

Public Document Pack



WELWYN HATFIELD

Please note that by law this meeting can be filmed, audio-recorded, photographed or reported electronically by the use of social media by anyone attending. This does not apply to any part of the meeting that is held in private session.

Please ask for:
Gurdip Paddan

* Reporting to Cabinet

4 April 2018

Dear Councillor

You are requested to attend a meeting of the WELWYN HATFIELD BOROUGH COUNCIL CABINET PLANNING AND PARKING PANEL to be held on Thursday 12 April 2018 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

Yours faithfully

Executive Director
Public Protection, Planning and Governance

A G E N D A PART 1

1. SUBSTITUTIONS

To note any substitution of Committee Members in accordance with Council Procedure Rules 19 – 22.

2. APOLOGIES

3. MINUTES

To confirm as a correct record the Minutes of the meetings held on 8 February 2018 and 8 March 2018 (previously circulated).

4. ACTIONS UPDATE (Pages 5 - 6)

Report of the Executive Director (Public Protection, Planning and Governance) which lists the actions from the previous meeting and their current status.

5. NOTIFICATION OR URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 12

6. DECLARATION OF INTERESTS BY MEMBERS

To note declarations of Members' disclosable pecuniary interests, non-disclosable pecuniary interests and non-pecuniary interests in respect of items on this Agenda.

7. PUBLIC QUESTION TIME AND PETITIONS

Up to fifteen minutes will be made available for questions from members of the public on issues relating to the work of the Committee and to receive any petitions.

8. DRAFT NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (Pages 7 - 14)

Report of the Executive Director (Public Protection, Planning and Governance) summarising the content of the Government's draft National Planning Policy Framework.

9. DRAFT HERTFORDSHIRE WASTE LOCAL PLAN INITIAL CONSULTATION DOCUMENT, FEBRUARY 2018 (Pages 15 - 24)

Report of the Executive Director (Public Protection, Planning and Governance) which sets out the Hertfordshire County Council's (HCC) Waste Local Plan Initial Consultation document (WLP).

10. RESPONSE TO EAST HERTS COUNCIL - DISTRICT PLAN MAIN MODIFICATIONS CONSULTATION (Pages 25 - 30)

Report of the Executive Director (Public Protection, Planning and Governance) summarising the key issues arising from East Herts Main Modifications consultation and sets out the Council's response to the consultation which was agreed with the Executive Member for Planning, Housing and Community.

11. DRAFT COLE GREEN WAY GREENSPACE ACTION PLAN 2018-2023 CONSULTATION (Pages 31 - 38)

Report of the Executive Director (Public Protection, Planning and Governance) setting out the draft Greenspace Action Plan (GAP) that has been prepared for Cole Green Way by the Countryside Management Service (CMS) on behalf of Hertfordshire County Council (HCC).

12. SUCH OTHER BUSINESS AS, IN THE OPINION OF THE CHAIRMAN, IS OF SUFFICIENT URGENCY TO WARRANT IMMEDIATE CONSIDERATION

13. EXCLUSION OF THE PRESS AND PUBLIC

The Panel is asked to resolve:

That under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public be now excluded from the meeting for item 14 (if any) on the grounds that it involves the likely disclosure of confidential or exempt information as defined in Section 100A(3) and Part 1 of Schedule 12A of the said Act (as amended).

In resolving to exclude the public in respect of the exempt information, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PART II

14. ANY OTHER BUSINESS OF A CONFIDENTIAL OR EXEMPT NATURE AT THE DISCRETION OF THE CHAIRMAN

<u>Circulation:</u>	Councillors	S.Boulton (Chairman)	A.Chesterman
		M.Perkins (Vice-Chairman)	M.Cowan
		D.Bennett	C.Gillett
		H.Bromley	G.Hayes
		N.Chapman	P.Shah

Co-opted Members:- Tenants' Panel Representatives

D.Fuller and M.Kandekore

Executive Board
Press and Public (except Part II Items)

If you require any further information about this Agenda please contact G Paddan democracy@welhat.gov.uk 01707 357349, Governance Services Unit on 01707 357349 or email – g.paddan@welhat.gov.uk

This page is intentionally left blank

Agenda Item 4

Part I

Item No: 4

Main author:

Executive Member: Cllr Roger Trigg

Not Ward Specific

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING AND PARKING PANEL – 8 MARCH 2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

ACTIONS STATUS REPORT

1 Executive Summary

- 1.1 In order to ensure that actions identified at meetings are completed, this report lists the actions from the meeting of the Cabinet Planning and Parking Panel on 8 March 2018, those responsible for completing each action and their current status.

2 Recommendation(s)

- 2.1 That Members note the status of actions which were identified at the 8 March 2018 meeting of the Committee.

Minute	Action	Responsible	Status/ Date Completed
.	Single and Double Yellow Lines in Hill Rise and Sutherland Way, Cuffley	Parking and Cemetery Services Manager	Agreed by Cabinet on 3 April 2018.

This page is intentionally left blank

Agenda Item 8

Part I
Item No: 8
Main author: Colin Haigh
Executive Member: Cllr Mandy Perkins
All wards

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING AND PARKING PANEL – 12 APRIL 2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

DRAFT NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

1 Executive Summary

- 1.1 This report summarises the content of the Government's draft National Planning Policy Framework which has been issued for consultation until 10 May 2018 and then sets out a number of proposed responses that this Council could make.
- 1.2 The draft NPPF can be viewed here:
<https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>
- 1.3 It is accompanied by a Draft Planning Practice Guidance for Viability and a Draft Housing Delivery Test Measurement Rule Book.
- 1.4 The overriding emphasis of the Draft NPPF is for local planning authorities to build more homes, by preparing strategic plans that meet their objective need for development and a presumption in favour of sustainable development when determining planning applications. This is combined with a new standard method for calculating housing need and a range of responsibilities and consequences where there is under-delivery against the housing requirement.

2 Recommendations

- 2.1 That the Panel comments on the proposed responses.
- 2.2 That the Panel authorise the Head of Planning to prepare and submit a final response in consultation with the Executive Director (Public Protection, Planning and Governance) and the Executive Member for Planning, Housing and Community.

3 Explanation

- 3.1 The Government's introduction to the Draft NPPF begins with the assertion that "This country does not have enough homes."
- 3.2 Paragraph 2 retains the assertion that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. *This is welcomed.*
- 3.3 Section 2 retains a presumption in favour of sustainable development. It acknowledges overarching economic, social and environmental objectives and describes these as interdependent and mutually supportive, but clarifies that they

are not criteria against which every decision can or should be judged. It also contains the definition that the objective of sustainable development can be summarised as “meeting the needs of the present without compromising the ability of future generations to meet their own needs”. *This is welcomed.*

- 3.4 Paragraph 15 states that the planning system should be genuinely plan-led, with an aspirational but deliverable vision for the future of the area. *This is welcomed.*
- 3.5 Section 3 about plan-making moves away from direct reference to local plans. It instead makes reference to strategic plans (which are defined as local plans or spatial development strategies for a wider area). It describes that this can be councils producing individual local plans, councils working together to produce joint plans or combined authorities producing a spatial development strategy.
This moves forward the current NPPF emphasis on individual local plans and duty to co-operate with adjoining authorities. It gives this Council the option to prepare its own plan or work with other authorities to produce a joint plan which covers a wider area. In this regard the Government has recently awarded £250,000 to North Herts, East Herts, Stevenage and Welwyn Hatfield councils to progress joint planning work for long-term development needs.
- 3.6 If councils proceed down the strategic plan route, then it defines strategic policies as: strategy for pattern and scale of development, homes and workplaces, retail, leisure and commercial development, infrastructure, community facilities and climate change, natural, built and historic environment. It further advises that strategic plans should indicate broad locations for development and include allocations on a policies map. *This is akin to previous planning regimes involving regional plans, county structure plans or core strategies, but with the decision-making remaining at borough/district level, in partnership with other borough/district councils that we may decide to work with to produce a joint plan.*
- 3.7 It clarifies that local policies can then be in local plan or neighbourhood plan. It then defines local policies as: allocating sites, provision of local infrastructure and community facilities, design principles and development management policies.
- 3.8 It clarifies that all of these strategic, local and neighbourhood plans will together make up the ‘development plan’. *This refers back to Paragraph 2 which asserts that planning applications must be determined in accordance with the development plan.*
- 3.9 In all cases it states that policies should be reviewed at least once every five years and updated as necessary. *This was proposed as part of the White Paper in early 2017. Members may wish to consider this in the context of the resources that have been needed to prepare the Submitted Local Plan – in terms of staff, evidence studies, duty to co-operate meetings, public consultation, committee meetings and public examination.*
- 3.10 It advises that councils in two tier areas have a duty to co-operate with each other on strategic matters that cross administrative boundaries. They should prepare statements of common ground to document issues and progress. *This is similar to the current NPPF, but with the requirement to prepare a statement of common ground to guide intended work. At present it is more normal to prepare a memorandum of understanding to evidence to an examination inspector and others what has been agreed at the end of the duty to co-operate process.*

