

Examination of the Welwyn Hatfield Local Plan

Council's Statement for the

Stage 3 Hearing on

20th to 22nd February 2018

Session 11

**SP11 Protection and enhancement of Critical
environmental assets**



SP 11 Protection and enhancement of critical environmental assets

74) Should the plan make reference to locally listed buildings?

Welwyn Hatfield Response

- a) Historic England raised the issue in their representation that the Plan has failed to include any reference to any locally listed buildings or a local list of buildings of heritage importance (i.e. non designated heritage assets), that may have a degree of significance, meriting consideration in planning decisions (Para 135, NPPF). They recommended that the Council should as a minimum establish criteria to identify non designated heritage assets and ideally a local list linked to Local Plan policies.
- b) There is no requirement to produce a local list in the NPPF. Welwyn Hatfield Local Plan does not include any reference to any locally Listed Buildings (or local list), except for a proposed minor modification (para 14.11) that clarifies that notable examples of locally important buildings are included in the Welwyn Garden City Conservation Area Appraisal (2007). Apart from the reference in the Welwyn Garden City Conservation Area Appraisal there are no other buildings which have been identified as being of local importance.
- c) Guidance has already been produced by Historic England (in Advice Note 7) setting out the criteria which can be used to establish such a list and the Council consider that is not a matter which needs to be included in the Local Plan.
- d) Policy SP11: *Protection and enhancement of critical environmental assets* sets the strategic approach for protecting and enhancing critical environmental assets. This is supported by a number of policies such as SADM15: Heritage which sets out a criteria based policy for ensuring that development proposals protect and enhance the character, appearance and setting of the historic environment and relates to both designated and non-designated assets. Policy SP 15: Historic Environment of Welwyn Garden City sets out the approach for ensuring proposals protect and enhance the historical environment of the garden city.
- e) In line with the statement of common ground with Historic England (EX31), the Council confirm that it is not opposed to compiling a local list (in principle), but is not proposing that one will be currently be produced.

75) Without a mechanism requiring sites with the potential to contain heritage assets to be adequately assessed, how can the policy be fully effective at conserving the historic environment?

Welwyn Hatfield Response

- a) Hertfordshire County Council raised the issue that the Plan should acknowledge sites have potential to contain unidentified heritage assets, which may be of high significance and worthy of designation. In addition the County Council recommended that for the policies to be effective at mitigating any harm to heritage assets provision should be made for the analysis and publication of any significant archaeological information, as well as a depository for archives. A number of minor modification have already been proposed that help to provide further clarity on this (Paras 12.34, 12.51).
- b) Policy SP11 sets out the strategic approach for protecting and enhancing environmental assets, including heritage assets. This is supported by SADM15 that includes a criteria based approach for assessing the impact of proposals on heritage assets and the historic environment and sets out a requirement for appropriate assessments to be carried out. A modification proposed at the end of the third paragraph of Policy SADM15 clarifies that this also applies to sites in locations where the potential to contain heritage assets exists. The historic environment applies to sites that may contain previously unknown heritage assets and reference is made in the supporting text in paragraphs 12.46 -12.51.
- c) The supporting text outlines the mechanism by which proposals may be required to assess whether they contain previously unknown potential heritage assets and their impact. This requires proposals to assess whether their site is located within (or proximate) to areas of archaeological significance (AAS), which are areas that have a high-moderate archaeological potential. It notes that areas outside of these may contain important archaeological remains that may need to be investigated and recorded. Also, it outlines the actions that stakeholders may need to take to preserve the previously unknown archaeological assets, whether any mitigation measures may be required, based on their significance.
- d) However in order to provide more clarity, a minor modification has been proposed to the supporting text of Policy SADM15 (para 12.47), to clarify that unknown potential archaeological heritage assets may be present on sites outside of areas of archaeological significance that may need to be assessed.

Delete and move the 3rd sentence to before the second to last sentence in paragraph 12.47, so that it reads as follows: “... *minimise potential conflict. **This does not mean that areas outside the AAS are without archaeological potential, and important archaeological remains may exist elsewhere in the borough.** From time to time...*”.

76) Would the plan be more effective if there was a specific strategic policy that sought to conserve and enhance the historic environment?

