

# **Northaw and Cuffley Neighbourhood Development Plan 2022-2036**

**A report to Welwyn Hatfield Borough Council on the  
Northaw and Cuffley Neighbourhood Development  
Plan**

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## **Executive Summary**

- 1 I was appointed by Welwyn Hatfield Borough Council in July 2022 to carry out the independent examination of the Northaw and Cuffley Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 17 October 2022.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development. There is a very clear focus on safeguarding its setting in the Green Belt. It includes a series of environmental and community policies, and proposes the designation of a series of local green spaces.
- 4 The Plan has been underpinned by community support and engagement. The community has been engaged in its preparation in a proportionate way.
- 5 Subject to the recommended modifications set out in this report, I have concluded that the Northaw and Cuffley Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**27 January 2023**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Northaw and Cuffley Neighbourhood Development Plan 2022-2036 ('the Plan').
- 1.2 The Plan has been submitted to Welwyn Hatfield Borough Council (WHBC) by Northaw and Cuffley Parish Council (NCPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012. The NPPF continues to be the principal element of national planning policy. It was updated in both 2018, 2019 and 2021.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. A plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan. It addresses a range of environmental and community issues and proposes a series of local green spaces.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Plan would then be used to determine planning applications within the neighbourhood area and will form a part of the wider development plan.

## **2 The Role of the Independent Examiner**

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by WHBC, with the consent of NCPC, to conduct the examination of the Plan and to prepare this report. I am independent of both WHBC and NCPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

### *Examination Outcomes*

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
  - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
  - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

### *Other examination matters*

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
  - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

### 3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Plan.
  - the Design Code and Guidance (Appendix 2 of the Plan)
  - the Basic Conditions Statement.
  - the Consultation Statement.
  - The WHBC SEA/HRA screening report (October 2021).
  - the representations made to the Plan.
  - NCPC's responses to the clarification note
  - the Welwyn Hatfield Local Plan 2005.
  - the emerging Welwyn Hatfield Local Plan 2032.
  - The Queen (on behalf of Lochailort Investments Ltd) and Mendip District Council [2020] EWCA Civ 1259.
  - the National Planning Policy Framework 2021
  - Planning Practice Guidance.
  - relevant Ministerial Statements.
- 3.2 I visited the neighbourhood area on 17 October 2022. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.
- 3.3 It is a general rule that neighbourhood development plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined by way of written representations and without the need for a public hearing.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 NCPC commissioned a Consultation Statement. The Statement reflects the neighbourhood area and the policies included in the Plan. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan from September to November 2021. The Statement summarises the issues and is then underpinned by a series of appendices. The Statement also sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. Details are provided about the engagement with the statutory bodies and the public consultation events in the area. Specific events highlighted include the workshop (February 2019), the community survey (April to May 2021); and individual engagement with local organisations and statutory bodies.
- 4.3 Section 7 of the Statement sets out details of the responses received on the pre-submission version of the Plan. It also sets out how NCPC responded to those representations. The exercise has been undertaken in a very thorough fashion. It helps to describe how the Plan has evolved over time.
- 4.4 From all the evidence available to me as part of the examination, I conclude that the Plan has sought to develop an inclusive approach to seeking the opinions of all concerned throughout the process. WHBC has carried out its own assessment of this matter as part of the submission process and has concluded the consultation process has complied with the requirements of the Regulations.

### *Representations Received*

- 4.5 Consultation on the submitted plan was undertaken by WHBC that ended on 30 September 2022. This exercise generated comments from a range of statutory and local organisations. They are listed below:
- Hertfordshire County Council
  - Northaw and Cuffley Residents Association
  - Stonebond Properties Limited
  - Taylor Wimpey North Thames
  - National Highways
  - Northaw and Cuffley Bowls Club
  - WHBC
  - Northaw Action Group
- 4.6 Several representations were also received from local residents.

- 4.7 I have taken account of all the representations received as part of the examination of the Plan. Where it is appropriate and relevant to do so, I refer to certain representations on a policy-by-policy basis in this report.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area covers the parish of Northaw and Cuffley. In 2011 it had a population of 5181 persons living in 2230 households. It was designated as a neighbourhood area in August 2014. The parish lies to the northeast of Potters Bar and to the west of the Hertford to London railway line. The neighbourhood area is heavily influenced by its location in the Green Belt.
- 5.2 Northaw is a historic village centred on a village green with a pub, restaurant, and church. It is a settlement washed over by Green Belt and surrounded by farmland. Development follows the road layout and it is therefore linear rather than being compact
- 5.3 Cuffley is a large, low-density village. It is situated away from the Borough's main north-south axis of settlements along the A1 and is close to the boundary with Broxbourne borough. The village expanded significantly on the arrival of the railway in the early part of the twentieth century and saw its last major developments in the 1960s. Since that time, it has remained as a compact settlement. It continues to function as a commuter village and most of its residents working outside the parish. Since the 1960s development within Cuffley has largely been infill, redevelopment, and refurbishment in its nature. This has preserved the character of the settlement and its varied architectural styles and house types

### *Development Plan Context*

- 5.4 The Welwyn Hatfield District Plan was adopted in 2005 and sets out policies for the use and development of land across the Borough. Policy GBSP2 (Towns and Specified Settlements) provides a focus for new development. Within its identified hierarchy Cuffley is classified as a 'Specified Settlement' and Northaw is classified as a 'Rural Village'.
- 5.5 The District Plan includes a wide range of other policies. The Basic Conditions Statement helpfully captures these against the various policies in the submitted Plan. In summary, the following District Plan policies have been particularly important in underpinning policies in the submitted Plan:
- SD1 Sustainable Development
  - GBSP1 Definition of the Green Belt
  - GBSP3 Area of Special Restraint and Structural Landscape Area
  - R1 Maximising the use of previously developed land
  - D1 Quality of Design
  - D2 Character and Context
  - D3 Continuity and Enclosure
  - D4 Quality of the Public Realm
  - D5 Design for Movement
  - D6 Legibility
  - D7 Safety by Design



- D8 Landscaping
- OS1 Urban Open Land
- EMP1 Employment Areas
- EMP2 Acceptable Uses in Employment Areas
- TCR2 Retail Development in Village and Neighbourhood Centres

