

Cabinet Planning and Parking Panel  
13 January 2022

WELWYN HATFIELD COUNCIL

\* Reporting to Cabinet

Minutes of a meeting of the WELWYN HATFIELD COUNCIL CABINET PLANNING AND PARKING PANEL held on Thursday 13 January 2022 at 7.30 pm via Zoom.

PRESENT: Councillors S. Kasumu (Chair)  
S. Boulton (Vice-Chair)

G. Hayes, A. Hellyer, S. McNamara, G. Michaelides, R. Platt, J. Quinton, D. Richardson, A. Rohale, P. Shah, C. Stanbury and S. Thusu

ALSO PRESENT: Residents Panel A. McHugh  
Representative

OFFICIALS PRESENT: Head of Planning (C. Dale)  
Planning & Policy Implementation Officer (S. Tiley)  
Principal Governance Officer (J. Anthony)  
Democratic Services Assistant (B. Taylor)

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36. MINUTES

The Minutes of the meeting held on 16 December 2021 were approved as a correct record.

37. DECLARATION OF INTERESTS BY MEMBERS

Councillors S. Boulton and S. Thusu declared a non-pecuniary interest in items on the agenda as appropriate by virtue of being a Member of Hertfordshire County Council.

38. PUBLIC QUESTION TIME AND PETITIONS

Seven questions were received from the public. The Vice- Chair as Portfolio Holder of Environment, Planning, Estates and Development gave responses to all.

The following question was received from Welwyn Parish Council:

Welwyn Parish consists of three major settlements – Welwyn village, Digswell and Oaklands & Mardley Heath – that are deeply interconnected with each other, across their communities, resources and infrastructure. Welwyn and Digswell have grown up over centuries within the confines of the surrounding landscape, and are hemmed in and divided by hillsides, river valleys, a motorway, and a

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built environment that goes back centuries. Oaklands and Mardley Heath are essentially 20th Century but suffer from the total absence of any planned amenities such as village hall or even a children's play area - and there is now nowhere to place such. These settlements sit at the edge of the borough boundary, and so they are also affected at first hand by developments in neighbouring boroughs such as North Herts, East Herts and Stevenage.

After a comprehensive programme of development in recent years, there are now no substantial brownfield sites left for new developments in or around these settlements. As a result, all the sites that were put forward for inclusion in the Local Plan in 2019 were sited in the Green Belt. However, in order to bolster their sustainability credentials, these sites needed to be added onto one of the existing settlements - settlements which have already undergone considerable expansion in recent years, or are already living with the consequences of expansion of nearby settlements such as Codicote and Knebworth, without any corresponding expansion of local amenities or infrastructure. Based upon WHBC's own data, Welwyn village has consistently since 1995 been No 3 in the Borough for new developments after WGC and Hatfield - no mean feat for a village and indicative of its major growth over that period. According to our analysis of published WHBC housing data over the last 10 years, housing stock across the whole borough grew by 10.1% in the period 2011-2021. During that time, Hatfield's housing stock grew by 11.8%, and Welwyn Garden City's by 10.0%. Brookmans Park, Little Heath, Welham Green and Cuffley grew, respectively, by 7.2%, 1.8%, 3.1% and 6.3%, whereas Welwyn Parish's four settlements together expanded by 12.6% - with Welwyn Village itself growing by 22.7%.

The local schools at Welwyn, Oaklands and Digswell are full and their expansion would be extremely difficult and expensive - only Welwyn could be expanded due to land constraints and that would probably involve major demolition and rebuilding. The road network grinds to a halt for the consequences of a broken sewage pipe in Welwyn Garden City, a carriageway closure on the motorway, or 500 new homes in Codicote; only the traffic reductions brought about by Covid have given any relief of late to the peak hour through traffic along Welwyn High Street. The lone GP surgery has not managed to keep up with the growing population - witness the complaints and difficulty in getting a GP appointment. Local shops suffer due to a continual reduction in parking capacity to alleviate traffic problems. There is no scope for additional road networks or new amenity buildings, as the settlements are hemmed in by their natural barriers.