- 3.11 Paragraph 11(b) expects that “strategic plans should, as a minimum, provide for objectively assessed needs for housing and other development, as well as any needs that cannot be met within neighbouring areas, unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.” *This is similar to wording in the current NPPF.* It differs in one significant way however, in that a footnote defines areas/assets that might restrict development; which includes sites of special scientific interest, land designated as green belt, ancient woodland, designated heritage assets and areas at risk of flooding. *This makes it clear that green belt land is an area/asset that might be a strong reason for restricting the overall scale, type or distribution of development. It will remain a matter for the Council to decide whether there are exceptional circumstances to release land from the green belt for development.*
- 3.12 Paragraph 36 states that plans should continue to be positively prepared, justified, effective and consistent with national policy in order to be found sound. *This is welcomed. It should be noted that the positively prepared test of soundness assets that the strategy should at a minimum meet as much as possible of the area's assessed needs, particularly for housing. It is also welcomed that the justified test of soundness is proposed for amendment such that the plan must be 'an appropriate strategy' rather than 'the most appropriate strategy'.*
- 3.13 Section 4 encourages early engagement and pre-application advice. *This is welcomed, as this Council already provides a robust pre-application service, ranging from a drop-in service for straightforward queries, pre-application advice and the scope for Planning Performance Agreements for complex schemes.*
- 3.14 Paragraphs 48-51 explain how councils should determine planning applications – as quickly as possible and with due weight given to existing and emerging plan policies. It warns that refusal on the grounds of prematurity will seldom be justified, unless the proposal is so substantial or cumulatively significant that it would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of development that is central to an emerging plan. *This will hopefully not apply to this Council as the text clarifies that prematurity will seldom be justified where a plan has yet to be submitted or examined. This Council submitted its plan to the Government in May 2017 and it is currently undergoing public examination, which indicates that prematurity be may justified where it would pre-determine decisions which are central to the submitted plan.*
- 3.15 Section 5 focuses on delivering a sufficient supply of homes. It states that plans should be based on a local housing need assessment conducted using the standard method in national planning guidance, unless there are exceptional circumstances to justify an alternative approach. *A standard methodology was proposed as part of the Planning for the Right Homes in the Right Places consultation in autumn 2017. It would amount to a need of 877 homes per year, equivalent to 17,540 homes to 2032. This compares with a target of 12,000 homes in the Submitted Local Plan to 2031 and an acknowledgment as part of the public examination process that there is an objective assessment of need of 16,000 homes to 2032. The Council will need to look closely at whether there are exceptional circumstances to justify an alternative approach, particularly as*

national projections suggest that Welwyn Hatfield has experienced the third highest population growth rate in the country in recent years, which does not appear to be reflected by on-the-ground experience in respect of house building rates, school registrations, GP registrations, etc.

- 3.16 It expects at least 10% of homes on major housing sites to be affordable. *By way of comparison the Submitted Local Plan expects that sites of 11+ homes can viably deliver 25% affordable homes in Hatfield, 30% in Welwyn Garden City and 35% in villages and rural locations.*
- 3.17 Plans are expected to set housing targets for designated neighbourhood areas, or provide an indicative figure if requested by the neighbourhood planning body. *At present only Northaw and Cuffley is a designated neighbourhood plan area.*
- 3.18 Paragraph 68 states that plans should identify a supply of specific deliverable sites for Years 1-5 and specific developable sites or broad locations for growth for Years 6-10 and Years 11-15 where possible. *This reiterates the current NPPF.* Paragraph 74 adds that this should include a buffer of (a) 5% to ensure choice and competition or (b) 10% where the council wishes to demonstrate supply through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year or (c) 20% where there has been significant under-delivery over the previous three years. Annual position statements must be subject to engagement with landowners, developers and others and considered by the Secretary of State. A footnote clarifies that a recently adopted plan is one adopted between 1 November and 30 April until 31 October of that year or one adopted between 1 May and 31 October until 31 October of the following year. Another footnote clarifies that significant under-delivery is below 85% of the housing requirement. *This is a complicated set of paragraphs and footnotes which take multiple readings to understand, and therefore probably need to be amended. The footnote indicates that plans are only considered to be recently adopted for a maximum of 18 months. Thereafter the emphasis is on the Council to prepare and engage on an annual position statement and have it agreed by the Secretary of State. This could be a significant stream of work and subject to considerable delay if it needs Government approval.*
- 3.19 Paragraph 69 requires councils to ensure that at least 20% of sites identified for housing in their plans are 0.5 hectares or less. *It is likely that this requirement has been added to assist small house building companies to play a greater role in delivery. It should be opposed however as the ability to ensure that one-fifth of sites are small sites depends entirely on what land is available in the borough. It would be unfair for the Council to be penalised in some way if the only sites that were found to be available for housing development were larger sites. In this borough for example most small sites are windfall sites rather than explicitly identified in the Brownfield Register or Local Plan. The Council's response should make it clear that the application of Paragraph 69 (d) which states that local planning authorities should encourage the sub-division of large sites should not prejudice the ability to secure affordable housing from the site as a whole.*
- 3.20 Paragraph 75 states that the presumption in favour of sustainable development for decision-making will apply where the council cannot demonstrate a five year supply of deliverable housing sites or where the housing delivery test indicates that delivery is substantially (75%) below the housing requirement. *This means that Local Plan policies will assumed to be out-of-date and there will be a much*

greater expectation on the Council to approve proposals unless the adverse impacts would significantly and demonstrably outweigh the benefits.

- 3.21 Paragraph 77 states that councils should monitor delivery in line with a new housing delivery test and prepare an action plan to assess the causes where delivery falls below 95% of the requirement over the previous three year period. *It is likely that the housing target that is ultimately selected through the current Local Plan examination process will be challenging. It is therefore likely that delivery of that housing target over the plan period will also be challenging. As a result it is probable that the Council will at some point need to prepare an action plan to assess the causes of under-delivery and to identify actions to increase delivery in future years. At this stage it is anticipated that the most likely causes of under-delivery will be a failure to grant sufficient planning permissions (which is something that the Council has some control over) or slow rates of delivery once schemes have secured planning permission (which is dependent on landowners, developers and others). It is recommended that this fact should be highlighted as part of our response.*
- 3.22 Paragraph 78 suggests that councils should use planning conditions to force housing development to start within a shorter period than the default three years. *This is welcomed. Beyond this statement however there is very little in the Draft NPPF that can be used to force landowners/developers to build homes once permission has been granted. This represents a significant problem as under-delivery will require the Council to prepare an action plan (at 95%), an annual position statement (at 85%) or treat its policies as out-of-date and apply the presumption in favour of sustainable development (at 75%).*
- 3.23 The Draft NPPF is accompanied by a housing delivery test measurement rule book. This instructs that the housing delivery test is “the percentage of the net number of homes delivered against the number of homes required”. The net number of homes delivered is net additional dwellings plus a nationally-set ratio for student accommodation and a nationally-set ratio for other communal accommodation. The figure to be used for the number of homes required is either the adopted plan target where it is less than 5 years old or else the projected household growth figure for the period 2014/15 – 2017/18, plus any unmet neighbours’ need figure. *This is complicated guidance which takes multiple readings to understand, and therefore probably needs amending. There is insufficient guidance on how any unmet need in any neighbouring authorities will be added into the housing requirement. The guidance does not explicitly define the source of projected household growth figures, although it is assumed that it means ONS projections. The guidance does not explicitly state that projected household growth figures for 2014/15 – 2017/18 will be rolled forward each year, although this is probably what is intended.*
- 3.24 The Draft NPPF continues to provide guidance on the economy, the vitality of town centres, healthy and safe communities, sustainable transport, high quality communications, the effective use of land, well-designed places, protection of green belt land, climate change and flooding, the natural environment, the historic environment and the sustainable use of minerals. *This is all welcomed. The Council should express support for Paragraph 86 (d) which states that policies should allocate a range of town centre sites to meet development needs for at least ten years ahead. This accords with the Submitted Local Plan which set a target for ten years on the basis that it was too difficult to predict shopping trends over a longer term than this.*

