

SENT BY EMAIL
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26/03/2026

Dear Sir/ Madam

WELWYN HATFIELD LOCAL PLAN

1. Thank you for consulting with the Home Builders Federation (HBF) on the Welwyn Hatfield Local Plan.
2. HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which include multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.

Draft National Planning Policy Framework

3. HBF recognise the draft NPPF will have no weight until it is formally adopted. However, consideration will need to be given as to how the new NPPF, when it is published later this year, impacts on the soundness of policies in the local plan.
4. On the basis of paragraph 4 and 8 in Annex A of the draft NPPF this local plan, which the Council propose to submit under the current plan making process, will be examined under the NPPF24. However, it is also notable that in relation to decision making Annex A also states that from the date the new NPPF is published local plan policies that are "*... any way inconsistent with national decision making policies in this Framework should be given very limited weight, except where they have been examined and adopted against this Framework*". Therefore, should this new iteration of the NPPF be adopted unchanged the Council will need to have regard to national policies for decision making given that any inconsistency would effectively render many of the development management policies proposed in this consultation that are not consistent with the new Framework redundant as soon as the local plan is adopted.
5. It is clear from the draft NPPF, and the decision to establish national policies for decision making, that the Government are seeking to limit the number of development management policies in local plans that seek to gold plate policies and go beyond national standards which place significant burdens on applicants as well as their own officers. As such, when the final version of the NPPF is published it is HBF's contention that any policies which are inconsistent with the new framework should be deleted in order to avoid unnecessary and

length discussions on an application by application basis as to the weight that should be attached to the policies in the adopted local plan.

Duty to Co-operate.

6. The publication of the Housing and Planning Minister's Written Ministerial Statement on Reforming Local Plan Making published on the 27th of November states that the Government has decided not to save the Duty to Co-operate. The relevant statute has now been laid before parliament and once these regulations come into force local planning authorities will no longer be under a legal duty to co-operate.
7. While the legal duty to co-operate will therefore not apply to this local plan this does not remove the requirement in the NPPF that in order to be considered sound a local plan must be "*based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground*". The only difference arising from the removal of the duty is that a failure to co-operate effectively is a soundness matter. Given that the Council anticipates that there will be unmet needs arising from this plan, the Council will need to be able to show that it has been proactive in its efforts to ensure these needs are met elsewhere.

SP1: Spatial Strategy and Settlement Hierarchy

8. HBF supports the Council's proposal in SP1 to meeting housing needs in full as set out in part C of this policy IN order to achieve this the Council will need to allocate a range of sites both in terms of location and size to ensure that there is a consistent supply across the plan period. HBF would also recommend that there is contingency within supply to ensure the plan is deliverable. To often plans fail to provide sufficient contingency throughout the plan period to maintain a five year land supply when development does not come forward. In order to have sufficient flex to avoid not having a land supply of less than five years. HBF recommends that there is a buffer of between 10% and 20% across the land supply. While plans often have contingency at the end of the plan period it is more effective to have this in the early and middle years of the plan through the allocation of small and medium sized sites. Taking such an approach will provide the Council and their residents with the certainty that they will retain decision making and be able to successfully defend appeals.

DMP1: Development in the Green Belt

9. This policy largely replicates national policy and, on the basis that paragraph 16 of the National Planning Policy Framework (NPPF) states that policies should have a clear purpose and not duplicate policy, HBF would recommend the policy is deleted.

DMP3: Energy Efficiency and Net Zero Design

10. As set out above while very little weight can be attached to the current consultation on the NPPF careful attention will need to be given to the outcomes of the consultation and the final document that is adopted. With regard to standards related to carbon emission and energy efficiency standards consideration will need to be given to

PM13 which states that other than standards for accessibility, water efficiency and nationally described space standards local plans should not cover matters already addressed in building regulations. In addition, it is also notable that the latest consultation on the NPPF proposes to amend the Planning and Energy Act 2008 in relation to the setting of local energy efficiency standards that go beyond building regulations to make clear that local plans should not set higher energy efficiency standards for residential development. Once adopted the NPPF would also replace the 2023 Written Ministerial Statement (WMS) ‘Planning – Local Energy Efficiency Standards Update’. As such If PM13 remains this policy would be inconsistent with national policy from the point at which the new NPPF is adopted with limited weight being given to these policies with decision making. In such a situation HBF would suggest that these policies are deleted.

