Dear Sir

PUBLIC LOCAL INQUIRY INTO OBJECTIONS TO THE DEPOSIT DRAFT OF THE WELwyn HATFIELD DISTRICT PLAN REVIEW

As you will be aware I was appointed by the First Secretary of State to hold a Public Local Inquiry into duly made and maintained objections to the Deposit Draft of the Welwyn Hatfield District Plan Review (referred to as the ‘Plan’ in this letter). I attach a copy of my Report into the objections I heard at the Inquiry and those submitted in writing in their original form and as supplemented by further written representations. This letter covers an outline of the procedural background to the preparation of the Plan and Inquiry and highlights the main issues arising from the objections.

THE PLAN

The First Draft of the Plan was placed on deposit by the Council for public inspection and consultation between 29 January and 12 March 2001. Following the receipt and consideration of the subsequent representations, the Revised Deposit version of the Plan was placed on deposit for inspection and consultation between 19 June and 31 July 2002. Hertfordshire County Council issued a Statement of Conformity between the Plan and the adopted Structure Plan on 22 May 2002.

Pre-Inquiry Changes to the Revised Deposit version of the Plan were made available for public inspection from 11 December 2002 and 24 January 2003. Only 3 objections have been maintained to the Changes and I have considered those in my Report. I have also recommended, where appropriate, whether the Plan should be modified as proposed by the Pre-Inquiry Changes (see Appendix 2 of my Report). Although the Pre-Inquiry Changes have been advertised, in the absence of any formal procedure for such Changes, it would be prudent for the Council to include any modifications arising from the Changes to be re-advertised prior to the adoption of the Plan.

I have seen a copy of the various notices and advertisements relating to the Plan and Inquiry process and am satisfied that all of the statutory procedures have been complied with.

THE INQUIRY

I held a Pre-Inquiry Meeting on 12 February 2003 to discuss procedural matters with Objectors and the Council. At that time there were 969 outstanding objections, of which 33 had been conditionally withdrawn and 208 were to be heard at the Inquiry. At the Meeting, I was asked by the Council’s
representative to consider two ‘late’ objections by Pearl Assurance, but I have not done so because they were withdrawn before the Inquiry closed.

I was also asked to consider objections to the Council’s Supplementary Design Guidance (SDG), which was included in the First Draft of the Plan as Appendix 2, but which was deleted in the Revised Deposit version. Although Appendix 2 and the SDG no longer form part of the Plan, I have considered the relevant objections in part 7.7 of my Report.

The Inquiry opened on 7 May 2003 and sat on a total of 24 days (see Appendix 4 of my Report), closing on 4 November 2003. Before, during and after the Inquiry, I made a series of accompanied and unaccompanied visits to objection sites and the area generally, which occupied all or part of 13 days.

By the time the Inquiry closed, the number of maintained objections had dropped to 890 (including those to the Pre-Inquiry Changes, deleted Appendix 2 and the SDG referred to above), of which 46 had been conditionally or partially withdrawn. All of those 890 maintained objections are considered in my Report (the objections are listed in Appendix 3).

THE OBJECTIONS

In my consideration of all objections, I have had regard to submissions made by the Objectors and the Council and to all other material considerations, including current Planning Policy Guidance (PPGs) and Circulars where appropriate. I have also had regard to those representations in support of the Plan. I have not had regard to any changes in local planning circumstances or national policy since closing the Inquiry as I have not received representations thereon. The Council will need to take any such changes into account in their consideration of my recommendations.

My Report follows the sequential layout and Chapter numbering of the Plan. In each case I briefly present the main issues arising from the objections, followed by my reasoning, conclusions and recommendations. All of the recommendations are summarised in Appendix 1 of my Report.

THE MAIN ISSUES

At the Pre-Inquiry Meeting, the Council summarised the main issues under eleven of the Plan’s Chapter headings. However, at the time of preparing my Report some of those issues were the subject of relatively few maintained objections. Those objections are, of course, all considered in my Report, but it seems to me at this stage that the following briefly outlines the main issues which have arisen from the maintained objections.

The Green Belt (Chapter 4)

The main issue on this topic is whether the boundaries of the Green Belt are adequate to accommodate development needs up to and beyond 2011. Not surprisingly many of the objections to the Plan’s policies for the Green Belt are closely related to the main housing issues. The main objections express concern about the Plan’s concentration of additional housing in Welwyn Garden City and Hatfield and the absence of housing provision in the specified settlements such as Cuffley and Welham Green. Consequently Objectors have argued for the release of Green Belt land on the edge of those settlements and elsewhere in the District.

Although I have concluded that the concentration of additional housing in the two towns reflects national, regional and strategic guidance, I return to the matter below in respect of the need for affordable housing. However, notwithstanding that concern I have concluded that there is no justification to alter the boundaries of the Green Belt in the Plan period apart from two minor amendments where I find the boundary to be illogical.

I have also concluded that there is no current need for the identification of an Area of Special Restraint (ASR) in addition to, or instead of, the area designated in the Plan at Panshanger to meet the longer...
term development needs of the District. However, that conclusion has been reached in the context of the current uncertainty of the scale of such needs beyond 2011 pending the publication of RPG14. I return to the matter below under the housing sub-heading and have expressed my reservations in Chapter 4 of the Report about the suitability of the Panshanger ASR as a housing site. I have not recommended the deletion of the ASR, but consider its use to accommodate significant housing should be carefully assessed in an early review of the Plan against sustainability objectives and the relevant criteria of PPG 3.

Resources (Chapter 5)

The main contentious issue in this Chapter of the Plan concerns Policy R19 on Telecommunications Development and whether it is adequate and in accordance with Government guidance, particularly in respect of health issues. There are 21 objections to the policy, which express concern about health issues and the siting of mobile phone masts in and around Cuffley and Welham Green. Whilst the concerns of Objectors about health issues are understandable, I have concluded that the policy, as amended by Pre-Inquiry Changes, reflects Government guidance, apart from the requirement about consultations on sensitive sites. I have therefore recommended a small amendment to Policy R19 and that the criterion relating to the provision of vehicular access to mast sites be deleted as being unreasonable.

Movement (Chapter 6)

The main issue in this part of the Plan is whether it should support in principle, additional capacity on the East Coast Main Line railway (ECML). Many objections (110) have been maintained despite the amendments made in the Revised Deposit version of the Plan and the deletion of Policies M10 and M11. The Council also proposed further amendments during the Inquiry following the receipt of a letter from the Strategic Rail Authority, which confirmed they have no plans to widen the tracks between Welwyn Garden City and Woolmer Green in the short to medium term.

Having carefully considered the matter, I have concluded that the amendments made and proposed by the Council adequately respond to the objections, subject to a minor re-wording of the text of paragraph 6.32. I have therefore recommended that the Plan be modified accordingly.

Design (Chapter 7)

The main issue arising from the objections concentrate on whether the new design policies in the Plan and the Supplementary Design Guidance will improve design quality or are too onerous and fail to accord with Government guidance. In my view the amendments made in the Revised Deposit version of the Plan strengthen the Council’s ability to seek improvements to the quality of design, which accords with Government guidance. I have therefore made very few recommendations to modify or change the Plan and the SDG other than as proposed by the Pre-Inquiry Changes and to improve the clarity of the SDG.

Housing (Chapter 9)

The main issue is whether the housing land supply identified in the Plan is adequate to meet the requirements to 2011 and should the Plan accommodate housing needs beyond that date. My consideration of the objections has been influenced by the uncertainty at the time of the Inquiry about strategic housing requirements beyond the Plan period. That uncertainty arises from the emerging Structure Plan being put on hold by the County Council pending the strategic framework which regional planning guidance will provide in the form of RPG14. I have therefore concluded that the Plan should be based on the housing requirement of 5,600 additional dwellings between 1991-2011 as set out in the currently adopted Structure Plan.

In Chapter 9 of my Report I have considered at length those objections which suggest the supply of housing land in the District has been overestimated in the Plan. However I have concluded that the Plan
Welwyn Hatfield District Plan Review - Inspector's Report

has identified sufficient land to meet the above housing requirement over the Plan period. Indeed, I consider the supply of land has been underestimated because no account appears to have been taken of the significant housing element likely to be generated by mixed use schemes during the Plan period. Such schemes include the Hatfield Aerodrome Site District Centre, Hatfield Town Centre East and the Forum and the Campus East Site in Welwyn Garden City. I have also recommended the inclusion of a further mixed use scheme in Chapter 12 of my Report, which could further increase housing supply. Since housing provided by the mixed use schemes would be in very sustainable locations, I have recommended that it should be identified in the Plan as part of the supply and that the deletion of the allocation of less sustainable housing sites should be considered.

In those circumstances, there is no compelling case for the release of any of the omission sites put forward by Objectors and I have recommended accordingly. I should mention at this point that I have considered those sites in Chapter 4 of my Report, which should be read in conjunction with Chapter 9, because they would all involve the release of Green Belt land. In view of the uncertainty pending publication and approval of RPG14 and the potential over-supply of housing land, I have also recommended against identifying any land in this Plan to meet any need for further strategic growth. However it is clear that an early review of the Plan will be required, probably under the new Development Plan system, to ensure that the District can accommodate the housing requirement beyond 2011 that will be established by RPG14.

As mentioned above, several Objectors criticise the geographic spread of allocated housing land in the District and the concentration of sites in Welwyn Garden City and Hatfield and at the Hatfield Aerodrome Site in particular. Having regard to sustainability objectives, the pattern of development in the District, Government guidance and the constraint imposed by the Green Belt, I do not find the Plan’s approach to the location of housing to be unacceptable. Even so, the objections have given rise to my considerable concern about the consequential implications on the supply of affordable housing.

Affordable Housing (Chapters 9 and 15)

The main issue is whether the policy on affordable housing is justified and reasonable and whether the policy on rural exception sites should enable affordable housing to be provided on the edge of certain settlements.

I am concerned that the Plan’s definition of affordable housing does not include both low-cost market and subsidised housing, since both have some role to play in providing for local needs, notwithstanding the high price level of houses in the District. I have therefore recommended that the definition of affordable housing in the Plan be amended. I am also concerned at the lack of justification for the Plan’s target figure of 30% affordable housing, since the actual level of need appears to be far higher. I have therefore recommended that 30% should be a minimum starting point for negotiations under Policy H7. I have also recommended that an early review of the Plan should consider raising the indicative target to a figure more in line with the identified need and guidance in RPG9/RPG14.

The absence of allocated housing sites outside Welwyn Garden City and Hatfield will also result in very little, if any, affordable housing coming forward as part of new private sector development in the Plan period in the specified settlements to meet local needs. The constraints of the Green Belt and the supply of housing land within the urban areas mean that there is little the Plan can do to remedy the problem. However I have recommended that, as well as the early review of the Plan in the context of RGP14, Policy RA16 (Rural Exception Sites) be re-worded to allow for affordable housing to meet an identified need to be provided on the edge, as well as within, any settlement in the District.

Community, Leisure and Tourism (Chapter 11)

The main issue in this part of the Plan is whether it should provide for a swimming pool in Welwyn Garden City following the closure of the pool at Stanborough Park. There is clearly a considerable amount of public concern about the absence of a swimming pool in Welwyn Garden City and the lack of provision in the Plan to remedy that situation. For the reasons set out in my Report I do not consider
at this stage the Plan is able to allocate or protect any specific sites for a swimming pool, but I have recommended that it be modified to summarise and explain the proactive approach which the Council is taking pursuant to its Swimming Development Proposal.

Employment (Chapter 12)

The main issue is whether the Plan should allow for retail and leisure uses within the designated employment areas. It is clear from the evidence that there is a quantitative surplus of employment land and floorspace in Hertfordshire and that some land and buildings can be released for other uses as part of a discriminating and cautious approach. Having regard to that surplus I consider the unconditional statement in Policy EMP3 that retail and leisure uses are unacceptable in the designated Employment Areas fails to properly reflect the guidance in PPG6 and the Structure Plan.

Clearly a cautious approach to the re-use of employment land for other uses is justified and any such re-use for retail development in particular must be subject to the policies contained in Chapter 13 of the Plan. I have therefore recommended that Policy EMP3 be deleted and that Policy EMP2 be re-worded to provide a criteria-based framework for the consideration of the acceptability of all uses in employment areas. I believe that the amended policy would retain the degree of employment protection sought by the Council, whilst enabling alternative uses if they comply with the criteria and other relevant policies of the Plan. In my view such a policy would then better reflect the relevant provisions of PPG6 and the Structure Plan.

I have dealt with two site specific objections which sought the release of designated employment land in Welwyn Garden City for retail and other uses. I have concluded that there is no compelling case to support the Plan allocating the employment sites for any retail use. However, I have recommended that land east of the railway station in Welwyn Garden City be allocated in the Plan as a mixed use site, primarily because of its key location, its existing uses and the opportunity to achieve a sustainable mixed use scheme comprising employment, housing, leisure and rail-related uses.

Retailing and Town Centres (Chapter 13)

This part of the Plan has attracted the greatest relative number of maintained objections (275), which raise several main issues. Firstly, whether the retail floorspace needs for the District to 2011 have been underestimated and whether there is any need for more retail floorspace in Welwyn Garden City. Secondly, whether the sites proposed in the Plan for retail floorspace in Welwyn Garden City are sufficient and suitable in terms of impact and viability. Thirdly, whether the scale and extent of proposed redevelopment in Hatfield town centre is appropriate.

I have agreed with those Objectors who consider the Plan underestimates the quantitative need for additional retail floorspace. However, I regard the estimate of need for Welwyn Garden City put forward at the Inquiry on behalf of Chinacorp to be an unrealistic assessment and have not therefore recommended that it be used as a basis for any modification of the Plan. In reaching that conclusion, my reasoning has been influenced by the considerable number of objections from local residents who do not want to see any more shops in Welwyn Garden City.

Even so, I have accepted that there is a qualitative need for additional floorspace having regard to Government and strategic guidance. I have concluded that the Plan’s proposals for Welwyn Garden City town centre are sufficient, suitable and viable to meet that need without an unacceptable impact on its character. I have not therefore recommended the provision of any further significant retail floorspace east of the railway line, as proposed by two Objectors. However, I have recommended that the District’s quantitative retail floorspace needs be re-assessed in an early review of the Plan.

In contrast to Welwyn Garden City, there are few objections to the Plan’s proposals for Hatfield Town Centre. Some Objectors question the need for, and scale of, the proposed redevelopment scheme. However, I have concluded that the scheme, as currently being formulated and shown in the Plan, is
required to maintain and enhance the role of Hatfield town centre and its position in the shopping hierarchy of the county.

IN CONCLUSION

Attention is drawn to the fact that my recommended modifications to policies in the Plan may also necessitate consequential modifications to supporting text and/or the Proposals Map. Such modifications are not necessarily noted in my Report. I have also noticed several minor typographical errors in parts of the Plan which have not been the subject of objections and are not therefore referred to in my Report. The Council will need to identify and incorporate such modifications and corrections in the Plan during the final stages of its preparation process.

I understand that a complete set of documents submitted in connection with the Inquiry is held in the Council’s Planning Department and should be kept available for inspection there by prior arrangement.

Finally I wish to express my thanks for the good-humoured help and co-operation I received throughout the Inquiry from the Council’s barristers Graham Stoker and Celina Colquhoun and all of the Council’s officers, led by Mike Hayden. I was particularly grateful to the Council and staff for the facilities provided at Campus West, which helped ensure that the Inquiry ran smoothly and efficiently and in a location convenient for public access. The Programme Officer, Jeremy Herring, provided invaluable assistance throughout the Inquiry process and I particularly wish to express my sincere thanks for his calm support and unstinting hard work.

As I announced at the Pre-Inquiry Meeting I was assisted during the Inquiry at the Housing Round Table session by Chris White BSc(Hons) DipTP MRTPI, one of the Planning Inspectorate’s Planning Officers. I was also helped during the related preparation of the Housing Chapter of my Report by Christian Ford BA(Hons) BTP MRTPI who is a Higher Planning Officer in the Planning Inspectorate. I express my gratitude to their help and assistance, but should emphasise that the Report remains entirely my own work.

A copy of this letter has been sent for information to the Government Office for the East of England and to the Office of the Deputy Prime Minister.

Yours faithfully

Michael Clark FRtpi FRics
Inspector

cc GO-East, Eastbrook, Shaftesbury Road, Cambridge, CB2 2DF
ODPM(c), Eland House, Bressenden Place, London, SW1 5DU

an Inspector appointed by the First Secretary of State
Report into Objections to the
Welwyn Hatfield District Plan Review

April 2004
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1. CHAPTER 1 – INTRODUCTION

1.1 SCOPE AND STATUS OF THE PLAN (Paragraphs 1.3-1.6)

Objections

D1/1204/INT/001  Friends of the Earth
D1/1204/INT/002  Friends of the Earth

Issues

1. Should the Plan more clearly explain its statutory context including what material considerations might allow a departure from the Plan and the circumstances when such a departure is advertised?

Is this part of the Plan wrong in saying that it may only relate to the use of land?

2. Should a new section be introduced in the Plan about the implications of the Human Rights Act on the planning system?

Inspector's Reasoning and Conclusions

1.1.1 On the first issue, it seems to me that paragraph 1.6 of the Plan clearly and plainly summarises its legal status and specifically refers to the relevant section of the Town and Country Planning Act 1990. Any more detailed explanation and reference to case law would make the Plan unnecessarily complicated and more difficult for those inexperienced in the planning system to understand.

1.1.2 Although the scope of what can be regarded as material has been clarified by judicial authority, in principle any consideration which relates to the use and development of land is capable of being a planning consideration. It would therefore be inappropriate and potentially misleading for the Plan to define which material considerations might allow a departure from its policies. The procedures for advertising planning applications which constitute departures from the Plan are set out in Article 8 of the Town and Country Planning (General Development Procedure) Order 1995 and it would be an over-elaborate level of detail to duplicate those procedures in the Plan.

1.1.3 Development plans should not contain policies for matters other than the development and use of land. It is however important that they have regard to wider sustainable development objectives, and to justify and explain the Plan it is necessary to refer to environmental, economic, social and other relevant considerations. This is stated in paragraph 1.4 of the Plan and when read as a whole, it clearly has such regard and most, if not all, policies relating to specific types of development require the consideration of any relevant consequential effects on social or environmental quality.

1.1.4 I do not therefore consider the Plan is wrongly based in respect of the first issue or that any changes are required in response to the objections by Friends of the Earth.

1.1.5 On the second issue, whether development plans are determinative of human rights is a matter that the courts will decide. Even so, any decisions taken as a consequence of the policies and proposals of this Plan may well have implications under the Human Rights Act 1998 (HRA). Whilst I do not consider it necessary for the Plan to go into any detail about such implications, I consider that the fundamental importance of the HRA in relation to the operation of the planning system justifies a brief paragraph of explanatory text.

1.1.6 Although unrelated to the above objections, I note that amendments to the text of paragraphs 1.7 and 1.9 are proposed by the Council as Pre-Inquiry Changes (PIC/001/INT and PIC/002/INT). No objections have been lodged to those changes and I do not have any comments on them.

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1 Paragraph 50 of PPG 1 (Document CD/NP/10)
2 Paragraph 3.5 of PPG 12 (Document CD/NP/110)
RECOMMENDATIONS

I recommend that, in addition to Pre-Inquiry Changes PIC/001/INT and PIC/002/INT, the Plan be modified by amending paragraphs 1.3 to 1.6 to incorporate a brief explanatory statement in the text to confirm that decisions taken as a consequence of the policies and proposals of the Plan will be taken having regard to any relevant provisions of the Human Rights Act 1998.

1.2 POLICY CONTEXT (Paragraphs 1.14-1.18)

Objections

D1/1204/INT/004 Friends of the Earth
D2/0275/INT/001 Landmatch Limited
D1/1268/INT/002 Mr. W Anderson

Issues

1. Should this part of the Plan be re-drafted to give a clear outline of the legal and informal origins of sustainable development policy and the impact of various major policy guidelines on the Council’s work?

2. Should the Plan provide justification for not relying on the current version of RPG 9 approved in March 2001 which supersedes the May 1994 version?

3. Is it possible for sustainable local development to co-exist with an overriding framework of a “top down” pyramid of national, regional and county planning policy when the national guidelines are driven by ever increasing housing targets? If not, should the Plan make more effort to confront the inconsistency? Should there be clearer guidance in the Plan as to where the authority to consider sustainable issues arise from?

Inspector's Reasoning and Conclusions

1.2.1 On the first issue, the background to the principles of sustainable development is dealt with in Chapter 2 of the Plan and I do not consider any useful purpose would be served by repeating that information in Chapter 1 as suggested by Friends of the Earth. PPG 12 requires that local authorities must have regard to national policies and those relevant to this Plan are referred to in paragraphs 1.14-1.18. It is almost inevitable that there will be some overlap between the preparation and adoption of the Plan and the publication of new or revised national planning policy or other guidance. Even so, I am satisfied that the Plan has, as far as possible, been prepared against the context of current national and strategic planning policies. I have referred in this Report to any inconsistencies between the Plan and any new or evolving policies or guidance. Having regard to the purpose of the Plan, I do not consider it is necessary for it to provide any more detail on the level or impact of major policy guidelines on the work of the planning authority.

1.2.2 On the second issue, The 1994 version of RPG 9 covers the period 1991-2011 and has been superseded by the 2001 version of RPG 9 which covers the period up to 2016. The 2001 version of RPG 9 therefore provides the current regional framework for the preparation of this Plan. However the current Structure Plan, which covers the same period as this Plan to 2011, was prepared and adopted in the context of the earlier version of RPG 9 and the latter therefore has relevance in terms of the Plan’s housing requirements to 2011. It seems to me that since paragraph 1.16 adequately explains that the Plan has therefore been prepared in the context of both the 1994 and 2001 versions of RPG 9, no further explanation is necessary as suggested by Landmatch Limited. However I return to this matter again in the Housing Chapter below.

1.2.3 On the third issue, a key role of the planning system is to enable the provision of homes and buildings, investment and jobs in a way that is consistent with the principles of sustainable
development.\textsuperscript{3} In accordance with that guidance, paragraph 2.1 of the Plan sets out the overall aim of the Plan as being to improve quality of life in the district by providing for sustainable development. The Plan seeks to make provision for its housing requirements in accordance with the principles of sustainable development, in particular by the allocation of housing sites within urban boundaries and mostly on previously-developed land.

1.2.4 In my view there is no doubt that the Plan has had regard to the principles of sustainability which is now a central theme of national and strategic planning policy and seeks to balance any inconsistency between those principles and the need for development. It also seems to me that the Plan deals adequately with the origins of sustainable development policy in Chapters 1 and 2 and rightly concentrates in Chapters 2 and 3 on how the Plan should apply the principles of such policy. I do not therefore consider any further guidance is needed on this issue in response to the objections by Mr Anderson and Friends of the Earth.

1.2.5 Although unrelated to the above objections, I note that an amendment to the text of paragraph 1.16 is proposed by the Council as a Pre-Inquiry Changes (PIC/003/INT). No objections have been lodged to the change and I do not have any comments on it.

**RECOMMENDATIONS**

I recommend that, other than Pre-Inquiry Change PIC/003/INT, no modifications be made to this part of the Plan.

1.3 CONSULTATION AND PUBLIC PARTICIPATION (Paragraphs 1.19 -1.20)

**Objections**

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**Issues**

1. Should more effort have been made to properly consult the public about the Plan?
2. Should the Plan include a policy, which says that the public can expect to be consulted on all development proposals?

**Inspector's Reasoning and Conclusions**

1.3.1 On the first issue, the key stages of consultation and public participation are summarised in paragraph 1.12 of the Plan, in the Statement of Public Consultation\textsuperscript{4} and in the Council’s response to this issue\textsuperscript{5}.

1.3.2 I understand from Mr Riches’ representations that in some cases the public experienced difficulties in obtaining convenient access to inspect the draft Plan and felt that their views were not fully taken into account by the Council. However it seems to me that the Council has carried out an extensive programme of public consultation on the Plan in addition to that required by the Town and Country Planning (Development Plan) Regulations 1999. There has been ample opportunity for any member of the public to maintain their objections to the Plan and to submit them as representations for my consideration in preparing this Report. There is no compelling evidence therefore to demonstrate that the Council has failed to properly consult the public on the Plan or has been otherwise than open about the consultation process.

\textsuperscript{3} paragraph 1 of PPG 1
\textsuperscript{4} Document CD/DP/40
\textsuperscript{5} Document WHC/INT/004
Turning to the second issue, a policy requiring the Council to consult the public on all development proposals is unnecessary since it would relate to an administrative procedure, which is in any case covered by other procedural guidance. I have no reason to doubt that the Council will follow that guidance. Furthermore the requirement of such a policy for general public consultation would be unnecessarily onerous for development proposals which would clearly only effect a limited area. I do not therefore consider any changes to this aspect of the Plan are required in response to the objections by Mrs Cotgrove and Friends of the Earth.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan
2. CHAPTER 2 - OVERALL STRATEGY

2.1 INTRODUCTION (Paragraphs 2.1-2.6)

Objections

D1/1204/STR/005  Friends of the Earth
D1/1268/STR/003  Mr. W Anderson

Issues

1. Should this section of the Plan be re-drafted to more closely reflect the considerations outlined in Chapter 4 of the UK Sustainable Development Strategy?

2. Is maintaining high and stable levels of economic growth and employment in conflict with the objectives of effective protection of the environment and prudent use of natural resources without a massive switch away from car transport?

Inspector's Reasoning and Conclusions

2.1.1 On the first issue, the Plan was amended at its 2nd deposit stage to include the ten principles and approaches which are set out in Chapter 4 of the UK Sustainable Development Strategy. Chapter 2 of the Plan describes in some detail how, as an overall strategy, it aims to address the key planning issues for the district in the context of sustainability. GO-East has expressed support for the strategy and the Plan is in conformity with the Structure Plan in this respect. I do not therefore consider there is any need to re-draft this section of the Plan in response to the objection by Friends of the Earth.

2.1.2 On the second issue, clearly there is a need to balance the maintenance of high and stable levels of economic growth and associated use of the private car with other objectives of sustainable development. The Plan places considerable priority on achieving that balance in Chapters 2 and 3 and Policy SD1. Furthermore, reducing the need to travel and dependence on the car is an underlying theme of current national planning policy and one of the key issues which this Plan seeks to address. The Plan therefore places importance on the conflicts which can arise from competing objectives of sustainability and seeks to address them, as far as it is able to, through its policies for the development and use of land in the District. Therefore, no changes are required in response to the objection by Mr Anderson.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

2.2 REDUCING THE NEED TO TRAVEL AND DEPENDENCE ON THE CAR
(Paragraphs 2.13-2.15)

Objections

D1/1638/STR/003  Ms Alice Kovic
D1/0118/STR/002  Mr M Riches
D1/1543/STR/008  Mrs E H Sheppard
Issues

1. Does the Plan do enough to address the causes and effectively solve the problems of movement in the district, including inadequate public transport, and recognise that people need to travel to earn a living? Is the Plan too vague on this matter and should it be integrated with the Local Transport Plan?

2. Does the use of existing employment sites for housing and moving workers into houses on sites where there used to be jobs, defeat the object of this part of the Plan?

Inspector's Reasoning and Conclusions

2.2.1 On the general points raised in these issues, it is important that the transport strategy set out in Local Transport Plans (LTPs) takes full account of, and complements, the land use strategy of development plans, and vice versa. In this case I understand that the Council contributed to the preparation of the Hertfordshire LTP, including ten transport objectives for the district and that this Plan has been prepared in the context of the priorities set out in the LTP. The LTP is referred to in Chapter 6 of the Plan. My attention has not been drawn to any particular circumstances which would justify including elements of the LTP in this Plan and I do not therefore consider there is sufficient justification for any further integration of the two plans.

2.2.2 The Objectors’ evidence on both issues refers to examples of poor planning in the past and inadequate public transport facilities, which have contributed to the present dominance of the car. Such examples, and no doubt many others, underlie the present key objective in national and local planning policy of reducing the need to travel, especially by car. Paragraph 2.13 of the Plan is a factual statement which reflects the present position of the District being heavily car-dependent and does not imply that residents are to blame for congestion on the roads. In my view it is more important for the Plan to concentrate on formulating an effective strategy to reduce travel and dependence on the car in the future, rather than dwelling too much on any past failures. Even so, the successful implementation of that strategy is dependent on numerous factors, many of which are beyond the ambit of this Plan. I do not therefore consider the Plan is too vague on this matter.

2.2.3 In identifying land for housing, the Council has considered the need to use employment land for housing in appropriate circumstances and that accords with Government guidance. The overall strategy of the Plan is to locate new housing development where it is accessible to public transport, jobs, shops, schools and other facilities. That strategy also accords with the same Government guidance and is consistent with Policy P1 of the Structure Plan. I do not therefore consider there is any justification to change the Plan in response to Mr Riches’ objection on the second issue.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

2.3 SUSTAINING THE COUNTRYSIDE AND RURAL COMMUNITIES (Paragraphs 2.20-2.21)

Objection

D1/1268/STR/008         Mr W Anderson

Issue

1. Should the Plan contain more than a presumption against inappropriate development in the Green Belt and impose an absolute and perpetual ban on activities other than farming, forestry and other pre-industrial activities?

6 PPG 3 (Document CD/NP/25)
Inspector's Reasoning and Conclusions

2.3.1 General policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. That principle is long established and is enshrined in national and strategic policy for the Green Belt in the district. There is no justification for the Plan to include any further restriction on development in the Green Belt, as suggested by Mr Anderson, and any such restriction would not be in accordance with the national and strategic policy referred to above.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

2.4 REVITALISING TOWN AND VILLAGE CENTRES (Paragraphs 2.22-2.23)

Objection

D1/1268/STR/009 Mr W Anderson

Issues

1. Will the Plan’s promotion of more pubs in the town centre of Welwyn Garden City encourage anti-social behaviour?

Inspector's Reasoning and Conclusions

2.4.1 It is national planning policy to sustain and enhance the vitality and viability of town centres by, amongst other things, encouraging different but complementary uses during the day and in the evening. Such uses can reinforce each other and make town centres more attractive to local residents, shoppers and visitors. It is not therefore unreasonable for the Plan to promote more pubs in the town centre and Chapter 13 of the Plan includes appropriate policies which seek to protect residential amenities. The general behaviour of people who use such facilities is a matter that is outside the scope of the planning system and beyond the remit of the Plan. No changes are therefore required in response to this objection by Mr Anderson.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

2.5 OBJECTIVES OF THE PLAN (Paragraphs 2.24-2.25)

Objection

D1/1213/STR/001 Faulkners

Issue

1. Should Objective 2 in paragraph 2.24 be deleted as being, apart from housing, an unnecessary and excessive interference with the needs of local people?

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7 PPG 2 (Document CD/NP/20) and Policy 5 of the Structure Plan
8 PPG 6 (Document CD/NP/50)
Inspector's Reasoning and Conclusions

2.5.1 National planning policy guidance refers to the need for the planning system to take into account economic, environmental, social or other factors when considering development proposals. It is therefore appropriate, and in accordance with national planning policy guidance, for the Plan to include Objective 2 as part of its overall aim of securing sustainable development in the district. No changes to this part of the Plan are therefore required in response to this objection by Faulkners.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

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9 PPG 1 and PPG 12
3. CHAPTER 3 - SUSTAINABLE DEVELOPMENT

3.1 SUSTAINABLE DEVELOPMENT (Paragraphs 3.1-3.8 and Policy SD1)

Objections

D1/1204/SUS/006    Friends of the Earth
D1/1204/SUS/007    Friends of the Earth
D1/1268/SUS/011    Mr W Anderson
D1/1623/SUS/001    Beechwood Homes Ltd
D1/1213/SUS/002    Faulkners
D1/1498/SUS/001    Mr & Mrs M Guerra

Issues

1. Does this part of the Plan present a vague and contradictory picture of sustainability?
2. Should the Plan seek to prevent development if it is likely that demonstrable harm may be caused?
3. Is the requirement of Policy SD1 for all applicants to submit a statement demonstrating how proposals address the sustainability checklist too excessive and onerous, especially for smaller schemes? Would the policy and checklist be too authoritarian and burdensome on applicants for planning permission?
4. Does Policy SD1 and the proposed sustainability checklist provide a reasonable, practical and enforceable means of assessing and achieving the sustainability of development proposals in the District?

Inspector's Reasoning and Conclusions

3.1.1 On the first issue, in addition to providing a sound basis for development control decisions, the Plan should be clear and succinct and is not the place for over-elaborate definitions or analysis of the principles relating to sustainability. Such matters are dealt with in the Government’s strategy for sustainable development, which underpins the current planning system. However, the Plan should implement the land use planning aspects of sustainable development and seeks to do that by assessing the sustainability of individual development proposals as openly and objectively as possible. I find nothing vague or contradictory in such an approach and note that it has been highly commended by GO-East. I do not therefore consider the Plan should be amended in response to the objections by Friends of the Earth.

3.1.2 On the second issue, decisions on planning applications should always take into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. Since that is enshrined in Government guidance relating to the planning system, it does not need to be referred to or re-defined in the Plan in response to Mr Anderson’s objection.

3.1.3 On the third issue Policy SD1, properly in my view, does not require the submission of a statement to demonstrate how proposed development addresses sustainability criteria, but it indicates that one is expected to accompany planning applications. Clearly the level of detail required in a statement submitted under Policy SD1 should be related to the scale of the development proposed and that is reflected in the sustainability checklist. I do not therefore consider the policy to be onerous or burdensome having regard to the priority the Plan gives to achieving sustainable development, which in itself is in accordance with national and strategic planning policy. I do not therefore consider this part of the Plan should be amended in response to the objections by Beechwood Homes Ltd and Faulkners.