- 3.25 In respect of the effective use of land, Paragraph 118 gives substantial weight to the use of suitable brownfield land within settlements and the framework also encourages councils to be more flexible in allowing alternative uses to come forward where there is no reasonable prospect of the preferred use. The document recommends minimum housing density standards and the refusal of planning applications which fail to make best of land, especially when there is a shortfall of housing land. *The Submitted Local Plan already contains density guidance and supports higher densities in sustainable locations. It will be a matter for planning officers under delegated powers and members of Development Management Committee to consider guidance on refusing schemes that could come forward at higher densities.*
- 3.26 In respect of protecting the green belt, it continues to assert that the fundamental aim of the green belt is to keep land permanently open through its five purposes to check unrestricted sprawl, prevent towns from merging, safeguarding the countryside from encroachment, preserve historic towns and assist in urban regeneration. It further advises that green belt boundaries should only be altered in exceptional circumstances through the updating of plans. It expects councils to consider all other reasonable options for meeting its housing need before contemplating green belt release. Where green belt land is ultimately selected for release then policies should consider ways to offset the impact through compensatory improvements in terms of environmental quality and accessibility to remaining green belt land. *All of this is welcomed, as it retains the guidance that the Council considered when preparing, submitting and advocating its Local Plan at public examination. The Submitted Local Plan seeks to improve the environmental quality and accessibility of land that will remain green belt through its green infrastructure and green corridor policies. The Council should query whether Paragraph 144 (b) for the acceptable provision of facilities for outdoor sport, outdoor recreation, cemeteries, burial grounds and allotments in the green belt relates to both existing uses and changes of use.*
- 3.27 In respect of town centre viability, it continues to assert that that town centres should be the heart of local communities. It states that main town centre uses should be located in town centres, then edge-of-centre locations and only out-of-centre sites if other sites are not available and not expected to become available within a reasonable period. *This is welcomed, as it supports the Council's efforts to regenerate Hatfield town centre and to provide additional retail floorspace in Welwyn Garden City town centre.*
- 3.28 In respect of aviation, Paragraph 105(f) states that planning policies should recognise the importance of maintaining a national network of general aviation facilities – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy.
- 3.29 In respect of heritage, Paragraph 190 asserts that any harm or loss to a designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade I listed building (such as Hatfield House), grade I registered park (such as Hatfield Park) or scheduled monument should be wholly exceptional. Substantial harm to or loss of a grade II listed building (such as the former Shredded Wheat production hall and silos) and grade II registered park should be exceptional. *This accords with the current NPPF.*

- 3.30 The Draft NPPF is accompanied by guidance for viability, which states that the cumulative contributions expected by policies should not be of a scale that will make development unviable. Viability assessments should be carried out at the plan-making stage, in consultation with landowners, developers, affordable housing providers and others, and requirements should then be set at a level that allows for sites to come forward without further viability assessment work at the decision-making stage. *This should be opposed, as it places a significant burden on the Council to pay for and carry out sufficiently detailed viability assessments at the plan-making stage, for both its policies in general and for strategic sites, and working with landowners, developers and others.*

4 Legal Implications

- 4.1 There are no direct legal implications associated with this report. The NPPF sets out the Government's planning policies and how they should be applied. It must be taken into account when preparing the development plan and is a material consideration in planning decisions.

5 Financial Implications

- 5.1 There are no direct financial implications associated with this report. It should be noted however that the Government has previously consulted on the possibility of restricting New Homes Bonus where councils do not achieve their housing need.

6 Risk Management Implications

- 6.1 There are no direct risk management implications associated with this report. If the Draft NPPF does come into force as currently drafted there is a risk that the Local Plan will be deemed out-of-date and the Council would lose some of its decision-making abilities if there is under-delivery against the housing target.

7 Security and Terrorism Implications

- 7.1 There are no security or terrorism implications associated with this report.

8 Procurement Implications

- 8.1 There are no procurement implications associated with this report.

9 Climate Change Implications

- 9.1 There are no climate change implications associated with this report.

- 9.2 The draft NPPF contains policies relating to climate change that will need to be considered by the Council in the preparation of planning and other documents and the determination of planning applications.

10 Link to Corporate Priorities

- 10.1 The subject of this report is linked to the Council's Business Plan 2015-2018 and particularly Priority 1 to maintain a safe and health community, Priority 2 to protect and enhance the environment, Priority 3 to meet the borough's housing needs and Priority 4 to help build a strong local economy.

11 Equalities and Diversity

- 11.1 An EqIA was not completed because this report does not propose changes to any existing service-related policies or the development of any new service-related policies.

Name of author Colin Haigh
Title Head of Planning
Date April 2018

Agenda Item 9

Part I

Item No: 9

Main author: Mohammed Azram

Executive Member: Mandy Perkins

All Wards

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING AND PARKING PANEL –12 APRIL 2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

DRAFT HERTFORDSHIRE WASTE LOCAL PLAN INITIAL CONSULTATION DOCUMENT, FEBRUARY 2018

EXECUTIVE SUMMARY

- 1.1 Hertfordshire County Council (HCC) has published its Waste Local Plan Initial Consultation document (WLP). This is open for consultation between 5th February 2018 and 30th March 2018, however it has been agreed with the County Council that Welwyn Hatfield Borough Council can submit a late representation so that Members can have the opportunity to debate the consultation. This will replace the policies contained within its existing Waste Core Strategy and Development Management Policies Document (adopted 2012) that covers the period between 2011 – 2026, as well as the Waste Site Allocations Document (adopted 2014) and the Employment Land Areas of Search (ELAS) Supplementary Planning Document (adopted 2015).
- 1.2 The WLP initial consultation is the first stage of reviewing the existing Plan and is informal. This stage is expected to be followed by a call for sites (if required), a Draft WLP Pre-Submission Consultation (Reg. 19) in autumn 2019, submission to an independent examination in winter 2020 and adoption by autumn 2021.
- 1.3 The consultation document has been informed by Sustainability Appraisal (S.A) and Habitats Regulations Assessment Scoping Reports, as well as a Draft Waste Capacity Report (2017). It is also accompanied by 12 topic papers covering areas such as; cross boundary issues, criteria for assessing applications, policies, transport, safeguarding sites and waste parks. The Council's proposed response is set out in italics in section 4 of the report.

2. Recommendation(s)

- 2.1 That the Panel agrees the proposed response to the Draft Hertfordshire Waste Local Plan Initial Consultation Document (2018) as set out in section 4 of the report.
- 2.2 That the Panel authorise the Head of Planning in consultation with the Executive Member for Planning.

3. Background

- 3.1 Hertfordshire County Council (HCC), as the Waste Planning Authority (WPA), has a statutory duty to prepare a Waste Local Plan. This should set out a strategy for addressing the issues facing the county in terms of the quantum, type and location of waste management facilities. It will set out policies allocating sites and/or areas of search for delivering new or enhanced waste management facilities in

appropriate locations. It will also include a set of generic development management policies covering matters such as the protection of the environment, climate change, the efficient use of resources, safeguarding existing waste management facilities, and the promotion of sustainable development.

- 3.2 The Waste Local Plan has to be produced in line with the National Planning Policy for Waste 2014 (NPPW)¹, the Planning Practice Guidance for Waste² and the NPPF. These aim to ensure that; waste management facilities are located within proximity to where it is produced; resources are efficiently used by moving waste up the waste hierarchy (.i.e. via prioritising the reduction, reuse and recycling rather than recovering it via energy or disposing it in landfills); protection is given to the environment and human health, climate change is addressed and sustainable development is promoted. The Waste Local Plan forms part of the Development Plan for the borough and will be used to determine planning applications, taking account of other material considerations.
- 3.3 The current Waste Local Plan comprises the Waste Core Strategy and Development Management Policies document 2012 (WCS) and the Waste Site Allocations document 2014. The County Council have identified that these documents are being reviewed as the policies are becoming outdated and there is need to ensure they reflect the most recent national planning guidance. Further, the updated district/borough Local Plans are proposing major levels of housing and employment growth that are likely to generate additional waste and there is a need to assess whether there is a sufficient capacity to manage this.

