

# **Examination of the Welwyn Hatfield Local Plan**

**Council's Statement for the  
Stage 3 Hearing on  
20<sup>th</sup> to 22<sup>nd</sup> February 2018**

**Session 12  
SP12 Strategic Green Infrastructure and  
SADM15-18**



## SP12 Strategic Green Infrastructure

### 85) Does the policy adequately define and promote the fundamental role of green infrastructure in maximising sustainable development?

#### ***Welwyn Hatfield Response***

- a) Yes. Policy SP12 is considered to adequately define and promote the role of green infrastructure in maximising sustainable development.
- b) The supporting text in paragraph 12.25 of SP12 includes the definition of Green Infrastructure from Annex 2 of the NPPF and paragraph 027 Reference ID: 8-027-2160211 of the Planning Practice Guidance. It provides a summary of the assets and designations that form the borough's network of Green Infrastructure. Whilst paragraphs 12.27 – 12 31 provide further detail and makes reference to the Welwyn Hatfield Green Infrastructure Plan. The text makes it clear that Green Infrastructure can occur at a range of scales and is not just strategic in its nature. (A minor modification is proposed in this respect).
- c) The Council's Green Infrastructure Plan (ENV/3) provides an overview of the borough's existing Green Infrastructure network; identified multiple environmental, social and to some extent economic functions that this can or needs to perform for people, communities, wildlife or ecosystems. Based upon a spatial analysis of these functions and the location of settlements, it then identified a series of potential projects for enhancing or creating new green infrastructure, to maximise the multiple benefits of it and promote sustainable development.
- d) A minor modification is proposed, adding a new paragraph after paragraph 12.27 as follows:

*"The policy framework for Green Infrastructure recognises that land is becoming increasingly scarce and the provision of green infrastructure should fulfil multiple functions as part of a wider network, including beyond the borough boundary, to maximise the social, economic and environmental benefits from the natural environment, to promote sustainable development."*

### 86. Is the policy consistent with the definition and understanding of Green Infrastructure set out in the NPPG?

#### ***Welwyn Hatfield Response***

- a) Yes. The Council consider Policy SP12 and its supporting text to be consistent with the definition and understanding of Green Infrastructure set out in the NPPG.
- b) As stated above, paragraph 12.25 of the Local Plan is consistent with the definition of Green infrastructure in the PPG, the NPPF. The PPG further elaborates that this is more than conventional open space and in summary includes a network of parks, open spaces, streams, canals, street trees, allotments, private gardens, as well as features such as green roofs and walls. It emphasises that Green Infrastructure is important for the delivery of sustainable development, as it provides multiple benefits notably ecosystem services, at a range of scales, derived from natural systems and

processes, for the individual, for society, the economy and the environment. It is considered that this is not inconsistent with the supporting text to this policy.

- c) Policy SP12 sets out a positive approach for protecting, enhancing, managing and delivering new green infrastructure. It requires proposals to have regard to ecological mapping and open space standards, as well as contribute towards delivering the Strategic Green Infrastructure. Further, it outlines the approach for delivering the Green Corridor and the need to produce a SPD to support the production of master plans for the strategic development sites and the delivery of it. Whilst the supporting text defines green infrastructure, outlines the findings supporting evidence base, the multifunctional uses of open green spaces and the multiple benefits that could be derived.

**87. Should there be better referencing of the inter-authority network of the Green Infrastructure?**

***Welwyn Hatfield Response***

- a) The Local Plan sets out a positive strategy for the creation, protection, enhancement, management of a Green Infrastructure and biodiversity network, within the area and the wider countywide area (NPPF, 114, 117). The Hertfordshire Strategic Highlights Green Infrastructure Plan (ENV/4) provides the strategic context whilst the Welwyn Hatfield Green Infrastructure Plan (ENV/3) which was prepared by the same consultants at the same time as the countywide plan provides a more detailed but local picture. The Green Corridor Strategic Framework Plan Stage 1 (ENV/12), builds on the recommendations of the Welwyn Hatfield GIP to improve access to Panshanger Park and Ellenbrook County Park.
- b) The Key Diagram on Figure 6 of the Local Plan identifies key Green Infrastructure both within and beyond the borough boundary whilst Figure 8 identifies significant green infrastructure both within and outside the borough boundary which will be linked by the Green Corridor.
- c) Whilst these diagrams clearly refer to assets beyond the borough boundary, minor modification is proposed in the supporting text (after paragraph 12.27) to clarify that the Green Infrastructure network extends beyond the borough boundary as noted in the Council's response to Q85 above.

**88. Should the policy explain and promote the multi-functional uses and benefits of green infrastructure?**

***Welwyn Hatfield Response***

- a) The purpose of Policy SP12 is to set out the Council's strategy for maintaining and enhancing the existing network and for delivering new infrastructure.
- b) It is more appropriate for the supporting text to set out the *benefits* and the Council consider that paragraphs 12.25 -12.27 do so, and no further changes need to be made to make the plan sound on this matter.

**89) Does the policy give sufficient emphasis to the role that cycling can play in sustainable movement?**

***Welwyn Hatfield Response***

- a) In our view yes. The policy overall supports the principle of improved public access to green infrastructure and certain projects identified in the policy, for example the Implementation of the Hertfordshire Rights of Way Improvement Plan, will look at the opportunities for opening up the countryside to more active travel, including cycling.
- b) Within the Welwyn Hatfield Green Corridor section of Policy SP12, at the third paragraph, there is clear reference to the importance of connectivity and to off-road cycling routes:
- “The Green Corridor will connect existing green infrastructure, ecological assets, footpaths, cycleways and bridleways..... It will provide opportunities for the creation of new green spaces; wildlife and biodiversity projects; circular leisure routes; play, sport and leisure facilities; and new off road routes linked to the surrounding area.”*
- c) Detailed proposals for cycle access to new and existing green infrastructure will be brought forward through the Council’s emerging Green Corridor document, the masterplans for strategic sites and potentially through County Council documents under the umbrella of LTP4, including the Growth and Transport Plan and the Active Travel Strategy.

**90) Has sufficient attention been paid to the value of green infrastructure to cycling and its overall health benefits?**

***Welwyn Hatfield Response***

- a) In our view yes. The Local Plan as a whole recognises the potential health benefits from use of green infrastructure and from active travel in association with use of such infrastructure. This starts with Policy SP1 on Delivering Sustainable Development, continues through Policy SP9 on Place Making and High Quality Design and Policy SP12, then is also reflected in the settlement specific policies (for example through Garden City Principles for masterplanning (p131) and through the strategic site policies SP18, SP19, SP22 and SP24.

**91) Should new development be required to meet the standards for the provision of public open space set out in the Planning Obligations Supplementary Planning Document?**

***Welwyn Hatfield Response***

- a) Yes. The Council has formulated a positive strategy for the enhancement and provision of new public open space, to support the future growth and sustainable development of the area (Para 17, NPPF).The open space standards included in the Planning Obligations SPD (WH/8) have been informed by The Assessment of Open Space, Outdoor Sport and Recreation Study 2009 (OC/2). This undertook a

quantitative and qualitative assessment of existing provisions and set new standards. The Sports Facility Study and Strategy (OC/3, 5) sets out the types of facilities that will need to be delivered. This evidence has informed the standards set out in the Planning Obligations SPD which itself has been subject to public consultation in line with paragraphs 73 and 157 of the NPPF. In addition, the proposed open space standards are supported by viability assessments (VIB4/7) that have tested the potential cumulative impact of the open space standards, along with other local and national policy on the viability of the proposed strategic development sites and the deliverability of the Plan in line with paragraphs 173 and 174 of the NPPF.

- b) A minor modification has been proposed to Policy SP12, to clarify that new development should meet the standards for the provision of open space as set out in the Planning Obligations SPD, rather than just having regard to it. In addition, a minor modification has been proposed to Policy SP13: Infrastructure Delivery to clarify that the Planning Obligations SPD sets out guidance in relation to the negotiation of the S106 contributions and will be updated in due course to reflect the Council's approach to planning obligations, once CIL has been implemented.