10 paragraph 40 of PPG 1
3.1.4 Turning to the fourth issue, I do not accept the criticism made by Friends of the Earth and Mr & Mrs Guerra about Policy SD1 and any uncertainty concerning whether failing to satisfy some criteria would lead to a refusal of planning permission. The wording of the first sentence of the policy is clear about the need to satisfy the principles of sustainable development, which is reasonable having regard to the overall aims and objectives of the Plan stated in Chapter 2. The Council has to balance other material planning considerations with any conflict with the Plan when determining all planning applications and that exercise would be carried out in relation to proposals which fail to satisfy any of the relevant criteria in the sustainability checklist. I therefore consider that Policy SD1 and the sustainability checklist approach would provide a sound and objective basis for applicants and the Council to understand and undertake that exercise.

3.1.5 I have considered the alternative wording proposed for Policy SD1 by Friends of the Earth, but find it vague and lengthy in terms of its purpose as a guide to the Council’s day-to-day planning decisions, which is the primary function of the Plan. In my view the alternative wording would not strengthen the ability of the Plan to achieve its overall objectives for a sustainable pattern of development and I therefore do not consider there is any justification to replace Policy SD1 with the Objector’s form of wording.

3.1.6 I note that an amendment to the text of paragraphs 3.4 and 3.6 and to Policy SD1 is proposed by the Council as Pre-Inquiry Changes (PIC/004/SUS, PIC/005/SUS, PIC/006/SUS). The amendments follow from the proposed deletion of Appendix 1 of the Plan, which I deal with below. No objections have been lodged to the changes and since I recommend below that Appendix 1 be deleted from the Plan, I agree with the proposed changes.

RECOMMENDATIONS
I recommend that the Plan be modified by the text in paragraphs 3.4, 3.6 and Policy SD1 being amended in accordance with the Council’s Pre-Inquiry Changes PIC/004/SUS, PIC/005/SUS and PIC/006/SUS.

3.2 SUSTAINABILITY CHECKLIST (Appendix 1)

Objections

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<tr>
<td>D2/0002/SUS/001</td>
<td>Hertfordshire County Council (Environment)</td>
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<td>D1/1504/APA/001</td>
<td>Mrs R Bunting</td>
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<td>Royal Veterinary College</td>
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<tr>
<td>D1/1616/APA/066</td>
<td>Royal Veterinary College</td>
</tr>
</tbody>
</table>

Issues

1. Is the use of a sustainability checklist as the primary determinant of the sustainability of any proposal flawed?
2. Should the Sustainability Checklist be removed from the Plan and put into supplementary planning guidance?
3. Should paragraph 38 of the checklist require developers to specify how they intend to make income generation within the local area come about? Would the mere submission of a statement on this matter be meaningless?
4. Should the sustainability checklist clarify how the criteria will be applied to different developments in urban areas and that the unusual nature of some development should be taken into account as special circumstances? Do the criteria show consistencies of assessment and application between policies?
Inspector's Reasoning and Conclusions

3.2.1 On the first issue, Policy SD1 clearly indicates that development proposals should satisfy the principles of sustainable development by reference to criteria in a checklist. The inclusion of a checklist adds clarity and openness to the assessment process. As discussed below, it is proposed to put the checklist into supplementary planning guidance rather than into the Plan, which would provide the flexibility that Friends of the Earth appears to seek. I have considered the additional wording suggested in their objection on this issue for insertion alongside Policy SD1, but it seems to me that the suggested criteria are embodied in the Plan’s overall objectives for sustainable development and would add nothing further to its function. There might be other ways of dealing with this matter, but I do not consider the Plan’s approach to be fundamentally flawed.

3.2.2 In response to the objection by Hertfordshire County Council, the Council has proposed a Pre-Inquiry Change which would delete Appendix 1 from the Plan and insert its contents within supplementary planning guidance (PIC/040/APA). No objections have been lodged to that change. I support the change because it would enable the criteria to be more readily amended, if required, particularly as I understand that the County Council is preparing a Hertfordshire Sustainability Guide, which will incorporate a new checklist intended to replace those currently being integrated into local plans in the county.

3.2.3 The Council amended the Plan at its 2nd Deposit stage in response to the objection by Mr Bunting on the third issue, so that criterion 38 of part (b) of the sustainability checklist requires developers to demonstrate how a proposal would add to the generation of income in the local area. I consider that the amendment to the checklist, which in any case is now proposed as supplementary planning guidance, meets the objection on this issue and that no changes to the Plan are required.

3.2.4 On the fourth issue, I do not consider that there is any justification for the sustainability checklist to distinguish between the assessment of development in urban and rural areas. Any special circumstances caused by the location or nature of the development proposed would be taken into account by the Council as a material consideration in the determination of a planning application. It is unclear from the objection whether it is considered that there are inconsistencies of assessment and application between policies as no specific examples have been given, but I am not aware of any such inconsistencies. I do not therefore consider any changes to the checklist or Plan are required in response to the objections by the Royal Veterinary College on the fourth issue.

RECOMMENDATIONS

I recommend that, in accordance with Pre-Inquiry Change PIC/040/APA, the Plan be modified by the deletion of Appendix 1 and its insertion within supplementary planning guidance.

11 Document CD/DP/120 (Supplementary Design Guidance)
4. CHAPTER 4 – GREEN BELT AND SETTLEMENT PATTERN

4.1 DEFINITION OF THE GREEN BELT AROUND THE TOWNS AND SPECIFIED SETTLEMENTS (Policies GBSP1 and GBSP2)

Objections

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<td>D1/1543/GBS/001</td>
<td>Mrs E H Sheppard</td>
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<td>D1/1085/GBS/002</td>
<td>Mr S S Grewal</td>
</tr>
<tr>
<td>D1/1498/GBS/002</td>
<td>Mr &amp; Mrs M Guerra</td>
</tr>
</tbody>
</table>

Issues

1. Should Policies GBSP1 and GBSP2 be amended to provide for a re-assessment of Green Belt boundaries around the main towns and specified settlements to provide for local growth?
2. Would Policy GBSP2 set a precedent for piecemeal erosion of the Green Belt around Welham Green?
3. Does the Plan deny the opportunity for affordable housing to be provided to meet the needs of the Green Belt settlements listed in paragraph 4.13(b)? Should the Plan’s grading of villages at paragraph 4.13 be deleted?
4. Should the Plan encourage an increased number of productive smallholdings in the Green Belt to deter its use for chemical intensive farming which is dependent upon large machinery and big fields?

Inspector's Reasoning and Conclusions

It is quite clear from Government guidance that detailed Green Belt boundaries defined in adopted local plans or earlier approved development plans should be altered only exceptionally. Where existing local plans are being revised and updated, existing Green Belt boundaries should not be changed unless alterations to the structure plan have been approved, or other exceptional circumstances exist, which necessitate such revision.

In this case the Hertfordshire County Development Plan approved in 1957 included the southern part of the District within the Metropolitan Green Belt, which was extended to the rest of the District in the County Structure Plan approved in 1979. That Plan provided for towns and specified settlements to be excluded from the Green Belt with inner boundaries of the Green Belt to be defined in local plans. The inner boundaries were defined in a District Plan in 1982, but although the Plan went through the statutory processes, it was not adopted. Nevertheless the boundaries were used for development control purposes from 1986 until a new District Plan was adopted in 1993. The inner boundaries of the Green Belt in the District have therefore been defined in a statutory development plan for a relatively short period of time although the whole District has been within the Green Belt for at least 24 years.

Even so, current Regional Planning Guidance states that the Government does not believe there is a regional case for reviewing the existing Green Belt boundaries. It recognises that,

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12 Issues 1 and 3 of this section of my Report have also been raised in some of the site specific objections considered in part 4.3 of this Chapter
13 paragraph 2.6 of PPG 2 (Document CD/NP/20)
14 paragraph 2.7 of PPG 2
where settlements are tightly constrained by the Green Belt, local circumstances may suggest the need for a review after urban capacity studies have been undertaken and local authorities have considered all other alternative locations for development within their area.\(^{15}\) However, the Council has undertaken such a study, which indicates that there is sufficient capacity for housing land in the urban areas of the District without using land in the Green Belt or the land safeguarded in the adopted Plan as an Area of Special Restraint (ASR).\(^{16}\)

### 4.1.4 Policy 5 of the Structure Plan also provides for the review of Green Belt boundaries around the towns listed in Policy 6 for peripheral development, but only mainly through planned regeneration under Policy 7 and to secure a more sustainable pattern of development and activities within those settlements. Policy 5 requires individual adjustments to Green Belt boundaries linked to Policies 6 and 7 to be fully justified by reference to the criterion of exceptional circumstances indicated in PPG 2. In addition, proposals should demonstrate that they contribute to sustainability objectives and be part of a comprehensive planning approach to deliver those objectives.

### 4.1.5 Therefore neither RPG9 nor the Structure Plan support a re-assessment of Green Belt boundaries around the main towns and settlements in the District unless there are exceptional circumstances.

### 4.1.6 Paragraph 4.10 of this Plan indicates that the settlements specified in Policy GBSP2 have been identified on the basis that they offer the best opportunity for sustainable development, which accords with the provisions of Policy 6 of the Structure Plan. Even so, the Council has been able to identify most of the land required to accommodate the needs for housing development by 2011 on previously-developed land within the urban areas of Welwyn Garden City and Hatfield. My consideration of the matter in Chapter 9 of my Report indicates that the supply of housing land in the two towns has been underestimated. Therefore, whilst the specified settlements might be sustainable locations for housing, and I note that four sites are identified in the Plan outside Welwyn Garden City and Hatfield, there is no requirement for the Council to extend the search for such land any further. The concentration of sites for new housing development in the urban areas of Welwyn Garden City and Hatfield is consistent with the Plan’s settlement policy as well as Policy Q1 of RPG9 and Policy 6 of the Structure Plan.

### 4.1.7 There is no persuasive evidence that the viability of any of the specified settlements is under threat because of the lack of sufficient demand to sustain local services and facilities. Policy RA16 of the Plan provides for small-scale affordable housing schemes on rural exception sites outside the specified settlements, where it will meet an identified local need. Apart from a site at Roe Hyde in Hatfield, which I consider later in this Chapter of my Report, no compelling evidence has been produced to demonstrate a need to accommodate development other than housing outside the towns and specified settlements within or beyond the Plan period.

### 4.1.8 I have considered further issues relating to the specified settlements and the Plan’s distribution of housing throughout the District in Chapter 9 of my Report. However, having regard to the above and to my consideration of housing supply in Chapter 9, I conclude that the Plan has demonstrated that the development needs of the District in the Plan period can be wholly accommodated within the towns and specified settlements. The general need for development land during the Plan period is not therefore one of the exceptional circumstances which justifies altering the boundaries of the Green Belt.

### 4.1.9 There is no justification therefore to amend the current boundaries of the Green Belt around those towns and specified settlements, as proposed by Court Homes Ltd and others, unless there are specific exceptional circumstances. I consider whether there are any such exceptional circumstances in the case of specific objection sites in part 4.3 of my Report below.

*Would Policy GBSP2 set a precedent for piecemeal erosion of the Green Belt around Welham Green?*

### 4.1.10 Mrs Sheppard’s objection on the second issue appears to be based on the provision made in Policy GBSP2 for limited development in the specified settlements, but it is clear that the

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\(^{15}\) paragraph 6.5 and Policy E3 of RPG 9 (Document CD/RP/70)

\(^{16}\) See Chapter 9 of my Report and Document CD/Hsg/20
policy relates only to development within their boundaries, which are identified on the Proposals Maps. This part of the Plan also has to be read in conjunction with its policies for the Rural Areas (Chapter 15), which in accordance with national planning policy guidance do not provide for any inappropriate development to be permitted within the Green Belt.

4.1.11 When read as a whole the Plan does not therefore enable any inappropriate development in the Green Belt or alterations to the boundaries of the Green Belt as defined in the Plan. I do not therefore consider that the Plan sets a precedent for piecemeal erosion of the Green Belt around Welham Green or anywhere else.

*Does the Plan deny the opportunity for affordable housing to be provided to meet the needs of the Green Belt settlements listed in paragraph 4.13(b)? Should the Plan’s grading of villages at paragraph 4.13 be deleted?*

4.1.12 Policies RA2 and RA15 of the Plan provide for development in the Green Belt settlements which meets the needs of local residents and accords with Green Belt policies. Policy RA16 provides for small-scale affordable housing schemes to come forward within any Green Belt settlement, including those listed in paragraph 4.13(b), to meet an identified local need. I do not therefore consider the Plan denies the opportunity for such housing to be provided, although I have recommended an amendment to the wording of Policy RA16 in Chapter 15 of my Report. The identification and grading of the smaller rural settlements in paragraph 4.13 of the Plan is consistent with the guidance for villages in the Green Belt contained in PPG2 and the aims and objectives for achieving a sustainable pattern of development. I do not therefore consider there is any justification to delete the grading of villages in paragraph 4.13(b) as suggested by Mr Grewal.

*Should the Plan encourage an increased number of productive smallholdings in the Green Belt to deter its use for chemical intensive farming which is dependent upon large machinery and big fields?*

4.1.13 Mr & Mrs Guerra’s objection on this issue concerns matters which are outside the scope of the planning system and the purposes of including land within the Green Belt. I do not therefore consider any amendments to the Plan are required in response to the objection

**RECOMMENDATIONS**

I recommend that no modifications be made to this part of the Plan (but see the recommendations relating to specific sites in part 4.3 of my Report below).

4.2 AREA OF SPECIAL RESTRAINT (Policy GBSP3)

**Objections**

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<td>D1/0002/GBS/014</td>
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<tr>
<td>D1/1268/GBS/013</td>
<td>Mr W Anderson</td>
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</tbody>
</table>

**Issues**

1. *Has the Plan demonstrated that the Green Belt boundaries do not need to be altered to accommodate long term development needs wholly within urban areas and specified settlements and for needs beyond the Plan period?*

2. *Should the allocation of land under Policy GBSP3 at Panshanger be deleted as an Area of Special Restraint (ASR)? Should other land be identified in the Plan as ASRs in place of, or in addition to, Panshanger?*
3. Will Policy GBSP3 prejudice the investigation of mineral resources on the site identified as an ASR in the Plan?

4. Should paragraph 4.16 of the Plan be deleted because it provides a future basis for the sacrifice of countryside on the edge of towns?

Inspector's Reasoning and Conclusions

Has the Plan demonstrated that the Green Belt boundaries do not need to be altered to accommodate long term development needs wholly within urban areas and specified settlements and for needs beyond the Plan period?

4.2.1 In response to the objections by Landmatch Limited on the first issue, I have already concluded in the previous part of my Report that there is no case to support altering the boundaries of the Green Belt to accommodate development needs in the Plan period. Even so paragraph 2.12 of PPG 2 advises local planning authorities preparing revised local plans that any proposals affecting Green Belts should be related to a time-scale which is longer than that normally adopted for other aspects of the Plan. Green Belt boundaries should not need to be altered at the end of the Plan period. Ensuring protection of Green Belts within this longer time-scale means, in some cases, safeguarding land between the urban area and the Green Belt which may be required to meet longer-term development needs.

4.2.2 An area of such land is safeguarded in the adopted Plan at Panshanger Aerodrome between the urban area of Welwyn Garden City and the Green Belt to meet longer term development needs. The current Plan continues to safeguard the land as an Area of Special Restraint under Policy GBSP3, which indicates that any release of the site will be a matter for determination in future reviews of the Plan. The site is not specifically safeguarded for housing development, but it seems beyond doubt that would be the predominant use should the site be needed.

4.2.3 PPG 2 states that regional/strategic guidance should provide a strategic framework for considering this issue. That framework for the longer-term development needs of the District will not become clear until an emerging regional spatial strategy has been adopted. The first stage of the strategy (RPG14) is due to be published for consultation in 2004 and until then the development needs of the District are unclear. I am aware that in another Local Plan in Hertfordshire, the Inspector recommended safeguarding sufficient land from the Green Belt for a period of ten years beyond the Plan period to meet longer-term development needs. However, I am not aware of the particular circumstances behind that recommendation and it seems to me that in this case any such exercise would be entirely speculative until RPG14 is published and adopted. In my view it would be quite wrong to consider altering Green Belt boundaries on the basis of such speculation.

4.2.4 The strategic framework to be provided by RPG14 may require the alteration of Green Belt boundaries at the end of the current Plan period or beyond, or even before if it requires the District to accommodate growth beyond the present capacity of the towns and specified settlements. Even so, there is very little basis at the moment to indicate how much land should be safeguarded, where any long-term needs should be met, or whether it should include development other than housing. Such matters can only be properly considered during the preparation of a review of the current Plan and I have referred further to this in my consideration of the second issue below.

4.2.5 I therefore conclude that this Plan should not alter the Green Belt boundaries to accommodate long-term development needs beyond the Plan period.

Should the allocation of land under Policy GBSP3 at Panshanger be deleted as an Area of Special Restraint (ASR)? Should other land be identified in the Plan as ASRs in place of, or in addition to, Panshanger?

4.2.6 Landmatch Limited, the Marshmoor Consortium and Samuel Beadie Ltd have objected in one way or another to the continued safeguarding of the Panshanger site as an Area of Special Restraint. Three other sites have been proposed as ASRs, or housing sites, by those Objectors at Welham Green, Woolmer Green and Cuffley. I have considered the merits of each site in the next part of my Report.
4.2.7 For the reasons I have already stated, I do not consider there is a general case to support the release of the sites put forward as alternatives in order to meet longer-term development needs in this Plan, irrespective of their merits as compared to the site safeguarded at Panshanger. However, I consider that many of the objections to the suitability of Panshanger as a means of meeting any longer-term housing development needs are well founded. I note that the site has been safeguarded since at least 1993 and it seems to me that it would now perform poorly against many of the criteria, which are set out in Annex B of PPG 2 and the Government’s objectives for housing contained in PPG3 and PPG13.

4.2.8 In particular the site is on the edge of Welwyn Garden City in a location where significant development would be likely to have a major visual impact on adjoining attractive countryside, which could only partly be mitigated, as envisaged in Policy GBSP3, by the prior provision of structural landscaping. Such landscaping would have to be provided well in advance of any development to be effective and must therefore be regarded as a constraint to the availability of the site for housing development. The site adjoins an extensive area of residential development, which in my view relates poorly to the rest of the town in terms of layout, design and character and in parts displays many of the worst characteristics of past planning of residential development. It seems to me that it would be a very considerable challenge to avoid perpetuating some of those characteristics by further extending the town in this location. Furthermore, the ASR appears to be poorly located to any public transport facilities and the majority of the town’s services and facilities and has poor linkages to the town’s main highway network.

4.2.9 The site is not therefore clearly consistent with the guidance on identifying safeguarded land in Annex B of PPG 2, and other current guidance, particularly in respect to the need to integrate such land in a sustainable way with existing development. In many of the above matters, the sites proposed by Objectors as alternative ASRs at Welham Green and Cuffley appear to be more suitable and sustainable locations as safeguarded land for housing, if they were needed. There might also be other, better or just as suitable and sustainable sites, but the proper way of considering the matter is through a review of the Plan and not by my ad hoc consideration of sites which have arisen as objections.

4.2.10 I do not therefore consider that this Plan should seek to identify other sites in place of or in addition to the Panshanger ASR. I have given careful thought to whether Panshanger should be deleted as an ASR for the reasons I have given above. However to be consistent, such deletion should also involve altering the Green Belt boundary back to the edge of the existing built-up area and it might then need altering again if a review of the Plan indicates that Panshanger is a suitable location for longer-term development. Such changes would not be in line with the need for Green Belt boundaries to be permanent. Paragraph 4.17 of the Plan also clearly states that the release of the site after 2011 will be a matter for consideration in future reviews of the Plan, in the light of longer-term development requirements and advice on the sequential selection of land contained in Government guidance. Such consideration should include the suitability and availability of any more sustainable locations for development such as the sites put forward by Objectors to this Plan.

4.2.11 I therefore conclude that the Panshanger ASR should not be deleted, replaced or added to, in response to the objections by Landmatch Limited, the Marshmoor Consortium and Samuel Beadie Ltd.

Will Policy GBSP3 prejudice the investigation of mineral resources on the site identified as an ASR in the Plan?

4.2.12 The County Council suggests that the ASR at Panshanger is likely to be a valuable source of minerals and any development of the land may therefore give rise to mineral sterilisation. Policy GBSP3 does not allocate the ASR for development in the Plan period and, as I have indicated above, its future suitability for development would be considered in the context of a number of factors including its potential for the extraction of minerals. In any case, Policy 52 of the Structure Plan and Policy 3 of the Minerals Local Plan, both of which form part of the Development Plan for the District, safeguard mineral resources. I do not therefore consider there is any need to amend Policy GBSP3 in response to this objection by Hertfordshire County Council.
Should paragraph 4.16 of the Plan be deleted because it provides a future basis for the sacrifice of countryside on the edge of towns?

4.2.13 My consideration of the first issue above indicates that the principle of safeguarding land between the urban area and the Green Belt for longer-term development needs, as described in paragraph 4.16 of the Plan, is consistent with Government guidance contained in PPG 2. The principle does not prejudice other guidance and long-standing policies for the protection of the countryside and the Green Belt on the edge of towns. I do not therefore consider there is any need to amend paragraph 4.16 in response to the objection by Mr Anderson.

RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan.

4.3 DEFINITION OF THE GREEN BELT - Site Specific Objections

NOTE: The site specific objections are listed under each relevant site in my reasoning and conclusions below. I have also included in this part of my Report the objections made to the Housing Chapter of the Plan which relate to the omission of sites from Policy H1 because all such objections involve releasing land from the Green Belt. My overall recommendations follow at the end of my reasoning and conclusions.

Issues
1. Do the site specific objections indicate that there are exceptional circumstances which necessitate any alteration of the boundaries of the Green Belt in individual cases?

Inspector's Reasoning and Conclusions

Welwyn Garden City
Land to the rear of 15 Digswell Park Road, Welwyn Garden City
D1/1472/GBS/001 Dr I Brewster

4.3.1 The objection seeks the re-alignment of the Green Belt boundary to exclude the entire rear garden of the Objector’s property instead of taking an arbitrary and undefined route across the garden.

4.3.2 I saw on my accompanied site visit that the boundary of the Green Belt in this location is generally defined by the edge of the built-up area and follows the rear boundaries of dwellings fronting Digswell Park Road. However, that is not the case on the objection site, where the boundary cuts through the Objector’s garden and is only partly defined by a small discontinuous hedge. The objection site is used as a garden in association with the dwellings fronting Digswell Park Road at and adjoining number 15. The rear boundary of the garden is densely planted with trees and shrubs and adjoins the grounds of Monks Walk and Knightsfield Schools. The latter is accommodated in a relatively large building some 40m from the rear boundary of the objection site, which has been constructed since the Green Belt boundary was first defined in this location. The buildings and immediately adjoining area of Monks Walk and Knightfield Schools is defined in the Plan as a Major Developed Site in the Green Belt.

4.3.3 Having regard to the above, I consider that the present Green Belt boundary is illogical in not following the very clearly defined and recognisable rear boundary line of the garden at number 51. Although that boundary projects from the rear boundary line of adjoining properties, it still very clearly defines the edge of the built-up area and the boundary between the openness of the school grounds in the Green Belt and the residential area to the south-east. The objection site is not part of the
country because of its relationship between the school grounds and the rest of the built-up area and the removal of the small area of Green Belt which is the subject of this objection would not therefore lead to any encroachment into the countryside.

4.3.4 I note that an appeal was dismissed in June 2002 for six dwellings at 15 Digswell Park Road, but not because of any detriment to the Green Belt. Having regard to the contents of that decision, the character of the area and the relevant policies of the Plan, I am satisfied that the minor amendment to the boundary proposed by the Objector would not lead to any proposals which would result in urban sprawl or otherwise be unacceptable on sustainability grounds.

4.3.5 I therefore consider that there are sufficient exceptional circumstances in this case to justify altering the boundary of the Green Belt as proposed by the Objector.

Hatfield

Land at the Junction 3 of A1(M) and A414, Roe Hyde, Hatfield

D1/1563/GBS/001 Bal Investments and Dundenes Limited

4.3.6 The objection seeks the exclusion of the site from the Green Belt and its allocation for an appropriate form of development. The site extends to some 4.29ha and is located in a prominent position adjacent to open countryside and the primary road network, on land opposite the University of Hertfordshire’s College Lane Campus. The site has a lengthy history of previous uses, and although parts are currently used for open storage, it is mostly unused and of semi-derelict appearance. Several buildings occupy the north-western part of the site which is the only part within Welwyn Hatfield District. The remaining larger part of the site is within the City and District of St Albans and outside the area of this Plan.

4.3.7 The boundary of the Green Belt in this location has been established for over fifty years, but was the subject of an objection that was considered in 1991 at the Inquiry into the currently adopted Plan. In his Report to the Council, the Inspector concluded that any major development on the site would represent a clear encroachment of the urban area into the open countryside in breach of long-standing Green Belt policy and he recommended that no change be made to the Green Belt status of the site. I am not aware of any significant physical changes to the site, its use or its surroundings since 1991, which should lead me to take a different view from that Inspector.

4.3.8 Moreover from my unaccompanied visit to the area during the preparation of this Report, I agree that any major development on the site would be clearly seen as encroachment into the countryside west of the A1(M). That part of the site within Welwyn Hatfield has a semi-derelict appearance, but PPG 2 confirms that it is not a reason to alter boundaries or to allow development. There is no other significant development to the west of the A1(M), which represents a clear and defensible Green Belt boundary in this part of Hatfield. Since safeguarding the countryside from encroachment is one of the main purposes of including land within the Green Belt, the site should remain in the Green Belt for that reason alone.

4.3.9 It is clear that the site is strategically located in commercial terms and is potentially available for a high quality “gateway” development, which would make use of previously-developed land. I have no doubt that such development could improve the visual, landscape and ecological benefits of the site, but the same could be said for many other sites in the Green Belt. I do not therefore find the strategic location of the site to be a persuasive argument in favour of releasing it from the Green Belt having regard to the above factors and its present function in preserving the openness of the Green Belt. Furthermore it seems to me that any significant development on the objection site would not secure a more sustainable pattern of development and activity, because of its location west of the A1(M) and distance from the town’s facilities and public transport.

4.3.10 I am aware there have been other objections to the Plan relating to possible

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17 APP/C1950/A/01/1080834 appended to the Objector’s evidence
18 paragraph 2.6 of PPG 2
development of the site, but note they have been withdrawn. I also understand that the Strategic Health Authority (SHA) has resolved to pursue the development of a new hospital in Hatfield and has identified land at Roe Hyde as one of two potential sites. However, it would appear from the “Additional Information” considered by the Special Joint Committee Meeting of the SHA on 3 November 2003 that there are issues to be resolved on both sites and that the Roe Hyde site is a more risky proposition, in terms of its likely deliverability, than the alternative site at the Hatfield Business Park, although the latter would be more expensive and provide less flexibility for future growth.

4.3.11 No doubt part of the risk of progressing the hospital proposal at the Roe Hyde site is its location in the Green Belt. The officers’ report to St Albans City and District Council on 16 May 2003 contains a robust objection to the proposed hospital being located at Roe Hyde because of its implications on Green Belt policy as well as the significant highways constraints and lack of public transport. The officers’ report on the matter to Welwyn Hatfield District Council on 5 June 2003 does not preclude the Roe Hyde site, but refers to problems similar to those raised in the report to St Albans City and District Council.

4.3.12 It seems to me that although the reports do not reject the Roe Hyde site as an option for the location of a new hospital, that is only on the basis of there being no practicable sustainable and more appropriately located alternative. In that context I do not consider the site should be released from the Green Belt to accommodate new hospital development, particularly at this uncertain stage of the proposal. If the proposal does come forward on the Roe Hyde site during the Plan period, one of the considerations in the determination of a planning application would be whether or not there are very special circumstances to overcome the general presumption against inappropriate development in the Green Belt. That would enable proper regard to be taken of the full impact of the proposal and to any measures proposed to overcome the highways and sustainability issues referred to above.

4.3.13 I do not therefore consider there are sufficient exceptional circumstances to justify altering the boundary of the Green Belt as proposed by the Objector.

Cuffley
Land at Northaw Road East
D1/0275/HOU/004 Landmatch Limited

4.3.14 The objector seeks the allocation of some 4.2ha for housing and an extension to the Cuffley Recreation Ground, either as an allocated housing site or as an Area of Special Restraint (ASR).

4.3.15 I refer to the suitability of the specified settlements as sustainable locations for housing and the issues of accommodating development needs in them earlier in Chapter 9 of my Report and earlier in this Chapter. Cuffley is clearly a large and vibrant village and, if required, the objection site appears to be suitable for housing in terms of its accessibility to Cuffley Station, local job opportunities, shops, a school and recreational facilities. However, the proposed housing site comprises open agricultural land, which presently performs important Green Belt functions in terms of preserving openness, preventing urban sprawl and safeguarding the countryside from encroachment. There would therefore have to be exceptional circumstances of some weight to justify releasing the site from the Green Belt. Whilst recognising that the Objector’s related proposals to provide additional playing fields and open space do not necessarily conflict with the use of land in the Green Belt, I do not consider that is sufficiently exceptional to outweigh the harm which release of the objection site for housing would cause to the Green Belt in the absence of any need to allocate additional housing land in the Plan period.

Land at The Meadway
D1/1630/HOU/002 Mr D Thomas

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19 documents attached to the Objector’s Supplementary Statement (No 2) received on 4 November 2003
20 Appendix 12 (paragraph 13.14) to the Objector’s July 2003 representations
21 Appendix B Document WHC/GBS/012
4.3.16 The objection seeks the allocation of the site for housing development. I saw on an unaccompanied visit to the area that the proposed housing site comprises open and visually prominent agricultural land, which presently performs important Green Belt functions in terms of preserving openness, preventing urban sprawl and safeguarding the countryside from encroachment. There would therefore have to be exceptional circumstances of some weight to justify releasing the site from the Green Belt. I am not aware of any such circumstances which would outweigh the considerable harm which release of the objection site for housing would cause to the Green Belt and the countryside in the absence of any need to allocate additional housing land in the Plan period. I do not therefore consider the Green Belt boundaries should be altered as proposed Mr Thomes.

**Land at Cuffley Hills Farm, Cuffley**

D1/1414/HOU/002 Mr B Barrett  
D1/1414/GBS/001 Mr B Barrett

4.3.17 The objections seek the re-alignment of the Green Belt boundary and the allocation of the site for housing purposes. The site comprises some 2.4ha of land partly occupied by a large detached dwelling and its gardens, an open area of partly cultivated ground and an area of small trees and scrub adjoining open and wooded countryside to the south-west and north-west and large dwellings fronting The Ridgeway to the north-east. There is frontage residential development straggling along both sides of The Ridgeway further to the north-west.

4.3.18 I saw on my unaccompanied visit to the area that the existing development along the south-west side of The Ridgeway already seriously compromises the openness of the Green Belt and the rural character of the area. The removal of the objection site and its use for residential development would have a significant further adverse effect on the fundamental aim and original purposes of including this area of land in the Green Belt. Such development would add to the sprawl of the settlement and encroach development further into the countryside as is evident from the plans attached to the representations. Moreover, other than its location on the edge of Cuffley, there is no evidence that residential development on the objection site would secure a more sustainable pattern of development and activity. I do not therefore consider there are sufficient exceptional circumstances to justify altering the boundary of the Green Belt to accommodate housing development as proposed by the Mr Barrett.

**Digswell**

Land at Tewin Water Farm, Hertford Road

D1/1547/GBS/001 Mr C Ravencroft

4.3.19 The objection seeks the re-alignment of the Green Belt boundary on the northern edge of Welwyn Garden City. The Objector’s proposed re-aligned boundary would exclude a considerable area of land from the Green Belt, which currently comprises woodland and open land together with areas occupied by dwellings, farm buildings and a primary school. Various planning permissions have been granted on parts of the site, associated with an equestrian use and for conversion of farm buildings to dwellings. I understand that the objection also specifically relates to a much smaller area of land on the north-east side of Hertford Road, which the Objector considers should be identified for residential development.

4.3.20 Mr Ravencroft has put forward two circumstances to justify the release of the site. On the first circumstance, the existing boundary of the Green Belt appears to follow the clearly defined line of the built-up areas of Welwyn Garden City and Digswell, although I note that there is some development within the objection site. That development has the appearance of a small hamlet. Even so, the objection site as a whole clearly performs an important function in achieving the purposes of including land in the Green Belt in that it generally preserves openness and checks the possibility of the built-up areas of Welwyn Garden City and Digswell from merging with one another in a vulnerable gap. The existing Green Belt boundary also safeguards the countryside from encroachment in this location.
4.3.21 On the second circumstance, although the objection site is well related to the pattern of development in the area in that it adjoins the edge of the built-up areas of Welwyn Garden City and Digswell, that on its own is not an exceptional circumstance to release the site from the Green Belt. Furthermore there is no compelling evidence to demonstrate that the release of the site would secure a more sustainable pattern of development and activities, particularly having regard to its location on the edge of Welwyn Garden City. Any benefits to the Green Belt such as a decrease in the bulk and mass of existing buildings or traffic on the smaller objection site are matters for consideration in the context of specific proposals for development and do not constitute exceptional circumstances necessitating a revision to the boundary of the Green Belt in this location.