4. Explanation

- 4.1 The WLP initial consultation is the first informal stage of reviewing the existing plans. The main issues that the consultation document covers and is seeking a response to are:
- The challenges for managing waste and a vision, objectives for addressing these. (Issues 1-4)
 - Assess if the WLP should be a single document and its timeframes (Issues 5-6)
 - Identification of a methodology and assumptions for assessing the future quantities of different types of waste and assessing the capacity of existing waste management facilities.(Issues 7-17)
 - Identification of a policy approach for delivering and safeguarding new and enhanced waste management facilities (Issues 18-23)
 - Identification of the policy headings for strategic and development management policies, as well as potential amendments to existing policies. (Issues 24-27)
 - Identification of the issues that the SA objectives/framework should cover. (Issue 28)

¹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf

²<https://www.gov.uk/guidance/waste>

Vision and Objectives Issues 1-4

- 4.2 The consultation document includes a draft vision and a set of objectives that will provide the basis to draft policies and identify suitable locations for future waste management facilities.
- 4.3 The Draft vision sets out generic aspirations to:
- achieve self-sufficiency in managing waste by 2031;
 - implement the Waste Hierarchy;
 - resolve the waste capacity gap and cooperate with other authorities to manage waste movements both into and out of the county;
 - develop a supportive and flexible plan based approach towards waste management facilities that embraces new technologies that reduce carbon emissions;
 - achieve sustainable development through consideration of sustainable transport links, protection of natural and built environment.
- 4.4 *It is recommended that the WHBC response should suggest that the vision could be enhanced through being more locally distinctive by focusing on the key issues of ‘what will happen’, ‘where’, ‘how’ and ‘when’ during the life of the WLP; It is considered that there should be a specific reference to the protection of the Green Belt and human health in the vision. It should also consider how realistic it is for Hertfordshire to become self -sufficient given the location of existing facilities in adjoining authorities and recent investment decisions. This will need to be the subject of duty to cooperate discussions with neighbouring waste planning authorities.*
- 4.5 The WLP includes 10 draft objectives that are generally aligned to the aims of the draft Vision. For example, they seek to; deliver waste facilities within suitable locations and close to where it is produced; drive waste practices up the hierarchy, promote the sustainable transport, recognise waste as an employment generator. The consultation is seeking views on whether there is a relationship between the draft objectives and visions, as well as if the correct objectives have been identified.
- 4.6 *It is considered that the Council’s response should support the proposed objectives but suggest that they could be added to include references to the need to protect the Green Belt.*

Waste Data and Capacity Gap

- 4.7 Like the Welwyn Hatfield Local Plan, the Waste Local Plan needs to be informed a comprehensive evidence base. Key to developing the spatial strategy will be evidence relating to the need for new waste management facilities.
- 4.8 The draft Waste Capacity Gap Report (WCGR) seeks to quantify the current and future waste produced, recycling rates, and assess the capacity of existing waste management facilities and is based on the methodology agreed by the East of England Waste Technical Advisory Body. This. The types of waste it focuses on are;

- a) Non-hazardous waste that is made up of local authority collected waste, and commercial and industrial waste;
 - b) Construction, demolition and excavation waste;
 - c) Hazardous waste.
- 4.9 **Local Authority Collected Waste (LACW) Issues 7-8:** The LACW Spatial Strategy (2016) indicates that the total level LACW produced has generally remained steady at 0.5 million tonnes per annum (mtpa) between the financial years of 2004/05 and 2015/16. During the same period, the proportion of total waste 'composted or recycled' increased from 25% to 50% and waste 'recovered via energy recovery' increased from 6% to 30%, whilst waste disposed through landfill fell from 69%-19%.
- 4.10 This would imply that in spite of population growth policies to minimise the amount of waste as well as measures to increase recycling have had some success. The county council is proposing to base its assessment of need for future facilities on the data set out in the LACW Spatial Strategy. This data is generally reliable but data on future growth is based on projections for housing growth taking into account the Objective Assessment of Housing Need.
- 4.11 *The Council's response should draw attention to the fact that the Spatial Strategy will need to be updated to reflect current proposals in Hertfordshire Local Plans for housing growth. Furthermore the assumptions in the LACW Spatial Strategy need to be justified as they do not set out why it expects the overall levels of household waste to increase when there has been a recent pattern of stable waste production in spite of population growth.*
- 4.12 *In line with PPG, the Waste Local Plan should set out a growth profile of waste, the assumed rate of waste produced (as a starting point) for projections, based upon household/population growth and waste per household/per capita.*
- 4.13 Additionally, the consultation is seeking views on whether the projections should be based on an assumption that 60% or 65% (government target) of LACW will be recycled/composted, by 2031. *It is considered that the Waste Local Plan should be based on this higher national target.*
- 4.14 **Commercial and Industrial Waste (C & I) Issues 9-11:** The WCGR indicates there is a limited data on C & I waste because it is managed by private companies. Data collected by the Environment Agency and published annually as the Waste Data Interrogator (WDI) from information waste transfer notes but this is combined with household waste and therefore a deduction has to be made for LACW waste. No data exists before 2011 for Hertfordshire as this was collected on a regional basis so there is limited information on changing trends. The alternative is to use survey data from 2009 which is clearly out of date. Using WDI data the Capacity Gap Report estimates that the level of C & I waste has increased by 88% between the financial years 2011/12 -2015/16. It is not known how much of this waste has been recycled.
- 4.15 The consultation is seeking views on whether data from the WDI should be used and if not what other source should be used.
- 4.16 *It is considered that the county council has no other option but to use the WDI as it would appear to be the best data available but that the WHBC response should raise a concern that the figures would appear to be an overestimation and should therefore be treated with caution.*

4.17 The consultation is seeking views on two scenarios for forecasting future C & I waste to 2031. Both scenarios are based on data from the East of England Forecasting Model.

- A low growth scenario - forecasts are based on changes in employment/growth rates in economic sectors as proxy to estimate future C & I waste. This forecasts an increase in waste of 6%
- A high growth scenario – forecasts are based on changes to gross value added (i.e. business income) to estimate future C & I waste. This forecasts an increase in waste of 30%

It also proposes using a recycling target of 60% for this waste stream.

4.18 *The high growth scenario assumes there is a direct relationship between economic activity and the production of waste, even though businesses seek to reduce waste due to environmental and economic factors. Furthermore this assumption is not in line with the aspirations set out in the vision to promote waste reduction as part of a ‘circular economy’.*

4.19 *The low growth scenario should be preferred as it better relates to which sectors are likely to grow. However, the use of a single EEFM projection should be treated with caution as these vary considerably from one run to another and it might be more appropriate to look at an average for a 10 year period. Furthermore regard should be had to the employment strategies of the respective Local Plans and the extent to which they are proposing to meet EEFM forecasts.*

4.20 **Construction, demolition and excavation Waste (CDE) Issues 12-14:** The consultation document states that CDE waste data is not extensive or reliable. The WDI data only records managed waste from sites which are not exempt from an Environmental Agency permit.

4.21 The EA permit data estimates that CDE waste increased by approximately 75% to 2.05 million tonnes between 2012 and 2015.

4.22 The consultation is seeking views on two scenarios for forecasting future CDE waste to 2031.

- The low growth scenario assumes that CDE waste will remain at 2015 levels.
- Whilst a high growth scenario, based upon EEFM (GVA) estimates that CDE waste will increase by 30% to 2,726,651 tonnes (2016-31).

It is also asking whether a target should be set that 70% of CDE waste will be recovered by 2020 and to divert 90% of it from landfill by 2031.

4.23 *It seems likely that CDE will grow because of the significant increase in housebuilding in Hertfordshire however it is not considered that the high growth scenario will give an accurate picture of growth in this waste stream and that some other measure should be used. It is considered that the targets to recover and divert CDE waste should be supported, as they will encourage the efficient use of resources and reduce the need to extract minerals.*

Hazardous Waste Issues 15-16

- 4.24 Hazardous waste data is more reliable as it is closely monitored by the Environment Agency. This type of waste has increased by approximately 4,000 tonnes between 2011 and 2015. Two growth scenarios are put forward as options
- Low growth scenario maintains the amount stable at 2015 figures
 - high growth extrapolates the trend from 2011 and is in accordance with national policy guidance.

