

Welwyn Parish Neighbourhood Development Plan 2025-2036

A report to Welwyn Hatfield Borough Council

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Executive summary

I was appointed by Welwyn Hatfield Borough Council on 6 May 2025, with the agreement of the Welwyn Parish Council, to carry out the independent examination of the Welwyn Parish Neighbourhood Development Plan 2025-2036.

The examination was completed solely on the basis of the written representations received, no public hearing appearing to me to have been necessary. I made an unaccompanied visit to the area covered by the Plan on 8 October 2025.

The Plan relates to the Parish of Welwyn, which lies adjacent to the northern edge of Welwyn Garden City and is made up of three separate settlements straddling the A1(M) corridor. No new sites for development are proposed above those identified in the Welwyn Hatfield Local Plan 2016, but the Neighbourhood Plan contains a large number of policies designed primarily to ensure that any further development which does occur fully respects the physical and social characteristics of the Parish.

I have some significant concerns about the extent to which the Plan as it stands meets the basic conditions needed to allow it to proceed to referendum. I have nevertheless concluded this can be achieved if steps are taken to modify the Plan in the way set out in my recommendations.

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Introduction

1. This report sets out the findings of my examination of the Welwyn Parish Neighbourhood Development Plan (my shortened references throughout being to the WNP or NP), submitted to Welwyn Hatfield Borough Council (WHBC) by the Welwyn Parish Council (WPC) in April 2025. The Neighbourhood Area for these purposes is the same as that of the Parish Council's boundaries and encompasses the settlements of Welwyn, Digswell, Oaklands and Mardley Heath.
2. Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to help local communities shape the development and growth of their area, and this intention was given added weight in the National Planning Policy Framework (NPPF), first published in 2012. The current edition of the NPPF was published in December 2024 (with a small correction in February 2025), and it continues to be the principal element of national planning policy. Detailed advice is provided by national Planning Practice Guidance (PPG) on neighbourhood planning, first published in March 2014.
3. The main purpose of the independent examination is to assess whether the Plan satisfies certain "basic conditions" which must be met before it can proceed to a local referendum, and whether it is generally legally compliant. In considering the content of the Plan, recommendations may be made concerning changes to both policies and any supporting text.
4. In the present case, my examination concludes with a recommendation that, subject to a considerable number of significant amendments, the Plan should proceed to referendum. If this results in a positive outcome, the WNP would ultimately become a part of the statutory development plan and thus a key consideration in the determination of planning applications relating to land lying within the WNP area.
5. I am independent of the Parish Council and do not have any interest in any land that may be affected by the Plan. I have the necessary qualifications and experience to carry out the examination, having had 30 years' experience as a local authority planner (including as Acting Director of Planning and Environmental Health for the City of Manchester), followed by over 20 years' experience providing training in planning to both elected representatives and officers, for most of that time also working as a Planning Inspector. My appointment has been facilitated by the independent examination service provided by Penny O'Shea Consulting.

Procedural matters

6. I am required to recommend that the Welwyn Neighbourhood Development Plan either
 - be submitted to a local referendum; or
 - proceed to referendum, but as modified in the light of my recommendations; or
 - not be permitted to proceed to referendum, on the grounds that it does not meet the requirements referred to in paragraph 3 above.
7. In carrying out my assessment, I have had regard to the following principal documents:
 - the submitted WNP
 - the Consultation Statement (April 2025)
 - the Basic Conditions Statement (April 2025)
 - the Strategic Environmental Assessment and Habitats Regulations Assessment screening opinion report (July 2024) and the associated determination letter (24 February 2025)
 - the SEA/HRA screening determination (February 2025)
 - the representations made to the WNP under Regulation 16

- selected policies of the adopted development plan for the area
 - relevant paragraphs of the NPPF
 - relevant paragraphs of national PPG.
8. I carried out an unaccompanied visit to the Plan area on 8 October 2025, when I looked at its overall character and appearance together with its setting in the wider landscape and (where practicable) to a number of the areas affected by specific policies or references in the Plan. Where necessary, I refer to my visit in more detail elsewhere in this report.
 9. It is expected that the examination of a draft neighbourhood plan will not include a public hearing, and that the examiner should reach a view by considering written representations¹. In the present case, three of the representations received at the Regulation 16 stage included a request for a hearing (two from local interest groups and one from a resident. I was, however, satisfied that a hearing was not justified and that all the relevant issues could be properly addressed without one being held.
 10. My recommendations for changes to the policies and any associated or free-standing changes to the text of the Plan are highlighted in ***bold italic print***.