- 5.6 WHBC is preparing a new local plan. The process has been challenging and the Plan has been at examination since 2017. Following the hearing sessions in 2021, the Inspector requested WHBC to submit additional sites from those examined to provide a full objectively-assessed housing need of 15,200 dwellings to 2036. At a Special meeting of the Council in January 2022 a strategy to deliver 13,279 homes, not dependent on the release of high harm sites, was proposed. The Inspector subsequently confirmed that WHBC could put forward sites to meet housing need for the first ten years of the plan period, subject to an early Plan review. In July 2022 WHBC resolved to put forward a strategy that would deliver 12,775 dwellings which over the 10-year period would equate to 8517 dwellings and a five-year land supply of 5292 dwellings. WHBC has concluded the identified supply of 12775 is sufficient at this stage and there is no case for additional sites, particularly when this would require the release of high harm land from the Green Belt.
- 5.7 Northaw falls into the fifth tier of settlements in Policy SP3 (Settlement Hierarchy) of the emerging Local Plan. No sites were allocated in the village in the Draft Plan 2016 and no additional have subsequently been proposed for inclusion during the examination.
- 5.8 Six sites were proposed for allocation in the Draft Local Plan 2016 in the Cuffley. One was subsequently found unsound by the Local Plan Inspector. The submitted neighbourhood plan sets out to provide detailed guidance for the development of two of the Local Plan sites (HS 27: The Meadway and HS28: Land east of Northaw Road East) in Policies S1 and S2 respectively.

*Unaccompanied Visit to the neighbourhood area*

- 5.9 I visited the neighbourhood area on 17 October 2022. I travelled to the parish from Potters Bar to the south and west. This highlighted its relationship to the wider countryside. The significance of the Green Belt was immediately clear.
- 5.10 I spent time initially in Northaw. I saw the significance of the St Thomas Becket Church and the adjacent Old Rectory. I walked to the Village Institute and looked at the proposed local green spaces in this part of the neighbourhood area.
- 5.11 I then looked at the King George V Playing Fields in Cuffley. I saw their scale and significance and the range of recreational facilities offered. I took the opportunity to look at the proposed housing allocation to the northeast of the Playing Fields.
- 5.12 I then looked at the retail and commercial facilities in Station Road, Cuffley. I saw their vibrancy and their obvious significance to the local community.

- 5.13 I then looked at the Sopers Road industrial area. I saw the range of businesses and the differing sizes of the buildings.
- 5.14 I then looked at the proposed housing allocation at the northern end of The Meadway.
- 5.15 I then looked at the part of the neighbourhood area based on The Ridgeway. I saw the different scale of the homes in comparison with those elsewhere in Cuffley. I also saw the various proposed local green spaces in this part of the neighbourhood area.
- 5.16 I left the neighbourhood area by continuing along Shepherds Way (B157) towards Hatfield. This part of the visit also highlighted the significance of the Green Belt throughout the Borough.

## 6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.
- 6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies of the development plan in the area;
  - be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
  - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 6.3 I assess the Plan against the basic conditions under these headings:
- National Planning Policies and Guidance*
- 6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in July 2021. This approach is reflected in the submitted Basic Conditions Statement.
- 6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are relevant to the Northaw and Cuffley Neighbourhood Plan:
- a plan led system – in this case the relationship between the neighbourhood plan and the Welwyn Hatfield Local Plan 2005;
  - delivering a sufficient supply of homes;
  - building a strong, competitive economy;
  - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
  - taking account of the different roles and characters of different areas;
  - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
  - conserving heritage assets in a manner appropriate to their significance.
- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. It proposes the designation of local green spaces, allocates land for residential development, and proposes a package of measures for Cuffley village centre. Section 7 comments in further detail about the way in which the submitted Plan has regard to the approach in the NPPF on Green Belts. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.10 As submitted, the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies to support the delivery of new housing development (Policies S1 and S2) and for commercial development (Policies E1 and E2). In the social dimension, it includes policies on community facilities (Policy W1), library and medical facilities (Policy W2) and for the King George V Playing Fields (Policy W3). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has specific policies on residential design and local character (Policies D1 and D2) and on local green spaces (Policy D4). NCPC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.12 I have already commented in detail on the development plan context in the Borough in paragraphs 5.4 to 5.8 of this report. I am satisfied that subject to the incorporation of the modifications recommended in this report that the submitted Plan is in general conformity with the strategic policies in the development plan.
- 6.13 I also consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies

in the development plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

#### *Strategic Environmental Assessment*

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement WHBC published a screening report in October 2021 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.

#### *Habitats Regulations Assessment*

- 6.16 The screening report includes a separate Habitats Regulations Assessment (HRA) of the Plan. It takes account of the likely effects of development in the neighbourhood area on the following protected sites:
- the Epping Forest SAC;
  - the Lee Valley SPA;
  - the Lee Valley Ramsar; and
  - the Wormley Hoddesdonpark Woods SAC.
- 6.17 The HRA concluded that the Welwyn Hatfield Proposed Submission Local Plan would not have adverse effects on the integrity of Wormley Hoddesdonpark Woods SAC in relation to increased recreational pressure, either alone or in combination with other plans. It also comments that this conclusion equally applies to the proposed housing policies in the submitted Neighbourhood Plan.
- 6.18 The Epping Forest SAC and Lee Valley SPA and Ramsar site lie 8.5km and 5.5km away from the Borough. Due to these distances, the HRA found that these European sites will not be affected by non-physical disturbance. Whilst Wormley Hoddesdonpark Woods lie within the Borough, it is designated for a habitat, oak-hornbeam forests, and will therefore not be affected by noise, vibration, and light. Whilst some species living within the site may be sensitive to non-physical disturbance, the qualifying features and the wider ecosystem is unlikely to be affected by noise, vibration, and light pollution.
- 6.19 The HRA concluded that all European sites can be scoped out in relation to onsite impacts. Offsite impacts were scoped out in relation to Epping Forest SAC, due to its distance from Welwyn Hatfield Borough and given the nature of the qualifying species. Similarly, non-physical disturbance can be scoped out for Wormley Hoddesdonpark Woods SAC, due to the nature of the qualifying species.
- 6.20 The HRA comments that the only policies that are relevant to the matter are the proposed two policies relating to housing development at HS27 The Meadway and HS28 Land at Northaw Road East. The parallel HRA of the Welwyn Hatfield Local Plan assessed the impact of development in Welwyn Hatfield on the four international designated European sites, and concluded that the Welwyn Hatfield Local Plan would
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not have any significant environmental effects on these sites. As the Northaw and Cuffley Neighbourhood Plan proposes to allocate two sites that have already been assessed in the HRA accompanying the Welwyn Hatfield Local Plan submission document it is concluded that a HRA of the Northaw and Cuffley Neighbourhood Plan is not required.

