

Part I

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Northaw and Cuffley

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING AND PARKING PANEL – 11 NOVEMBER 2021
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

RESPONSE TO NORTHAW AND CUFFLEY PARISH COUNCIL – DRAFT
NEIGHBOURHOOD PLAN DOCUMENT (SEPTEMBER 2021)

1 Executive Summary

- 1.1 Northaw and Cuffley Parish Council (NCPC) have prepared their Draft Neighbourhood Plan Document for consultation (Regulation 14). Consultation of the draft plan ran ended on 1 November 2021.
- 1.2 At this stage in the preparation of the neighbourhood plan Welwyn Hatfield Borough Council is a consultee.
- 1.3 Several areas of concern have been identified including general conformity with strategic policies in the Welwyn Hatfield Local Plan. The draft Welwyn Hatfield Local Plan is at an advanced stage and the Inspector has advised that additional sites are required to meeting the meet the Fully Objectively Assessed Housing Need (FOAHN). Cuffley is a sustainable location for development, subject to the final strategy, additional sites may be selected and submitted to the Examination.
- 1.4 To avoid the risk of policies in a neighbourhood plan being superseded by a later local plan, it is necessary for the two plans to work in a complementary way.

2 Recommendations

- 2.1 That the Panel note the response to the Northaw and Cuffley Parish Council Draft Neighbourhood Plan Document (Regulation 14) that, due to the timing of the end of the consultation period, was approved via an Executive Member Decision Notice. The Panel is also asked to note the next stages of the neighbourhood plan process.

3 Explanation

- 3.1 A neighbourhood plan puts in place planning policy for a neighbourhood area to guide future development and forms part of the development plan for an area. NCPC has prepared a draft plan (Regulation 14) with consultation running for a period of six weeks, ending on 1 November. At this stage in the preparation of the Plan Welwyn Hatfield Council, together with certain other statutory bodies are consultees. However, at the next stage the Council has a formal role. This is discussed in paragraph 3.16 onwards.

Areas of concern

- 3.2 Strategic policies together with national policies, provide a context for neighbourhood plan policies. The neighbourhood plan can include policies that

differ from non-strategic local planning policies or introduce new policies (providing they are in general conformity with strategic local planning policies).

- 3.3 Whilst the draft local plan does not currently constitute part of the statutory development plan it still needs to be considered by neighbourhood planning bodies. To avoid the risk of policies in a neighbourhood plan being superseded by a later local plan, it is necessary for the two plans to work in a complementary way.
- 3.4 There are strategic policies in the draft Local Plan that the neighbourhood plan will need to be in general conformity with such as the approach to the Green Belt policy and the level of growth identified for Cuffley.
- 3.5 Cuffley is a sustainable location for development that falls within the third tier of settlements in the draft Local Plan Policy SP3: Settlement Hierarchy. Identified as a 'large excluded village' inset from the Green Belt it is behind only the two main towns as one of the most sustainable locations for development. Cuffley offers a range of services and facilities, including some employment opportunities and benefiting from good public transport connectivity including a railway station.
- 3.6 The draft Neighbourhood Plan identifies three allocations at Cuffley, listed below
 - HS26 (N02) 36 The Ridgeway and land to the rear
 - HS27 (Cuf1) Land at The Meadway
 - HS28 (Cuf6) Land south of Northaw Road East
- 3.7 In his report to the Council following the Stage 9 Hearing Sessions the Inspector has identified that two sites are yet to be found sound but maybe be subject to the final strategy.
 - HS29 (Cuf12) Land North of Northaw Road East
 - HS30 (Cuf7) Wells Farm, Northaw Road East
- 3.8 An additional site (Cuf15 Land to south east of KGV playing fields) was also examined by the Inspector.
- 3.9 Subject to final strategy to meet the FOAHN additional housing sites in Cuffley may be submitted to the Examination and subject to Main Modification consultation.
- 3.10 There is a risk that the Neighbourhood Plan will progress and not be in general conformity with strategic policies of the draft Local Plan if it was to progress to its next stage in its current form.
- 3.11 For allocated sites the draft Local Plan includes a series of site specific considerations, the purpose of which is to guide the site's development. Not all the site-specific considerations for the Cuffley sites have been reflected in the neighbourhood plan site policy. For example, the requirement for noise mitigation due to the proximity to the railway line is a site specific requirement for one site and is not reflected in the neighbourhood plan policy.
- 3.12 The Neighbourhood Plan sets out a design code for the area and incorporates prescriptive standards to be used in the determination of applications. Policy D1: Residential Design and Amenity includes several areas where the criteria may be