A brief picture of the neighbourhood plan area

11. The Parish of Welwyn adjoins the northern edge of Welwyn Garden City. It is bisected from north to south by the old Great North Road, which runs parallel to the A1(M), and it includes a number of more or less separate settlements, of which Welwyn village is the largest. This is detached from Oaklands/Mardley Heath to the north by a narrow gap occupied by a short stretch of “ribbon” development; there is a larger open gap to the south-east separating Welwyn from Digswell (with its impressive railway viaduct containing the east coast main line).
12. The Parish as a whole is a complex area, with a mix of older and newer settlements, and a wide range of house types and residential environments (from large, detached dwellings in spacious grounds to more modest houses frequently set in short culs-de-sac), the whole occasionally linked by narrow, winding roads in woodland settings. There are many green spaces, large and small, and much of the Parish is wooded and quite hilly. There is a sense that open countryside is never very far away. Welwyn itself is a characterful and historic village lying in a dip in the landscape occupied by the River Mimram. All the urban areas of the Parish are tightly constrained by the surrounding Green Belt.
13. The overall impression is of a very green and attractive area which nevertheless enjoys excellent access by road and rail to London and the larger local centres of Welwyn Garden City, Stevenage and Hatfield.

The basic conditions and the Basic Conditions Statement

14. I am not required to come to a view about the ‘soundness’ of the Plan (in the way which applies to the examination of local plans). Instead, I must principally address whether or not it is appropriate to make it, having regard to certain “basic conditions”, as listed at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The requirements are also set out in paragraph 065 of the relevant PPG. In brief, all neighbourhood plans must:

¹ Paragraph 9(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

- have regard to national policy and guidance (Condition a)
 - contribute to the achievement of sustainable development (Condition d)
 - be in general conformity with the strategic policies in the development plan for the local area (Condition e)
 - not breach, and otherwise be compatible with, EU obligations, including human rights requirements (Condition f)
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, and
 - comply with any other prescribed matters.
15. The introductory material to the Basic Conditions Statement (BCS) sets out its legal context, explaining first how the Plan relates to national policy and guidance (basic condition a). This is done using a table showing each NP policy, the relevant paragraph(s) from the NPPF and any necessary comment on conformity; this is followed by topic-based short summaries of the Plan's objectives. Section 5 of the BCS describes how the Plan is considered to be in general conformity with the strategic policies in the Local Plan (basic condition e), following the same tabular approach. Whether or not the Plan does, in fact, comply with these two basic conditions is discussed below.
16. The BCS also asserts that it "is in accordance with the LP's strategic policy direction without repeating any of the policy provisions". I do not fully agree with the last phrase but will also return to the point shortly.
17. A further table in the BCS sets out the ways in which the Plan seeks to contribute to sustainable development (condition d), adopting a "scoresheet" approach together with a short commentary. Again, whether or not the Plan does in fact make suitable provision for sustainable development is dealt with later in this report.
18. Finally, the BCS summarises how EU obligations have been met, including reference to human rights requirements. The document includes four appendices listing associated NP projects; detailed descriptions of the Local Green Spaces proposed for protection under Policy 2 and details on Key Views under Policy 28 and Non-designation Heritage Assets under Policy 26; the result of the Strategic Environmental Screening (see below); and a glossary and list of abbreviations.

Other statutory requirements

19. A number of other statutory requirements apply to the preparation of neighbourhood plans, all of which I consider have been met in this case. These are:
- that the Parish Council is the appropriate qualifying body (Localism Act 2011) able to lead preparation of a neighbourhood plan;
 - that what has been prepared is a Neighbourhood Development Plan, as formally defined by the Localism Act; that the plan area does not relate to more than one Neighbourhood Area; and that there are no other neighbourhood plans in place within the area covered by the plan;
 - that the plan period must be stated. In the case of the WNP this is 2023 to 2036; however, this is not actually included within the title of the Plan document and ***I recommend that it should be***
 - that no "excluded development" is involved (this primarily relates to development involving minerals and waste and nationally significant infrastructure projects).
20. I have also borne in mind the particular duty under section 72 of the Planning (Listed Buildings

and Conservation Areas) Act 1990 to pay special attention to the desirability of “preserving or enhancing the character or appearance” of any conservation area (there is a conservation area based on the centre of Welwyn village).

21. A screening report is required in order to determine whether a neighbourhood plan needs to be accompanied by a Strategic Environmental Assessment (SEA), under the terms of the Environmental Assessment of Plans and Programmes Regulations 2004. It is the qualifying body’s responsibility to undertake any necessary environmental assessments, but it is the local planning authority’s responsibility to engage with the statutory consultees.
22. An SEA Screening Determination statement was published by WHBC in February 2025. This notes that the NP does not allocate any sites for housing beyond what has already been included in the Local Plan and concludes that the policies are intended to protect and enhance the natural environment and will not result in any significant environmental effects. The three statutory consultees (Historic England, Natural England and the Environment Agency) had a similar view. Full details of the considerations which support the assessment are set out in the relevant statement, and I have been given no reasons to question any of the conclusions reached.
23. It is a requirement under the Planning Acts that policies in neighbourhood plans must relate to “the development and use of land”, whether within the Plan area as a whole or in some specified part(s) of it. Subject to some exceptions detailed below, I am satisfied that that requirement is generally met.