- 6.21 The screening reports include the responses received as part of the required consultation. In doing so they provide assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.22 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with the relevant legislation.

#### *Human Rights*

- 6.23 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. Based on all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

#### *Summary*

- 6.24 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and NCPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan.
- 7.6 For clarity this section of the report comments on all the policies in the Plan.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### General Comments

- 7.8 The Plan has been prepared in a very effective fashion. It is helpfully supported by figures and maps. The distinction between the supporting text and the policies is very clear. In addition, the vision and the objectives of the Plan provide a very helpful context for the subsequent policies.
- 7.9 The Plan has been produced in a challenging strategic context. A degree of uncertainty remains about the future timetable of the examination of the Local Plan. In effect the protracted nature of the Local Plan examination has generated a situation where the neighbourhood plan is now at examination at the same time as the emerging Local Plan.
- 7.10 In general terms this relationship has the potential to be challenging. The matter is heightened where the neighbourhood area is wholly within the Green Belt (other than for Cuffley which is inset within the Green Belt). This has a bearing on some of the recommended modifications in this report.

### The initial sections of the Plan (Sections 1 and 2)

- 7.11 These elements of the Plan set the scene for the policies. They are commendable in the way that they are proportionate to the neighbourhood area and the Plan's policies.
- 7.12 The Introduction identifies how the Plan has responded to the neighbourhood plan agenda both nationally and in the Borough. It properly identifies the neighbourhood area and the Plan period. It also provides very helpful information about the two communities. Nevertheless, I recommend that the final sentence of paragraph 1.3 is made clearer and that the Plan period is included on the front cover.

*Replace the final sentence of paragraph 1.3 with: 'The plan period is 2022 to 2036.'*

*After the Plan title on the front cover add: '2022 to 2036'*

- 7.13 Section 2 sets out the Vision and Objectives of the plan. The vision is as follows:  
*'The special character of Northaw and Cuffley, as rural villages surrounded by open countryside and Green Belt, will be maintained, and enhanced; while delivering the housing and associated infrastructure, facilities and services required in order to meet the current and future local needs of the community.'*
- 7.14 The objectives are set out on a themed basis and seek to deliver the vision. This part of the Plan also sets out a very helpful key diagram for the Plan.
- 7.15 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 above.

The proposed housing policies

- 7.16 The plan proposes two detailed policies which relate to proposed housing allocations in the emerging Local Plan. The first is set out in Policy S1 and refers to land to the north of The Meadway. The second is set out in Policy S2 and refers to land to east of Northaw Road East. Both proposed sites are within the Green Belt.
- 7.17 The proposed site-specific policies address two of the five proposed allocations in the neighbourhood area in the emerging Local Plan (see paragraph 5.8 of this report). Outline planning permission has been granted on the land to the east of Northaw Road East for residential purposes. An application for the approval of reserved matters is currently being considered by WHBC.
- 7.18 In more normal circumstances, the allocation of a site which is well-advanced in the planning process or where an emerging neighbourhood plan has got ahead of an emerging local plan would meet the basic conditions. This approach provides a context for any future applications which may arise on the site concerned (including applications to revise details etc). However, in this case the effect of the policy would be to allocate sites in the Green Belt for residential purposes. It is established practice (NPPF 140-145) that the release of land from the Green Belt is a strategic matter (in this case for WHBC) rather than a neighbourhood planning matter (here for NCPC).
- 7.19 In these circumstances I recommend that both proposed allocations are deleted from the Plan. This recommended modification is a matter of timing and the way in which national policy is configured rather than as a detailed commentary on either of the proposed allocations. It should not be taken as an assessment of the acceptability or unacceptability of either of the proposed sites. I do not repeat this explanation on a site-by-site basis
- 7.20 If a review of a made neighbourhood plan takes place once the Local Plan has been adopted, the two proposed sites could be included in that process. Plainly it would provide NCPC with an opportunity to provide any further policy guidance on these and any of the allocated sites in the parish in the adopted Local Plan.

Policy S1: The Meadway

- 7.21 This policy proposes the allocation of land to the north of The Meadway for residential purposes. The policy includes a series of locally-distinctive criteria.



- 7.22 Given my comments in paragraphs 7.18 and 7.19 of this report I recommend that the policy, the supporting text, and the associated map are deleted from the Plan.

**Delete the policy**

*Delete paragraphs 3.1 to 3.6*

*Delete Figure 3.1*

Policy S2: Land East of Northaw Road East

- 7.23 This policy proposes the allocation of land to the east of Northaw Road East for residential purposes. The policy includes a series of locally-distinctive criteria.

- 7.24 Given my comments in paragraphs 7.18 and 7.19 of this report I recommend that the policy, the supporting text, and the associated map are deleted from the Plan.

**Delete the policy**

*Delete paragraphs 3.7 to 3.9*

*Delete Figure 3.2*

*Delete Section 3 from the Table of Contents and renumber accordingly*

Policy D1: Residential Design and Amenity

- 7.25 The policy seeks to add value to national design policy. It does so within the context of the description of the character of the parish in the supporting text.

- 7.26 The Plan comments that Government's National Model Design Code sets out clear design parameters to help local authorities and communities decide what good quality design looks like in their area. The National Model Design Code forms part of the Government's planning practice guidance and expands on the ten characteristics of good design set out in the National design guide, which reflects the Government's priorities and provides a common overarching framework for design. Policy D1 and Appendix 2 (Design Code and Guidance) build upon national policy and policies contained in the emerging Local Plan to encourage high quality local design in Northaw and Cuffley.

- 7.27 The policy and the Design Code and Guidance have been well considered. In combination they are an excellent local response to Section 12 of the NPPF.

- 7.28 I recommend that the opening element of the policy is reconfigured so that it can be applied in a proportionate way. I also recommend that the supporting text in this part of the policy is deleted.

- 7.29 I recommend that criterion a on external lighting is reconfigured. Whilst the recommended modification retains the integrity of the submitted approach, it acknowledges that some elements of external lighting will be permitted development and as such do not need the submission of a planning application (which would trigger the application of the policy).

