

Report to Welwyn Hatfield Borough Council

by Melvyn Middleton

an Inspector appointed by the Secretary of State

Date: 25 September 2023

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Welwyn Hatfield Local Plan (2016)

The Plan was submitted for examination on 15 May 2017

The examination hearings were held between 21 September 2017 and 22 February 2018, 26 and 29 June 2018, 6 and 7 November 2018, 16 and 18 December 2019, 10 and 12 March 2020, 28 July and 27 August 2020 and 22 February and 18 March 2021.

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Abbreviations used in this report

d.p.a.	dwellings per annum
FEMA	The functional economic market area
FMMs	Further Main Modifications
FOAHN	Full objectively assessed housing need
HELAA	Housing and Economic Land Availability Assessment
HMA	The Housing Market Area
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LNR	Local Nature Reserve
MMs	Main Modifications
NPPF	The National Planning Policy Framework published in 2012
ONS	Office of National Statistics
Plan	Welwyn Hatfield Draft Local Plan Proposed Submission
PPG	Planning Practice Guidance
SHMA	Strategic Housing Market Assessment
SA	Sustainability Appraisal
SHLAA	Strategic Housing Land Availability Assessment
SPD	Supplementary Planning Document
sq. m	square metres
SSSI	Site of Special Scientific Interest

Evidence and examination documents

All of the Council's supporting evidence submitted with the Local Plan is contained in the Examination Library (evidence base). Documents that it and others submitted to the Examination, along with documents that I issued during the course of the Examination were published as Examination Documents. Both sets of documents can be found on the Examination website¹. Each document in the Examination library has its own individual reference number such as RD/2, ORD/5, DTC/11, PMC/1, etc. The letters refer to specific topics and the numbers to the chronological sequence of the preparation of the documents. The Examination documents are referenced EX01 to EX307 in the chronological order that they were posted on the website. Where appropriate, I refer to documents by their reference numbers in footnotes in this report.

¹ This and other similarly referenced documents can be found on the Examination Website under Submission documents, www.welhat.gov.uk/local-plan-examination

Non-Technical Summary

This report concludes that the Welwyn Hatfield Local Plan provides an appropriate basis for the planning of the Borough of Welwyn Hatfield, provided that a number of main modifications [MMs] are made to it. Welwyn Hatfield Borough Council has specifically requested that I recommend any MMs necessary to enable the Local Plan to be adopted.

Following the last set of hearings in March 2021, the Council prepared schedules of the proposed MMs and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a six-week period in January and February 2023. Proposed changes to the Policies Map were a subject of the same consultation. Following my appraisal of the representations, in consultation with the Council, I prepared a schedule of twenty-four Further Main Modifications (FMMs) and the Council carried out sustainability appraisal and habitats regulations assessment of them. These, along with one further change to the Policies Map, were subject to public consultation over a six-week period in June and July 2023. Having assessed the representations to this second consultation on Main Modifications, in a small number of cases, I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Local Plan after considering the updated sustainability appraisal (SA) and habitats regulations assessments (HRA), together with all of the representations made in response to the consultations on them.

The Main Modifications can be summarised as follows:

- Amendment to the plan period to one that covers the period 2016-36
- Amendment to confirm that the policies of this plan replace the saved policies of the Welwyn Hatfield District Plan 2005.
- Changes to the Spatial Vision, the Strategic Objectives and Policies SP2 and SP3, to clearly set out the plan's revised targets for the delivery of employment, retail floorspace and housing numbers.
- Amendments to Policy SP2 to confirm that the Council is committed to undertaking an immediate review of the plan, with a submission date no later than three years after the date that this plan is adopted.
- Amendments to the settlement chapters and to Table 2 Distribution of Housing Growth, to include additional or extended development sites, amendments to housing capacities and the removal of sites or parts of sites that I have found to be unsound.
- Additions and amendments to individual site development considerations.
- Changes to elements of the Centre Services and Facilities chapter to account for the ramifications of the Covid 19 pandemic, the further movement of some retail expenditure from shops to on-line facilities and changes to the Use Classes Order.
- Updates to the Economy chapter to account for changes in the employment forecasts, employment land supply and to the Use Classes Order.
- Amendments to the Housing policies to comply with national policy and for effectiveness.

- Changes to Policy SP 9 to require the provision of master plans, in order to create a spatial framework for developments on large sites and in other specified site circumstances.
- Improved requirements and advice concerning development considerations that reflect national policy, in relation to heritage matters, tall buildings, and the quality of new development.
- Further clarification of the policies that relate to Environmental Assets.
- Improvements to the policies that affect the delivery of infrastructure, especially that concerned with the delivery of sewage improvements.
- Clarification that there is a requirement for neighbourhood plans to conform to the strategic policies of Local Plans.
- Changes to the Implementation and monitoring chapter to reflect the Council's progress on introducing a Community Infrastructure Levy and the revisions to the plan period, Use Classes Order and the plan's targets.
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Welwyn Hatfield Borough Council, Draft Local Plan Proposed Submission (the Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2012 (NPPF), at paragraph 182, makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised NPPF was published in July 2018 and further revised in February 2019, July 2021 and September 2023. It includes a transitional arrangement in paragraph 220 of the July 2021 NPPF, which indicates that, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Plan, which was submitted in May 2017, is the basis for my examination. It is the same document as was published for consultation in August 2016.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act, the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs are necessary.
5. Following the last set of hearings in March 2021, the Council prepared a schedule of proposed MMs² and, where necessary, carried out SA³ and HRA⁴ of them. The MM schedule⁵ was subject to public consultation for a six-week period in January and February 2023. Following my consideration of the consultation responses I concluded that a number of Further Main Modifications (FMMs)⁶ were necessary to amend the wording of some of the MMs for soundness. The Council arranged for SA⁷ and HRA⁸ of them. The FMMs schedule was also subject to public consultation for seven weeks. Where a MM has been amended by a FMM this is set out in the attached appendix to the report. The MMs are referenced in bold in the report in the form **MM1**, **FMM1**, **MM2** etc, and are set out in full in the Appendix. The MMs and FMMs are both listed in accordance with their sequence in the Plan.
6. I have taken account of the consultation responses in coming to my conclusions in this report and in this light, I have made some amendments to the detailed wording of the FMMs. Additionally, I have also added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes or the SA and HRA assessments that have been undertaken. Where necessary I have highlighted these amendments in the report.
7. Some of the MMs put forward by the Council include factual corrections or updates, changes which are consequential to the MMs, or amend typographical or other errors in the Plan. These do not amount to MMs necessary for soundness, and so I have not recommended them. The Council is entitled to make these and any other additional modifications which (taken together) do not materially affect the policies that would be set out in the Plan if it was adopted

² Schedule of Main Modifications, December 2022, (EX295)

³ Sustainability Appraisal of Welwyn Hatfield Local Plan, Main Modifications, November 2022, (EX297)

This and other similarly referenced documents can be found on the Examination Webpage

www.welhat.gov.uk > [local-plan-examination](#)

⁴ Welwyn Hatfield Local Plan, Main Modification, Habitats Regulations Assessment Report, December 2022, (EX298)

⁵ Welwyn Hatfield Local Plan, Schedule of Main Modifications for consultation, December 2022, (EX295)

⁶ Schedule of Further Main Modifications, June 2023, (EX301A)

⁷ Sustainability Appraisal of Welwyn Hatfield Local Plan, Further Main Modifications, June 2023, (EX303B)

⁸ Welwyn Hatfield Local Plan, Further Main Modification, Habitats Regulations Assessment Report, June 2023, (EX303C)

with the MMs. Nevertheless, for completeness I have included any further changes to the text that results from additional modifications, in the MMs and FMMs, if they relate to the same text.

Policies Map

8. The Council must maintain an adopted policies map, which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Draft Local Plan, Proposed Submission, Policies Map August 2016 as set out in document SUB/5.
9. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective. These further changes to the policies map were published for consultation alongside the MMs in Main Modifications Policies Maps⁹. Following my assessment of the representations against the MMs, the Council made a further change to the Policies Map, in the context of a proposed landscape buffer within the Green Belt and adjacent to site HS2 Creswick. This was published for consultation at the end of the FMMs consultation document. In this report I identify a further amendment to those further changes, at Moneyhole Lane Park, in the light of the consultation responses. The land is owned by the Council and no one's interests would be prejudiced by the change.
10. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include, in addition to the amendments identified above, all the changes proposed in Main Modifications Policies Maps, the further change published alongside the FMMs and incorporating any other necessary amendments identified in this report.

Context of the Plan

11. The Welwyn Hatfield local Plan is proposed to replace the saved policies of the Welwyn Hatfield District Plan 2005. The new Plan will constitute the full development plan for the whole of Welwyn Hatfield Borough, with the exception of minerals and waste policies, which are the responsibility of Hertfordshire

⁹ Main Modifications Policies Map, November 2022, (EX296)

County Council. The Northaw and Cuffley Neighbourhood Plan, which was made in May 2023, now also forms a part of the Development Plan. The Borough contains two main towns, Welwyn Garden City and Hatfield, both of which are post war New Towns. They are surrounded by the Metropolitan Green Belt, which extends across the whole of the Borough, incorporating about three quarters of the land area. In addition to the two towns, eight villages are excluded from the Green Belt, whilst a further sixteen settlements and a number of strips of ribbon development are washed over. The plan area contains a number of conservation areas, as well as a significant number of other heritage assets, such as Hatfield House with its registered park and garden.

12. Welwyn Hatfield Borough is located within central Hertfordshire. St Albans and Stevenage are about 4 and 6 miles respectively to its west and north, whilst Hertford is a similar distance to the east, with the Lea valley towns beyond. The Boroughs of Enfield and Barnet in Greater London, abut or are close to its southern boundary respectively. In common with its neighbours, the Borough has a significant net daily out-commute to Greater London. However, the Borough now has a substantial surplus of jobs over its economically active population, such that it acts as a significant workplace destination for the surrounding towns in Hertfordshire, as well as for Luton.

Public Sector Equality Duty

13. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the Examination, such as the provision of gypsy and traveller sites to meet need and accessible and adaptable housing.

Assessment of Duty to Co-operate

14. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation. There is evidence of close collaboration between the Council, neighbouring local authorities and other relevant bodies as set out in the submitted statements of common ground and as detailed in the Council's Statement of Compliance, Duty to Co-operate (DTC1-11).
15. The Welwyn Hatfield Strategic Housing Market Assessment (SHMA)¹⁰ identifies a cross-boundary housing and economic market relationship with all of the Borough's neighbours outside of London. However, at the same time, Welwyn Hatfield was not identified as being within the Housing Market Area (HMA) of any of its immediate neighbours. This is because they all have stronger relationships with other areas. With the exception of Broxbourne, a similar scenario emerged in the context of economic areas. Broxbourne being the only

¹⁰ Welwyn Hatfield Strategic Housing Market Assessment, August 2014, (HOU/14)

neighbour that has stronger economic ties with Welwyn Hatfield than it has with other areas.

16. Whilst comprehensive housing and economic market assessments, undertaken at a sub-regional level, would probably have been the most appropriate outcome for the area as a whole, different local plan timetables and the absence of any national or regional policy requirement to do so, did not lead to this. Welwyn Hatfield therefore undertook its SHMA, using the borough boundary as the primary area of analysis. A similar outcome was arrived at with regard to the Functional Economic Market Area (FEMA). Whilst Welwyn Hatfield's travel to work area includes all or parts of six of its neighbours, including Luton and Stevenage, the primary analysis into future job and employment land requirements was again based on the Borough. This has undoubtedly influenced the nature of Welwyn Hatfield's engagement with neighbouring planning authorities. Nevertheless, there was wider analysis at the FEMA level and the Council appears to have worked closely with its neighbours to coordinate and align, as far as possible, its employment land policies and proposals with others across the FEMA.
17. At the time of submission (May 2017), the Plan was not providing sufficient housing land to meet its Full Objectively Assessed Housing Need (FOAHN)¹¹. The housing shortfall was about 1,000 dwellings¹². However, the publication of the 2014 household projections had already ushered in the need for a reassessment. A new FOAHN was submitted to the Examination within a month of the Plan's submission. That resulted in an increase in the housing need from 707 dwellings per annum (d.p.a.) to 800 d.p.a.
18. Prior to the Plan's submission, the Council clearly sought to actively, effectively and on an ongoing basis, engage with duty to cooperate bodies, including Hertfordshire County Council and all adjacent Districts, on cross boundary strategic matters. This began as early as 2008 and concluded in memorandums of understanding being signed between the Borough Council and all of the appropriate Councils and bodies in 2017, apart from with St Albans City Council¹³. St Albans objected to aspects of the Plan and asserted that Welwyn Hatfield had failed the Duty to Cooperate.
19. However, the evidence suggests that there were clearly discussions between the two authorities from 2008 onwards about a range of issues, including housing development. St Albans clearly had concerns, about some of the fluctuating proposals for new development, to the west of Hatfield. Nevertheless, the evidence does not suggest that St Albans was not consulted about these proposals, only that despite the interactions and St Albans'

¹¹ Welwyn Hatfield Strategic Housing Market Assessment, Partial Update Addendum, April 2016, (HOU/18)

¹² Policy SP2 makes provision for about 12,000 dwellings whereas the midpoint of the FOAHN being used at the time suggested a need for about 13,000 dwellings.

¹³ See Examination Library, DtC1-11.

responses, which opposed some of the proposals for further development between the two towns, Welwyn Hatfield decided to pursue its proposal to allocate land for a new village at Symondshyde (SP 24), which is within the Green Belt and close to its border with St Albans.

20. Furthermore, it demonstrates that where there was disagreement, Welwyn Hatfield made every effort to reach a resolution. The Council explored whether or not there was any opportunity for the shortfall in housing against the FOAHN to be met by another authority and concluded, at the time of the Plan's submission, that this was not possible because none of them had the capacity at that time.
21. Following the Stage 1 hearings, I concluded that the Council had met the duty to co-operate in the preparation of the Plan because, at the time of submission, the Plan's housing proposals were capable, with some additions, of meeting its FOAHN.
22. Consequently, whilst there are a number of soundness issues related to some strategic matters that I consider in subsequent parts of this report, I am satisfied that where necessary, the Council engaged constructively, actively and on an on-going basis, with its neighbours and strategic bodies, in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Other Aspects of Legal Compliance

23. Section 20(5)(a) of the Act requires me to consider whether the requirements of sections 19 and 24(1), regulations under section 17(7) and any regulations under section 36 have been complied with. My findings in relation to these, and all other relevant legal requirements, are summarised in the paragraphs below.

Local development scheme

24. The Plan has been prepared in accordance with the Council's Local Development Scheme (LDS). This sets out the scope and timetable for this Plan and was originally published in June 2014. Changing circumstances necessitated a number of revisions to the timetable, which led to six updated versions of the LDS being published, most recently in July 2023¹⁴. At the various stages, the Plan was prepared and amended in accordance with the latest version of the scheme.

¹⁴ Welwyn Hatfield Local Plan, LDS, July 2023, (EX305)

Public consultation and engagement

25. The Council's Regulation 22(1)(c) Statement of Consultation¹⁵ thoroughly demonstrates how consultation was carried out during the various stages of plan preparation and that it was in compliance with the Council's Statement of Community Involvement, adopted in December 2013¹⁶. More stages of consultation were held than required by the regulations. Whilst the statement does not explicitly set out the weight that the Council attached to consultation responses, that is not a legal requirement, and it is clear that they were considered. The documented evidence sets out the relevant planning issues. Where necessary, I consider those issues in my assessment of soundness in the subsequent sections of this report.
26. There has been no evidence to suggest that anyone's interests were materially prejudiced, by the way in which subsequent consultations on the additional evidence, prepared by or on behalf of the Council during the course of the Examination, were publicised and carried out.
27. Consultation on the MMs and FMMs was carried out in a proportionate way, having regard to the principles set out in the Statement of Community Involvement, and subsequently the relevant regulations and guidance published in response to the coronavirus pandemic.

Sustainability appraisal

28. There are legal obligations on the Council to prepare and submit a SA of the Plan which is to be adopted. The Council carried out a SA of the Plan, prepared a report on the findings of the appraisal, and published the report along with the Plan and other submission documents under regulation 19¹⁷. An Addendum was prepared in 2020, prior to the Council's consultation on additional sites in that year¹⁸. That took into account the implications of updates to the evidence base, in particular the Green Belt Study, a Landscape Sensitivity Assessment and the Strategic Flood Risk Assessment. Finally, the appraisal was updated to assess the MMs in December 2022² and the FMMs in the summer of 2023⁵.

Habitats Regulations Assessment

29. There are also legal obligations on the Council to prepare and submit a HRA of the Plan which is to be adopted. The HRA for the Proposed Submission Local

¹⁵ Welwyn Hatfield Borough Council Local Plan, Proposed Submission (Regulation 22) Statement of Consultation, August 2016, (SUB/1)

¹⁶ Welwyn Hatfield Borough Council, Adopted Statement of Community Involvement, December 2013, (ORD/1)

¹⁷ Welwyn Hatfield Proposed Submission Local Plan, Sustainability Appraisal, August 2016, (SA/6)

¹⁸ Addendum to the Sustainability Appraisal of the Welwyn Hatfield Local Plan, January 2020, (EX200)

Plan¹⁹ sets out that a full assessment had been undertaken. It concluded that there would be no adverse effects on the integrity of any European sites. However, it did refer to issues that relate to the capacity of Rye Meads Wastewater Treatment Works and its relationship with the Lee Valley Special Protection Area and Ramsar site.

30. The need for careful planning and monitoring, in relation to the progress of development and improvements to the water treatment works, was emphasised in the HRA. Following discussion at a Hearing session, the need to ensure that infrastructure improvements were carried out in tandem with the progress of development and for additional safeguards, to prevent harm to the European sites, was recognised. Further support to Policy SP 13 Infrastructure Delivery, to be implemented through the planning process, was recommended. Suggested changes at the time of submission, along with those that followed the discussions at the Examination, led to further consideration by Thames Water and subsequent discussions between the Council and that body. Their final conclusions lead me to recommend changes to Policy SP13 and its supporting text to cover this (see paragraphs 356-359).
31. Developers are encouraged to discuss their proposals with Thames Water ahead of the submission of any application to help ensure that any network reinforcement works are delivered in tandem with development. Where necessary, phasing conditions will be used to ensure that any relevant phase of development is not occupied until any necessary network upgrades have been completed or it has been confirmed that sufficient capacity exists within the existing network. The revised text, which is necessary to ensure that the relevant development proposals would not have adverse effects on the Lee Valley Special Protection Area and Ramsar site, is set out within **MM 30**. Policy SP 13 is now effective and justified in this context.
32. An updated HRA was prepared to accompany the MMs consultation³ and a further one to accompany the FMMs consultation⁶. They do not recommend any further changes. In its responses to the consultations, Natural England has indicated that it does not object to the plan as modified by the MMs and FMMs.

Strategic priorities

33. The Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area. In particular, the overall strategy is set out in chapters 3 - 6. Chapter 3 sets out the Council's spatial vision and the borough-wide strategic objectives. These are then addressed in subsequent strategic policies. In chapter 4 a set of guiding principles to secure the delivery of sustainable development are laid out, whilst chapter 5 sets out the targets for growth and Chapter 6 sets out the settlement

¹⁹ Welwyn and Hatfield Proposed Submission Local Plan, Habitats Regulations Assessment Report, August 2016 (SUB/2)

strategy, in the context of the borough's location within the Metropolitan Green Belt.

Climate change

34. The Development Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. This is most notably achieved through its development strategy, which seeks to concentrate as much development as is possible within or on the edge of the two towns and the large villages excluded from the Green Belt. These are the most sustainable locations within the Borough from a movement perspective. Policies relating to flood risk, sustainable drainage and transport systems, water efficiency, green infrastructure, biodiversity, sustainable design, and renewable and low-carbon energy developments also contribute towards the mitigation of, and adaptation to, climate change.

Superseded policies

35. As a result of **MM1**, paragraph 1.2 of the Plan now makes it clear that when adopted, the policies of this plan will supersede all of the saved policies in the Welwyn Hatfield District Plan 2005, thus meeting the requirement of regulation 8(5) of the 2012 Regulations. Table 21 lists all of the superseded policies in the 2005 Welwyn Hatfield District Plan and indicates their relationship with the policy or policies in this plan.

Other legal requirements

36. The Plan complies with all other relevant legal requirements, including those in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

37. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 16 main issues upon which the soundness of this Plan depends. This report deals with those main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 –: Is the approach in the Plan to look ahead to 2032 consistent with national policy or otherwise justified?

38. During the time that the Plan was being prepared, the Council envisaged that it would be adopted in June 2017²⁰, and on that basis, the Plan looks ahead to 2032, particularly in terms of housing and employment land need and supply. The NPPF says at paragraph 157 that crucially local plans should be drawn up over an appropriate time scale, preferably one with a 15-year time horizon. They should also take account of longer-term requirements and be kept up to date.
39. The Plan was drawn up to cover a 19-year plan period (2013-32) and at the time of submission in May 2017, there was still just over a fifteen-year time horizon left to run. During the hearing sessions, in late 2017, the Council accepted that in order to maintain this, the Plan would need to be rolled forward to 2033. As the Examination has progressed, the likely post adoption period has become less and less. By July 2019 it had become obvious that it would not be possible to adopt the Plan until late 2020. A later start date was proposed (2016) with the plan period extending to 2035²¹. When, it was subsequently expected that the Plan would be adopted in 2021 (January 2020), the Council proposed a revised plan period 2016-36²². As well as moving the plan period forward by three years, this process has added an additional year to its time frame. **MM1** amends the introduction whilst **MM3** amends Policy SP 2 Targets for Growth so that they refer to the revised plan period of 20 years (2016-36).
40. If the Plan is adopted in 2023, then as modified it will cover a 20-year timeframe and contain policies that look ahead for more than 12 years from adoption. The NPPF says that plans should preferably have a 15-year time horizon. However, for the reasons set out later in this report, I am satisfied that the Plan sets out a positive approach and includes flexibility to ensure that, as a minimum, identified development needs can be met for the first ten years post adoption. It also includes some opportunities for development to continue beyond 2033. In my view, the Plan's timescales satisfy the requirements of the NPPF, as it covers more than a fifteen-year time horizon and takes account of some of the specific longer term needs in its housing requirement.
41. However, as the plan does not have a fifteen-year time horizon from adoption, the Council is now committed to begin a review of the Plan immediately after adoption and to submit an updated Plan for Examination within three years of that date (see **MM2** and **FMM3**). I do not, therefore, consider it necessary to modify the Plan so that it explicitly looks ahead to beyond 2036.

²⁰ Local Development Scheme, June 2014

²¹ Implications of the 2016 household and population projections for the Local Plan, July 2019, (EX103)

²² Paragraph 38, Examination into the Welwyn-Hatfield Local Plan 2013-32, Inspectors preliminary conclusions and advice, October 2020, (EX212)

Conclusion

42. I therefore conclude that the approach in the submitted Plan to look ahead to 2032 is inconsistent with national policy. For the reasons set out above, a plan period 2016-36 in the context of an immediate review of the Plan, is justified.

Issue 2 –: Is the Plan's provision for new economic development justified, effective, consistent with national policy and positively prepared?

The need for economic development

43. Policy SP1 sets out the Council's principles for delivering sustainable development. They include the need to plan positively for growth in a way that supports economic growth. The Government is also committed to ensuring that the planning system does everything it can do to support sustainable economic growth, "*securing it in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future*"²³. Local planning authorities should therefore plan proactively to meet the development needs of business. In this context, providing enough land to meet an area's ongoing economic development needs is an important function of local plans.
44. In the years that followed the closure of the British Aerospace plant at Hatfield, in 1993, until the original start date of this plan (2013), the Borough saw its employment base expand by about 50%. The release of over 100 hectares of land from the Green Belt, at the former Hatfield Aerodrome, in 1998 and for mainly employment uses, together with the creation and expansion of the University of Hertfordshire, were the major contributors to this growth.
45. During this period, Welwyn Hatfield moved from being a Borough that on balance exported some of its labour, primarily to Greater London, to one that had a significant number of jobs in excess of the number required to support its economically active population. By 2011 there was a net daily inflow of nearly 20,000 commuters from surrounding districts. This is despite the continued daily net outflow of commuters to London, which in 2011 was nearly 9,500²⁴. The maintenance and success of Welwyn Hatfield's economy is therefore now important to some of the communities beyond its borders.
46. In developing its employment strategy for this plan, the Council sought to build upon this historic success and adopted the priorities and objectives of the Hertfordshire Local Enterprise Partnership. These seek to ensure that the area

²³NPPF, Section 1, Page 6, Department of Communities and Local Government, March 2012

²⁴ HM Census 2011, Workplace and Residence Tables, May 2014

is an attractive place for investment, both for existing businesses and for companies new to the area, helping to create new job and training opportunities.