The draft of the Local Plan that was reviewed by the CPPP last September would see Welwyn Parish growing by 15.9% by the end of the Local Plan period, compared against 2011. While this is on a similar par with Brookmans Park (16.0%), Cuffley (15.5%) and Little Heath (17.4%), Welwyn Village itself would have grown by 27.3%. (This analysis has already been shared with WHBC's planning department, and no correction has been received back, so we assume they are in agreement with it.)

This CPPP meeting will be revisiting, at the Inspector's request, certain sites that were previously not included in the draft Local Plan. These sites include Wel1, Wel2, Wel6 and Wel15 in Welwyn, and Dig1 in Digswell. If these were to be included in the Local Plan, Welwyn Village would have grown by 42.8% by 2036, and Digswell by 27.5%.

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The Digswell case is advanced largely on the premise that it is close to the station - yes it is, but there is no other infrastructure there, narrow pavements (already a road safety hazard) and roads without footways as well; that development would prejudice the fine view of the viaduct from Tewin Water and the reverse view. The bus service to Digswell is poor and the local parking at the station difficult. Welwyn Parish is already full: its roads are clogged; its schools are oversubscribed; village shops are struggling due to a lack of parking. Expansion of the size suggested would leave it no longer a village but another town - without any of the benefits of such due to the small space.

How can the unique community spirit, much-prized rural atmosphere and the historic heritage of our three settlements be expected to survive against such an onslaught of unmitigated and unrelenting development?

Answer:

The statement that precedes the question refers to analysis carried out by the Parish Council. This includes analysis of data on settlement growth in the ten years between 2011 to 2021. The analysis takes the number of dwellings from the 2011 census as its baseline and applies the total number of completed new developments up to 2021. To demonstrate the impact of allocations up to 2036 the Parish has used data on site selection from an earlier meeting of this Panel.

Analysis of data relating to the plan period, 2016 to 2036 and options C and D is as follows:

Welwyn has seen the highest level of growth since the start of the plan period in 2016 as a percentage of its dwelling stock. Data shows that in the five years between 2016 and 2021 Welwyn has seen around 10% growth. This is largely resulting from development of brownfield sites at the Frythe and the Clock. In terms of the number of new dwellings, for Welwyn this growth is around 166 dwellings over the five years.

While percentage of growth is lower in Hatfield at 6% over the same period Hatfield has seen some 850 new dwellings. While Welwyn Garden City saw around 1,280 new dwellings (an increase of 6% on existing dwellings).

Welwyn is identified in the Settlement Hierarchy as a third tier settlement, a village excluded from the Green Belt along with Brookmans Park, Welham Green and Cuffley. This means it is a secondary focus for development after Welwyn Garden City and Hatfield. Under Option D Welwyn's 16% growth on existing housing stock during the plan period would be less than Brookmans Park (39%) Welham Green (34%) and Cuffley (22%) – settlements within the same tier as Welwyn in the settlement hierarchy. Under Option C this would rise to 31% for Welwyn and Cuffley 51% for Brookmans Park and 42% for Welham Green.

The Council does not agree with the premise of the question.

The following question was received from Mr David Cheek:

In the part of Local Plan examination document EX273 that concerns sites Wel1, 2, 6 & 15, the Inspector repeats his belief that the lack of any objection to these

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developments arising from their effects on Singlers Marsh is somehow proof that there would be no such problems arising for Singlers Marsh. The effect on Singlers Marsh was not consulted on at the time, because it would be used for access to get to those sites.

Statutory bodies that we have contacted have confirmed that not only were they not asked their opinion about these proposals for Singlers Marsh, but that they have substantial objections they are waiting to raise when asked. To claim that an absence of objection is confirmation of no objection is untenable.