National policy

24. National policy is set out primarily in the NPPF with a key theme being the need to achieve sustainable development. The NPPF is supported by Planning Practice Guidance on neighbourhood planning, an online resource which is continually updated by Government. I have borne particularly in mind the advice in paragraph 041 of the PPG that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence. In addition, there is a requirement set out in the NPPF itself, at paragraph 16f), that “plans should ... serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area” [for example, those already in place in the relevant local plan].

The existing development plan for the area and its relationship with the Neighbourhood Plan

25. The principal element of the current development plan for the area is the Welwyn Hatfield Borough Local Plan 2016-2036 (the LP), adopted in October 2023. The others are the Hertfordshire Minerals Local Plan 2002-2016 and the Hertfordshire Waste Plan, both of which are under review. My understanding is that these have no implications for the Parish or the WNP.
26. Paragraphs 5.9 to 5.15 and 5.20 to 5.23 of the LP contain a detailed description of the challenges facing the Borough Council as it seeks to reflect the national ambition by pursuing substantial and sustainable growth, at the same time recognising the importance of the Green Belt (which is tightly drawn around all of the borough’s settlements), protected landscapes and other valued assets.
27. LP Policy SP1 sets out the basic strategy for positive growth. The Plan makes allocations for new dwellings throughout the borough but acknowledges that the Objectively Assessed Need

for housing up to 2036 (15,200) cannot fully be met without impinging on the Green Belt². For this reason, Policy SP2 commits WHBC to a review of the Local Plan, starting no later than a year after its adoption, based on the housing needs evidence and national policy prevailing at the time. This review would consider additional sites to meet the remaining housing shortfall (around 1,800); although Policy SP3 makes it clear that “Green Belt boundaries will be maintained throughout the plan period and will only be reviewed through a review of this plan”.

28. Sections 17, 18 and 19 of the LP give a broad picture of how the three settlements in the WNP might accommodate the required growth in the immediate term, including more specific guidelines for five sites: under Policy SADM 28 for sites HS16 and HS32 (in Oaklands and Mardley Heath), and under Policy SADM 29 for sites HS18, HS19 and HS20 (in Welwyn). In each case, the policies are preceded by a list of “local objectives, alongside the borough-wide objectives”, including the need to respond appropriately to each location’s particular physical and social characteristics³. In addition, there is a detailed list of considerations which must be taken into account in relation to the allocated sites themselves. While this is a clear summary of requirements in the LP for the successful development of the sites in question, the NP seeks to add to or modify them; see my observations on Policies 13-17 below.
29. WHBC began the required LP review process in September 2024, and at the time of writing it has reached the “call for sites” stage⁴. An important influence on the review will clearly be the question of where further development would best be located. Policy SP3 of the adopted LP sets out the hierarchy of settlements within the borough, there being six in all. Welwyn falls within the third level, defined as “large villages”, with a more limited range of employment opportunities and services than the main towns of Welwyn Garden City and Hatfield. Oaklands and Mardley Heath and Digswell are in the fourth level: “small” villages with fewer services etc. On the basis of this assessment, the NP area as a whole has clearly been recognised as having the potential for further sustainable growth, at a scale that respects its existing character.
30. The NP therefore has the opportunity to help shape the future development of the Parish beyond the present allocations in the adopted Local Plan by adding any necessary local detail to the LP’s current policies (including, for example, an option to identify reserve sites for later consideration). To do this, however, it must first recognise and make explicit the strategic context set by LP Policies SP1, SP2, SP3 and SP7: unfortunately, I see little evidence that it does.
31. On any reading of the Plan, the emphasis throughout is on maintaining the status quo, rather than addressing the challenges posed by the strategic reality. There are no allocations for additional housing, and very little acknowledgement of the wider policy background so recently set. In particular, there is no discussion anywhere in the document of the possible implications for the NP area of the undisputed need for further, early land releases throughout the borough. The first sentence of section 1.2 refers to the LP Inspector’s conclusions on the matter but merely states that “therefore this NP may require modification to align and be compliant with any Local Plan revision that impacts on our Parish”. This is accompanied by a footnote which says: “WHBC has decided to produce a new Local Plan rather than revise the original; WPC will consider if changes are required to this NDP⁵ as a result, once the Local Plan has been published for consultation”. I find this an inadequate

² see also the Local Plan Inspector’s report at paragraph 238

³ see paragraphs 17.2 and 18.3

⁴ source: WHBC website

⁵ (Neighbourhood Development Plan – its formal title)

response to the situation. A similar observation is found under the heading “Plan Review” in section 18.5.