4.25 *It is considered that the County Council should consider whether there is any basis for departing from recent trends and if there is not then the Plan will need to comply with national guidance.*

Waste Management Capacity Issue 17

- 4.26 The county council are proposing to use a site by site approach to assessing capacity at existing sites. No figure has been provided in the consultation document but the Capacity Gap report has carried out an analysis which indicates that there will be a lack of facilities to manage between 406,828 and 503,772 tonnes of non-hazardous waste.
- 4.27 *It is considered appropriate to carry out a site by site analysis but the assumptions behind the assessment should be published. It is considered that there should be a further consultation stage on sites before the County Council publishes its regulation 19 proposed submission plan.*

Waste Sites and Areas Issues 18-19

- 4.28 The Waste Site Allocations Plan (2014) allocates eight waste management sites (including three within WHBC). However, the consultation document acknowledges that the allocated sites have failed to come forward for development or deliver the type of waste facility that they were allocated for. New facilities have largely been delivered on windfall sites. Hence the county council is seeking views on whether the WLP should continue to identify allocated sites. It would appear that there has been no analysis carried out as to why the allocated sites have failed to come forward as no topic paper on this matter has been produced.
- 4.29 *It is considered that before a decision is made upon the approach to be used such an analysis should be carried out. In general it is considered that allocations provide more certainty but such sites should have a reasonable prospect of coming forward and the appropriateness of maintaining the current allocations should form part of this review.*
- 4.30 The Waste Core Strategy (WCS, 2012) identified five Ares of Search, two of which fall within Welwyn Hatfield. These are broad locations, where new facilities are supported for the treatment and disposal of municipal waste. These informed the approach taken in the Waste Site Allocation (WSAP) document for the allocation of sites and lead to the identification of three site in Welwyn Hatfield all of which lie in an Area of Search. The WLP is seeking views on whether such an approach should continue to be identified.
- 4.31 *The identification of Areas of Search is a more strategic approach which is appropriate for a Core Strategy. If the county council proceed with a single Local Plan they would need to justify why they are not allocating sites and therefore decisions about whether to identify Areas of Search is related to the approach the*

allocation of sites. The analysis of why sites have failed to come forward needs to consider whether the identification of Areas of Search would have been more successful. Furthermore the appropriateness of the existing Areas of Search should also be considered as they have also failed to deliver the type of waste management facility that was required by the approach.

Safeguarding of sites Issues 22-23

- 4.32 The adopted WLP includes a policy that seeks to safeguard waste sites in locations where they exist or have been granted permission, even if it has not been implemented. This aims to ensure there is a network of management facilities within the county, as well ensure non-waste development does not impact upon their operations. The WLP is seeking views on options to; continue the existing approach; safeguarded sites with certain exceptions, safeguard only strategic sites, or not to safeguard at all.

It is recommended that the WHBC response should support the option of 'safeguarding of waste sites with certain exceptions'. The exceptions should allow for a change of use in situations where the existing use is causing an environmental nuisance which cannot be controlled through enforcement action. Another exception would relate to sites where the permission has not been implemented after an appropriate period, as they might not be suitable to meet the needs of the industry .This approach would ensure that there are sufficient facilities to manage future waste and reduce the need to identify new sites. It would also prevent the long term protection of sites that have no reasonable prospect of being used for waste management.

Consultation Areas Issue 23

- 4.33 The consultation document asks if sites are to be safeguarded should a buffer area be identified around them to ensure they are protected from new uses on adjoining sites which might then constrain their operation. These would be known as consultation areas and would result in the need to consult HCC when an application came in.
- 4.34 It is proposed that WHBC should support the identification of waste consultation areas (in principle), to ensure non waste uses are compatible and do not adversely impact existing waste operation, as well as to ensure that there is adequate mitigation incorporated into design of a scheme for the occupant of other uses. The areas would need to be clearly defined on a GIS layer and would need to relate to the extent of the likely impact.

Employment Land Areas of Search (ELAS) Issue 20

- 4.35 The WSAP (2014) identified designated employment areas within Hertfordshire as an appropriate location for waste management facilities. However the introduction of Prior Notification allowing for change of use from B1 to residential means that such areas may no longer be compatible with waste management uses. The Borough/District Local Plans are being reviewed and proposing changes or development within proximity to (or within) the existing ELAS. The WLP is seeking views on whether the ELAS should continue to be identified.
- 4.36 It is recommended that the WHBC response should support the identification of ELAS, as this will encourage; the re- use of previously developed sites and ensure waste management facilities are located within proximity to where waste is

produced, to promote sustainable development. It is suggested that it should highlight however that some employment areas are too small or are predominantly in B1 use to be considered suitable for such uses and that a review of which employment areas are suitable should be undertaken. Alternatively a criteria based approach could be incorporated into the plan removing the need to identify specific employment areas.

Format of the Local Plan and its timeframe Issues 5-6

- 4.37 The consultation is seeking views on whether the Waste Local Plan should comprise of a single document that includes strategic policies, site allocations and development management policies, or whether these types of policies should be included in more than one document.
- 4.38 *It is considered that WHBC should support the production of a single WLP document because this would ensure that a comprehensive waste planning framework will be in place earlier.*
- 4.39 The WLP is seeking views on whether the WLP should cover a 15 year period or longer. *It is considered that WHBC should support a 15 year time frame, because of the difficulties in forecasting the quantum of waste likely to arise which will be compounded over a longer plan period. This would also be generally consistent with the timeframes of Hertfordshire district Local Plans.*

4.40 List of Policies Issues 24-27

- 4.41 The consultation document sets out a list of the topics it intends to cover with strategic and development management policies. These are similar to the topics covered in the existing current Waste Core Strategy and Development Management Policies Plan. However the previous plan did contain specific policies relating to different waste streams. It is not clear whether there would also be policies relating to the allocated sites and any site specific objectives each site would be expected to deliver.
- 4.42 *It is considered that our response should draw attention for the need for site specific policies and strategic policies relating to different waste streams.*

4. Legal Implications

- 4.1. There are no direct legal implications associated with this report. Once adopted the Waste Local Plan will replace the current plans and will form part of the development plan for Welwyn Hatfield.

5. Financial Implications

- 5.1. There are no specific financial implications arising from this report.

6 Risk Management Implications

- 6.1. There is a risk that in not responding to the consultation it could have both direct and indirect implications for Welwyn Hatfield.

7 Security and Terrorism Implications

- 7.1. There are no security and terrorism implications arising directly as a result of this report.

8 Procurement Implications

8.1 There are no procurement implications arising directly as a result of this report.

9 Climate Change Implications

9.1 No climate change implications have been identified resulting from this report. The Waste Local Plan will contain policies relating to climate change.

10 Policy Implications

10.1 There are no direct policy implications arising for Welwyn Hatfield as a result of this report.

11 Link to Corporate Priorities

11.1 The Council's Business Plan 2015-2018 contains corporate priorities to meet the borough's housing need, help build a strong local economy, protect and enhance the environment and maintain a safe and healthy community. Responding to other authorities' consultations helps this Council to meet these priorities effectively.

12 Equality and Diversity

12.1 I confirm that an Equalities Impact Assessment has not been carried out by this authority as this report refers solely to the emerging policy and proposals of another authority.

Mohammed Azram
Senior Policy Planner
29 March 2018

This page is intentionally left blank

Agenda Item 10

Part I

Main author: Bryce Tudball

Executive Member: AL Perkins

All Wards

WELWYN HATFIELD BOROUGH COUNCIL CABINET PLANNING AND PARKING PANEL – 12 APRIL 2018 REPORT OF THE EXECUTIVE DIRECTOR

RESPONSE TO EAST HERTS COUNCIL – DISTRICT PLAN MAIN MODIFICATIONS CONSULTATION

1 Executive Summary

- 1.1 East Herts District Council is in the process of finalising the East Herts District Plan. The Plan was submitted for examination in March 2017 and an independent Planning Inspector examined the plan during Hearing Sessions held between October 2017 and January 2018. Following the close of the Hearing Sessions, the Council proposed modifications to the Plan. A consultation was held for six weeks between 15 February 2018 and 29 March 2018 on the Main Modifications to the plan.
- 1.2 The report summarises the key issues arising from East Herts Main Modifications consultation and sets out the Council's response to the consultation which was agreed with the Executive Member for Planning, Housing and Community. This set out that the Council raises no objection to the proposed Main Modifications to the East Herts District Plan. It is considered that the proposed Main Modifications will help ensure that the plan meets the “tests of soundness” set out in the National Planning Policy Framework.
- 1.3 The consultation response sets out the Council's support for proposed Main Modifications to Policy EWEL1 Land East of Welwyn in the East Herts District Plan. The land allocated in the Plan at East of Welwyn forms part of the larger Birchall Garden Suburb site which falls partly within Welwyn Hatfield Borough and partly within East Herts District.

2 Recommendation(s)

- 2.1 That the panel note the consultation response set out in paragraph 3.13 of this report.