**92. Should River Basin Management Plans guidance and the Water Framework Directive be referenced in this Policy?**

**Welwyn Hatfield Response**

- a) No. Proposed minor modifications to policy SP11 include references to the Water Framework Directive and the supporting text to Policy SP11 refers to the role of the River Thames Basin Management Plan as a source of evidence. This is considered adequate. There is no need to repeat reference to River Basin Management Plans in this policy.

Modified Policy SP11 to state as follows:

“Proposals affecting the water environment should protect and enhance the ecological status of water bodies, **in accordance with the Water Framework Directive**, and maintain its flood management function.”

Supporting text modification – insert a new paragraph 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.

**93. Is too much development being proposed in the Welwyn / Hatfield Green Corridor to maintain its existing natural assets, including its wildlife and to enable their enhancement to be achieved?**

**Welwyn Hatfield Response**

- a) The Council has given detailed consideration to the implications of potential development within the Welwyn Hatfield Green Corridor. Following appropriate assessments the Council considers that development can be accommodated in the Green Corridor in a way which will maintain and enhance the natural assets and which will support the achievement of the wider Green Corridor objectives.
- b) The Council's first reference when considering potential impacts of development on natural assets was to refer to records of sites of wildlife importance. There are no wildlife sites of international (SAC, SPA etc.) – or indeed national (SSSI) – value in or immediately adjacent to the Green Corridor. The Corridor does embrace two Local Nature Reserves (LNR) - The Commons LNR and Stanborough Reedmarsh LNR and HMWT reserve, both statutory sites in respect of LNR status. There are also a number of Ancient Woodlands within the Green Corridor which are designated as Local Wildlife Sites.
- c) The second stage was engagement with Herts and Middlesex Wildlife Trust (HMWT) and the Hertfordshire Ecology Team who work with the Hertfordshire Environmental Records Centre (HERC) which maintains information about sites of wildlife importance. The Ecological Network Mapping database is a county-wide project which updated the previous Hertfordshire Biodiversity Action Plan 'High Biodiversity Areas' and provides a landscape scale understanding of habitat networks. It is based on existing site data, plant records and aerial photo interpretation to provide an understanding of the ecological characteristics of the county and to identify potential areas for conservation priority.
- d) Promoted development sites with significant environmental constraints were ruled out an early stage in the plan-making process. This included where all, or the majority, of a site was designated as a Special Area for Conservation (SAC), a Special protection Area (SPA), a Site of Special Scientific Interest (SSSI), a Registered Historic Park and Garden (HPG), a Local Nature Reserve and/or a Local Wildlife Site. This is set out in the methodology for The Housing and Economic Land Availability Assessment (HELAA) (HOU/19). A more detailed site specific assessment was then carried out on sites where there was the potential to impact on a neighbouring site of ecological importance.
- e) The Local Plan Sustainability Appraisal 2016 (SUB/3) assesses the likely effects of the local plan's policies and proposals. It identifies the likely significant effects before mitigation is taken into account, and identifies local plan policies which will help to minimise negative effects. The Council has also produced a Habitats Regulations Assessment (HRA) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended) (SUB/2). The HRA has informed the SA conclusions in relation to the impact of the Local Plan on European and Ramsar sites. Other biodiversity interests have been considered by the SA. The assumptions at Appendix 2 to the SA Report (SA/6b) set out how impacts on biodiversity are considered through the SA (see criteria 4.6), both in relation to designated sites, and

other greenfield land. Criteria 4.4 addresses open space and landscape features which may also provide habitats and links.

- f) As set out the assumptions for criteria 4.6, the SA considers distance to designated sites, and ancient woodland, and for non-designated sites recognises that there may be impacts on biodiversity (see Appendix 2; SA/6b). The SA points to the mitigation required by local plan policies, to protect and conserve biodiversity (these are listed in the final column of the appraisal matrix).
- g) The Local Plan directs development to areas of least ecological value, seeks to protect those areas of highest value and implicitly requires development to achieve net gains to biodiversity through a process of avoidance of impact, minimisation of impact and mitigation through enhancement and or compensation where appropriate. The proposed development sites in the Green Corridor have been allocated in this context and been subject to assessment through the HELAA and as part of the SA and HRA process.
- h) In order to ensure that the Green Corridor delivers the objectives set out in the Green Corridor Strategic Framework Plan Stage 1 Report (August 2015) (ENV/12), including to protect and enhance the wildlife habitats and biodiversity that can be found along the route, the Council will prepare a Green Corridor Supplementary Planning Document (SPD) as stated in Policy SP 12 of the Plan. This will contain detailed proposals for the development/creation of the green corridor having regard to key evidence and in consultation with key stakeholders.
- i) The proposals set out in the Green Corridor SPD will be incorporated into the masterplanning of major development sites affecting the Green Corridor. The four main sites proposed in the vicinity of the green corridor are strategic sites and as such will be subject to a masterplanning approach. The masterplans will be required to be prepared in accordance with the Green Corridor SPD. The masterplans will be supported by detailed evidence including ecological assessment. They will set out in detail how development will support ecological objectives including any required mitigation and planned enhancements.
- j) The broad parameters for the development of the strategic sites in the vicinity of the green corridor are set out of a series of strategic diagrams in the Plan (Figures 11, 12, 14 and 16). As a starting point key natural assets such as designated wildlife sites and ancient woodland will be fully protected from development. Secondly buffers will be delivered between these assets and new built development. Thirdly the green corridor has been routed such that it connects up and integrates key natural assets.
- k) As part of the masterplanning process for strategic development sites the Council will require site promoters to undertake ecological surveys (note: ecological surveys have already been submitted in respect to the Birchall Garden Suburb south east of Welwyn Garden City (**EX36**)). Surveys should identify the value of species, their vulnerability where appropriate, and set out how development may affect either the habitat or species. The surveys should also consider the inter-relationship between different parts of the site, particularly in regard to more mobile species such as birds and

- l) The detail of the mitigation strategy will be determined through the masterplanning process as the mitigation is integral to the design of sites and vice versa. The evidence on species and habitats will feed into the more detailed consideration of where built development can occur, where more sensitive areas are located and what the design needs to encompass in order to avoid impacts, to minimise impacts and where necessary, to enhance through new landscaping or management schemes.
- m) Planning conditions and a Section 106 agreement will then be used to secure both during and after development the delivery of the aspirations set out in the masterplan and SPD.

**94. Is the proposed Green Corridor sufficiently wide to enable it to be environmentally viable as a strategic ecological route?**

***Welwyn Hatfield Response***

- a) Policy SP 12 contains a commitment by the Council to work with partners to actively support the creation and enhancement of strategic green infrastructure across the borough. Opportunities to link existing green spaces and to improve public access and amenity will be supported in order to provide a comprehensive network of functional and linked spaces for the benefit of wildlife, biodiversity and the community.
- b) A key proposal of the Council is to enable the delivery of a Green corridor located east to west across the borough between Welwyn Garden City and Hatfield. The diagram in Figure 8 below indicates the broad extent of the Green Corridor, its onward linkages including to existing green infrastructure, and its relationship to the new development sites allocated elsewhere in this plan.
- c) The Green Corridor will connect existing green infrastructure, ecological assets, footpaths, cycleways and bridleways, and provide a community resource that will help maintain a sense of space/separation between Welwyn Garden City and Hatfield. It will provide opportunities for the creation of new green spaces; wildlife and biodiversity projects; circular leisure routes; play, sport and leisure facilities; and new off road routes linked to the surrounding area. It is important to note therefore that while the Green Corridor does and will continue to deliver major ecological value and has scope to deliver further environmental benefits, this is not its sole function or purpose.
- d) There are no wildlife sites of international (SAC, SPA etc.) – or indeed national (SSSI) – value in or immediately adjacent to the Green Corridor. The Corridor does embrace two Local Nature Reserves (LNR) - The Commons LNR and Stanborough Reedmarsh LNR and HMWT reserve, both statutory sites in respect of LNR status and a number of a number of Ancient Woodlands which are designated as Local Wildlife Sites, however in the context of the borough there are ecological routes of much greater strategic value, in particular the two river corridors.
- e) Notwithstanding this, the Council will seek to ensure that the Green Corridor is environmentally viable as an ecological route. The precise form of the Green Corridor

including its width has not yet to be determined. These detailed matters will be decided based on further assessments as appropriate.