Forecasted job growth and land requirements

47. The forecasted job growth was based on a hybrid scenario that takes the average of two employment projections from 2013 to 2032²⁵. This suggested that about 16,900 additional jobs could be created, requiring an additional 23 hectares of land to be identified for Class E(g)²⁶, B2, B8 and related development.
48. A significant proportion of the forecasted new jobs were anticipated to be in "office accommodation" including research and development. In the context of economic development, the Plan is primarily but not exclusively about allocating land upon which 'E(g) and B Class development can occur. Offices, manufacturing or storage and distribution facilities are the primary employment uses that require significant areas of land, on which to build premises, in order to support growth. In Welwyn Hatfield, these uses have in recent times provided just under half of the total number of jobs. Many of the other jobs are also created as a result of the land use policies of Local Plans in sectors such as education, health, and retailing. Some of which are considered later in this report.
49. Following the relaxation of permitted development rights in 2013, allowing class B1(a) (now E(g)) office space to be converted into class C3 residential uses, there has been a noticeable loss in the available floorspace for this employment use. Between 2008/9 and 2017/18 there was a net loss of over 80,000 square metres (sq. m) of office floorspace within the Borough²⁷. At the same time there was about an 18,000 sq. m loss in industrial floorspace, as a result of redevelopment proposals, mainly for residential purposes. This process continued after 2018 and must have had some effect on the availability of jobs within the Borough.

²⁵ Welwyn Hatfield Economy Study Update, Final Report, December 2015, (ECO/7)

²⁶ Since the Council undertook its latest employment review in 2019, there have been major changes to the Use Classes Order (The Town and Country Planning (Use Classes) (Amendment) (England) regulations, September 2023.

In the context of the employment forecasts, Use Class B1(a) Office, other than a use within Class A2, B1(b) Research and development of products or processes and B1(c) Any industrial process that can be carried out in a residential area without causing detriment to the amenity of the area, have been merged with former Use Classes A1 shop, A2 financial and professional services and A3 Café or restaurant into a new use class E. A significant proportion of the forecasted new jobs were anticipated to be in "office accommodation" including research and development. These new jobs will no longer be in the former B class but in the new class E. References to former Use Class B in the submitted Plan are referred to as Use Class E in this report.

²⁶ Hertfordshire Local Enterprise Council report, March 2019, referred to by the Council at paragraph 3.5 in Local Plan Economy Update, July 2018, (EX102)

²⁷ Hertfordshire Local Enterprise Council report, March 2019, referred to by the Council at paragraph 3.5 in Local Plan Economy Update, July 2018, (EX102)

50. Reviews of the Economy Study in 2017 and 2019 considered the changing economic circumstances and revised the job growth forecasts downwards. Whilst an additional 23 hectares of land was predicted to be needed to accommodate the increase in E and B class jobs in 2015, by 2019 it was only 19.0 hectares. Overall, I consider the evidence underpinning the need for economic development identified by the Council and the approach that it took when calculating the likely job growth in the Borough and the land required to accommodate new employment development (now estimated to be about 19.0 hectares) to be robust and appropriate.

The proposed employment land supply

51. Some of this land was identified through a survey of existing employment areas, that identified undeveloped or underused land, whilst other land that was the subject of recent unimplemented planning permissions, was also recorded. The shortfall was to be made up by the allocation of additional land.
52. Following the guidance in the PPG, the Council undertook a Housing and Economic Land Availability Assessment (HELAA)²⁸. As part of this assessment, a call for sites exercise was undertaken and some potential employment sites were identified²⁹. The sites were then further considered in the context of the Green Belt Study Review (parts 1 and 2)³⁰, along with a Green Belt Boundaries Appraisal, the SA, and the Flood Risk Assessment, as well as an appraisal of the strategic advantages and disadvantages of the different sites.
53. One principal site within the Green Belt was selected to contribute towards meeting the additional "E(g)" class land requirement, Marshmoor at Welham Green (9.35 hectares). Secondary sites were proposed at The Holdings, Cole Green Lane (2.25 hectares), at North-West Hatfield (1.43 hectares) and at Broadwater Road (1.69 hectares).
54. Marshmoor (SP 23) affects Green Belt land adjacent to the A1000 and Welham Green railway station. It would primarily be developed as a flag-ship High-Tec employment site with E(g) class uses but with some C3 housing to support and be occupied by persons working on the site. The Holdings will utilise land formerly within the Green Belt that was previously used for mineral extraction and landfill. It was granted planning permission for B8 uses in 2018 and is located within the new residential neighbourhood (SP 19) South-East of Welwyn Garden City. North-West Hatfield is primarily a residential proposal (SP22) within the Green Belt but with an employment area proposed adjacent to the A1M. The Broadwater Road site (SP 17), which is in the centre of Welwyn Garden City, is a comprehensive redevelopment proposal utilising the former Shredded Wheat factory site and adjacent employment land. It is primarily being

²⁸ Housing and Economic Land Availability Assessment, Final Report, June 2016, (HOU/19)

²⁹ Employment sites Selection Background Paper, June 2016, (ECO/8)

³⁰ Green Belt Review Purposes Assessment Stage 1, November 2013 (GB/1) and Stage 2, October 2014 and Addendum, June 2016, (GB/2 & GB/3)

redeveloped for housing but an element of new employment floorspace is also proposed. There will nevertheless be a significant net loss of employment land at this location as a result of the mixed-use proposals that have now obtained planning permission.

55. Additionally, a small area adjacent to housing proposal HS15, at Woolmer Green, is to be reserved to facilitate the expansion of adjacent existing employers. The purpose is not explicit in the supporting text and in this context Policy SADM 10 is not effective. For effectiveness, **FMM11** points out that EA10 London Road, Woolmer Green contains an area of currently undeveloped land, which is immediately west of housing site HS15, and may enable the expansion of existing businesses or enable a new business to locate at Woolmer Green.
56. Given the above circumstances, I consider that in principle, it is appropriate to remove some land from the Green Belt to facilitate further economic development in the Borough. I discuss the exceptional circumstances that justify the removal of the Marshmoor site from the Green Belt for employment purposes, under issue 11. The Council has already found very special circumstances to remove The Holdings from the Green Belt. Its development for B8 uses was completed in 2022. The site no longer contributes to the openness of the Green Belt or makes any contribution to its purposes. I therefore find exceptional circumstances to remove the land from the Green Belt. The site at North-West Hatfield, which is a part of an extended mixed-use neighbourhood (SDS5), will utilise land adjacent to the A1M, where there are very likely to be noise and disturbance issues that reduce its suitability for residential use. Exceptional circumstances for the removal of site SDS5 from the Green Belt and where the employment site is a minor part, are also discussed under issue 11. Additionally, the small area at Woolmer Green will become detached from the Green Belt when the much larger residential site to its east (HS15) is developed. It will then no longer make any significant contribution to Green Belt purposes and its removal is therefore justified. Exceptional circumstances to justify the removal of the adjacent residential site are discussed under issue 11.
57. Overall, I consider the approach taken by the Council, when selecting the land proposed in the Plan for employment, to be reasonable and proportionate. The decisions made in the context of the economic studies have been suitably informed by the SA and the exercise overall has been robust. The employment proposals involve the development of about 15 hectares of land for E(g), B2 and B8 Class uses, including the removal of about 11 hectares from the Green Belt. The former is now 4 hectares short of the additional 19 hectares estimated to be required by the revised employment land forecasts. However, as the allocation of more land for employment development would necessitate even further losses from the Green Belt, I consider the proposals to be proportionate and the chosen scenario to be appropriate.
58. The revisions to the employment forecasts have resulted in a number of amendments to Policy SP 2 Targets for Growth and its supporting text, as well

as to paragraph 10.7 in the economy chapter. The revisions to the overall provision of new employment floorspace are contained in **MM3** and **MM20** and revised in **FMM3**. They reduce the provision of employment floorspace through the plan from 116,400 sq. m to at least 55,000 sq. m ensuring that the employment land proposals overall have been positively prepared, are justified and will be effective, whilst consistent with national policy. Additionally, following the recent granting of planning permission for redevelopment to residential, references to the extension of the Bio-park building in paragraph. 10.4 are no longer deliverable. **FMM11** removes this reference from the plan.

Employment development management policies

59. Policy SP 8 The Local Economy seeks to resist the loss of E(g) and B class jobs. Policy SADM 10 lists the Borough's employment areas and sets out the circumstances in which planning permission will be granted for other development (including changes of use) in the employment areas listed. The justification refers to the government's guidance that requires local authorities to plan proactively to meet the needs of business and support a successful local economy. It also refers to the considerations discussed above and points out that to meet predicted growth in employment, loss of land from Class E(g) and B uses should be minimised as far as possible.
60. These policies provide a suitable framework for safeguarding employment land and controlling development on it, whilst offering a degree of flexibility for businesses. In my view, this is a justified approach.
61. Nevertheless, since 2013 substantial amounts of Class E(g) employment floorspace have been lost through the change to permitted development rights, enabling offices to be converted to residential uses without planning permission. This is undermining the objectives of the policy and the employment strategy.
62. Consequently, In October 2020 the Council introduced a Direction under Article 4(1) of the Town and Country Planning (General Permitted Development (England)) Order 2015, withdrawing the permitted development rights identified in Class O, Part 3 of Schedule 2 of the Order from a number of employment areas within the Borough. This has the effect of preventing the change of use of offices (class E(g)) and their curtilages to dwellinghouses (Class C3), without obtaining planning permission and within the employment areas that are most susceptible to these changes. In January 2022 it extended the restriction to include the permitted development rights identified in Class ZA Part 20 of Schedule 2 of the Order, involving the demolition of offices, research and development facilities and light industrial buildings, and their replacement with new residential buildings.
63. Whilst not replacing the floorspace that was lost from employment uses between 2013 and 2020, these directions will help to maintain the current stock of employment floorspace, unless planning permission is specifically given for

their change of use. Nevertheless, the loss before 2020 is likely to be such that the jobs forecasted in the hybrid scenario of 2015 and its subsequent revisions, are unlikely to be achieved because of an inability to provide the floorspace, now falling within E class, to accommodate them.

64. As well as by the circumstances that led to the adoption of the Article 4 directions, the effectiveness of Policy SADM 10 is also compromised by the changes in the revised Use Class order 2020. The Council seeks to ensure that, taken together, the Employment Areas designated under Policy SADM 10, which include the allocated sites, provide for a range of employment uses that meet the need for different types of economic development going forward. To ensure this, **MM21** refers to the Council's intention to limit the range of uses on individual sites, where necessary using planning conditions and legal agreements to achieve this. That is a justified approach and the modification put forward is necessary to ensure that the plan is positively prepared and for effectiveness.

Employment Review

65. Since the research work for the 2016 Economic Study and its two updates, as well as the notable losses in the amount of available employment floorspace, there have also been major changes in the factors that govern economic growth and its location. Brexit and the aftermath of the Covid 19 pandemic, in the contexts of overall labour supply and home working during and after the pandemic, are but two events that were not considered in 2016 or 2019 but which could have a profound impact on economic growth going forward. The proposed immediate review of the Local Plan provides an opportunity for the economic needs of the Borough to be reviewed, in the context of the changed circumstances that affect the supply of floorspace and available labour, as well as the different economic circumstances that now affect the demand side of the equation.
66. Nevertheless, the decline in employment floorspace should not be interpreted as a decline in overall jobs within the Borough, unless there is concrete evidence to demonstrate an overall loss. A majority of the jobs located in the Borough are in sectors that do not necessarily require industrial estate type employment area locations. As the Economic Study demonstrates, some of these sectors are expected to grow significantly during the plan period. Additionally, as the household forecasts do not include an uplift to accommodate job growth, a decline in forecasted employment levels would not justify a reduction in the housing target beyond that required to meet market forces and in particular the acute affordability crisis at Welwyn Hatfield.

University of Hertfordshire

67. The University of Hertfordshire is based at Hatfield. Policy SP 21 University of Hertfordshire seeks to maximise the economic development and community benefits associated with its presence. It sets out key principles for the proposals that it will support. However, in setting these out it referred to campus facilities but failed to refer to the teaching and learning environment at the University, which is its core function. The policy is therefore not effective. **MM43** amends the text to refer to this function. Policy SP 21 is now effective.

Conclusion

68. In the context of the above, particularly the need to continue to maintain the Borough's prominence as a location for economic development in central Hertfordshire, I conclude that subject to the recommended MMs, the Plan's provision for new economic development is justified, effective, consistent with national policy and positively prepared.

Issue 3 –: Is the Plan's provision for town and other centre uses justified, effective, consistent with national policy and positively prepared?

Context

69. Policy SP 5 Quantity and Location of Retail Development aims to provide for an appropriate range of retail and service facilities within the Borough's centres and to protect their vitality and viability. To facilitate this, it identifies a hierarchy of town and local centres where proposals for main town centre uses will be supported, subject to certain criteria. It also sets out floorspace forecasts for both convenience and comparison goods until 2026, individually for the two town centres and for the large and small neighbourhood and village centre groups, each group as a whole. Overwhelmingly, the increased need for floorspace and that which is proposed, is for the sale of comparison goods. This is mainly to be located within Welwyn Garden City Town Centre, with a secondary focus on Hatfield Town Centre.
70. The Policy also includes proposals for new centres and facilities within the proposed new residential neighbourhoods at SP 18 North-East of Welwyn Garden City (Panshanger), SP 19 South-East of Welwyn Garden City (Birchall Garden Suburb), SP 22 North-West Hatfield and SP 24 New Village at Symondshyde.

Retail Development Requirements

71. A Retail and Town Centre Needs Assessment was produced in 2007 and reviewed and updated on four subsequent occasions. The floorspace growth

assessment that is set out in Policy SP 5 and upon which the proposals for new retail floorspace are based, is taken from the latest edition³¹. This estimates a need for 10,600 sq. m of comparison floorspace and 1,300 sq. m of convenience floorspace.

72. Whilst the assessment estimates floorspace growth until 2032, the plan's proposals are only concerned with the forecasted growth until 2026. As the assessments explain, notwithstanding the robustness of the retail capacity forecasts, beyond five years, they should be treated with caution. That is because they are based on various layers of assumptions and forecasts with regard to the trading performance of existing centres and stores, the growth in population and retail spending habits and levels, etc. These are diverse considerations that can be volatile and difficult to predict. They are nevertheless brought together when predicting growth in retail floorspace.
73. In recent years, the growth in Internet and multi-channel shopping has become an increasingly strong consideration in this equation. Whilst it is undoubtedly a growing force in the determination of retail spending and floorspace forecasts at centres, its rate of growth, together with the extent to which it will eventually grow, are not easy to predict at this point in time. Also, the economy is and has been in recent years, more volatile than in the early years of this century. In this context the 2016 review quite rightly suggests that internet shopping could reduce the future demand and capacity for new 'physical' space over the long term.
74. In this context, even by 2016, the Council had recognised that its forecasts to 2026 may be unduly high. Paragraphs 5.14 and 8.7 of the submitted plan therefore say that the evidence on retail capacity forecasting will be kept under regular review throughout the plan period.
75. Given the above, I consider that the Council made the correct decision when it decided not to plan for retail provision beyond 2026. However, the need for a cautious approach has been further compounded by the Covid-19 pandemic, which has brought about a notable shift in retail expenditure from shops and shopping centres to on-line facilities. To what extent this abrupt change, which was generated by an unpredictable event, will be reversed, or alter the extent and speed at which the likely long-term trend of a growth in internet shopping expenditure continues, remains to be seen. Nevertheless, there needs to be further reference in the text to cover the implications of the Covid-19 pandemic and the recent growth in internet shopping. Additionally, the consequent need for the plan's retail policies to be kept under review and if changing evidence suggests, their revision, should be emphasised in the plan. These revised justifications are set out primarily in **MM3** but also in **MM7**. Furthermore, these

³¹ Retail and Town Centre Needs Assessment (Update,) May 2016, (RTC/5)

modifications are necessary to make the retail aspects of Policies SP 2 and SP 5, effective and justified.

Retail Development Proposals

76. Policy SP 16 Welwyn Garden City Town Centre Strategy explains that the main opportunity for the expansion of comparison goods within Welwyn Garden City Town Centre is at the Town Centre North site (between the John Lewis building and an improved bus station)³². The retail capacity forecast estimated a need for 9,400 sq. m of additional retail floorspace in Welwyn Garden City. However other opportunities, if they arise within the defined town centre boundary, are not discounted.
77. Policy SP 20 sets out a strategy for Hatfield Town Centre, where a more limited potential for a growth in retail floorspace exists. The retail capacity forecast estimated a need for 2,000 sq. m. of additional retail floorspace in Hatfield Town Centre. A redevelopment proposal, for a mixed-use scheme, at 1-9 Town Centre, is located at the eastern end of the defined Town Centre³³. It comprises some retail floorspace, with the aim of securing new shopping opportunities to enhance the variety and quality of the retail offer. The proposal has now been completed.
78. The predicted growth in retail floorspace justified the proposed expansion at Welwyn Garden City and Hatfield Town Centres, in the period until 2026. Whilst the Hatfield proposal is now complete, as yet the Welwyn Garden City proposal has not progressed to the planning application stage. It is unlikely to be completed by 2026 and maybe not even started by then. Nevertheless, if the potential for retail growth in the Town Centre still exists, in the longer term, then I consider the unimplemented proposal, advanced through this plan, to be the most appropriate opportunity for achieving the remainder of the identified growth. The site is owned by the Council so its retention in the plan does not prejudice any third party. In my view it should remain as a proposal that will be implemented over a longer timescale and almost inevitably beyond 2026. **MM7** and **MM9** change the timescales for the implementation of the retail proposals. To make the policies effective, they now indicate that the Council's strategy for the quantity of retail development is focused on the period up to 2033.
79. Nevertheless, it is far from certain that the Welwyn Garden City proposal would be implemented, even by 2036. The requirement for this plan to be reviewed, immediately after adoption, presents an opportunity to comprehensively update the retail evidence base and to re-assess the appropriateness of this town centre redevelopment proposal going forward to 2036 and beyond.

³² Site MUS1(Han40)

³³ Site MUS2(HC100b)

80. There have been a number of changes to the nature and extent of proposals within Welwyn Garden City town centre, the most notable being the development of housing at Town Centre North – Campus East (Site HS12). Also, some proposals have now been implemented. These require updates to Fig. 9. They are set out in **MM34** and enable the illustrated proposals to be justified and effective.
81. There have been a number of changes to the nature and extent of proposals within Hatfield town centre, the most notable being the identification of housing sites at Link Drive, Lemsford Road and Meridian House. These require updates to Fig. 13. They are illustrated in **MM41** and enable the illustrated proposals to be effective and justified.
82. In promoting the regeneration of Hatfield Town Centre, the plan sets out a vision for its future. The vision's wording is somewhat confusing and requires clarification. **MM40**, which is required for effectiveness, make the Council's aspirations clearer, pointing out that it seeks to create a vibrant and successful centre which meets the community's needs for retail, leisure, and community service provision.

Other Retail Development in Designated Centres

83. Policy SADM 22 Development within Hatfield Town Centre Core Retail Zone sets out the criteria that applications for planning permission within the zone should follow. The revised use classes order merged former class A1 shop with classes A2 Financial and professional services, A3 Café or restaurant and the B1 employment uses²⁶. These changes have rendered the policy unclear and no longer effective or consistent with national policy. **MM42** amends the policy to refer to "Class *E(a)* and / or *E(b)* uses", making it effective and consistent with national policy. In setting a policy by which to assess the change of use of convenience stores outside of designated centres, the criteria refer to "A1 shop", a specific use that no longer exists. To ensure the policy's effectiveness **MM9** changes the reference to "a shop".
84. To support the delivery of its retail strategy, as set out in Policy SP 5, the Council has defined a set of criteria in Policy SADM 4 to guide development in the centres. A town centre frontage policy seeks to maintain at least 70% of defined Primary Frontage within categories of class A1 retail uses (now included within class E) that are considered to be appropriate. However, it does not define "appropriate uses", which following the removal of class A1 is fundamental. To make the policy effective, **MM 8** rectifies this by referring to the NPPF definition of "Main Town Centre Uses" in a footnote. **FMM6** also changes the reference to Class A1 floorspace in paragraph 8.13 to Class E.
85. The Plan also supports proposals for changes of use within Small Neighbourhood or Small Village centres in circumstances where they would not have a detrimental impact on the provision of class E retail uses (formerly Class

A1). However, in referring to “shop” the policy’s scope is restricted and unclear. For effectiveness **MM 8** makes it clear that the policy refers to all premises within the centre.

Conclusion

86. Subject to the MMs set out above, I consider the Plan’s provision for town and other centre uses to be justified, effective, consistent with national policy and positively prepared.

Issue 4 –: Is the target for housing growth, set out in policy SP 2, to facilitate the delivery of 12,000 new homes in the plan period 2013 to 2032, positively prepared, justified, effective and consistent with national policy?

Context

87. In planning for housing under the transitional arrangements, outlined in paragraph 2 above, local plans should be based on a strategy which seeks to meet the development needs of their area. The NPPF also says that local plans should address the housing need that arises within the HMA. The starting point is therefore the identification of the HMA. Following this the FOAHN should be established for the HMA. It is then necessary to consider any other factors which might lead to setting a housing requirement in the local plan that is different to the FOAHN.

The housing market area

88. Paragraph 159 of the NPPF advises that, in order to understand the housing needs in their area, plan-makers should: “*prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where HMAs cross administrative boundaries*”.

89. A review of the evidence relating to considerations of housing and socio-economic activity in Welwyn Hatfield and its immediate neighbours, confirmed that the Borough does not operate as a self-contained HMA³⁴. Two HMA geographies centred around Welwyn Hatfield were identified. The wider one contains the whole of its immediate neighbour’s (Broxbourne, East Hertfordshire, Enfield, Hertsmere, North Hertfordshire and St Albans) administrative areas, plus those of Barnet and Stevenage. The smaller one, was centred on the Borough and those adjacent parts of adjoining districts where the strongest external housing market relationships are with Welwyn Hatfield.

³⁴ Strategic Housing Market Assessment, August 2014 (HOU14) and Strategic Housing Market Assessment, Partial Update, October 2015 (HOU/15)

90. As a result of differences in plan timescales, it was not possible to co-ordinate a wider SHMA with the other authorities with which HMA linkages had been identified. In any event, a larger part of all of these districts had stronger links with other areas than with Welwyn Hatfield. A similar scenario transpired with regard to the smaller HMA that was identified. The likelihood of this set of circumstances occurring is recognised within the PPG, which states: "*Where Local Plans are at different stages of production, local planning authorities can build upon the existing evidence base of partner local authorities in their HMAs but should co-ordinate future housing reviews, so they take place at the same time*"³⁵.
91. Therefore, the Welwyn Hatfield SHMA was commissioned independently, but with the clear intention of working with relevant planning authorities to share and understand existing and emerging evidence and the implications this may have for the need for housing in the HMA. The SHMA incorporates an assessment of the extent of the HMA within which the evidence of the need for housing in Welwyn Hatfield should be considered. It defines the smaller area identified in paragraph 89 above. Nevertheless, the FOAHN has been calculated using statistical information that relates to the Borough boundary rather than the identified HMA that extends into the parts of adjacent districts that have very strong socio-economic links with Welwyn Hatfield. The decision to do this was based largely on the unavailability of detailed data, data assembly difficulties and the inability of other adjacent districts to participate in the process, because of different Local Plan preparation timescales. The document nevertheless does recognise that there is a need for the SHMA assessments and calculations to continue to be an evolving process and there could be scope to coordinate work with adjacent local planning authorities on this non-Borough HMA in the future.
92. As Policy SP2 sets out, 1,350 new dwellings and associated development are to be built immediately to the east of Welwyn Garden City but within the administrative area of East Hertfordshire District Council. Although counted as a contribution to East Hertfordshire's housing need, the site is immediately adjacent to Welwyn Garden City but some distance from the towns in East Hertfordshire. It is also much closer to Welwyn Hatfield's employment areas and town centres than it is to those in East Hertfordshire. It is very likely that a high proportion of these dwellings will be occupied by persons who move there from Welwyn Hatfield or from the parts of its HMA that are just outside of the Borough. Others could also move from elsewhere in order to take up jobs in Welwyn Hatfield or to live closer to their workplace there.
93. In my view, the number of dwellings to be built there, being equivalent to 9% of the revised Borough FOAHN, is significant in the context of the likely overall housing need within the smaller HMA. They are likely to more than compensate for any under provision in the housing need calculations that could result from the exclusion of the areas in adjacent districts that are clearly a part of Welwyn

³⁵ PPG - Paragraph: 007 Reference ID: 2a-007-20150320

Hatfield's housing market but not within the Borough and consequently not included in the FOAHN calculation.

94. Looking at all of this in the round, I am satisfied that the evidence sufficiently supports and justifies the HMA boundary used by the Council, insofar as it relates to Welwyn Hatfield and its decision to calculate its FOAHN using information solely related to the Borough and its population. The basis on which the need for housing has been considered is therefore appropriate and justified in the circumstances.