- 7.30 I recommend that criterion d on spacing standards is reconfigured so that the standards are clear and so that the effect of local topography are more clearly expressed.

- 7.31 I recommend that criterion i on car parking is reconfigured. Whilst the recommended modification retains the integrity of the submitted approach, it draws attention to the most up to date standards of the highway authority (here the County Council).
- 7.32 Otherwise the policy meets the basic conditions. It will contribute towards the delivery of the environmental dimension of sustainable development.

**Replace the opening element of the policy with:**

**‘As appropriate to their scale, nature and location, development proposals for plot sub-division, infill and back land development should respond positively to the following issues and design features:’**

**Replace criterion a with:**

**‘Insofar as planning permission is required external lighting should be designed and positioned to minimise light pollution, maintain amenity, and minimise disturbance to wildlife;’**

**Replace criterion d with:**

**‘The separation distances between buildings should respond positively to the details in Figure 4.3 and take account of any sensitivities which arise from the topography of the site and the position and alignment of adjacent buildings;’**

**Replace criterion i with:**

**‘Car parking should be provided on-site in accordance with the most up to date standards set by the County Council;’**

Policy D2: Local Character

- 7.33 This policy continues the approach set out in Policy D1. It comments that proposals for replacement or new housing development, extensions to existing properties, the sub-division of plots, infill and/or back land development must follow the Northaw and Cuffley Design Code.
- 7.34 I recommend that the policy requires a positive response to the Design Code rather than it ‘must follow’ the Guide as set out in the submitted Plan. This will bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. As with Policy D1 it will contribute towards the delivery of the environmental dimension of sustainable development.

**Replace the policy with:**

**‘Proposals for replacement or new housing development, extensions to existing properties, the sub-division of plots, infill and/or back land development should respond positively to the Northaw and Cuffley Design Code (Appendix 2).’**

Policy D3: Green Infrastructure

- 7.35 This policy addresses a variety of green infrastructure matters.
- 7.36 The supporting text comments that mature trees, grass verges and thick vegetation cover are key characteristics common to both Northaw and Cuffley (and as described in the Character Area Study) which helps the villages integrate into the landscape and their Green Belt setting.

- 7.37 The policy takes a very comprehensive approach to these matters. In its response to the clarification note NCPC commented that the policy was crafted to require all new development to provide improvements to the natural environment, either through small improvements such as on-site greening for householder applications or large-scale strategic green infrastructure connections via major developments. NCPC acknowledges that not all policy clauses will be applicable to all forms of development and would support amendments that would help to provide explicit clarification that the policy would be applied proportionally to enable flexibility for alternative scenarios.
- 7.38 I recommend accordingly. Such an approach will bring the clarification required by the NPPF and allow WHBC to apply the policy in a realistic fashion. Most of the elements of the policy comfortably sit within a reworked element of the policy which would be capable of being applied as appropriate to the scale, nature, and location of development proposals. The other elements of the policy sit as free-standing elements of the policy in the context of the wider recommended modification. Otherwise, the policy meets the basic conditions. It will contribute towards the delivery of the environmental dimension of sustainable development.
- 7.39 I also recommend consequential modifications to the supporting text.

**Replace the policy with:**

**‘As appropriate to their scale, nature and location development proposals should:**

- **achieve statutory Biodiversity Net Gain targets;**
- **include wildlife friendly planting, “in the ground” soft landscaping and planted boundary treatments wherever practicable;**
- **incorporate grass verges as a feature of their layouts wherever practicable; and**
- **retain existing trees on the site unless an arboricultural survey demonstrates that they are not worthy of retention. Where replacement trees are required, they should be replaced in accordance with site-wide biodiversity net gain requirements. Any tree species planted should be appropriate to the site and its context. Only suitable native or ornamental species should be used.**

**The provision of new and/or enhanced green walking routes will be supported where they would improve access to the Parish’s green infrastructure network.**

**New developments and future walking route improvement works adjacent to ordinary watercourses/water bodies should be designed to integrate and improve access to the blue infrastructure network.’**

*Replace paragraph 4.19 with:*

*‘Policy D3 sets out the Plan’s approach to green infrastructure. Mature trees, grass verges and thick vegetation cover are key characteristics common to both Northaw and Cuffley and these features are addressed in the Character Area Study. This green infrastructure helps the villages integrate into the landscape and their Green Belt setting. The policy has been designed to be wide-ranging. However, in this context the opening part of the development will allow development proposals to be assessed in a proportionate way based on their scale, nature, and location. Any tree works,*

*surveys, planting, removal, or maintenance should be carried out in accordance with British Standards BS 5837:2012 and utilise native UK species. This is necessary as climate change and disease may make some species very vulnerable, as such a planting scheme for a site should be created or approved by a suitably qualified person such as a landscape architect, arboriculturist or ecologist to ensure that appropriate species are selected for planting.*

Policy D4: Local Green Space Designation

- 7.40 This policy proposes the designation of a series of local green spaces (LGSs). They are shown on the Policies Map. The proposed LGSs reflect the character and the nature of the parish and the way in which green spaces form an important part of the local environment. In most cases, they are either traditional open recreation areas or incidental green spaces within the built-up elements of the parish. The policy is underpinned by the excellent Local Green Spaces Assessment Report.
- 7.41 The supporting text comments about the tests in the NPPF for the designation of LGSs. The LGS Assessment Report provides detailed commentary on the way in which NCPC considers that the various proposed LGSs meet the criteria for such designation in the NPPF. I looked at the proposed LGSs when I visited the neighbourhood area.
- 7.42 In the clarification note I sought information from NCPC on two specific matters. The first was the added value of the proposed LGS over and above their location within the Green Belt (Planning Practice Guidance ID37:010:20140306). The second was the scale of some of the proposed LGSs and the extent to which they were local in character and not extensive tracts of land (NPPF paragraph 102).
- 7.43 On the first issue NCPC commented as follows:
- ‘The steering group convened a specific Biodiversity and Environment sub-group that helped to identify and assess the final list of proposed Local Green Spaces. Due consideration was afforded to each site’s local significance to confirm they were demonstrably special to the local community. The Basic Conditions Statement (pages 152-157) sets out the local significance of each proposed Local Green Space Designation. The accompanying table includes a column citing why the proposed Local Green Space is of particular importance to the local community and the nature of the local significance because of its: beauty; historic significance; recreational value (including as a playing field); tranquillity; and/or richness of its wildlife. This is consistent with National Planning Policy Framework (NPPF) paragraph 102(b) and the considerations detailed in the Planning Practice Guidance (PPG).’*
- 7.44 On the balance of the evidence I am satisfied that NCPC have approached this matter in a balanced fashion. It has given detailed attention to green spaces of particular importance to the local community (as set out in Planning Policy Guidance ID 37-010-20140306).
- 7.45 On the second issue, NCPC reflected on the scale of certain proposed LGSs and concluded that LGS C (Cuffley Camp), LGS H (Home Wood) LGS N (Northaw Great Wood), and LGS T (Tolmers Activity Centre and Peters Wood) are extensive tracts of land rather than local in character.