32. The conclusions section of the BCS includes the following: “Analysis showed that the Area is constrained by national green belt designation and various local environmental designations (e.g. Local Nature Reserves and Local Wildlife Sites). Potential development on “greenfield” sites can only be at the expense of green belt loss. Redevelopments and infill will be major sources of new homes”. (Para 8.2). The omission of any reference here to even the possibility of further site allocations being needed in the near future again fails to respond positively to the implications of the Local Plan review.
33. This, of itself, does not put at risk compliance with basic condition e). However, PPG paragraph 009 must also be taken into account. This says: “... *Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan, the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development*”.
34. In this case, the status, rationale and urgency of the Local Plan review combine to create a very specific context which must be given full consideration if basic conditions a) and d) are to be satisfied. In any event, it would seem certain on the evidence that key elements of the NP would effectively be superseded very soon after it is “made”.
35. PPG paragraph 009 goes on to say, “Where a neighbourhood plan is brought forward before an up-to-date local plan is in place, the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:
 - the emerging neighbourhood plan
 - the emerging local plan (or spatial development strategy) [and]
 - the adopted development plan
36. Paragraph 009 also goes on to say, “It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies... Strategic policies should set out a housing requirement figure for designated neighbourhood areas from their overall housing requirement... Where this is not possible, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body, which will need to be tested at the neighbourhood plan examination. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan”.
37. I am not aware of any discussions on this issue between WHBC and WPC, and the NP does not suggest any reserve sites to meet the contingency. It is, however, clear from WHBC’s comments on the submitted Plan that it is also concerned about the Plan’s failure properly to reflect the strategic planning background.
38. Given this analysis, I consider that the Plan in its existing form fails to provide the necessary flexibility that would allow it to contribute to the achievement of sustainable development (basic condition d). This conclusion would, of itself, justify a decision not to permit the Plan to proceed to referendum.

39. I would prefer to avoid such an outcome, if at all possible, given the Parish Council's long-standing commitment to the project and the evidence of community support for it. Instead, therefore, I propose to make a series of recommendations for modifications to the Plan as submitted which, if accepted, would help it achieve compliance with basic condition d).
40. ***Firstly, I recommend that the introduction to the Plan be amended such that full acknowledgement be given to the likely implications for the Parish of the current review of the Local Plan. This will need to include recognition of the general suitability of the Parish to accommodate further sustainable growth beyond that already provided for in the Local Plan and what can be expected from "windfalls" and conversions, and that this is likely to have an impact on the existing Green Belt boundaries. Such an explanation might include a brief discussion of the options for the WNP, given that it would hope to be completed before the reviewed LP is adopted.***

The consultation exercise (Regulation 14)

41. Regulation 14 requires the Parish Council to publicise details of their proposals "in a way that is likely to bring [them] to the attention of people who live, work or carry on business in the area", and to provide details of how representations about them can be made. Regulation 15 requires the submission to the local planning authority of a statement setting out the details of what was done in this respect, and how the qualifying body responded to any matters which arose as a result of the consultation process.
42. The Consultation Statement begins by explaining the statutory context for involving residents and other interests, and records the comprehensive process of engagement since WPC formed a steering group in 2020 to begin the preparation of a neighbourhood plan, something that was strongly supported by local residents. The document sets out how the early consultations were organized and what feedback was received. There is then an account of how the steering group responded to the comments made at the more formal Regulation 14 stage. All the relevant documentation has been made available on the WPC website.

Representations received (Regulation 16)

43. Of the responses received from statutory consultees, no specific comments were made by Historic England, National Highways, Natural England, Thames Water or North Herts District Council. Hertfordshire County Council had some observations about Policy 22, which I will refer to later. I will deal with the representations made on behalf of Bayard Developments Ltd when I consider Policy 4. The British Horse Society Herts Access Group generally supports the Plan, but had two suggestions for minor modifications, which I am content for the Parish Council to respond to as they think fit.
44. A small number of responses were received from local residents, several expressing general support. I accepted a late response on behalf of the Digswell Residents' Association: for the most part, this deals with issues which I will be covering below. A few people saw the need for a public hearing into the Plan, but none provided any adequate justification for this, and my view is that none is needed.
45. WHBC made a number of observations, the most important of which relates to the strategic planning considerations already mentioned. Where they make other points which broadly align with my own conclusions, I have not referred to them separately. They also commented that the Consultation Statement deals inadequately with their responses; that some elements of the evidence base would benefit from further clarification, justification or methodological

transparency; and that the Local Housing Needs Assessment would also have benefited from further evidence and clearer methodology. These are matters which I have concluded do not require any recommendations from me.