- f) The Green Corridor Strategic Framework Plan Stage 1 Report (August 2015) (Document ref: ENV/12) sets out a high level specification for the green corridor. It states that the green corridor will be wide enough to avoid conflict between wildlife and recreational users and that at no point shall the natural, uninterrupted wildlife element of the corridor be less than 50m wide as this is the minimum required to promote use by migrating birds and other wildlife. It should be noted that this is an indicative minimum figure set out in a strategic planning document.
- g) Detailed proposals for the development/creation of the Green Corridor will be set out in a Green Corridor Supplementary Planning Document as stated in Policy SP12 of the Plan. This will be prepared in consultation with key stakeholders and will provide guidance on detailed matters such as how wide the corridor must be to deliver its ecological objectives. The width of the corridor through strategic development sites will be determined through the masterplanning of those sites and will be informed by detailed ecological surveys and in liaison with the Council's ecological advisor Herts Ecology.

**95. Has a holistic assessment of the cumulative effects of development on the ecological environment within the Green Corridor been undertaken?**

**Welwyn Hatfield Response**

- a) The Council has given detailed consideration to the cumulative impacts of development on the ecological environment within the Green Corridor. The approach the Council has taken to allocating sites within the Green Corridor is set out in detail in its response to Question 93.
- b) The Council's first reference when considering potential impacts of development on natural assets was to refer to records of sites of wildlife importance. Promoted development sites with significant environmental constraints were ruled out at an early stage in the plan-making process. This included where all, or the majority, of a site was designated as a Special Area for Conservation (SAC), a Special protection Area (SPA), a Site of Special Scientific Interest (SSSI), a Registered Historic Park and Garden (HPG), a Local Nature Reserve and/or a Local Wildlife Site. This is set out in the methodology for The Housing and Economic Land Availability Assessment (HELAA) (HOU/19). A more detailed site specific assessment was then carried out on sites where there was the potential to impact on a neighbouring site of ecological importance.
- c) The second stage was engagement with Herts and Middlesex Wildlife Trust (HMWT) and the Hertfordshire Ecology Team who work with the Hertfordshire Environmental Records Centre (HERC) to identify and assess how the emerging Local Plan proposals would potentially impact any environmentally important species or sites. As part of this process the Herts and Middlesex Wildlife Trust assessed the current ecological and habitat value of the proposed Green Corridor, using an ecological mapping tool (para 117, NPPF). This illustrated the locations where local wildlife sites exist; the NERC habitat areas that host species protected by NERC Act 2006;

existing habitats that don't meet the NERC standard due to degradation, but have the potential for habitat restoration and enhancement; there is no significant existing habitat but have potential for habitat creation; and there is no existing habitat and are only a medium priority for habitat restoration.

- d) There are no wildlife sites of international (SAC, SPA etc.) – or indeed national (SSSI) – value in or immediately adjacent to the Green Corridor. The Corridor does embrace two Local Nature Reserves (LNR) - The Commons LNR and Stanborough Reedmarsh LNR and HMWT reserve, both statutory sites in respect of LNR status. There are also a number of Ancient Woodlands within the Green Corridor which are designated as Local Wildlife Sites.
- e) The Local Plan Sustainability Appraisal 2016 (SUB/3) assesses the likely effects of the local plan's policies and proposals. It identifies the likely significant effects before mitigation is taken into account, and identifies local plan policies which will help to minimise negative effects. The Council has also produced a Habitats Regulations Assessment (HRA) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended) (SUB/2). The HRA has informed the SA conclusions in relation to the impact of the Local Plan on European and Ramsar sites.
- a) The Local Plan directs development to areas of least ecological value, seeks to protect those areas of highest value and implicitly requires development to achieve net gains to biodiversity through a process of avoidance of impact, minimisation of impact and mitigation through enhancement and or compensation where appropriate. The proposed development sites in the Green Corridor have been allocated in this context and been subject to assessment through the HELAA and as part of the SA and HRA process. The Council have undertaken a proportional approach to assess how the Local Plan may impact upon the ecological environment and have assessed potential impacts in line with the significance of identified natural assets (Para 167, 113, NPPF).
- f) In order to ensure that the Green Corridor delivers the objectives set out in the Green Corridor Strategic Framework Plan Stage 1 Report (August 2015) (ENV/12), including to protect and enhance the wildlife habitats and biodiversity that can be found along the route, the Council will prepare a Green Corridor Supplementary Planning Document (SPD) as stated in Policy SP12 of the Plan. This will contain detailed proposals for the development/creation of the green corridor having regard to key evidence and in consultation with key stakeholders.
- g) The proposals set out in the Green Corridor SPD will be incorporated into the masterplanning of major development sites affecting the Green Corridor. The four main sites proposed in the vicinity of the green corridor are strategic sites and as such will be subject to a masterplanning approach. The masterplans will be required to be prepared in accordance with the Green Corridor SPD. The masterplans will be supported by detailed evidence including ecological assessment. They will set out in detail how development will support ecological objectives including any required mitigation and planned enhancements.

**96. If so what were its principle findings in that context and what mitigation and other actions does it propose?**

***Welwyn Hatfield Response***

- a) The Plan sets out a strategic proposal for a Welwyn Hatfield Green Corridor. The diagram in Figure 8 indicates the broad extent of the Green Corridor, its onward linkages including to existing green infrastructure, and its relationship to new development sites allocated in the Plan.
- b) The Council's approach to assessing the potential impact of development within the Green Corridor is set out in its response to Questions 93 and 95. It is considered that the Green Corridor can accommodate the allocated development sites whilst maintaining and enhancing its existing natural assets.
- c) The broad extent of the Green Corridor has been decided upon having regard to sites of ecological value and was informed, in particular, by an ecological mapping exercise carried out by the Herts and Middlesex Wildlife Trust.
- d) The precise location and scale of the green corridor will be determined through a Supplementary Planning Document. This will be prepared in partnership with key stakeholders such as Herts and Middlesex Wildlife Trust and Herts Ecology and will be informed by detailed ecological assessments as appropriate. The SPD will also set out a series of actions and proposals to deliver the Council's Green Corridor objectives. These will be determined based on relevant evidence. The proposals set out in the Green Corridor SPD will be incorporated into the masterplanning of strategic sites. The four main sites proposed in the vicinity of the green corridor are strategic sites and as such will be subject to a masterplanning approach. The masterplans will be required to be prepared in accordance with the Green Corridor SPD.
- e) The broad parameters for the development of the strategic sites in the vicinity of the green corridor are set out of a series of strategic diagrams in the Plan (Figures 11, 12, 14 and 16). As a starting point key natural assets such as designated wildlife sites and ancient woodland will be fully protected from development. Secondly buffers will be delivered between these assets and new built development. Thirdly the green corridor has been routed such that it connects up and integrates key natural assets.
- f) As part of the masterplanning process for strategic development sites the Council will invite site promoters to undertake ecological surveys. Surveys will identify the value of species, their vulnerability where appropriate, and sets out how development may affect either the habitat or species. The surveys will also consider the inter-relationship between different parts of the site, particularly in regard to more mobile species such as birds and
- g) The detail of the mitigation strategy relating to specific sites will be determined through the masterplanning process as the mitigation is integral to the design of sites and vice versa. The evidence on species and habitats will feed into the consideration of where built development can occur, where more sensitive areas are located and what the design needs to encompass in order to avoid impacts, to minimise impacts

and where necessary, to enhance through new landscaping or management schemes.

- h) Planning conditions and a Section 106 agreement will then be used to secure both during and after development the delivery of the aspirations set out in the masterplan and SPD.