The objectively assessed need for housing

95. It has been widely reported for a number of years that the country has been building far fewer houses than are needed by the increasing population and growing household numbers. Welwyn Hatfield is not an exception to this trend. The resulting pressures on the housing stock and associated issues of affordability are particularly acute in Welwyn Hatfield.
96. Paragraph 159 of the NPPF provides, amongst other things, that local planning authorities should prepare a SHMA to assess their full housing needs. Prior to the submission of the plan, the Council prepared a SHMA³⁶ using data from the 2012-based household projections, published by the Department for Communities and Local Government in February 2015. It identified a need for between 664 and 707 dwellings per annum (d.p.a.), between 12,600 and 13,400 dwellings during the period 2013-32.
97. However, shortly before the plan was submitted in May 2017, the 2014-based household projections had been published and the Council arranged for the FOAHN to be reassessed by its consultants, Turley³⁷. The 2014-based projections provided a new starting point for this assessment. This analysis suggested that an overall need of 793 d.p.a., rounded to 800 (15,200 dwellings), would be required to meet the FOAHN.
98. This assessment supported and accompanied the revised housing submissions that were submitted to the Examination by the Council in June 2017. The reassessment resulted in an increase in the plan area's housing need from a mid-point calculation of about 13,000, to a need for 15,200 for the then 19-year plan period (2013-32). Following a Hearing session in October 2017, I concluded that this revised housing need was soundly based. Since then, the starting point for identifying the OAN has altered twice more. The Council has updated its evidence and put forward fresh figures on each occasion.

³⁶ Strategic Housing Market Assessment Partial Update, October 2015, (HOU/15)

³⁷ Strategic Housing Market Assessment Update, May 2017, (HOU/21)

99. In June 2020, ONS published household projections based on its 2018 population projections. Relevant guidance in the PPG on Housing and Economic Needs Assessment advises that: *“The government’s official population and household projections are generally updated every 2 years to take account of the latest demographic trends. Wherever possible, local needs assessments should be informed by the latest available information”*. The NPPF is clear that *“Local Plans should be kept up to date. A meaningful change in the housing situation should be considered in this context, but this does not automatically mean that housing assessments are rendered outdated every time new projections are issued”*³⁸.
100. A further assessment submitted by the Council in September 2020 and prepared by Turley³⁹, concluded that a revised housing need figure in the range of 715 to 800 d.p.a. would now be appropriate for the original and revised plan periods, with a figure towards the lower limit most appropriate for the revised plan period. This document was subsequently the subject of a full consultation.
101. There was a fall of around 40% in the forecasted household growth figures for Welwyn Hatfield (2013-32) between the 2014 data set and the 2018 set⁴⁰. Turley, in its assessment³⁷, investigated the factors that had led to this. It concluded that lower household formation rates, mainly among younger households, lower inward migration rates (that is, reduced net in-migration) from the use of an atypical two-year period (2016-18) and lower life expectancy, leading to higher mortality rates, used in the 2018-based projections, were the primary causes.
102. The trend-based methodology that ONS introduced when it took over responsibility for the forecasts from the government in 2016 and the consequent different assumptions that it made, resulted in a 10% reduction in forecasted household growth between the 2014 and the 2016 forecasts at a national level. The government expressed concerns about the ramifications of this in 2016 and ONS subsequently highlighted the limitations of its changed assumptions. In the Council’s submission on the 2016 forecasts⁴¹ an 8% uplift was included to enable younger household formation rates to revert to those experienced before the recession by the end of the plan period. That was one of the reasons Turley, on behalf of the Council, argued to justify maintaining the FOAHN at 800 d.p.a in response to the 2016 based forecasts. There is no evidence to suggest that this approach is inappropriate or that the household formation rates used in the 2014-based household forecasts should not continue to take precedence over

³⁸ PPG Paragraph: 016 Reference ID: 2a-016-20150227 Revision date: 27 02 2015

³⁹ The implications of the 2018-based SNPP and SNHP on the Welwyn Hatfield OAN, August 2020, Turley, (EX203A)

⁴⁰ The 2014-based household growth forecast was 12,345 additional households. The corresponding household growth figures in the 2018-based principal projection are 7,521.

⁴¹ The implications of the 2016-based SNPP and SNHP on the Welwyn Hatfield OAN June 2019, Turley, (EX103A)

the subsequent household formation rates used by the ONS in its 2018-based forecasts.

103. The 2014 forecasts use a five-year period to calculate migration rates. However, the period used for the 2018 based projections is only two years. ONS explicitly warned of the *'chance that using only two years of data will create unusual averages for local authorities experiencing abnormal migration patterns over this short period'*⁴².
104. In the two years used, there was a net estimated outflow of 314 persons per annum from Welwyn Hatfield. A negative situation that has not occurred in any other year this century. This suggests that a two-year base period is not necessarily going to give an accurate picture of longer-term migration trends at Welwyn Hatfield.
105. In recognising the inappropriateness of this unusual two-year trend and for consistency with its previous forecasts, Turley opted to use ONS's alternative five-year variant. The Council eventually disagreed with this assessment and submitted its own, using a ten-year based migration figure. This, when combined with the reduced rates of household formation discussed above, and declines in life expectancy, produced a housing need of 690 d.p.a.
106. Turley, whilst noting that the rate of internal migration had fluctuated substantially, year on year since 2001, pointed to the correlation of migration trends with those of house building since 2007. In the first seven years of the submitted plan period, only 60% of the revised housing requirement was built. Turley concluded that a considerably lower rate of growth as a result of inward migration after 2016, was at least partially influenced by the under provision of new housing. I concur with this conclusion. That under supply was in large measure due to an unavailability of sufficient land allocated for housing development and the absence of an up-to-date adopted local plan.
107. A comparison of the job growth and working population estimates produced over the past decade⁴³ suggests, that even when full account is taken of the abnormal changes in the published data mid-decade, job growth 2011-19 could have outstripped the rise in the working age population. Such a change would inevitably have led to yet a further increase in the levels of net in-commuting for work into the Borough and compounds the need for caution when reviewing the FOAHN.

⁴² Methodology used to produce the 2018-based subnational population projections for England; *"Data used"* in section 6 (*"Migration"*), ONS, March 2020, referred to by Turley in EX203A

⁴³ Business Register and Employment Survey (BRES) data, Table 1.1 of Appendix 1 to Considering the relationship between the OAN job growth and future inward commuting, Turley, February 2021, (EX242C)

108. I note that Turley chose not to disregard the under provision of housing 2013-16 when recommending that the 2016-based FOAHN be retained at 800 d.p.a. and that the Council agreed with this recommendation at the time. Similarly, I do not consider it appropriate to disregard a growth in jobs during that period, when it seems likely that it has been accompanied by a lower level of growth in the Borough's economically active population. That would very likely have resulted in consequent increases in the amount of net in-commuting beyond that identified in the 2011 census.
109. Taken in the round, the evidence suggests to me that there is a real risk that a reduction in the FOAHN from 800 to 715 d.p.a. (the maximum reduction proposed by Turley) could lead to job creation within the Borough outstripping the growth in the economically active population. The outcome of such a scenario would lead to continued increases in net inward commuting. This is further evidence that a cautious approach needs to be taken when considering an alternative FOAHN to that submitted in 2017 (800 d.p.a).
110. Additionally, in my view, it would be both contrary to the evidence, and inconsistent with the NPPF's guidance that assessed housing needs should be met in full, to accept that the under-supply of housing in Welwyn-Hatfield in recent years should lead to a significant reduction in the Borough's future housing requirements. A more cautious approach is required. In these circumstances, I found that the migrational components of the 2018-based principal household projection does not provide a reliable basis for assessing Welwyn Hatfield's FOAHN going forward.
111. Nevertheless, there has been a predicted increase in mortality rates that would lead to some reduction in the rates of household growth. On a proportional basis, the expected reduction in natural increase between the 2016- based and 2018-based forecasts, when applied to the resident population in 2016, appears likely to result in a reduced dwelling requirement of about 40 d.p.a. during the 2016-36 plan period, when compared to the 2014 and 2016 forecasts. Demographic projecting is far from an exact science but this likely reduction in natural increase is not insignificant over a twenty-year period and in my view, it is consequently a meaningful change. I therefore concluded that the FOAHN for a plan period 2016-36, as set out in Plan Policy SP 2, should be amended to 15,200 dwellings (an average of 760 dwellings per annum). **MM3** amends the second bullet of Policy SP 2 to say this. The FOAHN is now justified and positively prepared.

The Housing requirement

112. Although the 2012 based FOAHN suggested a need for between 12,600 and 13,400 dwellings during the original plan period, policy SP 2 Targets for Growth sets a requirement for about 12,000 dwellings. This provision was in deficit of the mid-point of the overall established need by about 1,000 dwellings. In pointing out that this falls short of the FOAHN range, the Council notes that

such delivery would represent a significant step change in housing delivery. In establishing a lower requirement than the housing need, the Council referred to considerations such as infrastructure at or near capacity and the importance attached to the Green Belt, from where much of the land for new housing would have to be sourced. By the time the housing requirement came to be examined the need, in the Council's opinion, had risen to 15,200.

113. These matters were extensively discussed at Hearings in late 2017. I agree with the arguments advanced by some representors that the identified infrastructure deficiencies in sectors such as drainage and education, which centred around capacities, could be resolved using financial contributions raised from development sites, as could any necessary local highway improvements. There is no evidence to suggest that there would be viability issues arising from this, but the provision of new and improved infrastructure would need to be planned on a comprehensive basis to be effective.
114. Whilst the need for such improvements may delay the ability of some sites to deliver dwellings during the early years of the plan period, that does not mean that more land could not be developed, by the end of the plan period, than the Council was proposing. The development of the Garden City and New Towns in time frames not dissimilar to the local plan's and with a greater quantum of development, was referred to as examples of what could be achieved if there was a will to deliver.
115. Capacity constraints on the strategic highway network, particularly the A1M and the A414, were also discussed. I noted that there were no firm proposals to improve these. However, the congestion experienced on these routes has partly come about through the growth in job numbers in and around Welwyn Garden City and Hatfield over the last 25 years or so. This was accompanied by an absence of sufficient labour within the Borough to fill the increased number of jobs. That was brought about largely by insufficient housing being provided within the Borough to accommodate the necessary increased labour force. This has led to substantial changes in commuting patterns, the outcome of which is a large, daily net inflow into Welwyn Hatfield from most of the neighbouring towns. The principle means of travel to work for these people is the private car.
116. It is not surprising therefore that congestion has increased notably on the area's principal roads. It also suggests that the trend of increasingly higher numbers of jobs being created than the Borough's economically active population can support should be reversed. This reinforces the importance of not underestimating housing need. The plan proposes the removal of land from the Green Belt to facilitate both housing and employment development. I do not consider the latter to be a sound strategy if it would lead to increased levels of net inward commuting.
117. The NPPF, at paragraph 14, says that local planning authorities should positively seek opportunities to meet the development needs of their area and

that local plans should meet objectively assessed needs with sufficient flexibility to adapt to rapid change. In these circumstances, I consider that the housing requirement 2016-36 should therefore be 760 d.p.a., (15,200). Such a revision, which is contained in **MM3**, would be justified, consistent with national policy and soundly based.

Conclusion

118. I conclude that to be justified and effective, Policy SP 2 needs to be modified, to facilitate the delivery of 15,200 new homes between 2016 to 2036,

Issue 5 –: Is the identified need for new homes in the Borough during the Plan period met to an extent that enables the Plan's provision for new housing to be justified, effective, consistent with national policy and positively prepared?

The Plan's provision for new housing

119. The SHMA Partial Update of 2015 (HOU/15) identified a FOAHN of between 12,616 and 13,433 dwellings. Despite this, the submitted plan only made provision for 12004 dwellings. Shortly after submission, the SHMA of 2017 (HOU/21) increased the FOAHN to 15,200 over the plan period 2013-32 and in October 2020 the plan period was revised to 2016-36, increasing the need to 16,000. The identified shortfall was then 4,000 dwellings and without significant modification to the housing supply, the plan was clearly unsound.

120. In addition, at the conclusion of the Stage 2 hearings, towards the end of 2017, I told the Council that I was unlikely to consider a strategy that on the one hand was removing land from the Green Belt to facilitate further job creation, whilst at the same time arguing that other land in the same Green Belt cannot be released to provide land to facilitate the construction of housing for the additional workers that the job growth could attract or to address the Borough's housing affordability crisis, to be sound. At the time I was assured that the Council would be able to identify sufficient additional land to accommodate all of the then FOAHN (800 d.p.a. 15,200 dwellings).

121. I subsequently asked the Council to undertake work that would lead to the submission of additional housing sites. In response the Council commissioned a further Green Belt study to assess at a finer grain and more comprehensively than the previous assessments, the contributions that different parcels make to the Green Belt's purposes. Subsequently it undertook another call for sites exercise. These were assessed through an update to the HELAA⁴⁴, as well as

⁴⁴ Housing and Economic Land Availability Assessment, 2019

against the results of its stage 3 Green Belt review⁴⁵ and considered by the Site Selection background Paper⁴⁶.

122. This concluded with the production of an extended list of sites, sufficient to accommodate nearly 18,000 dwellings, that could be suitable and available for development during the plan period. The subsequent addendum, to the SA⁴⁷, considered four options which would produce a range of dwellings between 14,960 and 17,830.
123. The preferred option contained a raft of additional sites, sufficient to increase the overall housing provision to 15,950 dwellings⁴⁸. These had been identified through a "call for sites" process and had subsequently passed the site selection tests and options assessment. However, only proposals sufficient to provide about 14,000 dwellings were placed before the Examination. These included revised specific proposals for 13,280 dwellings, together with a new proposal to safeguard land adjacent to Potters Bar that could accommodate 700 dwellings⁴⁹. They included 19 new sites with a capacity of 1700 dwellings and a further net increase of 680 dwellings, following a review of site capacities, at previously submitted sites. The new sites were examined in early 2020, along with the previously submitted sites adjacent to the excluded villages. At the same time the Council requested that five sites⁵⁰ (in total accommodating 1628ds), that had been submitted as a part of the Regulation 19 Plan and including Policy SP 24⁵¹, be removed from the Plan. They were all located within the Green Belt and had already been examined at hearings.
124. A number of the additional proposed sites, including the Potters Bar proposal, were found in examination to be unsound or inappropriate introductions at that point in the process. Nevertheless, a further 12 housing sites were found to be available and deliverable, as well as otherwise sound. They are added to the Plan's proposals through **MMs34, 36, 41, 44, 46, and 52**. In addition there were extensions/increases in capacity at another thirteen sites. These are amended by **MMs34, 36, 37, 38, 39, 44, 45, 46, 47, 48, 49, 50, 51 and 53**. **MM4** and **FM4** revise Table 2, setting out revisions to the distribution of housing growth among the excluded settlements.
125. After holding hearings into the new proposals and other outstanding matters in the early part of 2021 and assessing all of the evidence, I wrote a supplementary report⁵². In that report I pointed out that including development

⁴⁵ Welwyn Hatfield Green Belt Study, Stage 3, March 2019, (EX99)

⁴⁶ Site Selection Background Paper, 2019 (EX219B)

⁴⁷ Chapter 5, Addendum to the Sustainability Appraisal of the Welwyn/Hatfield Local Plan, January 2020, (EX200)

⁴⁸ Letter from the Council to the Inspector 10 February 2020, (EX182)

⁴⁹ Council's letter to the Inspector 30 November 2020, (EX219)

⁵⁰ Sites HS22, HS24, HS29, HS30 and SDS6

⁵¹ Site SDS6 new village at Symonshyde

⁵² Examination into the Welwyn-Hatfield Local Plan 2013-2032, Inspector's Supplementary Conclusions and Advice, June 2021, (EX272)

since 2016, commitments and windfalls, the sites before the Examination that had been found to be sound could then deliver over 14,000 dwellings. I also referred to five exception sites that had passed the Council's site selection process but had not been formally submitted to the Examination. These could provide an additional 1,750 dwellings and take the total well beyond the revised FOAHN (15,200).

126. At the same time and despite the high levels of net in-commuting, the Council was still wishing to promote further employment growth through the use of Green Belt land. Some of that land would otherwise have the potential to accommodate housing development. In such circumstances I concluded that a housing requirement that was not consistent with the Borough's housing need (then assessed at 15,200) would not be sustainable or sound.

Ten-year supply

127. The Plan had by then been in examination for nearly four years. It increasingly seemed unlikely to me that the Council would submit sufficient housing sites to meet the FOAHN. The Council responded in January 2022 and resubmitted a proposed basket of sites that would achieve the development of around 13,280 dwellings⁵³. In doing so, it pointed out that this would be close to achieving a specific supply of sites that would meet the requirement for the first 10 years post adoption. By that time (February 2022), I had found that sites capable of accommodating more than the required number of dwellings necessary to achieve a ten-year post adoption supply to be sound.

128. The NPPF at paragraph 47, sets out requirements for the identification of deliverable and developable sites for housing, by local planning authorities, for five years and for years six to ten respectively and where possible for years eleven to fifteen. If that is not possible, a plan that comes relatively close to this is to be preferred to no plan at all. Consequently, I found that an adopted plan that allocates sufficient land to provide about 10 years of supply and which would enable the local building industry to begin to meet some of the pent-up housing needs of the Borough and in the short term, was to be preferred. The alternative scenario, whereby this Plan was found to be unsound, would result in the local planning authority not having an up-to-date Plan but where the severe housing shortage and affordability problems would persist and without any prospect of early resolution.

129. I therefore invited the Council to submit a housing trajectory that identified a supply of specific developable sites for a period of ten years post adoption⁵⁴ and including all of the sites that the Council had submitted to the Examination and which I had found to be sound. Assuming that was in 2022 and the ten-year

⁵³ Local Plan Housing Trajectory, Estimated Housing Delivery by Year, January 2022, (EX282B)

⁵⁴ Inspector's letter to Welwyn Hatfield Borough Council, 16 February 2022, EX283

period ran until 2032, then provision for the last four years could be delayed and considered through an early review of the Plan.

130. I asked the Council to confirm its agreement and to move swiftly to the MMs stage. The Council finally responded on 10 August 2022⁵⁵. The letter included a revised assessment of the dwellings required to provide a 10-year supply post adoption⁵⁶ and an updated housing trajectory. The letter suggested that a requirement of about 9,460 dwellings overall would need to be built during the ten-year period. The trajectory included about 8,520 dwellings that could be built during that period but excluded those on three sites that the examination had found to be sound (about another 580 dwellings). In addition about 914 further dwellings that could be built during the last three years of the plan period (2033-36), were also identified.
131. The NPPF, at paragraph 47, says that local authorities should ensure that their Local Plan meets the FOAHN for market and affordable housing in the housing market area and that it identifies a supply of specific, developable sites or broad locations for growth for years 6-10. The FOAHN and housing requirement is 760 d.p.a. (7,600 dwellings over the ten-year period). The ten-year identified supply, which is site specific, is 9,343 dwellings⁵⁷.
132. However, the Borough has not delivered the housing requirement in any of the plan years to date (2016-23). There is a shortfall of 2,102 dwellings, which should be provided before the end of the plan period. If distributed according to the Liverpool methodology⁵⁸ and equally in each year throughout the rest of the plan period, then about 162 dwellings need to be added to the requirement each year (1620 dwellings overall). This results in a ten-year requirement of 9,217 dwellings. Again, this is less than the proposed site-specific housing supply so the Plan could more than meet the overall requirement. The plan period supply is now 13,400 dwellings, leaving a further 1,800 dwellings to be provided through the review.
133. For effectiveness, **MM2** and **MM3** amended the Spatial Vision and Policy SP 2 Targets for Growth to accommodate these changes. **FMM24** updates the housing completions 2016-23 and the expected housing delivery going forward, from April 2023 in Figure 17. **FMM3** updates the anticipated housing delivery in Policy SP2.

⁵⁵ Letter and appendices from the Council, 10 August 2022, EX289

⁵⁶ As a result of the passage of time the ten-year post adoption period had slipped to 2023-33.

⁵⁷ Fig 17, page 225, Revised Housing Trajectory (FMM24). This incorporates the 2023 housing monitoring update,

⁵⁸ The shortfall resulting from under-delivery in the preadoption years of the plan period is made up over the whole of the rest of the plan period

Housing delivery

134. Table 2 in the Plan summarises the housing land supply. It identified a capacity of about 12,000 dwellings that were expected to be delivered between 2013 and 2032. However, I have already concluded that it is necessary for the Plan to be modified to set out a revised housing requirement 2016-36, and therefore the supply, from 2016 rather than from 2013 and for the Plan period to run until 2036 rather than 2032. In addition, for the Plan to be positively prepared, the distribution of housing growth, as set out in Table 2, needs updating to replace the completions 2013-16, with those 2016-23. The capacity columns also need amendment. They are replaced through **MM4** and subsequently by **FMM4** which reflects expected delivery from commitments as of 1 April 2023 and the capacity from allocations expected to be delivered by 2036.
135. However, in addition to the above, year on year during the next ten-years, the Council will be required to identify a five-year supply that would initially include a 20% buffer and at some point, thereafter one of 5%. Consequently, in reality and in order to maintain a five-year supply, the Council may have to identify land to accommodate more than the 9,200 dwellings requirement over the ten-year post adoption period. The latest housing supply information⁵⁹ suggests that there would be a shortfall of 220 dwellings, necessitating the identification of a small amount of additional land to provide further dwellings before the end of the ten-year period, if a five-year supply is to be maintained throughout the period.
136. Additionally, the housing supply trajectory continues to anticipate a decline in housing delivery year on year after 2027⁵⁶. After year 7 the numbers drop appreciably and to an extent that if the 20% buffer continues, there very likely would not be an identifiable five-year supply after year 3, even when assessed against the 2012 NPPF. The methodology applied by the current NPPF is of course much more stringent. This is a weakness that needs to be addressed.
137. To meet the outstanding need, **MM3** proposed the undertaking of an early review of the Plan, to be submitted for examination within five years from adoption. As well as reviewing the housing need and land requirements, for the period post ten years, this review will very likely need to look at identifying sites that can deliver housing from year 7 onwards. If the Council is to avoid a reversion back to a situation where once again it does not have a five-year land supply, then the review will have to be completed relatively swiftly and the revisited Plan submitted for examination and adopted as soon as is practicable thereafter. The timescales outlined in **MM3** would be unlikely to achieve this.
138. To make this aspect of the Plan effective **FMM3** therefore commits the Council to undertaking a review of the Plan, which will commence no later than one year

⁵⁹Figure 17 – Housing Trajectory as amended by FMM24, Local Plan Housing Monitoring Update, June 2023, EX 301A

after the adoption of the Plan. Additionally, an updated or replacement Plan will be submitted for examination no later than three years after the date of the adoption of this Plan. Furthermore, the amendment points out that "*in the event that this submission date is not adhered to, the policies in the Local Plan which are most important for determining planning applications for new dwellings will be deemed to be 'out of date' in accordance with paragraph 11d) of the NPPF 2021*".

139. However, there may be circumstances where the relevant policies may not be 'out of date' or at least found not to be so. I have therefore made a consequential modification to correct this and removed the text in italics above from **FMM3**.
140. Whilst **FMM1** also retains the objective of releasing a limited amount of land from the Green Belt, to ensure that its boundaries will not need reviewing before 2032, that aspiration is not certain. If it is to submit a review Plan in 2026 that provides for the extra dwellings needed to satisfy the housing need up until 2036, some of that provision will very likely have to be accommodated through further Green Belt releases. Decisions on the specific site allocations will have to be made long before 2032 if this is to be achieved. I have therefore made a consequential modification to amend the text to remove the objective.
141. Whilst **MM2** corrected the overall dwelling requirement and that required by year 10, including that on land released from the Green Belt, it did not identify the requirement post 2032 or revise the estimates for the amount of development likely to take place on previously developed land. The outcome was not therefore justified. **FMM1** corrects the spatial vision by indicating that land to accommodate about 1,800 additional dwellings will be required to meet the overall need to 2036, and that further Green Belt release may be necessary. **FMM2** updates the estimates of housing development on previously developed land.

Conclusion

142. Subject to the MMs described above, I am satisfied that there is a reasonable prospect that the Plan will ensure that the identified need for new homes in the Borough, during the 2023-33 period, can be met. I consider the Plan's provision for new housing to be justified, effective, consistent with national policy and positively prepared in this respect.

Issue 6 –: Does the Plan identify sufficient sites for housing development to ensure that a five-year supply can be achieved at adoption, as required by national policy?

Five-year housing land supply

143. Paragraph 47 of the NPPF requires local planning authorities to firstly establish what their five-year housing requirement is and then to demonstrate that the available supply is at least equal to it. The Council's preferred position, concerning the calculation of housing land supply, is set out in its 2022 Housing Note⁶⁰. This paper sets out options for calculating the housing requirement for the first five- and ten-year periods of the Plan from 2023. It looks at four different ways of making up the shortfall i.e., the under supply that was not provided 2016-23.
144. The PPG advises that where possible, any identified shortfall should be addressed in the first five years, in accordance with the "Sedgefield" methodology. The Housing Note concludes that the "Liverpool" methodology, whereby the shortfall is made up equally in each year for the rest of the Plan period. i.e., years 1-13 post adoption, is the most appropriate.
145. If a higher requirement than the supply can deliver is set, then failure can be expected and that is not the intention. The initial supply will be largely made up of sites that already have planning permission or applications pending. Given the time that it can take from making a planning application to housing occupation, there is now little scope to alter potential delivery before year 3 and there is already a high level of potential delivery forecasted in the housing trajectory from year 3 onwards. From that point onwards the building industry should be comfortably able to build at a rate that meets the housing requirement and perhaps more if there is a demand.
146. The extent of the shortfall in November 2022 (1976 dwellings)⁶⁰, together with a 20% buffer to be made available in years 1-5 would have resulted in a significant uplift in the housing requirement over the first five years under the "Sedgefield" methodology. At 6,931 (1,386 d.p.a.), this would be a substantial increase and significantly above average recent delivery rates (455 d.p.a.). It would also be considerably higher than the FOAHN (760 d.p.a.) and noticeably above the highest level of delivery since 2001, which was 812 in 2003/4. Additionally, due to lead-in times it is unlikely that the proposed allocations would deliver significant numbers of new dwellings in the early years so there would inevitably be a reduced contribution in the first five years after adoption. I

⁶⁰ Housing Note, Supply and Requirement, November 2022, (EX294)

agree that it is unlikely that the shortfall could realistically be made up within five years and that the "Sedgefield" approach is not appropriate.