The Hertfordshire & Middlesex Wildlife Trust has confirmed that, contrary to what EX273 states, it has never been asked an opinion about developing Singlers Marsh to widen the access road and build an extra bridge. Should it be asked, it expects to oppose any such plans, based on measurable damage to the local ecology, in particular to the ecosystem of the chalk stream.

The Environment Agency has confirmed that it has not been consulted, and that it has several concerns with the plans that would need to be addressed before it would approve them.

Affinity Water has also confirmed that it has not been consulted, and that it has major concerns that would lead to strong objections on statutory grounds.

The Inspector stated that the extra road run-off and pollution of the chalk stream caused by increased traffic levels would be mitigated by improved filtration. However, this is impossible to assess, as this is not based on any submitted evidence which was confirmed in correspondence with his programme officer.

Though consultation about the individual sites around Singlers Marsh has been comprehensive (highlighting in several cases too much optimism in the HELAA studies), it is now clear and demonstrable that no consultation about Singlers Marsh itself has ever occurred.

The Inspector's report makes no mention at all of one other major obstacle to any delivery of these sites, despite it having been discussed in detail during the Inspector's hearing. Singlers Marsh is the subject of an application to register it as a Village Green, which would make delivery of the road access plans for Wel1 etc. near impossible. HCC confirmed that the application had been 'duly made' and since Singlers Marsh was not included in the Local Plan at that stage that this did not become a 'trigger event'. HCC have now decided that the application should be submitted to a Public Inquiry, at a date yet to be determined. Should an Inquiry decide in favour of granting Village Green status, any work undertaken in the interim would have to be reinstated.

If WHBC does determine to include any of sites Wel1, Wel2, Wel6 or Wel15 in the Local Plan will WHBC confirm that a specific consultation about the effects on Singlers Marsh will be held prior to the planning application stage?

Answer:

There are several inaccuracies in the statement that precedes the question, specifically in relation to the engagement with consultation bodies.

Unlike the County Council or the Environment Agency, The Hertfordshire & Middlesex Wildlife Trust is not a statutory consultee that would be consulted as part of a technical assessment for the deliverability of a site. As an environmental group they are one of several other types of bodies, groups and organisations that, as stated in the Statement of Community Involvement, the

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council considers are important to consult. Such bodies, groups and organisations have had the opportunity to make representations at every stage of consultation during the Local Plan's examination. They will be able to make further representations as part of the consultation on the Main Modifications.

Affinity Water as water undertaker are consulted as part of the preparation of the Local Plan and have had the opportunity to provide representations at each consultation stage. They will also be consulted as part of the Main Modification consultation. Whilst, Affinity Water were consulted on different distributions of dwellings which included Wel1, 2,6 & 15 they were not specifically consulted on the access proposals as a new bridge over the river and widening of the access road would not impact on the water companies' ability to supply water.

It is understood that a change in staff at the Environment Agency resulted in an incorrect statement being given that the Agency had not been consulted. The Environment Agency has been consulted throughout the preparation of the Local Plan and recent discussions on site access to sites Wel1, 2, 6 & 15 has taken place.

It should be noted that in coming to a view on whether the sites are deliverable the Inspector needs to be satisfied that access to the sites is possible. A sufficient level of technical detail is needed to demonstrate there are no 'in principle' or 'show stopping' issues.

The Inspector does not need to approve a specific access proposal, rather he needs to be satisfied there is a likelihood within the Plan period an access can be provided. Precise details of any required access will form part of a detailed planning application and subject to consultation. A public consultation on a specific access proposal is not appropriate at the Local Plan allocation stage, as a consulted upon scheme would not be binding on a future owner of the sites.

Should the sites be selected for inclusion in the Plan, the Council considers that a full consultation with the public and stakeholders should take place. This should be undertaken when a detailed design is proposed as part of the preparation for a planning application as any mitigation would need to relate the details of the scheme.