4.3.22 I do not therefore consider there are sufficient exceptional circumstances to justify altering the boundary of the Green Belt as proposed by Mr Ravencroft.

Land at Digswell Pumping Station

D1/1093/HOU/004 Three Valleys Water plc
D1/1093/GBS/001 Three Valleys Water Plc

4.3.23 These objections originally sought the realignment of the Green Belt boundary to exclude a 0.57ha site on the northern edge of the built-up area of Digswell from the Green Belt and its allocation for residential development. However, further representations indicate that the Objector now seeks the designation of the site as a Major Developed Site (MDS) in the Green Belt. The site is one of the Objector’s key installations in the District, which must be retained for operational terms for water supply purposes. The Objector is seeking to ensure that any long term proposals to maximise the capabilities of the site are not fettered by restrictive planning policies.

4.3.24 It seems to me that the request to designate the site as an MDS is not a duly made objection to the Plan since it was submitted long after the consultation period expired. However I have considered it, along with the original objection, since the Council has not asked me to do otherwise and has had the opportunity to respond.

4.3.25 On the original objection, the site adjoins open countryside and the rear gardens of dwellings on the edge of Digswell. The site is partly occupied by a relatively large building, two dwellings and other smaller buildings. The larger building on the site is visually prominent from the north and already compromises the openness of the Green Belt. Any further inappropriate development would add to that harm. Furthermore, if the site is removed from the Green Belt and identified for housing development it would bear a poor relationship to the pattern of adjoining development, encroach into the countryside and conflict with the fundamental aim of Green Belt policy in terms of preventing urban sprawl. Moreover it seems to me that such development on the objection site would not secure a more sustainable pattern of development and activity, because of its location on the edge of the settlement remote from its centre and the majority of the population.

4.3.26 I do not therefore consider there are sufficient exceptional circumstances to justify altering the boundary of the Green Belt to accommodate housing development on the site as proposed by Three Valleys Water plc in the original objection.

4.3.27 On the request to designate the site as an MDS, guidance on major developed sites in the Green Belt is contained in PPG 2. Water and sewage treatment works are included in the examples of such sites. There is no guidance on the size of sites in the context of the term “major”, although PPG 2 describes them as being “substantial”. The objection site is considerably smaller and less intensively used than the four MDSs, which are allocated in the Plan, but I do not consider that necessarily disqualifies it as an MDS and also note that one of the Objector’s sites has been included in the Watford District Plan as an MDS.

4.3.28 Nevertheless, it seems to me that although the pumping station on the objection site is a large building, the site as a whole cannot be described as either being substantial or comprising major development if considered in the context of its size and use. Whilst I accept that the site has fairly high activity levels and performs an important water supply function, I do not consider those factors

22 Annex C of PPG 2
necessarily qualify it as an MDS in the Green Belt having regard to the above. I do not therefore consider the site should be designated in the Plan as an MDS in response to the representations by Three Valleys Water plc.

Land to the east of New Road and Harmer Green Lane

D1/1620/GBS/001  R Sherriff & Sons

4.3.29 The objection specifically seeks the re-alignment of the Green Belt boundary on the south-eastern edge of Digswell to exclude a large area of open countryside from the Green Belt for residential development. The site comprises predominantly agricultural land and a small wooded area adjoining residential development to the north and west and countryside to the south and east.

4.3.30 The objection is supported only on the basis that Digswell is a sustainable location for new low density housing development. The benefits of Digswell as a sustainable location is recognised by its identification as a specified settlement in Policy GBSP2, but there is no compelling evidence to demonstrate that the release of the objection site beyond the confines of the present settlement would secure a more sustainable pattern of development and activities. Furthermore, low density housing development on the site would be contrary to current Government policy aimed at making the best use of land. The site presently performs the important Green Belt functions of checking the unrestricted sprawl of Digswell and Welwyn Garden City and safeguarding the countryside from encroachment. Any significant housing development of the site would seriously compromise its present Green Belt functions. I also note that the proposed eastern boundary of the Green Belt would appear to be undefined by any recognisable feature, contrary to the guidance in PPG 2.

4.3.31 I do therefore not consider there are sufficient exceptional circumstances to justify altering the boundary of the Green Belt to accommodate residential development as proposed by R Sherriff & Sons.

Land at and adjoining 51 Harmer Green Lane

D1/0029/GBS/002  Mr Tony Moore

4.3.32 The objection seeks the removal of the site from the Green Belt mainly because the Objector considers the boundary is illogical and inhibits extensions to dwellings which are surrounded by other larger and more prominent dwellings. The site is located at the northern edge of the built-up area of Digswell in a residential area characterised by detached dwellings in large landscaped gardens. The site that is proposed for exclusion from the Green Belt by the Objector is occupied by dwellings in large gardens.

4.3.33 At present the Green Belt boundary, as defined for some twenty years, separates the objection site from the rest of the residential area to the south. The present boundary is not illogical in that it follows the clearly defined features of Harmer Green Lane and a public footpath leading off the Lane. However, I do find the boundary illogical in that there is little noticeable difference between the areas north and south of the boundary in terms of their use and character and the purposes of including land within the Green Belt. In that respect the boundary cuts through the developed part of the settlement in an apparently arbitrary fashion and there is no compelling evidence to demonstrate how the area within the settlement north of the present Green Belt boundary achieves the aim and purposes of including land in the Green Belt any differently from the area to the south of the boundary. I could not see any significant difference on my accompanied site visit.

4.3.34 I also note that in the Council’s March 2003 “Digswell Character Appraisal”, the objection site is not separated or distinguished from character sub-area B, which includes a considerable part of the settlement south of the present Green Belt boundary. Character sub-area J is described in the Character Appraisal as the wooded western fringe on the “south(sic)-western boundary of the

\[23\] paragraph 2.9 of PPG 2

\[24\] this objection appears to be made on behalf of local residents
It seems to me that the boundary between the woodland and the rear of properties at 51, 51a and 53 clearly defines the edge of the developed settlement and the Green Belt in this part of Digswell. The Character Appraisal recognises that properties in sub-area B within the Green Belt will enjoy increased protection, but I consider that to be unreasonable in the absence of any further explanation as to why properties in the settlement north of the present Green Belt boundary should be treated differently from those to the south.

4.3.35 I do not accept that, on its own, the constraint imposed by the location of the objection site in the Green Belt on residential extensions is an exceptional circumstance, which justifies altering the boundary of the Green Belt. Such extensions can be acceptable as appropriate development in the Green Belt as long as they are not disproportionate. Even so, if the site is removed from the Green Belt, the design and scale of any such proposals and others would be considered against the framework of the Character Appraisal and other relevant policies of the Plan, which would ensure that they respect the arcadian character and appearance of the surrounding area.

4.3.36 Having regard to the above considerations, I conclude that altering the boundary of the Green Belt as proposed by the Objector would not result in urban sprawl or encroachment into the countryside or have any significant impact on sustainability objectives. I therefore consider that there are sufficient exceptional circumstances to justify altering the boundary of the Green Belt boundary to follow the edge of the settlement in this location as proposed by Mr Moore.

Little Heath

Land at Hawshead Road

D1/1296/GBS/001  Mr Lawrence Izen et al
D1/1514/GBS/001  Mr Douglas Pirie

4.3.37 These two objections seek the re-alignment of the Green Belt boundary so that it is more logical and defendable and to accommodate necessary future housing development in Little Heath and Potters Bar. Both objections propose the deletion of a significant length of frontage along Hawshead Road from the Green Belt. The objections mainly differ only in that D1/1514/GBS/001 proposes a slightly deeper development site than D1/1296/GBS/001. The area of land referred to in the objections is adjacent to the northern edge of the built-up area of Little Heath and Potters Bar and is mostly occupied by fields, paddocks, a hall and a small number of residential properties in large plots.

4.3.38 Although the site of the objections is close to the built-up area of Little Heath and Potters Bar, it has an open rural character and appearance, and provides a gap between the built-up area and an area of development at Swanley Bar to the north-west. The north-western boundary, as proposed by the Objectors, would leave a very narrow and vulnerable gap between the objection site and frontage development at Swanley Bar. The site therefore performs the important Green Belt functions of preventing urban sprawl and safeguarding the countryside from encroachment. The Green Belt boundary in this location has endured for many years and there is no evidence to demonstrate that it has been indefensible in terms of ensuring that the site of the objections has been appropriately included within the Green Belt. The existing boundary is logical and defendable since it follows the clearly defined features of the edge of the built-up area. That would not be the case if the boundary is altered as proposed by the Objectors because the north-east boundary would be undefined by any such features.

4.3.39 I accept that new housing development within the settlement of Little Heath and Potters Bar might well be sustainable. However that does not necessarily justify a peripheral extension, which would be the case on the objection site, particularly in the absence of any need to find housing land outside the towns and specified settlements in the Welwyn Hatfield. No evidence has been produced to demonstrate that there is any overriding need to release the site from the Green Belt to meet the housing requirements for Potters Bar, which is in the adjoining District.

4.3.40 I do not therefore consider that circumstances have changed in the area, or that there are any other exceptional circumstances to justify changing the Green Belt boundary to accommodate...
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housing development as proposed by the Objectors.

Oaklands and Mardley Heath

Land west of The Avenue and south of the A1(M)

D1/1619/GBS/002 Court Homes Ltd
D1/0029/GBS/001 Mr Tony Moore

4.3.41 These objections seek the re-alignment of the Green Belt boundary at the south-western edge of Oaklands and Mardley Heath. The site comprises land mainly occupied by dwellings and their large gardens and a gas operations site, bounded by residential development to the north, and to the east and west by the converging Great North Road (B197) and the A1(M).

4.3.42 Although two of the road frontages of the site are developed mainly by detached dwellings, the remaining area of the site comprises large gardens. The area as a whole therefore retains an open character, which is the most important attribute of the Green Belt. Any further development of the objection site would be likely to compromise its openness and therefore conflict with the fundamental aim of Green Belt policy as well as one of its main purposes, which is to prevent urban sprawl. I regard that purpose to be particularly important in this vulnerable narrow gap between the built-up areas of Oaklands/Mardley Heath and Welwyn. There is a noticeable change between the more open character of the objection site and the residential area to the north-east and I do not therefore regard the present Green Belt boundary defined by The Avenue as being arbitrary or illogical. The definition of the boundary along the Avenue is also logical having regard to the need to prevent any further merging of Welwyn and Oaklands/Mardley Heath into one another.

4.3.43 I note from the Council’s evidence that in reporting on the Inquiry into the unadopted 1982 District Plan, the Inspector recommended that the objection site be excluded from the Green Belt. However, since that recommendation was rejected by the Council for the same reasons as I have just given and no objections were made to the site remaining in the Green Belt in the 1993 adopted Plan, I do not consider it now carries weight in support of releasing the site from the Green Belt.

4.3.44 I do not therefore consider there are sufficient exceptional circumstances to justify altering the boundary of the Green Belt as proposed by the Objectors.

Welham Green

Land at Skimpans Farm

D1/1629/HOU/002 The James Crawford Trust

4.3.45 The objection seeks the inclusion of the site in the settlement boundary of Welham Green and its allocation for residential development for some 105 dwellings because it is in a more sustainable location than others identified in the Plan. The site is also the subject of an objection to its designation as Wild Life Site WS94 (D1/1629/RES/001 - see section 5.13 of my Report) and if the central part of the site remained so designated, as proposed by the Objector, the developable area would reduce to about 2.6ha, which could generate some 80 dwellings.

4.3.46 Welham Green is identified in Policy GBSP2 as a sustainable location for housing and is a relatively large and vibrant village. I saw on an unaccompanied visit to the area that, if required, the objection site appears to be suitable for housing in terms of its accessibility to Welham Green Station, local job opportunities, shops and a school. However, the site is currently within the Green Belt and comprises open grassland mainly used as paddocks, which presently performs important Green Belt functions in terms of preserving openness, preventing urban sprawl and safeguarding the countryside from encroachment. There would therefore have to be exceptional circumstances of some weight to justify releasing the site from the Green Belt. I am not aware of any such circumstances which would outweigh the harm which release of the objection site for housing would cause to the Green Belt in the absence of any need to allocate additional housing land in the Plan period.

4.3.47 Furthermore, I note from the Council’s evidence that this site was the subject of an

26 this objection appears to be made on behalf of Mr M Alstrom
objection relating to its inclusion within the Green Belt, which was considered by the Local Plan Inspector in 1991. At that time, the Inspector judged the open rural quality of the site fully worthy of continued protection as Green Belt. I am not aware of any material change in circumstances since that time and, based on my own viewing of the site and surrounding area, I have no reason to disagree with the previous Inspector’s conclusion.

4.3.48 I do not therefore consider there are sufficient exceptional circumstances to justify altering the boundary of the Green Belt as proposed by the James Crawford Trust.

Land adjacent to Welham Manor
D1/1619/GBS/001 Court Homes Ltd

4.3.49 The objection seeks the re-alignment of the Green Belt boundary on the south-western edge of Welham Green to exclude some 0.28ha of land from the Green Belt as a logical extension to adjacent residential development. The site appears to mainly comprise a number of buildings used for commercial purposes, including the repair of motor vehicles, and adjoins residential development on its north-western and south-western boundaries and open land on its other boundaries.

4.3.50 As previously developed land, which is well-related to the pattern of housing development in the village, the objection site appears to be potentially suitable for housing. However, in the absence of any need to release additional land to meet the Plan’s housing requirement to 2011, I do not consider this to be an exceptional circumstance for release of the site at the present time. Having regard to the size of the site I have given little weight to the Objector’s evidence relating to the potential of the site to produce a significant number of dwellings, including an element of affordable housing. I also consider that the appearance of the site carries little weight in justification for its release from the Green Belt since detailed boundaries should not be altered merely because the land has become derelict.

4.3.51 Furthermore, I note from the Council’s evidence that the site and adjoining land was considered for deletion from the Green Belt by the Local Plan Inquiry Inspector in his recommendations on the Plan, which was adopted in 1993. The Inspector took the view that the site and the open allotment site are together appropriately included within the Green Belt as a means of preventing the outward development of Welham Green into the countryside. That remains one of the purposes of including land within a Green Belt and I am not aware of any circumstances to justify my taking a different view now.

4.3.52 I do not therefore consider there are sufficient exceptional circumstances to justify altering the boundary of the Green Belt as proposed by Court Homes Ltd.

Land at Marshmoor
D1/1010/GBS/001 Marshmoor Consortium
D1/1010/HOU/002 Marshmoor Consortium

4.3.53 The objection seeks the deletion of the site from the Green Belt and its allocation for residential development or as an Area of Special Restraint (ASR) in addition to, or instead of, the Panshanger ASR in Welwyn Garden City. The Objector’s case is mainly based on the contention that this site is a preferred location for residential development because of its proximity to excellent local facilities, exceptionally good public transport services, a major employment area and good potential access to the road network. It is also argued that about a third of the site is previously-developed land and that development would not have any major visual impact on the countryside because it is isolated from it by the Great North Road and Hatfield Park. It is estimated by the Objector that the net developable area of the site (12ha) could produce some 500-600 dwellings.

4.3.54 I saw on my accompanied site visit that most of the site is not visually prominent from the surrounding area, with the exception of the northern and southern ends, which comprise fields characteristic of the open countryside. The central part of the site, which excludes sporadic

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27 as shown on revised plan received on 21 May 2003
28 paragraph 2.6 of PPG 2
development on the frontage to the Great North Road, has the character and appearance of partly developed or previously-developed land, although of low intensive use and activity which is not unduly intrusive or harmful to the present open character and appearance of the Green Belt in this location. The railway line along the south-western boundary of the site forms a very strong visual and physical barrier between the site and the village. However the existing bridge at Dixons Hill Road provides a convenient link and the Objector’s Masterplan for the proposal shows a more direct footbridge link between the site and the employment area and village facilities south-west of the railway line.

4.3.55 The northern part of the site extends into a small, vulnerable and very visible Green Belt gap between Welham Green and Hatfield, which has already been eroded on the south-west side of the railway line by substantial employment development. I do not therefore accept that any development on the northern part of the site would fail to have an adverse visual impact on the countryside or the purposes of including land in the Green Belt. Similarly any significant development on the open land at the southern end of the site would be visually prominent as urban sprawl and encroachment into the countryside on the north-eastern side of Welham Green. Development of the central part of the site would significantly consolidate the sporadic buildings, structures and uses which presently occupy the site and adjoining land on the frontage to the Great North Road. The overall effect of the Objector’s proposals for the site would therefore increase the urban sprawl of Welham Green, reduce the openness of the Green Belt and encroach into the countryside. I find it doubtful that landscaping would be an adequate means of alleviating that overall impact.

4.3.56 As I have indicated in part 4.2 of my Report above, in many respects this site compares favourably with the Panshanger ASR as a suitable and sustainable location for housing, particularly in terms of its proximity to the public transport and road network and other facilities in Welham Green. However, in the absence of any current need for the release of the site to meet housing requirements in the Plan period or for longer-term development needs, there are no exceptional circumstances to justify altering the boundary of the Green Belt in this location as proposed by the Marshmoor Consortium.

Welwyn

Land at School Lane Pumping Station

D1/1093/HOU/003 Three Valleys Water plc
D1/1093/GBS/001 Three Valleys Water Plc

4.3.57 The objection seeks the re-alignment of the Green Belt boundary on the western edge of Welwyn to exclude some 1.4ha of land from the Green Belt and its allocation under Policy H1 for residential development. The site, which is surplus Water Company land, is partly occupied by a Victorian pumping station, three dwellings and a block of garages in a generally open landscaped setting. Apart from an electricity sub-station, the site adjoins open countryside to the north, west and south and the built-up area of Welwyn to the east.

4.3.58 Although Three Valleys Water plc considers that the previously-developed part of the site does not contribute to any of the purposes of including land in the Green Belt, I saw on an unaccompanied visit that in terms of character and appearance, the site as a whole relates to the adjoining open countryside rather more than it does to the built-up area. I therefore consider that the site does perform an important function in preventing urban sprawl, which is part of the fundamental aim of Green Belt policy, as well as safeguarding the countryside from encroachment. I accept that if released from the Green Belt, development could be restricted to that part of the site which is already developed, but that would also be the case if the site remains in the Green Belt and any development is not inappropriate to that purpose. There appears to be no logical or clearly defined boundary for the Green Belt other than around the edges of the site or as presently defined, and I consider that any future development or re-use could reasonably be considered against the criteria of PPG 2 and the relevant policies of the Plan.

4.3.59 I note that the Inspector who held the Inquiry into the Plan adopted in 1993 recommended that the objection site be removed from the Green Belt and that the recommendation was rejected by the Council because of the possible redevelopment of the adjoining Queen Victoria...
Memorial Hospital site. I disagree with the previous Inspector for the reasons given above and consider any extension of the Hospital site into the objection site would be an encroachment into the countryside. I also note from the Objector’s evidence that my conclusion reflects that of an Inspector who dismissed an appeal for 19 houses on the site in 1988.

4.3.60 I do not therefore consider there are sufficient exceptional circumstances to justify altering the boundary of the Green Belt to accommodate residential development as proposed by Three Valleys Water plc.

**Land at Sandyhurst, The By-Pass, Welwyn**

D1/1321/HOU/002 Mr R Ferry  
D1/1321/GBS/001 Mr R Ferry

4.3.61 The objection seeks the re-alignment of the Green Belt boundary to correct its anomalous definition and to provide the opportunity for housing development. The site comprises some 1.2ha of land currently mostly occupied by a dwelling and garden located at the south-eastern edge of Welwyn village. The site adjoins a recent housing development to the north (Housing site HS8), the A1(M) to the east, residential development to the west and a stretch of open countryside to the south.

4.3.62 The boundary of the Green Belt clearly follows the urban edge of the built-up area of Welwyn in the vicinity of the objection site and I do not therefore accept that the present boundary is anomalous having regard to the fundamental aim of Green Belt policy of preventing urban sprawl. I accept that the A1(M) also represents a very clearly defined boundary, but that is not a sufficiently exceptional circumstance to justify altering the boundary, particularly having regard to the character of the objection site. I saw on my accompanied visit that the well landscaped site has a semi-rural character, despite traffic noise from the A1(M), which is quite different from the area immediately to the north. That area is now developed for relatively high density housing, which is clearly part of the urban area of Welwyn. The area might well have been more open prior to its development, but nevertheless it has a closer relationship to the pattern of built development in the rest of Welwyn than does the objection site.

4.3.63 It is not unusual to find detached houses in large grounds in the Green Belt and I do not therefore consider the existing use of the site to be inappropriate to the functions of the Green Belt. Similarly, the fact that the objection site is previously-developed land which could be more effectively developed as housing land, is not in itself a good reason to remove the site from the Green Belt, particularly in the absence of any need to identify housing land outside of the town and specified settlements. I accept that the site is in a sustainable location for housing because of its proximity to local facilities and public transport and in that respect it would probably perform well in a sequential test in any consideration for additional housing land. However, in the absence of the need to identify such land at present, the benefit of the site in relation to sustainability objectives does not weigh heavily in favour of its release from the Green Belt.

4.3.64 I do not therefore consider there are sufficient exceptional circumstances to justify altering the boundary of the Green Belt as proposed by Mr Ferry.

**Land at Roman Road/St John’s Close (rear of The Clock Hotel)**

D1/0217/GBS/002 Welwyn Parish Council

4.3.65 This objection seeks the inclusion of the objection site within the Green Belt. No evidence has been submitted in support of the objection and I am therefore unaware of any exceptional circumstances to justify altering the Green Belt boundary as requested by Welwyn Parish Council. Furthermore I note that the objection site is allocated under Policy OS1 of the Plan as an area of urban open land (UOL203). Policy OS1 ensures that such land is not developed other than for minor ancillary facilities or of a scale which would compromise its value as urban open land. It therefore seems to me that the objection site is sufficiently protected by Policy OS1 and in the absence of any exceptional circumstances, I do not consider there is sufficient justification to alter the boundary of the Green Belt as proposed by the Parish Council.
4.3.66 The objections originally sought the exclusion of the 1.21ha site from the Green Belt and its allocation for housing and community development as an Area of Special Restraint (ASR) because it is a more sustainable and sequentially preferred site than the allocated ASR at Panshanger. However, the nature of the objection was somewhat changed by the Objector’s written representations, which seek the revision of the Green Belt boundary to permit the use of the site for a medical centre, enabling residential development and open space and landscaping. The allocation of the objection site as an ASR was not pursued in the representations, which concentrate on the current need for a new medical practice in Knebworth. Therefore, since the purpose of an ASR is to safeguard land between the urban area and the Green Belt, which may be required to meet longer-term development needs, I have not given weight to that aspect of this objection. However, I have considered the Objector’s representations about the Panshanger ASR and the general issue of whether other ASRs should be considered in part 4.2 of my Report above.

4.3.67 The site comprises open and unused land adjoining the built-up area of Knebworth to the north (which is outside the Plan area) and the open grounds of a nursing home to the south. There is frontage development opposite part of the site to the east and west beyond a railway line. Otherwise there is open countryside to the east and west of the site.

4.3.68 The evidence indicates that there might be a need for a medical practice in Knebworth, but I find it less than compelling as an exceptional circumstance in justification for altering the boundary of the Green Belt. Moreover it seems to me that such development on the objection site would not secure a more sustainable pattern of development and activity, because of its location on the edge of the settlement remote from its centre and the majority of the population. In that respect, an adjustment of the Green Belt boundary would be contrary to Policy 5 of the Structure Plan.

4.3.69 Furthermore, the deletion of the site from the Green Belt would erode a vulnerable gap between Woolmer Green and Knebworth, contrary to the purposes of including land in the Green Belt intended to prevent urban sprawl and the merging of towns into one another. I do not therefore consider there are sufficient exceptional circumstances to justify altering the boundary of the Green Belt as proposed by Samuel Beadie Ltd.

RECOMMENDATIONS

I recommend that the Plan and relevant Proposals Maps be modified by the following amendments being made to the definition of the boundary of the Green Belt at:

a) Land to the rear of 15 Digswell Park Road, Welwyn Garden City (in accordance with the boundary proposed by objection reference D1/1472/GBS/001 and shown on the plan attached to the Objector’s evidence);

b) Land at and adjoining 51 Harmer Green Lane, Digswell (in accordance with the boundary proposed by objection reference D1/0029/GBS/002 and shown on the plan attached to the Objector’s evidence).
5. CHAPTER 5 - RESOURCES

5.1 GENERAL

Objections

D1/0002/RES/010 Hertfordshire County Council (Environment)
D1/0082/RES/002 Thames Water Property Services
D1/1204/RES/008 Friends of the Earth

Issues

1. Should this Chapter of the Plan include a policy that prevents development which would be likely to sterilise or prejudice the extraction of known mineral supplies?

2. Should this Chapter of the Plan include a policy which indicates that development proposals for the provision of infrastructure or for utility and related services will, subject to its impact, generally be favourably considered?

3. Should a Strategic Environmental Appraisal (SEA) be undertaken of the Plan and should this Chapter refer to the environmental capacity approach to sustainable development?

Inspector's Reasoning and Conclusions

5.1.1 On the first issue, Government guidance indicates that planning authorities should make every effort to safeguard resources of all types of construction aggregates which are, or may become, of economic importance, against other types of development which would be a serious hindrance to their extraction.29

5.1.2 As explained in paragraph 5.15a of the Plan, the County Council is the responsible authority for the determination of planning applications for the winning and working of minerals in the county. Policy 52 of the Structure Plan states that development which would unnecessarily sterilise land containing economically workable mineral deposits will not be permitted. Policy 3 of the Hertfordshire Minerals Local Plan30 states that mineral extraction will be encouraged prior to other development taking place where the mineral would otherwise be sterilised or where despoiled land would be improved following restoration. Both of the above Plans are part of the statutory Development Plan, which guides the determination of all planning applications for development.

5.1.3 I note that a minerals safeguarding policy has been included in a Local Plan elsewhere in the county. However, in my view the above circumstances indicate that there is no need for this Plan to duplicate policies on this matter which are already clearly set out in other plans which form part of the Development Plan. I do not therefore consider that the Plan should be changed in response to the objection by Hertfordshire County Council.

5.1.4 Turning to the second issue, PPG12 says that in preparing plans, authorities should consider the requirements of the utilities for land to enable them to meet the demands that will be placed upon them. I understand from the Council’s evidence that consultations with Thames Water during preparation of the Plan did not identify any need for additional infrastructure to meet the District’s housing requirement. Any proposals for the development or use of land to provide infrastructure for the utilities would be considered against policies of the Plan relevant to the location and context of such proposals. I do not therefore consider there is sufficient justification or need to include a specific policy on this matter as suggested in the objection by Thames Water Property Services.

29 MPG 6: Guidelines for Aggregates Provision in England
30 Document CD/SP/140
5.1.5 On the third issue, I have dealt with the Plan’s general approach to sustainable development in Chapter 3 of my Report. The introduction to the Resources Chapter of the Plan clearly indicates that the Council’s core objectives of sustainable development are integral to this part of the Plan. The Council has undertaken a thorough Sustainability Appraisal of the Plan. The Council’s approach to sustainability in the Plan has attracted support from GO-East, the Environment Agency and the Countryside Agency. I find the Plan’s approach to achieving a sustainable pattern of development straightforward, understandable and a sound basis for decision making in accordance with current national planning policy guidance. I do not therefore consider there are adequate grounds to adopt the alternative approach put forward in the objection by Friends of the Earth, including the amendments they propose to this Chapter.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan

5.2 MAXIMISING THE USE OF PREVIOUSLY DEVELOPED LAND (paragraphs 5.13-5.14 and Policy R1)

Objections

D1/0275/RES/003 Landmatch Limited

Issues

1. Does Policy R1 adequately reflect the advice in PPG 3? Could the policy be interpreted to suggest that any brownfield land, wherever it is located, should be developed before greenfield urban extensions?

Inspector's Reasoning and Conclusions

5.2.1 Government guidance advocates the concentration of most additional housing development within urban areas and making more efficient use of land by maximising the re-use of previously developed land and the conversion and re-use of existing buildings. That guidance is reflected in Policies 1 and 6 of the Structure Plan and Policies Q1 and H5 of RPG 9.

5.2.2 Policy R1 of the Plan generally reflects that national and strategic guidance by requiring development to take place on previously used or developed land, but provides for exceptions in respect of greenfield sites in the second sentence of the policy. On its own, Policy R1 does not fully reflect the sequential approach to the identification of housing land and the role urban extensions can play in maintaining an adequate supply of such land. However, it is clear when the Plan is read as a whole and in particular from the Plan’s approach to meeting its housing requirement as set out in Chapter 9, that urban extensions are not relevant in the context of this Plan. I do not therefore consider Policy R1 could be misinterpreted and I also note that this part of the Plan was amended at its 2nd Deposit stage to reflect representations from GO-East and others.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan
5.3 CONTAMINATED LAND (paragraph 5.15 and Policy R2)

Objections
D1/1204/RES/012 Friends of the Earth
D1/1204/RES/013 Friends of the Earth
D1/1498/RES/003 Mr & Mrs M Guerra

Issues
1. Does Policy R2 provide a proper framework for the identification, monitoring and clean-up of contaminated land?
2. Should the Plan provide for all identified contaminated land to have remedial work applied to it as soon as it has been identified, so that it does not pollute ground water or continue to be a hazard?

Inspector's Reasoning and Conclusions
5.3.1 National planning policy guidance encourages, where practicable, the recycling of brownfield sites for development, including those affected by contamination.33 The Government’s policy is that the works, if any, required to be undertaken for any contaminated site should deal with any unacceptable risks to health or the environment. Policy R2 of the Plan is clear as to its requirements, which seek to achieve both of these national policy objectives through the control of development on contaminated land.

5.3.2 It is not the function of the Plan to identify all contaminated land in the district and it is not always necessary to undertake immediate remedial action, the extent of which often depends on the final use of the land. The Council changed the Plan at its 2nd Deposit stage to refer to ground and surface water. It therefore seems to me that this section of the Plan provides a satisfactory framework for the development and use of contaminated land. I also note that the Environment Agency supports Policy R2 and its associated text. I do not therefore consider any changes are required in response to the objections by Friends of the Earth and Mr & Mrs Guerra.

5.3.3 A minor grammatical amendment is required to Policy R2 in that there are no capital letters at the start of the second and third sentences.

RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan apart from correcting the grammar at the beginning of the second and third sentences of Policy R2.

5.4 ENERGY (Paragraphs 5.16-5.19 and Policies R3 and R4)

Objections
D1/1204/RES/014 Friends of the Earth
D1/1204/RES/015 Friends of the Earth
D1/1204/RES/016 Friends of the Earth
D1/0151/RES/002 ETSU for the Department of Trade and Industry (partially withdrawn)
D1/1090/RES/003 Panshanger Community Group
D1/1498/RES/004 Mr & Mrs M Guerra

33 Paragraph 4.1 of PPG 23 (Document CD/NP/200)
Issues

1. Does this part of the Plan fail to provide a clear framework for requiring more efficient forms of energy use as part of development? Should the Plan refer to the Building Regulations and contain more specific guidance on particular types and alternative forms of energy saving technology and their benefits and disbenefits? Does the Plan adequately address the impact (including visual) of renewable energy installations and technologies? Should there be a clearer relationship between policies that bridge energy conservation and energy production?

2. Are the criteria in Policy R4 appropriate and should the Plan define methods to be used for the comparison of energy sources? Should the Plan expressly indicate that the Council will not support the construction of waste incinerators in the district as a form of renewable energy?

3. Should the Government’s 10% target for renewable energy generation by 2010 be referred to in this part of the Plan?

Inspector's Reasoning and Conclusions

5.4.1 On the first issue, the Plan seeks to provide an essential framework for more efficient forms of energy use as part of development, leaving the more detailed aspects to be dealt with by supplementary planning guidance. In general I commend that approach as being reasonable and necessary to avoid an over-elaborate level of detail in the Plan. However it is important that there is adequate guidance and control elsewhere to ensure that schemes do help reduce the demand for energy through improving efficiency with which energy is generated, transferred and used.

5.4.2 In this case, the explanatory text of the Plan includes references to the Building Regulations and the Council’s supplementary planning guidance on Design (SDG), which were added at the 2nd Deposit stage of the Plan. Paragraphs 3.1 to 3.13 of the SDG emphasise the importance of energy conservation and set out detailed advice on how new development can achieve this through passive solar design. In addition Policy SD1 of the Plan requires applicants for planning permission to demonstrate how their proposals address sustainability criteria in the checklist which the Council proposes be contained in the SDG. Part (b) of the checklist sets out 43 criteria against which the impact and future use of development should be assessed, including energy efficiency.

5.4.3 It is not clear to me what advantage would be served by seeking to clarify the relationship between policies that bridge energy conservation and production since the benefits of proposals such as solar roof or heat recovery systems would be considered against the SDG in terms of design and sustainability.

5.4.4 In concluding on the first issue it seems to me that, as currently proposed, there is a considerable level of detailed guidance in the Plan and SDG on achieving energy efficiency, and assessing the impact of related proposals, which flow from this section of the Plan. The SDG has been prepared in parallel with the Plan and on adoption will carry weight as a material planning consideration to supplement the policies of the Plan. I do not therefore consider there is any need for the Plan to be changed in response to the objections by Friends of the Earth on the first issue.