147. Making up the shortfall over 10 years would still have required a delivery of 1,148 d.p.a. and for the same reason as outlined above, a five-year supply would be unlikely to be achieved in the initial years, leading to planning by appeal. This is not what a plan led system is meant to achieve.
148. Alternatively, addressing the shortfall only after year 5 would have resulted in a lower requirement (912 d.p.a.). However, the potential supply forecasted is well above this from year 3 onwards. Additionally, national policy encourages the making up of the shortfall as soon as possible. In the circumstances delaying it until beyond year 5 is not an appropriate outcome in my view.
149. The "Liverpool approach" would have made up the shortfall over the 13 years that remain in the plan period. Although the plan is being adopted on the basis of a ten-year supply, there is capacity on at least one of the larger sites that is unlikely to be delivered until beyond year ten. This (839 dwellings) is far greater than the shortfall requirement (456) dwellings that would be added to those years. The "Liverpool" methodology would require 1106 d.p.a. to be built over the next five years. This is noticeably more than was achieved in the early years of this century and significantly above the FOAHN. Nevertheless, in my view and given the circumstances, it is an achievable target.
150. In the above circumstances, it seems to me that the "Liverpool" approach sets the only reasonable measure against which the Plan would be effective and not be condemned to fail. In the circumstances, I therefore, agree that it represents an acceptable method of setting the five-year housing land supply requirement on adoption. However, this is not ideal and is a situation that should not be allowed to persist for any longer than is necessary. Indeed, I consider it appropriate only on the basis of an immediate review of the Plan that includes the methodology for establishing a five-year housing land supply and its reassessment.
151. A 20% buffer has been applied to the requirement for years 1-5, as is necessary to reflect a record of persistent past under delivery. This buffer is moved forward from supply later in the plan period (years 6-13). I agree that this approach is necessary and correct.
152. There has been some criticism about the deliverability of the supply put forward by the Council. However, during the preparation process, there has been extensive consultation with site promoters and developers about the outputs and timings of development at each individual site. This ought to bring confidence to the reliability of the Council's assessment. The Plan is being examined under the provisions of the 2012 NPPF. This requires sites to be considered deliverable if they are available now, in a suitable location and

achievable with a realistic prospect that housing will be delivered within five years.

Windfalls

153. The five-year housing land supply in the submitted Plan, includes a contribution from windfall sites after year two. Fig 17 includes an allowance that averages 110 d.p.a. Subsequent changes to permitted development rights and an increase in conversions to residential use, warranted a review as a part of the HELAA in 2019 and again in 2020⁶¹, when the Council introduced Article 4 directions to reduce office to housing conversions under permitted development rights. The updated assessment (2020) concluded that on average 108 d.p.a. should be used as the windfall allowance.
154. That document and other submitted evidence concerning future windfall expectations was examined in February 2021. On balance I concluded that the detailed evidence suggested a higher contribution from "other uses" than the Council had estimated. I found that the allowance should be increased to 139 d.p.a. from year 3⁶². **MM4** changes the plan period windfall allowance to 1,529 from 2022 in Table 2, **FMM4** updated this to 1,390 from 2023, which is now justified.
155. The Council updated its housing supply information in the late spring of 2023⁶³. Completions 2022-23 were not as high as previously estimated, 487 (-126 dwellings). As a result, the shortfall is marginally higher than anticipated (2,102 dwellings⁶⁴) and the five-year supply is correspondingly higher (5,638 dwellings). However, the five-year requirement is also higher (5,530 dwellings). Nevertheless, the evidence shows that on adoption the 5-year supply exceeds the requirement by 108 dwellings. Using "Liverpool", the Council is able to demonstrate a five-year supply on adoption (about 5.1 years).

Conclusion

156. Subject to the modifications described above, I am satisfied that there is a reasonable prospect of a five-year housing land supply existing at adoption. The Plan is therefore positively prepared, justified, effective, and consistent with national policy in this respect.

⁶¹ Local Plan Windfall Allowance Update, November 2020, (EX221)

⁶² Welwyn-Hatfield Local Plan Examination, Housing Supply-Windfalls, June 2021, (EX276)

⁶³ Updated Housing Monitoring, June 2023, (EX307)

⁶⁴ It was estimated to be 1976 dwellings in November 2022, (EX294)

Issue 7 –: Is the spatial distribution of new housing (including the establishment of a new settlement) justified, effective, consistent with national policy and positively prepared?

157. Policy SP 1, Delivering Sustainable development sets out the guiding principles that have been used to shape the Plan. They include delivering a sustainable pattern of development, which prioritises the use of previously developed land and minimises the need to travel. Growth is to be directed to those areas that are served by good transport networks and which are well served by jobs, services, and facilities. The pattern of development is also intended to protect areas of highest environmental value and avoid areas of flood risk.
158. Policy SP 3 outlines the settlement hierarchy. Settlements are categorised as towns (Welwyn Garden City and Hatfield), large and small excluded⁶⁵ villages and Green Belt villages. The policy says that the towns are to be the primary focus for new development, with the excluded villages being a secondary focus; development within and around them being compatible with the scale and character of the village and the maintenance of Green Belt boundaries.
159. These settlements are the most sustainable locations for development within the Borough. In accordance with paragraph 84 of the NPPF, they offer the best opportunity for achieving a sustainable pattern of development, in an area that requires changes to the Green Belt, if it is to meet its housing requirement. Overall and because of their sustainability, in the contexts of facilities and movement options, the large, excluded villages are more suitable as locations for development than the small, excluded villages. This suggests that unless there are other extenuating circumstances, the proportions of development relative to size in the large, excluded villages should be larger than that proposed in the small ones.
160. The Housing Sites Selection Background Paper of June 2016⁶⁶ sets out the Council's approach to distributing the proposed new development among the excluded settlements. It begins with an indicative distribution of the FOAHN among the towns and excluded villages. It then goes on to point out that this mathematical starting point, whilst helpful in understanding what level of growth could reasonably be associated with each part of the Borough, needs to be tempered by a raft of mutually dependent planning considerations. It is highly unlikely, given the availability of suitable sites in different locations that an exact proportionate split will be achievable or represent the most appropriate distribution pattern. I agree with this approach.
161. Prior to that and guided by the PPG, the Council undertook a Strategic Housing Land Availability Assessment (SHLAA) in 2010. By 2014 it had been updated or

⁶⁵ From the Green Belt

⁶⁶ HOU/20

reviewed six times.⁶⁷ The process culminated in a final pre-submission document published in 2016⁶⁸. In deciding which sites to allocate, the Council also assessed sites against five additional strands of evidence or appraisal relating to Green Belt harm and boundaries, the SA, flood risk and strategic advantages/disadvantages. Landscape capacity and sensitivity and infrastructure constraints were factored in through the SA, as were some Green Belt considerations. A sieving process was used to decide whether or not a site was considered suitable for development and where relevant a weighting system was applied.

162. At the time of submission and irrespective of Green Belt considerations, which I discuss in section 11, this strategy was broadly in line with the sustainable development principles set out in Policy SP1 in the context of the two towns. About 75% of existing households live in the two towns, where about 74% of housing development was proposed, within or adjacent to them⁶⁹. There was a small shortfall at Hatfield.

163. The Plan's objectives refer to development needs being met over the plan period in a form which maintains the existing settlement pattern. They also expect a sustainable pattern of development to be achieved through the direction of a limited amount of development to the excluded villages, where it can be supported by appropriate infrastructure.

164. Nevertheless, on submission, the scale of proposed development varied between the villages in both the large and small excluded village categories and indeed between the individual settlements as well. The proportion of overall development in the small, excluded villages was twice as much as that in the large, excluded villages⁶⁹, despite the latter's far more sustainable credentials. There was insufficient justification, from a Green Belt or other perspective, in the evidence base for this discrepancy. Consequently, such an outcome was not sound. Welwyn and Welham Green, both of which are large, excluded villages had proportionately fewer dwellings proposed than Little Heath or Woolmer Green, which are small, excluded villages. Digswell, a small, excluded village, close to large employment concentrations in Welwyn Garden City and its town centre and with a main line railway station, had no new development proposed by the Plan at all.

165. Despite being the second largest excluded village, with good bus connections to Welwyn Garden City and elsewhere and having a village centre with a good variety of shops and facilities that are within acceptable walking distance of undeveloped land, only 67 additional dwellings were proposed through the Plan's allocations at Welwyn.

⁶⁷ Strategic Housing Land Availability Assessments 2014-16, (HOU/1/7/8/9/10/11/12)

⁶⁸ Housing and Economic Land Availability Assessment (HELAA), 2016, (HOU/19)

⁶⁹ Draft Local Plan Proposed Submission, Table 2, page 44

166. Similarly, apart from 80 dwellings that were proposed to be built in association with a strategic employment site and a gypsy and traveller site, there was no residential development proposed at Welham Green. Welham Green already has a large employment area, as well as a main line railway station, good bus connections and a village centre with a range of shops and other facilities. The Council's flagship site for employment growth is also to be located there.
167. By contrast, Little Heath and Woolmer Green have far fewer local services and no rail facilities within easy walking distance. The contribution that the undeveloped land adjacent to Welham Green and Welwyn makes to Green Belt purposes and its comparative openness is, on the whole, no different to that around the small, excluded villages. I therefore did not consider the proposed distribution of development, in this respect, to be consistent with the thrust of Policies SP 1 and SP 3. There is limited scope for development within the washed over Green Belt villages, where it additionally needs to be compatible with Green Belt policy.
168. In assessing the representations against site allocations and the distribution of development, I came to the conclusion that the process had shortcomings in a number of respects. In particular, the site selection process gave undue weight to education provision and highway capacity, with little consideration given to the ability of development contributions to overcome these shortcomings. In addition, I pointed to the strategic nature of the stage 1 Green Belt review and the incompleteness of the stage 2 review, along with the inability to compare the impact of all specific development proposals, on Green Belt purposes and its openness, from the evidence available. I also observed that there was a significant shortfall in the number of new dwellings proposed by the submitted Plan, to meet the revised FOAHN that the Council had placed before the Examination, in June 2017 (-3,200).
169. The Council then went on to undertake further work in order to address those shortcomings. As well as undertaking detailed consultations with Hertfordshire County Council and other infrastructure providers, it commissioned a stage 3 Green Belt review. This was meant to make a comparative assessment of the harm that would result to the Green Belt's openness and purposes, through the development of individual parcels of land. It also updated its landscape and flood risk assessments and reassessed the scope for further development within the urban areas.
170. Additional sites were further assessed through updates to the HELAA⁷⁰ and SA⁷¹, as well as against the results of the Council's stage 3 Green Belt review⁷². A consultation on the additional sites that had passed this site selection process, was subsequently held in 2019. It concluded with the production of an

⁷⁰ Housing Economic Land Availability Assessment Addendum, December 2020, (EX236)

⁷¹ Chapter 5, Addendum to the Sustainability Appraisal of the Welwyn/Hatfield Local Plan, January 2020, (EX200)

⁷² Welwyn Hatfield Green Belt Study Stage 3, March 2019, (EX99)

extended list of sites, sufficient to accommodate nearly 18,000 dwellings and which could be suitable and available for development during the plan period.

Development within and on the edges of the two towns

171. Land within the developed part of the district, together with other land excluded from the Green Belt, was examined in detail. This resulted in some significantly increased site capacities, particularly at Welwyn Garden City and a number of new sites, particularly within Hatfield. Following this reassessment of available urban land and site capacities in 2019-20, I am satisfied that the potential for development within Welwyn Garden City and Hatfield, in the context of the development management policies contained in the Plan, is being maximised. Whilst Hatfield is marginally short of a proportionate amount of development to cover both the ten-year requirement and the entire plan period, I consider that the use of brownfield land has been maximised here, as in Welwyn Garden City. The proposed extensions to both of the towns can also be satisfactorily integrated into the transport systems to provide future residents with good access to jobs, services and facilities.
172. Following the reassessment of the site capacities, addition of new sites, and the revisions to the extent of the major proposals, during the revised plan period over 6,000 new dwellings are to be accommodated in Welwyn Garden City, (about 46% of the revised Borough requirement⁷³)⁷⁴ and about 3,800 dwellings in Hatfield (about 28% of the revised Borough requirement)⁷⁵. Whilst there are proportionately fewer new homes proposed at Hatfield than a proportionate split between the two towns would suggest, because of environmental constraints, possible mineral workings⁷⁶ and Green Belt harm, particularly between the two towns, it is not easy to see how Hatfield's capacity could be further increased at this point in time. Further growth would inevitably involve the release of more land from the Green Belt adjacent to it.
173. Over the first ten years post adoption, the revised housing distribution, resulting from the addition of extra sites and the capacity reassessments, has increased the proportion of overall, proposed development delivered during that period and within or adjacent to the two towns to nearly 80%. That is noticeably above a proportionate share. Nevertheless, the two towns are by far the most sustainable locations for development within the Borough and Policy SP 3

⁷³ Calculations based upon the site capacities and locations of all proposed housing development (including completions and commitments) expected to be delivered during the plan period and set out in Figure 17 – Housing Trajectory (FMM24). The windfall allowance has been deducted from the requirement in the calculations.

⁷⁴ About 45% of the Borough's households lived at Welwyn Garden City in 2011, Proportional Distribution Note, May 2021, (EX265)

⁷⁵ Just over 30% of the Borough's households lived at Hatfield in 2011, Proportional Distribution Note, May 2021, (EX265)

⁷⁶ Some land to the west of the town is affected by potential mineral workings

requires them to be the primary focus for new development. I therefore find this to be a sound outcome.

Development within or on the edges of the excluded villages.

174. Elsewhere, the addition of further housing sites in 2020 (see paragraphs (121-124) rectified some of the anomalies outlined in paragraphs 164-167. There is now more development proposed in the large, excluded villages than in the small, excluded villages but still not proportionately. As I have pointed out above, this is not an exact science and there are often reasons why development cannot be proportionately distributed among settlements. However, the soundness of a distribution that has a level of development proposed in some villages that falls far short of a proportional distribution but without a proper justification for such an outcome, is questionable. Following the identification of additional sites at Welham Green, it seems to me that the critical area in this respect, going forward, is the Parish of Welwyn⁷⁷. In the context of the evidence before the Examination, it is far from clear why there is still comparatively much less development than would be expected at Welwyn, none at Digswell and only a limited amount in Oaklands and Mardley Heath, given the geography.

175. However, the allocations are no longer intended to provide the housing requirement for the full plan period, and I am recommending a prompt review to establish where some of the development required beyond 2033 is to be located. This provides an opportunity to analyse further the opportunities for development in the Borough, particularly within the parish of Welwyn but also at Cuffley and Welham Green and to allocate appropriate land for development, if appropriate. In this context I now find the Plan's proposed distribution of housing development, as proposed in Table 2, and as amended by **MM4 and FMM4**, to be positively prepared, and consistent with national policy.

Policy SP 24 New Village at Symondshyde.

176. The publication of the Draft Local Plan Proposed Submission document in 2016, saw the identification of a proposal for a new settlement at Symondshyde, close to the Borough boundary with St Albans and north-west of Hatfield. This had not previously been a part of the Plan's proposals. It would provide 1,130 new homes, a small neighbourhood centre, community and education facilities and the provision of sustainable transport measures. Unlike at the other Strategic Development Sites, the Gypsy and Traveller site was proposed to be located off-site and to the north of Coopers Green Lane (HS34). The regulation 19 consultation produced considerable opposition to this proposal, largely because

⁷⁷ The parish of Welwyn includes Digswell and Oaklands and Mardley Heath and Woolmer Green (all small, excluded villages), as well as the large, excluded village of Welwyn

of the harm that would be caused, through the removal of land from the Green Belt and the proposal's alleged relative unsustainability.

177. When choosing Symondshyde as a location for a new village, there had been no comparative assessment of potentially available sites across the Borough that could fulfil a requirement for a new village. There also appears to have been little investigation into the feasibility of establishing a new settlement in a location elsewhere in the County, which is an alternative advanced by a number of representors during the Examination. When asking the Council to undertake more forensic work on the Green Belt, I therefore specifically asked it to consider whether or not there were reasonable alternatives for a new settlement within the Green Belt, where the harm to its purposes would be minimised. The outcome⁷⁸, was that purpose 2, Preventing neighbouring towns from merging, and purpose 3 Assisting in safeguarding the countryside from encroachment, provided the most useful indicators as to where new settlement locations could potentially result in least harm to the Green Belt. Purpose 2 was considered to be the most useful because almost all areas within the wider Green Belt that had been assessed were rated as making a significant contribution to purpose 3.
178. However, apart from the Green Belt parcels located between the neighbouring towns, all of the parcels assessed against purpose 2 were considered to have either a partial or a limited impact on that purpose. Additionally, large parts of the countryside within the Borough had not been assessed at all. Symondshyde occupies land where the parcel's contributions are largely partial but there is some that are limited. Although two other potential areas at Danesbury and the Royal Veterinary College were identified, the overall outcome was inconclusive. In referring to NPPF paragraph 138, the study pointed out that other considerations, such as sustainability, should be taken into account as well as the Green Belt.
179. Whilst examining the available evidence, I came to the conclusion that because of the proposed size of the site and its relative isolation from the major highway and public transport networks, there were genuine locational concerns that affected the comparative sustainability of this site, in the context of transportation. The evidence suggested that there were other Green Belt locations elsewhere in the Borough, which together could accommodate an amount of development that may be able to replace most or all of that proposed to be located on this site. Such development would cumulatively result in more sustainable outcomes and without any additional harm to the Green Belt and in some instances less. These locations were largely on the edge of the excluded villages, and some washed over settlements that had been recommended in the Stage 3 Green Belt study for exclusion from the Green Belt. To a greater or

⁷⁸ Chapter 8, New Settlement Release, Welwyn Hatfield Green Belt Study, Stage 3, August 2018, (EX99A)

lesser extent, they were in walking distance of shops and other facilities, as well as railway stations and/or comparatively frequent other public transport.

180. In my Stage 7 Round-Up session⁷⁹ I pointed out that it was my view, that a new village at Symonshyde should only go forward if it was demonstrated that there are not alternative sites that could be developed in more accessible locations. I nevertheless also concluded that with mitigation, a new settlement could in principle be satisfactorily created at Symondshyde, if its critical mass were to be of a sufficient size to enable the provision of relevant services and a regular public transport offer that would remain viable.
181. In my view such an area was subsequently presented to the Examination⁸⁰. It is large enough to accommodate in excess of 1,500 dwellings. The evidence submitted⁸¹, suggested that a settlement of or beyond this size could support a satisfactory range of facilities and a viable bus system, linking the settlement with regular public transport to locations within Hatfield and Welwyn Garden City. However, my concerns about the lack of appropriate consideration of reasonable alternatives, including the further expansion of some of the more sustainable excluded villages, did not lead me to recommend a MM that would include an expanded Symondshyde in the Plan.
182. In February 2020 the Council resolved that it no longer supported Policy SP 24 New village at Symondshyde and asked for the proposal to be removed from the Plan⁸². At the same time, whilst submitting additional sites to the Examination, the Council failed to submit sufficient proposals to meet its FOAHN. Despite subsequent requests⁸³ this remains the position. No revised proposals for the larger, more sustainable settlement at Symondshyde have been formally submitted to the Examination by the Council. **MMs4, 5, 54, and 55** as well as **FMM4 and 7** are necessary to remove further references to Symondshyde new village from the Plan.

Conclusion

183. Subject to the MMs described above, the spatial distribution of new housing is justified, effective, consistent with national policy and positively prepared.

⁷⁹ Inspector's round-up , March 2020, (EX186C)

⁸⁰ Policy SP 24 New Village at Symondshyde, Note from Welwyn Hatfield Borough Council, December 2020, (EX228)

⁸¹ Council's response (including appendices) to Inspector's Note Ex186c, September 2020, (EX202)

⁸² Council's letter to the Inspector 30 November 2020 (EX219)

⁸³ Most recently in Stage 9, Inspector's observations on site discussions, June 2021, (EX273)

Issue 8 –: Does the Plan contain justified and effective policies to help ensure that the housing needs of different groups in the community are met in ways that are consistent with national policy and that it is positively prepared?

Housing mix

184. The NPPF requires local plans to plan for a mix of housing based on current and future demographic and market trends and the needs of different groups in the community. The PPG highlights the importance of considering the size and type of housing required once an overall housing figure has been identified. Both the NPPF and PPG specify that the specific needs of different household groups should be assessed. Section 8 of the 2014 SHMA⁸⁴ considers this, with the conclusions on student housing and older people further reviewed in the 2017 SHMA Update⁸⁵.
185. Policy SP 7 Type and Mix of Housing, requires proposals for 11 or more dwellings to demonstrate how the mix of tenure, type and size of housing proposed on sites will reflect the Council's latest evidence. This is set out in Table 4. To be consistent with national policy⁸⁶ **MM10** reduces the threshold to 10 dwellings and requires proposals to have had regard to, rather than to reflect, the Council's latest evidence of housing need. Following the publication of the 2016 based population projections, the mix was reviewed⁸⁷ and revised. **MM18** updates and revises the table to reflect the latest evidence and to clearly distinguish between flats and houses. With these changes, this aspect of the policy will be effective, justified and in accordance with national policy.

Affordable housing

186. The objective assessment of the need for affordable housing was established in HOU15⁸⁸. The methodology used follows the guidance in the PPG. That analysis was further updated in 2017⁸⁹, taking into account the revised housing forecasts that were based on the 2014 household projections and the anticipated government revised policy on starter homes. I consider the assessment method used to be adequate, up to date, relevant and proportionate.
187. A need for 755 affordable homes per year for the next five years, followed by 530 thereafter, was established in 2015 and provided the background for the pre- submission consultation and the submitted Plan. The 2017 update increased this need to 818 d.p.a. and 602 d.p.a. respectively. A failure to deliver

⁸⁴ Strategic Housing Market Assessment, August 2014, (HOU/14)

⁸⁵ Strategic Housing Market Assessment Update, May 2017, (HOU/21)

⁸⁶ National Planning Policy Guidance Paragraph: 023 Reference ID: 23b-023-20190901

⁸⁷ The implications of the 2016-based SNPP and SNHP on the Welwyn Hatfield OAN. June 2019, Appendix A, (EX103A)

⁸⁸ Strategic Housing Market Assessment Partial Update, October 2015, (HOU/15)

⁸⁹ Strategic Housing Market Assessment Update, May 2017, (HOU/21)

about a third of the housing requirement between 2016 and 2023 has exacerbated this position. However, the principal question is whether the Plan is likely to deliver the amount assessed to be needed?

188. Policy SP 7 aims to ensure that a percentage of all homes built on sites accommodating 10 or more dwellings are affordable housing. To achieve this and subject to viability assessment, the Policy requires residential schemes to deliver 25%, 30% or 35% affordable housing, depending upon the location. The percentages are based on historic viability evidence, but the four strategic development sites were also individually tested in 2016⁹⁰ All were found to be individually viable with known infrastructure improvements and the assumed affordable housing percentage contribution. However, there were some uncertainties surrounding this with regard to Site SDS5, North-West Hatfield. Nevertheless, the percentages are only a guide and the actual amount to be provided is to be subject to subsequent viability assessment on a site-by-site basis. This aspect of the policy is therefore justified and will be effective.
189. Policy SP 7 says that affordable housing should be located in sustainable locations but elsewhere in the policy accessible locations are referred to. Affordable housing should be located in locations with good accessibility to services and facilities. **MM11** clarifies this point and enables the affordable housing requirements to be fully justified and effective. Based on the Plan's revised housing requirement of 15,200 dwellings, the affordable housing provided on the plan's housing allocations should, assuming an average provision of between 25% and 30% across all new housing, be between 3,800 and 4,500 dwellings for the revised plan period. However, the 20-year ongoing need would be over 12,000 dwellings.
190. Meeting newly arising need throughout the plan period would require about 80% of all new housing delivered to be affordable. Such a level of provision through private sector development, is far from being viable or realistic. A much higher level of overall provision would be needed to support this greater level of need for affordable housing, than the housing requirement could produce. A product of the reduction in the housing requirement from 800 d.p.a. to 760 d.p.a. will be a reduction in the number of affordable homes delivered through the planning system. This gives added weight to the cautious approach that I took in reducing the Plan's housing need from 16,000 to 15,200⁹¹.
191. It seems to me that despite the inevitable significant shortfall in provision, the Plan does all that it reasonably can to secure the provision and maximisation of the affordable housing provided through the planning system. In this context

⁹⁰ Welwyn Hatfield, Combined Policy Viability Study, Strategic Sites Testing Update, December 2016, (VIB/7)

⁹¹ See paragraphs. 95-111 above.

and taking account of the immediate review committed to by the Council through **MM3**, I consider the plan to be sound.