3 Explanation

Background

- 3.1 East Herts District Council is in the process of finalising the East Herts District Plan. The Plan was submitted for examination in March 2017 and an independent Planning Inspector examined the plan during Hearing Sessions held between October 2017 and January 2018. Following the close of the Hearing Sessions, the Council proposed modifications to the East Herts District Plan. A consultation was held for six weeks between 15 February 2018 and 29 March 2018 on the Main Modifications to the plan.
- 3.2 East Herts District Council are proposing around 180 main modification which are subject to consultation as well as a number of minor modifications to the plan and

Policies Map which are not consulted upon. A Sustainability Appraisal of the Main Modification was also published for consultation.

- 3.3 The Main Modifications relate to those matters which the East Herts Inspector indicated through the examination process are required to render the East Herts District Plan sound. The modifications include an increased housing target from 16,390 to 18,458 which is based on a revised Objective Assessment of Housing Need. The proposed modifications also propose a more precise jobs target and a small increase in retail floorspace. The modifications also clarify the jobs target and identifies additional employment areas. The modifications also allow for the shortfall in housing delivery in the start of the plan period (2001-17) to be met over a ten year period rather than a five year period. Despite these changes the overall development strategy for East Herts District remains substantially unchanged from the Plan which was submitted for examination.
- 3.4 The modifications also propose changes to the joint policy for Birchall Garden Suburb. This appears as Policy EWEL1 in the East Herts District Plan and Policy SP19 in the Welwyn Hatfield Draft Local Plan Proposed Submission. Given the cross-boundary nature of the site and the fact that respective plans were subject to examination at the same time a Joint Hearing Session was held for Birchall Garden Suburb on 30 January 2018.
- 3.5 The modifications relate to matters that both Inspectors indicated would need addressing. As the Welwyn Hatfield Local Plan examination is still open it is, however, possible that further changes to the policy in the Welwyn Hatfield Local Plan may be required.
- 3.6 Before, during and after the Birchall Garden Suburb Joint Hearing Session a number of minor and main modifications to the policy were agreed by officers of Welwyn Hatfield and East Herts. Some of the proposed modifications have already been agreed by this Council as modifications to the Welwyn Hatfield Local Plan and were submitted by this Council in May 2017 to the Welwyn Hatfield Inspector. Further modifications to overcome objections from Historic England were proposed by both Council's in the Hearing Statements and referred to in a joint Statement of Common Ground which was signed by the Executive Member for Planning. These related to references to stronger references to the Historic Environment and key views of heritage assets. The location of the secondary school was amended and a thicker green buffer along the A414 was shown on the strategy diagram to protect views from Hatfield House. Changes were also proposed relating to the need for a remediation strategy to address contamination on the site. Further changes suggested by the Inspector's related to setting clearer objectives for the masterplanning and SPD and setting separate design visions for different parts of the site. The proposed modifications to the policy were jointly drafted by officers of both Councils.
- 3.7 A Main Modification is also proposed to the East Herts District Plan to allocate an additional Employment Area of 6 hectares to the east of Welwyn Garden City. The land proposed for allocation is identified in the Strategy Diagram of the shared policy as an employment area but had not featured in other sections of the East Herts District Plan.

Consultation Response

- 3.8 It should be noted that this was a focused consultation relating to only the Main Modifications proposed to the East Herts District Plan. Welwyn Hatfield has provided detailed responses to previous consultations on the emerging East Herts District Plan which have been taken account of in the drafting of the final plan and in decisions relating to the overall development strategy for the District. Local Planning Authorities are not required to consult on proposed minor modifications.
- 3.9 It is considered that the proposed Main Modifications will help ensure that the East Herts District Plan meets the “tests of soundness” set out in the National Planning Policy Framework.
- 3.10 The consultation response raised no objections to any of the proposed Main Modifications to the East Herts District Plan. The response contained specific comments in regard to:
- Allocation of an additional Employment Area of 6 hectares to the East of Welwyn Garden City
 - Proposed Main Modifications to Policy EWEL1 Land East of Welwyn. This policy allocates land East of Welwyn which forms part of the cross-boundary Birchall Garden Suburb site which is also allocated within the Welwyn Hatfield Draft Local Plan Proposed Submission August 2016
 - Policy HOU9 Gypsies and Travellers and Travelling Showpeople
- These are addressed in turn below.
- 3.11 The consultation response sets out that the Council supports the Main Modifications. It is intended that the Main Modifications proposed by East Herts to Policy EWEL1 will also be proposed as Main Modifications to the corresponding policy in the Welwyn Hatfield Local Plan (Policy SP19 South East of Welwyn Garden City).
- 3.12 The consultation response suggested that East Herts consider making one further modification to their Plan to ensure that the policies are fully consistent. Policy EWEL1 VII part (b) sets out that in accordance with the relevant Local/District Plan policies the site will provide a serviced site for Gypsies and Travellers, which should deliver a total of 15 pitches (4 pitches for East Herts' and 11 pitches for Welwyn Hatfield's needs) to contribute towards the needs of both authorities, the location of which should be determined through the Masterplanning process, taking into account the latest Accommodation Needs evidence of both authorities. The table in policy HOU9 correctly identifies that Birchall Garden Suburb will deliver a total of 15 gypsy and traveller pitches (4 pitches for East Herts' and 11 pitches for Welwyn Hatfield's needs), however part I of the policy indicates these will be within East Herts District. In line with policy EWEL1 the location of pitches within Birchall Garden Suburb has not yet been agreed and will be determined through the Masterplanning process, taking into account the latest Accommodation Needs evidence of both authorities. As the final location is not yet determined it was suggested the table should be amended to reflect this fact and ensure that it is consistent with Policy EWEL1.
- 3.13 The full consultation response is reproduced below:

"Thank you for consulting Welwyn Hatfield Borough Council in relation to the proposed Main Modifications to the East Herts District Plan 2011-2033. I can advise that Welwyn Hatfield raises no objection to any of the proposed modifications set out in the East Herts District Plan Main Modifications Consultation document.

The Council supports Main Modification MM/3/305 which refers to the proposed allocation of an additional Employment Area of 6 hectares to the east of Welwyn Garden City. This reflects the identification on the shared Strategy Diagram of this area for employment purposes.

The Council is supportive of the proposed Main Modifications to Policy EWEL1 Land East of Welwyn (MM/13/01) and the Strategy Diagram (MM/13/02). The land allocated East of Welwyn Garden City forms part of the larger Birchall Garden Suburb site which falls partly within Welwyn Hatfield Borough and partly within East Herts District. The modifications to Policy EWEL1 which have evolved before, during and after the Birchall Garden Suburb Joint Hearing Session have been considered jointly at each stage and provide additional clarification and robustness to the policy. The principle of a joint policy is supported by Welwyn Hatfield Borough Council and the Main Modifications proposed by East Herts to Policy EWEL1 will also be put forward for consideration by Welwyn Hatfield Council as Main Modifications to the corresponding policy in the Welwyn Hatfield Local Plan (Policy SP19 South East of Welwyn Garden City), subject to the further work requested by the Welwyn Hatfield Local Plan Inspector.

To ensure consistency within the East Herts District Plan, it is suggested that a further modification be made to Policy HOU9 Gypsies and Travellers and Travelling Showpeople. Policy EWEL1 VII part (b) sets out that in accordance with the relevant Local/District Plan policies the site will provide a serviced site for Gypsies and Travellers, which should deliver a total of 15 pitches (4 pitches for East Herts' and 11 pitches for Welwyn Hatfield's needs) to contribute towards the needs of both authorities, the location of which should be determined through the Masterplanning process, taking into account the latest Accommodation Needs evidence of both authorities. The table in policy HOU9 correctly identifies that Birchall Garden Suburb will deliver a total of 15 Gypsy and Traveller pitches (4 pitches for East Herts' and 11 pitches for Welwyn Hatfield's needs), however part I of the policy indicates these will be within East Herts District. In line with policy EWEL1 the location of pitches within Birchall Garden Suburb has been has not yet been agreed and will be determined through the Masterplanning process, taking into account the latest Accommodation Needs evidence of both authorities. As the final location is not yet determined the table should be amended so that it is consistent with Policy EWEL1.

The Council has no comments in respect of the East Herts District Plan Sustainability Appraisal Report Addendum (January 2018)."

Next Steps

- 3.11 All comments submitted to the consultation will be collated and submitted to the Inspector of the East Herts District Plan. They will be taken account of respect of the Inspector's assessment of the Plan. The Planning Inspector will publish her recommendation on the Plan in due course taking account of the comments received to the consultation. As a key Duty to Cooperate partner of East Herts the Council will be notified when the report of the Inspector has been published.