considered overly prescriptive and seek to control certain aspects of development that fall within the scope of 'permitted development'.

- 3.13 The draft Neighbourhood Plan proposes several areas to be designated as Local Green Space (LGS) a designation that protects protect *local green areas* of particular importance to the local community from development. There is no justification provided in the document for these designation. Several of these areas already have statutory designations as well as lying in the Green Belt. The response to NCPC seeks clarification on the rationale for the additional designation.

Consultation Response

- 3.14 The response to the NCNP Neighbourhood Plan (Regulation 14) consultation is included as Appendix A. The response highlights the concerns set out above.

Next Steps

- 3.15 Following consideration of the consultation representations, the Plan must be submitted to the local planning authority. On receiving the submitted plan and supporting documents, the Council is responsible for checking that the submitted neighbourhood plan has followed the proper legal process, such as the neighbourhood area being designated and the legal requirements for consultation and publicity having been followed.
- 3.16 The Council is then responsible for publicising the plan, to give people an opportunity to make representations that will be passed to the independent examiner. The Council is also responsible for the appointment of an appropriately qualified and experienced person to carry out the independent examination of the neighbourhood plan.
- 3.17 Following the examination, the examiner will issue a report to the local authority and the neighbourhood planning body. If the plan meets the basic conditions, the examiner will recommend that the plan proceeds to the referendum stage.
- 3.18 If the neighbourhood plan is found to be satisfactory, with modifications if necessary, the Council will then arrange for the referendum to take place. This will be organised by the local authority's elections unit.
- 3.19 If successful at the referendum, a neighbourhood plan comes into force as part of the development plan for the area alongside the local plan. Local planning authorities and planning inspectors considering planning applications or appeals must make their decisions in accordance with the policies of the development plan unless material considerations indicate otherwise.

4 Legal Implications

- 4.1 There are no direct legal implications associated with the recommendation of this report. At this stage in the development of the neighbourhood plan the Council is a consultee. Later stages in the plan process will require the Council to undertake specific tasks and has resulting legal implications.

5 Financial Implication(s)

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

6 Risk Management Implications

- 6.1 There are no risk management implications arising directly in relation to this report. Responding to consultations ensures that potential areas of concern, which could have both direct and indirect implications for Welwyn Hatfield, are identified and highlighted as appropriate.

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 No climate change implications have been identified resulting from this report. Although clearly proposals for more development will have an impact on climate change and will need to be assessed as sustainability appraisal process accompanying the draft Local Plan.

10 Human Resources Implications

- 10.1 There are no human resources implications associated with this report.

11 Health and Wellbeing Implications

- 11.1 There are direct no health and wellbeing implications associated with this report.

12 Communications and Engagement Implications

- 12.1 There are no communication and engagement issues associated with this report.

13 Link to Corporate Priorities

- 13.1 The subject of this report is linked to the Council's Business Plan 2018-21 and, in particular, Priority 3 Our Housing - to plan for current and future needs and Priority 4 Our Economy – sustainable growth. Responding to other authorities' consultations helps this Council to meet these priorities effectively.

14 Equalities and Diversity

- 14.1 An Equalities Impact Assessment (EqIA) was not completed because this report does not propose changes to existing service-related policies or the development of new service-related policies.

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Background papers

Northaw and Cuffley Neighbourhood Plan Document:
<https://northawcuffleypc.org.uk/draft-neighbourhood-plan/>

Appendices:

1. Appendix A - Northaw and Cuffley Neighbourhood Plan Document consultation response