General observations about the Plan

46. The Plan begins by explaining that it has been revised following the Regulation 14 consultation, before setting out the general background to neighbourhood plans. As previously noted, it explains that the Plan “may require modification to align and be compliant with any Local Plan revision...”. Other introductory material deals with the need for a sustainable approach to development, explains how the Plan was developed, the way community engagement was handled, and provides a Parish profile.
47. The Plan then explains that five “principles” were devised, supporting the vision of “a visually, culturally, economically and socially attractive Parish, with excellent services, facilities and amenities offering a high quality of life, in locations where families can live and prosper in a sustainable environment”.
48. This is followed by four broad objectives, which lead into 30 detailed policies and eight “design principles,” (which is confusing, since many of them read as policies in their own right and they are actually described as such in section 5.2. Most include considerable detail which takes them well beyond any concept of “principles”). The policies are supported by a number of specific projects (not subject to my examination). All these elements are differentiated from the rest of the text by being placed in coloured boxes.
49. There is no formal commitment to review the Plan (this not being a statutory requirement), but section 18.4 simply includes the statement that “The Plan will be monitored and its effectiveness and relevance to national and local policies reviewed.” Nine appendices add a considerable amount of background detail.
50. I have significant reservations about the utility of the Plan’s policy material, for reasons which I set out more fully below. However, as an administrative matter at this point, ***I would recommend that, in addition to the existing use of numbered sections and sub-sections, there should be numbering of individual paragraphs throughout the document to allow ease of reference.***

The policies

51. In my opinion, the Plan’s policy framework, summarised above, is far too complex for its intended purpose, especially given the fact that it does not include any allocations for development. It has also led to a considerable amount of duplication both between the Plan’s own policies and with the policies of the recently adopted Local Plan. As the BCS acknowledges at paragraph 5.5: *“There are numerous detailed development management policies within the LP which promote high quality design and protection and enhancement of the natural environment”*. These are key objectives of the NP itself, yet there is no assessment of why the LP policies are thought inadequate to guide development in the Parish up to 2036 (together with any additional detail that might be thought necessary).
52. The BCS at paragraph 5.5 says that: “the NP is in accordance with the LP’s strategic policy direction *without repeating any of the policy provisions*”, but this is not the case. The recasting of policies which largely cover the same ground is not only unnecessary – it can create confusion, especially where there are unexplained differences of wording or emphasis. While

there can of course be no guarantees, I would have thought it unlikely that many of the Local Plan's generic policies would need significant review in order to keep it up to date, and therefore I would expect them to have continuing relevance for decisions within the NP area for the foreseeable future.

53. While not an exhaustive list, the following are examples of NP policies which, at least in part, cover ground already dealt with by the Local Plan:
- Policy 1 and LP Policy SP11
 - Policy 5 and LP Policy SADM16
 - Policies 7-8 and LP Policy SADM11
 - Policy 9 and LP Policy SP7
 - Policy 22 and LP Policies SP4 and SADM2, SADM3
 - Policy 23 and LP Policy SADM3
 - Policy 24 and LP Policies SP11 and SADM18
 - Policies 26-27 and LP Policies SP11 and SADM15
54. Neighbourhood plans are expected to restrict themselves to “adding value” to local plan policies, where local circumstances warrant it. Because the WNP does not always do this, I make significant recommendations to delete or revise the wording of material, in order to reflect national policy and guidance which seeks to ensure that plans are simpler and clearer⁶, and that they serve a clear purpose.
55. I have earlier referred to the confusing differentiation between “policies” and “design principles.” The critical issue here is the weight that applicants and decision-makers are expected to give to the latter group. Many neighbourhood plans have associated “design codes” which describe particular aspects of the physical environment which are to be respected. These are not land-use policies, but have the status of guidance, supplementary to the NP, but they are nevertheless to be treated as material considerations in the development management process. In the present case, while there is clearly some intention to separate out these two concepts, the lines between policy and guidance are wholly opaque and need to be made much clearer.
56. There is also a degree of duplication here, with elements of the design principles being repeated in the policies. Examples include DP1 with Policy 22; DP4 with Policy 23; and DP6 (which is itself repetitive) with Policy 26. There is also some internal overlap, such as that between DPs 5 and 8.
57. Given the considerable amount of editing necessary to respond to these concerns, and thus to make the Plan an accessible and genuinely useful document, I have not found it practicable to propose specific changes to much of the content. Instead, ***I make the following general recommendations:***
- (a) that all the material currently included in the Design Principles section be reconsidered in order to make clearer to the reader the difference between land-use policies and detailed design considerations; the latter to be treated as guidance (in the form of a separate document or in an appendix to the Plan) to which regard must nevertheless be given when proposals come forward***
- (b) that in addition to the specific examples of duplication between NP and LP policies to which I have referred, a general exercise be undertaken with a view to removing all unnecessary repetition of this kind***

⁶ I would add for context that the Government is currently seeking to enact legislation which is designed to ensure that this happens.