The following question was received from Mr Russell Haggar:

On behalf of the Welwyn Planning & Amenity Group, I would like the following question to be asked at the CPPP meeting on 13th January:

In document EX273/ED273, the Inspector discusses the possibility of introducing into the Local Plan certain sites that were previously rejected by councillors. Within the area of Welwyn parish, these include Dig1, Wel1, Wel2, Wel6 and Wel15. Although this document is supposed to summarise the key points arising from the hearings into these sites, it misses out several key topics that were discussed in those hearings. It also makes various sweeping statements that do not appear to be built upon any evidence submitted via the hearings or indeed any other means.

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In the case of Wel1/2/6/15 (paragraphs 42 to 50), we are concerned about the claims that:

- a) Kimpton Road can be developed as an alternative to widening Fulling Mill Lane, despite evidence submitted about the clear unsuitability for extra traffic of the road network into which Kimpton Road feeds;
- b) the sites are generally sustainable, despite Wel1 being 1 kilometre from any public transport, ignoring detailed discussion in the hearings about people in these homes driving to work in Welwyn Garden City or St Albans rather than locally (and noting that the railway station car park cannot take any more cars, apart from during the pandemic);
- c) Singlers Marsh is only a minor inconvenience to developing these sites, despite his knowledge of the ongoing application to register it as a Village Green;
- d) These four sites can be considered separately from each other, despite the developer of Wel1/2/15 stating on the record that all three sites need to be developed together, and that it would be uneconomic to develop fewer than all three of them at once;
- e) These sites can afford the development of an expanded road network around Kimpton Road, when the developer made clear that they had only made plans for widening Fulling Mill Lane (and which Hertfordshire County Council has since clarified that these will need to be revised substantially in view of other developments on the road network in the seven years since those plans were drawn up);
- f) Singlers Marsh's environmental value can be easily discarded in favour of development, despite WHBC's management plan for this land making clear that all of it is to be nurtured and managed for the advancement of its natural environment and ecology; and
- g) The Mimram's rare, precious and fragile chalk stream environment would actually benefit from development, despite the Inspector's planning officer clarifying subsequently that no evidence had been submitted to support this claim.

In the case of Dig1 (paragraphs 51 to 59), the Inspector agrees that the originally proposed 180 homes would be an overdevelopment of this site, but then goes on to propose arbitrary amendments to the scheme which he believes would be acceptable. He has taken no evidence about whether these changes would actually address the concerns that were raised, including those that came from statutory consultees such as Historic England. His own proposal fails to address key problems that it would raise:

- (a) moving the site's access northwards would violate covenants in force on all the properties along New Road (these covenants having been put in place specifically to block such a development);
- (b) it is unclear how many homes he suggests for the reduced site – he states that the original 180 would be too many, and he also claims that 130 would be too many; how many is he actually suggesting?
- (c) there is no evidence of how small the development would need to be in order to be acceptable to Historic England, leaving any application open to challenge;

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- (d) his views on sustainable journeys from this site are more optimistic than the rules which he has applied to other sites – the journey to shops in Knightsfield would be no easier than from Wel1 to the shops on Welwyn High Street;
- (e) as with Wel1/etc, his proposals are not based on any evidence about the economics of a reduced or modified site; in the case of Dig1, the developer will still need to build an access road regardless of site size, and modify the junctions onto New Road and Hertford Road, as well as upgrading sewage capacity (already at full stretch) and mitigating water run-off into the Mimram valley – yet the developer has not been asked how big the site needs to be to make these changes economic; and
- (f) the likelihood of a reduced site being able to provide any affordable homes, rather than estate-style homes throughout, seems to be much diminished.

Arbitrarily selecting certain sites that were previously deemed unsuitable, and then suggesting modifications to those sites without evidence as to whether those changes would even work, let alone fully mitigate the original concerns, risks opening the process to challenge from third parties. Promoters of other sites that were previously rejected will argue that their sites might also have been made acceptable had they been asked to scale down their proposals.