**97) Should the Ellenbrook Country Park be listed as a proposal and identified on the Key Diagram and the Proposals Map in a similar way to the other assets within or close to the Welwyn/Hatfield Green Corridor?**

***Welwyn Hatfield Response***

- a) Ellenbrook Fields Country Park is located to the west of Hatfield. It was planned as part of the overall masterplan<sup>1</sup> for the Hatfield Business Park, and secured through a S106 agreement in 2000 in association a mixed use development of the former British Aerodrome site. The Park extends to some 418 acres (169 ha) and straddles the borough boundary with St Albans District Council. Its broad extent is shown on the Key Diagram (Figure 6, page 46) of the Plan, including where it straddles the boundary with St Albans District.
- b) To date, the landowner has not fulfilled a number of its obligations (i.e. establishment works in accordance with a *Landscape Framework Document*, the founding of a Trust, the granting of a 125-year lease to the Trust and the delivery of a financial contribution). The Park has however been the subject of an interim management plan and open for public access since 2010 on an informal basis.
- c) An added layer of complexity is that the area falls within a Preferred Area for mineral working, identified in successive Minerals Local Plans. The Hatfield Aerodrome SPG recognises that mineral extraction will take place as part of the site's future use and the County Council determined in January 2017 that planning permission be granted for the extraction of approximately 8 million tonnes of sand and gravel over a period of 30 years, on a phased basis allowing for progressive restoration. The application site forms approximately 50% of the Ellenbrook Fields Park area.
- d) The planning permission for mineral working was subject to the completion of a deed of variation to the existing S106 agreement<sup>2</sup> for the landowner to establish formally the Park and a Trust, carry out establishment works, issue a lease to the Trust and make a financial contribution. However, this has not yet completed and there is some uncertainty around how long it will take to extract minerals and for the land to be restored, which will have a bearing on the amount of Country Park available over the next thirty years or so.
- e) The Welwyn Hatfield Draft Infrastructure Delivery Plan 2017 lists Ellenbrook Fields Country Park as a Green Infrastructure (GI) asset. This builds upon the Welwyn Hatfield Green Infrastructure Plan (GIP) (**ENV/3**) and the Hertfordshire Strategic Highlights Green Infrastructure Plan (**ENV/4**). The GIP in particular highlights the importance of the Country Park as a primary asset in its own right, and as an

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<sup>1</sup> Contained within the Hatfield Aerodrome SPG 1999

<sup>2</sup> In addition to the completion of a S106 agreement for the minerals operation

opportunity to address significant deficiencies in lateral links and access routes through the provision of enhanced links between the wider countryside and to primary assets, (which lie within and beyond Welwyn Hatfield's borough boundaries). Ellenbrook Fields Country Park is specifically identified as a key link in a number of projects (Urban Green Links and Rural/Peri-Urban Green Link) but may also contribute to other initiatives, e.g. the aspirations in the Watling Chase Community Forest Plan

- f) Policy SP12 of the Draft Plan supports the creation and enhancement of strategic GI across the borough with a Green Corridor Project seeking to deliver strategic connections to Ellenbrook Country Park and to other significant areas of Green Infrastructure within or adjacent the borough boundary.
- g) The general location of Ellenbrook Fields is noted on Figure 8 *Welwyn Hatfield Green Corridor* of the Plan (page 105). The broad extent of the Country Park is shaded (lime green with dots) in Figure 6 (page 46) *Welwyn Hatfield Key Diagram* along with other *Significant Green Infrastructure* within or adjacent the borough boundary. However, the extent of the Country Park is not shown on the Policies Map (Map 2), although the words *Ellenbrook Park* indicate its general location within the borough.
- h) A representation from neighbouring St Albans District Council seeks a clearer statement in the Plan (and on the Policies Map) to provide certainty about the future of this area. Specifically, it suggests that the Country Park should be listed [in Policy SP 12] as a proposal and clearly shown on the Key Diagram and Policies Map.
- i) Welwyn Hatfield considers that the area is appropriately shown on the Key Diagram, consistent with the notation for other *Significant Green Infrastructure*. No change is proposed or considered necessary to make the Plan sound in this respect.
- j) Figure 8 indicates the general route of the proposed Green Corridor and the opportunities to secure linkages with a network of Historic Parks and Gardens (HPGs) and strategic development sites. It also shows the relative locations of SSSIs and Local Nature Reserves. However, Figure 8 does not currently show the broad extent of the three key parks listed in policy SP12 (Ellenbrook Fields Country Park, Stanborough Park and Moneyhole Lane Park, i.e. those parks that are not designated as HPGs). To improve consistency between Figure 8 and Policy SP 12, a minor modification is therefore proposed to Figure 8 to add a notation in the key and within the Figure itself to show the three key parks listed in SP 12. Other minor modifications are also proposed to Figure 8 for clarification and naming purposes.
- k) To provide greater clarity on the objective around delivery, a modification is proposed to the Welwyn Hatfield Local Plan to Policy SP12 as follows:  
  
*"In particular, the council will work with ... as adjoining authority **to secure the delivery of Ellenbrook Fields Country Park and** to maintain appropriate and safe public access to **the Ellenbrook** Country Park during ...."*
- l) It is not considered necessary to further define Ellenbrook Country Park on the Policies Map. The delivery vehicle for the Park derives initially from a S106

agreement and any variations to that agreement that may be subsequently agreed. The other two parks referred to in Policy SP12 are also not defined on the Policies Map, although all their names are clearly marked.

- m) It is considered that the changes proposed by the Council will address representors concerns and add clarity around the Council's commitment to the delivery of the Country Park and the Green Corridor.

## **SADM 15 Heritage**

### **98) Why are Scheduled Monuments referred to as Historic Monuments?**

#### ***Welwyn Hatfield Response***

- a) Paragraph 12.34 of the Plan refers to "ancient monuments" and paragraph 12.46 refers to "scheduled ancient monuments" in both the heading and the paragraph itself. The Council accepts that this is inconsistent with NPPF terminology and in response to a representation from Historic England, has proposed three minor modifications to replace "ancient monuments" and "scheduled ancient monuments" with **Scheduled Monuments**.

### **99) Does the policy adequately reflect the national guidance in paragraph 134 of the NPPF?**

#### ***Welwyn Hatfield Response***

- a) A minor modification is proposed to the wording of the policy to more clearly reflect paragraph 134 of the NPPF:

*"Proposals that result in less than substantial harm to the significance of a designated heritage asset will be weighed against the possible ~~will also be refused unless the need for, and~~ benefits of the development in that location and whether or not these significantly outweigh that harm and the desirability of preserving the asset, and all feasible solutions to avoid and mitigate that harm have been fully implemented".*

### **100) Has sufficient attention been paid to NPPG and Historic England's Good Practice Guide 3, when considering the role of setting in the determination of the significance of a heritage asset?**

#### ***Welwyn Hatfield Response***

- a) The setting of a heritage asset is defined in the Glossary of the NPPF (Annex 2), as:  
*"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral".*
- b) Significance (for heritage policy) is also defined in the Glossary of the NPPF: "The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.

Significance derives not only from a heritage asset's physical presence, but also from its setting.

- c) NPPG sets out what constitutes the setting of a listed building and how it should be taken into account when assessing an application for planning permission affecting a Listed Building. NPPG reference: Paragraph: 013 Reference ID: 18a-013-20140306
- d) Historic England's Good Practice Guide 3 "The Setting of Heritage Assets" explains how the *setting* can contribute to the significance of a heritage asset, and that it can also allow that significance to be appreciated.
- e) The wording of Policy SADM15 reflects Historic England's Good Practice Guide 3, in that it requires proposals, which affect designated heritage assets and the wider historic environment, to respect the character, appearance and *setting* of the asset and historic environment in terms of design, scale, materials and impact on key views.
- f) The justification text for Policy SADM15 states that the Council will give particular regard to the desirability of preserving the building, the character and appearance of the building, its *setting* and those features, which make it special.
- g) A minor modification is proposed to Policy SADM15, to clarify the role of setting in the determination of the significance of a heritage asset and to improve the consistency of the policy with the NPPG and Historic England's guidance.
- h) "Permission for proposals that result in substantial harm to the significance of a designated heritage asset, including **Conservation Areas to its setting**, will be exceptional or wholly exceptional in accordance with national policy and guidance."
- i) A further minor modification is proposed to supporting text of the penultimate sentence of para. 12:35 insert the following text:

*"...would bring, **consistent with the NPPF**."*

**101. Is it sufficiently clear as to what controls are to be put in place to regulate development in order to preserve and enhance the character and appearance of Welwyn Garden City, which is an internationally recognised site?**

***Welwyn Hatfield Response***

- a) Policy SADM15 *Heritage* sets out the Council's approach to proposals, which affect designated heritage assets and the wider historic environment. The policy is applicable to all heritage assets in the borough, including Welwyn Garden City.
- b) In recognition of the international importance of Welwyn Garden City, the Council has included a specific policy in the Local Plan to protect, conserve and enhance the historic environment of Welwyn Garden City.
- c) Policy SP15 *The Historic Environment of Welwyn Garden City* acknowledges the historical significance and unique heritage of the garden city and sets out further

specific requirements for proposals within Welwyn Garden City to meet high standards of design, in order to protect and enhance its heritage assets<sup>3</sup>.