It is proposed that an oral update will be provided to this panel at a later date in relation to the further progress of the East Herts District Plan.

Implications

4 Legal Implication(s)

- 4.1 There are no legal implications arising directly in relation to this report.

5 Financial Implication(s)

- 5.1 There are no financial implications arising directly in relation to this report.

6 Risk Management Implications

- 6.1 The East Herts District Plan is advancing towards adoption at a faster rate than the Welwyn Hatfield Local Plan. This introduces some risk in relation to the planning and delivery of the cross-boundary Birchall Garden Suburb development. It is considered however that these risks can be mitigated through the continued co-operation with East Herts District and other key stakeholders as well as through any required changes to the Welwyn Hatfield Local Plan, the examination of which is still ongoing.

7 Security & Terrorism Implication(s)

- 7.1 There are no security and terrorism implications arising directly in relation to this report.

8 Procurement Implication(s)

- 8.1 There are no procurement implications arising directly in relation to this report.

9 Climate Change Implication(s)

- 9.1 There are no climate change implications arising directly in relation to this report.

10 Policy Implication(s)

- 10.1 The Council's consultation response raised no objection to the Main Modifications proposed by East Herts to its District Plan. The Main Modifications proposed to Policy EWEL1 are specifically supported as they reinforce the policy within the emerging Welwyn Hatfield Local Plan relating to Birchall Garden Suburb. It is intended that the Main Modifications proposed by East Herts to Policy EWEL1 will also be proposed as Main Modifications to the corresponding policy in the Welwyn Hatfield Local Plan (Policy SP19 South East of Welwyn Garden City).

11 Link to Corporate Priorities

- 11.1 The subject of this report is linked to the Council's Corporate Priority to meet the borough's housing needs, and specifically to the achievement of planning for the housing needs of our communities because it includes a policy jointly agreed with this council for the development of Birchall Garden Suburb, which straddles the boundary between Welwyn Hatfield and East Hertfordshire and will provide new homes in both local authorities' areas.

12 Equality and Diversity

- 12.1 An Equality Impact Assessment (EIA) has not been carried out in connection with the proposals set out in this report because it concerns the proposals of another local planning authority.

Bryce Tudball
Principal Planner – Planning Policy

29 March 2018

Background Papers

East Herts District Plan Main Modifications Consultation, February 15 – March 29 2018
<https://www.eastherts.gov.uk/mainmodifications>

Part I
Item No: 11
Main author: Bryce Tudball
Executive Member: Cllr Mandy Perkins
All Wards

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING AND PARKING PANEL – 12 APRIL 2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

DRAFT COLE GREEN WAY GREENSPACE ACTION PLAN 2018-2023 CONSULTATION

1 Executive Summary

- 1.1 A draft Greenspace Action Plan (GAP) has been prepared for Cole Green Way by the Countryside Management Service (CMS) on behalf of Hertfordshire County Council (HCC).
- 1.2 Cole Green Way is a 6.2km non-motorised transport route following the former Hertford to Welwyn Garden City branch line. It provides a traffic-free connection between Hertford and Welwyn Garden City connecting at both ends to links to the respective town centres and forms part of the Sustrans National Cycle Network Route 61.
- 1.3 The draft GAP focuses on the section of Cole Green Way between Hertford and the A414 which is owned by HCC and will make recommendations for the management of the remainder of the route.
- 1.4 A briefing document was produced by CMS in August 2017 as a first stage of engagement on the GAP. The Council's proposed consultation response was reported to this Panel on 5 October 2017 and following agreement of the Panel was submitted to the CMS on 12 October 2017.
- 1.5 The CMS has considered the feedback from the consultation on the briefing document and has subsequently prepared a draft Cole Green Way Greenspace Action Plan 2018-2023. This report summarises the draft GAP and sets out the Council's response to the consultation which was agreed with the Executive Member for Planning, Housing and Community and submitted to HCC by email on Friday 16 March.

2. Recommendations

- 2.1 That this Panel notes progress by the CMS on behalf of HCC in the preparation of a Greenspace Action Plan for Cole Green Way.
- 2.2 That this Panel notes the proposals and action plans for Cole Green Way as set out in the draft Greenspace Action Plan.
- 2.3 That this Panel notes the Council's response to the draft Cole Green Way Greenspace Action Plan 2018-2023 consultation which was agreed with the Executive Member for Planning, Housing and Community and submitted to HCC on Friday 16 March.

3 Background

- 3.1 Cole Green Way is a 6.2km non-motorised transport route following the former Hertford to Welwyn Garden City branch line. It provides a traffic-free connection between Hertford and Welwyn Garden City connecting at both ends to links to the respective town centres. The GAP focuses on the section of Cole Green Way between Hertford and the A414 which is owned by HCC. This section of the route is in need of major improvement.
- 3.2 It forms part of a developing network of strategic non-motorised public transport options. This network is helping meet a key objective of the Local Transport Plan 3 (LTP3): ‘Promoting and supporting sustainable travel to reduce growth in car traffic and contribute to improved health and quality of life for residents with a positive impact on the environment and on the wider challenge of reducing transport’s contribution to climate change.’
- 3.3 Pressure on the A414 corridor is already high and is likely to increase as a result of proposed development within Welwyn Garden City and Hertford. Forecast growth of traffic means that enabling and promoting active and sustainable travel is increasingly important.
- 3.4 A briefing document was produced by CMS in August 2017 as a first stage of engagement on the GAP. It provided background information, historical context and a review of current management operations, outlined the stated aims and objectives of the GAP for Cole Green Way and how the plan was intended to be used and set out the proposed approach to producing the plan including specifying how and when stakeholders will be involved. The Council’s proposed consultation response was reported to this Panel on 5 October 2017 and following agreement of the Panel was submitted to the CMS on 12 October 2017.
- 3.5 The Council’s consultation response to the document, which was agreed by this panel, set out that the Cole Green Way is in need of improvement and therefore stated the Council’s full support for the preparation of a Cole Green Way Green Space Action Plan. The response confirmed agreement of the stated aims and objectives together with the robustness of the proposed consultation approach. It was suggested that there would be merit in adding a further sub-objective as follows: “Ensure that Cole Green Way provides a safe, high quality route for all user groups – pedestrians, cyclists and horse riders”. It was explained that conflicts can arise between different user groups and that careful consideration should be given in the Action Plan to how these can be avoided or mitigated.
- 3.6 The CMS has considered the feedback from the consultation on the briefing document and has subsequently prepared a draft Cole Green Way Greenspace Action Plan 2018-2023.

4 Explanation

- 4.1 The draft GAP was published for consultation on 9 February 2018. It sets out a management, maintenance and development framework for the Cole Green Way over the five year period 2018-2023. The draft GAP sets out the same overall aim as the briefing document with only a couple of minor changes to the original objectives. The draft GAP includes an analysis and evaluation of the route and potential enhancement options and sets out annual actions plans for the period

2018-2023. Primarily it focuses on the section of the Cole Green Way owned by HCC but it also provides recommendations for the management of the remainder of the route.

- 4.2 The actions within the draft GAP can be broadly categorised as relating to surfacing, drainage, access points, promotion, signage and facilities. The key proposal relates to potential for a heritage project to be delivered at the former Cole Green railway station.
- 4.3 With respect to the Council's feedback to the briefing document, it is evident that this has been fully taken into account in the production of the Draft Plan. An additional sub-objective has been added under Objective 5 to ensure that Cole Green Way provides a safe, high quality route for all user groups. It is also clear throughout the document that consideration has been had to how potential conflicts between different user groups - pedestrians, cyclists and horse riders - can be avoided or mitigated. This has informed proposals such as the surface treatment and width of surfacing areas.
- 4.4 The focus and direction of the Draft GAP is generally supported and it is considered that the proposals and actions outlined are broadly appropriate. It is clear from the document that a thorough analysis has been undertaken and it is considered that the proposed actions will support the delivery of the plan's vision and objectives. The draft GAP has been influenced by a broad range of stakeholders and this is reflected in the choice of proposals and the commentary around their justification.
- 4.5 The section of the route falling within Welwyn Hatfield is owned by Tarmac. It has a relatively new tarmac surface with a width of 2m along its length. The draft GAP identifies some existing issues with maintenance of vegetation. As this section of the Cole Green Way is not constrained by the width of the former railway, it is recommended to widen the tarmac surface to at least 3m along its length to allow for safe and functional shared used. This is noted as being particularly important in the context of the proposed Birchall Garden Suburb development, which is likely to increase use of this section of the route considerably. It is recommended that vegetation management be enhanced. There are also proposals within the draft GAP to improve the entrance to Cole Green Way from Welwyn Garden City, enhance signage and to make the A414 underpass more attractive and welcoming. It is considered that these improvements are broadly appropriate.
- 4.6 As identified within the Draft Plan, the delivery of the Birchall Garden Suburb development will provide a major opportunity to secure enhancements to the Cole Green Way. The Council is taking a masterplanning approach to Birchall Garden Suburb and is committed to working with the landowner and other key stakeholders such as the Countryside Management Service and Hertfordshire County Council to ensure a high quality outcome which delivers maximum community benefit. It is considered that the inclusion of more delivery information within the final GAP document including detailed specifications for improvements will support this process.