Does WHBC share WPAG's concern that following the Inspector's uninformed and somewhat cavalier suggestions at sites such as Wel1/2/6/15 and Dig1 would leave the site selection process open to challenge from other site promoters, thereby risking the Local Plan's soundness and legality?

Answer:

Officers have carried out the comparative assessment of sites called for by the Inspector and this is set out in the Site Selection Addendum as Appendix A to this report. Since the publication of the report the promoter of the site has contacted the Council to advise that only 190 of the 218 dwellings identified on Wel1 and 2 would need to come forward to fund the bridge and road widening. Should these sites be selected for allocation there would be a further round of consultation as Main Modifications.

The Council has taken legal advice throughout the preparation of the plan. It does not consider there is a risk of a successful legal challenge. Section 5 of the report on the Local Plan this evening sets out the legal implications of the submission of additional sites and main modification consultation.

The following question was received from Mrs Amanda Andrews:

Given the Government's recent express wish not to build future homes on Green Belt sites, why are sites such as Dig1 even being considered?

Answer:

Members of Cabinet have sought clarification of government policy in this respect. The decision upon housing numbers and sites must be based on

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current government policy. This states that land should only be released from the Green Belt in exceptional circumstances.

There are insufficient brownfield opportunities to meet the need for housing. Government policy does allow for the Green Belt to constrain the extent to which housing need should be met in full. The Inspector has concluded however that the harm can be mitigated and that there are sufficient sites to meet the full need for housing.

The following question was received from Mr Alex Booker:

Dig1 has not been considered an appropriate development site for inclusion in the Local Plan previously. Promotions for 25 dwellings, 130 dwellings and 130-180 dwellings have all been excluded from previous versions of the Plan.

The 2016 HELAA study concluded that “the site is not suitable for development due to the substantial impact that it would have on heritage assets in the vicinity of the site, namely on the setting of the Registered HPG and the listed buildings within the park and on the setting of the Welwyn Viaduct.” Moreover, it raised substantial issues of deliverability and viability, particularly in regard to upgrades to wastewater infrastructure.

At the Stage 9 Hearings, the Inspector suggested potential allocation of DIG1 subject to access from New Road at the northern end. This is not legally possible so the site remains undeliverable.

DIG1 is not sustainable with lack of services and facilities and nothing has changed from the previous Council decision not to allocate DIG1.

Can the Committee explain on what basis this site has now been allocated?

Answer:

The Committee have yet to consider whether this site should be allocated. Dig 1 was previously not proposed for allocation because of the harm to the historic environment, however evidence to the hearing concluded that the harm would not be substantial. A smaller development would help to mitigate and reduce the harm further.

Whilst the Inspector felt the sustainability of the site could be improved with the provision of a second access, he did not state in his report that its soundness was contingent on that. The site has been assessed on the basis of no secondary access. In any event, restrictive covenants can be overcome and do not necessarily prevent development coming forward.

Digswell has a limited number of services and facilities which include a railway station, and it is identified in the submitted plan as a sustainable location for limited development where this is compatible with the scale and character of the village.

The following question was received from Mr Colin Armit:

Does the Committee agree that the restrictive covenants preventing the construction of a footpath or road on properties such as mine (located on New



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Road, Digswell) preclude DIG1 from being deliverable and therefore the site should not be allocated in the local plan?

Answer:

Although a pedestrian access onto New Road would improve the site's sustainability the site has been assessed based on there not being a secondary access and is therefore not dependent on one being provided.