- d) In addition, the supporting text to Policy SP9 *Place Making and High Quality Design*, requires proposals to submit Sustainable Design Statements, which will need to set out how the design of a proposal responds to the character and context of the site.
- e) It is considered that collectively, Policies SP9, SP15 and SADM15 provide a robust framework to control development in Welwyn Garden City, to ensure that its internationally recognised historic importance is preserved and enhanced.
- f) Consideration will be given to the use of an Article 4 Direction if the Council considers it necessary.

**102) Why is there no 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. The Welwyn Hatfield Local Plan does not include any reference to any locally Listed Buildings (or Local list), except for a proposed minor modification to 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 Policy SADM15 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

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<sup>3</sup> In addition, an Estate Management Scheme controls certain types of alterations to residential properties within parts of Welwyn Garden City. However, this is separate from (and additional to) the need to obtain planning permission.

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.

**103) How are locally listed buildings to be assessed?**

***Welwyn Hatfield Response***

- a) Locally listed buildings are non-designated heritage assets. Non-designated assets are defined as 'buildings, monuments, sites, places, areas or landscapes identified by local planning authorities as having a degree of significance meriting consideration in planning decisions but which are not formally designated'. Reference: NPPG Paragraph: 039 Reference ID: 18a-039-20140306
- b) The Welwyn Hatfield Local Plan does not include any reference to any locally Listed Buildings (or Local list), except for a proposed minor modification to para 14.11 of the supporting text 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) 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. Historic England's Advice Note 7 sets out the criteria which can be used to establish such a list should the Council decide to produce one in the future. Similarly the Council do not include criteria for the designation of a conservation area in the Plan preferring to rely on best practice guidance. The Council considers that this is not a matter which needs to be included in the Local Plan.

**104) 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) Historic England raised the issue that the Plan has failed to establish a criteria for identifying non designated heritage assets, such as local buildings of heritage significance.
- b) Hertfordshire County Council have stated that the Plan should acknowledge sites that may have potential to contain unidentified heritage assets, including those that are of high significance and worthy of designation. SADM15 includes a criteria for

assessing the impact of proposals on heritage assets and the historic environment, which equally applies to sites that may contain previously unknown potential heritage assets. Also a number of minor modifications have been proposed to both the Policy and to the supporting text that address the issues raised by the County Council, namely to paragraphs 12.34, 12.47 and bullet point 6 of SADM15.

- c) Add following text to third paragraph of Policy SADM15:

*...part of the asset. **An assessment may be required in locations which are not designated but where the potential to contain heritage assets exists.***

Insert at the end of paragraph 12.34:

**“In addition some sites may contain heritage assets which have yet to be discovered but whose significance will mean they are worthy of protection”.**

Paragraph 12:47:

Delete and move 3rd sentence before second last sentence in paragraph, so that it read 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 ...”

- d) The supporting text of the policy 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 in proximity) to areas of archaeological significance (AAS), which are areas that have a high or moderate archaeological potential. It notes that areas outside of these may contain important archaeological remains that may need to be investigated and recorded; it is proposed to amend paragraphs 12.46 and 12.47 of the supporting text to reflect this. The supporting text also outlines the actions that stakeholders may need to take to preserve the previously unknown archaeological assets, whether any mitigation measures that may be required, based on their significance.
- e) In order to provide more clarity, a further minor modification is proposed to the supporting text of Policy SADM15 at paragraph 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.

## **SADM 16 Ecology and Landscape**

- 105) To achieve measurable net gains to biodiversity should applicants be encouraged to use expert ecological and landscape consultants when preparing material to support planning applications?**

### ***Welwyn Hatfield Response***

- a) Yes, the Council considers that applicants should be encouraged to use suitably qualified consultants and this view is set out in the supporting text of Policy SP11 which outlines the process by which proposals are expected to achieve no net loss or gain (where possible) in biodiversity.

- b) The opening sentence to paragraph 12.14 encourages the use of expert ecological and landscape consultants to ensure that the impact on the environment is appropriately addressed. The following sentences to this paragraph encourage early engagement with the Council's landscape and ecology officers and the use of the Design Review.
- c) The supporting text sets out the mitigation hierarchy and emphasises that where compensatory off-site or onsite measures are required for loss of biodiversity, they should be informed by quantitative and qualitative assessment of biodiversity.

**106. In achieving a net overall gain to biodiversity, shouldn't compensatory habitat replacement be on site as well as off-site?**

***Welwyn Hatfield Response***

- a) Yes. Proposed minor modifications are proposed to the supporting text of Policy SP11, which provides the overarching framework for Policy SADM16 to indicate that compensatory habitat creation can be delivered either on or off site to achieve an overall net gain in biodiversity.
- b) The proposed modifications to the supporting text are as follows:

Para 12.15 (fourth bullet point)

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

Para 12.16 (second sentence)

*"The use of ~~off-site~~ **compensatory measures** should be considered in consultation with the Council's ecological and landscape officers and advisors".*

Paragraph 12.16 (last sentence)

*"~~Off-site~~ **C**ompensatory measures should be supported by all the necessary provisions that are required to ensure those measures achieve and maintain their conservation objectives for at least the first thirty years post completion of the development, and whenever possible for the lifetime of the development."*

**107) Should the policy define measures by which the impact of development on habitats and biodiversity can be effectively measured and assessed?**

***Welwyn Hatfield Response***

- a) A representor to the Submission Local Plan (2016) has criticised Policy SADM16 because it fails to include any quantitative mechanisms to measure how proposals may impact on biodiversity.

- b) The Council consider Policy SADM16 alongside Policy SP11 and the supporting text (para. 12.14- 12.18 and 12.52-12.54) effectively defines how the impact of development on designated sites and other habitats, species and ecological assets should be measured and assessed. Development proposals should follow the mitigation hierarchy to limit the impact on biodiversity. This requires proposals to follow a sequential approach of avoiding potential harm to biodiversity, reducing it, remediating it and as a last resort compensating it.
- c) The Local Plan therefore sets out a flexible, but comprehensive approach, to how the assessment of biodiversity impact is achieved. Proposed compensatory measures should be informed by quantitative and qualitative assessment of biodiversity impacts and considered in consultation with council ecology and landscape officers. The scope of the assessment required will depend upon factors such as location, the scale and type of a proposal and the significance/sensitivity of ecological assets. Use of consultants to undertake assessments is encouraged and assessments are required to follow best practice and justify their approach in Ecological Impact Assessments or their Sustainable Design Statement. Paragraph 12.17 identifies standards and guidance that should be taken into account.
- d) This approach avoids the policy being too prescriptive but clearly defines the process for effectively assessing the impact of new development on biodiversity. It complies with the National Planning Practice Guidelines<sup>4</sup> that require 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.