- 7.46 On the basis of all the information available to me, including my own observations, I am satisfied that other than the four large areas set as identified by NCPC (in paragraph 7.45 above) the proposed LGSs comply with the three tests in the NPPF. In several cases they are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy.
- 7.47 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.
- 7.48 The policy itself comments that the LGS will be protected from development in accordance with national policy. Whilst the supporting text refers to the details on LGSs in NPPF, I recommend a modification to its format so that it sets out the way in which development proposals affecting the designated LGSs would be assessed on a case-by-case basis by WHBC. In its capacity as the local planning authority WHBC will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy.
- 7.49 The policy lists the proposed LGSs. The national policy implications of LGS designation are set out in paragraph 10.11 of the Plan. I have considered this approach carefully. On the one hand, the approach towards proposed development in LGS is now well-established. On the other hand, it is important that each neighbourhood plan is self-contained in terms of its policies. As such, I recommend a modification so that the policy directly explains the policy implications of LGS designation and in doing so takes the matter-of-fact approach in the NPPF. I also recommend that the policy format takes a more structured approach which lists the designated LGS and then sets out the policy implications of such designations.
- 7.50 I also recommend consequential modifications to Figure 4.6 which shows the LGS in map format.
- 7.51 Otherwise the policy meets the basic conditions. It will do much to contribute to the delivery of the environmental and the social dimensions of sustainable development. In many cases the proposed LGS help to define the character of the neighbourhood area.

**Replace the policy with:**

**'The Plan designates the following sites as local green spaces:**

**[List the areas as included in the submitted policy other than LGS C, H, N and T]**

**Development proposals within the designated local green spaces will only be supported in very special circumstances'**

*Replace paragraph 4.20 with:*

*‘Paragraphs 101 to 103 of the NPPF set out national policy on local green spaces. The Parish Council has carefully considered this matter and an assessment has been made of green spaces in the parish. Policy D4 follows the matter-of-fact approach in the NPPF. If development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the Borough Council. It will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy’*

*Revise Figure 4.6 to take account of the modifications to the policy*

Policy E1: Station Road

- 7.52 This policy comments on a range of issues relating to the use of retail and commercial buildings in Station Road in Cuffley. It is the principal shopping focus in the parish. I looked at it carefully during the visit and saw its vibrant range of retail, commercial and community facilities.
- 7.53 Some of the issues in the policy are highways matters which will be considered by the County Council in its capacity as the highways authority.
- 7.54 I recommend that the policy is modified so that it has the clarity required by the NPPF and provides clear land use policy guidance to the development industry. I have also sought to respond positively to NCPC’s willingness for me to recommend modifications to ensure that its approach to this matter can be properly captured in a land use policy format.
- 7.55 I also recommend that the title of the policy is modified to distinguish it from Policy T1 of the Plan which has a clear focus on highways matters on and around Station Road.

**Replace the policy with:**

**‘New or replacement shopfronts in Station Road should respond positively to the design principles in the Welwyn Garden City ‘Guide to Shopfront and Advertisement Design’ 17 and Design Code (Appendix 2).**

**Development proposals affecting retail and commercial properties in Station Road should be designed to provide delivery and vehicle access from the existing rear service roads wherever practicable. Development proposals which unacceptably detract from the utility of the service roads will not be supported.**

**Employment-generating uses above the ground floor within the defined retail frontage of Station Road will be supported where they do not result in the loss of residential accommodation.**

**Proposals for outside dining and outdoor markets will be supported where they promote the active use of the public realm and do not unacceptably detract from pedestrian movement and safety.**

**The loss of employment-generating uses in Station Road will not be supported unless there is clear and compelling evidence that justifies the change of use, including a minimum of six months continuous marketing of the extant employment use at a realistic price.’**

*Replace the title of the policy with Policy E1: Retail and Commercial Uses in Station Road*

*At the end of paragraph 5.14 add: 'These issues are captured in Policy E1.'*

Policy E2: Sopers Road

- 7.56 Sopers Road is the principal employment site in the neighbourhood area. It is located to the immediate east of the railway line to the south of the station and is well connected to Station Road retail and commercial facilities.
- 7.57 The policy provides support for future employment development. Part 1 relates to general development. Part 2 relates to proposals which would result in greater densities. I recommend that the element of supporting text in Part 2 of the policy is deleted and repositioned into extended supporting text.
- 7.58 Whilst the Sopers Road employment site is self-evident I recommend that it is shown on an inset map within the Plan. This will bring the clarity required by the NPPF.
- 7.59 Otherwise the policy meets the basic conditions. It will contribute significantly to the delivery of the economic dimension of sustainable development in the parish.

**In part 2 of the policy delete 'in order to preserve the character of Cuffley and setting within the wider landscape.'**

*At the end of paragraph 5.19 add:*

*'Policy E2 sets out a policy context for future development on the site. Part 2 of the policy has been specifically designed in order to preserve the character of Cuffley and setting within the wider landscape.'*

*Show the Sopers Road employment site on a map in the Plan.*

Policy T1 Station Road

- 7.60 The policy proposes a wide range of traffic and transportation improvements in Station Road. They are based around indicative works as shown on Figure 6.1 of the Plan.
- 7.61 In the round the policy takes an innovative approach. Nevertheless, the policy reads as a series of community actions rather than as a land use policy. In most cases the works anticipated would be highways matters to be organised and delivered by the County Council. In its response to the clarification note NCPC clarified its thinking on this matter as follows:

*'(the policy) is as much an urban design and public realm policy as it is a transport policy. The policy should be read in conjunction with Figure 6.1 and Appendix 1. Public feedback to the broad aims within Policy T1 (and Figure 6.1) and the related community actions and neighbourhood infrastructure items outlined in Appendix 1 have been overwhelmingly positive. Hertfordshire County Council, as Highways Authority, explicitly support the Neighbourhood Plan's policies concerning Station Road.*

*Policy T1 and Figure 6.1 are central to the success of the Neighbourhood Plan and can be used a touchstone for all future development proposals concerning Station Road. Without this policy there would be no overarching statutory policy that seeks to*

*comprehensively plan Station Road in accordance with the plan's Vision and Objectives.*

*It is acknowledged that the Highways Authority will seek permissions for some works under the Highways Act. However, there remain several areas along Station Road (and in close proximity) that are in private ownership where this policy can take effect for future development proposals*

*The Parish Council believe Policy T1 provides an important statutory hook to enable the Parish Council to seek incremental improvements in this key location within the Parish. As like the Local Green Space Designation, the policy provides an important function in combination with Policy I1 (Community Projects) and Appendix 1 (Neighbourhood Infrastructure). Policy T1 will help the Parish Council and community to fund and enhance improvements in this important location through enabling development, planning obligations/infrastructure levies and/or funding bids. Without this policy in the Neighbourhood Plan these objectives will be harder to accomplish.'*

7.62 I have taken account of this detailed response and balanced the comments with my own observations from the visit about the importance of Station Road to the social and economic well-being of the parish. I have also sought to respond positively to NCPC's willingness for me to recommend modifications to ensure that its approach to this matter can be properly captured in a land use policy format. In these circumstances I recommend the following package of modifications:

- reconfiguring the elements of the policy so that they comment about the requirements for developers in pursuing investment decisions for properties in Station Road;
- applying wording which allows the expectations of the policy to be applied in a proportionate way. As submitted the policy would apply in a universal way; and
- the repositioning of supporting text in the submitted policy (explaining how the policy would be applied) into the supporting text.

7.63 I also recommend that the title of the policy is modified to distinguish it from Policy E1 of the Plan which has a clear focus on retail and commercial matters in Station Road.

7.64 Otherwise the policy meets the basic conditions. As NCPC comment it provides the context for broader investment decisions in Station Road. Plainly it will also assist in the co-ordination of public and private sector investment in this important element of the social, environmental, and economic fabric of the parish.

**Replace the policy with:**

**'Development proposals which will contribute to the management of traffic and parking on Station Road will be supported.**

**As appropriate to their scale, nature and location development proposals in Station Road should contribute to the delivery of the following design features as demonstrated in Figure 6.1:**

- **the removal of the planters to improve pedestrian accessibility and flow;**
- **improvements to the public realm including street furniture, spaces for dining outside, surface treatment improvements and cycle parking; and**



- an increase in the number of pedestrian crossing points (including raised tables and pedestrian refuges).

**As appropriate to their scale, nature and location development proposals in Station Road should contribute to improvements to the Station Road/Plough Hill junction, Meadway junction and entrance to the railway station.'**

*At the beginning of paragraph 6.9 add:*

*'Policy T1 sets out the way in which development proposals should respond positively to the Parish Council's ambitions for the future of Station Road. It has been designed to be applied in a proportionate basis given that specific proposals will have different impacts on trip movements and safety issues.'*

*At the end of paragraph 6.11 add:*

*'Improvements to the junctions identified in the policy should be supported by a detailed transport model to assess the implications both on Station Road and the wider highway network. Proposals must consider potential trip diversion to local through roads in Cuffley including Tolmers Road, Theobalds Road and Henyards Lane, the inclusion of suitable mitigation measures to prevent significant impacts on the local road network; and committed and proposed housing growth in both the Parish and the wider area.'*

*Replace the title of the policy with Policy T1: Traffic and highways matters in Station Road'*

Policy T2: Walking and Cycling

- 7.65 This is another wide-ranging policy. In this case its focus is on walking and cycling. It is based on the premise that opportunities should be maximised to improve the connectivity of walking routes identified in Figure 6.2 of the Plan. The policy comments that continuous footpaths or pavements are safer and will encourage pedestrians to improve their health and wellbeing, by making more journeys on foot.
- 7.66 I recommend a similar package of modifications to the policy to those recommended for Policy T1 and for the same reasons.

**Replace the policy with:**

**'As appropriate to their scale, nature and location development proposals should maximise the opportunities to improve the connectivity of walking routes identified on Figure 6.2.**

**Secure cycle parking should be provided at new residential and commercial developments in accordance with the most recent standards set by the Borough Council, proportionate to the scale of development proposed (and where one exists the Travel Plan associated with that development) and deliver secure, covered parking with clear natural surveillance.**

**Proposals for the creation of new cycle links and improvements to existing routes will be supported.'**

*At the end of paragraph 6.12 add: 'This approach is set out in Policy T2 of the Plan.'*

Replace paragraph 6.13 with:

*‘Continuous footpaths or pavements are safer and will encourage pedestrians to improve their health and wellbeing, by making more journeys on foot. Priorities for creating continuous routes are a new link to two stretches of the Hertfordshire way, around the external perimeter of the King George V Playing Field and completing the path from Hook Lane and Firs Wood Close, Northaw to Potters Bar along Coopers Lane Road. In a broader context the parish Council will work with the Borough Council’s Sustainable Transport team to deliver additional cycle parking at Cuffley Library (see Section 8 and Appendix 1).’*