The Council is aware that restrictive covenants have been placed on properties along New Road that relate to access. Notwithstanding the site is not dependent on a secondary access, restrictive covenants do not mean development cannot come forward as there is a process that could if successful result in their removal. For these reasons the restrictive covenants are not considered to preclude the delivery of the site

The following question was received from Mr Howard Dawson:

At the CPPP meetings on 23rd and 29th January 2020, Members of this Panel made clear that they required all sites of High Harm to the Green Belt and Symondshyde to be deleted from the Local Plan on the grounds that exceptional circumstances did not exist to support those allocations.

The evidence to support the deletion High Harm sites is primarily contained in the Stage 3 Land Use Consultants (LUC) Green Belt Review, which was commissioned at the express request of the Inspector in 2017, after the Local Plan had been submitted.

BrP4 forms part of a parcel which LUC found to be Very High Harm (essential to retain) if it were released from the Green Belt. LUC then, irrationally, found that the smaller area of BrP4 could be reduced to High Harm if released from the Green Belt, but it made that "comment" without undertaking any Green Belt assessment of BrP4 against national purposes. It clearly makes no sense for LUC to state that the whole parcel is Very High Harm and "essential to retain" if it then promotes a piecemeal development of component parts within that parcel, such that the integrity of the whole parcel is not retained.

In addition to Green Belt harm, the public benefits associated with highway improvements, as stated in Policy SADM31 and Table 15 of the Local Plan have all now been removed by the Council because the site promoter does not own the land required for the delivery of those promised highway improvements. That means that the Council was misled by the promoter of BrP4 at the time of the original allocation in June 2016. The Council should not tolerate that abuse.

BrP4 also breaches the strong and permanent Green Belt boundary of the East Coast Mainline railway. This is in direct contravention of NPPF and government guidance not to breach a permanent Green Belt boundary to be replaced by a weaker boundary. Paragraph 85 of the NPPF specifically states in respect of Green Belt boundaries: "define boundaries clearly, using physical features that are readily recognisable and likely to be permanent."

The East Coast Mainline railway is clearly defined and likely to be permanent. It should not be breached with new development which sprawls into open countryside. The Inspector offers no justification for the allocation of BrP4

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beyond its location from a “movement perspective”. This is a weak and vague reason. BrP4 is no more sustainable than other more suitable sites in Brookmans Park which are all within walking distance of the schools, shops, railway station and other facilities. In fact, BrP4 is further away from the primary school and the secondary school than the alternative sites in Brookmans Park. Proximity to a railway station alone is not sufficient to overcome the test of exceptional circumstances when other sites in the same area are equally well located for public transport and are more suitable and sustainable, particularly when weighed in accordance with the sustainable objectives in the NPPF.

The Council has formally notified the Inspector in writing that BrP4 does not meet the legal test of “exceptional circumstances” for release from the Green Belt. That test in paragraph 83 of the NPPF has been the subject of High Court judgments. Failure to meet the test of exceptional circumstances is fatal for BrP4.

At the CPPP meeting on 15th September 2021 Councillor Stephen Boulton stated in reference the Inspector’s advice concerning BrP4; “It is a completely unacceptable statement [by the Inspector] that there is an option to increase capacity [from 250 dwellings] to 478 dwellings.....” Whilst I contend that BrP4 is wholly unsuitable for allocation at all, an increase in the scale of development on BrP4 above the 250 dwellings would be, as Councillor Boulton has made clear, is “completely unacceptable”.

The test of exceptional circumstances is a legal test which has been defined by the High Court in the Calverton judgment. The Council cannot flip flop its application of this legal test to suit its agenda. The consequence of any development on BrP4 would have the greatest detrimental impact on Welham Green and Water End. As a resident of Welham Green, I am entitled to expect the Council to act in the best interest of the whole community, not just a favoured few.

Would the CPPP please confirm at its meeting on 13th January 2022:

- (1) BrP4 does not meet the legal test of exceptional circumstances for allocation in the Local Plan.
- (2) New evidence from LUC commissioned during the Examination has established that BrP4 is within a parcel that is Very High harm in the Green Belt and is therefore essential to retain in the Green Belt;
- (3) BrP4 should be deleted from the submitted Local Plan and replaced by the more suitable and sustainable sites within Brookmans Park.