**108) Should the policy refer to the biodiversity impact calculator?**

**Welwyn Hatfield response**

- a) As illustrated above in response to Q107, the use of quantitative measures (biodiversity metric) is only one mechanism for assessing how a development proposal impacts on biodiversity. Therefore the council consider it is too prescriptive to refer specifically to biodiversity impact calculators and prefers its more flexible approach. Applicants must demonstrate how any impact on biodiversity will be mitigated and maximise net gains where possible. It is unnecessary to prescribe exactly how this is done, as good practice and innovation may change over the plan period. This does not preclude the use of the biodiversity impact calculator as the supporting text states that compensatory measures should be informed by both a quantitative and qualitative assessment. By requiring compliance with best practice and encouraging collaboration with ecology consultants and council officers, the Local Plan ensures biodiversity impact will be comprehensively and effectively considered throughout the development management process.

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<sup>4</sup> Natural Environment NPPG.paragraph:020 ID: 8-020-20140306

**109) Should minimum dimensions for wildlife buffer strips be stipulated in the Plan?**

***Welwyn Hatfield Response***

- a) Consistent with the NPPF, the Plan seeks to conserve and enhance the natural environment and account has been taken of this objective when allocating sites. Distinctions have been made between the hierarchy of international, national and locally designated sites (in tables 7 and 8 of the Plan) , so that protection is commensurate with their status, giving appropriate weight to their importance and the contribution that they make to wider ecological networks (Policy SP11 of the Plan sets this overarching principle in place). In addition, a criteria based policy has been set, (Policy SADM16), against which proposals for any development on or affecting protected wildlife sites will be judged<sup>5</sup>.
- b) Specifically, Policy SADM16 expects proposals to maintain, protect and wherever possible enhance biodiversity as well as the structure and function of ecological networks and the ecological status of water bodies, identifying three tiers of protection for sites of varying importance. The Policy will inform decision making consistent with the approach advanced in paragraph 118 of the NPPF – refusing planning permission where unacceptable loss or harm would arise, unless certain exceptions tests are met.
- c) A representation proposes a change to Policy SADM16, seeking the insertion of an additional criterion after existing criterion iii) to state:
- Wildlife corridors through and around development will be expected to ensure permeability to wildlife. Corridors should incorporate existing priority habitats, which should be buffered by a suitable margin of complimentary habitat to protect their connective function. Priority habitats should be buffered by a minimum distance of 15m and free from light pollution.*
- d) The Council does not consider it necessary to make this change to the Policy in order to make the Plan sound.
- e) Various steps, proportionate to the plan-making process, have already been taken to ensure that nature conservation interests have been taken into account when allocating sites. The evidence base (HELAA, **HOU/19**) considers the presence and proximity of designated sites of nature conservation interest. Potential development sites were discounted at an early stage of the assessment process (where most or all of a designated site would be affected). For other sites, appropriate adjustments were made to the assessment of development capacity, to allow for conservation and mitigation measures to be incorporated into a development where for example, an otherwise suitable site adjoined a designated nature conservation site.
- f) Further consideration was given in the Sustainability Appraisal (**SUB/3**) to the potential impact that a proposed Local Plan allocation may have on environmentally sensitive designations. The SA recommended potential mitigation measures such as buffers that could be incorporated into the Local Plan. A number of site allocations highlight such a requirement, e.g. site HS18 (Wel11), page 179 of the Plan, site

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<sup>5</sup> Consistent with paragraph 113 of the NPPF

HS22 (BrP4), page 189, and Figure 12 Birchall Garden Suburb, which highlights the requirement for green buffers and a green corridor (page 152 of the Plan).

- g) However a modification to the supporting text is proposed to provide further clarity on wildlife corridors.
- h) Policy SADM16 (together with other policies of the Plan) will ensure that the appropriate steps are taken at the planning application stage to maintain, protect and wherever possible enhance nature conservation interests in light of site specific circumstances.
- i) The precise dimensions of any wildlife buffers required may vary from location to location, depending on the presence or proximity and significance of designated assets and the location, type, scale and nature of the development proposed. Surveys and assessments may be necessary in order to determine in finer detail the degree of impact and the opportunities for mitigation or compensation. In addition, the views of key stakeholders, e.g. Natural England and Hertfordshire County Council Ecology, will be taken into account in decision-making.
- j) The level of detail proposed in a representation, is not considered necessary to make the plan sound. However, a modification is proposed to the supporting text as follows:

Insert a new paragraph after paragraph 12.54 as follows:

*“Wildlife corridors should have regard to the existing network of priority habitats and corridors running through and around development will be expected to ensure permeability to wildlife. Designated assets should be buffered by a suitable margin of complimentary habitat to protect their connective function and priority habitats should be free from light pollution.”*

- k) This modification will ensure that the wider network of priority habitats is given due consideration and need for buffers to designated assets is taken into account in development proposals and decision-making. This will compliment Policy SADM14, which seeks to maintain a development free corridor along watercourses and a proposed minor modification to paragraph 12.17 of the Plan, which indicates the ideal width of a buffer strip to these environments.
- 110. Are the requirements for protected species surveys and any required mitigation, adequately covered?**
- 111. Should the policy require surveys and assessment, of the potential harm to protected species, where there is a reasonable likelihood of their presence and demonstration that their population will not be diminished with or without appropriate mitigations?**

#### **Welwyn Hatfield Response**

- a) These two questions are taken together as they are closely related.
- b) Policy SP11 sets out the overarching strategic framework for SADM16 and includes a section on how it will be implemented in the supporting text. The supporting text

includes a reference in paragraph 12.17 to ecological impact assessment which would include a Phase 1 Habitat Survey.

- c) In addition the Council's validation checklist sets out the circumstances when planning applications need to be accompanied by such surveys.
- d) In addition, the site specific considerations of a number of the proposed site allocations require habitat surveys to be undertaken, in locations where protected species may be present for example Table 10 re:HS8 or where they may potentially exist for example Table 9 re:HS9, Table 17 re:HS26.
- e) It is considered that a minor modification to the supporting text to paragraph 12.17 should be made to indicate that there may be circumstances where species specific surveys will be required.
- f) The proposed minor modification is as follows:
  - a. Insert new sentence before the final sentence of paragraph 12.17 to read
  - b. 'In addition species specific surveys may be required where protected species are known or are likely to be present.'
- g) It is therefore considered that the requirements for protected species survey are adequately covered in the Plan.

**112) Is it clear what part of the Cuffley Station Embankment Wildlife Area is protected?**

***Welwyn Hatfield Response***

- a) Yes it is clear. Wildlife sites that are identified as a point, rather than a defined area, act as a 'flag' of wildlife importance in the vicinity, where the area of that interest cannot be accurately defined. Therefore, the triangles on the Policies Map denote a location of wildlife importance.
- b) The process for assessing and designating Local Wildlife Sites is undertaken periodically by the Hertfordshire Local Wildlife Sites Partnership. The Policies Map therefore reflects changes to designations since 2005.
- c) The Wildlife Sites Inventory 2013 compiled by the Hertfordshire Environmental Records Centre identifies that Cuffley Station Embankment has been designated as a wildlife site, denoted as a wildlife point due to the species present in that area. The embankment provides habitat for the common lizard and slow worms.
- d) The Council acknowledges that the Policies Map does not include a key for the Wildlife points.
- e) A minor modification is therefore proposed to the Policies Map to include a triangle symbol in the key, to reference the points alongside the Wildlife Sites annotation – carrying forward the key notation from the current District Plan Proposals Map.