11. However, until the new NPPF is adopted our comments are based on current policy and legislation established in the Planning and Energy Act 2008 and the 2023. Both these work together and allow local planning authorities to set standards that are higher than building regulations. However, the approach to setting standards is established with the WMS which notes that “*Compared to varied local standards nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes*” and that local standards can “*add further costs to building new homes by adding complexity and undermining economies of scale*”. After setting out these concerns, the 2023 WMS does go on to state that any standard that goes beyond building regulations should be rejected at examination unless the LPA does not have a well-reasoned and robustly costed rationale that ensures:
 - That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.
 - The additional requirement is expressed as a percentage uplift of a dwelling’s Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).
12. Given that this policy essentially proposes that development should seek to improve on the TER for the building in terms of percentage uplift the policy is consistent with the WMS. However, the Council will need to have regard to the forth coming Future Homes Standard (FHS) which is likely to be in place by the time this plan is adopted HBF does not consider aspects of this policy to be necessary. The FHS will ensure that all homes are carbon zero ready meaning that these homes will provide no emissions on site through the requirement to use heat pumps, install appliances that do not burn fossil fuels and include photovoltaics (PV). Therefore, as the plan progresses the Council will need to respond to the introduction of the FHS and amend the policy accordingly to avoid any duplication or conflict.
13. With regard to the costs of this policy to new development HBF note that that Council is yet to publish a viability assessment. Broadly it would appear the Council are looking at standards that broadly align with option 1 of the future homes standard – which includes the use of PV so costs relating to this policy are likely to be similar – around a 4% increase in building costs based on the 2021 Building Regulations - and these must be reflected in the viability study. However, going beyond these standards can increase costs significantly. Work undertaken by the Future Homes Hub considers a range of higher specifications in their report “*Ready for Zero*”. This

shows that in order to delivery standards beyond those required by the FHS would be around 15-19% higher than the 2021 Building Regulations, around £17,000 to £22,000 more per unit, and significantly higher than the Council's evidence suggests would be the cost of achieving this policy.

DMP4: Construction Waste and Whole Life Cycle

14. This policy requires all major development to undertake whole life carbon assessment and restrict total embodied carbon emitted as part of the A1 to A5 stages, as set out in BS EN 15978:2011, to no more than 500 kgCO₂e/m². HBF recognise that there is a need to reduce embodied carbon but have significant concerns that seeking to introduce local standards when understanding of how to measure and achieve such standards is still in its infancy.
15. Firstly, it must be noted that there is nothing in NPPF to support policies that require developers to undertake whole life carbon assessments and meet specific technical standards. There has been suggestion that a standard should be set through building regulations. However, this has not happened and is an indication that councils should not be setting local standards. Secondly HBF are concerned that the Council is seeking to implement standards is that not all products will have Environmental Product Declaration (EPD) making it difficult for consistent assessments to be undertaken across the developments. This can lead to significant inconsistencies in the outcome of any assessment depending on assumptions that are used within the assessment model. This makes it difficult for the applicant to accurately show whether the standard is being met and for the decision maker to determine an application on the basis of the information provided. It could lead to confusing situations where assessments made for the same development achieve a different outcome in terms of embodied carbon depending on assessor. As such HBF consider the policy to be ineffective.
16. While HBF consider the policy to be unsound if the policy, if it is taken forward the Council will need to ensure that it is fully costed in the viability assessment – which is still to be published. While it is difficult to know how much this will cost as it will depend on the type of materials used by a specific developer and the cost differential of building using lower carbon alternatives to that developer. It will also vary significantly on the site and its topography. The Council will therefore need to include an uplift to building costs within the viability study. Clear evidence will be required as to how these costs have been arrived at and that they have engaged with house builders to ensure that these standards are deliverable across all major development in Welwyn Hatfield.