Answer:

The Inspector has concluded that site HS22 (BrP4) does meet the test for exceptional circumstances and that its allocation is sound.

The L.U.C Green Belt evidence indicated that the site lies within a high harm sub-parcel and is not in an area identified as essential to retain as Green Belt land.

As the site was included in the Local Plan when it was submitted it can only be deleted if required to make the Plan sound. That is not the Inspector’s conclusion.

39. LOCAL PLAN - ADDITIONAL SITES AND MODIFICATIONS TO THE PLAN

Report of the Head of Planning on the Local Plan – additional sites and modifications to the Plan. Members received a presentation which set out the background to the Local Plan including the key stages and consultation; Hearings Sessions; the content of the submitted plan the Development Strategy; and, the key reports and letters received from the Inspector. The Inspector had advised that the Local Plan should make provision for 15,200 homes. The Inspector had found that allocation totalling 8,557 dwellings to be either sound or could be found sound. An additional 1,641 dwellings were required to be allocated from sites considered by the Inspector. The presentation set out options to meet the housing need while meeting the Inspectors tests.

**Recommendation 1:**

Consider the results of the Site Selection Addendum and the Sustainability Appraisal Addendum and the merits and disadvantages of the different options.

**Recommendation 2:**

That Members accept the Officers recommendation set out in paragraph 4.30 of the report and recommend to Cabinet and Full Council Option D as set out in Appendix D to this report for submission to the examination along with the relevant supporting information.

**Recommendation 3:**

That Members recommend to Cabinet and Full Council that public consultation take place on Main Modifications to the Local Plan once the Inspector has confirmed the content of the Main Modifications required to make the Plan sound.

Members sought clarification on the inspector's position on the number of dwellings proposed at the Symondshyde site. Officers stated that the site does not need to be selected and more sustainable sites had to be selected first. Officers stated that the site had revised changes which could not change the funds allocated for infrastructure such as transport. Officers concluded that not the complete number of dwellings needed to be built in the Plan period, but the site would need the full amount to be deemed sustainable.

Members asked about infrastructure at the Symondshyde site. Officers stated that critical mass was examined to find what would be needed for school, shops and public transport provisions. As the site would be near North-West Hatfield and the two sites are owned by the same landowner, the site promoter would make a relationship between the sites. Officers stated the inspector was happy with the viability of public transport infrastructure.

Members expressed concerns over the inclusion of Symondshyde into the Plan. Members felt that the transport and sustainability was inadequate, highlighting

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that the bus service would not sufficient, the housing would be expensive therefore most homeowners would have cars which would increase stresses on the roads. Members felt it would be a blight on the greenbelt landscape.

Members stated that they could not support options A – D in the report as they included Symonshyde and other sites which were not sustainable. Members felt that Inspectors OAN number of 15 200 was too high. Members stated that the metrics to calculate the target were not as certain as before as growth had been stagnant and inward migration had decreased which meant that the housing need would decrease.

Members had heard several concerns from Welwyn Hatfield residents and those outside of the borough over the loss of greenbelt proposed in this Local Plan. Members wanted the Local Plan to work for local people. Members stated that residents' concerns had been ignored, other local authorities were also building which would add stress to infrastructure and resources within the borough.

Members were aware that any Plan suggested, land from the greenbelt would be lost but felt it would be best to lessen the impacts. Members stated the greenbelt in the borough was crucial for many during the pandemic lockdowns, therefore as much of the greenbelt should be protected. Members stated that the greenbelt was created to prevent urban sprawl. Members highlighted that density of developments would need to be reconsidered to keep the greenbelt protected.

Members felt there was limited options, the officers' recommendations would not be welcomed by the residents of the borough, and if an agreement was not made then the Council would be subject to Planning by appeal which would be a costly process. Members stated that appeals would still happen even if the Officer recommendations were accepted.