**113) Should the policy contain standards that have the objective of minimising light pollution?**

**Welwyn Hatfield Response**

- a) The NPPG on *Light Pollution* advises that light pollution should be considered at the planning application stage and addressed by the use of planning conditions. NPPG Paragraph: 001 Reference ID: 31-001-20140306
- b) Policy SADM18 Environmental Pollution includes criteria for the assessment of external lighting schemes that must be met before planning permission is granted, including there being no unacceptable adverse impact on species, habitats or the wider natural environment, and the lighting scheme proposed being the minimum required for security and operational purposes.
- c) In addition, paragraph 12.24 of the supporting text to Policy SP11 (Protection and Enhancement of Critical Assets) states that in relation to light pollution, careful lighting schemes and installations that avoid adverse impacts on people, the character of places and the natural environment, and which minimise spillage and glare, will be encouraged. Further, and where appropriate, the Council may require landscaping to minimise the effects of external lighting.
- d) The Herts and Middlesex Wildlife Trust has asked for a modification to ensure that priority habitats are free from light pollution.
- e) NPPG on *Light Pollution* identifies that wildlife differ from humans in their sensitivity to light (e.g. they can be affected by very low levels of light) and may be adversely affected in a number of ways. Further advice is available from the [Defra](#) and [Natural England](#) websites on handling the impact on wildlife – including from artificial light – where European protected sites or European protected species could be affected. The specific nature of any consideration will depend on the features of any protected site or presence of any protected species. Paragraph: 007 Reference ID: 31-007-20140306.
- f) Policy SADM16 is considered to reflect the guidance in the NPPG and it is not considered necessary to include any specific standard within the policy in order to make the Plan sound.
- g) However, a minor modification is proposed by inserting a new paragraph after paragraph 12.54 as follows, consistent with the modification referenced in the council's response to Question 109. This modification includes the need for priority habitats to be free from light pollution.
  - a. *Wildlife corridors should have regard to the existing network of priority habitats and corridors running through and around development will be expected to ensure permeability to wildlife. Designated assets should be buffered by a suitable margin of complimentary habitat to protect their connective function and priority habitats should be free from light pollution.*

- h) It is considered that this modification sufficiently addresses the representation referenced above.

**114) Has the harm resulting from potential impacts from contamination been adequately addressed and covered in the policy?**

***Welwyn Hatfield Response***

- a) Consistent with paragraph 118 of the NPPF, Policy SADM16 states that proposals will be refused where an unacceptable loss or harm would arise, unless certain exceptions tests are met according to the significance of the asset. This includes loss or harm resulting from potential impacts from contamination, although the policy does not make specific reference to this, as any potential impacts from contamination on critical environmental assets and the wider natural environment are separately addressed in Policy SADM18 *Environmental Pollution*. SADM18 Sets out the approach the Council will take to ensure that development proposals do not, amongst other things, have an unacceptable impact on critical environmental assets or the wider natural environment.
- b) The National Planning Policy Framework outlines the role planning has in creating healthy places and in the prevention of unacceptable risks to health and the environment arising from pollution. It makes various references to the need to prevent unacceptable risks to human health, the natural environment and general amenity arising from pollution (paras 69 and 120) including that associated with new and existing development (paragraphs 109 and 123). Policy SADM16 Ecology and Landscape is consistent with the policy objectives of the NPPF.
- c) In determining applications for planning permission, the policies contained in the Local Plan are not mutually exclusive and the Plan needs to be considered as a whole. It is considered that Policy SADM16 Ecology and Landscape, together with Policy SADM18 address the potential for loss or harm to critical environmental assets, which may include potential impacts from contamination.

**115) Should better use be made of the Water Framework Directive and the River Basin Management Plans guidance in the Policy?**

***Welwyn Hatfield Response***

- a) In line with the advice of the Environmental Agency, a number of minor modifications have already been proposed for Policy SP11 and its supporting text, which set the overarching framework for Policy SADM16. These are proposing to include reference to the Water Framework Directive (WFD) within Policy SP11; and the supporting text of this requires proposals to maintain a development free corridor along watercourses, explore opportunities to naturalise them, improve their ecological status and habitat connectivity. There is no need to repeat reference to the WFD.
- b) The responses to Q82 and Q92 consider whether there is a need to refer to River Basin Management Plans within Policy SP11. 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. A proposed modification to the supporting text to Policy SP11 has been proposed and further modification to Policy SADM16 is considered necessary.

- c) Supporting text modification – insert a new paragraph 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.”*

#### **116) Should the plan contain a tree strategy?**

##### ***Welwyn Hatfield Response***

- a) A representation seeks a change to include a Tree Strategy in the Local Plan to recognise the uniqueness of the Garden City.
- b) The Council has a Tree and Woodland Strategy 2013<sup>6</sup>. It is primarily a management plan but it also notes the Council’s support for tree planting on development sites and the protection of trees with appropriate controls<sup>7</sup>.
- c) The Council does not consider it necessary to include a Tree Strategy within the Local Plan.
- d) Various policies within the Plan already address trees in various contexts including those matters that relate to the planning context within the Tree and Woodland Strategy:
- Policy SP9 – Space for Nature section;
  - Policy SP10 - Landscape and biodiversity section;
  - Policy SP11 – Protection and enhancement of environmental assets;
  - Policy SADM16 – Ecology and Landscape.
- e) Policy SP15 – The Historic Environment of Welwyn Garden City – recognises the uniqueness of the Garden City and makes linkages to other policies of the plan, such as SP11.
- f) No changes are considered necessary to make the Plan sound.

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<sup>6</sup> Tree and Woodland strategy 2013: <http://www.welhat.gov.uk/CHttpHandler.ashx?id=8263&p=0>

<sup>7</sup> Consultation concluded in November 2017 on a revised Strategy but at the time of writing, the results of consultation had not been reported: <http://www.welhat.gov.uk/trees>

**117) Should there be a reference to Landscape and Visual Impact Assessment within the policy?**

**Welwyn Hatfield Response**

- a) The NPPF (paragraph 113) states that local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geo-diversity sites or landscape areas will be judged.
- b) Policy SADM16 (Landscape) states that proposals will be assessed for their impact on the landscape and account should be taken of relevant landscape assessments.
- c) Paragraph 12.14 (supporting text for Policy SP11) encourages the use of landscape consultants when preparing proposals so that any impacts can be assessed and addressed. Landscape and Visual Impact Assessments can be used to consider the possible effects of change and development both on the landscape itself and on views and visual amenity, and may be taken into account in decision-making.
- d) A representation seeks a reference to a requirement for developers to undertake landscape visual assessments in support of their proposals.
- e) The Council agrees that a reference to landscape and visual impact assessments would be helpful in the supporting text, to provide further clarity on how the policy will be implemented and what evidence may be required to support a proposal..
- f) It is not considered necessary to make a modification to the policy in order to make the Plan sound. However, a minor modification is proposed to include reference to landscape visual impact assessments by inserting the following text after the first sentence of para 12.54 of the Plan:
  - a. *“Proposals may be required to undertake a landscape visual impact assessment to demonstrate how they will conserve or enhance the landscape features and character of the area”.*

**118) Should Landscape Character Areas be referred to as environmental assets?**

**Welwyn Hatfield Response**

- a) Landscape Character Areas are set out in the Welwyn Hatfield Landscape Character Assessment 2005 (ENV/1). These are spatial areas where the type, character and condition of the landscape have been identified and where guidelines for managing change are described.
- b) The Council acknowledges that paragraph 12.4 of the Plan incorrectly *states landscape character areas* are natural and historic assets of importance as these are descriptive. However, it is considered that the character of the landscape is an asset, which needs protecting.
- c) A minor modification is proposed to paragraph 12.4 to amend the reference to landscape character areas as an asset, as follows:

“Alongside these are a number of other natural and historic assets of importance, including ~~landscape character areas~~: the character of the landscape; mapped ecological networks of ...”

- d) Policy SADM 16 states that proposals should take account of the relevant landscape Character Assessment and adopt the strategy for managing change set out therein. This will assist in ensuring that the character of the landscape is taken into account in decision-making.