5.4.5 On the second issue, the criteria of Policy R4 provide a reasonable framework for the Council’s day-to-day decisions in determining planning applications and relate to the Plan’s overall aims and objectives. There is no justification for the Plan to adopt a position of favouring development of renewable energy sources without safeguards, which the criteria of Policy R4 provide. It is not appropriate for the Plan to go into an unnecessary level of detail by defining methods to be used for the comparison of energy sources. There is no evidence before me to justify the Plan taking a clear stance against any proposals for waste incineration in the District and the criteria of Policy R4 would provide the framework for the consideration of any such proposals. I do not therefore consider there is any need to change Policy R4 in response to the objections by Mr & Mrs Guerra and the Panshanger Community Group on the second issue.

5.4.6 Turning to the third issue, the 10% national target for renewable energy generation is

34 Document CD/DP/120
clearly important, but the Plan refers to the Government’s policy aims on the subject as expressed in PPG 22.\textsuperscript{35} It seems to me that the Plan has had proper regard to the need to work towards achieving the national target in accordance with PPG 22 and I do not therefore consider there is any need for the Plan to re-iterate the 10% target as proposed in the objection by ETSU.

5.4.7 I note that amendments to the text of paragraph 5.18 and to the wording of Policy R3 are proposed by the Council as Pre-Inquiry Changes PIC/007/RES and PIC/008/RES. No objections have been lodged to the changes and I do not have any comments on them.

**RECOMMENDATIONS**

I recommend that, other than Pre-Inquiry Changes PIC/007/RES and PIC/008/RES, no modifications be made to this part of the Plan.

5.5 WASTE (Paragraphs 5.20-5.24 and Policy R5)

**Objections**

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<th>Reference</th>
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<tr>
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<td>Arlington Property Development Ltd</td>
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<td>D1/0082/RES/001</td>
<td>Thames Water Property Services</td>
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**Issues**

1. *Is this part of the Plan inconsistent with UK and European guidance on waste management, and as such legally flawed? Should the Plan do more to promote an integrated system for resource conservation and recovery?*

2. *Should Policy R5 allow for greater flexibility to respond to particular needs? Is the inclusion of the word “occupation” in Policy R5 unnecessary and unreasonable?*

3. *Should there be a policy preventing or limiting development until the infrastructure for sewerage and sewage disposal is available?*

**Inspector's Reasoning and Conclusions**

5.5.1 On the first issue, I am unable to comment on the alleged inconsistency of this Plan with UK and European guidance in terms of being legally flawed, but note that in any case Hertfordshire County Council is the principle authority for waste planning in the district. The County Council has prepared and adopted the Hertfordshire Waste Local Plan 1995-2005\textsuperscript{36}, in accordance with the responsibilities set out in with PPG 10.\textsuperscript{37} As explained in paragraph 5.21 of this Plan, the Hertfordshire Waste Plan sets out the detailed background and guidance on waste planning matters and forms part of the statutory Development Plan for the district. It is not therefore appropriate or necessary for this Plan to duplicate matters contained in the Waste Plan.

5.5.2 This Plan seeks to implement part of the County Council’s waste management strategy at the local level by requiring applicants for larger schemes to demonstrate how waste management issues are to be addressed. That seems to be a reasonable approach given the existence of the Hertfordshire Waste Plan and the division of responsibilities between the County and District Councils. There is no objection to this part of the Plan from the County Council and I also note that there is support from the Environment Agency and others for paragraph 5.20 and Policy R5 as amended in the 2\textsuperscript{nd} Deposit version of the Plan. I do not therefore consider that the Plan should be amended in response

\textsuperscript{35} Document CD/NP/190  
\textsuperscript{36} Document CD/SP/120  
\textsuperscript{37} PPG 10 (Document CD/NP/90)
to the objections by Friends of the Earth.

5.5.3 On the second issue, Policy R5 seeks to apply the objectives for waste management set out in paragraph 5 of PPG 10 in respect of larger development schemes by reference to criteria. I find those criteria to be appropriate and reasonable having regard to the objectives of PPG 10. The relevance and weight to be given to each criterion might vary depending on the particular circumstances of development proposals, which would avoid the policy being unduly inflexible. The use of the word “normally” in the policy, as suggested by Arlington Property Developments Ltd, is not appropriate since it implies that there are unspecified exceptions.

5.5.4 The type and quantity of waste generated by a development proposal can be directly related to the type of occupier, particularly in commercial and industrial development. Some types of occupier could have significant implications for the management of generated waste. In such cases it would be important for consideration to be given at an early stage to the waste management issues included in the criteria of Policy R5. It is not therefore unreasonable or unnecessary for Policy R5 to refer to the occupation of buildings. I accept that it is not unusual for the occupiers of proposed development to be unknown at planning application stage, but that does not prevent the consideration of waste management uses based on the most likely type of occupier associated with the use proposed. That consideration is clearly related to the development and use of land and is therefore appropriate for inclusion as a Local Plan policy.

5.5.5 Therefore in conclusion on the second issue, I do not consider any changes are required to Policy R5 in response to the objections by Arlington Property Development Ltd.

5.5.6 Turning to the third issue and the objection by Thames Water Property Services, Policy H2(iii) of the Plan requires proposals for “unplanned” (ie windfall) housing development to be considered against the capacity of existing and potential infrastructure to absorb further development. Policy R9 of the Plan, as proposed to be amended by PIC/009/RES, seeks to prevent any detrimental impact arising to water supply and disposal infrastructure from development proposals. I do not therefore consider any further policy is necessary which seeks to prevent development until sewerage and sewage disposal is available.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

5.6 RIVER CORRIDORS (Paragraph 5.26 and Policy R6)

Objections

D1/1204/RES/022 Friends of the Earth
D1/1204/RES/023 Friends of the Earth

Issues

1. Does the Plan go far enough to require the provision of areas for wildlife along significant barriers in the landscape including water? Should the Plan require developers to provide wide belts of green space to encourage the movement of wildlife?

Inspector's Reasoning and Conclusions

5.6.1 These objections have been maintained although the Council has responded to them by amending Policy R15 (Biodiversity and Development) at the Plan’s 2nd Deposit stage. That policy, as amended in criterion (ii), generally requires all new development to contribute positively to the biodiversity of a site by promoting natural areas and wildlife corridors where appropriate as part of the design. In my view that amendment satisfactorily meets the objections to Policy R6 and no further changes are necessary.
RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan

5.7 PROTECTION OF THE WATER ENVIRONMENT (Paragraph 5.27 and Policy R7)

Objections
D1/1204/RES/024   Friends of the Earth
D1/1204/RES/025   Friends of the Earth
D1/0218/RES/003   Welwyn Planning & Amenity Group

Issues
1. Should the Plan more clearly define the procedures for assessing impact and the means of action under various legislation and does Policy R7 provide a workable policy? Should the scope of this part of the Plan be extended to consider the specific issue of 'non-point source pollution' with an appropriate additional policy on the subject?
2. Should Policy R7 refer to both surface and ground water?

Inspector's Reasoning and Conclusions
5.7.1 Whilst pollution is capable of being a material planning consideration, Government guidance indicates that the planning system should not be used to duplicate pollution controls which are exercisable under other legislation.\textsuperscript{38} The planning system should work on the assumption that pollution control regimes will be properly applied and enforced by the appropriate pollution control authorities. I do not therefore consider it would be appropriate for the Plan to seek to control non-point source pollution as proposed in the objection by Friends of the Earth.

5.7.2 The objective of Policy R7 is consistent with Policy INF2 of RPG 9 and Policy 1 of the Structure Plan and provides an effective means for the Council, in consultation with the relevant authorities, to control development which poses a threat to the quality of surface and/or groundwater. I do not therefore consider the policy to be unworkable as suggested by Friends of the Earth, or that it is necessary for the Plan to be more specific as to the procedures for assessing impact.

5.7.3 The objection by the Welwyn Planning & Amenity Group on the second issue has been maintained, despite the Council having amended the wording of Policy R7 at the Plan’s 2\textsuperscript{nd} Deposit stage to refer to both surface and/or groundwater. I do not therefore consider any further amendment to the policy is necessary in response to the objection.

RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan

5.8 CONSERVATION OF WATER RESOURCES (Paragraph 5.30 and Policy R9)

Objections
D1/1204/RES/030   Friends of the Earth
D2/0082/RES/001   Thames Water Property Services

\textsuperscript{38} Paragraphs 1.31-1.37 of PPG 23 (Document CD/NP/200)
Issues

1. Should this part of the Plan define a practical set of objectives for sustainability and Policy R9 incorporate the wider aspects of energy utilisation and environmental capacity as well as reference to water storage?

2. Should Policy R9 be amended to prevent development until foul sewers and sewage treatment works of adequate capacity and design are available or will be provided?

3. Should there be an additional policy in this part of the Plan which normally permits the development or expansion of water supply or waste water facilities where needed to serve existing or proposed development, or in the interests of long term water supply and waste water management?

Inspector's Reasoning and Conclusions

5.8.1 On the objection by Friends of the Earth concerning the first issue, policies in the Local Plan should seek to implement the land use planning aspects of sustainable development and must be capable of being addressed through the land use planning system. Policies should be a guide to the local planning authority’s day-to-day planning decisions. In my view Policy R9 performs that function by seeking to ensure that a sustainable approach is adopted to water supply and disposal. Policy R9A was inserted at the 2nd Deposit stage of the Plan to provide for water storage systems to be incorporated in proposals for new development. This part of the Plan has the support of the Environment Agency. I do not therefore consider any further changes are necessary to this part of the Plan or Policy R9 or that there is any need to incorporate the wider aspects of energy utilisation such as consideration of water sources and the impacts of abstraction.

5.8.2 In response to the objection by Thames Water Property Services on the second issue, the Council has proposed an amendment to Policy R9, which would ensure that development proposals would be co-ordinated with the provision of new water supply and disposal infrastructure (PIC/009/RES). Furthermore, Policy H2(iii) of the Plan requires proposals for “unplanned” (ie windfall) housing development to be considered against the capacity of existing and potential infrastructure to absorb further development. Therefore I consider that the proposed Pre-Inquiry Change to Policy R9 and Policy H2(iii) are sufficient to meet the objections by Thames Water Property Services. I have also referred to this matter in section 5.5 of my Report.

5.8.3 Turning to the third issue, PPG12 says that in preparing plans, authorities should consider the requirements of the utilities for land to enable them to meet the demands that will be placed upon them. I understand from the Council’s evidence that consultations with Thames Water during preparation of the Plan did not identify any need for additional infrastructure to meet the District’s housing requirement. Any proposals for the development or use of land to provide infrastructure for the utilities would be considered against policies of the Plan relevant to the location and context of such proposals. I do not therefore consider there is sufficient justification or need to include a specific policy on this matter as suggested in the objection by Thames Water Property Services.

RECOMMENDATIONS

I recommend that, other than Pre-Inquiry Change PIC/009/RES, no modifications be made to this part of the Plan.

5.9 BIODIVERSITY (Paragraphs 5.31-5.33)

Objections

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<td>Hubert C Leach</td>
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Issues

1. Does the Plan go far enough to describe biodiversity and the issues arising from it? Is enough priority given to biodiversity in the Plan?

Inspector's Reasoning and Conclusions

5.9.1 It is not the function of the Plan to provide a detailed description of the Council’s overall approach or action to maintaining biodiversity in the District. I understand from the Council’s evidence that there are numerous examples of its commitment to enhancing biodiversity, which are not all directly relevant to the development and use of land. One of the Plan’s main objectives is to preserve and enhance the district’s biodiversity and that is directly reflected in Policy R15 and other relevant policies. Furthermore, paragraph 5.31 of the Plan briefly describes what is meant by biodiversity. Paragraph 5.32 refers to the commitment made to maintain the world’s biodiversity at the Rio summit of 1992, to the UK Biodiversity Action Plan and to the County Biodiversity Action Plan. Paragraph 5.33 summarises the national planning policy framework for biodiversity set out in PPG 9. I do not find the reference to PPG 9 in the last sentence of paragraph 5.33 of the Plan to be inaccurate or misleading, as suggested by the Objector, having regard to its context.

5.9.2 I do not therefore agree with the objection by Hubert C Leach that the Plan gives insufficient priority to biodiversity and I do not consider that there is any need to expand on the issues arising from it.

5.9.3 However I do find the separation between paragraphs 5.31 to 5.33 and paragraph 5.41 of the Plan confusing, since both sections deal with biodiversity. It seems to me that the Plan would be more clear if paragraph 5.41 and Policy R15 are amalgamated with paragraphs 5.31 to 5.33. The policy on enhancing biodiversity would then more logically lead in to the following policies relating to nature conservation and the protection of wildlife and the quality of the environment.

5.9.4 I also note that a minor amendment to the text of paragraph 5.31 is proposed by the Council as a Pre-Inquiry Changes (PIC/010/RES). No objections have been lodged to the change and I do not have any comments on it.

RECOMMENDATIONS

I recommend that the Plan be modified by:

a) Pre-Inquiry Change PIC/010/RES; and

b) Re-arranging the presentation so as to amalgamate this part of the Plan with paragraph 5.41 and Policy R15.

5.10 SITES OF SPECIAL SCIENTIFIC INTEREST (Paragraph 5.34 and Policy R10)

Objections

D1/1037/RES/004 Hubert C Leach

Issues

1. Is the Plan and Policy R10 more restrictive than the advice set out in PPG 9?

Inspector's Reasoning and Conclusions

5.10.1 PPG 9 indicates that Sites of Special Scientific Interest (SSSIs) are of national
importance. There are statutory requirements to consult English Nature on many planning applications on land in or near SSSIs. Paragraph 27 and 29 of PPG 9 say that SSSIs must be subject to special scrutiny, but also indicate that local planning authorities should not refuse permission if development can be subject to conditions that will prevent damaging impacts on wildlife habitats or important physical features, or if other material factors are sufficient to override nature conservation considerations.

5.10.2 Policy R10 of the Plan clearly reflects the above advice and the intent of PPG 9 concerning development which is likely to affect SSSIs. I also note that the policy and associated text was amended at the Plan’s 2nd Deposit stage to reflect objections, including those from English Nature and that it now follows a model policy approved by them.

5.10.3 I do not therefore consider that Policy R10 is more restrictive than PPG 9 or otherwise fails to provide an appropriate framework for development proposals likely to affect SSSIs. No changes are therefore required in response to the objection by Hubert C Leach.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

5.11 LOCAL NATURE RESERVES (Paragraph 5.35 and Policy R11)

Objections

<table>
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<td>Lafarge Aggregates Ltd (conditionally withdrawn)</td>
</tr>
<tr>
<td>D1/0108/RES/001</td>
<td>Ms Joy Preece</td>
</tr>
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Issues

1. Is Policy R11 contrary to national guidance by providing the same degree of protection to Local Nature Reserves as the Plan does to SSSIs? Is the policy unnecessary since Local Nature Reserves are under the control of the Council?

2. Should Mardley Heath be identified in the Plan as a Local Nature Reserve?

Inspector's Reasoning and Conclusions

5.11.1 On the first issue, PPG 9 indicates that Local Nature Reserves (LNRs) are of regional/local importance, whilst SSSIs are of national importance. Both types of site are important to nature conservation. The wording of Policies R10 and R11 provide a similar degree of protection to both types of site, but recognises that special scrutiny is required for development proposals which might affect SSSIs. I do not therefore consider that Policy R11 is contrary to PPG 9 and note that English Nature has withdrawn its objections to the policy following revisions made at the Plan’s 2nd Deposit stage. Furthermore, I consider that Policy R11 is necessary, notwithstanding the Council’s interest as landowner, to protect Local Nature Reserves from development proposed in its vicinity and which may have an adverse impact on its nature conservation value.

5.11.2 I do not therefore consider the Plan should be amended in response to the objections by Hubert C Leach and Lafarge Aggregates Ltd.

5.11.3 On the second issue, the list of LNRs in Policy R11 was deleted at the Plan’s 2nd Deposit stage and Mardley Heath added to the list of sites referred to in paragraph 5.35 of the Plan as LNR5. No further change is therefore necessary in response to the objection by Ms Preece.

5.11.4 However, I note from the Council’s evidence that a typographical error occurred when Policy R11 was amended at the Plan’s 2nd Deposit stage. The sentence following the deleted list of LNRs, which begins “Where development is permitted.....”, should not have been deleted and the Council wishes to re-instate that sentence in the policy. In supplementary evidence Ms Preece objects to
5.11.5 I agree that on the face of it, the proposed additional wording to Policy R11 does seem to contradict the first sentence of the policy. However, the policy rightly provides for exceptions for development that demonstrably outweighs the need to safeguard the substantive nature conservation value of a site. In those circumstances it is reasonable for the policy to seek to ensure that damage to nature conservation is minimised. I therefore consider the re-instatement of the wording is necessary as an important part of the framework for the consideration of any proposal for the development and use of land which might have an adverse effect on a LNR.

RECOMMENDATIONS

I recommend that the Plan be modified so that Policy R11 reads as follows.

Planning permission will not be granted for any development likely to have an adverse effect on local nature reserves unless it can be clearly demonstrated that there are reasons for the proposals which outweigh the need to safeguard the substantive nature conservation value of the site. Where development is permitted which would damage the nature conservation value of the site such damage should be kept to a minimum. Where appropriate the Council will consider the use of conditions and/or planning obligations to provide appropriate compensatory measures.

5.12 WILDLIFE SITES (paragraphs 5.36-5.37 and Policy R12)

Objections

D1/1037/RES/006    Hubert C Leach
D1/1037/RES/007    Hubert C Leach
D1/0254/RES/019    English Nature
D1/1204/RES/031    Friends of the Earth
D1/1626/RES/002    Glaxo Smith Kline
D1/1498/RES/006    Mr & Mrs M Guerra

Issues

1. Does this section of the Plan accord with PPG 9? Is the identification of wildlife sites based on up to date and adequate surveys as to habitats and species, the definition of appropriate criteria for selection and the involvement of owners, occupiers and interested persons?

2. Does Policy R12 provide a strong enough framework to protect wildlife sites from permitted operations which may lead to indirect damage to the site? Should Article 4 Directions be used? Is the threat to withdraw rights to permitted development on some identified wildlife sites by Article 4 Directions in paragraph 5.37 of the Plan too draconian? Should criteria (i) and (ii) of Policy R12 be defined?

3. Should this section of the Plan and Policy R12 refer to Regionally Important Geological/Geomorphological Sites?

Inspector's Reasoning and Conclusions

5.12.1 On the first issue, Government guidance in PPG 9 seeks to avoid unnecessary constraints on development by ensuring that local designations are only applied to sites of substantive nature conservation interest.\(^{41}\) Policy 38 (iii) of the Structure Plan provides for a degree of protection for identified Wildlife Sites.

5.12.2 Sites of Local Conservation Value were first identified in the 1993 adopted Plan and

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\(^{41}\) Paragraph 18 of PPG 9
then subsequently in the adopted Alterations No 1.  

42 A more detailed habitat survey for the District was carried out as part of a countywide survey from 1994 to 1997 by the Herts and Middlesex Wildlife Trust and the Hertfordshire Biological Records Centre (HBRC), which identified Wildlife Sites following an agreed selection procedure. Those sites are listed in Appendix 3 of the Plan and are protected by Policy R12. The habitat survey was also updated in 2002 when the Council added a number of sites to Appendix 3.

5.12.3 Hubert C Leach, GlaxoSmithKline and the James Crawford Trust (relating to objection ref D1/1629/RES/001), have raised their concerns about the basis of the criteria used for selecting wildlife sites in the Hertfordshire surveys and in particular about the inclusion of some inappropriate species on the ‘indicator species’ lists. I note that in the Hertfordshire Habitat Survey Project a Wildlife Site is defined as a discrete area of land which is considered to be of significance for its wildlife features in at least the District context. It is stated that the guidelines for selection are designed to fulfil the requirement of paragraph 18 of PPG 9 and the Council’s evidence confirms that English Nature considers the selection of Wildlife Sites in Hertfordshire to be in accordance with the relevant paragraphs of PPG 9. English Nature considers that the selection process uses the most up to date comparative data available and aims to select only those sites which are of substantive nature conservation value.

5.12.4 I accept that the criteria for selection might well change over a period of time and the substantive nature conservation value of sites might change in response to different uses and management. I also note that current draft guidance from the Department for Environment Food and Rural Affairs (DEFRA) recommends that selection criteria, site representation, achievements and processes should be reviewed at least once a decade. It is also clear from the evidence I heard that survey work of this type relies largely on suitably qualified volunteers and has to be carried out at the right time of the year to obtain reliable data. The co-operation of land owners is also necessary. Consequently sites in Hertfordshire are prioritised for survey work based on a number of criteria which include data being more than ten years old.

5.12.5 Even so, I am not satisfied from the above and the evidence I have heard that there is any sound basis to conclude that the selection of sites identified in Appendix 3 has arisen from inadequate survey data or inappropriate selection criteria. I have considered the individual sites which are the subject of objections in the next section of my Report, but for the above reasons I do not accept the general points made about the sites being designated on the basis of inappropriate selection criteria.

5.12.6 In conclusion on the first issue, I consider that this part of the Plan accords with PPG 9 and that there is no justification to support amending the Plan in response to the Objectors.

5.12.7 Turning to the second issue, the wording of Policy R12 reflects the model put forward by English Nature and the criteria provide reasonable tests to be satisfied before planning permission should be granted for development likely to be harmful to a Wildlife Site. Any attempt to further define how those tests should be applied to different types of development would be potentially prejudicial to the Council’s proper consideration of planning applications and require the inclusion of an inappropriate amount of detail in the Plan. Paragraph 5.37 of the Plan indicates that the Council may consider the use of Article 4 Directions to remove permitted development rights if there is a real threat of harm arising to Wildlife Sites. I do not regard that to be unreasonable or draconian since such action is a recognised part of the planning system to exercise control over the use and development of land.

5.12.8 I therefore conclude that Policy R12 provides a strong enough framework for the protection of wildlife sites and requires no amendment in response to the objections by Friends of the Earth, Hubert C Leach and Mr & Mrs Guerra.

5.12.9 On the objection by English Nature concerning the third issue, I understand that a policy for Regionally Important Geological/Geomorphological Sites (RIGS) was not included in the Plan as it was clear that there were no designated RIGS in the District. However such a site has been identified within Northaw Great Wood SSSI and mineral extraction could reveal new RIGS in the

42 Documents CD/DP/05 and CD/DP/10
43 Appendix 4 Document OBJ/1037/01
District. In response, the Council proposed during the Inquiry that Policy R12 should be amended to include a reference to RIGS together with an additional supporting paragraph. Having regard to English Nature’s evidence, I agree that the Plan should be amended as proposed by the Council.

RECOMMENDATIONS

I recommend that the Plan be modified as follows.

a) Policy R12 – Wildlife Sites to read:

Planning permission will not be granted for any development which would have an adverse effect on Wildlife Sites or Regionally Important Geological/Geomorphological Sites unless:

(i) It can be demonstrated that the reasons for development outweigh the need to safeguard the biodiversity of the site; and

(ii) Measures are taken to mitigate the effect of the development, to compensate for any residual adverse effects and to reinstate the nature conservation value of the site.

b) A new paragraph 5.36a to be inserted to read as follows:

PPG 9 Nature Conservation also allows for the designation of Regionally Important Geological/Geomorphological Sites (RIGS). Such features of the landscape are of major importance for wildlife flora and fauna. They are similar to the Wildlife Sites in that they are non-statutory locally designated sites. The Hertfordshire RIGS group has identified a potential site in the district and there may be the potential for further sites to be identified for example, through mineral workings.

5.13 WILDLIFE SITES (Appendix 3)

Objections

D1/1629/RES/001 The James Crawford Trust
D1/1037/APC/011 Hubert C Leach
D1/1616/RES/003 Royal Veterinary College (conditionally withdrawn)
D1/0108/RES/002 Ms Joy Preece

Issues

1. Should Wildlife Sites WS94, WS150 and WS152 be deleted in whole or part from Appendix 3 of the Plan because they have no substantive wildlife value?

2. Should an area of land at School Lane Welwyn be identified as a Wildlife Site in Appendix 3?

Inspector's Reasoning and Conclusions

Wildlife Site WS94 Skimpans Farm Welham Green (objection by The James Crawford Trust)

5.13.1 I saw from an accompanied site visit that the designated site is located on the edge of the village within the Green Belt and comprises mainly grassland used to graze horses. The site appears to have originally been three separate fields and is still partly sub-divided by hedgerows and a fence, although the horses seem to have free access throughout most of the site. There is a lower-lying and wetter area of land covered by shrubs and small trees to the south of the site. The vegetation on the eastern part of the site has more pronounced visible signs of degradation arising from extensive use by horses than other parts and the land has also been disturbed through the eastern part by the construction of a pipeline in around 1995.

5.13.2 This site has been surveyed for its wildlife value on three occasions: in 1988 as part of the Hertfordshire Grasslands Survey; in 1989 as part of the Hertfordshire Flora Survey; and in 1995 for the Hertfordshire Habitat Survey. Over that seven year period the site has exhibited a total list of 15
indicator species for a mixed grassland community, resulting in its formal identification as a Wildlife Site in 1997. The site was again surveyed in connection with this objection in March and April 2003 and some localised areas of indicator species identified across the site. I have dealt with the Objector’s general criticisms of the criteria for selection in the previous part of my Report.

5.13.3 I find the evidence to be less than clear cut as to the substantive nature conservation value of the site as a whole, not least because of the disturbance and degradation caused by its use by horses and overgrazing. However, those effects are not constant across the whole site and the Objector’s evidence indicates that the central field warrants designation and that the western and southern fields are borderline candidates for Wildlife status. On balance therefore I consider in response to the objection that the whole site should remain designated as a Wildlife Site in Appendix 2 until such time as it can be demonstrated beyond doubt that it no longer has substantive nature conservation value.

Wildlife Site WS150 Moffats Meadows (Leach’s Field), Brookmans Park (objection by Hubert C Leach)

5.13.4 This site is located on the edge of the village within the Green Belt and a Landscape Conservation Area and mostly comprises open grassland, trees, scrub and ponds separated by hedgerows or linear woodland.

5.13.5 The site has been identified in the Hertfordshire Wildlife Survey because it supports 12 indicator species for neutral grassland, which exceeds the threshold for designation of 5 or more such species. The Objector accepts that the site has some local interest and their survey supports identification of the site on the basis of the selection criteria of the Hertfordshire Habitat Survey. However the Objector considers that approach to be flawed because the criteria pay no regard to abundance in the process of identifying Wildlife Sites.

5.13.6 I have already given my reasons for not supporting objections to the general basis for identifying Wildlife Sites and in this case it seems to me that my reasons are further supported by the need to have regard to the local context in selecting sites. The site clearly has local interest since I understand it is currently managed by the Gobions Woodland Trust as a nature conservation area and the survey notes appended to the evidence on behalf of Hubert C Leach indicate that the site provides a diverse habitat for wildlife. Furthermore the Objector’s survey confirmed the presence of a protected species (Grass Snake) on the site and that the grassland has the potential to support other common reptile species, although none were recorded.

5.13.7 Therefore on balance in response to the objection by Hubert C Leach I do not consider there is compelling evidence to demonstrate that the site is not of sufficient substantive nature conservation value at the present time. I do not therefore consider the site should be deleted from Appendix 3 of the Plan.

Wildlife Site WS152 Hawkshead Lane Pond and Verge, Brookmans Park (Royal Veterinary College)

5.13.8 I understand from the Council’s evidence that the boundary of this site was incorrectly drawn on the Proposals Map, but that was corrected at the Plan’s 2nd Deposit stage in June 2002. In the absence of any evidence from the Objector concerning the nature conservation value of the site, I do not consider any further changes to the Plan are necessary in response to the objection by the Royal Veterinary College. The site should therefore remain identified as a Wildlife Site in Appendix 3.

Proposed Wildlife Site at School Lane Welwyn (Ms Joy Preece)

5.13.9 I understand from the Council’s evidence that this 0.15ha site was surveyed during Phase 1 Habitat of Hertfordshire (1995-97) when it was described as semi-improved neutral grassland. The site was visited again by Hertfordshire Biological Records Centre (HBRC) on 24 April 2003 and the data collected indicates that the site supports 3 woodland indicator species and 5 neutral grassland indicators, which would justify its identification as a Wildlife Site. However, the site has not been identified because the selection criteria require sites to be 0.25ha or larger, except where particularly rare or threatened communities and species are involved. There is no evidence of the presence of such communities or species on the site and in response to the objection by Ms Preece, I do not therefore consider it should be identified as a Wildlife Site in Appendix 3 of the Plan at the present time.
RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan

5.14 PROTECTED SPECIES (Paragraph 5.38 and Policy R13)

Objections
D1/1037/RES/008 Hubert C Leach  
D1/1204/RES/032 Friends of the Earth

Issues
1. Is Policy R13 unnecessary because the matter is covered by national legislation? If the policy is needed, should it distinguish the different levels of legal protection for species and/or only apply to specified species? Should the policy also refer to the possible indirect damage which development might cause to protected species?

Inspector's Reasoning and Conclusions
5.14.1 Paragraph 5.38 and Policy R13 were amended at the Plan's 2nd Deposit stage in response to objections including those from English Nature, which subsequently withdrew its objection. The above objections have been maintained despite the amendments, but it seems to me that the changes made to paragraph 5.38 and Policy R13 address the issues arising from those objections. The policy is necessary to control development and the use of land which might affect protected species and I do not consider any further changes are necessary in response to the objections by Hubert C Leach and Friends of the Earth.

RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan

5.15 TREES, WOODLANDS AND HEDGEROWS (Paragraphs 5.39-5.40 and Policy R14)

Objections
D1/1204/RES/033 Friends of the Earth  
D1/1204/RES/034 Friends of the Earth  
D1/1037/RES/009 Hubert C Leach  
D1/0217/RES/006 Welwyn Parish Council  
D1/1255/RES/001 Mr P W Neville

Issues
1. Has the Council failed to properly interpret the basis of the Hedgerow Regulations 1997 and should Policy R14 be amended to implement the terms of the Regulations?
2. Is a policy in the Plan referring to Tree Preservation Orders unnecessary? Should any trees, woodlands and hedgerows of importance be identified in Policy R12 or the relevant landscape policy?
3. Does Policy R14 provide insufficient protection for trees on infill development sites? Should the policy incorporate provision to restrict the removal of any trees or hedgerows from any recently developed land where retention of such was a condition of the original planning permission?
Inspector's Reasoning and Conclusions

5.15.1 On the objections by Friends of the Earth concerning the first issue, Policy R14 provides a basis for considering planning applications by confirming that the Council will generally seek the protection and retention of existing trees, hedgerows and woodland by various, means as well as requiring new development to incorporate new planting where appropriate. An excessive amount of unnecessary detail would be needed for the policy to describe the various means of implementation, including the provisions of the Hedgerow Regulations 1997. Those provisions, and others such as the procedures and applicability of Tree Preservation Orders (TPOs), are set out in other guidance and secondary legislation and would be applied and implemented as appropriate on a site by site basis. I do not therefore consider the Plan needs changing in response to the objections on the first issue.

5.15.2 On the second issue, the reference to the protection of trees by TPOs is reasonable, because it is used as an indication of how the policy will be implemented along with other measures. It would be inappropriate for the Plan to seek to identify individual trees, hedgerows or woodlands of significance, particularly since those which fall within more general areas of special character or protection such as Conservation Areas, Wildlife Sites, and Landscape Character Areas would be subject to other policies of the Plan and supplementary planning guidance which seek to protect the character of such areas. Policy R14 would enable the Council to seek to protect and enhance trees, hedgerows and woodlands which do not fall within such areas. I do not therefore consider any changes are necessary in response to the objection by Hubert C Leach.

5.15.3 Turning to the objections by Mr Neville and Welwyn Parish Council on the third issue, Policy R14 provides a sound basis for the protection of trees, including those on infill development sites and those areas of the District where trees are an important part of the character of the area. The Objectors would like to see Policy R14 prevent any works to trees in the grounds of any house under 5 years old, or the removal of any trees and hedgerows which planning conditions require to be retained. I do not support such amendments because they would conflict with the rights of owners and occupiers to make the appropriate applications or appeals under the provisions whereby trees and hedgerows might be protected, such as planning conditions or Tree Preservation Orders. No changes are therefore necessary in response to the objections.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

5.16 ENHANCING BIODIVERSITY (Paragraph 5.41 and Policy R15)

Objections

D1/0083/RES/027 The Environment Agency
D2/0083/RES/022 The Environment Agency
D1/1037/RES/010 Hubert C Leach
D1/1213/RES/006 Faulkners
D1/0003/RES/002 Herts & Middlesex Wildlife Trust
D1/0218/RES/004 Welwyn Planning & Amenity Group

Issues

1. Should paragraph 5.41 refer to specific planning guidance on the need to enhance general biodiversity in the District and encourage developers to undertake an ecological appraisal of their sites prior to the formulation of any development proposals?

2. Should Policy R15 and its supporting statement be deleted because it is unlikely that development will make a contribution to biodiversity? Is the policy unnecessarily restrictive, too burdensome
and authoritarian? Should it be confined to larger types of development and/or refer to improving or not harming the environment?

3. Is the translocation of habitats, as provided by criterion (iii) of Policy R15, an unacceptable option, which should be deleted from the policy?