192. **Self-build and Custom Housebuilding**

193. At Paragraph 159 the NPPF requires local planning authorities to address the need for all types of housing. The PPG confirms that the government wants more people to be able to build or commission their own home.

194. The 2014 SHMA (HOU14)⁸⁴ recognises that there is a need for this accommodation in the Borough but does not quantify a requirement. The Council's Self-build and Custom Housebuilding Register was not introduced until April 2016. As the Draft Local Plan Proposed Submission document was published for consultation in the following August, it was not a reliable source of data at that time. Policy SP 7 makes an unspecified provision for this type of housing on the four strategic development sites and says that it will be supported at other sites. Such an approach is not sound

195. The matter was discussed at the stage 3 hearings in March 2018. Analysis of the available information, particularly from the Self-Build and Custom Housebuilding Register, suggested that provision at just the strategic sites (about 90 plots) would not have met the demand. At that time the register had about 250 applicants. However, numbers on the Self-build and Custom Housebuilding Register have varied significantly, since that time. SDS6 Symondshyde has been found to be unsound and the proposed dwelling output from SDS2 South-East of Welwyn Garden City has been halved. Consequently, the output from the strategic sites is now likely to be about 60 plots. Even accepting the cautious approach advanced in the PPG, this would be insufficient.

196. To enable this part of Policy SP7 to be positively prepared, justified and effective, **MM12** extends the requirement to all sites accommodating 100 or more dwellings and requires 2% of serviced dwelling plots provided on these sites to be of this type. This should generate about 120 plots. I consider this to be a proportionate approach. The policy now also outlines the measures that are to be taken, including the use of planning conditions and obligations, to secure a proportion of this type of housing on the relevant sites. Additionally, it outlines the evidential process that must be followed if the policy requirement is to be waived.

197. Responses to the MM consultation pointed out that the provision of self-build plots was not appropriate in large, flatted developments such as at site SDS3 Broadwater Road and that such provision may also not be appropriate in other types of high-density developments. **FMM8** amends the policy to refer to non-flatted new dwellings and recognises that there may be certain other large high-density developments where the provision of Self-build and Custom

Housebuilding is not appropriate. With these amendments the policy is effective and justified.

Housing for older people

198. Analysis within HOU/15⁸⁸ suggests that the number of people, residing in the Borough, who are over 75 is likely to increase by about 50% (4,500 persons) between 2013 and 2032. Significant increases were also anticipated in the population aged 65-75, some of which will also require specialist support.

199. Pre submission analysis suggested that there would be a need for a net increase of around 715 dwellings, within a range of housing options, to meet the varying needs of the aging population. In order to meet this need, Policy SP 7 consequently requires around 5% of all new housing delivered on the strategic development sites, to be specifically designed for older people.

200. However, as written, the policy does not make it clear that there is a need for a range of housing types to meet these needs, **MM13** rectifies this omission and makes this part of Policy SP7 effective. Further analysis, following the publication of the 2018 based population projections⁹², which assume higher mortality rates than used previously, suggests that the increased elderly population (75+) will only be 3,650, requiring a net increase of around 620 dwellings to meet this population's varied specialist needs. **MM13** also reflects this updated information. With these amendments this aspect of the Plan is justified and effective.

Specialist housing

201. The SHMA identified a need for a net increase of around 330 bedspaces to help meet the accommodation needs of those who require specialist (Use Class C2) residential or nursing care. Policy SP 7 supported this provision. Further analysis, following the publication of the 2018 based population projections, suggests that the target number should be reduced to 200. **MM14** makes this adjustment and enables this aspect of the policy to be more effective.

Accessible and adaptable dwellings

202. Policy SP 7 also sets out policy requirements for accessible and adaptable dwellings. It requires at least 20% of all new dwellings, on sites involving 5 or more new dwellings, to meet Building Regulations Part M4(2) standards of 'accessible and adaptable dwellings' across market and affordable tenures. For

⁹² The implications of the 2018-based SNPP and SNHP on the Welwyn Hatfield OAN, August 2020, (EX203A)

such policies to be sound, they must be supported by clear evidence of need and evidence that viability has been considered.

203. Following a detailed review of the updated evidence and a reassessment⁹³, an increase in the M4(2) policy requirement to 30% was considered to be reasonable. The Government's optional technical standards for accessibility also include specific provision for wheelchair users. It is appropriate for this to be specifically specified in the policy.

204. For effectiveness, **MM15** revises the requirement, enabling 30% of all new dwellings on sites providing 5 or more new dwellings to meet Building Regulations Part M4(2) standards. It also expands the policy to encompass wheelchair access, requiring 1.5% of all new dwellings on sites involving 50 or more dwellings to meet Part M4(3) standards. The modification also clarifies that these are minimum requirements that will be achieved through planning conditions. Following representations in response to the MM consultation, the Council reviewed its evidence base again. Having read and assessed the information contained in the review, I am not persuaded that there is clear evidence of viability to support the change. **FMM9** reduces the Accessible and Adaptable dwellings requirement back to 20%, with a proviso that it could be varied in appropriate circumstances to meet the need for Part M4(3) standards for 'wheelchair user dwellings. This change enables the policy to be effective.

205. Overall, I am satisfied that there is a need for these optional standards and that requiring adherence to them is appropriate, both in this context and with regard to viability. I consider this aspect of Policy SP 7 to be effective, justified and consistent with national policy as a consequence.

Purpose built student accommodation

206. The University of Hertfordshire and the Royal Veterinary College are both located within the Borough. Both the tertiary education providers and the Council have ambitions to improve the quality and quantity of student accommodation, particularly on campus. In such locations, it would be well located for educational support and student leisure facilities. Additionally, it would help to reduce the need to travel, car ownership rates among student residents and pressures on other residential accommodation elsewhere. There is nevertheless also a need for more off-site purpose-built student accommodation in locations that are highly accessible to the campuses.

207. Policy SP 7 also supports this provision, providing that a need is demonstrated and in accordance with a master plan approved by the Council. As written the policy is somewhat confusing and would not be effective in delivery. It is not inappropriate for non-educational bodies to be involved in some of this provision

⁹³ Welwyn Hatfield Borough Council, Local Plan Examination, Policy SP7 Accessible and adaptable dwelling standards – M4(2) and M4(3) Proposed Modification, June 2018, (EX 304)

off-site and it is unreasonable to expect such independent providers to submit master plans for approval in circumstances where they are only involved in the provision of a single residential building on an appropriately located site.

208. **MM16** splits the policy into requirements for on-campus provision (need, management, and a master plan) and off-site provision (need, accessibility, management and on-site car parking where required). **MM17** amends the supporting text to make it clear that evidence relating to the above requirements needs to accompany planning applications and that conditions will be imposed to secure their implementation and the maintenance of the facility for student use. As a result of the modification, the policy will be clearer, effective and justified in this respect.

Gypsy and Traveller sites and pitch provision

209. In 2016 the Council carried out a review of the accommodation needs of Gypsies and Travellers and Travelling Show-people⁹⁴. The assessment indicated that there is likely to be a need for 61 pitches by 2032. The Plan makes provision for these additional gypsy and traveller pitches in order to meet the accommodation needs of these groups, in eight locations, four of them new. Delivery was to be phased over the original plan period, as indicated in table 6. Allocations associated with strategic development sites were proportionate to the overall number of dwellings estimated to be delivered at these locations.
210. 10 pitches were proposed at Coopers Green Lane to meet the requirement allocated to site SDS6, Symondshyde new village. The proposed site was in the Green Belt in a prominent location. It would unnecessarily have harmed openness, as the provision could have been incorporated into the Symondshyde development area itself, as is proposed at the other strategic development sites. I therefore found proposal HS34 to be unsound.
211. In the event, neither proposal is to go ahead⁹⁵. In 2018 the Council reviewed the provision requirements and concluded that 61 pitches should still be provided by 2032⁹⁶. I have, through **MM19** and **FMM 10**, updated Table 6, which now includes 7 sites and removes proposal HS34. The lost provision has been redistributed to sites SDS1 North-East Welwyn Garden City and SDS5 North-West Hatfield, both of which have seen increases in their overall dwelling numbers during the Examination. The provision of 61 pitches is still to be achieved by 2032. Need and provision for the period 2032-36 has still to be

⁹⁴ Gypsy and Traveller and Travelling Show-people - Accommodation Needs Assessment, 2016, (HOU/16)

⁹⁵ See paragraphs 176-182 above

⁹⁶ Gypsy and Traveller and Travelling Show people Accommodation Needs Assessment, March 2018, (EX76)

assessed and would be an element of the intended review of the Plan, immediately post adoption.

Conclusion

212. Subject to the modifications discussed above, I am satisfied that the Plan contains justified and effective policies to help ensure that the housing needs of different groups in the community are met in ways that are consistent with national policy and are positively prepared.

Issue 9 –: Whether the proposed housing allocations that are not on land removed from the Green Belt, are justified, effective, consistent with national policy and positively prepared?

The site selection process

213. This Examination is premised by the assumption that the Council has submitted what it considers to be a sound Plan. In this context, when preparing and submitting its Plan and considering its additional proposals, the Council also considered the allocations that it put forward to be sound. The Local Plan site selection process, however it is undertaken, involves a number of weighted judgements, which the Council has had to make at some point. It is not the function of examining Inspectors to conduct their own independent assessments of sites, particularly from a comparative perspective. It is only to confirm or otherwise that the judgements that the Council made in selecting sites were rational and sound.

214. Therefore, my approach to this aspect of the Examination has begun with the premise that the allocations are sound in the context of NPPF paragraph 182, unless there is compelling evidence to the contrary. I have consequently only rejected or modified sites where, individually, I consider that on balance the evidence in favour or against allocation clearly supports their rejection. That should not be read to imply that I disagree with some of the evidence submitted by representors against allocated sites or in favour of sites that they would prefer but have not been allocated. On the latter point, I do not consider it to be a part of my role to formally introduce additional sites into the Examination against the wishes of the Council. The selection and formal submission of additional sites to the Examination is a matter for the Council. My following observations should be read in that context.

215. I discussed the Council's approach to selecting the sites proposed for development in paragraphs.157 -161 above. I had reservations about certain aspects of the processes that the Council had followed, which I referred to the Council at the conclusion of the stage 2 hearings. I also wrote to the Council in 2017⁹⁷ about the aspects of this that concerned the reviews. The Council

⁹⁷ Welwyn Hatfield Local Plan Examination, Green Belt Review, December 2017, (EX39)

responded with a Programme for Additional work⁹⁸, which it subsequently carried out.

216. The approach followed, to select sites, is not based upon a completely rigid method, although there are elements of comparative scoring. Any selection process of this nature inevitably rests heavily on individual judgements however it is done. Whilst there have been criticisms of the process followed and some of the outcomes, I am satisfied that following the production of the further work requested, including the revised SA, the process is robust and that the choice of individual sites is, on the whole, rational.

217. Overall, the process identified sufficient additional sites to accommodate the 2021 FOAHN (15,200)⁹⁹. However, the Council chose not to submit enough of them to the Examination to meet that target. The evidence suggests that the sites that have been submitted to meet the Borough's housing development needs during the five and ten-year periods are deliverable and developable. I consider below the effects of these allocations on the soundness of the Plan and on a site-by-site basis.

218. I nevertheless do have soundness concerns about a small number of sites and that is why they have been rejected and others have not been. Additionally, numerous MMs are necessary to ensure that the remainder are sound. I consider and explain the necessity for them below, in relation to each of the sites affected. I discuss those that are located within the urban areas immediately below. I discuss those that require land to be taken out of the Green Belt under Issue 11.

The housing allocations within the towns and excluded villages

Welwyn Garden City

219. SADM 21 Housing Allocations in Welwyn Garden City proposes ten sites for allocation within Welwyn Garden City, accommodating about 1,600 dwellings. Site HS1 land at Bericot Way and Waterbeach has now been completed.

220. Proposals for Site HS6, Land at Gosling Sports Park, would redevelop and renew parts of the sports complex, which is owned by the Council. 250 dwellings were proposed. During the course of the Examination, the Council independently reviewed its proposals for Gosling Sports Park and decided to retain a greater part of the site in recreational uses, thereby reducing the area available for new housing development to a site that would accommodate about 100 dwellings.

⁹⁸ Welwyn Hatfield Local Plan Examination, Programme for additional work, 8 April 2018, (EX67)

⁹⁹ Reconsideration of the Plan's Full Objectively Assessed Housing Need in the context of the 2018-based household projections, June 2021, (EX274)

221. Although the site is within a conservation area, there is no reference to it in the site considerations referred to in Table 9. There is also no information about the interface between the new residential development and the redeveloped sports facilities, in the contexts of noise and lighting or to Policy SADM 7, which requires a clear demonstration that any loss of community facilities is justified. Additionally, to be effective and in line with the changes to Policy SP 9, which now requires master planning to occur on sites with mixed use proposals and/or complex or sensitive issues (paragraph 366, **MM22** and **FMM12**), there needs to be a reference to that requirement at site HS6.
222. Site HS7 Waterside is located within a landscaped area to the north-east of the town centre and at the junction of the A1000 and the B1000, distributor roads. They link Welwyn Garden City town centre with residential areas to the north and north-east of the town centre. The complete integration of the town's landscape into its built form was one of its original design features and is an important characteristic today, contributing to its unique heritage. The Plan recognises the value of the "*Garden City principles*" and advocates their use when master planning the proposed new strategic developments on the edge of the town.
223. Policy SP 15 The Historic Environment of Welwyn Garden City seeks to protect, conserve, and enhance the unique heritage. By developing within a part of the city's strategic landscape, the development proposed at HS7 would remove a part of this heritage and would conflict with Policy SP 15. Following discussions at a hearing session, when these conflicts were pointed out, I agreed that the proposal was unsound.
224. Following the 2019 review of potential sites, the Council submitted a further three sites in Welwyn Garden City to the Examination that I subsequently found to be sound (HS12, HS31 and HS34). These sites have the capacity to accommodate about 300 dwellings. It also reviewed the capacities of the remaining housing sites within Welwyn Garden City, increasing the overall total from about 1,600 to about 2,400. To ensure effectiveness. **MM36** removes the two sites discussed above (HS1 and HS7¹⁰⁰) from Policy SADM 21, introduces the three new sites (HS12, HS31, and HS34) and alters the site capacities at others. Additionally, it introduces the changes to site specific considerations at Gosling Park (HS6), as discussed above.
225. As part of the justification for the proposals, Table 9 sets out site specific considerations that need to be adhered to with regard to each site, in order to achieve the policy's effectiveness in this respect, **MM36** sets out site specific considerations for the three new sites, HS12, HS31 and HS34. They include issues relating to noise, air quality, and electricity, as well as conservation with

¹⁰⁰ Site MUS1 (Han40), Town Centre North Development Site, has now been given the reference HS7

respect to site HS12, which is located within Welwyn Garden City Conservation Area.

Broadwater Road

226. Policy SP 17 sets out parameters for the strategic sites at Broadwater Road (SDS3 and SDS4). Whilst expressing a requirement for strong connections between the east side of town and the town centre, to the west of the railway, the policy is silent as to the form(s) that this could take. To make the policy effective, **MM37** explains that the connections are expected to be achieved by the provision of footpath/cycleway links across the railway.
227. It is anticipated that some high buildings will be built on the site. High buildings are not a characteristic of Welwyn Garden City. The site is within the setting of Welwyn Garden City Conservation Area and high buildings at some locations within this development would be visible from heritage assets within the conservation area, as well as from some in the wider area, such as from Hatfield House. **MM37** also amends the policy by referring to building heights and the need to preserve the setting of and views from heritage assets.
228. Additionally, following the granting of planning permission for residential development on a part of former site SDS4 and the expectation of some development in the early years of the Plan, as is the case at SDS3, the two proposals have been merged and the anticipated overall capacity significantly increased (by over 800 dwellings) on revised site SDS3. **MM37** also amends Fig. 10 to reflect the recent planning permission for new housing on the former Bio Park complex within former site SDS4. **FMM16** updates the employment floorspace now expected to be provided at that site, following the granting of the planning permission. The changes made by **MM37** and **FMM16** are required for effectiveness.

Hatfield

229. SADM 26 New dwellings in Hatfield proposes six sites for allocation within Hatfield, accommodating about 330 dwellings.
230. Following the 2019 review of potential sites, the Council submitted a further five sites within Hatfield to the Examination (HS38, HS39, HS40, HS41 and HS42). I found these sites, which have a capacity to accommodate about 330 dwellings to be sound. A review of the capacities of the previously identified housing sites within Hatfield, increased the dwelling numbers, overall, from about 330 dwellings to about 740 dwellings. To maintain effectiveness. **MM44** adds the five sites to Policy SADM 26 and alters all but one of the site capacities.
231. As part of the justification for the proposals, Table 10 sets out site specific considerations that need to be adhered to with regard to each site. Site specific

considerations are also now required for the five new sites. A noise survey with appropriate mitigation is required at all of the sites, because of the nature of neighbouring uses. An air quality survey may be required at HS39 and HS42 because of their location close to heavily trafficked roads. Ecological considerations affect sites HS41 and HS42 and a heritage impact assessment may be required at sites HS39 and HS40 because of the sites' proximity to heritage assets. Additionally, sites HS41 and HS42 are located within a Ground Source Protection Zone and there are also risks of surface water flooding at both sites. Furthermore, wastewater upgrades will also be required at the latter site. **MM44** addresses the effectiveness of the policy in the above contexts.

232. Development at Sites HS9, HS36 and HS37 could affect the setting of historic assets, but the site-specific considerations do not recognise this. Although the development of site HS9 could involve the loss of playing field land, there is no reference to this or the need for replacement land or alternative mitigation, as required by Policy SADM 7. **MM44** amends SADM 26 and addresses the missing site-specific considerations from Table 10, in these contexts, to enable it to be justified and effective.

Woolmer Green

233. The 2019 "Call for Sites" exercise and the subsequent site appraisal process identified site HS43, within the built area of Woolmer Green, as a potential housing site that is capable of accommodating 34 dwellings. The site is a former garage premises adjacent to the B197, which is a busy main road, and in a locality with known bat roosts. The historic use also suggests that the site is also likely to be contaminated. Additionally, pedestrian, and vehicular links to the adjacent, previously proposed site (HS15) would improve connectivity in the area.

234. The above site circumstances would require noise, contaminated land and bat surveys to be undertaken as a part of the planning application process. The provision of a vehicular link to HS15 should be a condition of any planning permission to improve connectivity and permeability in accordance with Policies SP 4 and SADM 3. **MM46** amends Policy SADM 27 and Table 11, allocating site HS43 and setting out the relevant site-specific considerations discussed above. This will assist in achieving a justified and positively prepared Plan, as well as enabling this policy to be effective.

Conclusion

235. Subject to the modifications discussed above, I am satisfied that the proposed housing allocations that are not on land removed from the Green Belt are justified, effective, consistent with national policy and positively prepared.

Issue 10 –: Whether the Green Belt Review and its update represent an adequate and proportionate evidential basis for determining the existence or otherwise of the exceptional circumstances necessary to alter the Green Belt boundaries in specific locations?

236. The NPPF at paragraph 88 says that “*Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the local plan.*” This Plan proposes to alter Green Belt boundaries to enable land to be allocated for educational, employment and housing development.
237. In this context I must determine, within this report, whether there are exceptional circumstances that justify the removal of specific areas of land from the Green Belt. Neither the NPPF nor the PPG define the term “*exceptional circumstances*”. There is also no prescribed methodology for determining what constitutes exceptional circumstances elsewhere, although some assistance can be obtained from the “Calverton” High Court Judgement¹⁰¹ and the NPPF. At paragraph 84 it says that when reviewing Green Belt boundaries, account should be taken of the need to promote sustainable patterns of development. At paragraph 83 it also says that regard should be had to the intended permanence of boundaries in the long term.
238. I have already established that the need for new homes cannot be met in non-Green Belt locations, there being a shortfall of around 6,500 dwellings up to 2036. To determine the existence or otherwise of exceptional circumstances to remove individual sites from the Green Belt, I consider it necessary to first establish the nature and extent of the harm to the Green Belt that would result from built development and then to go on and balance the weight given to this harm, against the weight given to other planning considerations and in comparison, with the alternative opportunities.
239. To assist this process, in 2013, the Council undertook a Green Belt review (stage 1)¹⁰². This exercise considered the extent to which the Borough's designated Green Belt land contributes to the Green Belt purposes as defined in the NPPF. On completion, this study¹⁰³ was considered to be at too coarse a grain to enable meaningful judgements to be made about the comparative removal of different sites from the Green Belt for built development. A stage two study¹⁰⁴ assessed 67 smaller parcels of land, adjacent to the urban boundaries. However, the extent of this was restricted to sites that had been identified in the SHLAA call for sites and a number of areas that were recommended for further assessment during the stage 1 exercise. An addendum to this, which included ten further sites, was subsequently undertaken¹⁰⁵. These assessments

¹⁰¹ Calverton Parish Council v Nottingham City Council [2015] EWHC 1078 (Admin).

¹⁰² Green Belt Review Purposes Assessment, November 2013, (GB/1)

¹⁰³ The study covered Dacorum and St Alban's Boroughs as well as Welwyn Hatfield.

¹⁰⁴ Welwyn Hatfield Green Belt Review Stage 2, October 2014, (GB/2)

¹⁰⁵ Welwyn Hatfield Green Belt Purposes Review Stage 2, Addendum, June 2016, /3

considered the potential impact on four of the Green Belt purposes but not urban regeneration, together with a local purpose of maintaining the existing settlement pattern.

240. Following my examination of the strategic issues, including the evidence from the above Green Belt studies, I expressed some concerns about the methodology and process. The Council had previously identified issues about the stage 1 study, such as the broad-brush approach that led to some parcels being too large to enable a meaningful interpretation of the harm that the development of a small area of land, adjacent to the urban area, would have on the retained Green Belt. These concerns had led to the stage 2 studies. I wrote to the Council in December 2017¹⁰⁶ pointing out that the stage 2 process, although looking at much smaller parcels, than those considered at stage 1, did not appear to have individually examined all of the potential development sites adjacent to the urban areas and even some sites proposed for allocation.
241. Furthermore, that study, which combined a more refined examination, of the contribution that sites make to Green Belt purposes, with an overall examination of development considerations, had incorporated an examination of landscape character into the consideration of openness. I pointed out that openness considerations in a Green Belt context should only be concerned about the absence of built development and other dominant urban influences. They should not be concerned about the character of the landscape. I also referred to the absence of any consideration of mitigation that could be implemented to screen development and thereby reduce any impact on the wider Green Belt, from a visual openness perspective. Additionally, I referred to the inappropriateness of the use of the local purpose in any assessment of overall Green Belt harm. The outcome was a stage 3 review, which the Council proceeded to undertake during 2018.
242. That was examined at the Stage 5 Hearings in November 2018. In my interim report I commented on the stage 3 review, pointing out that for reasons that were unclear, it had maintained the local purpose assessment but had not looked at harm mitigation through earth moulding and planting to achieve screening and permanent boundaries. In addition, some of the sites that had passed the site selection process and were before the examination, had not been assessed individually. Unlike at stage 2, it had assessed the harm to purpose 5, to assist in urban regeneration. However, as all sites had been rated as making a significant contribution to this purpose that should not have influenced comparisons of the results of the two stages. Whilst the stage 3 assessment looked at purpose 1, checking the unrestricted sprawl of large built-up areas, unlike the stage 2 assessment, it rated all sites as making a limited or no contribution to this purpose. Again, this was not helpful in making

¹⁰⁶ Inspector's Green Belt Review note, December 2017, (EX39)

comparisons of built development on different sites in the context of its impact on Green Belt purposes.

243. Furthermore, in the actual assessment process, although referring to the consideration of openness, in the context of an assessment of Green Belt purposes, little weight appeared to have been given to openness. This was particularly the case in the context of visual openness and especially in the sense of protecting the wider countryside from urban influences as a result of visual intrusion from new development. The NPPF considers openness to be an essential characteristic of Green Belt's.
244. Nevertheless, despite these shortcomings, in tandem with the previous reviews, Stage 3 is a useful starting point, when inputting Green Belt considerations into the site selection process. It clearly identifies land which performs most highly against Green Belt purposes. That is defined as most essential Green Belt and necessary to be retained while ever the current concept of Green Belt and its purposes remains. In most cases but not all, it also reaches a view about the overall harm rating that would occur, from each potential development site to the purposes of including land in the Green Belt. The scoring for each of the individual purposes is added together, and the combined score determines whether the site makes a very high, high, moderate, or low contribution as well as indicating two overlapping categories. However, given its shortcomings, in my view, the outcomes of the stage 3 review do not supersede those of the stage 2 work and its addendum. Both pieces of work are relevant to the overall Green Belt assessment process.
245. As I have said, there is no prescribed methodology for undertaking Green Belt assessments, for the purpose of considering exceptional circumstances for the removal of land from it. Whilst I have some reservations about aspects of the detailed results, overall, I consider the general approach and methodologies used by the Council to have been appropriate for the task. All the criteria used throughout the various assessments are rational and suitable. The assessments are inevitably full of planning judgements that can be argued over but that is inescapable in these circumstances and does not undermine the work fundamentally, as suggested by some.
246. Some representors have disagreed with the judgements reached in some of the cases. However, it is not uncommon for two wholly rational and unbiased individuals to reach different conclusions when making planning judgements of this kind. There were also claims that the methodologies were applied inconsistently. However, unless I have stated otherwise below, I am not persuaded that any inconsistencies are of such a magnitude that they undermine the work overall or lead to any wholly unfounded or irrational outcomes.
247. One consequence of a methodology that combines six considerations into one is that it is possible for a site's overall contribution to the Green Belt to be

judged as less than the contribution it makes in respect of some individual Green Belt purposes. It has been suggested that, as a matter of principle, the overall 'score' should reflect the highest contribution to any one of the individual purposes.