Policy W1: Community Facilities and Services

- 7.67 The context to policy is that Northaw and Cuffley have several important and valued community facilities that play a key role in meeting the day-to-day needs of residents. Public sector cuts and housing growth in Cuffley provide challenges and opportunities for these vital facilities which the Plan seeks to address. Furthermore, additional community infrastructure levy receipts by having a ‘made’ Plan will help to provide funding for key projects that meet the needs of the community.
- 7.68 The policy comments that development proposals should protect existing community facilities and expand or enhance them wherever possible, in order to meet the day to day needs of residents and ensure the social well-being of its communities.
- 7.69 The policy identifies a series of community services and facilities. However, as submitted, the policy reads more as a statement of intent rather than as a land use policy. In addition, the policy does not acknowledge that the delivery of the various facilities may change in the Plan period and/or that their commercial viability or use may alter. In its response to the clarification note, NCPC commented that:
- ‘The intention of the policy is to aid existing owners or leaseholders to improve and/or expand their valued community facilities and to help resist the loss of valued local services. The Parish Council would support new text that recognises the delivery of services and the use of some facilities may change in the Plan period and that a change of use may be required in some circumstances e.g. where a facility is no longer commercially viable. Upon further review, there is arguably less merit in identifying privately run facilities where the Parish Council, Borough Council, County Council and other third sector/public sector bodies have no involvement in operations at those sites. Therefore, to aid the clarity and effectiveness of the policy the Parish Council suggest removing the Plough Public House, Cuffley Smile Clinic, The Dental Centre, Tolmers Activity Centre (sub-regional Scout Camp), Cuffley Camp, Woodhurst Equestrian Centre, Two Brewers Public House, Judges Bar and Restaurant and Northaw Equestrian Centre and Riding School’*
- 7.70 Based on this helpful response I recommend that the privately-run services as listed above are deleted from the policy. This will resolve many of the issues traditionally associated with commercial viability in policies of this type.
- 7.71 I also recommend that the policy format takes a more structured approach which lists the designated community services and facilities and then sets out the policy implications of such designations.

- 7.72 I also recommend that paragraph 7.7 of the Plan is expanded so that it clarifies that any proposals to expand or extend the identified community facilities are prepared within the wider context of other development plan policies. In this context residential amenity and traffic capacity considerations are likely to be key considerations in the parish.
- 7.73 I also recommend consequential modification to Figure 7.1.
- 7.74 Otherwise, the policy meets the basic conditions. It will contribute significantly to the delivery of the social dimension of sustainable development.

**Replace the policy with:**

**‘The facilities listed below and shown on Figure 7.1 are designated as community services and facilities.**

**[List the facilities in the submitted policy except for the Plough Public House, Cuffley Smile Clinic, The Dental Centre, Tolmers Activity Centre (sub-regional Scout Camp), Cuffley Camp, Woodhurst Equestrian Centre, Two Brewers Public House, Judges Bar and Restaurant and Northaw Equestrian Centre and Riding School]**

**Development proposals should protect the identified community services and facilities. Proposals for the enhancement, modification and/or extension of the identified community services and facilities will be supported.’**

*At the end of paragraph 7.7 add:*

*‘The second part of Policy W1 offers support for the enhancement, modification and/or extension of the identified community services and facilities. This reflects the importance of community services in the parish. At the same time, it is important that any such proposals are developed within the wider context of development plan policies. In this context residential amenity and traffic capacity considerations are likely to be key considerations in the parish.’*

*Revise the detail in Figure 7.1 to reflect the modifications to the facilities included in the policy.*

Policy W2: Library and GP Surgery

- 7.75 This policy has two related parts. The first comments that proposals will be supported for the renovation and intensification of use at the GP Surgery and library buildings for education, library, health, and community uses. The second part of the policy comments that alternative future uses will be considered if the preferred package does not materialise.
- 7.76 I recommend that the second part of the policy is deleted and repositioned to the supporting text given that it is unclear what may or may not be supported. Should the preferred use or uses not come forward the matter can be addressed in any review of a made Plan. Otherwise, the policy meets the basic conditions. It will contribute significantly to the delivery of the social dimension of sustainable development.

**Delete the second part of the policy.**

*Reposition the deleted second part of the policy to the end of paragraph 7.9.*

Policy W3: King George V Playing Fields

- 7.77 This policy sets out a package of proposals for the consolidation and extension of the facilities offered at the King George V Playing Fields. I saw from the visit the importance of the Playing Fields to the local community.
- 7.78 The supporting text comments about the way in which a recent S106 agreement has provided additional land to NCPC to consolidate the facilities at the Playing Fields. This has prompted the development of the policy. Figure 7.4 provides an indicative plan of the future of the site.
- 7.79 The policy captures an ambitious future for the Playing Fields. However, the indicative plan has generated objections from several members of the Bowling Club (one of the facilities on the site) about the perceived way in which that facility would be affected by the indicative drawings.
- 7.80 In its response to clarification note NCPC commented as follows:
- ‘As part of the section 106 agreement negotiated between the Borough Council and Lands Improvement Holdings (S6/2015/1342/PP), the Parish Council were gifted a parcel of land located to the south west of King George V Playing Fields (along with a cash endowment). The Borough Council had previously noted their support for an all-weather sports pitch (prior to the current Parish Council’s administrations involvement). However, the Neighbourhood Plan states explicitly that there are no fixed plans for the playing fields and that at the appropriate time there will be full consultation with the community in relation to these issues. To avoid any ambiguity the Parish Council confirms that it has no specific plans and has an open mind on the future for King George V Playing Fields and will formulate plans only once there has been full and meaningful consultation supported by market research and feasibility assessments.*
- Figure 7.4 is purely for illustration purposes and was used primarily to initiate conversations at the consultation stages. Figure 7.4 demonstrates how an all-weather sports pitch plus a new pavilion could potentially be accommodated, it has no hook to the policy text in Policy W3 and it is not expected to be used to guide future decision making.’*
- 7.81 I have taken account of Bowls Club comments. However, satisfied that the indicative nature of Figure 7.4 is clear. Nevertheless, based on the responses to the clarification note I recommend that the policy and the supporting text are modified to provide clarity on the way in which the Playing Fields are used in the future.
- 7.82 I also recommend that the text clarifies that the Playing Fields are in the Green Belt and the implications of this matter on the future development of the site. If this was not the case the policy will not have regard to national policy and therefore not meet the basic conditions.
- 7.83 In summary the recommended modifications address the following matters:
- ensuring that it has regard to national policy on Green Belts;
  - clarifying the indicative nature of the plan at Figure 7.4;
  - separating the masterplan criteria from the bulk of the policy and including it as a separate section; and

- relocating the direct reference of ancillary non-sporting community facilities such as food and beverage facilities from the policy to the supporting text.

7.84 Otherwise the policy meets the basic conditions. It will contribute significantly to the delivery of the social dimension of sustainable development.