Inspector's Reasoning and Conclusions

5.16.1 On the first issue, I consider that the recommendation in part 5.9 of my Report regarding amalgamating paragraphs 5.31 to 5.33 of the Plan with Policy R15, would assist in confirming the Plan’s objectives concerning the enhancement of biodiversity. It is also clear that other policies of the Plan, and in particular Policy SD1, require ecological appraisal in appropriate circumstances and the wording suggested by the Environment Agency is therefore unnecessary. However, although the Plan should be read as a whole, I agree with the Council that it would be helpful for the text of this part of the Plan to cross-refer the need for ecological appraisals. In my view such an amendment would meet the objection from the Environment Agency on the first issue.

5.16.2 On the objections by Hubert C Leach, Faulkners and the Welwyn Planning & Amenity Group concerning the second issue, national and strategic planning policies promote the maintenance and enhancement of biological diversity as part of the fundamental aim of achieving sustainable development. Development of any size or type can have an adverse effect on the biodiversity of a site and its environment and in many cases is capable of enhancing that biodiversity by careful design and/or management. I do not therefore consider there is any justification for deleting Policy R15. The policy sets out five criteria which are clear in their intent and requirements and are reasonable having regard to the national and strategic policies referred to above. None of the criteria impose unreasonable burdens on developers, particularly as two of them are only required to be satisfied where necessary or appropriate. I do not therefore consider any changes are necessary in response to the objections.

5.16.3 Turning to the third issue and the objection by the Herts & Middlesex Wildlife Trust, I agree that the translocation of habitats, as referred to in criterion (iii) of Policy R15, is usually an undesirable option and the Council’s evidence indicates that it shares that view. However, it would be unreasonable for the Plan not to provide the option as a part of this general policy since there might be overriding material planning considerations, including the need to maintain an adequate supply of housing land. Furthermore other policies of the Plan provide specific protection to sites of high nature conservation value and the wording of criterion (iii) indicates that translocation is a last resort which is only acceptable if the habitat or species concerned cannot be successfully accommodated within the development. I do not therefore consider the criterion should be deleted from the policy.

RECOMMENDATIONS

I recommend that the Plan be modified by amending the text of paragraph 5.41 to cross-refer to the need for ecological appraisals to be undertaken under Policy SD1. My recommendation at section 5.9 of my Report is also relevant to this part of the Plan.

5.17 LIGHT POLLUTION (Paragraphs 5.45-5.46 and Policy R18)

Objections

D1/1213/RES/007 Faulkners
D1/1616/RES/070 Royal Veterinary College
D2/1109/RES/004 Arlington Property Development Ltd (conditionally withdrawn)
Issues

1. Is Policy R18 too burdensome, with too many onerous criteria and if one criterion is not met, would development be contrary to the Plan? Should the policy provide more flexibility to take account of special circumstances?

Inspector's Reasoning and Conclusions

5.17.1 This part of the Plan and Policy R18 generally reflect the advice contained in national planning policy guidance which seeks to minimise the adverse effect of light pollution. The Plan was amended at 2nd Deposit stage to clarify that all of the criteria of Policy R18 should be satisfied. It would be up to the decision-maker to balance whether the failure of a proposal to comply with one or more criteria of the policy would be of sufficient weight to refuse planning permission, having regard to other considerations. Such considerations would include any special circumstances relating to the type or location of proposed development. The balancing exercise would therefore provide sufficient flexibility and consequently I do not consider the criteria to be onerous, excessive or burdensome. No changes to this part of the Plan are therefore necessary in response to the objections.

5.17.2 The Council has proposed a Pre-Inquiry Change which would combine criteria (i) and (viii) of Policy R18 (PIC/011/RES). No objections have been lodged to the change and I do not have any comments on it.

RECOMMENDATIONS

I recommend that, other than Pre-Inquiry Change PIC/011/RES, no modifications be made to this part of the Plan.

5.18 TELECOMMUNICATIONS DEVELOPMENT (Paragraphs 5.47-5.51 and Policy R19)

Objections

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44 PPG 23 (Document CD/NP/200)
Issues

1. Does Policy R19 provide a strong enough framework and should it be amended to reflect significant local concern regarding environmental and health issues associated with the siting of mobile phone masts particularly in and around Cuffley and Welham Green?

2. Should Policy R19 provide more flexibility and should criteria (iii), (v), (vi) and (ix) be deleted?

3. Should the Plan provide for a register of potential telecommunications development sites to be kept and updated by the Council? Should Article 4 Directions be used to control such development?

Inspector's Reasoning and Conclusions

Does Policy R19 provide a strong enough framework and should it be amended to reflect significant local concern regarding environmental and health issues associated with the siting of mobile phone masts particularly in and around Cuffley and Welham Green?

5.18.1 This issue mainly concerns the objections to this part of the Plan made by Friends of the Earth, the Panshanger Community Group and the individuals listed above.

5.18.2 In considering this issue, it is important to remember that the Plan must take into account a number of factors, including the Government’s overall policy approach to planning for telecommunications development, which is currently set out in PPG 8. Other factors include: the requirements of the Telecommunications Act 1984; the need to minimise the impact of development and in particular the need to protect the best and most sensitive environments; the limitations imposed by the nature of the telecommunications network and technology; and consultations with telecommunications operators.

5.18.3 PPG 8 confirms that the Government’s policy is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum and recognising that the Government has a responsibility for protecting public health. PPG 8 was published in August 2001 and replaces Circular 4/99. PPG 8 also takes into account the recommendations of a report prepared by the Independent Expert Group on Mobile Phones, generally known as the Stewart Report. Consequently it is unnecessary for the Plan to refer to Circular 4/99 and the Stewart Report, in addition to PPG 8, as suggested by some objections.

5.18.4 Even so many Objectors express strong concern about the possible health implications of telecommunications development on people, especially children, and seek a precautionary approach, or outright bans on such development close to schools, colleges, hospitals and homes or in particular parts of the District. Health considerations and public concern can in principle be material considerations in determining applications for telecommunications development. However, it is the Government’s firm view that the planning system is not the place for determining health safeguards. If a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further health aspects and concerns about them.

5.18.5 The above factors indicate that there is no justification on health grounds for the Plan to include an outright ban on telecommunications development in any part of the District or for Cuffley and Welham Green to be treated any differently from the rest of the District. Policy R19(iv) does provide for a clear public exclusion zone to be placed around all base station antennae, which is a reasonable precaution and consistent with advice in PPG 8. However, there is no other justification for the Council to implement its own precautionary policies in certain sensitive locations for example by insisting on minimum distances between such development and existing development, as suggested by some Objectors. Indeed such an approach is specifically discouraged in paragraph 101 of the Appendix to PPG 8. I do not therefore agree that the Plan should list other sites which are considered sensitive, such as hospitals and homes.

5.18.6 The Government’s view on this matter as expressed in PPG 8 reflects the precautionary

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45 Document CD/NP/70
46 International Commission on Non-Ionizing Radiation Protection
approach to the use of mobile phone technologies recommended in the Stewart Report, until there is more detailed and scientifically robust information on any health effects. In my view this part of the Plan generally takes that approach into account.

5.18.7 However, one of the recommendations of the Stewart Report was that in relation to base stations within or near school grounds, the beam of greatest intensity should not fall on any part of the school grounds or buildings without agreement from the school and parents. That recommendation has been carried forward in paragraphs 62 and 63 of the Appendix to PPG 8, which provide for the necessary consultations to be carried out with the school (or college) by the operator and the local planning authority before and after any such proposal.

5.18.8 Paragraph 5.50 and Policy R19 as amended at the Plan’s 2nd Deposit stage requires that emissions should accord with the advice in PPG 8 on locations next to sensitive sites such as schools, nurseries and pre-school playgroups. The Council has proposed a Pre-Inquiry Change which would add colleges to the examples of sensitive sites in paragraph 5.50 and Policy R19 (PIC/012/RES and PIC/013/RES). PPG 8 only specifically refers to colleges and schools and it is therefore reasonable for the proposed Pre-Inquiry Change to reflect that, and it also seems logical and reasonable to include other similar facilities accommodating young people such as nurseries and pre-school playgroups. However, in my view paragraph 5.50 and Policy R19(iii) should be re-worded to more specifically reflect PPG 8 by requiring consultation with the parents and college, school or playgroup likely to be affected by emissions from telecommunications development.

5.18.9 Mr Riches argued strongly at the Inquiry for Policy R19 to include a requirement for the removal of telecommunications development, particularly near schools, if it should be demonstrated in the future that the level of emissions is harmful to health. The objection is reasonably based, but if that situation does arise it seems to me that it would require action at a national rather than a local level. It would therefore be unreasonable for such a policy to be incorporated as part of this Plan, particularly at this point in time when there is no compelling evidence to justify it.

5.18.10 Some Objectors consider that Policy R19 and related text should provide for the Council to seek independent technical advice when taking decisions on the siting of telecommunications development. There are many policies and subjects in the Plan which are likely to require the Council seeking technical advice before making decisions on planning applications and the Plan would become excessively detailed if every one required the Council to take independent advice. I do not therefore consider that Policy R19 and the text of the Plan requires amendment in this respect.

5.18.11 Turning to the concern about other environmental issues, the criteria of Policy R19 generally seek to minimise any visual intrusion, particularly in areas of environmental importance including the Green Belt. That approach is consistent with the advice in PPG 8 and the policy is therefore reasonable in that respect.

5.18.12 Policy R19 requires free standing masts to have sufficient spare capacity for sharing. The sharing of masts and sites is strongly encouraged by PPG 8, where that represents the optimum environmental solution. I note that operators are required by the terms of their licence to comply with certain criteria in the siting of their telecommunication development which I understand include investigating the feasibility of sharing other masts and sites. I also accept that there may be technical and design considerations which indicate that mast or site sharing would be inappropriate or impossible and criterion (ii) appears therefore to be unduly restrictive by requiring that new free standing masts “must” have sufficient spare capacity to allow mast sharing.

5.18.13 Even so, paragraph 40 of the Appendix to PPG 8 advises that Local Plans should include general policies on the locational requirements of apparatus to minimise its impact on amenity. Furthermore, criterion (ii) of Policy R19 is qualified by the requirement being subject to technical or environmental constraints, which I consider provides sufficient flexibility for the policy to take into account particular circumstances. I therefore consider that it is reasonable for the matter to be the subject of relevant criteria in Policy R19.

5.18.14 For the above reasons, I conclude on the first issue that subject to the changes referred

47 Paragraphs 66-73 of the Appendix to PPG 8
to above, that no further amendments to this part of the Plan and Policy R19 are needed in response to the objections on the issue.

Should Policy R19 provide more flexibility and should criteria (iii), (v), (vi) and (ix) be deleted?

5.18.15 On the remaining listed objections concerning the second issue, I have dealt with criterion (iii) above and for the reasons given there consider that, subject to the recommended amendment, it should not be deleted. Criteria (v) and (vi) seek to minimise visual harm, which is consistent with PPG 8 and the strategy and objectives of the Plan for design. I do not therefore consider the criteria should be deleted. Criterion (ix) was added to Policy R19 at the Plan’s 2nd Deposit stage in response to the objection by the British Horse Society, but it is the subject of counter objections from Railtrack plc and Vodafone Ltd based on their concerns at the practicability and necessity of providing vehicular access to isolated telecommunication sites.

5.18.16 It is not unusual for masts and telecommunications equipment to be in remote locations, particularly in rural areas. Once constructed or erected, vehicular access is unlikely to be required to such equipment on a frequent basis. The construction of new access routes, even if they are not formal or hard surfaced, could have a significant visual impact on rural areas. I therefore consider it to be unreasonable for Policy R19 to require adequate and safe vehicular access to sites to be provided or made available. It would clearly be unacceptable for public rights of way such as footpaths or bridleways to be used for vehicular access, but that is accommodated in Policy RA27. I therefore consider criterion (ix) should be deleted as being unreasonable and unnecessary.

5.18.17 Having regard to the above and my considerations on the first issue, I conclude on the second issue that, with the exception of criterion (ix), Policy R19 provides adequate flexibility and is not unduly onerous. I do not therefore consider that the policy should be amended, other than the deletion of criterion ix, in response to the objections.

Should the Plan provide for a register of potential telecommunications development sites to be kept and updated by the Council? Should Article 4 Directions be used to control such development?

5.18.18 Turning to the third issue which concerns matters raised by Friends of the Earth and many individual Objectors, paragraph 72 of PPG 8 encourages local planning authorities to maintain a register of masts and other structures to which apparatus could be attached. Some Objectors would like to see the reference to such a register in paragraph 5.51 of the Plan extended to include potential sites. The Objectors also suggest an associated new criterion in Policy R19. I accept that when a register has been completed in consultation with operators, it could provide a more robust basis for implementing criterion (i) of Policy R19. However in the meantime I consider the commitment to the preparation of the register in paragraph 5.51 to be sufficient, particularly having regard to the resources of the Council that are likely to be available and the difficulty in identifying potential sites for telecommunications development.

5.18.19 Friends of the Earth wishes to see a reference in the Plan to the use of Article 4 Directions to restrict telecommunications development where it would adversely affect amenity or the landscape. However such Directions would not be appropriate unless there is a real and specific threat to the locality in which telecommunications development is proposed and blanket Directions covering a wide range of such development would not normally be approved. The Council could proceed in any case with such Directions in the event of a real and specific threat and I do not therefore consider that a specific criterion is necessary as part of Policy R19.

5.18.20 I therefore conclude on the third issue that no changes to this part of the Plan are necessary in response to the objections.

RECOMMENDATIONS

I recommend that the Plan be modified by:

a) paragraph 5.50 and Policy R19 being amended in accordance with the Council’s Pre-Inquiry Changes PIC/012/RES and PIC/013/RES;
b) paragraphs 5.50 and Policy R19 being amended to require consultation with the parents and college, school, nursery or pre-school playgroup on applications and determinations for mobile phone masts, base stations and transmitters proposed near such locations; and
c) deleting criterion (ix) from Policy R19.

5.19 DEVELOPMENT IN CONSERVATION AREAS (Paragraph 5.52 and Policy R20)

Objections

D1/1593/RES/001 Chinacorp

Issues

1. Should the Conservation Area Appraisal for Welwyn Garden City town centre be reviewed as a matter of urgency to provide clearer guidance particularly in relation to those areas identified for major redevelopment?

Inspector’s Reasoning and Conclusions

5.19.1 The original objection seems to me to support the Plan and does not seek any change to paragraph 5.52 or Policy R20. No compelling evidence has been submitted to support the need for a review of the Conservation Area Appraisal for Welwyn Garden City town centre, which in any case has only relatively recently been prepared. The policies relating to major redevelopment in the town centre require development to preserve and enhance the character of the Conservation Area and I do not consider any purpose would be served by amending this part of the Plan in response to this objection by Chinacorp.

5.19.2 I note that an amendment to the text of paragraph 5.52 and a new paragraph 5.51a are proposed by the Council as Pre-Inquiry Changes (PIC/014/RES and PIC/058/RES). No objections have been lodged to the changes and I do not have any comments on them.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan other than the Council’s proposed Pre-Inquiry Changes PIC/014/RES and PIC/058/RES.

5.20 DEMOLITION OF BUILDINGS IN CONSERVATION AREAS (Paragraphs 5.53-5.53a and Policy R21)

Objections

D1/1580/RES/001 Oaklands College
D1/0002/RES/003 Hertfordshire County Council (Environment)

Issues

1. Should paragraph 5.53 and Policy R21 provide clearer guidance on the requirements to justify the very special case to be made in justification for the demolition of buildings in a Conservation Area and the criteria against which redevelopment plans would be considered acceptable? Should the last sentence of Policy R21 be deleted?

48 Document CD/RTC/90
2. Should Policy R21 (and Policies R23, R25 and R27), or a new policy, require the submission of a report setting out the historical/archaeological interest and importance of the structure to be demolished and an assessment of the impact of the proposal? Should the Plan include provision for a condition to be imposed on any consent for demolition, which requires the developer to secure a programme of archaeological historic building recording prior to the commencement of any works?

Inspector's Reasoning and Conclusions

5.20.1 On the first issue, the wording of paragraph 5.53 of the Plan and Policy R21 generally reflect the guidance contained in paragraph 4.27 of PPG 15, which favours the retention of buildings that make a positive contribution to the character or appearance of a conservation area. PPG 15 also indicates that the Council is entitled to consider the merits of any proposed redevelopment in determining whether consent should be given for the demolition of an unlisted building in a conservation area.

5.20.2 Policy R20 of the Plan would clearly provide the main context for assessing proposals for redevelopment in conservation areas and I do not therefore consider paragraph 5.53 or Policy R21 need go into any further detail on that matter. However I agree with the objection made by Oaklands College that it would be helpful for the Plan to refer to the broad criteria against which proposals for the demolition of buildings in a conservation area would be assessed. Therefore, since paragraph 4.27 of PPG 15 expects proposals to demolish buildings in conservation areas to be assessed against the same criteria as for the demolition of Listed Buildings, I consider paragraph 5.53 should contain a cross reference to Policy R25 of the Plan where the criteria are set out.

5.20.3 The last sentence of Policy R21 was amended at the 2nd Deposit stage of the Plan to say that conditions will be imposed on any consent for demolition to ensure that a contractual obligation has been entered into to undertake the proposed works prior to commencement of demolition and that planning permission has been granted. Since such a requirement is in accordance with the guidance contained in paragraph 4.29 of PPG 15, I do not consider it should be deleted from Policy R21 as suggested by Oaklands College.

5.20.4 Turning to the objection by Hertfordshire County Council concerning the second issue, I do not accept the District Council’s response that impact assessment in respect of the demolition of buildings in conservation areas would be contrary to the relevant guidance in PPG 15. Paragraph 2.11 of that guidance concerns proposals which would affect historic sites and structures including those in conservation areas as well as listed buildings. The guidance indicates that local planning authorities should expect developers to assess the likely impact of their proposals on the special interest of the site or structure in question and to provide such written information or drawings as may be required to understand its significance before an application is determined. Paragraph 2.15 indicates that it is important in cases where there is archaeological interest that there should be appropriate assessment of the archaeological implications of development proposals before applications are determined. The guidance also says that, where permission is to be granted, authorities should consider whether adequate arrangements have been made for recording remains that would be lost.

5.20.5 Even so, the matter is dealt with in the Plan by criterion (iv) of Policy R25 in respect of Listed Buildings and Policy R27 in respect of proposals that may affect remains of archaeological significance, irrespective of their location. Subject to the incorporation in the Plan of the cross referencing referred to above, I do not consider any further amendments are necessary in response to the objection by Hertfordshire County Council.

RECOMMENDATIONS

I recommend that the Plan be modified by amending the text of paragraph 5.53 by the insertion of reference to the criteria for assessing proposals for the demolition of unlisted buildings in conservation areas under Policy R21, including a cross reference to Policy R25, which contains the relevant criteria.
5.21 CHARACTER APPRAISALS AND ENHANCEMENTS (Paragraphs 5.54-5.55 and Policy R22)

Objections

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<tr>
<th>Reference</th>
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<td>D1/1498/RES/008</td>
<td>Mr &amp; Mrs M Guerra</td>
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Issues

1. Should paragraph 5.55 and Policy R22 be redrafted to clarify that Article 4 Directions are not subject to the same cost restraints as are works for the enhancement of conservation areas?
2. Should the Plan include provision for Character Appraisals to be carried out in conjunction and consultation with a wide variety of stakeholders to ensure that they are more closely adhered to by all involved? Would the Council’s ability to draw up and implement a programme of works for maintenance and enhancement only be effective in areas it controls and/or by means of planning agreements?
3. Should paragraph 5.55 and Policy R22 include more support for the inclusion of information on landscape character and to the need for appropriate landscape character conservation measures during the development control process?
4. Do Character Appraisals allow reasonable conversions for energy efficiency or sustainability reasons? Should the Plan refer to the English dictionary definitions of preservation and conservation to emphasise that preservation is a specific part of conservation?

Inspector's Reasoning and Conclusions

5.21.1 On the first issue, the making of an Article 4 Direction would involve the Council incurring costs in terms of staff time and is therefore subject to the availability of resources, as would be any improvement works. There might be different cost restraints involved, depending on the scale and nature of the works, but I do not consider the Plan needs to refer to such detail. It seems to me that paragraph 5.55 is clear on this matter and therefore requires no amendment in response to the objections by English Heritage.

5.21.2 On the second issue, the Council has confirmed that in preparing any conservation area appraisals and enhancement schemes it would involve those with local interests. Since it would not necessarily be practicable or feasible for these to be carried out in conjunction with stakeholders, consultation would be a more reasonable form of involvement. However, having regard to the overall desirability to avoid over-elaborate or detailed policies, I do not consider it is necessary for the Plan to enter into such details of the process for preparing character appraisals under Policy R22.

5.21.3 The Council has a statutory duty in exercising its planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Policy R22 reflects that duty and I do not consider that the implementation of the policy would necessarily be restricted to land the Council owns since it would have the right through planning conditions and legal agreements to secure enhancement schemes as part of development proposals in conservation areas.

5.21.4 I do therefore consider any changes to Policy R22 are necessary in response to the objection by Oaklands College on the second issue.

5.21.5 On the third issue and the objection by Hertfordshire County Council, paragraphs 4.4 and 4.38 of PPG 15 indicate that trees are one of the elements which can contribute to the special...
interest and character of a conservation area. Other policies of the Plan, and of the Structure Plan, generally seek the retention of trees and landscaping which contribute to the character and appearance of an area, irrespective of its location. The County Council’s evidence on the matter indicates the significant amount of guidance on the topic, which is available at national and local level. It is therefore unlikely that landscaping would be disregarded in the preparation of a conservation area character appraisal, particularly if it forms an important element of the character or appearance of such an area. There are other characteristic elements which might be just as important and I do not consider it is necessary for this part of the Plan to refer to the details of the contents of character appraisals, particularly since each one is likely to be different depending on the character of each area.

5.21.6 Turning to the fourth issue concerning the objections by the Welwyn & District Local History Society and Mr & Mrs Guerra, the purpose of character appraisals is to provide a guide to the design of development or alterations to existing buildings in conservation areas. The acceptability of the conversion of buildings in conservation areas for energy efficiency or sustainability reasons would depend on the effect on the character or appearance of the areas and other considerations including the design policies of the Plan and Supplementary Design Guidance. The purpose of Policy R22 is to facilitate the production of character appraisals and it is not therefore necessary for the policy to indicate their content at this level of detail.

5.21.7 Paragraphs 5.52 to 5.56 of the Plan set out the general background to the control of development in conservation areas in the context of the statutory framework, which seeks to preserve or enhance the character or appearance of such areas as a whole. It would not therefore be helpful or appropriate for the Plan to refer to English dictionary definitions of conservation and preservation, which are not relevant to the context of the Plan.

5.21.8 I do not therefore consider this part of the Plan needs changing in response to the objections on the fourth issue. However, I note that a minor typographical error should be corrected at the beginning of the second sentence of Policy R22.

**RECOMMENDATIONS**

I recommend that no modifications be made to this part of the Plan except for a minor typographical correction at the beginning of the second sentence of Policy R22 (capital “B”).

5.22 LISTED BUILDINGS (Paragraphs 5.56-5.58a and Policies R23 & R25)

**Objections**

D1/1204/RES/035  Friends of the Earth
D1/1204/RES/036  Friends of the Earth

**Issues**

1. Should Policies R23 and R25 facilitate the reclamation and re-use of traditional building materials. Should Policy R25 facilitate the same standard of recording of buildings to be demolished as for buried archaeological sites.

**Inspector's Reasoning and Conclusions**

5.22.1 In response to these objections, the Council amended the Plan at the 2nd Deposit stage. Paragraph 5.53a has been inserted which explains that the Council will require historic materials and/or components arising from demolition or other works to historic buildings to be set aside for re-use or disposal to a bona fide architectural salvage company. That requirement has not been carried through into a policy, but I find that reasonable since the requirement might not be appropriate or necessary in all cases. Where re-use or disposal of historic materials is considered necessary and reasonable, it seems to me that paragraph 5.53a provides sufficient indication to applicants for listed building consent that the Council may impose conditions to that effect.
5.22.2 Paragraph 5.58a has also been inserted which describes the requirements for assessing and recording items of historic and archaeological interest when applications for demolition or major alterations of a listed building are submitted. Policy R25 was also amended to provide for those requirements at criterion (iv).

5.22.3 Although these objections have been maintained, I consider the Plan, as amended at 2nd Deposit stage, satisfactorily responds to the objections and reflects the advice contained in paragraphs 3.22 to 3.24 of PPG 15. In conclusion therefore, I do not consider that there is sufficient justification for any further changes to this section of the Plan.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

5.23 HISTORIC PARKS AND GARDENS (Paragraphs 5.59-5.60 and Policy R26)

Objection

D1/1610/RES/003 Lafarge Aggregates Ltd

Issue

1. Is Policy R26 too restrictive having regard to the advice in PPG 15?

Inspector's Reasoning and Conclusions

5.23.1 Paragraph 2.24 of PPG 15 says that, in preparing development plans and determining planning applications, local planning authorities should protect registered historic parks and gardens. Policy R26 seeks to achieve such protection by preventing development which would lead to the loss of, or cause harm to, the historic character, appearance or setting of any part of a registered historic park or garden. The policy was amended to that effect at the 2nd Deposit stage and does not now say, as suggested by Lafarge Aggregates Ltd, that any proposal affecting parks and gardens should not be allowed. In fact the policy implies that proposals which have no adverse affect would be permitted, particularly if they contribute to the quality and character of the historic environment of unregistered parks and gardens listed in Appendix 5 of the Plan.

5.23.2 In conclusion therefore, I do not consider that there is sufficient justification for any further changes to this section of the Plan.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

5.24 ARCHAEOLOGY (Paragraphs 5.61-5.64, Policy R27 and Appendix 6 of the Plan)

Objections

D1/1626/RES/003 GlaxoSmithKline
D1/1626/RES/004 GlaxoSmithKline
D1/1626/APF/015 GlaxoSmithKline
D2/0253/RES/012 English Heritage
D1/1204/RES/037 Friends of the Earth
D1/1623/RES/003 Beechwood Homes Ltd
Issues

1. Does the Plan provide clear justification for the inclusion of the Areas of Archaeological Significance (AAS) listed in Appendix 6 of the Plan? Should that list include site AAS63 (The Frythe) without further justification? Should the designation of AASs be based on a thorough assessment of the archaeological merits of each individual site? Should the Plan be changed to indicate that AASs do not represent a comprehensive guide to the district’s archaeological resource?

2. Should Policy R27 make it more clear that preservation is the important factor for archaeological sites and that this should be achieved through proper excavation and recording or re-designing the proposed development? Should preservation in-situ be seen as a last resort? Should developers be required to fund the preservation and storage of artefacts and to publicise the results of excavations? Is Policy R27 too onerous, particularly with respect to areas outside AASs?

Inspector's Reasoning and Conclusions

5.24.1 On the first issue, paragraph 5.61 of the Plan indicates that there are 340 individual records of known archaeological sites and finds in the district, which I understand from the Council’s evidence are recorded on the County Sites and Monuments Record (SMR). The designated sites listed in Appendix 6 of the Plan are based on clusters of entries in the SMR and includes scheduled ancient monuments. The identification of those sites has been based on evidence from various sources and the reason for the designation of the sites is given, albeit briefly, in Appendix 6. In those circumstances I do not consider there is any need for the Plan to provide further justification for the designation of the AASs or to facilitate further assessment to confirm the designations, as suggested by GlaxoSmithKline. The wording of paragraphs 5.61 and 5.63 would however be factually clearer if amended as suggested by the Council in their evidence on this matter.

5.24.2 The description of The Frythe (AAS63) in Appendix 6 refers to a known Roman burial and the historic importance of buildings on the site. I understand from the Council’s evidence that the brief description is based on a more expansive entry in the SMR. I do not therefore consider the Plan needs to go into further detail as to the justification for designating the site an AAS, but since the evidence from GlaxoSmithKline indicates that not all the buildings at The Frythe are of historic importance, it would be more accurate to reflect that in the description as recommended below.

5.24.3 In response to the objection on the first issue by English Heritage, the Council has proposed a Pre-Inquiry Change to paragraph 5.63 which would delete reference to the identified AASs not being a definitive list (PIC/015/RES). The amended paragraph would clearly indicate that the list of Scheduled Ancient Monuments and AASs is not exhaustive and may need revision and that important archaeological remains may exist elsewhere in the District. I do not therefore consider there is any need for further clarification, in addition to the proposed Pre-Inquiry Change, in response to the objection.

5.24.4 On the second issue and the objection by Friends of the Earth, PPG 16 states that there is a presumption in favour of the physical preservation of nationally important archaeological remains and their settings, which are affected by proposed development. The preservation of remains of lesser importance needs to be weighed against other factors including the need for the development. If physical preservation in situ is not feasible, an archaeological excavation for the purposes of ‘preservation by record’ may be an acceptable alternative. The question of developers funding the preservation and storage of artefacts and publicising the results of any finds is a matter of detail which is more appropriately considered by the Council on a case by case basis and it should not therefore be a part of the Plan.

5.24.5 Policy R27 reflects the guidance in PPG 16 and is supported by English Heritage, so I do not consider it to be onerous or that any changes are necessary in response to the objections by Friends of the Earth and Beechwood Homes Ltd.

RECOMMENDATIONS

I recommend that the Plan be modified as follows.

a) The third sentence of paragraph 5.61 be modified to read:
There are over 340 individual records of known archaeological sites and finds in Welwyn Hatfield recorded on the County Sites and Monuments Record maintained by Hertfordshire County Council.

b) The third sentence of paragraph 5.63 be modified to read:

Some of the most important concentrations of archaeological remains recorded on the County Sites and Monuments Record, as maintained by Hertfordshire County Council, are identified on the Proposals Map as Areas of Archaeological Significance, although (delete – ‘these areas are not definitive and’) important archaeological remains may exist elsewhere in the District. (this modification incorporates PIC/015/RES)

c) The description of AAS63 The Frythe in Appendix 6 be modified to read:

A Roman burial is known from the area. Some buildings at The Frythe are of historic importance.
6. CHAPTER 6 - MOVEMENT

6.1 INTRODUCTION, STRATEGY & OBJECTIVES (paragraphs 6.1-6.9)

Objections

D1/1204/MOV/038  Friends of the Earth
D1/1204/MOV/039  Friends of the Earth
D1/0118/MOV/005  Mr M Riches

Issues

1. Does this Chapter of the Plan take the wrong approach to transport policies?
2. Should the Plan say that it takes precedence over the local transport plan?
3. Should the references to walking and cycling in paragraph 6.8(d) and (g) be deleted because of the Council’s past actions?

Inspector's Reasoning and Conclusions

6.1.1 On the first issue the objection by Friends of the Earth outlines, albeit in some detail, the general theory that they consider should form the basis of the Plan’s transport strategy. In general they consider the Plan should take a fundamentally different holistic approach to ‘movement’, instead of dealing with transport issues on a compartmentalised basis, which they consider would help redress the dominance of the car over other forms of transport.

6.1.2 The Plan is required to have regard to current national and regional planning policies and guidance, all of which promote more sustainable transport choices for people and the reduction of the need to travel by car. Those objectives are clearly included in the strategy and objectives set out in paragraph 6.8 of the Plan and are carried forward for implementation in Policy M1 and other policies of the Plan. I therefore have no doubt whatsoever that the Plan complies with the above objectives of national and regional planning policies and guidance on seeking to reduce the dominance of the car as a means of travel.

6.1.3 The approach suggested by the Objector might have merit as an alternative, but would not in my view result in any greater clarity or effectiveness in achieving national and regional policy and guidance on the issue. I do not therefore consider that there is any justification for the Plan to take a different approach to its transport policies.

6.1.4 Turning to the second issue and the matters also raised by Friends of the Earth, paragraphs 5.4 to 5.8 of PPG 12 emphasise the important inter-relationship between development plans and local transport plans. It is clear from the guidance that the ultimate aim is for overall planning and transport strategies to be consistent in terms of objectives and integrated with one another. The guidance does not provide for either type of plan to take precedence over the other. It seems to me that these factors are adequately reflected in paragraph 6.3 of the Plan and I do not therefore consider any changes are necessary to further clarify the distinction between the Plan and the local transport plan.

6.1.5 On the third issue, Mr Riches provided evidence in support of his case concerning specific footpaths and cycleways in Welwyn Garden City which have been closed or obstructed. I am not aware of all of the circumstances relating to those matters, but whatever the circumstances were, they do not justify deleting fundamental objectives of the Plan’s District-wide strategy for achieving a more sustainable pattern of movement over the Plan period. As I have mentioned above, those objectives comply with national and regional planning policies and guidance and the deletion of objectives (d) and (g) from paragraph 6.8 of the Plan would seriously undermine that compliance and the ability of the Plan to achieve its strategy for a sustainable pattern of movement. I do not therefore consider the Plan should be amended in response to the objection on this issue.
RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan

6.2 INTEGRATING TRANSPORT AND LAND USE (paragraphs 6.10-6.12 and Policy M1)

Objections

D1/0139/MOV/002  British Horse Society (conditionally withdrawn)
D1/1204/MOV/040  Friends of the Earth
D1/1534/MOV/002  Mr A Achampung-Kyei
D1/1369/MOV/001  Mrs E Carlin
D1/1030/MOV005    Ms M Edwards
D1/1572/MOV/001   Mr & Mrs C J Hazel
D1/0118/MOV/004    Mr M Riches
D1/1543/MOV/003    Mrs E H Sheppard

Issues

1. Should Policy M1 be redrafted to reflect the need to transfer road capacity between modes of travel in different locations and that integration inevitably requires restrictions on some modes?