(c) that, following that exercise, any revised policies should state that development proposals will be determined in accordance with the provisions of Local Plan Policy xxx (or similar) and other relevant policies of the NP itself, and – to make it easier for people to understand the significance of this – that the policy’s supporting material include a brief summary of what the LP policy says.

58. If these recommendations are accepted, the outcome will be a substantial editing exercise, and my further comment on specific policies will need to take that into account. What follows therefore are limited references to particular issues.

Policy 1: Preservation, protection and enhancement of open spaces and landscape

59. Point 2 of the policy is too prescriptive where it requires retention or replacement of existing open spaces. ***I recommend that it be deleted.***

Policy 2: Local Green Spaces

60. This policy includes a list of 19 areas of land which it is intended should be protected from development, based on their importance to the community (guidance on which is provided by NPPF paragraph 106). The LGS designations are the subject of substantial criticism by WHBC: in the interests of conciseness, and given the impracticality of my attempting an independent judgement on each case, ***I recommend that the Parish Council carefully consider each of the points raised by WHBC, with a view to improving the robustness of the policy. In addition, I recommend that Point 2 of the policy be deleted; it is too prescriptive in requiring all development of 10 or more units to contain “an area of open amenity land” which would automatically meet the criteria for designation of Local Green Spaces.***

Policy 3: Wildlife corridors

61. Point 3 of the policy is too prescriptive and far too onerous for small schemes. ***I recommend that it be deleted.*** The broad issue is largely covered by Point 2.

Policy 4: Green gaps

62. This policy is the subject of specific objection on behalf of Bayard Developments Ltd, who have an interest in land within three of the six “gaps” that are the subject of the policy. All currently lie within the Green Belt. They were the subject of consideration for designation as housing land during the examination of the existing Local Plan and have been put forward again (as a single site) in connection with the LP review.
63. Policy 4 would introduce a completely new category of open land which the Plan intends should be protected from development in addition to Green Belt, Local Green Space and Urban Open Land. Its stated purpose is to “prevent the coalescence of built-up areas and offer an ‘open’ landscape effect ... [since] there is a clear need to prevent the coalescence of built-up areas ...”. This is a straightforward duplication of some of the purposes of Green Belt set out in national policy⁷ and in the Local Plan. Policy 4 therefore attempts to concern itself with strategic matters which are by definition the prerogative of the Local Plan
64. I make no observation about the value of any of these areas in their own terms. For the avoidance of doubt, this also means I offer no response to any of the site-specific comments made on behalf of Bayard⁸, which culminate in a suggestion that I recommend that their land

⁷ NPPF paragraph 143

⁸ although I did visit the area concerned, for context

be identified in the NP as being suitable for development. What does concern me, however, is that the policy as a whole is inappropriate as a matter of principle, for the reasons I have given, ***and consequently, I recommend that it be deleted.***

Policy 5: Landscaping and screening

65. Point 3 is not a land-use policy. ***I recommend that it be deleted.***

Policy 6: Wildlife habitats

66. This policy contains a highly detailed list of measures that development must incorporate in order to support wildlife. It says that “proposals greater than single houses or extensions to an existing property (which are also expected to respect the following) must include, where appropriate ...”. The phrase “where appropriate” is insufficient on its own to deal with the fact that these requirements are potentially extremely onerous for small schemes (and I do not understand the meaning of the phrase in brackets). ***I recommend that the preamble to the policy be replaced with the following: “Where feasible, and appropriate to its nature and scale, new development should incorporate the following:”.***

Policy 7: Development of larger sites

67. It is not clear whether Point 1 of this policy, which deals with adaptable dwellings, is intended to relate only to larger developments. ***This should be clarified.***

68. The only reason given for (“in general”) restricting schemes to a maximum of 30 dwellings is that it represents the strongly held preference of residents. While I do not dismiss the importance of securing local support for development projects, this is too prescriptive, given the strategic context to which I have referred. The stated justification for it is, in any event, irrelevant for a planning policy. In addition, the possibility offered in Point 2 of applications being allowed to by-pass the restriction if “significant benefits to the local community” can be identified, and so long as the design is of a high quality, is too vague to have any practical value in development management terms. ***I recommend that Point 2 of the policy be deleted.***

69. Point 3 states that “Developers must demonstrate that adequate infrastructure, e.g. schools, medical facilities, etc. is available and, where it is not, how that will be addressed as part of their development proposal”. This reference to social (as opposed to “hard”) infrastructure goes beyond what would be considered a material planning consideration at the level of an individual planning application. ***I recommend that it be deleted.***