DMP9b: Carbon Offsetting

17. HBF do not support the inclusion of carbon offsetting within the local plan and do not consider the NPPF or PPG to provide any support for the inclusion of such policies. The FHS will see new homes emit significantly less carbon and can see no reason why housebuilders should be required to further offset emissions in relation to arbitrary targets imposed by the Council. HBF recognises the importance in reducing carbon emissions across all sectors, but this is a national concern and should be addressed at that level not through local plans. embodied carbon.

1. However, if a policy is to be included it must be justified and effective. The Council must ensure that it is properly costed with evidence provided to show how those costs have been arrived at and how much a development would be expected to pay. Secondly it must be effective in its administration. The Council must provide practical examples of how the level of offsetting would be calculated so stakeholders can properly scrutinise what is being proposed. While this is briefly explained in the supporting text it is not clear how this will operate in practice. Thirdly, there must be an effective offsetting fund in operation from the point at which the plan is adopted, and it must be clear in policy that if any payments are not spent then any legal agreement will state that these will be returned to the developer. If there is not fund in place on adoption of the plan the policy cannot be considered effective as it would be undeliverable.

DMP12: Health Impact Assessments

2. HBF also considers it unjustified to require a health impact assessment (HIA) on all development of 100 or more dwellings and all major development in a Health Action Area. While there are clearly health issues to be addressed in Welwyn Hatfield, HBF considers that this is for the plan to address through its policies. Developments that are consistent with the policies in the plan should by dint be supporting the objectives of the plan to encourage a healthy lifestyle. Ergo there is no need for development to undertake a HIA.

SP11 – Housing Requirement and Delivery

Housing Requirement

3. As set out earlier HBF welcomes the Council's decision to meet housing needs in full. However, as part of it consideration it will need to consider whether there are an unmet needs arising in neighbouring areas as the plan progresses. While the Council will no longer be under a duty to co-operate, the need for co-operation on cross border issues such as housing needs remains a key part of plan preparation. As such evidence will need to be provided, showing that the Council have examined whether there are unmet housing needs in other neighbouring areas, and if there are, show that they have considered reasonable alternative strategies that could help meet some or all of those needs. It is also unclear why the Council have chosen to commence the plan in 2024/25 given that the assessment of housing needs was calculated in 2025/26. Given that the standard method is a forward looking assessment of housing needs, which takes into account past under supply logic would suggest the plan period start in 2025/26.

Housing supply

4. The Council state that housing needs will be met in full however in appendix a of the consultation document it is stated that the housing supply over the plan period equates to 13,323 homes – some 2,637 homes short of what the council state is needed. This suggests that the Council will need to identify additional sites in order to ensure housing needs are met in full.

5. The Council has included a housing trajectory in Appendix A however this chart is solely representational and does not state how many homes are expected be delivered each year. This will need to be rectified in the next iteration of the plan as the current chart does not provide the necessary detail to support the effective scrutiny of what is being proposed and the eventual monitoring of the plan on adoption. HBF would recommend that the Council set out in the plan not only the overall number of homes but, as recommended by paragraph 78 of the NPPF, the anticipated rate of development for all those sites that are expected to contribute to housing supply over the plan period.
6. It is not possible to comment on the robustness of the Council housing as the high level initial HELAA does not provide any site by site evidence as to when sites will start delivering new homes and the rate at which they deliver new homes. Some general estimates as to the time taken for a planning permission to be granted, time between granting of planning permission and the delivery of the first home and build out rates have been provided. This is based on past examples in Welwyn Hatfield. While it is helpful to examine past rates on specific sites the Council will need to work with the promoters of each site to consider when schemes will be submitted for planning in order to assess when sites will start delivering new homes. Given that the Council are proposing to require all sites of 100 or more dwellings to prepare masterplans that need to be agreed with the Council before an application is submitted it may take some time for an application to come forward following an allocation.
7. It is also notable that the assessment of the time it takes to grant planning permission is based on all developments of 10+ units. Further breakdown of this evidence is required to assess whether larger sites take longer to receive as planning decision. Evidence from Lichfields "Start to Finish" report indicate that larger sites take much less longer to get through planning compared to smaller sites. Therefore, assessing timescales on the basis of all major residential development may bring down the mean significantly. For example, this report indicates average time take to get a planning permission for sites of 100 to 500 units is 2.8 years, substantially longer than the 0.8 years in the Council's evidence which is based on major residential development.
8. When considering whether a site is deliverable the Council recognise that they will need to provide clear evidence that housing completions will begin on site within five years. As to what evidence may provide clarity HBF would suggest that alongside evidence as to time taken to receive the grant of planning and time from planning to first build there must also be willing developer involved in promoting the site and has committed to delivering homes within five years. Without this firm commitment it is not possible to know with sufficient the site can be delivered within five years and as such be considered deliverable. Alongside this other factors will need to be considered such whether the site is PDL, the level of remediation required before development can commence and the nature of any pre commencement conditions, all of which could delay the delivery of homes.
9. Finally, the Council have set out their evidence with regard to windfall in the HELAA of 145 dwellings per annum from the year the plan is adopted in 2028/29. What is notable in the Council evidence is that windfalls across the various different uses tended to peak in years prior to the current local plan being adopted in 2023. Notable this period also coincided with standard method being introduced in 2018 and the consequences of not have a five year supply of housing land against the higher level of housing need. This would inevitably see