2. Should the Plan do more to address present deficiencies in non-car modes of travel in terms of adequacy of public transport services (particularly in Welwyn and Welham Green) and their cost, particularly for the elderly and infirm?

3. Should Policy M1 include reference to horse riders and the disabled?

Inspector's Reasoning and Conclusions

6.2.1 Policy M1 was amended at the 2nd Deposit stage to delete a modal hierarchy and Policy M9 of the Plan provides for restriction of the car as a mode of travel by requiring priority to be given to passenger transport services in the design and layout of new developments. Policy M1 also requires priority to be given to non-car users in development schemes, which implies restrictions on other modes. I do not therefore consider that Policy M1 needs re-drafting as suggested by Friends of the Earth on the first issue.

6.2.2 The objections by local residents mainly concern the second issue, but the Plan can only seek to address any deficiencies in public transport facilities where they are related to the use and development of land. The Plan can not therefore directly influence matters relating to the frequency or cost of services or their availability to particular sectors of the community. Policies M1, M3, M5, M9 and M12 all seek to promote the provision or improvement of public transport and taxi facilities where associated with new development, which is appropriate to the purpose and function of the Plan. I do not therefore consider the Plan can do more to address any present deficiencies in non-car modes of travel in response to the objections by local residents.

6.2.3 Turning to the third issue raised by the British Horse Society and Mr Riches, the Plan was amended at the 2nd Deposit stage to insert a new Policy M7a to take account of the needs of horse riders which, together with the amendment made to Policy M1 at the same time referred to above, meets the first part of the objection. I also note that paragraphs 6.13 to 6.15 and Policy M2 concerning access for people with disabilities and mobility problems, including the elderly and those with young children, were deleted at the 2nd Deposit stage. However, provisions relating to access and design for people with disabilities was inserted at paragraphs R7.41 to R7.43 and Policy D3d at the same time, which I consider is an adequate response to the objection, including the matters raised by Mr Riches in his representations.
RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

6.3 TRANSPORT ASSESSMENTS (paragraphs 6.16-6.17 and Policy M3)

Objections

D1/1204/MOV/041 Friends of the Earth
D1/1204/MOV/042 Friends of the Earth
D1/1420/MOV/001 Mr G D Wilson
D1/0139/MOV/003 British Horse Society (conditionally withdrawn)
D2/1109/MOV/005 Arlington Property Development Ltd (conditionally withdrawn)
D1/1498/MOV/009 Mr & Mrs M Guerra

Issues

1. Should the Plan require all developments to be the subject of a Transport Assessment? Should the need for an Assessment be based solely on the capacity of the local transport infrastructure to accept additional traffic and not on the size of the development proposed? Should the Plan require Assessments to be carried out to professionally recognised standards that can be audited?

2. Should Policy M3 reflect the needs of horse riding in relevant transport assessments or is that too onerous?

3. Should the Plan require a complete re-appraisal of traffic entering Welwyn Garden City?

Inspector's Reasoning and Conclusions

6.3.1 On the matters raised by Friends of the Earth and Mr & Mrs Guerra on the first issue, paragraph 23 of PPG 13 indicates that Transport Assessments (TAs) should be prepared where developments will have significant transport implications. The coverage and detail of an Assessment should reflect the scale of the development and the extent of the transport implications and should not therefore be required for all developments or solely confined to the capacity of the local transport infrastructure to accept additional traffic. I agree with the Council that the latter approach would be perverse and contrary to national guidance in situations where excess capacity is for example available in the highway network in locations inaccessible by non-car modes of travel.

6.3.2 Guidance on the scope and purpose of TAs is provided in PPG 13 and by the County Council (as indicated in paragraph 6.17 of the Plan). PPG 13 indicates that in some circumstances it may be appropriate to reduce the requirements and coverage of a Transport Assessment. PPG 13 does not require Assessments to be audited against professionally recognised standards. Even so it seems to me that an Assessment prepared to an unsatisfactory standard is unlikely to comply with Policy M3 of the Plan.

6.3.3 I do not therefore consider that any changes are required to Policy M3 in response to the objections concerning the first issue.

6.3.4 Turning to the second issue, paragraph 6.16 of the Plan indicates that TAs should include measures to ameliorate the impact of journey patterns generated by proposed development and to assist in shifting journeys onto more sustainable modes. In response to the objection by the British Horse Society, Policy M3 was amended at the 2nd Deposit stage to include the need for TAs to demonstrate the measures to be taken to minimise vehicular movements through improvements to equestrian facilities where appropriate. That amendment has attracted a counter objection from Arlington Property Development Ltd.

6.3.5 Whilst recognising that horse riding is a popular leisure activity in Hertfordshire, there is no evidence and indeed I would find it highly unlikely, that equestrian facilities could make any
significant contribution as an alternative mode of travel, which would minimise vehicular movements. Therefore, although some flexibility has been built into the amended wording of Policy M3, I do not consider the inclusion of equestrian facilities is appropriate or reasonable and consider it should be deleted.

6.3.6 On the third issue and the objection by Mr Wilson, traffic movement in Welwyn Garden City is being re-appraised by the Council in conjunction with the County Council as indicated in paragraphs 6.47 and 6.48 and Chapter 13 of the Plan. Since I am not aware of any firm proposals arising from that re-appraisal, I do not consider it would be appropriate for the Plan to contain any further detail at this stage. No changes are therefore needed in response to the objection.

RECOMMENDATIONS

I recommend that Policy M3 be modified by the deletion of the following words in the fifth line of the policy “…and where appropriate equestrian……” A consequential amendment to the text in paragraph 6.21 may also be required.

6.4 GREEN TRAVEL PLANS (Policy M4)

Objections

D1/1616/MOV/043 Royal Veterinary College
D1/1638/MOV/001 Ms Alice Kovic

Issues

1. Should the Plan recognise that for most people use of the car is the only means of managing their lives and seek to ensure, as a main objective, an efficient, affordable and enhanced transport system that is attractive and reliable? How effective would Policy M4 be?

2. Should Policy M4 provide for any particular requirements such as the transport of animals?

Inspector's Reasoning and Conclusions

6.4.1 On the first issue and the objection by Ms Kovic, there is no evidence for me to doubt the factual accuracy of the general statements in paragraph 6.18 of the Plan about the main causes of traffic congestion and that the car for some people is the only means of travel to work. This part of the Plan has to be read in the context of the use of Green Travel Plans, which aim to reduce the need to travel and encourage the use of more sustainable transport by users of proposed development likely to have significant transport implications. I have dealt with the Plan’s ability to deliver improvements to the public transport system above and do not consider there is a need for this part of the Plan to refer to other personal circumstances relating to individual transport choices.

6.4.2 In PPG 13 the Government has indicated that there should be widespread use of Travel Plans as a means of delivering sustainable transport objectives through planning conditions and legal agreements. Since Policy M4 complies with that guidance, I do not consider any changes are justified in response to the objection on the first issue.

6.4.3 On the objection by the Royal Veterinary College concerning the second issue, Policy RA7 of the Plan specifically provides for any new development at the College’s site, including the preparation of a Green Travel Plan under criterion (vii). I do not therefore consider there is any need for Policy M4 to make specific provision for the College’s particular requirements relating to the transport of animals.

6.4.4 The Council has proposed a Pre-Inquiry Change to improve the clarity of Policy M4

49 PPG 13 paragraphs 87-91 (Document CD/NP/120)
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(PIC/016/MOV). The change would amend the wording of the policy to say that applications “should be supported” in place of “must be accompanied” by a Green Travel Plan. No objections have been lodged in respect of that change which I support.

RECOMMENDATIONS

I recommend that, other than Pre-Inquiry Change PIC/016/MOV, no modifications be made to this part of the Plan.

6.5 DEVELOPER CONTRIBUTIONS (Policy M5)

Objections

D1/1616/MOV/044 Royal Veterinary College

Issues

1. Should the policy say that the characteristics of the developer will be taken into account particularly if they are profit-orientated and should it refer to guidelines for developer contributions as laid down in national policy?

Inspector's Reasoning and Conclusions

6.5.1 The Plan should lay the basis for justifying any planning obligations which may be sought. Paragraph B17 of Circular 1/97 (Planning Obligations) confirms that policies concerning planning obligations should not be unduly prescriptive, but should address land use planning matters first and foremost rather than for example funding or other financial matters. Policy IM2 of the Plan provides an adequate context, in accordance with Circular 1/97, for achieving contributions to the cost of the provision of infrastructure, services and facilities which are directly related to development and necessary to the granting of planning permission. The tests in the Circular which apply to the use of planning obligations relate to the characteristics of the development. I do not therefore consider any further guidelines or changes are required to this part of the Plan in response to the objection by the Royal Veterinary College.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

6.6 WALKING (paragraphs 6.23-6.24 and Policy M6)

Objections

D1/1204/MOV/043 Friends of the Earth
D1/1204/MOV/044 Friends of the Earth
D1/1090/MOV/006 Panshanger Community Group
D1/1616/MOV/045 Royal Veterinary College
D1/1496/MOV/001 Mr J Delhanty

Issues

1. Should Policy M6 (and the Plan’s Proposals Maps) identify a strategic pedestrian network in the urban centres and require that pedestrians be given priority over other road users? Should the policy distinguish between the essential need for facilities related to journey to work etc and those for leisure and other purposes?
2. Should the Plan state that existing footpaths will be protected and if they have to be closed that a convenient diversion will be provided?

3. Should the Plan refer to the relative rights and needs of pedestrians and cyclists and the potential conflict between pedestrians and cyclists on shared areas? Would it be reasonable for the Plan to impose a ban on cycling on pavements in Welwyn Garden City at certain times and to seek to resolve difficulties caused by inconsiderate behaviour of cyclists?

**Inspector's Reasoning and Conclusions**

6.6.1 On the first issue and the objections by Friends of the Earth and the Royal Veterinary College, PPG 13 seeks to promote walking as an alternative mode of transport through the preparation of local walking strategies, the main elements of which should be in the local transport plan. In preparing the Plan, the Council should review existing provision for pedestrians and identify the network of routes and locations where the needs and safety of pedestrians will be given priority and the measures that will be taken to support that objective.\(^{50}\)

6.6.2 I understand from the Council’s evidence that the County Council has identified a walking strategy in the local transport plan and as stated in Policy M6 a Walking Strategy for Welwyn Hatfield has also been produced upon which an Action Plan has been derived.\(^{51}\) The identification of a network of primary walking routes forms part of the Action Plan and although a number of schemes are under consideration, a network of routes has not yet been finalised.

6.6.3 At this stage of the walking strategy it is not possible for the Plan to identify a strategic pedestrian network on the Proposals Map. Policy M6 clearly indicates that pedestrians should be given priority in proposals for new development and that any such development which would prejudice convenient and safe pedestrian movement will be refused. No compelling evidence has been produced to justify the policy making any distinction between different work and leisure needs of pedestrians and I do not any such distinction is necessary or desirable.

6.6.4 I therefore consider that Policy M6 as drafted provides a satisfactory context for the promotion of walking in accordance with PPG 13 and the progression of that objective through the Council’s emerging local walking strategy. No changes are therefore required in response to the objections on the first issue.

6.6.5 On the objection by the Panshanger Community Group concerning the second issue, Policy M6 provides for the protection of safe and convenient pedestrian movement against the effects of any new development, which would include existing footpaths. Any planning application for development affecting a public right of way on foot or other public highway would be the subject of consultation with the County Council as local highway authority and the implications in terms of any obstruction and the need for diversion would be considered on an individual basis. Policy RA27 of the Plan also deals with the public rights of way in the District and I do not consider any changes are necessary to Policy M6 in response to the objection.

6.6.6 On the objection raised by Mr Delhanty relating to the third issue, the difficulties relating to inconsiderate behaviour and injuries arising from conflict between pedestrians and cyclists on existing shared pavements is not a land use planning matter and should not therefore be included in the Plan. Similarly it would be beyond the function and purpose of the Plan to seek to impose a ban on cycling on pavements at certain times and locations as suggested by Mr Delhanty. I do not therefore consider any changes should be made to the Plan in response to the objection.

**RECOMMENDATIONS**

I recommend that no modifications be made to this part of the Plan

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\(^{50}\) PPG 13 paragraph 76  
\(^{51}\) Core Document CD/MOV/40
6.7 CYCLING (paragraph 6.25 and Policy M7)

Objections

D1/1204/MOV/045  Friends of the Earth
D1/1204/MOV/046  Friends of the Earth
D1/1256/MOV/001  Mr Nigel Hutton
D1/1616/MOV/046  Royal Veterinary College
D1/0118/MOV/006  Mr M Riches
D1/1543/MOV/013  Mrs E H Sheppard

Issues

1. Should the Plan provide more detail and greater importance to the promotion of cycling and the creation of an adequate cycleway network linking the important urban areas and the development of safe routes to schools and jobs?

2. Should Policy M7 distinguish between the essential need for facilities related to journey to work etc and those for leisure and other purposes?

3. Should Policy M7 be deleted because it does not require the Council itself to provide secure facilities for cyclists?

Inspector’s Reasoning and Conclusions

6.7.1 PPG 13 promotes cycling as a potential substitute mode of travel for short car trips and requires local cycling strategies to be prepared as part of local transport plans. In conjunction with work on the local transport plan, authorities should identify networks and routes along which the needs and safety of cyclists will be given priority. Hertfordshire’s local transport plan contains a cycling strategy in accordance with PPG 13 and in April 2003 the Council adopted the Welwyn Hatfield Cycling Strategy Review.

6.7.2 Policy M7 generally reflects the above objectives of PPG 13 in the context of proposals for new development and the key objective identified in paragraph 6.8(d) of the Plan which gives priority to cycling and walking. The policy provides the framework for the creation of networks and routes for cyclists in the District through the Council’s cycling strategy and it would be beyond the function and purpose of the Plan to contain more detail about cycle routes to specific locations. I do not therefore consider Policy M7 requires amendment in response to the objections by Friends of the Earth, Mr Hutton and Mrs Sheppard on the first issue.

6.7.3 On the objection by the Royal Veterinary College relating to the second issue, no compelling evidence has been produced to justify Policy M7 making any distinction between different needs of cyclists and I do not any such distinction is necessary or desirable.

6.7.4 On Mr Riches’ objection concerning the third issue, Policy M7 does not exclude the Council from compliance with its provisions. In any case the willingness or ability of the Council to provide facilities for cyclists in any development of its own does not justify the deletion of a policy that clearly takes account of national planning policy guidance on cycling. I do not therefore consider any changes to the Plan are necessary in response to the objection.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

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52 PPG 13 paragraphs 78-79
53 Document CD/Mov/80
6.8 HORSE RIDING (POLICY M7A)

Objections

D1/0139/MOV/004 British Horse Society (conditionally withdrawn)

Issues

1. Should this part of the Plan contain a specific policy relating to equestrian facilities

Inspector's Reasoning and Conclusions

6.8.1 The objection by the British Horse Society has been maintained although the Plan was amended at the 2nd Deposit stage of the Plan to insert paragraph 6.25a and Policy M7a in response to the objection. That amendment takes the needs of horse riders into account whenever development would affect routes used by riders, or where the creation of new paths along strategic routes would be jeopardised. I do not therefore consider any further changes to this part of the Plan are necessary in response to the objection.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan

6.9 PASSENGER TRANSPORT (paragraphs 6.27-6.30 and Policy M9)

Objections

D1/1204/MOV/047 Friends of the Earth
D1/1204/MOV/048 Friends of the Earth
D1/1213/MOV/009 Faulkners
D1/1498/MOV/010 Mr & Mrs M Guerra

Issues

1. Should the Plan provide more clarity in relation to passenger transport and greater information on the current and future capacity required within the main urban areas of the District?
2. Is Policy M9 unduly onerous and burdensome and should an Appendix to the Plan contain information on all existing bus services in the District and their current stage of development, with details of bus operator contacts?
3. Should Policy M9 require the integration of all development with a Council commitment to fund passenger transport services and require the improvement of services within the boundary of new development? Would the policy encourage development sprawl around transport nodes?

Inspector's Reasoning and Conclusions

6.9.1 On the first issue, it is not the purpose of the Plan to set out policies relating to the scale and provision of new transport facilities. It is not therefore necessary for the Plan to include a detailed analysis on the current and projected future capacity for passenger transport. Policy M9 has to be read in the context of the relevant provisions of the local transport plan and the function and purpose of this Plan, which is to provide policies for the development and use of land. The policy accordingly seeks the improvement of passenger transport services as a priority in the design and layout of new development. That complies with the objectives of PPG 13 and Policy 23 of the Structure Plan, which emphasise the importance of bus and taxi services as part of a sustainable transport strategy.

6.9.2 There is no evidence to demonstrate that the absence in the Plan of data on capacity
would inhibit the ability of the Council to seek funding in appropriate cases for the provision of bus services as required in the policy. The need and level of contributions for such funding would be related to the circumstances of individual proposals. I do not therefore consider Policy M9 should be changed in response to the objections by Friends of the Earth on the first issue.

6.9.3 Turning to the second issue it is not clear from the objection by Faulkners why Policy M9 is considered to be onerous or burdensome. The policy complies with national planning policy guidance and Policy 23 of the Structure Plan. The requirement in the policy for developers to provide additional infrastructure, or fund new bus services, is restricted to development which would place significant additional demands on infrastructure. That is consistent with the guidance in PPG 13. It is also not clear from the objection what purpose would be served by an Appendix to the Plan listing the information referred to in the second issue. The information is available elsewhere and would have little relevance to the function and purpose of the Plan. I do not therefore consider Policy M9 should be changed in response to the objection on the second issue.

6.9.4 On the objection by Mr & Mrs Guerra concerning the third issue, the funding of passenger transport services is not a direct responsibility of the Council and is not a land use planning matter other than where required as a consequence of new development, which is dealt with in Policy M9. It may not always be possible or desirable to provide improvements to passenger transport services within development sites and Policy M9 provides the flexibility for off-site provision to be made where appropriate. The Plan contains adequate locational and other policies to prevent unacceptable development sprawl around transport nodes. I do not therefore consider Policy M9 should be changed in response to Mr & Mrs Guerra’s objection.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

6.10 RAILWAYS (paragraphs 6.31-6.35 and deleted Policies M10 and M11)

Objections

110 objections were made to this part of the Plan and are listed in Appendix 3 of my Report.

Issues

1. Is there adequate information available for the Council to indicate its support in principle in the Plan for the improvement of rail services along the East Coast Main Line (ECML) through the District and its recognition of the need for additional capacity on the line? Does the Plan have sufficient regard to any environmental and other impact of the widening of the ECML between Welwyn Garden City and Woolmer Green?

Inspector's Reasoning and Conclusions

6.10.1 In the 1st Deposit Draft version of the Plan, Policy M10 and its associated text in paragraphs 6.32 and 6.33 stated that the Council supports in principle the need to improve capacity of the ECML between Welwyn Garden City and Woolmer Green. Policy M10 also stated the Council’s concern about the impact of the scheme and indicated that it would seek to minimise the impact on local residents and seek to ensure a correct balance between strategic transport need and environmental impact. However Policy M10 and paragraph 6.33 were deleted from the Plan at the 2nd Deposit stage and paragraph 6.32 has been amended. Even so the Plan maintains the Council’s position that it supports in principle the improvement of rail services in the District, the recognition of the need for additional capacity and its concern to ensure the best outcome for local residents.

54 PPG 13 paragraph 6.17
6.10.2 Most of the objections from local residents express doubts about the need for increasing the capacity of the ECML and if there is a need, how that could be achieved without widening the existing line between Welwyn Garden City and Woolmer Green, including the viaduct at Digswell, from two to four tracks. Many residents are concerned about the environmental impact that increasing the capacity of the ECML could have on the lives of those living near the existing line, particularly in terms of noise, disturbance and the loss of property as well as on the appearance of the area. Objectors also consider that increasing the capacity of the line would lead to more commuting from the District which would add to the pressure for finding land for housing at affordable prices. Most Objectors want to see the deletion from the Plan of any overt or implied support in principle for additional capacity, including widening.

6.10.3 Key objectives of national, regional and strategic planning policies and of this Plan are to promote more sustainable transport choices, accessibility to jobs, shopping, leisure facilities and services by public transport and to reduce the need to travel, especially by car. The availability and use of public transport is a very important ingredient in determining locational policies designed to reduce the need to travel by car. The Government urges local authorities to work in partnership with public transport providers and operators to establish a high quality, safe, secure and reliable network of routes, with good interchanges, which matches the pattern of travel demand in order to maximise the potential usage of public transport.\(^{55}\)

6.10.4 ECML stations on the north-south corridor through the District link Brookmans Park, Welham Green and Welwyn North with the main areas of population at Hatfield and Welwyn Garden City and beyond including central London. The ECML through the District therefore clearly performs a very important function in achieving the above objectives in the local and wider context as well as contributing to other desirable objectives such as reducing the demand for car parking in the District’s two main shopping centres and elsewhere in relation to employment land. I accept that improvement to rail services in the District carries a risk of increasing its attractiveness to London commuters which brings associated pressure for parking at stations and on the need for housing, but that has to be balanced against the overriding key objectives referred to above.

6.10.5 I therefore consider that the Council’s expression of support in principle for the improvement of rail services along the route of the ECML in paragraph 6.32 of the Plan is entirely justified by information available on the need to promote sustainable choices of transport.

6.10.6 The need for additional capacity on the ECML as a whole is related to issues which go beyond the scope of this Plan. The consideration of many of those issues and alternative options to provide additional capacity includes matters which are not capable of being controlled through the planning system and this Plan in particular. Such matters include safety, frequency of trains, length of trains, re-routing, re-signalling and other operational factors, costs and so on. It is not therefore appropriate for the Plan to consider those aspects, which are associated with the provision of additional capacity on the ECML.

6.10.7 Other matters related to the provision of additional capacity, including the effect of any widening of the line between Welwyn Garden City and Woolmer Green, could have land use implications in terms of noise and other environmental impact on the character and appearance of the area. The loss of any buildings would also need to be considered. However a letter dated 12 May 2003 from the Strategic Rail Authority (SRA) to the Council was submitted during the Inquiry and confirmed that it has no plans to implement the four tracking between Welwyn Garden City and Woolmer Green in the short to medium term.\(^{56}\)

6.10.8 Furthermore, the SRA’s Strategic Plan 2003 indicates that the programme for phased improvements to permit more frequent long distance services and increased freight capacity on the ECML has been de-scoped and that many of the benefits of the project to upgrade the line can be delivered through a much-reduced programme of infrastructure work. The Strategic Plan indicates that additional capacity could be required if passenger growth were to continue strongly in the longer term, but the SRA’s letter to the Council indicates that could be 20-30 years hence in terms of widening the

\(^{55}\) PPG 13 paragraph 72
\(^{56}\) Inquiry Document 18
6.10.9 Recent fundamental changes in the rail industry have led to uncertainty about timescales for rail improvement schemes. Even so it seems to me from the above currently available information that any improvements designed to improve the capacity of the ECML by track widening between Welwyn Garden City and Woolmer Green are unlikely to happen during the Plan period. There is insufficient information about any other current proposals by the SRA to increase the capacity of the line to justify inclusion in the Plan of any specific policies for the development and use of land.

6.10.10 However, despite the uncertainty and lack of information, I consider that the Council is right to incorporate an expression of its position on the matter in this part of the Plan, in view of the key sustainability objectives referred to above. Such an expression of intent would strengthen the Council’s position in the context of consultations undertaken on the SRA’s Strategic Plans and if any specific proposals for the ECML do come before the Secretary of State under the Transport and Works Act 1992 during the Plan period.

6.10.11 I do not consider it is appropriate for me to comment on whether or not the Council should adopt a position which recognises the need for additional capacity along the ECML, since that is a decision the Council is entitled to take. However it seems clear from the evidence on the matter that the Council’s position, as expressed in the Plan, does not imply support for additional capacity at any cost and reflects the factual situation of bottleneck on the ECML and a concern to achieve a reasonable balance between overcoming that constraint on the capacity of the line whilst improving rail services and protecting the environment and the living conditions of local residents. In those circumstances, I therefore consider the Council’s recognition of the need for additional capacity along the ECML is appropriate for inclusion in the Plan.

6.10.12 Having considered the SRA’s letter and discussing it with one of the Objectors (WARG-Welwyn Area Residents Group), the Council has proposed the replacement of paragraph 6.32 with the following wording:

Growth in the use of the route has taken place in recent years and is forecast to continue, but there are capacity constraints to future growth of services. The Strategic Rail Authority will publish a strategy for the ECML setting out proposals for improving capacity. The Council recognises the need for additional capacity along the ECML and therefore supports in principle the improvement of rail services along the route. However, the Council will monitor any strategies put forward by the SRA for the ECML to ensure that any changes benefit local services.

6.10.13 That wording has still not satisfied many of the original objectors to this part of the Plan, but because the recognition of need for additional capacity is linked to support in principle for rail services, I consider the wording to be acceptable in that respect. However for the reasons referred to above, I am concerned that wording in paragraph 6.32 which seeks to ensure the best outcome for local residents in any consultations on SRA schemes has been omitted. I therefore consider that the following sentence should replace the last sentence in the above wording:

However, the Council will monitor any strategies or proposals put forward by the SRA for the ECML to ensure that any changes benefit local services and achieve the best outcome for local residents, both in terms of future rail services and environmental impact.

6.10.14 Paragraph 6.32 of the Plan as amended would then provide sufficient safeguards, with other relevant policies of the Plan, in relation to any environmental and other impact of any widening of the ECML between Welwyn Garden City and Woolmer Green.

6.10.15 The Council also proposed a subsequential change to the wording of the first sentence of paragraph 6.34 by inserting the word “specifically” at the beginning of the sentence. I have not made a recommendation on that amendment because it seems to make little difference to the meaning of the paragraph whether the word is inserted or not.

RECOMMENDATIONS

I recommend that the Plan be modified by the replacement of paragraph 6.32 with the following wording:
Growth in the use of the route has taken place in recent years and is forecast to continue, but there are capacity constraints to future growth of services. The Strategic Rail Authority will publish a strategy for the ECML setting out proposals for improving capacity. The Council recognises the need for additional capacity along the ECML and therefore supports in principle the improvement of rail services along the route. However, the Council will monitor any strategies or proposals put forward by the SRA for the ECML to ensure that any changes benefit local services and achieve the best outcome for local residents, both in terms of future rail services and environmental impact.

6.11 PASSENGER TRANSPORT INTERCHANGES (paragraphs 6.36-6.37 and Policy M12)

Objections

D1/1255/MOV/003 Mr P W Neville
D1/0118/MOV/020 Mr M Riches
D1/0946/MOV/003 Miss Mary Ashworth
D1/1204/MOV/049 Friends of the Earth

Issues

1. Should paragraph 6.36 be amended because the interchange between the railway station and the bus station in Welwyn Garden City are now further apart since the building of the Howard Centre?
2. Should the Plan provide for a better road network in the town centre of Welwyn Garden City in association with improvements to passenger transport interchanges?
3. Should the Plan provide more clarity in relation to passenger transport and greater information on the current and future capacity required within the main urban areas of the District?

Inspector's Reasoning and Conclusions

6.11.1 On the objections raised by Mr Neville and Mr Riches on the first issue, I do not consider any useful purpose would be served by the Plan dwelling on comparing the current proximity of the bus and railway stations with the situation when the Howard Centre was built thirteen years ago. The current situation is that when the Howard Centre is open, the bus station is within a relatively convenient, mostly covered, few minutes walk of the railway station. Changes in level and direction are required, but escalators and ramps are provided and the route is marked. Furthermore I understand from the evidence that the bus station is served by more routes compared to the situation before the Howard Centre was built. I accept that the bus station is probably less accessible from the railway station when the Howard Centre is closed, but for most of the time the interchange does not appear to be unduly inconvenient for public transport users.

6.11.2 The purpose of the Plan is to look ahead until 2011 and in that respect the general contents of paragraphs 6.36, 6.37 and Policy M12 accord with the key objective of encourage better accessibility and the use of public transport by improvements to interchanges. I do not therefore consider any changes to the Plan are required in response to the objections on the first issue.

6.11.3 On the second issue, this part of the Plan specifically relates to passenger transport interchanges. Other policies and proposals of the Plan deal with traffic management and the town centre of Welwyn Garden City in particular. It would be unnecessarily repetitive and confusing for this part of Plan to discuss traffic-related proposals for Welwyn Garden City town centre and I do not therefore consider the Plan should be changed in response to the objection by Miss Ashworth on this issue.

6.11.4 I have dealt with the objection by Friends of the Earth relating to the third issue in part 6.9 of my Report and for the same reasons I have given there, I do not consider any change is required to this part of the Plan in response to their objection on the third issue here.
6.11.5 The Council has proposed a Pre-Inquiry Change to correct a typographical error in Policy M12 which would replace the word “facilities” with the word “interchanges” in line two of the policy (PIC/017/MOV). In the interests of consistency with the terminology of the justifying text in paragraphs 6.36 and 6.37, I agree with the proposed Pre-Inquiry Change.

RECOMMENDATIONS
I recommend that, other than Pre-Inquiry Change PIC/017/MOV, no modifications be made to this part of the Plan.

6.12 RAIL FREIGHT DEPOTS (Policy M13)

Objections
D1/1204/MOV/050 Friends of the Earth

Issues
1. Should Policy M13 be amended to create a limitation to the scale of any single rail freight development in order to limit the impact on the local road network?

Inspector's Reasoning and Conclusions
6.12.1 Paragraph 46 of PPG 13 refers to the impact of development involving freight movements and emphasises the need for local authorities, freight operators, businesses and developers to work together on lorry routes to enable a more efficient and sustainable approach to deliveries in sensitive locations. Policy 30 of the Structure Plan indicates that proposals for freight depots have to take into account the suitability of the local road network for secondary collection or distribution. The wording of Policy M13 reflects those national and strategic policies.

6.12.2 Any proposal for a rail freight depot would be considered under Policy M13 taking into account the amount of traffic likely to be generated and the capacity of the relevant local road network. It would therefore be impossible for the policy to specify a meaningful limit on an acceptable scale of development. I do not therefore consider the Plan should be changed in response to the objection on this issue.

RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan

6.13 TRANSPORT LAND (Policy M14)

Objections
D1/0064/MOV/005 Railtrack Plc
D2/0064/MOV/003 Railtrack Plc

Issues
1. Is Policy M14 too stringent and does it fail to reflect the Government’s dual aspirations for sustainable brownfield regeneration and integrated transport as well as the requirements of the Office of the Rail Regulator?
Inspector's Reasoning and Conclusions

6.13.1 Policy M14 seeks to ensure that operational transport land, which becomes redundant or surplus to requirements, remains available for potential future transport uses. In principle, that objective complies with Policy T6 of RPG 9 and Policy 30 of the Structure Plan which promote a fully integrated freight distribution system and with PPG 13 in terms of promoting more sustainable transport choices for both people and for moving freight. However, the nature, location and accessibility of such land could also make it just as preferable for the land to be regenerated for other uses, in accordance with policies for sustainable development, depending on the individual circumstances of each site. It would therefore be unreasonable to prevent such development on former operational land which might become derelict and unused unless its potential value for future transport uses could be demonstrated without doubt.

6.13.2 I therefore consider that the first sentence of Policy M14 is too stringent because it states that planning permission will be refused for development which inhibits the potential of a site for future transport use. In my view that sentence should be moved from the policy to its supporting text in paragraph 6.40, or to a new paragraph of the supporting text. I also consider the sentence should be rephrased to indicate that, whilst the retention of operational transport land for potential future transport use is preferred, the individual circumstances of each site will be considered. The remaining sentences of Policy M14 are more reasonable and reflect the Government’s aspirations in that they provide for priority to be given to uses related to sustainable transport, but also provides for other uses where no long term need for transport purposes can be demonstrated. An amendment to the policy made at the Plan’s 2nd Deposit stage also promotes the use of sites in accessible locations that meet sustainable development and integrated transport objectives.

6.13.3 Paragraph 6.40 and Policy M14 apply to all operational transport land and not just to railway land. I do not therefore consider it necessary for the policy to refer to the requirements of the Office of the Rail Regulator (ORR). Furthermore, although the views of the ORR may well be a material consideration in determining a planning application under Policy M14, it is not necessary for that to be specified in the policy. I can also see no purpose in the Objector’s suggestion that Policy M14 be amended to say that applications will need to “reasonably” demonstrate that there is no long term need for the land for transport purposes. Whether or not the demonstration of need is reasonable would be a matter for the Council to consider in the context of individual circumstances.

RECOMMENDATIONS

I recommend that the Plan be modified by deleting the first sentence of Policy M14 (beginning with “The Council….” and ending “……..inhibit that potential”) and inserting that wording into the text of the Plan as part of, or after, paragraph 6.40. I also recommend that the sentence be rephrased to indicate that whilst the retention of operational transport land for potential future transport use is preferred, the individual circumstances of each site will be considered.

6.14 THE ROAD NETWORK AND TRAFFIC MANAGEMENT (paragraphs 6.41-6.44 and deleted Policy M15)

Objections

D1/1204/MOV/051 Friends of the Earth
D1/1204/MOV/052 Friends of the Earth
D1/1331/MOV/003 Ms M E Greaves

Issues

1. Are the Plan’s proposals for the maintenance and support of the road network contrary to a sustainable land-use and transport strategy?
2. Should the Plan seek to reduce traffic on Digswell Road in Welwyn Garden City?