Policy 8: Development of smaller sites

70. I have no comments to make on this policy regarding the basic conditions.

Policy 9: General housing mix and location context

71. I have no comments to make on this policy regarding the basic conditions.

Policies 10-12: Generic policies for the three main villages

72. While they are to some extent site-specific, all three of these policies contain elements of duplication with other generic policies in the Plan (and to some extent, with the Local Plan). ***These should be reviewed, as previously recommended.***

Policies 13-17: Policies for sites allocated in the Local plan

73. Policy 13 requires proposals to comply with a list of site-specific requirements designed to apply to the housing sites allocated in the adopted Local Plan. These are then set out in Policies 14, 15 and 17 (referred to as “Additional Responses”), together with Policy 16 (“Preferred Features”).
74. Policy 16 relates to LP site reference HS19, which has full planning permission for 30 dwellings: ***it is therefore redundant, and I recommend that it be deleted.*** WHBC says that Policy 17 relates to land which does not have planning permission, but which has been “finally disposed of ... due to unresolved issues”. I am not clear why that should mean that the policy no longer serves a purpose, so I have no recommendation to make about it.

Policy 18: Change of use for premises

75. Policy 18 seeks to protect shops and similar premises in a number of locations from changes of use to commercial or residential. However, this fails to recognise the fact that due to changes in the law put in place under the previous Government, unless an “Article 4 Direction” is in place, this cannot now be prevented.⁹ ***I therefore recommend that the following be incorporated into the wording of the policy: “Where planning permission is required for a change of use of existing retail or commercial uses to other uses, this will only be supported where ...”.***
76. Point 3 of the policy says that where planning permission is required for the change of use of redundant farm buildings, this will be supported “if clear evidence is presented to show the benefit that will accrue to the community and the environment”. This is far too vague to be of any practical value. In addition, there is a requirement to safeguard the characteristics of any heritage assets – a matter which is dealt with in Policy 26 (as well as LP Policy SADM 15). ***I recommend that Point 3 of the policy be deleted.***

Policy 19: Developments for new businesses

77. I have no comments to make on this policy regarding the basic conditions.

Policy 20: Expansion of educational facilities

78. I have no comments to make on this policy regarding the basic conditions.

Policy 21: Agricultural land

79. Point 1 of this policy offers general support for rural economic growth and diversification. However, Point 2 includes reference to a requirement for “green corridors” to be provided where appropriate, including where permitted development is involved. The latter is by definition beyond normal planning control. ***I therefore recommend that Point 2 be deleted and replaced with: “Where planning permission is required for agricultural or agriculture-related development, “green corridors” should be provided wherever appropriate and feasible, at a scale and of a character to be agreed with the local planning authority”.***
80. WHBC says that the Point 3 of the policy, which reads: “Other than permitted development, any development that is not fully justified by agreed strategic housing targets *and included in the WHBC LP* [my emphasis] will not be supported” may conflict with the national presumption in favour of sustainable development. I agree with their analysis: a blanket ban

⁹ See the General Permitted Development Order and the Use Classes Order

on granting permission for development which is not included in the Local Plan would also conflict with the basic principle set out in section 38(6) of the Planning and Compulsory Purchase Act 2004¹⁰. ***I recommend that Point 3 of the policy be deleted.***

Policy 22: Maintain and enhance a safe and healthy travel environment

81. This policy requires a transport impact study to accompany any scheme consisting of 10 or more dwellings. I consider this to be onerous if applied as a matter of course. ***I recommend that the first sentence be deleted and replaced with: “For schemes consisting of 10 or more dwellings, the local planning authority may, depending on the precise circumstances, require the submission of a transport impact study, including any identified mitigation measures”.***
82. Point 2 is not a land-use policy. ***I recommend that it be deleted.*** It might be revived as a “project”.
83. Hertfordshire County Council make a number of comments about this policy which I am content should be dealt with at the Parish Council’s discretion.

Policy 23: Public electric vehicle charging points

84. I have no comments to make on this policy regarding the basic conditions.

Policy 24: Overall approach to the environment

85. This is a rather oddly worded title for a policy, especially coming so late in the document. It refers briefly to the response to climate change (a key issue picked up in numerous places in the Local Plan); the ecological impact of development (covered also in Policy 6, as well as LP Policy SADM16); and air quality (as LP Policy SADM18). ***There is little in Policy 24 that is not adequately dealt with elsewhere, and I recommend that it be deleted.***

Policy 25: Alternative energy sources

86. I have no comments to make on this policy regarding the basic conditions.

Policies 26 and 27: Designated and non-designated heritage assets and archaeological remains

87. WHBC has made a number of detailed observations about the way non-designated heritage assets are dealt with, but I consider them to be outside my terms of reference. They are therefore matters for the Parish Council to respond to as they think fit.