248. However, in the absence of prescription, it seems reasonable to me for a rounded judgement to be reached, considering the performance of the land in question in relation to all the Green Belt purposes overall. Without such a 'sense check', one purpose could skew the outcome. In a process where the purpose is to evaluate the relative value of different land parcels to the Green Belt that would not be helpful. Additionally, I specifically asked for all land that was considered essential to be permanently open, whilst ever the current concept of Green Belt remains, to be specifically identified as such and that has been done.
249. In a small number of cases, the different stages come to different conclusions about the overall performance of sites in relation to the purposes of including land in the Green Belt. However, in my view, this does not undermine the process or the proposed allocations, which have been considered against other environmental and movement sustainability considerations in the site selection process, as well as the Green Belt considerations. The information gleaned from each of the three stages is all relevant and should have been objectively assessed together as a part of the site selection process.
250. Because the Council is failing to meet its housing requirement across the plan period as a whole and taking account of its sustainability appraisal work and the site selection methodology, I am satisfied that in most instances the outcomes do not lead to other sites being preferable to those that have been allocated. The sites that I have found to be sound are needed to meet identified housing needs in appropriate locations that accord with the spatial strategy and they would contribute to sustainable development. For the most part, the effects on Green Belt purposes have been appropriately assessed and I am satisfied that the harm to the Green Belt is, in each case, outweighed by the benefits that the development would deliver. The proposed Green Belt boundaries are now clearly defined using existing or new readily recognisable features that are likely to be permanent. I discuss exceptional circumstances on a site-by-site basis in section 11 and conclude that there are exceptional circumstances to remove all of the relevant sites, now proposed for development, from the Green Belt.
251. The stage 3 Review also assesses the sixteen washed over villages in the Green Belt. The purpose was to establish, in the light of paragraph 86 of the NPPF, whether each of the villages currently washed over should be excluded from the Green Belt or included within it. The analysis includes consideration of their openness, as well as the potential harm to the Green Belt's five purposes of removing them from the Green Belt. Seven settlements were identified as having potential to be inset into the Green Belt, because they do not have an

open character and/or do not make a significant contribution to the Green Belt's openness.

252. Following due consideration, the Council decided not to inset any additional settlements. The NPPF considers that settlements should be included within the Green Belt if their open character makes an important contribution to the Green Belt. This is a judgement call, and it is not unreasonable for the Council to come to a different conclusion to that advanced by its consultants.

253. Overall, I am satisfied that the reviews properly reflect the fundamental aims of Green Belts, their essential characteristics of openness and permanence, and the purposes of including land within them. Consequently, I consider that the documents as a whole represent an appropriate body of evidence to enable proper consideration to be given to the Green Belt in the site selection process. I generally agree with nearly all of the conclusions drawn. Whilst there are a few instances where I differ, my views on those are clearly set out on a site-by-site basis later in this report.

254. I have been referred to the judgement in the case of Samuel Smith Old Brewery (Tadcaster) & Others v North Yorkshire County Council¹⁰⁷. Its purpose was to undertake an explicit assessment of the effect of proposed development, on the visual dimension of the openness of the Green Belt, in relation to existing Green Belt parcels and sub-parcels, and a potential development site. It was made in the context of a planning consent for the extension of a limestone quarry. I also note the subsequent Supreme Court judgement in R (Samuel Smith Old Brewery (Tadcaster) & Others) v North Yorkshire County Council¹⁰⁸.

255. The Court of Appeal judgement emphasised the need to consider the visual effects of development in relation to the openness of the Green Belt. The Supreme Court judgement, however, found that the necessity for such an exercise, within the consideration of the effects on openness, is a matter of planning judgement. The judgements were made in the context of a planning appeal, and this is a Local Plan Examination where exceptional rather than very special circumstances are the relevant consideration. Nevertheless, there are some parallels and, in my judgement, particularly in the context of visual encroachment of built development into the wider Green Belt countryside, in this case, because of the nature, location, and scale of some of the proposed allocations in the Green Belt, it is appropriate to consider the visual impact of the proposals on the wider Green Belt and in relation to the concept of openness.

¹⁰⁷ England and Wales Court of Appeal [2018] Civ 489

¹⁰⁸ United Kingdom Supreme Court [2020] 3

Conclusion

256. In the context of the above and when considered as a whole, I conclude that the Green Belt Review and its updates do represent adequate and proportionate evidence for helping to determine the existence or otherwise of the exceptional circumstances necessary to alter the Green Belt boundaries.

Issue 11 –: Are there exceptional circumstances to justify removing land from the Metropolitan Green Belt to provide housing sites adjacent to the Borough's towns and excluded villages?

Context

257. I have already found that subject to a review of the Plan, the amounts and broad spatial distribution of development proposed in the Plan (Policies SP 2 and SP 3) are justified¹⁰⁹ and that the contribution that available and deliverable sites outside of the Green Belt, together with likely windfalls, can make to the overall housing requirement, has been maximised. However, that amount of development falls short of the Borough's overall housing need. The unmet need can only be met within the Borough by removing land from the Green Belt for residential development. I am satisfied that in principle there are exceptional circumstances to justify the removal of land from the Green Belt in order to meet the Borough's housing requirement and in particular to help to reduce the acute affordability crisis that now exists at Welwyn Hatfield. Land to accommodate about an additional 6,500 dwellings would be required if the housing need for the full plan period is to be met. The Council has put forward a number of sites, sufficient to build 4734 dwellings, that would need to be removed from the Green Belt.

258. A majority of the land that is Green Belt has not been identified as essential Green Belt, so there are clearly some potential opportunities to remove land from it. Additionally, in order to help meet the housing needs of the ten excluded settlements and to achieve a sustainable pattern of development throughout the Borough, as required by Policies SP 1 and SP 3, it is also necessary to remove some land from the Green Belt adjacent to each of the excluded settlements, unless exceptional circumstances are not established for such Green Belt boundary alterations at particular settlements.

259. Furthermore, whilst a number of planning issues have been raised in relation to the sites (including about access, accessibility, flood risk, and landscape), the Council's technical assessments show that there are no insurmountable

¹⁰⁹ Issue 5 Identified need for new homes (paragraph 133) and Issue 7 Spatial distribution of new housing (paragraph 175)

obstacles to some development at each settlement and that each of the sites that it has proposed, could be developed in a satisfactory manner.

260. There are consequently sound reasons, in principle, for removing land from the Metropolitan Green Belt, in order to allow the development of around 6,500 dwellings in locations that are well related to all of the Borough's excluded¹¹⁰ settlements. I consider below the specific issues related to the submitted development proposals that involve the removal of land from the Green Belt on a settlement and site basis.
261. The NPPF states at paragraph. 83 that in reviewing Green Belt boundaries, consideration should be given to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period. At paragraph 85 It also says that local planning authorities should define Green Belt boundaries clearly, using physical features that are readily recognisable and likely to be permanent. Wherever possible physical features such as roads, railways, water courses and woodland edges have been used.
262. However, such features are not always available to be used as boundaries for sites that are otherwise suitable for development. This is particularly the case when ridge lines, within agricultural holdings, define the outer edge of areas with development potential that are within the Green Belt but adjacent to urban areas, some or all of which is not visible from the wider Green Belt countryside. Planted areas on the edge of the Green Belt would provide readily recognisable boundaries and as the vegetation grows, provide, if necessary, a screen to maintain the visual openness of the wider Green Belt beyond¹¹¹. To justify the removal of land from the Green Belt where these circumstances arise and for effectiveness, **MMs 36, 38, 39, 44, 46, 48, 49. 51, 52 and 53** require the provision of green infrastructure in appropriate locations to act as a clear Green Belt boundary and a long-term visual buffer between the new built development and the retained Green Belt.
263. At paragraph 85, the NPPF says that 'safeguarded land' should be identified in plans between urban areas and the Green Belt in order to meet longer term development needs. Further releases of land to accommodate development are very likely to be required in the last three years of this plan period and also to meet requirements in the years immediately thereafter,
264. The Plan now has a relatively short time horizon, and it does not identify sufficient land to meet the needs of the plan period, let alone 'safeguard land' to meet some of the Borough's future development needs in the longer term. In circumstances where I have decided to find the plan sound, subject to the Council undertaking an immediate review, which would look at ways of meeting

¹¹⁰ From the Green Belt

¹¹¹The Council's approach is set out in Treatment of Green Belt boundaries of allocations in the Welwyn Hatfield Local Plan, December 2020 (EX223)

the shortfall, it would not be logical to find the Plan unsound simply because the Council has not identified any safeguarded land to meet the Borough's housing needs in the longer term.

Welwyn Garden City

265. The submitted Plan included the allocation of three sites on the edge of Welwyn Garden City that would cumulatively have provided more than 2,200 dwellings. Two are strategic sites, with other proposed uses, in addition to housing, whilst a third is a large housing site. Two are in the Green Belt, the third would develop 'safeguarded land' that had been removed from the Green Belt in 1993.
266. The development of land along the northern and southern edges of Welwyn Garden City was, for the most part, considered to cause high or very high harm to Green Belt purposes by the stage 2 and 3 studies. That to the east and west would predominantly result in moderate-high harm. Undeveloped areas of land that would result in lower Green Belt harm than these tend to be used for recreational purposes or are otherwise unavailable. In addition, much of the land to the north and south of the town, which occupies parts of the fragile gaps between the towns of Stevenage, Welwyn Garden City and Hatfield has also been defined as essential Green Belt. The proposed allocations utilise land rated as moderate or moderate-high. The evidence does not suggest the availability of any other sites adjacent to the town that from a Green Belt perspective have been discounted in preference to these and which perform better from a sustainability perspective.

HS2 Creswick

267. Located along the southern edge of the town, this development would result in either moderate or moderate-high harm to the Green Belt. In the context of Welwyn Garden City, these are comparatively low harm ratings. It is within walking distance of the Hollybush Lane local centre, which provides shops and other services. It is also located close to existing bus routes and schools. The proposal is therefore in a sustainable location for housing development. Following a review of the site's extent and its capacity, the number of dwellings has increased from 290 to 340. To be effective it is necessary to amend the dwelling capacity in Policy SADM 21.
268. To minimise the impact of development on the visual openness of the wider Green Belt and the adjacent part of the Green Corridor, it will be necessary to implement a substantial landscaping scheme, within the adjacent retained Green Belt and along the southern boundary of the site. With the inclusion of this in the site's proposals, I consider there to be exceptional circumstances to remove the land from the Green Belt. Enhancements to the local public rights of way network, parts of which cross the site and extend into the Green Corridor, to the south, will also be necessary. These proposed changes to Policy SADM

21 and Table 9, which are covered by **MM36**, further justify the policy and are also necessary for effectiveness. The area affected by the proposed landscaping scheme needs to be indicated on the Policies Map. This was the subject of a proposed change to the Policies Map that accompanied the FMM consultation.

SP18 North-East of Welwyn Garden City

269. 725 dwellings were proposed to be developed on safeguarded land that was the Panshanger Aerodrome until its closure in 2014. The Council suggested that land in the Green Belt, immediately to the north, could be utilised as a runway for use by a displaced flying club. However, during the course of the Examination, it emerged that because of the proximity of the proposed new residential development, this site was not of a sufficient size to enable a runway that met aviation safety standards, to be built.

270. The Council reassessed the situation and proposed an extension to the residential site northwards, utilising all of the available land to the south of the tree belt that caps the adjacent escarpment on the southern side of the Mimram valley, for residential development. The extension utilises land whose development would result in moderate-high harm to the Green Belt's purposes, but it would accommodate about another 150 homes. I am satisfied that there is no alternative site available for this amount of development that would result in less harm to Green Belt purposes, adjacent to Welwyn Garden City. The site is close to high frequency bus services, with links to the town centre and major employment areas. Additionally, the neighbourhood centre at Moors Walk is within walking distance. A new Primary School was a part of the original proposal. This is a sustainable location for a large new comprehensive development. I find that there are exceptional circumstances to remove the land within the extended development site from the Green Belt.

271. The increased population that would reside on the extended site will require improved retail and community facilities beyond those originally proposed. Revisions to the masterplan, to enable movement networks to be extended into the site and beyond, are also required. Additionally, there will be a requirement for ecological enhancements and a larger provision of new gypsy and traveller pitches. In order to fully justify the larger scheme and to improve the effectiveness of Policy SP 18, **MM38** amends the policy criteria, as well as its graphic representation in Fig 11, whilst **MM5** amends that in Fig 6, to reflect the changed circumstances discussed above. The initial revisions to Fig 11 omitted a reference to nearby Tewinbury Site of Special Scientific Interest (SSSI). For effectiveness, **FMM17** rectifies this.

SP19 South-East of Welwyn Garden City

272. Policy SP 19 proposes a comprehensive development with 1,200 dwellings, local facilities and new employment on land that was assessed as resulting in moderate-high harm to Green Belt purposes if developed. Concerns were raised about the proximity of the proposed residential development to a former, major refuse disposal site and a noisy recycling centre. There were also concerns about the impact of the proposal on The Commons Local Nature Reserve (LNR), an adjacent wildlife site and the ramifications for the proposed Welwyn/Hatfield Green Corridor (Policy SP 12), as well as local heritage assets.
273. More fundamentally, I had concerns about the impact of the development of the southern part of the site, on the visual openness of the Green Belt to the south of the A414, from the perspective of purpose 3: *Assist in safeguarding the countryside from encroachment*. The part of the site immediately to the north of the A414 can be clearly seen from rising land to the south of that road¹¹². Additionally, a characteristic of Welwyn Garden City is the largely deciduous woodland that surrounds much of it, such that, for the most part, the urban area cannot be seen from the countryside beyond. This area has not been individually assessed, from the perspective of Green Belt purposes, the whole development site being considered as one parcel, despite its extent and topographical differences. Whilst, if developed, the overall harm to the large parcel was rated as moderate-high. I am not persuaded that that would have been the outcome if the southern part of the site had been individually assessed.
274. In my view, for many years and regardless of the detailed nature of the proposed screening, parts of the site would be clearly visible from parts of the retained Green Belt to the south of the A414. Views of the built development would be inflicted upon the visual aspect across an otherwise very open area of countryside. Additionally, the proposed nature of the site boundary and its planting would not be characteristic of the woodland that surrounds and screens much of the existing development on the edge of the Garden City.
275. For the most part, the proposed development area snakes south from the existing Thistle Grove estate, which itself is a finger-like extension to the Garden City. The overall linear form of the proposal would not be characteristic of the Garden City's form or some of its development principles. Public transport could only be achieved by diversions or long linear extensions to existing services. Existing retail and community facilities are some distance from much of the site, such that most people would not walk. From a movement perspective this is unlikely to be a particularly sustainable location for new development on a large scale. However, the proposals do include a primary school and a small

¹¹² See Paragraphs. 70-76 of Inspector's preliminary conclusions and advice, October 2020, (EX212)

neighbourhood centre which should assist in meeting the day-to-day needs of new residents.

276. The site promoters and the Council submitted supplementary evidence to the Examination, particularly in the context of remediation measures to ensure that the former waste tip would not have adverse repercussions on the developed area or future users of this part of the site. Mitigation of noise, from the adjacent recycling centre, by a screening bund and another screening bund to prevent development adjacent to the A 414 being visible from the open countryside to the south, were also proposed. After a further hearing I concluded that appropriate mitigation could overcome the concerns about the former tipped area and the recycling centre but not the harm to the visual openness of the countryside Green Belt to the south of the A414 that I had identified. I therefore indicated that the site area and the amount of development proposed needed to be modified to make the proposal sound.
277. The reduced site would accommodate about 600 dwellings. When appropriate screening along its revised southern boundary, including an earth bund, became established, the reduced development need not impact on the visual openness of the wide Green Belt. Despite the disadvantages discussed above, there is an acute need for new housing in Welwyn Garden City and the available sites upon which to build them are limited. The removal of the reduced site from the Green Belt would be no more harmful to it than development in other locations. I therefore consider that the harm to Green Belt purposes, and any other harm, would be outweighed by the benefits of 600 new homes in this particular location. I find that there are exceptional circumstances to remove the reduced residential site, at Birchall Garden Suburb (SDS2), from the Green Belt to enable it to be developed. The development of the land at The Holdings for B8 employment uses and the exceptional circumstances to justify its removal from the Green Belt are discussed in paragraph 56.
278. **MM39** removes the fields adjacent to the A414 from the development area and introduces a landscaped screening bund between these, the adjacent recycling centre and the area to the north that is to be developed. It also makes other consequential changes to Policy SP 19 and Fig 12, reducing the dwelling capacity to 600 and introducing a requirement for a remediation strategy to secure a permanently safe environment at the site of the former refuse tip. For effectiveness **MM5** amends the extent of the site in Fig 6.
279. Although Policy SP 19 requires the submission of a masterplan and sets out requirements for the development to meet, some of these are imprecise or unclear and therefore ineffective. To make the policy effective, **MM39** also introduces additional requirements with respect to heritage and ecological assets, design and layout principles, access, sustainable transport, gypsy and traveller provision, a neighbourhood centre, a primary school, delivery of infrastructure, mineral extraction and phasing. The above changes through **MM39** will enable the policy to be justified and effective as well as assisting the

provision of the exceptional circumstances necessary to remove land for the proposal from the Green Belt.

280. Policy SP 19 includes a requirement for the provision of a Gypsy and Traveller site, of an area sufficient to accommodate 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 two Councils subsequently agreed that it would be more appropriate for there to be separate provision within each district. **FMM18** clarified the current agreed position between the two Councils. However, the site promotor has objected to this change, pointing out that it has not agreed to the change and that in the absence of evidence justifying an alteration to the expressed proposal in both Local Plans, it is not justified. Without its agreement, it may not be possible to deliver a split site. In these uncertain circumstances it seems to me that the appropriate solution is to amend the second bullet point in Policy SP 19, changing "site" to "provision". I have made a consequential modification to this effect.

Hatfield

281. The submitted Plan proposes to allocate two sites on the edge of Hatfield that are within the Green Belt, and which would together provide around 1,770 dwellings. One is a strategic site, the other is a large site. The extension of Hatfield to the east is constrained by the presence of Hatfield House and its extensive registered park. To the north-east, development is considered to cause high or very high harm to Green Belt purposes. Being in the narrow gap between Hatfield and Welwyn Garden City, some of this land has also been defined as essential Green Belt. To the south-west, the urban area abuts the boundary with St Albans or land where development would result in high harm to the Green Belt, because of its location in the fragile gap between Hatfield and St Albans.

282. To the south, west and north-west are areas where the harm to Green Belt purposes, because of development, would only result in moderate or moderate-high harm. The two sites adjacent to Hatfield that are to be removed from the Green Belt are within these areas. Other land, adjacent to Hatfield, was deemed, to be unavailable, partly because of prior requirements for mineral extraction. I agree with these assessments. The evidence does not suggest the availability of any other sites, adjacent to the town, with lower Green Belt harm ratings and which perform better from a sustainability perspective that have been discounted in preference to those selected.

SP22 North-West Hatfield

283. An extended neighbourhood on the north-western edge of Hatfield is proposed. The new development would extend and wrap around Hatfield Garden Village, utilising land whose development will result in moderate or moderate-high harm

to the Green Belt's purposes. The evidence does not suggest the availability of (an) alternative site(s) available, adjacent to Hatfield, for this amount of development at this point in time and which would result in less harm to Green Belt purposes or achieve better sustainability credentials. The proposal involves a neighbourhood centre, containing shopping and community facilities and a small employment area, as well as proposals for new primary and secondary schools. These new facilities would also be of benefit to the existing residents of the adjacent Hatfield Garden Village. The extension and improved frequency of the local bus services, providing links to Welwyn Garden City and Hatfield town centres and their railway stations, as well as to local employment areas, will also help to ensure that a comparatively sustainable community, from a movement perspective, will reside here. The large employment area to the south of the site, as well as the additional new employment area within the site itself, will provide local employment opportunities. There are clearly exceptional circumstances to remove this sustainable site to facilitate the comprehensive development discussed above from the Green Belt.

284. A capacity reassessment increased the target to about 1,750 dwellings, some of which would be provided beyond 10 years. In some respects, the requirements of the development as expressed in Policy SP 22 are somewhat imprecise. **MM45** explains the educational and off-site transportation requirements more effectively by adding detail to the policy and amending Fig.14. It also modifies the heritage requirements to conform with national policy. In response to the consultation on **MM45**, which suggests that off-site highway works, in connection with the development of this site, may include new or improved pedestrian links across the A1(M), the Highway Authority has indicated that these works will need to include a new or improved cycle/pedestrian footbridge. To make the policy effective, **FMM19** introduces this change into Policy SP22.

HS11 South Way

285. This site is located to the south of the A1000, which currently provides a hard Green Belt boundary across the southern edge of Hatfield. It is expected to accommodate about 120 dwellings. Its development would result in moderate-high harm to the Green Belt's purposes. It is located within the Green Gap between Hatfield and Welham Green and there are no natural boundaries to easily form a new Green Belt boundary. However, because of the limited availability of development sites around Hatfield, in the context of Green Belt harm through development, I have concluded that this is an appropriate site to allocate.
286. The land rises to a ridge from the A1000 and if an appropriate landscape buffer is implemented at the southern edge of the proposed development, which is to the north of the ridge line, then given time the development will be screened from the wider Green Belt to the west and south. This concealment will be assisted by the further growth of the existing woodland to the south of the site. That woodland would also prevent the presence of this development being

perceived from the northern edge of Welham Green, even if some of the land rated as only causing moderate harm to Green Belt purposes, in that location, were to be subsequently built upon. I therefore conclude that there are exceptional circumstances to remove this site from the Green Belt.

287. Discussions at the hearings confirmed that a new primary school would need to be located within the development in order to meet the needs of pupils generated by the development, as well as ones from adjacent parts of Hatfield. In line with the amended Policy SP 9, a development of this complexity and containing sensitive issues, would also benefit from the preparation of a masterplan. Additionally, in order to secure the permanence of the Green Belt boundary, tree planting will be required along the western and southern boundaries of the site. **MM44** amends Table 10 to enable these aspects of the policy to be justified, effective and consistent with national policy.

Woolmer Green

HS15 Land east of London Road

288. This is the only site adjacent to Woolmer Green whose development would not result in high or very high harm to the Green Belt's purposes. It could accommodate about 150 dwellings and almost meet Woolmer Green's proportionate requirement itself. Situated to the east of the village, its northerly extent does not reduce the critical gap between Woolmer Green and Knebworth. Being close to London Road with frequent bus services to Stevenage and Welwyn Garden City, it is in a relatively accessible location. The recent provision of a convenience shop and a café within the village and close to this site, have enhanced this consideration.

289. However, since the site was proposed, a nearby vacant industrial property has been given planning permission on appeal and subsequently developed for residential purposes, accommodating 70 dwellings. In this context and despite the other provision at Woolmer Green, the Council submitted an additional site to the Examination, which has been found to be sound. This involves the redevelopment of another commercial property and the provision of an additional 34 dwellings. (see paragraphs. 233-234 above). The total number of dwellings now proposed at the village is probably noticeably more than a proportional distribution would suggest is required and more than the policy would expect in a small, excluded village. However, there is clearly an unmet need in the northern parishes overall and very likely a difficulty in providing even a ten-year supply, to meet local needs, post-adoption. Consequently, I consider that on balance the acuteness of the need for new homes within the Borough in general and the northern settlements in particular is such that the retention of HS15, to the extent proposed in the submitted Plan, is justified.

290. When this site was allocated, the village no longer had a shop. The site-specific considerations for HS15 therefore include the provision of a small shop and ancillary café. However, the development granted on appeal has provided the

village with a convenience store, and a chocolate factory within the village has provided a café. These site requirements are no longer justified.

291. The allocation of the adjacent commercial property (HS43), which fronts onto London Road, presents an opportunity to improve the connectivity of this site with the rest of the village and the bus services along London Road, as promoted by Policy SADM 3, Sustainable Travel for All. This requires development proposals, where appropriate, to make provision for good quality connectivity and permeability for the benefit of all road users. The planning and development of HS15 and HS43 in tandem or together would enable the sites to better meet the requirements of this movement policy. Additionally, evidence presented to the Examination suggests that there could be archaeological remains under a part of site HS15. A field evaluation may therefore be required.
292. There is no existing feature that would provide a potential Green Belt boundary within the vicinity of the northern extent of the village and across this site. To provide a long-term strong boundary to the retained Green Belt at this point and to mitigate the visual impact of the built development on the wider retained Green Belt, it will be necessary to provide substantial woodland planting along the site's northern boundary at the interface with the retained Green Belt.
293. The change made by **MM46** in this context is necessary to justify the allocation and the changes to the site-specific considerations are required for effectiveness. There are clearly exceptional circumstances for choosing this Green Belt site as the location for providing Woolmer Green's contribution to meeting the Borough's housing need at this point in time.

