for this information.

The duty to co-operate requires continual dialogue with duty to co-operate bodies throughout the plan making process and consultation on what is an emerging core strategy is just one stage in this process.

The County Council is the minerals planning authority and any proposal submitted for mineral extraction would be subject to public consultation either by the County Council when a planning application is received or through the plan making process by the relevant plan making authority should it form part a policy proposal or allocation.

4. Question to the Chairman Councillor John Nicholls from Paul Matthews

While many of the CH&PP responses to recent questions have been unsatisfactory in their detail or in answering the actual question asked, certain parts of the responses have been received with interest. Within the response to Question 1 on 14 March, it was stated that analysis of simple data "would not necessarily demonstrate that a response was representative of all resident's views in the borough." Further, that "consultation responses can be skewed if there is a huge response from one section of the community over another."

Of a total of 6,682 comments received on the 2009 consultation, 4,295 of these were received in relation to just four proposals: to the South of Hatfield adjoining Welham Green; east of Welham Green; Brookmans Park; and Little Heath.

With almost two-thirds of all of the responses to the consultation having been received in relation to just these four areas - clearly disproportionate to their relative size - what adjustment was made to ensure appropriate representation of the views of all residents in the borough, and that this huge response from this section of the community did not 'skew' the overall figures?

Answer

The summary of responses to the Issues and Options Paper reports the number of responses received and the key issues raised in those responses. No adjustment was made in reporting the responses. It is true to say that a large percentage of responses came from areas referred to in the question compared to other parts of the borough.

It is not unusual for local communities to object to development in their local area, especially where they are directly affected by proposals and represented by established groups and organisations. The Council took these responses into account as well as giving consideration to its evidence base and the need to be found sound when agreeing the Emerging Core Strategy for consultation. The Council will also take into account the responses received to the recent consultation on the Emerging Core Strategy before moving forward with the Strategy.

5. Question to the Chairman Councillor John Nicholls from Liz Matthews

At least four property development companies have submitted detailed proposals for housing developments outside of the currently proposed WGC4 and HAT1 sites. The Council was aware of these before deciding to pursue only WGC4 and HAT1, in fact some of these sites were singled out as available and achievable in the Council's own Strategic Housing Land Availability Assessment: Phase 2 from October 2012, but for some reason were not carried forward into the Emerging Core Strategy. Stories carried in the Welwyn Hatfield Times in recent weeks suggest that other locations may well now be considered. Will there be another consultation in the near future that will propose an approach that is more geographically balanced?

Answer

Before considering any changes that need to be made to the approach to the distribution of growth in the Core Strategy the Council needs to carry out further technical work and carefully consider all the representations received including those on potential sites for housing. If following consideration of the representations the Council is minded to consider an alternative strategy there will be further consultation.

6. Question to the Chairman Councillor John Nicholls from Jane Quinton

The Council have a duty to co-operate with other Councils and certain bodies when formulating the core strategy. Please could they provide evidence of which other Councils and/or other bodies they have they consulted about the removal of an aviation training, maintenance and sporting facility at Panshanger. The current Airfield serves a community that extends throughout North London, Hertfordshire and parts of Essex and Bedfordshire.

Answer

The Duty to Cooperate bodies are prescribed in the Town and Country Planning (Local Planning) Regulations 2012. All of these bodies were consulted on the Emerging Core Strategy and this list includes the Civil Aviation Authority.

A number of bodies have responded to the consultation on this matter and we will carefully consider their views when deciding what changes need to be made to the Core Strategy.