Members expressed that the Plan started in 2009 was focussed on Welwyn Garden City and Hatfield which was wrong. Members felt perhaps it was too late to reduce the OAN. Members felt the inspector was dictating the Plan as only he could approve or remove site allocations.

Members proposed a motion to reject the officers' recommendations and revert to the Plan discussed in November 2020 that had 13 377 homes for the borough.

In response to the Motion, Officers advised that the Inspector had found an overall figure of 15,200 new homes to be sound and had made it clear that unless the Council added in more sites to the Local Plan to achieve the Full Objectively Assessed Housing Need the Plan will be found unsound. Should the Inspector find the Plan unsound (e.g., because it did not make provision for what he regarded as the appropriate level of new housing development and / or because he did not regard the sites put forward to meet the need for new housing to be appropriate) the Council would be unable to adopt the Plan. In that eventuality, the Council would not have an up-to-date Plan as the current adopted District Plan dates from 2005 and therefore largely out-of-date, particularly in relation to policies relating to new residential development. If the

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emerging plan were withdrawn or found unsound the Council would have to largely rely on policies in the NPPF for decision making. Because the Council no longer had a five-year land supply and had failed the Housing Delivery Test, the presumption in favour of sustainable development already applies. In the absence of an up-to-date local plan, policies that sought to protect areas from residential development would carry less weight and the Council would be more likely to lose decisions on appeal. There would be a risk that the Council's vulnerability to opportunistic speculative planning applications and associated appeals would increase significantly by not having an up-to-date Local Plan. By virtue of its date of submission for examination the emerging Local Plan was being judged against the version of national planning policy (the NPPF) which was published in 2012 rather than against more recent versions. The housing requirement was lower than it would be under more recent Government policy. If the emerging plan was not adopted the housing figure of 760 per annum would be replaced by a higher figure of 875 per annum generated by the "standard methodology". Officers stated they have a duty to alert members of the risks associated with departing from the principles set out by the Inspector in his letter dated June 2021.

Members sought clarification on the legal process of the recommendation from CPPP to Cabinet. The Executive Member stated that Cabinet makes recommendation for Council to decide.

Members sought clarification whether Option D from the report could be accepted and at the 5-year review to reduce the number of dwellings and remove sites. Officers stated that they had investigated that, however once land had been removed from the greenbelt it would be hard to put it back in. Members agreed in principle with the idea however once the land had been designated building land it would then be built upon.

Members stated they could not support the motion as the distribution of housing was incorrect however they would like to see a lower OAN. Members raised concerns regarding to the Inspectors comments and the Plan potentially being found unsound which would be a waste of time and money.

Members sought greater detail on the proposed motion as they had not seen the Plan mentioned.

Members stated that they had a difficult decision to make as the Inspectors OAN of 15 200 was too high, the Council Advisors, Turleys, figure of 14 000 was high and local resident would not support such large developments in the borough due to the quantity of correspondence regarding the Local Plan.

**RESOLVED:**  
**(Unanimous in Favour)**

Panel members considered the results of the Site Selection Addendum and the Sustainability Appraisal Addendum and the merits and disadvantages of the different options

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RESOLVED:  
(**Unanimous** against)

Panel Members accept the Officers recommendation set out in paragraph 4. 30 of the report and recommend to Cabinet and Full Council Option D as set out in Appendix D to this report for submission to the examination along with the relevant supporting information.

A motion was proposed and seconded by Councillors S. Thusu and D. Richardson and,

RESOLVED:  
(10 in **Favour**, 2 against, 1 abstention)

That Members recommend to Cabinet and Full Council the proposed dwelling numbers agreed and recommended by the Cabinet Planning and Parking Panel on 17 November 2020, specifically that a strategy is put forward for 13,277 dwellings.

Meeting ended at 9.56 pm  
BT