Oaklands and Mardley Heath

HS16, HS17 and HS32 Land at Great North Road

294. HS16 and HS17 are two adjacent sites that are expected to accommodate 5 and 20 dwellings respectively. HS32 is a proposed 6 pitch extension to a Gypsy and Traveller site. All of the sites are located at the southern end of Oaklands, within an area that is already partly developed but nevertheless washed over by the Green Belt. The last two sites were assessed by the Stage 2 Green Belt study, when their development was considered to have limited or no impact on the four Green Belt purposes assessed. The whole area was reassessed as a part of the Stage 3 study and was found to make a moderate-low contribution to Green Belt purposes.
295. The evidence does not suggest the availability of other sites, adjacent to Oaklands and Mardley Heath, where the Green Belt harm would be less. Whilst there are sites that have been similarly rated in the context of harm to Green Belt purposes, the evidence does not suggest that they perform better from a sustainability perspective. They are not in locations that are more accessible but in any event, none have been submitted to the Examination, despite the shortfall in provision at this settlement. There are shops and other facilities within walking distance, along Great North Road and a regular bus service. I am

satisfied that there are exceptional circumstances to remove these three sites and the surrounding area south of The Avenue from the Green Belt.

296. Policy SADM 3 Sustainable Travel for All requires development proposals, where appropriate, to make provision for good quality connectivity and permeability for the benefit of all road users. The planning and development of HS16 and HS17 in tandem or together would enable the sites to better meet the requirements of this movement policy. **MM47** amalgamates the sites and amends the site-specific considerations in order to justify the combined proposal and to make it effective.

Welwyn

HS 18 The Vineyards, HS19 Sandyhurst, HS20 School Lane

297. The stage 2 Green Belt assessment found that development at HS18 Vineyards would have a limited or no impact on three of the Green Belt purposes and only a partial impact on the fourth, (safeguarding the countryside from encroachment). A tree screen, when established, along the site's western and northern boundaries would mitigate the impact of this harm, which is concerned with the visual impact of development at the site on the views from and across the wider Green Belt. The development of HS19 Sandyhurst and HS20 School Lane, would have a limited or no impact on the four Green Belt purposes considered. They both have some existing development located on them and are consequently brownfield sites.

298. Welwyn is a sustainable settlement with a village centre that provides a wide range of shops and services and there are community and recreational facilities at various locations within the village. It also has regular bus services. Whilst there are other sites within or adjacent to the village that could be put forward for development, I am satisfied that the harm to the Green Belt that could result from the development of these sites, would be no less than that at the sites that the Council has put forward. I therefore find exceptional circumstances to justify the removal of sites HS18, HS19 and HS20 from the Green Belt. **MM48** requires tree planting along the north-eastern and north-western boundaries at HS18 and the north-western and south-western boundaries at HS20 and notes a small increase in the capacity of HS20. Over time these will reduce the visual impact of their development on the adjacent retained Green Belt and helps to justify Policy SADM 29.

Welham Green

Context

299. The supporting text to Policy SP 23 Marshmoor Policy Area includes a proposal to build a limited amount of residential development at this employment site, in order to provide affordable accommodation for persons who would be employed on the site¹¹³. The expansion of the existing Gypsy and Traveller site at Foxes

¹¹³ Discussion at a hearing revealed that this accommodation was intended to be used by visiting personnel employed in pharmaceuticals and research and development

Lane is the only other residential proposal in this large, excluded village in the submitted Plan. With its main line railway station from which there are regular services to London, Welwyn Garden City and beyond, regular bus services to various destinations, a sizeable local shopping centre and a large industrial area, Welham Green is one of the most sustainable locations for new development within the Borough. Additionally, there are a number of sites around its perimeter that are within walking distance of its school and the other facilities.

300. Either or both the Phase 2 and 3 Green Belt studies found that some of these sites would result in no more than limited or moderate harm to Green Belt purposes if developed. I therefore considered the level of residential development proposed at Welham Green to be unjustified and asked the Council to place additional sites before the Examination. Following the 2019 call for sites, 3 sites were submitted. About 350 dwellings are now proposed.

HS 35 Foxes Lane Gypsy and Traveller site

301. This would be an expansion of an existing site. There is a clear need for additional pitches throughout the Borough¹¹⁴. This proposal would provide additional accommodation in a location close to the railway station and other facilities, utilising land whose development would result in no more than moderate harm to Green Belt purposes. There would be open views of the site across the retained Green Belt to the south. However, planting along the site's southern boundary would create a clear and defensible Green Belt boundary, as well as helping to maintain the visual openness of the adjacent, retained Green Belt. I am satisfied that there is no more appropriate location for this development at Welham Green and that there are exceptional circumstances to remove the land from the Green Belt. To justify this part of Policy SADM 30 and to make it consistent with national policy, **MM49** includes a requirement to provide a robust and defensible Green Belt boundary across the south of the site through tree planting.

HS44 and HS45 Land at Welham Manor and West of Station Road

302. These two sites were submitted to the Examination in November 2020 (EX219) in order to increase supply at Welham Green to a level that would be justified. They would provide over 80 new dwellings within five years, thereby assisting in the achievement of a five-year housing land supply on adoption of the Plan. The sites are well related to existing development, in a sustainable location and affect land whose development would result in no more than moderate harm to the Green Belt's purposes. The harm to the Green Belt is thereby outweighed by the benefits. Given this and the context of a need for additional dwellings at Welham Green, I consider there to be exceptional circumstances to remove the sites from the Green Belt, particularly if a robust and defensible boundary to the Green Belt is established along the southern edge of site HS45. This can be achieved by reinforcing the existing vegetation with additional planting, at the

¹¹⁴ See Gypsy and Traveller and Travelling Show people - Accommodation Needs Assessment 2016, (HOU/16) and the 2018 update, (EX76)

sensitive points, in order to screen the built development from the retained Green Belt to the south. **MM49** achieves this and justifies the allocations.

303. The access to Welham Manor is through an existing housing area, with a relatively narrow road. As a result of the numbers of cars from the locality, wishing to park on it, there is periodic congestion. Station Road is a distributor road that connects Welham Green with Brookmans Park and locations further south. Its standard makes it appropriate for it to be the principal access into both sites. The provision of a vehicular link between the sites should be provided in order to improve connectivity and permeability in accordance with Policies SP 4 and SADM 3.
304. In view of the proximity of Listed Buildings to the sites, the site-specific considerations, set out in Table 14, should refer to the need for a Heritage Statement/Impact Assessment. In addition, the potential impact that the developments could have on a nearby SSSI and the need for sensitivity in designing the access to the site and its junction with Station Road, in order to protect the amenities of adjacent residents, should be referred to. These considerations suggest that the two sites should be planned and developed on a comprehensive basis. To justify the proposal in this context, **MM49** amends Policy SADM 30. It also makes the necessary amendments to Table 14 to include the site-specific considerations discussed above and to ensure that the policy is effective.

HS46 Land at Dixon's Hill Road

305. This agricultural field, on the western side of the village, would accommodate about 120 dwellings in a location that is within walkable distance of the village school and local shops, as well as the bus stops on Dixons Hill Road. However, the frequency of bus services here is less than elsewhere in the village and the site is about 1km from the railway station. Additionally, its delivery is unlikely to contribute to the five-year land supply.
306. Its long western boundary is open, but a landscaped feature could provide a new robust and permanent Green Belt boundary, as well as protecting the visual openness of the retained Green Belt beyond. Nevertheless, this would take time to establish. If developed, the site's overall rating of harm to Green Belt purposes was considered by the stage 3 assessment to be moderate at stage 3. Whilst there are other sites with the same Green Belt purposes rating the Council has not submitted them to the Examination. In the circumstances of a very urgent need for housing in the Borough, and the under provision at Welham Green, the release of suitable sites, in a highly sustainable settlement, attracts significant weight. I therefore consider that there are exceptional circumstances to release this site from the Green Belt at the present time.
307. **MM49** points out that the site lies within an SSSI impact zone and refers to the need for planting along the northern and western boundaries. It also includes the proposal in Policy SADM 30. These are required to justify the allocation and to make this part of Table 14 effective.

Policy SP 23 Marshmoor

308. The policy proposes that land between the A1000 and the East Coast railway line and adjacent to Welham Green railway station, be developed with Class E(g) uses and up to 80 Class C3 dwellings. These are referred to further in the supporting text. During the Examination, it was confirmed that the residential provision was intended to provide for the needs of visiting research personnel and other temporary workers.
309. The site is located within the Green Belt but its loss to development was assessed in the stage 3 Green Belt review as only resulting in moderate-low harm to the Green Belt's purposes. Paragraph's 43 to 58 above and the related examination documents, refer to the need for further economic development at Welwyn Hatfield, particularly in the context of an appreciable loss in the amount of E (g) class floorspace, following the relaxation of permitted development rights in 2013¹¹⁵. This site would accommodate 40,500 sq. m of Class E(g) floorspace. Although only about half of that lost to residential uses between 2008 and 2018, it would nevertheless help to compensate for some of the loss.
310. Welwyn Hatfield is now a major employment hub, with a workforce that resides throughout much of Hertfordshire and beyond. The losses of employment floorspace as a result of the changes to Permitted Development rights are significant but there is no evidence before the Examination to suggest that overall, the local economy and the employment that it supports, is not still growing. I also note the government's commitment to secure economic growth and to ensure that the planning system does everything it can to support sustainable economic growth as expressed in Section 1 of the NPPF¹¹⁶. In such circumstances I consider it appropriate for some land to be allocated for employment purposes.
311. Being adjacent to a railway station and the large village of Welham Green, as well as close to Hatfield, this is an opportunity to provide a sustainable employment campus whose workforce is less reliant upon the use of the private car, to travel to work, than is the norm in Welwyn Hatfield. Marshmoor is a relatively flat site that is capable of easily accommodating large buildings to provide employment floorspace. It also has excellent road links via the A1000 and good rail connections via the adjacent railway station. I have not been referred to any other site in the Borough that in my view could better its advantages as a location for a strategic employment site. I therefore conclude that there are exceptional circumstances to remove site SDS 7 Marshmoor from the Green Belt.
312. Policy SP 23 requires the preparation of a supplementary planning document but also includes a set of guidelines for development proposals to follow. The supporting text is unclear as to the amount of employment expected to be provided and the exact nature of the housing provision or the means of achieving these. The text also makes no reference to the Infrastructure Delivery

¹¹⁵ See also paragraphs. 59-61

¹¹⁶ Paragraphs. 18-21 NPPF

Plan, even though it is recognised that improvements to off-site infrastructure will be required. When reviewing the proposal, during the Examination, the Council revised the dwelling capacity to 100. **MM50** amends the policy to take account of the above considerations. Following representations during the MMs consultation that suggest some ambiguity about the nature of the proposed housing provision, **FMM20** provides more clarity. Together the modifications make the policy justified, effective and consistent with national policy. In particular, it confirms that the development should comprise 40,500 sq. m of Class E(g) employment floorspace and 100 dwellings (class C3) to provide affordable accommodation for those employed on the site.

Brookmans Park

313. Proposals to build about 270 dwellings including on three sites that would be removed from the Green Belt, were included in the submitted Plan. Revisions to the site capacities, set out in the MM discussed below, have increased this to about 530 dwellings.

HS21 and HS23. Land east and west of Golf Course Road

314. These two small sites, accommodating 14 and 10 dwellings respectively were included in the submitted Plan. In both cases, the stage 2 Green Belt assessment rated the harm to Green Belt purposes, through their development, as two limited and two partial harms. The stage 3 assessment considered the outcome with respect to HS23 as moderate-low. That to HS21 was considered to be moderate-high. The difference in assessment appears to result from the weight that the stage 3 assessment gave to the fact that HS21 protrudes into the countryside to the north of Brookmans Avenue, beyond the rear of the existing properties, whereas HS23 does not.

315. However, HS21 is screened from the wider Green Belt by existing woodland to its north and west. Consequently, a development on this site would not impact visually on the Green Belt to the north. Ironically, the northern boundary to site HS23 is open and without mitigation. Without mitigation, development on this site would be visible across the open Green Belt countryside to the north, increasing the perception of urban influences from that area. Nevertheless, a robust and defensible Green Belt boundary that screened a development at site HS23, from northern views, could be achieved by tree and shrub planting along the northern edge of the site.

316. Brookmans Park is a comparatively sustainable settlement with a local centre that contains a range of shops and related facilities, a main line railway station with regular services to London, Welwyn Garden City and beyond, as well as both a primary school and a secondary school. These facilities are walkable from these sites. Considering matters in the round and in the context of the available alternatives, I consider there to be exceptional circumstances to remove these two sites from the Green Belt.

317. Golf Course Road is used as an access to Chandlers Secondary School. In consequence, there would be a requirement to enhance road safety for

pedestrians and cyclists as a part of the access arrangements to both sites. **MM51** amends Table 15 to accommodate this requirement and the need for planting to the north of site HS23. With these changes the proposals are justified and effective.

HS22 Land west of Brookman's Park Railway Station

318. This large site was a part of the submitted Plan. It is located to the west of the East Coast railway line and adjacent to Brookman's Park railway station. Additionally, it is within walking distance of the village centre, which provides shops and other services and the village primary school, as well as being close to existing bus routes. In the context of Welwyn Hatfield, this proposal is consequentially in a very sustainable location from a movement perspective.
319. Nevertheless, the stage 3 Green Belt assessment found that a development on this site would result in high harm to the Green Belt's purposes. A contributory factor to its high harm rating was its encroachment into the countryside. However, like the stage 2 assessment, the stage 3 assessment gave it a significant rating to a purpose of maintaining the existing settlement pattern. Maintaining the existing settlement pattern is not a Green Belt purpose. The assessment gave a significant harm rating to purpose 3. Whilst it also gave a significant ranking to purpose 5, Assist in Urban Regeneration, that rating was given to every parcel that was assessed at that time. Consequently, it has no effect on the comparative ratings. The parcel was also rated as making a partial contribution to purpose 2 and a limited or no contribution to purpose 4. Like all other sites it was considered to make a limited or no contribution to purpose 1. In these circumstances the stage 3 overall rating of high harm is debatable.
320. Brick Kiln Wood, which bounds the western side of the site, would provide a definitive and robust long-term boundary to the Green Belt on that side of the site. However, although there is a hedgerow to the north, adjacent to Bradmore Lane, some of the site is clearly visible from the open fields and public footpaths to the south. To minimise the impact of development on the visual openness of the wider Green Belt to the north and south, it would be necessary to implement a substantial landscaping scheme, within the southern part of the proposed site and to add bulk to the hedgerow on the southern side of Bradmore Lane.
321. It is feasible, through earth moulding and planting, to screen views of the site from the retained Green Belt to the south, thereby mitigating the visual harm to the wider Green Belt. To accommodate this, the extent of built development in the southern part of the site would nevertheless have to be reduced from that proposed in the submitted Plan. This would reduce the extent of encroachment into the countryside (Purpose 3), which both Green Belt assessments considered to be significant in the context of a larger developed site.
322. The proposal in the submitted Plan left a triangular field to the east of the site within the Green Belt. This is sandwiched between the proposed development site and the railway line, beyond which is the urban fabric of the existing village. On completion of the proposed development, this land would no longer make a significant contribution to any of the Green Belt's purposes. Following a review,

some of this land has been included in the site to compensate for the loss of development land in the southern part of the original site. Following a review of access considerations and potential solutions, the overall capacity has increased from 250 dwellings to about 430 dwellings.

323. It is anticipated that the combined additional housing capacity, being provided at Brookmans Park and Welham Green, will eventually require an additional two form entry primary school to be built to serve pupils from both settlements. Consideration by the Council and the Education Authority produced a favoured solution that locates a new school on this site. Being the closest of the potential sites in Brookmans Park to Welham Green, it is an appropriate location for this facility, if such provision is to be made at Brookmans Park. This provides added justification in support of the proposal. This site is within walking distance of Brookman's Park Primary School, which pupils from the development could attend before there are sufficient pupils to justify the construction of a new school.
324. Other potential locations, around Brookmans Park, do not have sustainability credentials approaching those of HS22 and some are substantially worse. I consider that the weight that should be attached to these considerations to be very significant.
325. Without the dwellings that this site can contribute to the overall housing provision, the Borough would be noticeably short of identifying a ten-year supply of housing, let alone one that met the requirement for the full plan period. In such circumstances, Brookmans Park would also be providing very little of the housing required to comply with a proportional distribution. Given these considerations and the weight that I attach to the site's sustainability credentials, I therefore consider the proposed allocation of this site to be sound and for there to be exceptional circumstances to remove the land from the Green Belt.
326. **MM51** inserts the primary school and the boundary landscaping into Table 15. These are necessary for justification and effectiveness. It will also be necessary to amend the proposals map to identify the larger development site, the area to be landscaped and the proposed new school site.
327. In response to the MM consultation, the Highway Authority confirmed that off-site highway works, in connection with the development of this site, would require a new or improved cycle/pedestrian footbridge across the adjacent railway line. To make the policy effective, **FMM21** introduces this change into Table 15. As well as a new improved bridge over the adjacent railway, the site-specific considerations require the realignment of Station Road. Whilst the site promotor's ability to do this without the acquisition of additional land is not clear, if it does not own all of the land then, as a last resort, the Highway Authority does have powers to acquire land that it considers to be essential for road improvements.
328. The construction/improvement of the footbridge will require the agreement of Network Rail but such construction projects, whilst time consuming in their organisation, are commonplace in the context of large construction projects.

This site is not expected to deliver dwellings until at least year six post adoption, which in my view is sufficient lead time to enable these improvements to be planned and implemented. The construction of dwellings at this site would not contribute to the five-year supply so the concept of deliverability, in the context of footnote 11 to the NPPG, does not apply in this case.

Little Heath

329. Little Heath is effectively the northern edge of Potters Bar, which is mostly in Hertsmere District. The proposed sites are about 1.5km from Oakmere Park local centre and a further distance from Potters Bar railway station, to which there is only an hourly bus service. In the context of the Borough as a whole, Little Heath is not a comparatively sustainable location for new development from a movement perspective, beyond that required to meet local needs. The submitted Plan included proposals for the development of two sites on either side of Hawkeshead Road. Overall, 135 dwellings were proposed. Site revisions have changed this to about 100.

HS25 Land north of Hawkshead Road

330. 35 dwellings were proposed at this site, which was a part of the submitted Plan. The harm to the Green Belt's purposes through development was assessed as moderate-low. There are no other sites at Little Heath with a lower Green Belt harm rating. Nevertheless, development on the site would be visible from parts of the retained Green Belt to the north-east. However, this could be mitigated by the planting of a tree buffer along the site's northern boundary, which should create a robust and defensible long term Green Belt boundary. There is a need for some development at Little Heath to meet local needs and in this context, this is a comparatively sustainable site. I therefore consider that there are exceptional circumstances to remove this site from the Green Belt. To justify this and to make the proposal effective, **MM52** amends the Table so that it refers to the need for a substantial tree buffer along the northern boundary of the site.

HS24 Land south of Hawkshead Road

331. This site, which would accommodate about 100 dwellings was considered to result in high harm to the Green Belt's purposes in the stage 3 Green Belt review, if it were to be developed. During the Examination I expressed concerns about the impact development at this site would have on the visual outlook from the open Green Belt countryside to the north-west. I also asked the Council to examine the potential for an interface with new development in Potters Bar, which is immediately to the south-west of the site and where there is currently no development.

332. The review of the Hertsmere Local Plan is not anticipating any new development in the adjacent part of Potters Bar. It would not therefore be possible to coordinate new development in both districts to establish a robust permanent Green Belt boundary. The site slopes to the north-west. Consequently, any screening mitigation along that boundary will take many

years before it screens development, in the elevated south-eastern part of the site, from views across the adjacent Green Belt countryside. As Little Heath is not a comparatively sustainable location for new development in Welwyn Hatfield, there are few benefits from this development to outweigh the high harm to the Green Belt. I am supporting a MM that includes an additional site at Little Heath (HS47). This is within the frontage of the existing built-up area and its development was assessed as resulting in noticeably lower harm to Green Belt purposes than HS24. Although its capacity is smaller, it will replace some of the dwellings lost at HS24. The benefits from also allocating HS24 do not outweigh the high harm to the Green Belt. I therefore conclude that proposal HS24 is not sound¹¹⁷. **MM52** removes the proposal from the Plan.

HS47 Videne and Studlands Hawkshead Road

333. Following its call for sites in 2019, the Council submitted these two sites to the Examination in November 2020 (EX219L). They would have the capacity to accommodate about 65 dwellings. The stage 3 Green Belt review considered the effect of their development on Green Belt purposes to be moderate. Apart from HS25, the Stage 3 Green Belt assessment gave no other site at Little Heath had a lower rating. A site assessment suggested that highway safety considerations mandated a need for a combined vehicular access and that therefore the two sites should be brought forward on a comprehensive basis.

334. Other site considerations suggest that a heritage statement/impact assessment with potential remedial work may be necessary, as well as ecological and noise assessments/surveys. Whilst there are some trees along the northern, Green Belt boundary, in order to create a robust Green Belt boundary, it will be necessary to strengthen the planting. **MM52** includes the proposal in Policy SADM 32, whilst referring to the necessary site-specific criteria within Table 16. These changes enable the proposal to be justified and effective.

Cuffley

335. Cuffley is the largest inset village within the Borough. It is somewhat detached from the rest of Welwyn Hatfield and has stronger socio-economic links with north London and the Lee Valley towns than with the rest of Welwyn Hatfield. It clearly has some development needs that could not be appropriately met elsewhere within the Borough and Policy SP 3 expects it to be a secondary focus for development. The village has a railway station with regular train services to London, Hertford and Stevenage, as well as a local centre and community facilities. It also has an industrial estate that is a source of some local jobs. In comparison with some other excluded villages, it is a relatively sustainable location for development. Six sites were included in the submitted Plan, having a combined capacity of about 300 dwellings. With commitments and completions, the settlement was expected to deliver over 400 dwellings.

¹¹⁷ See paragraphs 131-138 of Stage 9 Hearings, Inspector's observations on site discussions, June 2021, (EX 273)

HS27 Land at the Meadway and HS28 Land South of Northaw Road

336. The harm to the Green Belt's purposes as a result of the development of these sites was considered to be moderate in the stage 3 analysis. Whilst there are other sites with an equivalent or lower ranking, some of these are not before the Examination. In addition, their locations are less sustainable from a movement perspective. Nevertheless, there is insufficient land within or adjacent to the village that was assessed to be of these rankings, and which could accommodate all of Cuffley's proportionate share of the Borough's FOAHN.
337. These two sites are within walking distance of the railway station, bus stops and the local centre. HS28 is also adjacent to a primary school. I consider both sites to be sustainable locations for housing development and for there to be exceptional circumstances to remove them from the Green Belt.
338. A reassessment of the capacities of these sites has increased the potential housing numbers from 30 to 60 and 108 to 121 respectively. **MM53** amends Policy SADM 33 accordingly for effectiveness. Despite the relatively low Green Belt harm assessments, development on both sites would be visible, to some extent, across the adjacent retained Green Belt, which is open countryside. To justify the removal of the sites from the Green Belt and to be consistent with national policy, a permanent Green Belt boundary needs to be established at both sites. **MM53** requires tree planting along the boundaries that interface with the Green Belt in order to justify the proposal.

HS29 and HS30 Land north of and at Wells Farm, Northaw Road

339. These two sites, located on the south-western edge of the village, have the capacity to accommodate about 150 dwellings and were a part of the submitted Plan. They were not individually assessed as a part of the stage 3 Green Belt assessment, being on the southern edge of a much larger parcel (P87) that rises above them, to the north-west, and extends along the eastern edge of Cuffley.
340. In November 2020 the Council decided that it no longer wished to support the inclusion of these sites within the Plan, because of the high harm assessment that their development would cause to the purposes of the Green Belt. Nevertheless, in the overall circumstances, I consider the Council's original decision to include these two sites, as residential development proposals, in the submitted Plan and to remove them from the Green Belt, to be sound. Parcel P87 covers a large area to the west of the settlement. Much of the parcel, which is elevated above these sites, is visible from a wide area of open countryside to the west, which is Green Belt. I agree that the area overall undoubtedly deserves a high harm assessment. However, these two sites are not widely visible, because of the topography and their low-lying context within that. Wells Farm also has trees that help to filter any views that there are of it from the north and west. It is also previously developed land with buildings, some of them unrelated to agriculture, present on the site.