windfall development increase during this period. As such the evidence that windfall will continue at this level of over the plan period is not strong and is more due to the fact the Council did not have an up to date local plan. In particular we would question the 91 dpa from other land uses. The evidence on page 31 of the HELAA shows much high levels between 2013/14 and to 2021/22 compared to previous years and the years post adoption of the local plan – when delivery on such sites seemed to average around 25 dpa. HBF would therefore suggest that windfall is reduced significantly.

10% small sites

10. In paragraph 5.10 the Council notes the requirement in paragraph 73 of NPPF that at least 10% of the homes delivered over the plan period should be on sites no larger than one hectare. In meeting its minimum housing need the Council will need to ensure that at least 1,500 homes are delivered on sites no larger than one hectare. In meeting the requirement of paragraph 73 the NPPF is clear that these homes must be on identified sites – either as an allocation in the local plan or as a site in the Council’s Brownfield Register. This cannot include windfall development which is defined in the NPPF Glossary as “*Sites not specifically identified in the development plan*”. As such the Council cannot rely on assumed levels of windfall delivery on small sites to meet this requirement.
11. The Council should also recognise that allocating small sites and supporting SME house builders not only ensures a stronger supply in the short term but also improves the diversity of choice within local housing markets, support local and regional supply chains and are often pivotal in bring forward innovation and supporting jobs growth locally, with 1 in 5 of the SME work force comprising of apprentices. A failure to allocate small sites will contribute to the continued decline in small and medium sized house builders. Recent research by the HBF has found that there are 85% fewer small house builders today than there were 20 years ago and that of a survey of SME house builders 93% said that planning was a major barrier to SME growth. Whilst this decline is due to a range of factors, more allocations of small sites would ease the burden on many SME developers and provide more certainty that their scheme will be permitted, allowing them to secure the necessary finance that is often unavailable to SMEs until permission is granted.

SP12 Affordable housing requirements

12. The Council do not appear to have published a viability assessment to justify the level of affordable housing being required in SP12 and whether these levels can be viably delivered alongside the other policy costs placed on them. HBF are concerned that police around sustainable hosing in DMP3, 4 and 9 alongside increasing building costs, 10% BNG and the Building Safety Levy may have an impact on the viability of development in the area.
13. As part of its consideration on viability the Council will also need to ensure that any study takes into account the additional costs faced by those house building delivering specialist accommodation for older people such as larger than average floor space, nonsaleable floor space, higher marketing costs and higher empty property cost due to it taking far longer for a development to be sold out. HBF would recommend the Council have regard to

evidence produced by the Retirement Housing Group in their report CIL and Sheltered Housing/ Extra Care Developments¹ which provides evidence as to how the viability of retirement housing differs to other forms of residential development.

DMP20: Housing Mix by Size and Type.