Welwyn Hatfield Response

- a) Policy SP11 sets out the strategic approach to protect and enhance the borough's environmental assets, including heritage assets, in line with the NPPF. This approach has been welcomed by Historic England who have not proposed any changes to this policy.
- b) It is not considered that a separate policy would be any more effective than the current policy with respect to conserving and enhancing the historic environment. By identifying heritage assets in this policy the strategy recognises that these are critical assets. It explicitly seeks their protection, enhancement and management commensurate with their significance and the supporting text makes reference to their contribution to the character and local distinctiveness of the area. Furthermore the policy supports development that would make a positive improvement to heritage assets.
- c) In response to representations on this policy a minor modification has already been proposed to the list of heritage assets in paragraph 12.34 to refer to Hatfield House and its gardens. This paragraph already refers to the Garden City and recognises along with paragraph 12.35 the contribution heritage assets make and can continue to make to the borough. Policy SP15 specifically addresses the historic environment of Welwyn Garden City and Policy SP9 requires proposals to analyse the character and context of a site which the supporting text makes clear includes an analysis of its historic setting.

77) Is the interpretation of green infrastructure in the plan consistent with the definition in National Planning Policy Guidance (NPPG)?

Welwyn Hatfield Response

- a) The NPPG defines green infrastructure as '*a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities*'¹. It provides multiple benefits, at a range of scales for the environment, economy and society.
- b) The Plan is consistent with the NPPG. Policy SP11 and supporting text (para. 12.25) promote and recognise the multi-functional role of green infrastructure in line with national guidance, particularly in environmental and social terms. However, the benefits emphasised in the policy are not definitive and other policies in the Local Plan identify the varying roles and functions of green infrastructure at varying scales. For example, policies SP11, SADM16 and SADM17 promote the environmental value of ecological assets. The design policies SP9, SP10, SADM13 and SADM14 emphasise how green infrastructure at neighbourhood and site level provide social and environmental benefits.
- c) The council's approach has been informed by the Hertfordshire Strategic Highlights Green Infrastructure Plan (**ENV/4, ENV/4a**) and Welwyn Hatfield Green Infrastructure

¹ Natural Environment, paragraph 27 ID: 8-027 -2160211

Plan (**ENV/3, ENV/3a**). The Welwyn Hatfield Green Infrastructure Plan (2011) provides an assessment of the multiple environmental, social and economic functions of green infrastructure in the borough and proposes potential projects to enhance the network. This evidence is taken forward in the delivery of strategic green infrastructure in Policy SP12.

- d) Therefore, the Local Plan recognises and promotes the multi-functional importance of green infrastructure through a range of policies.
- e) Hertfordshire County Council has raised concern that the interpretation of green infrastructure in the plan is inconsistent with this definition because it does not fully promote its multi-functional role at a range of scales.
- f) Welwyn Hatfield Council disagrees with this representation and considers the approach taken to promoting green infrastructure throughout the Local Plan is consistent with national guidance and no modification is required to make the Plan sound.

78) **Does the policy adequately define and promote the fundamental role of green infrastructure in managing sustainability?**

Welwyn Hatfield Response

- a) Policy SP 11 defines and promotes strategic principles for protecting and enhancing environmental assets in Welwyn Hatfield. As such, the policy does adequately define and promote some of the key roles green infrastructure plays in managing sustainability. The policy requirements seek to conserve natural assets to preserve the ecology and landscape; take account of agricultural land; protect and enhance the quality of water bodies; maintain their flood management function and ensure new developments improve biodiversity and ecology. These principles recognise the ecological value of green infrastructure, but also its importance to other dimensions of sustainability such as food production, quality of life, flood protection and climate change adaptation.
- b) The value of green infrastructure to sustainability is outlined in national guidance. Planning Practice Guidance (NPPG) emphasises that green infrastructure is important to the delivery of high quality sustainable development, alongside other infrastructure, because of the ecosystem services it provides for the community, economy and the environment.
- c) Paragraph 30 of the NPPG lists the contribution of green infrastructure to different dimensions of planning policy, including conserving the natural environment, delivering high quality developments, creating healthy communities and ensuring a vibrant economy. The Council's Green Infrastructure Plan (**ENV/3/ ENV/3a**) acknowledges the many benefits of green infrastructure and assesses its different functions in the borough.
- d) On this basis SP11 only promotes part of the value of green infrastructure. Policy SP12 and supporting text (para. 12.25) promotes and recognises the multi-functional

role of green infrastructure. However, the varying roles and functions of green infrastructure permeate a number of the Local Plan policies:

- Policies SP 9 and SP 10 - promote the delivery of open spaces and landscaping at building and site level within new development, to improve the quality and character of the design, to enhance the environmental performance of the development (e.g. tree planting for shading, green roofs) and to improve health and quality of life.
 - SADM14- requires green corridors alongside watercourses and sustainable urban drainage to minimise flood risk and enhance biodiversity and ecology.
 - SADM16- requires new developments to protect and enhance biodiversity, ecological networks and assets and the landscape.
 - SADM17- Protects areas of urban open land which are vital to form, character and quality of the built up areas.
 - SP 6 and SADM7- protects community facilities including parks and playing fields to ensure people have access to open space for sport and recreation.
 - Policies for strategic housing and employment sites all promote a need for green infrastructure, which will be taken forward in the master planning process.
- e) A representation to the Submission Local Plan 2016 raises concern that the Plan does not promote the role of green infrastructure as critical to delivering sustainable development. However, the council disagree with this representation. In combination, the policies in the Local Plan successfully define and promote the fundamental and wide-ranging role green infrastructure plays in managing sustainability.