341. The stage 2 Green Belt assessment considered site HS30 (Wells Farm) as a separate parcel, whereas HS29 was included in a larger parcel but none the less one that was significantly smaller than P87, in which it was included at stage 3. Overall, this parcel is also not as elevated as P87. I therefore consider the outcome of the stage 2 assessment to be based on a more appropriate assessment than that undertaken at stage 3. The Stage 2 assessment considered development at HS30 to cause 3 partial harms (to purposes 1, 2 and 3) and a limited or no harm (to purpose 4) to Green Belt purposes. The parcel that HS29 is included within, scored two partial harms (to purposes 1 and 2), one significant harm (to purpose 3) and one limited or no harm (to purpose 4) to Green Belt purposes.
342. The latter is the same outcome as was given to both sites HS27 and HS28 at Stage 2. They went on to score a moderate ranking when reassessed as individual sites by the stage 3 assessment. In these circumstances I do not consider the study's conclusion that the cumulative harm to Green Belt purposes through the development of sites HS29 and 30 would be high, to be a logical conclusion. In the context of the relative scores given to other sites at Cuffley, I consider that individual assessments of these two sites at stage 3 should, at worst, have given HS29 a moderate-high ranking and HS30 a moderate one.
343. These sites are walkable to the Primary School and the bus stops on Northaw Road. Nevertheless, bus services along Northaw Road are somewhat limited. HS29 is about 0.5km from the village centre, where there are more frequent bus services, as well as a range of shops, local facilities and train services. This distance would be walkable by most people and some commuters could also walk from this site to the railway station. The distances from HS30 are further, so that a higher proportion of its residents are likely to use the private car to access these facilities, rather than to walk or cycle. Nevertheless, the locations of the bus stops and railway station suggest that this is a location where the encouragement of the use of the more sustainable means of travel could be successful, if the right motivation was to be provided through mitigation that included bus service improvements and publicity. This could be achieved through the submission of Travel Plans, as required by Policy SADM 3 Sustainable Travel for all. Cuffley is a large excluded village, where without the inclusion of these sites in the development portfolio, the settlement would be falling far short of providing a proportionate share of the Borough's housing development needs.
344. In the above circumstances I therefore conclude that there are exceptional circumstances to remove sites HS29 and HS30 from the Green Belt. A requirement to provide a permanent Green Belt boundary by a substantial tree screen, adjoining the western boundary of both sites, is achieved through **MM53** and thereby justifies the proposal.

HS31 Land west of St Martin de Porres Catholic Church

345. This site, which is within Cuffley, was expected to accommodate 5 dwellings. However, scrutiny during the Examination cast doubts upon the availability of a

satisfactory vehicular access and thereby the deliverability of the proposal. It is therefore not effective and I consider the proposal to be unsound. **MM53** removes the proposal from Policy SADM 33.

Highway considerations

346. Throughout the Examination and including in response to the MM consultation, significant concerns were raised by various parties, including Cuffley Parish Council, about the ramifications that the vehicles generated by the occupation of a further 300 new dwellings at Cuffley, would place upon the local highway network. Despite separate discussions between the Borough Council, the Highway Authority and the Parish Council, during the course of the Examination, no agreed strategy was forthcoming. The Highway Authority, supported by the Borough Council, do not consider such improvements to be necessary to satisfactorily accommodate the additional traffic that the proposed increase in the number of dwellings at Cuffley, would generate in normal highway conditions.
347. On a number of visits during peak periods, I witnessed extensive congestion along each of the three principal roads that lead into Cuffley. Whilst I note that the long running road works, at the junction of the A10 and the M25, may have exacerbated this, the exact impact of those works on traffic congestion within Cuffley is not known. What is certain is that the introduction of vehicles generated by the construction of another 300 dwellings onto the Cuffley road network will be negative. Additionally, during the Examination, work began on nearby extensive development proposals at Goff's Oak, within Broxbourne District. This residential development will add additional vehicles to the Cuffley road network.
348. The junctions of Station Road with the Meadway and Cuffley Hill, Station Road with Northaw Road East and Plough Hill, and Northaw Road (East and West) with Cattlegate Road are the highway locations in and around the village that are most affected by traffic congestion at the present time. The proposed developments will undoubtedly add vehicular numbers to the traffic flows through all of these junctions. If justified by the likely normal future traffic flows, following the completion of the proposed developments and the motorway road works, then there is scope to implement traffic management schemes at the above junctions, in order to increase their capacities to accommodate traffic.
349. In the circumstances I consider that a cautionary approach is appropriate. For effectiveness, **FMM22** requires the four proposed housing development sites at Cuffley to contribute to highway improvement proposals within and around Cuffley as appropriate and specifically for HS27 to contribute to the improvement of the junction of The Meadway with Station Road as required. I am satisfied that were highway improvements to be subsequently found to be necessary to accommodate the increased traffic from these developments, then there would be sufficient land available to accommodate some improvements and the cost of the works would not undermine the viability of the proposals.

Conclusion

350. As a result of the changes discussed above and the MMs that put them into effect, I conclude that there are exceptional circumstances to justify removing land from the Metropolitan Green Belt to provide housing sites adjacent to the Borough's towns and excluded villages as discussed above.

Issue 12 –: Whether the policies relating to movement and infrastructure are justified, effective, consistent with national policy and positively prepared?

Movement

351. Policy SP 4 Transport and Travel seeks to support both planned growth and existing development with appropriate transport infrastructure. There is an emphasis on promoting the use of sustainable modes of travel and on improving highway safety for all highway users.

352. Policy SADM 2 Highway Network and Safety, permits development proposals where there would be no unacceptable impacts on the transport network, and they are designed to allow safe and suitable means of access and site operation. However, this does not follow national policy. The NPPF says at paragraph 32 that "*all development decisions should take account of whether safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*". **MM6** makes the necessary changes to enable this policy to reflect the requirements of national policy.

353. This policy also deals with parking standards associated with development proposals. It requires the provision of satisfactory and suitable levels of parking but without any definition or guidance as to what this represents. The policy is therefore not effective. **MM6** qualifies the criteria by referring to the criteria set out in Policy SADM 12 Parking, Servicing and Refuse, together with the Council's parking standards. It also emphasises the supporting and promotion of the use of sustainable modes of travel, which is expressed in Policy SP 4. As a result of these changes, Policy SADM 2 will now be effective.

354. Representations from the National Highways have referred to the need for assessments of the potential impact of traffic, from development at the major development sites¹¹⁸, on the Strategic Road Network's junctions. If the assessments reveal a need for improvements to these junctions, then it is essential that National Highways are alerted at an early date so that road improvements can be programmed, such that they do not impact on the

¹¹⁸ Sites delivering more than 100 dwellings and the Marshmoor employment area

timescale of the proposed delivery of the development. Policy SADM 2 requires such development proposals to be accompanied by either a Transport Assessment or a Transport Statement. Revised Policy SP 9 also requires Masterplans to be prepared for such sites. These requirements should ensure that where necessary, a long lead-in time is programmed when a development's implementation is first considered. With cooperation and insight from developers, together, these Policies should ensure that strategic highway matters are considered and resolved at an early date.

Infrastructure Delivery

355. Policy SP 13 Infrastructure Delivery, says that the Council will ensure that suitable provision is made for the new or improved infrastructure that is required to meet the levels of growth identified in the Plan. It sets out the means by which it intends to secure this but excludes grant funding. It is also unclear how the adopted Planning Obligations Supplementary Planning Document (SPD) is expected to operate once the Council adopts and implements a Community Infrastructure Levy. To ensure that the Plan is effective and justified **MM29** clarifies this by including a reference to grant funding and the Council's intention to update its Planning Obligations SPD prior to the implementation of its Community Infrastructure Levy.

Sewerage

356. Paragraph 13.19 recognises that sewage treatment capacity is a key infrastructure consideration. Capacity constraints to development have been identified at five sewage treatment works that serve parts of the Borough, as well as other neighbouring districts in some instances. Significant upgrades to the wastewater treatment works will be required. Additionally, the HRA¹¹⁹ identified issues that relate to the capacity of Rye Meads Wastewater Treatment Works and its relationship with the Lee Valley Special Protection Area and Ramsar site. The Plan refers to the necessity of working closely with other local authorities and Thames Water to coordinate the delivery of the necessary infrastructure at an appropriate stage in the development process (see paragraphs. 29-32).

357. However, if the necessary drainage improvements are to be implemented in a way that facilitates the delivery of housing in a timely manner, the policy requirements need strengthening. Following discussions at the Examination and subsequently, Thames Water changed its approach to the provision of additional infrastructure to facilitate the implementation of new development. It has been recognised that the process would be greatly assisted by more

¹¹⁹ Welwyn and Hatfield Proposed Submission Local Plan, Habitats Regulations Assessment Report, August 2016, (SUB/2)

advanced planning, both in the context of overall requirements and scheme design, as well as implementation.

358. To ensure that there is adequate surface water, foul drainage and sewage treatment capacity to serve all new developments and without causing harm to environmental interests, paragraph. 13.20, which supports Policy SP 13 Infrastructure has been strengthened. Developers are to be encouraged to discuss their proposals with Thames Water ahead of the submission of any planning application. This will help to ensure that any required network reinforcement works are delivered in tandem with the development. The Council is also to apply phasing and occupation conditions, where necessary, to ensure that network upgrades required by any phase of a development have been completed before dwellings are occupied, unless there is confirmation that capacity exists within the existing network. **MM30** puts these changes into effect, amending paragraph 13.20 and adding an additional new one. These changes will improve the effectiveness of drainage infrastructure delivery methodology and its justification.

Education

359. The Plan's housing target leads to a requirement for new schools. Policy SP 14 New Schools identifies sites for two new secondary schools and says that if evidence indicates that a site for a third secondary school is required, the identification of a site should follow a sequential approach, beginning with sites in the urban area and ending with green field sites within the Green Belt. During the course of the Examination and when it was confirmed that the housing target would be significantly higher than originally assumed, it became clear that a third site would definitely be required. Following a rigorous reassessment of educational requirements and comparative site assessments, a new school site has been identified at New Barnfield and is included in the Plan through **MM31**. This utilises previously developed land within the Green Belt. It is already designated as a Major Developed Site within the Plan under Policy SADM 34 Development within the Green Belt.

360. Policy SP14 also indicates that three new primary schools will be built within the three large new neighbourhoods that are proposed¹²⁰. The revised housing target also generates a requirement for two more. These are to be located within the proposed large developments at HS11, which is south of Hatfield and HS22, which is west of Brookmans Park.

361. In justifying the locations of new schools, paragraph 13.56 emphasises the need for their selection to be undertaken in a sustainable way, using a sequential approach, and avoiding unnecessary additional impacts on the openness of the Green Belt. During the reassessment of educational requirements and the potential locations for their siting, it became clear that they may not all be

¹²⁰ SDS1 (WGC4), SDS2 (WGC5) and SDS5 (Hat1)

accommodated in the existing urban areas or within the large new neighbourhoods. **MM31** recognises this and indicates that in such circumstances, previously developed sites within the Green Belt should be considered before greenfield sites. Policy SP 14 is also amended to accommodate the other changes to educational proposals discussed above. As a result of these, the policy will now be effective, justified and positively prepared.

Conclusion

362. As a result of the changes discussed above and the MMs that put them into effect, I conclude that the policies relating to movement and infrastructure are justified, effective, consistent with national policy and positively prepared.

Issue 13 –: Whether the policies relating to the quality of new development are justified, effective, consistent with national policy and positively prepared?

Place Making and High-Quality Design

363. Policy SP 9 Place Making and High-Quality Design sets out a set of principles that development proposals are required to deliver in an integrated and coherent way. One of these relates to the creation of safe and secure environments. Building entrances and public spaces are required to be appropriately sited, designed and lit in order to maximise natural surveillance and safety. Since the policy was formulated, national policy has moved on and local planning authorities are now required to take the most up-to-date information available from the police and other agencies into account. This includes taking proportionate steps to reduce vulnerability and increase resilience, in locations where large numbers of people are expected to congregate. To be effective, **MM22** amends the policy to reflect the changes in national guidance.

364. Additionally, the policy does not refer to the design of public spaces or that in line with government policy, such spaces should promote opportunity for physical activity. **MM22** rectifies this through the inclusion of principles that concern Healthy and Active living, as now advocated in national policy¹²¹.

365. Policy SP 9 also sets out the matters that the design of developments that include tall buildings should respond to. However, the list is very vague and not all-inclusive. There is no reference to the historic environment or to overlooking. Additionally, the policy does not establish how tall buildings will be defined. Nor is it clear what is expected from applicants, both in terms of concept and demonstration. To make the policy effective, **MM22** adds to the principles and

¹²¹ NPPF 2018 Paragraph. 92

criteria set out in Policy SP 9 to include the historic environment and overlooking. It also introduces a new subsection after paragraph 11.4 to explain the reasoning for this and to assist the effective interpretation of the principles and criteria that the design of tall buildings should consider.

366. The Plan includes the development of three large new neighbourhoods. Their individual policies all require a masterplan to be prepared. There are complex issues involved in the development of other large residential development sites (500 dwellings or more) and at ones with mixed use proposals. Similarly, masterplans are necessary at any large employment developments, as well as at major development sites within the Green Belt. There is no reference to this design concept in Policy SP 9, which is consequently not effective in this context. To remedy this **MM22** introduces a further section into Policy SP 9 to establish the circumstances where master planning will be necessary and to set out the scope of their requirements. Following representations against the revisions to the policy in the context of its ambiguity, the Council revisited the policy in the context of its effectiveness. **FMM12** provides further clarification to the criteria.

Amenity and Layout

367. Policy SADM 11 Amenity and Layout sets out the requirements that development proposals are to meet in this context. One of them requires all dwellings to be dual aspect, to enable passive ventilation and to avoid the need for mechanical ventilation. At the same time the Plan is proposing residential development on sites very close to major transport routes such as the A1M and East Coast main railway line, where noise has been identified as a problem that could affect living conditions and the design and aspect of dwellings. The policy is not therefore effective in this context. **MM23** introduces the qualification of "*wherever feasible*" to overcome this.

Parking

368. SADM 12 Parking, points out that the type and quantum of vehicle and cycle parking will be informed by the Council's parking standards and also taking account of a number of considerations set out in the policy. One of them covers the siting, layout and design of the parking but it does not clearly explain that parking spaces should be appropriately related to the part of the development that they serve or that the main purpose of open spaces should be protected from indiscriminate parking. The Policy is therefore not effective.

369. Additionally, whilst referring to the need for electric vehicle charging points in parking areas, criterion iii is not specific as to location apart from in neighbourhood centres and major residential schemes. However, the need for such facilities is universal and should be applied wherever the opportunity arises if it is appropriate. Consequently, the policy is also not effective in this

respect. **MM24** amends criteria ii and iii to remedy the above defects. **FMM13** conforms that the Council will bring forward more detailed policy on electric vehicle charging provision requirements in developments, at an early opportunity.

Conclusion

370. Subject to the modifications discussed above, I am satisfied that the Plan contains justified and effective policies relating to the quality of new development and that they are also consistent with national policy and positively prepared.

Issue 14 –: Whether the policies relating to environmental assets are justified, effective, consistent with national policy and positively prepared?

Strategic Green infrastructure

371. Policy SP12 Strategic Green Infrastructure supports the creation and enhancement of this environmental asset. It also introduces the concept of a Green Corridor running east to west across the Borough and passing between Welwyn Garden City and Hatfield. New strategic connections, linking the environmental assets in the localities that the corridor passes through, are proposed.

372. Discussions at the hearing sessions suggested that a number of the proposed connections were not sound, particularly in the context of protecting local wildlife. This was both in terms of the routes that they followed and the width of the corridor at certain locations. The corridor now includes three proposed major development sites, one of which extends into East Hertfordshire. As well as changing the rural environment of these sites, residential development will bring increased disturbance to wildlife in the areas through which the corridor passes.

373. To function effectively as a wildlife corridor, the evidence suggests that its width and extent, in parts of the proposed residential areas and beyond, needs to be expanded if species are to travel along it unhindered in the future. Whilst proposing a strategic connection with The Commons LNR in the policy, such a connection has not been transposed onto the corridor's strategic diagram (Figure 8). As illustrated the proposals are not positively prepared, effective, or justified. They are also not fully consistent with the NPPF, in the context of conserving and enhancing the natural environment. This requires the impacts of development on biodiversity to be minimised and net gains in biodiversity to be provided.

374. To make the proposal sound, the Council has reviewed its Green Corridor proposals, including providing direct links to The Commons LNR and amendments to the route through parts of the major development sites. The corridor has been moved in appropriate locations and widened where it is strategically important to do so. I have found site SDS6 and the southern part of SDS2 to be unsound. Consequently, further amendments have been necessary to Fig. 8 to accommodate these changes. **MM25** makes the changes discussed above to Fig. 8 and is necessary for the Green Corridor proposal to be effective, justified, and consistent with national policy. HS2 Creswick is a major development site adjacent to the Green Corridor. It was inadvertently omitted from the revised Fig 8. **FMM14** further amends Fig. 8 to reinstate the site. To maintain consistency with national policy, it also introduces a reference to the introduction of Local Nature Recovery Strategies by the Environment Act 2021. In updating Fig 6 Welwyn Hatfield Key Diagram, **MM5** excluded the revisions to the Strategic Green Corridor. **FMM5** rectifies this and includes the revised Strategic Green Corridor on the Key Diagram.

Heritage

375. SADM 15 Heritage sets out the considerations that proposals, which affect designated heritage assets, and the wider historic environment should consider.

376. The requirement for appropriate recording of the fabric or features that are lost or compromised, as a result of development, does not refer to the need for a site investigation and for its analysis and records to be appropriately deposited. In this context the policy would not be effective. Additionally, the possible need for assessments to be required in locations which are not designated but where the potential to contain heritage assets exists, was not referred to. In consequence the policy is also not effective in this respect.

377. In pointing out that permission for proposals that result in substantial harm to the significance of a Conservation Area will be exceptional, the policy omitted to refer to the Conservation Area's setting. This is a requirement of national policy. In discussing proposals that result in less than substantial harm to the significance of a designated heritage asset, the policy is somewhat ambiguous and therefore not effective. **MM26** corrects these defects and makes the policy effective and consistent with national policy.

Welwyn Garden City

378. Welwyn Garden City, established by Sir Ebenezer Howard in the 1920's, later became a post-war New Town. It was designed and built according to "*garden city*" principles and is a unique heritage asset. The Council recognises the "*garden city*" principles as a basis for good planning and wish to update them to reflect the current and future social, economic, environmental, and technological needs of the town and to provide a basis for the master planning of strategic

developments¹²². An updated set of "*Garden City Principles*", for master planning strategic developments, is set out in the Welwyn Garden City settlement chapter.

379. In 2018 the government published its "*Garden Communities*" which included statements concerning "*garden city principles*"¹²³. To ensure that the Plan's principles reflect national policy, the updated "*Garden City Principles*" have been revised by **MM32** to also reflect the content of "*Garden Communities*".
380. Policy SP15 The Historic Environment of Welwyn Garden City sets out policies to protect the town's unique heritage. However, in referring to heritage assets it seems to protect them. This is not an aspect of national policy contained in NPPF 2012, which also requires proposals to conserve and enhance the settings of heritage assets. **MM33** changes the policy to reflect current national policy.
381. SADM 20 Acceptable uses outside the Welwyn Garden City Core Retail Zone, as well as establishing a framework for change of use, sets out parameters for new development. These include "*Preserve and enhance the character of the Conservation Area.*" However national policy in NPPF paragraph 128 requires development proposals to "*describe the significance of any heritage assets affected, including any contribution to their setting*". To be effective and consistent with national policy, the policy wording should also refer to the character and appearance of the Conservation Area and its setting. **MM35** amends Policy SADM20 to reflect the requirements of national policy.

Urban Open Land

382. Policy SADM 17 Urban Open Land refers to areas of urban open land that are designated on the Policies Map. It lists the circumstances where proposals for development within urban open land will be supported. However, the policy omitted to include a reference to necessary educational development and would not be effective in this context. **MM27** introduces an additional criterion to the policy to make it effective. Educational development associated with the delivery of school facilities that are required to meet the evidential need for additional school places, will be supported where it can be demonstrated that the impact on any Urban Open Land has been reduced to the minimum and there will not be a net reduction in the size of any playing pitches or community recreation facilities.
383. Following the removal and development of that part of Birchall Garden Suburb (SP 19 South-East of Welwyn Garden City) and within East Hertfordshire, from the Green Belt, the area occupied by Moneyhole Lane Park and Allotments, consisting of 137.5 hectares, would no longer have links with the wider Green

¹²² Now 500 or more dwellings in size, (MM22)

¹²³ Garden Communities, MHCLG, August 2018

Belt. After the completion of the housing proposals on the adjacent land to its east, the area will be surrounded by built development. Following a reassessment¹²⁴, the Council considers that it is not appropriate to retain Moneyhole Lane Park and Allotments as Green Belt.

384. I agree with the Council's reassessment. As well as being detached from the remaining Green Belt at Birchall Garden Suburb, the area will no longer contribute significantly to any of the purposes of the Green Belt. I conclude that the proposed removal of Moneyhole Lane Park and Allotments from the Green Belt and its redesignation as Urban Open Land, is an appropriate course of action.

385. The removal of the Green Belt designation was shown and consulted upon, as a part of the revisions to the Policies Map, undertaken at the time of the MM consultation. The proposed redesignation of Moneyhole Lane Park and allotments as Urban Open Land was not so indicated. This notation will need to be inserted onto the site when the Policies Map is revised.

Ecology and Landscape

386. The Environment Act 2021 expects development proposals to conserve biodiversity and to deliver a measurable biodiversity net gain of at least 10%. Criterion i. of Policy SADM 16 Ecology and Landscape only expects proposals to enhance biodiversity. To maintain consistency with national policy **FMM15** updates the policy requirements and provides an explanation in the supporting text to give justification to the policy revisions.

387. Representations, in response to the FMM consultation, have pointed out that the application of the policy requirement has been deferred until April 2024 for small sites and that the explanation is not complete, in that it omits to say that certain sites are permanently exempt. I have amended the text in new paragraph 12.32, through a consequential modification to **FMM15**. It now refers to the implementation delay to small sites. A new footnote to define the 'de minimis' threshold has also been added.

Environmental Pollution

388. Policy SADM 18 sets out the approach that the Council will adopt to ensure that pollution will not have unacceptable impacts. When dealing with noise and vibration, at criterion iii. it points out that proposals that are intrusive and would have an adverse effect on human health will be resisted. However, the NPPF refers to the quality of life, which is a more embracing concept than human health. The policy does not therefore accord with national policy. Additionally, it requires the need for and benefits of the development to outweigh the harm and

¹²⁴ Urban Open Land, (EX306)

for all feasible solutions to avoid and mitigate that harm to have been fully implemented. The NPPF requires the adverse impacts to be reduced to a minimum, rather than to be balanced against the scheme's benefits. It also refers to the use of planning conditions to help mitigate and reduce adverse impacts. **MM28** rewords the policy to make it consistent with the NPPF. In doing so the intention of the policy is clearer and it will therefore be more effective, as well as being consistent with national policy.

Conclusion

389. The MMs described above enable me to conclude that the policies relating to environmental assets are now justified, effective, consistent with national policy and positively prepared.

Issue 15 –: Whether the policy relating to the preparation of neighbourhood plans is effective and consistent with national policy?

390. The NPPF requires Neighbourhood Plans to be aligned with the strategic needs and priorities of the wider local area. Policy SP 26 Neighbourhood Planning sets out criteria that Neighbourhood Plans should follow. In simply saying that they should demonstrate how they have had regard to information on local need for new homes, jobs and facilities for their plan area, the Policy could lead to ambiguity. The NPPF clearly says that they should be in general conformity with the strategic policies of the Local Plan, including its housing requirement. To be consistent with national policy and this Plan, for effectiveness, **MM56** points out that Neighbourhood Plans should have regard to the proportionate distribution of growth throughout the Borough, which is set out in Policy SP 3.

Conclusion

391. As amended the policy relating to the preparation of Neighbourhood Plans is now effective and consistent with national policy.

Issue 16 –: Are the plan's implementation and monitoring policies and mechanisms effective, justified, and consistent with national policy?

392. At the time of submission, the Council anticipated that its review of the Planning Obligations SPD (2012) would be completed by early 2018 and that a Community Infrastructure Levy Charging Schedule would be adopted thereafter. Although the Council's Draft Charging Schedule was eventually published and consulted on in 2020, the Council has not progressed to an Adopted Charging Schedule. Paragraph 27.10 is consequently not effective. **FMM23** notes this and explains that it is still the Council's intention to move to an Adopted Charging Schedule as soon as possible.

393. Table 19 sets out the Local Plan Policies, Indicators and Targets for Monitoring purposes. Changes to the plan dates, amendments to some policies, the introduction of additional sites and changes to the capacities of some Regulation 19 housing sites and the windfall allowance, changes to the Use Classes Order, as well as revisions to the population, household, retail, and employment forecasts have all necessitated updates to the relevant sections of Table 19. Without the changes to this table, as set out in **FMM23**, the monitoring schedule would not be justified, effective or consistent with national policy.
394. For effectiveness, updates are also required to the numbers in the housing and employment floorspace trajectories contained in Appendix A. **FM24** updates this information to a 1 April 2023 base date.

Conclusion

395. As amended the Implementation and Monitoring policies and mechanisms are now effective, justified and consistent with national policy.

Overall Conclusion and Recommendation

396. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.
397. The Council has requested that I recommend MMs to make the Plan sound and legally compliant and capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended main modifications, further main modifications and consequential modifications, set out in the Appendix, the Welwyn Hatfield Local Plan (2016) satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Melvyn Middleton

Inspector

This report is accompanied by an Appendix containing the Main Modifications and the Further Main Modifications.