**Inspector's Reasoning and Conclusions**

6.14.1 Policy M15 was deleted from the Plan at its 2nd Deposit stage, but paragraphs 6.41 to 6.44 remain in the Plan, mainly as an expression of the Council’s intent regarding the Government’s studies of problems relating to the A1(M) and orbital travel around London. It seems clear to me that although there is a significant move in Government policy to achieving a sustainable land-use and transport strategy, the private car will continue to remain a fundamental part of the transport system during the Plan period. Matters such as the reduction of highway standards as a means of influencing demand, referred to in the objections by Friends of the Earth, are mostly outside the scope of the Plan since they are the responsibility of the Council as local highway authority. Other matters, such as the identification of the primary and secondary road network, would unnecessarily duplicate the Hertfordshire Local Transport Plan.

6.14.2 The Plan’s commitment to a more sustainable pattern of movement is perfectly clear from reading the Plan as a whole and I find nothing which contradicts that in paragraphs 6.41 to 6.44. I do not therefore consider any changes to those paragraphs are required in response to the objections by Friends of the Earth.

6.14.3 Turning to the objection by Ms Greaves on the second issue, the control of traffic on particular roads is also the responsibility of the County Council as local highway authority. In the absence of any evidence before me to indicate that the volume of traffic in Digswell Road justifies a specific policy for its reduction, I do not consider such a policy to be necessary. Any specific proposals for development likely to increase traffic flows on Digswell Road would be considered in the context of relevant policies of the Plan, which seek to prevent any unacceptable harm to road safety and the local environment.

**RECOMMENDATIONS**

I recommend that no modifications be made to this part of the Plan.

6.15 TRAFFIC MANAGEMENT (paragraphs 6.47-6.48 and deleted Policy M17)

**Objections**

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<thead>
<tr>
<th>Objection Number</th>
<th>Name</th>
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<tr>
<td>D1/1319/MOV/002</td>
<td>Mr P J James</td>
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<td>D1/1320/MOV/003</td>
<td>Mrs L M James</td>
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<td>D1/1300/MOV/001</td>
<td>Mr Andrew Woolmer</td>
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<td>D1/1204/MOV/053</td>
<td>Friends of the Earth</td>
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<td>D1/1543/MOV/015</td>
<td>Mrs E H Sheppard</td>
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**Issues**

1. Should Policy M17 highlight the need to control road capacity as part of the sustainable transportation system, particularly by lowering standards to control speed? Are the proposals for Home Zones too vague? Would the Council’s support in the Plan for the concept of Home Zones be negated unless they are adequately policed? Should the Plan identify where Home Zones should be designated and contain more detail about how traffic will be managed within them? Should the Plan seek to ban heavy goods vehicles from some roads? Should the Plan contain detailed intentions to control traffic in Welwyn Garden City to give greater rights to pedestrians?

**Inspector's Reasoning and Conclusions**

6.15.1 These objections have been maintained although Policy M17 was deleted from the Plan at its 2nd Deposit stage. Traffic management, including the designation and implementation Home Zones, bans on heavy goods vehicles and priority to pedestrians, is generally the responsibility of the...
County Council as the local highway authority. Such matters and specific schemes and proposals are dealt with as part of the Local Transport Plan. It would not therefore be appropriate for this Plan to contain any further details and I do not consider there is any need for the Plan to do more than set out the general expression of support already contained in paragraphs 6.47 and 6.48. The policing of any Home Zones is not related to the use and development of land and should not therefore form part of the Plan.

6.15.2 I do not therefore consider any changes to the Plan are required in response to these objections.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan

6.16 PARKING (paragraphs 6.49-6.54, deleted Policy M18 and Policy M19)

Objections

D1/1204/MOV/054 Friends of the Earth
D1/1204/MOV/055 Friends of the Earth
D1/1204/MOV/056 Friends of the Earth
D1/1482/MOV/002 Mr A G Carnegie
D1/1090/MOV/007 Panshanger Community Group
D1/0946/MOV/004 Miss Mary Ashworth
D1/1638/MOV/002 Ms Alice Kovic
D1/1593/MOV/002 Chinacorp
D2/1680/MOV/001 Tesco Stores Ltd
D1/1370/MOV/001 London Borough of Enfield
D1/0850/MOV/001 Mr E Barrett
D1/0879/MOV/001 Ms Veronica Butler
D1/1440/MOV/001 Mr C Hunt Cooke

Issues

1. Are Policies M18 and M19 unrealistic and do they fail to represent the priorities for parking management identified in recent advice from the Government on sustainability and transport? Should the Plan be seeking to reduce the level of parking or will that make things worse? Would it be better to concentrate on improving existing facilities and overcoming existing problems, including on-street parking, car park charging, Park-and-Ride facilities, and parking in residential areas? Should the Plan be seeking commuted car parking payments?

2. Should the parking standards be based on an assessment of parking supply and demand in the District and not on county-wide standards. Should the standards be based on maximum levels which reflect the capacity of the road network? Are the standards and Policy M19 too restrictive in terms of being harmful to the commercial and economic effectiveness of major employers in the District? Should the Plan set out the methodology used in determining the parking standards?

Inspector's Reasoning and Conclusions

6.16.1 On the objections raised concerning the first issue, Government advice on managing travel demand as set out in PPG 13 provides a number of objectives which should be considered in developing and implementing policies on parking. In essence they seek to ensure that, as part of a package of planning and transport measures, levels of parking provided in association with development will promote sustainable transport choices. Policies should not require developers to

57 PPG 13 paragraph 51
provide more spaces than they themselves wish to provide other than in exceptional circumstances and should encourage other measures to reduce parking demand. Other Government advice also reflects these objectives in paragraph 60 of PPG 3 (Housing) and paragraph 2.30 of PPG 6 (Town Centres and Retail Development).

6.16.2 Policy M18 was deleted at the Plan’s 2nd Deposit, but Policy M19 requires parking provision for new developments to be made in accordance with the standards set out in the Council’s supplementary planning guidance (SPG) on parking. Paragraph 1.1 of the SPG confirms that it has taken into account the above Government guidance and the relevant policies of RPG 9 and the Structure Plan. Paragraph 1.3 indicates that it seeks to promote the use of maximum demand-based car parking standards as part of a strategy to reduce dependence on the car and encourage greater use of non-car modes of travel. That approach is reflected in the remaining relevant paragraphs of the SPG and in the standards themselves.

6.16.3 I therefore have no reason to conclude that Policy M19 is unrealistic or fails to comply with Government guidance. The Plan should be seeking to reduce the level of parking demand in the District in accordance with that guidance. It is clear from the Council’s evidence that the reduction forms part of an overall parking strategy which will seek to avoid parking problems becoming worse because of any reduction in the level of parking provision for new development. The strategy is likely to deal with problems related to matters such as on-street parking, car park charges, new car parks (including Park-and-Ride) and in the absence of any firm proposals it would be inappropriate for the Plan to refer to them in any greater detail than it does. Some specific matters such as parking in residential areas, including ‘car-free developments’ are dealt with in the Plan at paragraph 6.54 and in the Council’s SPG on parking.

6.16.4 Neither the Plan nor the SPG contains a mechanism for commuted payments to be made by developers for parking spaces to be provided off-site in lieu of on site provision. However, contributions are still required under Policy M5 of the Plan for any necessary highway and other transport improvements. Since that approach is consistent with advice in paragraphs 84 and 85 of PPG 13 and the County Council’s supplementary planning guidance on parking provision, I do not consider the Plan needs to refer to commuted payments for off-site parking provision.

6.16.5 Turning to the second issue, paragraph 1.2 of the Council’s SPG on parking confirms that the standards are based on up-to-date surveys of actual parking demand. The maximum parking standards set out in Appendix A of the SPG are consistent with the County Council’s parking standards. Part 3 of the SPG explains how a zonal approach has been used to enable a progressive introduction of parking restraint from the maximum parking standards, depending on the accessibility of the area in which development is proposed.

6.16.6 It therefore seems to me that the approach taken in the Council’s SPG ensures consistency across the county, which is desirable to avoid ‘parking competition’ between nearby towns, whilst enabling flexibility related to the accessibility of sites to modes of travel other than the car. I consider that flexibility, which is included in the wording of Policy M19, is sufficient to meet the objection by Tesco Stores Ltd concerning the policy being unduly restrictive in terms of harm to major employers in the District. However in response to the objection by Mr Hunt Cooke, I do not consider that the flexibility in the policy should extend to saying that the Council ‘may’ require parking provision in accordance with the standards. Such a change to the wording would introduce uncertainty and could undermine the Council’s ability to implement its parking strategy.

6.16.7 PPG 12 indicates that it is appropriate for matters such as parking standards to be the subject of SPG so long as it has been subject to public consultation and is consistent with the Plan and relevant Government advice and guidance. In this case I understand that the County Council’s SPG on parking was adopted after a consultation exercise in December 2000 to ensure a uniformity of approach to parking standards at new developments across Hertfordshire. The District Council’s SPG followed and set out its parking standards as well as the methodology for deciding on the level of restraint for individual zones in the District.

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58 Document CD/DP/110
6.16.8 It is clear that the Council’s methodology has been transparent and subject to public scrutiny and I have no basis to doubt that the methodology will be applied by the Council through the application of Policy M19 of the Plan. I find the inclusion of the Council’s parking standards and the methodology to the zonal approach in one document as SPG to be consistent with the advice in PPG 12. Consequently there is no justification for the Plan to become excessively over detailed and complicated by incorporating the methodology behind the parking standards in paragraphs 6.49 to 6.54.

6.16.9 In conclusion on the second issue, Policy M19 and the demand-based approach of the SPG is consistent with Government advice, Policy T3 of RPG 9 and Policy 25 of the Structure Plan and I do not therefore consider any changes to that approach or the Plan are justified.

**RECOMMENDATIONS**

I recommend that no modifications be made to this part of the Plan

6.17 AVIATION (Policy M20)

**Objections**

D1/1090/MOV/008 Panshanger Community Group

**Issues**

1. Should the Plan do more to seek to ensure that controls in the existing planning permission for Panshanger airfield are adhered to, particularly in respect of noise and flying practices?

**Inspector's Reasoning and Conclusions**

6.17.1 I understand that planning permission for Panshanger airfield to be used by civil aircraft was granted in 1954. The permission is subject to conditions, which include restricting the use of the airfield to light piston-engined aircraft only. I am not aware of any other specific planning conditions relating to noise or flying practices and it would therefore be unreasonable for Policy M20 to incorporate the wording suggested by the Objector.

6.17.2 The airfield’s operator may have responsibilities relating to any requirements of the Civil Aviation Authority relating to flying practices, as indicated in paragraph 6.56 of the Plan, but that it is a matter which is beyond the scope of the Plan’s purpose and function. I therefore consider Policy M20 is correctly confined to monitoring the existing land use of the airfield and to any future expansion of that use.

**RECOMMENDATIONS**

I recommend that no modifications be made to this part of the Plan
7. CHAPTER 7 – DESIGN

7.1 QUALITY OF DESIGN (Paragraphs R7.10-7.12 and Policy D1)

Objections

D1/1498/DES/012  Mr & Mrs M Guerra
D1/1498/DES/013  Mr & Mrs M Guerra

Issues

1. Are the Plan’s design policies too vague and open to extreme interpretation? Would they enable evolutionary sustainable changes to the housing stock?

Inspector's Reasoning and Conclusions

7.1.1 Design issues and policies are necessarily open to subjective interpretation because they should not stifle innovative design solutions which lead to a higher quality environment. The Plan must provide guidance for day-to-day planning decisions on proposals where, in many cases, the use of standard building methods and materials will be entirely appropriate and suitable. Even so, Policies D1 and D2 of the Plan and the principles contained in the Supplementary Design Guidance do not preclude the erection of houses based on building with low energy natural materials which are not imported. Policy R3 of the Plan expects all development to include measures to maximise energy conservation and paragraphs 3.1 to 3.13 provide guidance on such measures. I do not therefore consider that the Plan needs changing in response to the objections by Mr & Mrs Guerra.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

7.2 CHARACTER AND CONTEXT ( Paragraphs R7.15-R7.19 and Policy D2)

Objections

D1/0002/DES/078  Hertfordshire County Council (Environment)
D2/0002/DES/003  Hertfordshire County Council (Environment)
D1/1623/DES/005  Beechwood Homes Ltd
D1/1213/DES/011  Faulkners

Issues

1. Should the Plan define character as that assessed through a process of area character assessment in accordance with agreed methodology and guidance? Is the methodology implied in paragraph R7.18 inadequate having regard to national guidance for character assessment and the omission of reference to trees and boundary treatments in conservation areas?

2. Is Policy D2 contrary to Government objectives to make more efficient use of urban land and promote urban renaissance? Will the policy perpetuate the character of existing development and compromise the ability to increase densities? Should the policy require new development to respect and relate to, instead of reflecting or enhancing, the existing character and context of an area?

3. Is the blanket requirement in Policy D2 to provide supporting information as part of a design statement unreasonable as being unduly onerous and burdensome on applicants? Should the policy be confined to major developments within conservation areas?
Inspector's Reasoning and Conclusions

7.2.1 The Council has proposed Pre-Inquiry Changes to the text of paragraphs R7.16 to R7.19 in response to the objections by the County Council on the first issue (PIC/018/DES, PIC/019/DES, PIC/020/DES, PIC/021/DES). It seems to me that the proposed changes more than adequately explain the Plan’s approach to the assessment of character in the local context, including reference to supplementary planning guidance and other relevant policies of the Plan. I do not therefore consider any further changes are required in response to the objections from the County Council.

7.2.2 On the objection raised by Beechwood Homes Ltd concerning the second issue, the wording of Policy D2 requires, as a minimum, proposals to maintain, and where possible enhance or improve the character of an existing area, which accords with the general national principles for good design contained in the guidance referred to in paragraph 7.7 of the Plan. That guidance has been formulated in the context of promoting urban renaissance and achieving the more efficient use of land through higher densities. The Objectors’ suggestions that the policy should only require new development to respect or relate to the character and context of an existing area would not be an effective means of achieving the objectives of good design and, in particular, could result in the perpetuation of the inefficient use of land for housing through low densities.

7.2.3 The wording of Policy D2 would enable proposals, which achieve the more efficient use of land, to be considered so long as they do not compromise the existing character and context of an area. Such consideration is consistent with advice in PPG 3. I do not therefore consider there is any justification to amend Policy D2 in response to the objection by Beechwood Homes Ltd.

7.2.4 The objection by Faulkners relating to the third issue has been maintained although Policy D2 was amended at the 2nd Deposit stage of the Plan to delete the requirement for supporting information to be submitted with a planning application. I do not therefore consider that any further amendments are required. I also deal with the matter of Design Statements in part 7.6 of my Report below.

RECOMMENDATIONS

I recommend that, other than Pre-Inquiry Changes PIC/018/DES, PIC/019/DES, PIC/020/DES and PIC/021/DES, no modifications be made to this part of the Plan.

7.3 DESIGN FOR AND EASE OF MOVEMENT (Paragraphs R7.25-R7.28 and Policy D3)

Objections

D1/0002/DES/026 Hertfordshire County Council (Environment)
D1/0002/DES/027 Hertfordshire County Council (Environment)
D1/0118/DES/019 Mr M Riches
D1/0118/DES/009 Mr M Riches

Issues

1. Should the Plan include reference to the County Council’s Design Guide for roads? Should Policy D3 include reference to crossing facilities for pedestrians and cycles and the need to ensure that bus services are provided for in larger residential schemes?

2. Should the Plan seek to promote safer road and car park design, which avoids sharp corners and bends, and discourage parking areas adjacent to groups of houses or flats unless it is off-road? Should the Plan state minimum areas of private gardens for houses, based upon the number of bedrooms, to avoid town cramming?

Inspector's Reasoning and Conclusions

7.3.1 The objections by the County Council on the first issue have been maintained despite
changes to the Plan in response to them at the 2nd Deposit stage. Paragraph 7.24, which referred to the design of estate roads has been deleted. Paragraph R7.26 of the Plan rightly says that highway engineering standards should no longer be the starting point in the design of layouts of new development. The County Council’s Design Guide for roads may well be a material planning consideration in the determination of planning applications, but I am not aware of any specific need for the Plan to refer to it. Policy D3 as amended at the 2nd Deposit stage requires new development to make provision for pedestrian, cyclist and passenger transport facilities, which I consider meets the objections by the County Council.

7.3.2 In his objections concerning the second issue, Mr Riches has criticised the Council’s general approach, previous actions, attitude to road safety and the design of roads in Welwyn Garden City. I consider that much of the historical basis referred to in the objection is now irrelevant having regard to the function and purpose of the Plan as a guide to future development. Furthermore I regard much of the criticisms of the Council’s previous actions, as well as the views of Mr Riches on the design of roads, to be unsubstantiated and unsupported by current relevant national planning policy guidance.

7.3.3 Current design guidance recognises that the use of corners and sharp bends, more frequent junctions, parking design and location and other design features have proved to be effective means of reducing traffic speeds, particularly in residential areas. Paragraphs R7.25 to R7.28 and Policy D3, in conjunction with the relevant Supplementary Design Guidance, reflect that guidance by seeking to ensure that the design of new development takes into account its impact on movement patterns and achieves a safe and attractive environment. I do not therefore consider any changes are justified to this part of the Plan in response to Mr Riches’ objections on the second issue.

7.3.4 The matter of garden sizes referred to by Mr Riches in his objection is not relevant to this part of the Plan, which is concerned with design for movement. However I have dealt with the matter in part 7.7 of my Report below (under the sub-heading for DS 24).

RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan.

7.4 LANDSCAPING (Paragraphs R7.38-R7.40 and Policy D3c)

Objections
D2/0064/DES/006 Railtrack Plc

Issues
1. Should the Plan seek to ensure that landscaping schemes do not adversely affect neighbouring landowners to an unreasonable extent and should there be special consideration for landscaping adjacent to railway lines in the interests of safety?

Inspector's Reasoning and Conclusions
7.4.1 It is not the function of the Plan, or the planning system, to protect the private interests of individual landowners unless they coincide with the public interest. Public safety could be such an interest in certain circumstances, but could be protected through the usual consultation arrangements on individual planning applications. Paragraph R7.40 also indicates that the Council will ensure that existing and new planting is managed through the preparation and undertaking of maintenance schedules.

7.4.2 I do not therefore consider that the Plan, or Policy D3c, should provide for any special

59 paragraph 2.25 SDG (Document CD/DP/120)
arrangements concerning the effect of landscaping schemes on neighbouring properties, including railway lines. No changes are therefore required in response to the objection.

RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan.

7.5 DESIGN STATEMENTS (Paragraphs 7.27-7.29 and Policy D5)

Objections

D1/1311/DES/001 Mr Earnest Kramer
D1/1623/DES/006 Beechwood Homes Ltd
D1/1213/DES/012 Faulkners

Issues

1. Should the Plan give greater emphasis on the unique history and character of Welwyn Garden City as a major factor in any proposals for future development?

2. Is the requirement for a Design Statement for all applications involving business/commercial development and residential development of more than one dwelling too onerous and burdensome? Should the requirement be restricted to major development proposals in Conservation Areas?

Inspector's Reasoning and Conclusions

7.5.1 The first issue concerns the objection by Mr Kramer, but the Plan covers the whole District and not just Welwyn Garden City. Paragraph 2.6 of the Supplementary Design Guidance refers to the history and character of the town and Policy D2 requires all new development in the area to respect and relate to that character and context. A large part of the historic core of the town is designated as a Conservation Area where, under Policy R20 of the Plan, proposals will only be permitted where they would preserve or enhance the character or appearance of the area in terms of siting, form, scale, materials, detailing and landscaping. I therefore consider the Plan gives sufficient emphasis on the history and character of Welwyn Garden City, especially bearing in mind the main function of the Plan as a guide to day-to-day planning decisions on the development and use of land. Consequently no changes are needed in response to Mr Kramer’s objection.

7.5.2 The remaining objections relate to the second issue. The design of a single residential, business or commercial building can have a significant adverse visual impact on an area if it fails to have proper regard to the local character and context of its location. National planning policy guidance places a great deal of importance on achieving a high quality of design through the planning system and Annex A of PPG 1 states that applicants for planning permission should, as a minimum, provide a short written statement setting out design principles. There is no indication in national guidance, including PPG 1, that such an approach is only appropriate for major development proposals. Restricting the requirement for a Design Statement to Conservation Areas would not help raise design standards in the District as a whole, which is one of the aims of national guidance on design.

7.5.3 Therefore since Policy D5 is consistent with national planning policy guidance on design I do not consider that its requirement relating to the submission of a Design Statement is unreasonably burdensome or that any changes are necessary in response to the objections by Beechwood Homes Ltd and Faulkners.

RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan.
7.6 DEVELOPMENT BRIEFS (Paragraphs 7.30-7.32 and Policy D6)

Objections

D1/0232/DES/001 Martin Grant Homes (UK) Ltd

Issue

1. Does the requirement to provide a Development Brief for all residential, commercial, business or mixed use sites identified in the Plan conflict with the Council’s Supplementary Design Guidance? Should Policy D6 only require Development Briefs for those sites for which complexities and sensitivities are known?

Inspector's Reasoning and Conclusions

7.6.1 Policy D6 was amended at the Plan’s 2nd Deposit stage and requires a development brief to be prepared for sites proposed for major residential, commercial, business or mixed use schemes and any other sites for which it is felt to be appropriate. Paragraph 8.1 of the Supplementary Design Guidance (SDG)\(^{60}\) indicates that development briefs are normally required for large and/or complex sites or where there are sensitive issues on a site. I do not therefore find any unacceptable conflict between Policy D6 and the SDG, particularly since the SDG goes on to explain in more detail that Development Briefs are normally prepared by the local planning authority and the circumstances when landowners or developers would be likely to prepare them.

7.6.2 The SDG also sets out in some detail the features which should inform the site and context appraisal for Development Briefs and which would normally be a clear indication where the complexities and sensitivities of a site dictate the need for a Development Brief. I do not therefore consider Policy D6 should only require Development Briefs for those sites where such complexities and sensitivities are known.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

7.7 OBJECTIONS TO DESIGN STANDARDS AND SUPPLEMENTARY DESIGN GUIDANCE (formerly in Appendix 2 of the Plan)

7.7.1 Appendix 2 was deleted from the Plan by the Council at the 2nd Deposit stage and replaced by Supplementary Planning Design Guidance dated June 2002 (SDG)\(^{61}\). Since Appendix 2 does not now form a part of the Plan, the objections to it are no longer relevant to the preparation of my Report.

7.7.2 However, at the Pre-Inquiry Meeting, I confirmed that I would consider objections to the SDG and include my recommendations to the Council on them in this Report. Those objections are identified below and are considered together with the original objections to Appendix 2 of the Plan. Few of the original objections appear to have been re-considered by objectors following the publication of the June 2002 SDG. For the sake of convenience and ease of reference to the original objections, I have therefore set out the following part of my Report under headings, which are generally based on the Design Standards previously in Appendix 2,

\(^{60}\) originally paragraph 7.1 of Appendix 2 of the Plan
\(^{61}\) Document CD/DP/120
Introduction

Objections

D2/0110/APB/001  Welwyn Garden City Society

Issues
1. Should the SDG differentiate policies from the supporting commentary as originally set out in Appendix 2 of the Plan? Is the SDG confusing and difficult to follow? Is it sufficiently prescriptive? Will the Council have difficulty in applying the SDG through the planning process?

Inspector's Reasoning and Conclusions

7.7.3 The removal of Design Standards in Appendix 2 from the Plan into a separate document prepared as supplementary planning guidance accords with the advice in paragraphs 3.15 to 3.18 of PPG12. However the SDG does not comply with other advice in those paragraphs which indicates that the guidance should be clearly cross-referenced to the relevant plan policy which it supplements. I have found the SDG confusing and difficult to follow, because none of the Design policies in Chapter 7 of the Plan are referred to and it is not always easy to relate the guidance to the relevant policy and vice versa. In my view that could be easily corrected by quoting the relevant Design policy of the Plan at the beginning of each relevant section or sub-section of the SDG. The following text of the SDG would then be more readily interpreted as supplementary guidance to that policy, but the distinction between policy and guidance would be maintained as the Council rightly desires.

7.7.4 That relatively minor change to the presentation of the SDG would make it more easy to follow, particularly for those seeking to comply with the relevant Plan policy. Consequently the suggested change would help in the application of the SDG through the planning process. In my view the SDG would also be easier to use if the contents page contained more information.

7.7.5 I do not consider it is necessary or desirable for the SDG to be more prescriptive or to revert to the form of Design Standards as originally contained in Appendix 2. That approach conflicts with current advice\(^62\) and has the potential for stifling innovative design solutions. Design guidance should incorporate some flexibility and I consider the content of the SDG strikes the correct balance, subject to a stronger linkage with the Plan as suggested above. Since the SDG derives out of and will be consistent with the Development Plan and has been prepared in the proper manner, once adopted it should carry substantial weight in the determination of planning applications and appeals. The Council is unlikely therefore to have difficulty in applying the principles of the SDG through the planning process.

RECOMMENDATIONS

I recommend that the Supplementary Design Guidance be amended as follows.

a) the presentation be changed so that all relevant Design policies of the Plan are repeated at the beginning of each relevant section of the following supplementary text; and

b) the contents page be expanded to provide a more comprehensive guide.

Note: although this recommendation applies to the whole SDG, I have not repeated it in my recommendations on the remaining matters in this part of my Report.

Character - Design Standard DS1

Objections

\(^62\) Documents CD/Des/30 and CD/Des/40
Issues

1. Should the Plan include a requirement for all new development to enhance, as well as respect and relate to, the character of the area in which it is proposed? Should paragraph 2.4 of the SDG be amended to include the word “space” in considering how development might affect the character of an area?

2. Would the design guidance on character and context preclude evolution to ecologically informed buildings and perpetuate the poor design of current building stock?

Inspector's Reasoning and Conclusions

7.7.6 Design Standard DS1 and the associated text of Appendix 2 have been embodied in paragraphs 2.1 to 2.8 of the SDG. Policy D2 of the Plan is also relevant.

On the first issue, the second sentence of Policy D2 requires development proposals to enhance or improve the character of an existing area where possible. The SDG provides detailed guidance on how that can be achieved. Therefore consider the Plan, as supplemented by the SDG, provides a strong basis for the Council to promote the enhancement of existing areas wherever possible and that Policy D2 does not need altering. However the combined effect of the arrangement, volume and shape of a building or group of buildings in relation to other buildings and spaces is recognised as an important characteristic of development form.

I therefore agree that the seventh bullet point of paragraph 2.4 of the SDG should refer to space as suggested by the Welwyn Garden City Society and accepted by the Council at the Inquiry.

7.7.8 On the objection raised by Mr & Mrs Guerra concerning the second issue, as I have already mentioned, the SDG abandons the Design Standard approach adopted by Appendix 2 of the Plan. However, Policy D2 and the principles set out in the SDG enable new development to create its own distinctive identity whilst respecting and enhancing local character. The Plan and the SDG therefore enables a more innovative approach to design, which would not preclude evolution to ecologically informed buildings where appropriate. I do not therefore consider any further amendment to the SDG on this matter is necessary in response to the objection.

7.7.9 I note that amendments to the text of this part of the SDG is proposed by the Council as Pre-Inquiry Changes PIC/051/SDG, PIC/052/SDG and PIC/053/SDG. No objections have been lodged to the changes and I do not have any comments on them.

RECOMMENDATIONS

I recommend that, in addition to Pre-Inquiry Changes PIC/051/SDG, PIC/052/SDG and PIC/053/SDG, the seventh bullet point of paragraph 2.4 of the SDG be amended to read:

The scale, height, massing and space around new development in relation to the adjoining buildings, topography, general heights in the area, views, vistas and landmarks.

Continuity and Enclosure - Design Standard DS2

Objections

D1/1498/APB/028 Mr & Mrs M Guerra

Issues

63 Document CD/Des/30
1. Would the design guidance on continuity and enclosure preclude evolution to ecologically informed buildings and perpetuate the poor design of current building stock?

Inspector's Reasoning and Conclusions
7.7.10 Design Standard DS2 and the associated text of Appendix 2 have been embodied in paragraphs 2.9 to 2.19 of the SDG. Policy D2a of the Plan is also relevant. I have already dealt with the general content of this objection in part 7.1 of my Report and for the same reasons as given there I do not consider any amendments are required to the SDG.

RECOMMENDATIONS
I recommend that no amendments be made to this part of the Supplementary Design Guidance.

Quality of Public Areas and the Public Realm - Design Standard DS3

Objections
D1/1616/APB/028 Royal Veterinary College

Issues
1. Should the design guidance on the quality of public areas and the public realm be restricted to urban areas and provide more flexibility to take account of special circumstances?

Inspector's Reasoning and Conclusions
7.7.11 Design Standard DS3 and the associated text of Appendix 2 have been embodied in paragraphs 2.20 to 2.21 of the SDG. Policy D2b of the Plan is also relevant.

7.7.12 Paragraph 2.21 sets out in some detail the main issues to be taken into account in design relating to the quality of public areas and the public realm, but does not impose a rigid framework that would preclude alternative solutions in particular or special circumstances. I do not therefore consider there is any justification to amend the SDG in that respect. In addition, the achievement of good quality design of public areas and the public realm is not necessarily restricted to urban areas and I do not therefore accept that this part of the design guidance should be so restricted as suggested by the Royal Veterinary College.

RECOMMENDATIONS
I recommend that no amendments be made to this part of the Supplementary Design Guidance.

Energy Efficiency - Design Standards DS8, DS9, DS11, DS12

Objections
D1/1204/APB/017 Friends of the Earth
D1/1204/APB/018 Friends of the Earth
D1/1204/APB/019 Friends of the Earth
D1/1616/APB/029 Royal Veterinary College
D1/0012/APB/004 House Builders Federation
D1/0012/APB/005 House Builders Federation

Issues
1. Does the design guidance on energy efficiency and passive solar design provide a clear framework for requiring more efficient forms of energy use as part of development?
2. Should the design guidance on passive solar design provide more flexibility to take account of special circumstances?
3. Should the design guidance encourage instead of expect all new development to incorporate water conservation measures in appropriate circumstances?
4. Is it unreasonable for the design guidance to expect occupiers to provide separate facilities for waste storage?

Inspector's Reasoning and Conclusions

7.7.13 Design Standards DS8 and DS9 and the associated text of Appendix 2 have been embodied in paragraphs 3.1 to 3.13 of the SDG. Policy R3 of the Plan is also relevant. Design Standards DS12 and DS11 have been incorporated into Policies R5 and R9A and paragraph 5.30a of the Plan.

7.7.14 To a large extent, although all of these objections have been maintained, they have been superseded by the deletion of Appendix 2 (Design Standards) from the Plan and the changes undertaken at the 2nd Deposit stage. I have already considered the objections by Friends of the Earth on the first issue in Chapter 5 of my Report and recommended that no significant modifications to the Plan are necessary. The inclusion of the content of Design Standards DS8 and DS9 in paragraphs 3.1 to 3.13 of the SDG provides, in my view, a sufficient framework in terms of further guidance to achieve the objectives of Policy R3 of the Plan.

7.7.15 On the second issue, Policy R3 expects “all” developments to achieve energy efficiency by measures which can include passive solar design (PSD), as explained in paragraph 5.17 of the Plan and paragraphs 3.3 to 3.13 of the SDG. However, paragraph 5.18 of the Plan clarifies that the consideration of the incorporation of energy efficiency measures in all developments applies “wherever possible”. I do not therefore there is any need to provide more flexibility to take account of special circumstances as suggested by the Royal Veterinary College.

7.7.16 The House Builders Federation objections raise similar points in respect of water conservation measures and waste storage. However, Policy R9A of the Plan says that new development will be expected to incorporate water conservation measures “wherever applicable”, which provides flexibility in those cases where such measures would not be appropriate. Not all water conservation measures are at an experimental stage and it is not unreasonable for the Plan to expect their provision where applicable, having regard to the Plan’s overall objectives for the conservation of natural resources. Design Standard DS12 is now embodied in Policy R5 of the Plan and only applies to waste management measures for developments of more than 5 houses and does not specifically require separate facilities to be provided for waste storage. I do not therefore consider any changes to the Plan or the SDG are required in response to the objections by the House Builders Federation.

RECOMMENDATIONS

I recommend that no amendments be made to this part of the Supplementary Design Guidance.

Materials - Design Standard DS10

Objections

D1/1623/APB/012  Beechwood Homes Ltd  
D1/0110/APB/033  Welwyn Garden City Society  
D1/0110/APB/036  Welwyn Garden City Society (see DS22 below for rest of objection)

Issues

1. Should materials on new dwellings be required to respect local character rather than reflect it?
2. Would the SDG be stronger and clearer, when materials on an extension to a dwelling are concerned, if the word “should” is deleted from paragraph 4.2(iv)? Should that paragraph require residential extensions to use the same brickwork bond as the original building?

Inspector's Reasoning and Conclusions

7.7.17 Design Standard DS10 and the associated text of Appendix 2 have been embodied in paragraphs 2.4 and 4.2(iv) of the SDG. Policy D2 of the Plan is also relevant.