Policy 28: Key views around the Parish

88. I was able to inspect only a small number of the 22 key views listed in table 4 which this policy seeks to protect. I have no reason to question any of the assessments of their value (these being set out in a supporting document). However, it is unrealistic to expect development never to “impinge” on the views: ***I therefore recommend changing Point 1 of the policy by replacing it with: “The value of the significant views of the built and rural environments of the Parish detailed in Table 4 must be protected. Any development proposals which are***

¹⁰ This is the basis of the “plan-led” system. It states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan *unless material considerations indicate otherwise.*”

judged to have a harmful impact on their public appreciation will not normally be supported”.

89. Point 2 of the policy would require “any large commercial development”,¹¹ development of over 500 sq m or 5 dwellings, to be accompanied by a landscape and visual impact assessment. This is a potentially onerous requirement at the lower end of the scale and, as WHBC points out, covers matters that would normally be addressed by a Design and Access Statement. This, together with the other two elements of the policy, would be sufficient to meet the objective. ***I recommend that Point 2 of the policy be deleted.***

Policy 29: Healthcare provision

90. I have no comments to make on this policy regarding the basic conditions.

Policy 30: Use of CIL funding

91. This is not a land-use matter. ***I recommend that it not be described as a policy and its content be relocated in an appendix to the Plan.***

Conclusions on the basic conditions

92. For the reasons discussed above, I have not been able to conclude that the Welwyn Neighbourhood Plan in its present form satisfies basic condition d), in that it fails clearly to contribute to the achievement of sustainable development. In addition, I consider that insufficient regard has been had to national policy and guidance, the subject of basic condition a), especially in relation to the Plan’s failure to address the significance of the current review of the Local Plan. I have therefore concluded that the Plan needs to be modified significantly if it is to proceed to referendum.

Formal recommendation

93. I have concluded that the Welwyn Neighbourhood Plan as submitted does not meet basic conditions a) and d), but that the Parish Council should be given the opportunity to modify it in order to ensure that it does. I therefore recommend that, so long as the recommendations set out above are followed, the Plan should be permitted to proceed to referendum in its modified form.
94. Finally, I am required to consider whether the referendum area should be extended beyond the neighbourhood plan area, but I have been given no reason to think this is necessary.

David Kaiserman BA DipTP MRTPI
Independent Examiner

6 November 2025

¹¹ It is unclear whether this is defined as anything over 500 sq. m. or whether these are different cases

APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	NP reference	Recommendation
19	Plan title	<ul style="list-style-type: none"> • Include the plan period in the title
40	Introduction	<ul style="list-style-type: none"> • Amend the Plan's introduction to acknowledge the likely implications with regard to sustainable growth of the current review of the Local Plan
50	General	<ul style="list-style-type: none"> • Add numbering to individual paragraphs
57	Section 9: Design Principles	<ul style="list-style-type: none"> • Reconsider all the material in this section to make clearer the difference between land-use policies and detailed design considerations • Relocate design principles to an appendix to the Plan or to a separate document
57	General	<ul style="list-style-type: none"> • Review all policies with a view to removing unnecessary duplication of LP policies or other NP policies • Any revised policies should then state that proposals will be determined in accordance with the relevant LP or NP policies (with a brief summary of the LP policy in the supporting material)
59	Policy 1	<ul style="list-style-type: none"> • Delete Point 2 of the policy
60	Policy 2	<ul style="list-style-type: none"> • The parish council should consider the points raised by WHBC regarding the LGS designations with a view to improving the robustness of the policy • Delete Point 2 of the policy
61	Policy 3	<ul style="list-style-type: none"> • Delete Point 3 of the policy
64	Policy 4	<ul style="list-style-type: none"> • Delete the policy
65	Policy 5	<ul style="list-style-type: none"> • Delete the policy
66	Policy 6	<ul style="list-style-type: none"> • Amend the preamble to the policy as suggested
67-69	Policy 7	<ul style="list-style-type: none"> • Clarify Point 1 of the policy • Delete Point 2 of the policy • Delete Point 3 of the policy

72	Policies 10-12	<ul style="list-style-type: none"> • Review to remove duplication
74	Policy 16	<ul style="list-style-type: none"> • Delete the policy
75-76	Policy 18	<ul style="list-style-type: none"> • Amend the wording of the policy as suggested • Delete Point 3 of the policy
79-80	Policy 21	<ul style="list-style-type: none"> • Delete Point 2 of the policy and replace as suggested • Delete Point 3 of the policy
81-82	Policy 22	<ul style="list-style-type: none"> • Replace the first sentence of the policy as suggested • Delete Point 2 of the policy
85	Policy 24	<ul style="list-style-type: none"> • Delete the policy
88-89	Policy 28	<ul style="list-style-type: none"> • Amend Point 1 of the policy as suggested • Delete Point 2 of the policy
91	Policy 30	<ul style="list-style-type: none"> • Delete as a policy but relocate its content to an appendix to the Plan