5 Consultation Response

- 5.1 The consultation on the briefing document closed on Friday 16 March. A response to the consultation was agreed with the Executive Member for Planning, Housing

and Community and submitted to HCC by email on Friday 16 March. The full response is reproduced below:

"Thank you for consulting Welwyn Hatfield Borough Council on the draft Cole Green Way Green Space Action Plan 2018-2023. This response has been agreed by the Council's Executive Member for Planning, Housing and Community.

The Council is pleased to see that significant progress has been made in the preparation of the Cole Green Way Green Space Action Plan 2018-2023. The Council remains in agreement that the Cole Green Way is in need of improvement and is therefore fully supportive of the finalisation of the Cole Green Way Green Space Action Plan.

We note that the Council's feedback to the Green Space Action Plan Briefing document has been fully taken into account in the production of the Draft Plan. We welcome that an additional sub-objective has been added under Objective 5 to ensure that the Cole Green Way provides a safe, high quality route for all user groups. It is also clear throughout the document that consideration has been had as to how potential conflicts between different user groups - pedestrians, cyclists and horse riders - can be avoided or mitigated.

The Council supports the overall focus and direction of the Draft Plan and considers that the proposals and actions outlined are broadly appropriate. It is clear from the document that a thorough analysis has been undertaken and it is considered that the proposed actions will support the delivery of the plan's vision and objectives.

We consider that the Final Plan would benefit from some additional detail around delivery. The delivery section of the document will be key to the successful implementation of improvements to the Cole Green Way. In particular, we note the recommendations which relate to the part of the Cole Green Way within Welwyn Hatfield. As identified within the Draft Plan, the delivery of the Birchall Garden Suburb development will provide a major opportunity to secure enhancements to the Cole Green Way. The Council is taking a masterplanning approach to Birchall Garden Suburb and is committed to working with the landowner and other key stakeholders such as the Countryside Management Service and Hertfordshire County Council to ensure a high quality outcome which delivers maximum community benefit. The inclusion of more delivery information within the final document including detailed specifications for improvements will support this process.

The Council looks forward to working in partnership with the Countryside Management Service and Hertfordshire County Council to finalise the Greenspace Action Plan and support its implementation."

6 Next steps

- 6.1 The Countryside Management Service on behalf of Hertfordshire County Council will collate the consultation responses, amend the draft GAP as required and seek to get it agreed. Once the document has been agreed then actions to deliver the plan will commence.

7 Link to Corporate Priorities

7.1 The Council's Business Plan 2015-2018 contains corporate priorities to maintain a safe and healthy community and to protect and enhance the environment. The production of a GAP for Cole Green Way is fully aligned with the Council's vision in these areas.

8 Legal Implications

8.1 There are no legal implications as a result of this report.

9 Financial Implications

9.1 There are no financial implications as a result of this report.

10 Risk Management Implications

10.1 There are no risk management implications as a result of this report.

11 Security and Terrorism Implications

11.1 There are no security or terrorism implications arising from this report.

12 Procurement Implications

12.1 There are no procurement implications arising directly from this report.

13 Climate Change Implications

13.1 No climate change implications have been identified resulting from this report. However the implementation of the proposals set out in the draft Gap could have positive impacts by enhancing the walking and cycling environment and thereby reducing the use of motorised vehicles.

14 Policy Implications

13.1 There are no policy implications as a result of this report. The proposals set out in the draft GAP accord with the policies set out in the Submitted Local Plan.

15 Equalities and Diversity

15.1 There are no equalities and diversity implications as a result of this report. The Council will work with the CMS and HCC to ensure that the GAP has due regard to equalities and diversity issues.

Author: Bryce Tudball
Title: Principal Planner
Date: 15 March 2018

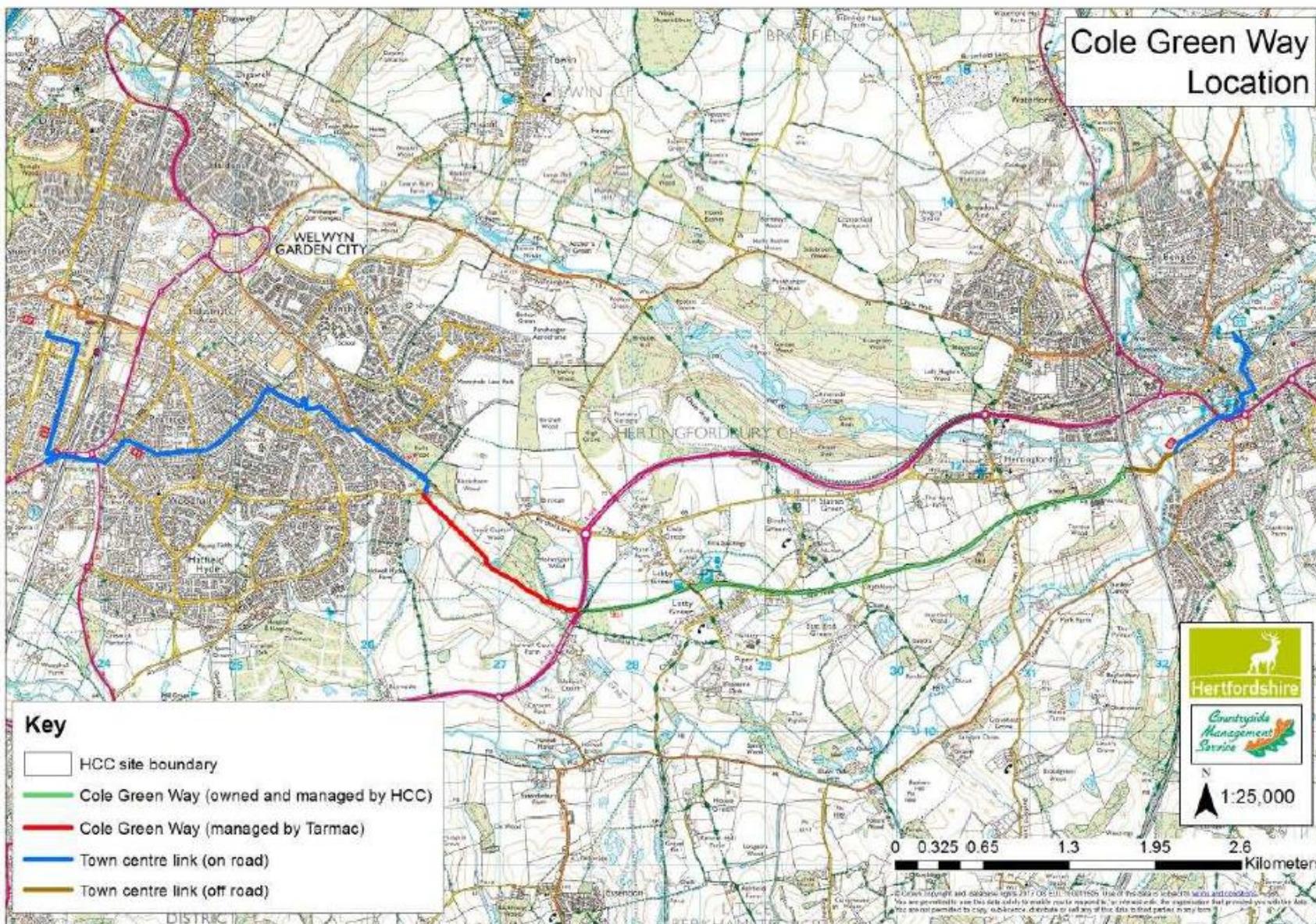
Appendices:

Appendix 1: Cole Green Way Map.

Background Documents:

1. Draft Cole Green Way Greenspace Action Plan 2018-2023 Briefing Document
February 2018

Appendix 1: Cole Green Way Map



This page is intentionally left blank