**Replace the policy with:**

**‘Proposals for the consolidation and the expansion of the King George V Playing Fields will be supported where the following criteria are met:**

- **the sports and recreation facilities offer all year-round access and facilities which meet evidenced local demand;**
- **the replacement and/or reuse of the existing clubhouses offer facilities commensurate to the users’ needs;**
- **the improvement of drainage for grass playing surfaces;**
- **any new uses provide appropriate levels of parking and contribute towards the delivery of a ‘Park and Walk’ walking route through KGV and East of Northaw Road East for Cuffley School; and**
- **new or improved facilities are designed to be adaptable and capable of serving the sports clubs, the wider community, and other local groups/organisations.**

**Development proposals should demonstrate the way in which they have been prepared to respond positively to a master plan for the overall Playing Fields site.’**

*At the end of paragraph 7.10 add: ‘Policy W3 sets out the Parish Council’s intentions on this important site. The Playing Fields are in the Green Belt. This will continue to be a key factor in determining the acceptability or otherwise of proposals in the Plan period. Proposals for the development of new recreational related buildings on the site and/or the development of ancillary non-sporting community facilities such as food and beverage facilities will need to be assessed carefully against GB policy and VSC. Development proposals will be assessed against an overall master plan to be produced by the Parish Council and the existing users of the Playing Fields’*

Policy I1: Community Projects

7.85 This policy comments that enabling development, planning obligations (including s106 and Highways Act S278 funding), community infrastructure levy and funding applications will be used to implement the projects listed in Appendix 1 (as identified and approved by NCPC and the local community). Priority projects are identified as follows:

- King George V Playing Fields;
- the introduction of a street market at an appropriate location will be supported as a valuable contribution to the vitality of the village centre;
- public realm improvements along Station Road;
- the provision of new and improved cycle paths, footpaths, and other facilities as required according to circumstances; and
- the provision of new cycle parking at the Library and GP Surgery.

- 7.86 The policy also comments that development proposals that prevent or hinder the realisation of the priority community projects will be refused.
- 7.87 As submitted the policy has a hybrid format and is partly a policy and partly a community action. In its helpful response to the clarification note NCPC commented about the way in which the policy had been developed throughout the wider plan preparation process.
- 7.88 Taking account of the significance of the projects to NCPC and to the wider community I recommend that the policy is reconfigured so that it ensures that other development proposals do not interfere with or conflict with the implementation of the community projects. This approach will allow the policy to be applied by WHBC through the development management process. I am satisfied that the intentions of the initial part of the policy (as submitted) are properly addressed in the supporting text. Nevertheless, I recommended consequential modifications to the supporting text to reflect the revised emphasis of the policy.
- 7.89 Otherwise, the policy meets the basic conditions. It will contribute significantly to the delivery of the social and the environmental dimensions of sustainable development.

**Replace the policy with:**

**‘Development proposals should take account of the following community proposals and respond positively to their implementation:**

- **King George V Playing Fields;**
- **the introduction of a street market at an appropriate location will be supported as a valuable contribution to the vitality of the village centre;**
- **public realm improvements along Station Road;**
- **the provision of new and improved cycle paths, footpaths, and other facilities as required according to circumstances; and**
- **the provision of new cycle parking at the Library and GP Surgery**

**Development proposals that prevent or hinder the realisation of the priority community projects or which would directly conflict with their delivery will not be supported.’**

*At the end of 8.7 add: ‘The policy highlights the importance of the identified schemes and ensures that other development proposals that prevent or hinder the realisation of the priority community projects or which would directly conflict with their delivery will not be supported.’*

**Monitoring and Review**

- 7.90 Section 8 of the Plan properly sets out the way in which NCPC will monitor the effectiveness of the Plan and take any necessary corrective action. Paragraph 8.11 comments that a review of the Plan is not anticipated for an initial period of 10 years. This may well have been the case if the emerging Local Plan had proceeded at the pace anticipated when NCPC embarked on the production of the neighbourhood plan. Nevertheless, circumstances have overtaken the relationship between the timing of the two plans and there is now a realistic prospect that the neighbourhood plan may be ‘made’ before the Local Plan is adopted.

- 7.91 In these circumstances, I recommend modifications both to Section 8 and to the Introduction of the Plan to address this matter. The recommended modifications provide an up-to-date assessment of the relationship between the two plans. In addition, they provide a context within which NCPC can assess the need or otherwise for a full or partial review of a made neighbourhood plan once the Local Plan has been adopted. This approach is consistent with the recommended modifications to Policies S1 and S2 set out earlier in this report. They also have regard to Planning Practice guidance (ID:41-009-20190509) concerning the way in which local planning authorities and qualifying bodies should seek to agree the relationship between policies in an emerging neighbourhood plan, an emerging Local Plan and the adopted development plan having regards to national policy and guidance.

*Replace the first sentence of paragraph 1.5 with:*

*'The neighbourhood plan must be in general conformity with the strategic policies in the development plan. This is currently the Welwyn Hatfield Local Plan 2005. The Borough Council is now well-advanced on the preparation of a new Local Plan. It will cover the period up to 2036. Section 8 of the Plan comments about the way in which the Parish Council will assess the need or otherwise for the neighbourhood plan to be reviewed once the Local Plan has been adopted.'*

*Replace the final sentence of paragraph 8.11 with:*

*'Once the emerging Local Plan has been adopted the Parish Council will assess the need or otherwise for the neighbourhood plan to be reviewed. Any necessary review could proceed on a full or a partial basis. In particular, the Parish Council would have the opportunity at this stage to provide any further details associated with the development of the housing allocations in the parish included in the adopted Local Plan. Where there are clear differences between the made neighbourhood plan and the adopted Local Plan, the Parish Council will look to commence a review of the neighbourhood plan within six months of the adoption of the Local Plan.'*

Other Matters – General

- 7.92 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for WHBC and NCPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

*Modification of general text (where necessary) to achieve consistency with the modified policies.*

Other Matters - Specific

- 7.93 WHBC has made a series of helpful comments on the Plan. Where they directly relate to a policy, I have incorporated them into the relevant recommended modifications.
- 7.94 In addition I recommend the following general modification to the Plan to ensure that it has the clarity required by the NPPF and therefore meets the basic conditions.

*Figure 2.1 Key Diagram*

*Include the relevant Plan policy numbers with the items in the key*



## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2036. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following the independent examination of the Plan I have concluded that the Northaw and Cuffley Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 On the basis of the findings in this report I recommend to Welwyn Hatfield Borough Council that, subject to the incorporation of the modifications set out in this report, the Northaw and Cuffley Neighbourhood Development Plan should proceed to referendum.

### *Referendum Area*

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the Borough Council in August 2014.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

**Andrew Ashcroft**  
**Independent Examiner**  
**27 January 2023**