9) Does the policy ensure that new development will contribute towards achieving net gains to biodiversity?

Welwyn Hatfield Response

- a) Yes, Policy SP 11 promotes the protection, management and enhancement of environment and ecological assets. The supporting text to Policy SP 11 (paragraphs 12.14- 12.17) demonstrates that development proposals should follow the mitigation hierarchy to limit the impact on biodiversity. It requires proposals to follow a sequential approach of avoiding potential harm to biodiversity, reducing it, remediating it and as a last resort compensating it. Also, where appropriate, it recommends the use of expert consultants to produce the supporting evidence for proposals and to demonstrate that any potential impacts on biodiversity have been adequately mitigated or compensated. The requirement for this mitigation hierarchy, proportionate to the status of the site of ecological importance, is set out in Policy SADM 16.
- b) A minor modification has been proposed to make it clear in paragraph 12.15 that compensation can be delivered on site.

*'This can be achieved **via replacement habitat creation either on or off-site** to help achieve an overall net gain in biodiversity or improvements to the structure and function of ecological networks in the wider area.'*

- c) Whilst, Policy SP11 and SADM16 promote the enhancement of environmental assets and biodiversity, a further modification is proposed to paragraph 12.15 to reiterate this approach when using the mitigation hierarchy:

*'The mitigation hierarchy should be followed at all times to limit adverse impacts on ecology and biodiversity **and provide net gains where possible**'.*

- d) Several of the respondents to the Submission Local Plan consider that the Council should require quantitative measures to assess biodiversity net loss or gain. However, the Council is adopting a flexible approach, requiring quantitative and qualitative assessments rather than a quantitative assessment alone. The scope of assessment required will largely depend upon factors such as the scale, and type of proposal, its location and the sensitivity/significance of ecological assets. Proposals must follow good practice and justify their approach in Ecological Impact Assessments or their Sustainable Design Statement.
- e) This approach complies with the National Planning Practice Guidelines, which requires planning policies to minimise impacts on biodiversity and seek to achieve net gains in biodiversity, but does not advocate the use of quantitative assessments over qualitative assessment.

80) Does this section of the plan sufficiently recognize the ecological importance of the River Mimram and its environment?

Welwyn Hatfield Response

- a) Yes. The Council consider that this section has sufficiently recognised the ecological importance of the River Mimram and its environment. Policy SP11 requires proposals to protect, enhance the ecological status of water bodies and its environment, as well as ensure they maintain their flood management function.
- b) A proposed minor modification to Table 8 and paragraph 12.7 in the supporting text has clarified that the Mimram is an internationally important habitat, as there are only 200 chalk streams in the world, 85% of which are located within England. However, it should be emphasised that River Mimram is not protected by any national or international environmental designations.
- c) An additional modification to paragraph 12.17 emphasise the important role watercourses play to protect, enhance biodiversity and ecological networks. Reference is also made to the need to maintain development free corridors along watercourses, explore opportunities to naturalise them, improve their ecological status, biodiversity and habitat connectivity, in line with the Water Framework Directive.

81) Is the Water Framework Directive clearly reflected in this policy?

Welwyn Hatfield Response

- d) The policy requires that proposals affecting the water environment should protect and enhance the ecological status of water bodies and maintain its flood management function. The Water Framework Directive (WFD) seeks to enhance the ecological status and potential in watercourses/waterbodies and prevent the deterioration in status and this is outlined in Section 13.2 of the 'Strategic Flood Risk Assessment Level 1 and 2 Report' ENV/10 (amended May 2016).
- e) The preservation of flood plains is explicitly captured in the SFRA and this aligns with the objectives of the WFD and environmental enhancement of future developments, as identified in Section 13.6 of the Strategic Flood Risk Assessment Level 1 and 2 Report (amended May 2016). In addition, the requirements with respect to SuDs are aligned with improving the quality of run-off, it would be expected that the implementation of such features reflects the aims of the WFD and will potentially contribute to an improvement in water quality.
- f) A minor modification has already been proposed to include reference to the Water Framework Directive within Policy SP11 and the supporting text. This requires proposals to maintain a development free corridor along watercourses (in line with SADM14), explore opportunities to naturalise them and improve their ecological status, biodiversity and habitat connectivity, in compliance with the Water Framework Directive.

82) Should River Basin Management Plans be referred to?