14. The policy required all proposals for residential development to have regard to the mix of homes. HBF disagrees that the Council should be setting specific mix requirements for market housing. The most effective way of delivering a mix of homes is to provide a wide variety of sites across the Borough and allow the market to decide the type of home that are built. While housing needs assessment can provide a useful understanding as to the broad mix the council are looking to achieve across the area, they are point in time assessments of need that cannot accurately predict the type of home that is in demand. As such HBF would suggest that the housing mix requirement for market housing is removed from the policy with any requirements on type and size of home only relating to the affordable housing element of any development. However, if the policy is retained HBF would suggest that the mix of homes should not be a consideration on sites of less than 50 dwellings and at the very least should not be required on sites of less than 10. The mix of homes on such sites must reflect the market for homes in that location rather than trying to replicate broad mixes that are based on borough wide assessments of the type of homes that are needed.

DMP 22: Specialist Housing for Older People

15. Given that the Council's evidence shows that there is a growing need for specialist accommodation for older people it is not clear why part A subsection a) starts that this needs to be demonstrated as part of the application. HBF recommends that this requirement is deleted.
16. Part C of the policy requires older people's housing falling under class C3 to deliver affordable housing. As set out earlier, the ability of older people's housing to deliver affordable housing is more limited due to the additional costs faced by the developers of such schemes. The additional costs will need to be fully accounted for and if it shows that older people's housing cannot support affordable housing requirements these should not be applied.

DMP32: Self-Build and Custom-Built Housing

17. The Council are proposing that 2% of plots on sites of 100 homes or more should be allocated for self-build or custom housebuilding. The evidenced used to support this is the Council's self-build register which has just 62 individual households on it who have indicated they would like to build their own home. What is also notable from the register is that since 2018 the numbers joining the register have been falling which suggests that the demand for self-build plots is not particularly strong and certainly not to justify the proposed policy. With regard to meeting past supply on the self-build register for period 1 to 6 it is not clear whether all these households are

¹ <https://retirementhousinggroup.com/resources/>

still looking to build their own homes. Given that some of these entries stem back ten years it is likely that many of these have had their housing needs met. If it is to be used as evidence to support this policy the Council will need to ensure that it has been reviewed and remain robust.

18. HBF welcomes part E which allows for plots that are unsold to be built out as market housing. However, we object to the clause that the Council will consider alternative form of provision for such plots. Self-build plots are part of the market housing offer and as such if they are unsold should revert to the developer without delay. The policy should be amended as set ut below

Where, after 12 months of active marketing, plots remain unclaimed, the Council will ~~consider alternative forms of provision or~~ allow the plots to revert to general housing, subject to evidence of genuine marketing efforts

MP52: Masterplanning

19. This policy requires masterplanning on all residential development of a 100 units or more. HBF do not consider this to be an appropriate level at which master planning should be required and will unnecessarily slow development of such schemes which would be required to get the Council's endorsement prior to the submission of an application. While there is no hard and fast rule as to when masterplan should be required it is most appropriate on complex strategic scale development where it may ensure a smoother process through the decision making process once an application is submitted. While the Council may want to encourage masterplanning on smaller development HBF would suggest that the threshold for requiring master plans should be significantly higher.

DMP59: Urban Greening

20. HBF does not consider the requemrnt in part C for major development to calculate and achieve a specific urban greening factor (UGF) to be effective. It is possible for development to provide the necessary green infrastructure without having to resort to specific standards. The use of such standards simply removes any flexibility of the developer to respond effectively to the site and its context. The policy does provide some flexibility with part D stating that where it is not possible to meet the UGF alternative measures must be provided that deliver alternative onsite measures that achieve equivalent or superior multifunctional benefits. However, what is not clear is what these alternatives would be and how a decision maker or applicant would determine what alternative would be appropriate. As such HBF would suggest that part C and D are deleted with development being left to deliver green infrastructure that propionate in scale to the development and takes into account the context of the site.

Future Engagement

21. I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider housebuilding industry.

22. The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mark Behrendt', with a stylized flourish at the end.

Mark Behrendt

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