### **SADM 17 Urban Open Land**

#### **119) What is the intended status of Urban Open Land?**

##### ***Welwyn Hatfield Response***

- a) The provision of open space is a key concept incorporated into the design of garden cities and New Towns which can be clearly seen in the layout of both Hatfield and Welwyn Garden City. The layout of residential areas within formal landscaped open space is a key characteristic of the Garden City whilst the less formal open spaces are a part of the heritage of Hatfield being a New Town.
- b) As such the current District Plan adopted in 2005 designates areas of open space in the urban areas which are of particular local value as Urban Open Land. These are identified on the Proposals Map. These areas are protected from development which would compromise their intrinsic value subject to certain criteria and this approach has been rolled forward into the Submission Local Plan. The Council’s strategy for the protection of such areas and the enhancement and provision of new ones is set out in Policies SP11 Protection and enhancement of critical environmental assets and Policy SP12 Strategic Green Infrastructure. Policy SADM17 sets out the criteria for assessing proposals on such land.
- c) The designation of Areas of Urban Open Land has been informed by the Open Space Survey and was debated at the Local Plan Inquiry in 2003. ‘Urban Open Land - new and amended sites 2017’ (OSC/7) updates the Open Space Survey and the Policies Map includes 13 new designations and 10 amended designations.
- d) Paragraph 12.19 of the Submission Local Plan sets out the seven criteria for identifying areas of Urban Open Land. These essentially relate to their recreational value; their contribution to a green chain; their value as a wildlife habitat; their value in providing a break in the built form; or their value to the townscape. A number lie within a conservation area and are important to the character of the conservation area whilst others provide outdoor facilities for sport or play. A number perform more than one function.
- e) This approach is not inconsistent with the NPPF. Paragraph 73 of the NPPF recognises the importance of open space and the role it can play in contributing to the health and well- being of communities in whilst paragraph 74 seeks its protection.
- f) Annexe 2 of the NPPF the Glossary defines “Open Space” as:

“All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity”.

g) The NPPG provides further guidance on open land and states:

“Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure(see NPPF paragraph 114), as well as being an important part of the landscape and setting of built development, and an important component in the achievement of sustainable development.” NPPG Paragraph: 001 Reference ID: 37-001-20140306

h) The designation of Urban Open Land in order to retain it is therefore in accordance with Paragraph 74 of the NPPF.

i) Paragraph 76 of the NPPF refers to the designation of Local Green Space. There is an identifiable difference in the purpose and character of Local Green Space and in Urban Open Land designated in the Local Plan and the Local Plan does not seek to afford the same level of protection.

**120) Is the Urban Open Land at Howe Dell School appropriately defined?**

**Welwyn Hatfield Response**

- a) The Council consider that the current extent of the designated Urban Open Land at Howe Dell School is appropriately defined, as it meets the criteria for designation as set out in Policy SADM17 and the school currently was only granted a temporary planning permission on the basis that the special needs school would relocate back to Southfield. It is understood however that the education authority will shortly be seeking a permanent consent for the school to remain at Howe Dell.
- b) It is recognised that Hertfordshire County Council, in their capacity as the Local Education Authority, take the view that the Urban Open Land designations that cover a number of school grounds can act as a constraint on their operational requirements, including the need to expand existing schools, to provide educational facilities, particularly in the context of the need for additional school places generated by the levels of housing growth proposed in the Local Plan.
- c) A Statement of Common Ground has therefore been agreed with the County Council which addresses these concerns and a proposed modification to Policy SADM17 has been agreed which addresses these concerns as follows.

Add a new criterion after criterion iii to state:

“or; iv) Be education development associated with the delivery of school facilities required to meet the evidenced need for additional school places where it can be demonstrated that the impact on the Urban Open Land has been reduced to the minimum possible and where the provisions of criterion iii) of the Policy have been met.”

- d) It is understood that on this basis, the County Council no longer object to the designation of UOL at Howe Dell School.

**121) Should Waterside (site HS7) be designated as Urban Open Land?**

***Welwyn Hatfield Response***

- a) A representation has been made seeking the designation of this proposed housing allocation (site HS7) as Urban Open Land.
- b) Whilst the 2009 Assessment of Open Space does note that Haldens ward is deficient in open space, this cannot be said to be an issue around this particular site given its location adjacent to the 15 ha Black Fan Valley Park.
- c) The site has been assessed in the HELAA (HOU/19) as being suitable for development. Given that the Council have concluded that exceptional circumstances exist which necessitate the removal of land from the Green Belt, in order to provide much needed housing in the borough, the Council have no reasonable justification not to select a suitable small greenfield site in an urban area such as this for housing, when it has no current protected status

**122) Should the land at City Park employment area be defined as Urban Open Land?**

***Welwyn Hatfield Response***

- a) A representation has been made in relation to this area of Urban Open Land to remove all of the land within the ownership of Unit D from the UOL designation in the Plan.
- b) This area of open space forms an important link between the designated employment area and the nearby residential area. A Public Right of Way (Welwyn Garden City 010) runs through the UOL, partially along the line of the disused railway line, linking Watchmead with Bridge Road East. The land is important as it forms part of a green chain running through the urban area. The site has been reasonably landscaped and is used for recreation.
- c) UOL80 Hems Wood/Disused Railway Line is located behind Knella Road. Planning permission was granted on appeal on 31/10/2013 for the construction of a B2/B8 unit with offices and car parking on a small part of the UOL. Whilst reserved matters for the permission were approved in January 2017, to date, construction has not taken place and the site remains open. It is possible that the planning permission may never be implemented and that the approved development will not be constructed.

- d) The UOL therefore continues to meet the criteria for designation, as set out in Paragraph 12.19 of the Local Plan. The boundary of this UOL has, however, been amended to take account of development that has already taken place.
- e) The UOL designation therefore still applies.

## **SADM 18 Environmental Pollution**

### **123) Does the policy give adequate attention to noise and air pollution?**

#### ***Welwyn Hatfield Response***

- a) The policy reflects the guidance in the NPPF at paragraph 120 in relation to preventing unacceptable risks to health and the environment arising from pollution in general, to the advice contained in paragraph 123 of the NPPF in relation specifically to noise and to paragraph 124 of the NPPF in relation to air pollution.
- b) The NPPG recognises Local Plans can affect air quality and advises that it is important to take into account air quality management areas and other areas where there could be specific requirements or limitations on new development because of air quality. NPPG: Paragraph: 002 Reference ID: 32-002-20140306. The Council have incorporated this advice in Policy SADM18.
- c) The Council is required to assess air quality in its area, and to assess whether levels of air pollution exceed the national air quality objectives set out by DEFRA in order to comply with the EU direction limits to protect human health. If the Council finds any locations where the objectives are not likely to be achieved, it must declare an Air Quality Management Area (AQMA) and publish a Local Air Quality Plan which sets out the actions being taken to improve air quality. No AQMAs have currently been designated in Welwyn Hatfield borough.
- d) The policy is consistent with paragraph 123 of the NPPF, in that it requires the mitigation and reduction to a minimum of the adverse impacts arising from noise from new development on health and the quality of life, including through the use of planning conditions. Minor modification suggested to improve the clarity of the policy.

### **124) Is noise pollution from Luton Airport adequately addressed?**

#### ***Welwyn Hatfield Response.***

- a) London Luton Airport have indicated general support for Policy SADM18. They do however consider that an addition is required to the policy to make it compliant with Paragraph 123 of the NPPF, the third bullet point of which sets out that existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses. The Airport has suggested that Policy SADM18 set out that noise sensitive proposals will be subject to conditions or planning obligations which will ensure an adequate level of protection against aircraft noise.

- b) It is not considered that new development in Welwyn Hatfield will have any detrimental impact on the airport's continued operation. There is limited evidence to indicate that the airport currently creates unacceptable noise impacts in the borough. Furthermore there are sufficient safeguards within Policy SADM18 to ensure that new development in the borough avoids or mitigates adverse impacts relating to noise, including aircraft noise, which would harm human health or quality of life.
- c) The Council has not received specific advice from London Luton Airport to indicate that any of the proposals in the plan are likely to be affected by unacceptable noise relating to aircraft. A map produced by the airport of flight paths for aircraft using the airport shows that only a small area to the north of the borough is on a designated flight path. The airport produce quarterly and annual noise monitoring reports. The latest annual report relates to 2016<sup>i</sup>; during 2016 five noise complaints were recorded from residents living in Welwyn Garden City and two complaints from residents living in Hatfield. This is clearly a very low number of complaints in the context of the borough's total population. On the basis of this information, the Council do not consider that noise pollution relating to the airport is a significant issue in Welwyn Hatfield.

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<sup>i</sup> Web link: <https://www.london-luton.co.uk/CMSPages/GetFile.aspx?guid=a59c454e-e755-42ed-b4e9-c8bac24c8b5e>