Welwyn Hatfield Response

- a) In general, River Basin Management Plans (RBMP) are high level documents, focusing on larger geographic extents, such as the Thames Basin, rather than localised catchment details. Whilst there is currently no explicit reference to RBMPs in the policy, the Thames RBMP is referred to as an evidence base in Section 2.7.2 of the Strategic Flood Risk Assessment Level 1 and 2 Report (ENV/10), outlining the possible improvements in the context of key catchment management messages in line with the WFD. Whilst the SFRA does include responses that address WFD issues, it is recognised that to fully address WFD aims would require consideration of a wider range of issues, as would be encompassed by a Water Cycle Study such as the Hertfordshire Water Study.
- b) A minor modification has been proposed to include reference to the Thames River Basin Catchment Plan, in the supporting text after paragraph 12.18 as follows:

Water Environment

“The Thames River Basin Management Plan is an important source of information on the water environment and provides a high level framework of all the actions that stakeholders may be required to undertake through planning processes, in order to protect and improve the ecological status of water bodies, in line with the Water Framework Directive”.

83) Does the wording of the second paragraph adequately reflect the intention of NPPF at paragraph 112 to take into account of the economic and other benefits of the best and most versatile agricultural land?

Welwyn Hatfield Response

- a) Paragraph 112 of the NPPF states: “*Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.*”
- b) In response to the Draft Local Plan Proposed Submission 2016, a representation seeks a change to Policy to:
- “... reflect Para 112 of NPPF, which recognizes that there will be circumstances when the use of best and most versatile agricultural land will be necessary”.
- c) The NPPF is acknowledging that there will be circumstances where *significant development* using agricultural land will be necessary. Where this is demonstrated to be the case, the use of poorer quality land is preferred to that of a higher quality.
- d) A preference (of one option or another) does not completely dismiss the possibility that a less preferred option (e.g. the use of higher quality agricultural land) may in certain circumstances, be unavoidable or necessary. This was acknowledged in CS11 of the Emerging Core Strategy (ECS) 2012 (LPD/4), which stated:
- “*The best and most versatile agricultural land that has the greatest potential for local food security will be protected. Where the use of agricultural land is necessary to meet the levels of growth identified in Policy CS2 the council will direct growth to the poorer qualities of agricultural land unless this would significantly compromise the delivery of other objectives set out in this strategy.*”
- e) Paragraph 12.20 of the ECS 2012 acknowledged that part of the proposed new neighbourhood to the North-West of Hatfield includes *best and most versatile agricultural land*. However, this broad location is essential to the delivery other plan objectives – it is the only location wholly within the borough of a sufficient scale to deliver the necessary infrastructure on-site (including both secondary and primary schools) alongside housing growth.
- f) A Sustainability Appraisal Report (SUB/3) accompanied the Draft Local Plan Proposed Submission 2016. Objective 4.10 considers whether a policy or proposal in the Plan is likely to *promote the conservation and sustainable use of productive agricultural land (and maximise use of previously developed land)*. Various references are made throughout the Sustainability Report to the potential impacts of a policy or proposal against this objective.
- g) The Plan has been prepared consistent with paragraph 112 of the NPPF and no further *significant development* is envisaged involving the use of agricultural land than that already planned for.
- h) Policy SP 11 remains concerned with protecting the borough’s critical assets, including the best and most versatile land, consistent with the overall strategy.

i) The Council acknowledges that the reference within Policy to, “*the greatest potential for local food security*”, whilst addressing a number of comments received at earlier stages of plan preparation, has the effect of limiting the application of policy to certain agricultural uses. The definition of agriculture in S336 of the Town and Country Planning Act 1990 is however much broader, involving land-uses, which are predominantly, but not necessarily associated with food production. It also, by reference to ‘*local*’ fails to acknowledge the value of agriculture to the wider economy.

j) A modification is therefore proposed to Policy SP 11 as follows:

“The economic and other benefits of protecting the best and most versatile agricultural land that has the greatest potential for local food security will be protected a material consideration in decision making.”

84) Would section ii. B. of Policy SADM14 be more effective if incorporated into Policy SP11 or a sub policy of it?

Welwyn Hatfield Response

g) No. Policy SP11: Protection and enhancement of critical environmental assets is a strategic policy, which seeks to restrict development within flood zones. There is considered to be no reason to repeat the requirements of Policy SADM14: Flood Risk and Surface Water Management, which seeks to maintain an appropriate development free corridor along watercourses etc. (.i.e. Section ii.B), within Policy SP11.

h) A minor modification has already been proposed to the supporting text of policy SP11, which is cross referenced to Policy SADM14. This clarifies that proposals will have to maintain a development free corridor along watercourses, which should ideally be an 8m buffer strip alongside rivers.