7.7.18 Policy D2 requires all new development to respect and relate to the character and context of the area in which it is proposed. Paragraph 2.4 of the SDG indicates that one of the main issues to be taken into account in considering how a development may affect the character of an area is the use of local materials and building methods/details to enhance local distinctiveness. Having regard to the wording of Policy D2 and the guidance in the SDG which supplements it, I do not consider there is any need for changes in response to the objection by Beechwood Homes Ltd on the first issue.

7.7.19 The wording at the beginning of paragraph 4.2(iv) of the SDG confirms that the criteria are requirements of the Council in terms of extensions to dwellings. I do not therefore consider any benefit would be gained from deleting the word “should” from the criteria as proposed by the Welwyn Garden City Society. Whilst I appreciate that in certain circumstances a matching brickwork bond might be important to the retention of the character or appearance of a dwelling, that seems to me to be unduly prescriptive as a general requirement. I agree with the Council that in circumstances where a matching bond is important to the character of an area or the existing building, it could impose an appropriate planning condition. I do not therefore consider any changes are necessary in response to the objections by the Welwyn Garden City Society.

RECOMMENDATIONS

I recommend that no amendments be made to this part of the Supplementary Design Guidance.

Landscaping - Design Standard DS13

Objections

D1/1616/APB/031 Royal Veterinary College

Issues

1. Should the design guidance for landscaping be more flexible to take account of special circumstances?

Inspector's Reasoning and Conclusions

7.7.20 Design Standard DS13 and its associated text was embodied into paragraphs R7.38 to R7.40 and Policy D3c of the Plan at the 2nd Deposit stage of the Plan. Flexibility has been built into the policy as proposed by the Objector in terms of expecting the retention and enhancement of existing key landscape features where feasible. I also note that, in paragraph 2.4 of the SDG, landscaping is included as the first two main issues to be taken into account in considering how a development may affect the character of an area. I do not therefore consider any further changes to the Plan or SDG are necessary or justified to take account of special circumstances relating to landscaping, as suggested by the Royal Veterinary College.

RECOMMENDATIONS

I recommend that no amendments be made to this part of the Supplementary Design Guidance.
Access and Design for People with Disabilities – Design Standard DS19

Objections
D1/1616/APB/032 Royal Veterinary College

Issues
1. Should the design guidance for access and design for people with disabilities be more flexible to take account of special circumstances?

Inspector’s Reasoning and Conclusions
7.7.21 Design Standard DS19 and its associated text was embodied into paragraphs R7.41 to R7.43 and Policy D3d of the Plan at the 2nd Deposit stage of the Plan. There is no justification to seek to only provide access to people with disabilities and mobility problems “where appropriate”, particularly having regard to the need to design buildings with better and more direct access for the disabled. If there are special circumstances not to provide such access, they would be a material planning consideration to be weighed in the balance in determining a planning application. I do not therefore consider any further changes to the Plan or SDG are necessary or justified to take account of special circumstances on this issue, as suggested by the Royal Veterinary College.

RECOMMENDATIONS
I recommend that no amendments be made to this part of the Supplementary Design Guidance.

Residential Extensions - Design Standard DS22

Objections
D1/0110/APB/036 Welwyn Garden City Society

Issues
1. Should the design guidance provide more prescriptive requirements for residential extensions?

Inspector's Reasoning and Conclusions
7.7.22 Design Standard DS22 and the associated text of Appendix 2 have been embodied in paragraphs 4.1 and 4.2 of the SDG.

7.7.23 The objection by the Welwyn Garden City Society refers to paragraph 4.2(v) and (vi), which relate to the spacing between extended dwellings and to the insertion of dormer windows. At the Inquiry, the Council accepted that the criterion in paragraph 4.2(v), of a 1m minimum distance between an extension and an adjoining flank boundary, should be applied to all multi-storey side extensions and not just two storey and first floor side extensions. Such an amendment would meet this aspect of the objection and be a more effective means of ensuring that the minimum spacing between dwellings does not have an adverse effect on the local character of an area. I therefore commend the proposed amendment.

7.7.24 The Society would also like to see paragraph 4.2(v) amended in relation to side extensions over one storey in Welwyn Garden City so as to retain a minimum spacing of 3m between a dwelling and the side boundary. However I note that paragraph 4.2(v) emphasises the importance of reflecting the existing spacing in the street scene, which may indicate that larger separation distances are required. It seems to me that requirement provides sufficient guidance for the Council to control the design of side extensions as appropriate to the character of an area without being unduly prescriptive.

7.7.25 Paragraph 4.2(vi) requires dormer windows to be subservient to the existing roof and to
be in proportion to the existing fenestration of the property. However the Society would like to see the more prescriptive restrictions referred to in the objection applied to proposals for dormer windows in Welwyn Garden City. It seems to me that the existing wording of paragraph 4.2(vi) provides sufficient guidance for the consideration of dormer windows, which would embody the further restrictions suggested by the objector in appropriate cases, particularly having regard to the character of the local area such as in Welwyn Garden City.

7.7.26 I do not therefore consider that a more prescriptive approach is justified in the design guidance for residential extensions or that changes to the SDG are required as proposed by the Welwyn Garden City Society, except as referred to above in respect of multi-storey side extensions.

RECOMMENDATIONS

I recommend that paragraph 4.2(v) of the Supplementary Design Guidance be amended so that the guidance is applicable to all multi-storey, two storey and first floor side extensions as proposed by the Council in their letter submitted to the Inquiry (dated 16 May 2003).

Gardens and Communal Amenity Areas – Design Standard DS24

Objections

D1/0118/DES/009 (part) Mr M Riches

Issues

1. Should the design guidance state minimum areas of private gardens applicable to the size of the home?

Inspector's Reasoning and Conclusions

7.7.27 Design Standard DS24 and the associated text of Appendix 2 have been embodied in paragraphs 4.3 to 4.6 of the SDG.

7.7.28 I agree with the Council that garden sizes should be designed having regard to their function and useability, taking into account the general character of the local area and the amount of public open space available in the area. That is consistent with national advice on design, which seeks to avoid inhibiting a creative approach in the design and layout of housing development. I do not therefore consider that the design guidance should state minimum sizes for gardens as requested in the objection by Mr Riches.

RECOMMENDATIONS

I recommend that no amendments be made to this part of the Supplementary Design Guidance.

Infill and Backland Development - Design Standard DS21

Overlooking and Privacy - Design Standard DS25

Objections

D1/0231/APB/002 Barker Parry Town Planning
D1/1589/APB/002 Mrs R A Stewart
D1/1623/APB/014 Beechwood Homes Ltd
D1/0110/APB/042 Welwyn Garden City Society
Issues

1. Is it inappropriate for the design guidance to take the same approach to infill development as to backland development? Would the guidance be effective in preventing the filling in of all gaps and open spaces left in Welwyn Garden City, which is a historical example of a planned open Garden City?

2. Is it unreasonable for the design guidance to expect no overlooking or loss of privacy having regard to the need to make the best use of urban land? Should the design guidance contain more prescriptive and quantitative standards for separation distances to ensure no overlooking or loss of privacy and avoid misinterpretation?

Inspector's Reasoning and Conclusions

7.7.29 Design Standards DS21 and DS25 were deleted at the 2nd Deposit stage of the Plan and replaced by guidance on residential design in paragraphs 4.1 to 4.9 of the SDG. Policy D2 of the Plan is also relevant.

7.7.30 That guidance does not refer to, or distinguish between, infill and backland development, but sets out general design principles which are relevant to such development. Proposals for infill development, including windfall housing sites, would be considered against Policies D2 and H2 of the Plan and the relevant parts of the SDG all of which seek to protect local character. Most of the historic core of Welwyn Garden City is within a Conservation Area. Policy R20 of the Plan requires any proposals for development in the Conservation Area to preserve or enhance the character or appearance of the area. I do not therefore consider any further guidance to the SDG is necessary to supplement those policies in respect of infilling and backland development in response to the objections by Barker Parry Town Planning and Mrs Stewart.

7.7.31 The guidance in paragraph 4.7 expects all new residential development to be designed, orientated and positioned in such a way to minimise overlooking between dwellings and to afford a reasonable degree of privacy (my italics). The guidance therefore strikes a reasonable balance between protecting residential amenities without necessarily compromising the need to make the best use of urban land. The guidance also adopts a design-led approach to achieving privacy, which accords with current advice on better urban design and the move away from a more prescriptive “standards-led” approach. I do not therefore consider the design guidance requires amendment in response to the objections by Beechwood Homes Ltd and the Welwyn Garden City Society on overlooking and privacy.

RECOMMENDATIONS

I recommend that no amendments be made to this part of the Supplementary Design Guidance.

Advertisements - Design Standard DS27

Objections

D1/0110/APB/044 Welwyn Garden City Society
D1/1256/APB/015 Mr Nigel Hutton
D2/1667/SDG/001 Outdoor Advertising Association (conditionally withdrawn)
D2/1667/SDG/002 Outdoor Advertising Association
D2/1667/SDG/003 Outdoor Advertising Association (conditionally withdrawn)

Issues

1. Should the design guidance seek to resist sponsored signage on any highway or other public landscaped areas to maintain standards and avoid advertising clutter in public amenity areas? Should the design guidance be more explicit as to what forms of street furniture advertising and localities are acceptable?
2. Does the SDG take an unduly negative stance on advertising in Conservation Areas? Is the final sentence of the first criterion of paragraph 5.5 of the SDG unnecessary? Is criterion (ii) of paragraph 5.8 of the SDG unduly restrictive?

Inspector’s Reasoning and Conclusions

7.7.32 Design Standard DS27 and the associated text of Appendix 2 have been embodied in paragraphs 5.1 to 5.9 of the SDG.

7.7.33 On the objections by the Welwyn Garden City Society and Mr Hutton concerning the first issue, advertisements can only be controlled in the interests of amenity or public safety and paragraph 5.5 of the SDG sets out eight criteria on that basis. Where sponsored signage on any highway or public landscaped area requires express consent, the criteria in paragraph 5.5 provide an adequate means of control and include the avoidance of visual clutter. It is therefore unnecessary and would be unreasonable for the guidance to refer specifically to sponsored signage. For the same reasons it is unnecessary for the guidance to identify the locations where street furniture advertising would be acceptable, or the form it should take. I do not therefore consider any changes are required in response to the objections.

7.7.34 In response to objection reference D2/1667/SDG/001 by the Outdoor Advertising Association, the Council has proposed a Pre-Inquiry Change to paragraph 5.3 of the SDG (PIC/054/SDG). The proposed amended wording indicates that it may be necessary to impose more exacting standards of advertisement control in Conservation Areas and recognises a need to achieve a reasonable balance between commercial and design considerations. That approach is less restrictive than the original wording of paragraph 5.3 and accords with advice on the subject in PPG 19. I therefore agree with the proposed change and consider the SDG should be amended accordingly.

7.7.35 The last sentence of paragraph 5.5(i) of the SDG requires all advertisements to be subservient to the building on which they are placed and the street scene. I understand that the wording reflects similar wording in the adopted Local Plan and the Council wishes to retain it in the SDG because it strengthens criterion (i) as a whole. However, it seems to me that in satisfying the first sentence of criterion (i), and the remaining criteria of paragraph 5.5, an advertisement would have to be subservient to the subject building and the street scene. In that respect the final sentence of the criterion is unnecessary and in my view does little to strengthen the criterion. I therefore consider that since the final sentence is unnecessary and potentially misleading, it should be deleted in response to the objection by the Outdoor Advertising Association.

7.7.36 Paragraph 5.8(ii) of the SDG indicates that consent for advertisements in Conservation Areas will only be granted for signs directly related to the use of buildings and land on which they are displayed. Since it is reasonable for the SDG to contain more exacting standards of control of advertisements in Conservation Areas, criteria (i) and (iii) of paragraph 5.8 are necessary. However, the Council accepted during the Inquiry that since control cannot be exercised over the content of advertisements, criterion (ii) should be deleted as being unduly restrictive. For the same reason I agree and consider the SDG should be amended accordingly in response to the objection by the Outdoor Advertising Association.

7.7.37 I note that a further amendment to the text of paragraph 5.5 is proposed by the Council as a Pre-Inquiry Changes (PIC/055/SDG). No objections have been lodged to the change and I do not have any comments on it.

RECOMMENDATIONS

I recommend that, in addition to Pre-Inquiry Changes PIC/054/SDG and PIC/055/SDG, the Supplementary Design Guidance be amended as follows:

a) the last sentence of paragraph 5.5(i) be deleted; and
b) criterion (ii) of paragraph 5.8 be deleted.

64 Document CD/NP/170
Shopfronts - Design Standard DS30

Objections
D1/0110/APB/049 Welwyn Garden City Society

Issues
1. Is the design guidance seriously weakened by the use of the word “should” in the criteria set out in paragraph 6.5 of the SDG?

Inspector's Reasoning and Conclusions
7.7.38 Design Standard DS30 and the associated text of Appendix 2 have been embodied in paragraphs 6.1 to 6.5 of the SDG.
7.7.39 Paragraph 6.5 sets out criteria relating to proposals for new shopfronts or alterations to existing shopfronts. I agree with the objector that although the criteria are prefaced with a requirement for compliance, the use of the word “should” in most criteria seems to imply a degree of flexibility. However, it must be remembered that the purpose of SDG is to provide guidance on how the Council will consider planning applications under the relevant policy of the Plan. The SDG should not therefore be too prescriptive and in this case it is reasonable for it to reflect the fact that it might not be possible for proposals to comply in full with all of the criteria.
7.7.40 In my view when read as a whole, the objective of paragraph 6.5 in providing guidance on shopfront design is not therefore seriously weakened by the use of the word “should” in the criteria. Consequently I do not consider the SDG needs amendment in response to the objection on this issue.
7.7.41 I note that an amendment to paragraph 6.5 is proposed by the Council as a Pre-Inquiry Change, which would add a further criterion relating to the design of shopfronts (PIC/057/SDG). No objections have been lodged to the change and I do not have any comments on it.

RECOMMENDATIONS
I recommend that, other than Pre-Inquiry Change PIC/057/SDG, no amendments be made to this part of the Supplementary Design Guidance.

Development Briefs - Paragraphs 7.1-7.14

Objections
D1/1616/APB/068 Royal Veterinary College

Issues
1. Should the preparation of Development Briefs reflect the particular characteristics of the development, site, location and other circumstances?

Inspector's Reasoning and Conclusions
7.7.42 Paragraphs 7.1 to 7.14 of Appendix 2 have been embodied in paragraphs 8.1 to 8.9 of the SDG. Policy D6 of the Plan is also relevant.
7.7.43 Paragraph 8.1 indicates that Development Briefs are normally required for large and/or complex sites or where there are sensitive issues on a site. Paragraph 8.4 provides detailed information on the matters to be included in an appraisal of a site and its context. I therefore consider that in its guidance on the preparation of Development Briefs, the SDG adequately reflects the particular circumstances of the site, its location. Furthermore Policy D6 of the Plan indicates the circumstances
when Development Briefs are likely to be required. I do not therefore consider any changes are required to the SDG on this issue.

RECOMMENDATIONS

I recommend that no amendments be made to this part of the Supplementary Design Guidance.
8. CHAPTER 8 - IMPLEMENTATION AND MONITORING

8.1 PLANNING OBLIGATIONS (Paragraphs 8.6-8.9 and Policy IM2)

Objections

D1/1616/IMP/053 Royal Veterinary College

Issues

1. Should Policy IM2 require account to be taken of the particular characteristics of the development and the developer and, to be consistent with Policy M5 of the Plan, include reference to developers’ contributions?

Inspector's Reasoning and Conclusions

8.1.1 Policy IM2 states that developers will be required to provide or finance the cost of provision of infrastructure, services and facilities, which are directly related to proposed development. Any contributions sought under the policy in a Planning Obligation would have to comply with Government guidance, currently Circular 1/97, which ensures that contributions would be fairly and reasonably related in scale and kind to the development proposed. The particular characteristics of the development would therefore be taken into account and I do not consider those of the developer to be relevant. I therefore conclude that Policy IM2 should not be amended in response to this objection.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

8.2 MONITORING AND REVIEW (Policy IM3)

Objections

D1/0276/IMP/004 Countryside Agency
D1/1204/IMP/009 Friends of the Earth
D1/1204/IMP/010 Friends of the Earth

Issues

1. Does the Plan have a clear framework, commitment and timescale for the monitoring of its implementation and should there be a clearer set of measurable and realistic sustainability-related indicators?

Inspector's Reasoning and Conclusions

8.2.1 PPG 12 says that the Plan should include an indication of how monitoring and review are to be carried out, emphasising the critical features upon which it is based. Paragraphs 8.10-8.13 and Policy IM3 of the Plan reflect that guidance and indicate that Annual Monitoring Reports will be published to measure the progress of the Plan against defined indicators. Those indicators have not yet been established, but the Council’s evidence describes the approach that will be taken.

8.2.2 I do not therefore consider that the Plan is unclear as to the general framework and timescale for monitoring its progress. Policy IM3 states that the Council will monitor and review the

65 Paragraphs 2.17-2.19 and 4.21 of PPG 12 (Document CD/NP/110)
Plan’s policies to assess their effectiveness in meeting the aims and objectives for sustainable development. Those aims and objectives are clearly set out in Chapter 2 of the Plan and I do not consider there is any need for Chapter 8 to go into any further detail in response to these objections.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.
9. CHAPTER 9 - HOUSING

9.1 HOUSING LAND ( Paragraphs 9.6-9.18 and Policy H1)

Objections

D1/0265/HOU/005 English Partnerships
D1/0265/HOU/006 English Partnerships
D1/0012/HOU/001 House Builders Federation
D1/1010/HOU/002 Marshmoor Consortium
D1/1204/HOU/057 Friends of the Earth
D1/1204/HOU/058 Friends of the Earth
D1/1623/HOU/007 Beechwood Homes Ltd
D1/1623/HOU/015 Beechwood Homes Ltd
D1/0275/HOU/004 Landmatch Limited
D2/0275/HOU/002 Landmatch Limited
D1/1629/HOU/002 The James Crawford Trust
D1/1629/HOU/005 The James Crawford Trust
D1/1630/HOU/001 Mr D Thomas
D1/1630/HOU/002 Mr D Thomas
D1/1093/HOU/002 Three Valleys Water plc
D1/1615/HOU/003 Samuel Beadie Ltd
D1/1619/HOU/006 Court Homes Ltd
D1/1414/HOU/002 Mr B Barrett
D1/1525/HOU/001 Mr R E Lloyd

NOTE: some of the above objections also refer to housing omission sites, which I have considered in Chapter 4 of my Report because they would involve the release of land in the Green Belt.

Issues

1. Is the Plan's provision for the strategic land requirement for housing land in Welwyn Hatfield (5,600 dwellings by 2011) appropriate having regard to the adopted and emerging Structure Plan, RPG 9 and emerging RPG 14?

2. Does the Plan overestimate the potential supply of housing land from outstanding planning permissions, windfall sites, sites identified in the Urban Capacity Study and at the Hatfield Aerodrome site?

3. Does the Plan identify sufficient land in appropriate and sustainable locations to meet housing requirements over the Plan period?

4. Should the Plan reserve identified sites to meet any need for further strategic growth?

5. Does the Plan adequately provide for the managed release of housing land over the Plan period in accordance with advice in PPG3 on the phasing of housing land?

Inspector's Reasoning and Conclusions

9.1.1 I held a Round Table Session (RTS) on Housing during the Inquiry. This was attended by Welwyn Hatfield Council, English Partnerships, the House Builders Federation (HBF), and the Marshmoor Consortium. In order to address the above main issues, I consider the matters discussed at the RTS, but I have also considered related points concerning housing supply raised by other Objectors who did not attend the session.
Is the Plan’s provision for the strategic land requirement for housing land in Welwyn Hatfield (5,600 dwellings by 2011) appropriate having regard to the adopted and emerging Structure Plan, RPG 9 and emerging RPG 14?

9.1.2 The requirement for 5,600 additional dwellings in Welwyn Hatfield between 1991 and 2011 is taken from Policy 9 of the adopted Structure Plan, which was prepared under the framework provided by the 1994 version of Regional Planning Guidance for the South East (RPG9). However, that has since been superseded by the March 2001 version of RPG9, which sets out new housing requirements for Hertfordshire for the period 1996-2016, five years beyond the period of this Plan. The County Council has started the process of reviewing the Structure Plan to provide for additional housing needs up to 2016, but in light of the views contained in a letter dated 15 April 2003 from the Government Office for the East of England (GOEast), the County Council has resolved to put the draft Structure Plan on hold.

9.1.3 The letter from GOEast confirms that, following re-organisation of the regions in England, RPG9 will eventually be superseded by RPG14 for the East of England, which will include district level housing figures to 2021. Draft RPG14, due to be published in February 2004, will reflect the purposes of the Regional Spatial Strategy under the new development plan system, which has fundamental implications for the compatibility of the strategy set out in the draft Structure Plan Alterations with the emerging draft RPG14, particularly concerning the amount and distribution of housing. GOEast considers that, given the timing of the Alterations and on-going work on draft RPG14, the inclusion of district level housing figures in RPG raises serious questions about the value of proceeding with the Structure Plan Alterations. GOEast therefore questions whether the Alterations would meet their main stated purpose, which was to update the Structure Plan to 2016.

9.1.4 The draft Structure Plan proposals indicated a district housing requirement of 390 dwellings per annum between 2001 and 2016. For the period 2001-2011, this is higher than the requirement in the adopted Structure Plan. The HBF, amongst others, considers the Plan should take these proposed figure into account and the Structure Plan requirement for the period April 1991 – 2011 should be increased from 5600 to 6700 dwellings. They suggest this figure should also be capable of being increased should further strategic growth be identified in the new RPG14.

9.1.5 However the Council rightly points out that such an approach would be contrary to guidance in paragraph 6.4 of PPG12. This specifies that local plans should only take on board proposals in a draft structure plan where the proposals are in line with national and regional planning guidance and where the main targets in the structure plan proposals for the area of the local plan concerned are not subject to significant objections. There were significant objections to the proposed development strategy in the Draft Structure Plan and the fact it has now been put on hold means there is even more uncertainty surrounding the figures.

9.1.6 I do not doubt the developers are correct in saying there is likely to be significant development pressure in the region. The GOEast letter notes that the East of England has been one of the fastest growing regions in recent years. Furthermore, the available demographic projections point to significant demographic pressures beyond the level catered for in RPG. However, they specifically emphasise the current uncertainty about what overall level of housing provision in the region will be required in RPG14.

9.1.7 The Government’s plan led system takes a hierarchical approach to housing numbers, which should cascade from the regional level, down to the county level, and then to the district level. The planning reform proposals still envisage a hierarchical system but with the county level omitted. Furthermore, under the plan, monitor and manage approach advocated in PPG3, plans should be reviewed and rolled forward at least every five years. Therefore, a review of the Plan will provide the opportunity to take account of the figures in RPG14, which will be more reliable and accurate than speculative untested assumptions. Such an approach also ensures the Government’s hierarchical...
The planning system is not undermined, as would be the case with any other course of action. I also firmly believe that awaiting RPG14 and then undertaking an early review of the Plan will best serve the interests of the development industry.

9.1.8 The guidance in paragraph 6.8 of PPG12 is also relevant. This states the duration of a local plan should be for a period of 10 years from the plan’s forecast adoption date. The very earliest this Plan could be adopted is late 2004. Therefore, it will only endure for a maximum of seven years. However, this advice should be read in the context of the remainder of paragraph 6.8 which states that where possible, local plans should be prepared to the same period covered by structure plans. The Plan has followed this advice and covers the same period as the adopted Structure Plan. Because of the uncertainties surrounding the housing figures at the strategic level, I also feel it would be wholly wrong for this Plan to attempt to endure for 10 years from adoption. Instead, as I conclude above, when RPG14 becomes available there should be an early review.

9.1.9 Some Objectors have suggested that proposed reforms to the planning system could delay a review of the Plan and that there should be contingency provision for this reason. However, the proposals for reforming the planning system aim to deliver shorter, better focused plans at the local level which can be adopted and revised more quickly. Taking account of these aims, and the draft guidance currently being issued by the Government, there should not be an expectation that reforms to the planning system will cause delays in future plan publication.

9.1.10 For the above reasons, I conclude on the first issue that the housing requirement in the District should be based on the figures in the adopted Structure Plan and that it is therefore appropriate for the Plan to provide for 5,600 additional dwellings between 1991-2011 (6009 units allowing for demolitions). I disagree with any assertion that the adopted Structure Plan figures need to be proven, since the Structure Plan and the figures therein, as now adopted, have passed through the necessary statutory procedures. In accordance with PPG12, a local plan must be in general conformity with the Structure Plan and the Plan satisfies that requirement.

Does the Plan overestimate the potential supply of housing land from outstanding planning permissions, windfall sites, sites identified in the Urban Capacity Study and at the Hatfield Aerodrome site?

Outstanding planning permissions

9.1.11 Some Objectors contend it is unrealistic to expect, as the Council does in its calculations of the housing supply, that all the sites with outstanding planning permission (OPPs) will be implemented within the Plan period (1352 dwellings at April 2002). They suggest the Council’s figure should be discounted by 10-15%. It is asserted such discounts are common practice and supported by research undertaken by planning consultants Roger Tym on behalf of the Government.

9.1.12 In response, the Council has provided an analysis from 1991-2001 of lapsed permissions as a percentage of consents and as a percentage of units. An average of 5.35% of consents lapsed over the ten year period. However, the average number of units from lapsed consents as a percentage of units from extant consents was an average of 0.97%. Therefore, the Council considers local trends indicate there is no justification for any discounting above 1%.

9.1.13 I do not doubt the Council is correct in saying this low figure is as a result of most lapsed consents being for one or two units, and permissions for larger numbers of units are brought forward more consistently. However, I have some sympathy with concerns of the Objectors that lapsed permissions, as an indicator, do not provide a picture of actual implementation levels. It may be that lapsed permissions are regularly renewed but are never actually built out. At the RTS, the Council stated lapsed permissions means expired consents that are not renewed. Based on that definition, the analysis only confirms a very low number of OPPs which do lapse are not renewed.

9.1.14 I find greater confidence in the Council’s position from an analysis of the changes in

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68 Appendix 4 of the Council’s Housing Core Proof.
the level of OPPs. As the HBF point out, the figure for this element of the housing supply was 95 units in the 1st Deposit Plan. In the 2nd Deposit Plan it had risen to 970 units, while in the Council’s Housing Core Proof, which updated the figures to April 2002, it had risen again to 1352 units. The HBF expressed concern at such a high figure.

9.1.15 At the RTS, the Council provided further updated figures. As at April 2003, there were 539 outstanding planning permissions not yet started and 885 dwellings under construction. The drop in OPPs was mainly due to the start of the Hatfield Aerodrome site and one or two other large sites. These recent figures indicate significant progress is being made on the implementation of OPPs. It also gives some credibility to the Council’s suggestion that permissions for larger number of units are often implemented. Therefore, on the basis of local evidence, a 10-15% discount is not justified.

9.1.16 In support of their calls for a discount, the HBF note that paragraph 9.21 and Policy H2 of the Plan make it clear that applications to renew permissions which do not meet the policy requirements will not be granted. Given this fact they suggest it cannot be assumed that if OPPs expired, permission for renewal would be forthcoming. However, the changing numbers of OPPs highlighted above indicates the majority were permitted post PPG3 (2000). Therefore I fail to see why if these permissions did lapse within the Plan period, renewal would not be forthcoming, particularly as the policy framework is unlikely to have changed significantly since permission was initially granted.

9.1.17 Irrespective of the arguments outlined above, of greater importance is that I find there is no support in national planning guidance to make such discounts for non implementation. Under the plan, monitor and manage approach advocated in PPG3, local planning authorities should seek to identify sufficient land to meet housing requirements, after making an allowance for windfalls. There is then a requirement to monitor the delivery of sites and to review and roll forward the Plan at least every five years. Consequently, under the plan, monitor and manage approach, if implementation expectations are found to be over optimistic, this will be picked up by regular monitoring and dealt with through timely reviews. Discounts or “flexibility allowances” should not be applied at this stage. Again, I consider this approach best serves the interests of the house building industry because it will prove to be more accurate than the application of what would inevitably be arbitrary discounting.

9.1.18 I am unaware of the precise circumstances in which other local plans have adopted discounts but I suspect these are situations which predate PPG3 (2000). As to the Roger Tym study, the authority of this research is now questionable. Unlike the previous 1992 version, PPG3 (2000) no longer refers to it. The research is well over 10 years old and it does not take account of the new plan, monitor and manage approach.

9.1.19 I do not therefore consider the potential supply of housing land from outstanding planning permissions has been overestimated in the Plan.

Windfall sites

9.1.20 The Council’s approach in estimating the windfall element has been to look at past trends over the period 1/04/91 to 31/3/02. The Council has been conscious of the possibility of double counting because it has allocated sites which may have otherwise come forward as large windfalls. Therefore, large windfall sites (10 or more units) have been deducted from the overall windfall figure for that period. This results in a figure of 23.09 units per annum, roughly a third of the annual average of 79.5 units. They have then rounded this figure up to an estimated 25 units per annum, which provides a total windfall estimate of 225 units for the remaining Plan period. I have considered whether that annual figure is appropriate for the period up to 2011, having regard to past trends and the identification of most large sites in the UCS.

9.1.21 Despite the Council’s efforts, I find there is still a small element of double counting between the windfall estimate and the proposed allocations because the allocations include some sites which are below 10 units (Sites HS13b, HS20 and HS26). Like the larger sites, which the Council excluded from the estimates, these sites would otherwise have come forward as small windfalls and I

69 Appendix 3 of the Council’s Housing Core Proof.
consider these small sites should be deleted as allocations rather than adjusting the windfall estimate. I have recommended in the next section of my Report that site HS14 also be deleted on this basis, because I consider its estimated capacity should be reduced to 7 dwellings.

9.1.22 After the RTS, the Council provided further information on how many sites in Appendix 3 had been greenfield sites, although the information only related to large sites. In accordance with paragraph 36 of PPG 3, no allowance should be made for greenfield windfalls. In my view, the contribution from large greenfield windfalls has not been significant and excluding them reduces the 23.09 figure to approximately 21. I am aware that this excludes greenfield windfalls on small sites but I do not see that the proportion would be any more significant than that for large sites. While deducting the greenfield element indicates the Council’s windfall estimate of 25 per annum should be marginally reduced, this has to be balanced against the following other factors which I consider considerably outweigh this.

9.1.23 Firstly, greenfield windfalls could come forward as an exception to the normal “previously developed land first” policy approach on the basis that their development is considered to be more sustainable than other identified sites. This is borne out by the Councils 2000–2002 breakdown of greenfield windfalls which demonstrate that despite the advice of PPG3 (2000) being in place, 48 units still came forward from a greenfield windfall site. Nevertheless, making an initial allowance for greenfield windfalls is firmly contrary to the policy approach advocated in PPG3. In any event, I expect the majority of windfalls in this District will derive from previously developed land, particularly in view of the constraints imposed by the Green Belt.

9.1.24 Secondly, the Urban Capacity Study is essentially a “snap-shot”. As there will be a continuous natural turnover of land uses, the Council is correct in suggesting that not all large windfall sites would have been identified through the study. Other large windfall sites may continue to come forward in the urban areas of the District. This is supported by the evidence in 2002 that 59 units came forward from sites that were not identified in the Urban Capacity Study. Furthermore, the Urban Capacity Study excluded the consideration of identified Employment Areas. This is because the Council is of the view that beyond the allocation of sites HS10 and HS19, the further release of land within the Employment Areas for other uses must be resisted if an adequate level of employment land is to be retained to meet business needs.

9.1.25 It is stated in national guidance that local planning authorities should review all their non-housing allocations when reviewing their development plan and consider whether some of this land might be better used for housing or mixed use developments. This guidance was recently reiterated in the statement made by the Minister of State for Housing and Planning in July 2003. I have also recommended in Chapter 12 of my Report that some employment land should be used to maximise the opportunity for the development of a mixed use scheme, including housing, east of Welwyn Garden City railway station.

9.1.26 Furthermore, although a thorough assessment of designated Employment Areas did not factor in the Council’s Urban Capacity Study because they consider they should be protected for the reason expressed above, the Plan still enables limited housing development in certain circumstances. Policy EMP14 provides for mixed use “live-work” schemes on existing employment sites and sites which abut both residential and designated Employment Areas. This will presumably include sites such as HS10 and HS19 located on the periphery of designated Employment Areas. Therefore, despite the Council’s protectionist standpoint, Employment Areas will be a limited source of potential windfall sites.

9.1.27 I therefore consider the Council’s reduction to approximately a third of the total windfall figure trend to be an underestimate rather than an over-estimate. Even so, I do not propose to increase the Council’s cautious estimate of 25 units per annum because it is a figure that appears both realistic and readily achievable. I also consider that there would be little to be gained from assuming a more ambitious windfall estimate, because that would create less certainty in ensuring the total housing requirement is met through identified Plan led sites.

70 Paragraph 42 of PPG 3
For the above reasons, subject to the deletion of the allocated sites with an estimated capacity of less than 10 dwellings (HS13b, HS14, HS20, HS26), I do not consider the supply of housing land from windfall sites has been overestimated in the Plan.

The methodology of the Urban Capacity Study

The Council’s Urban Capacity Study (UCS) was undertaken by a joint team of Planning Officers from the Council and Planning Consultants Llewellyn-Davies. It was published in August 1999. Therefore it predates the Government’s good practice guide on undertaking Urban Capacity Studies (“Tapping the Potential” referred to below as TTP).71

The HBF consider the methodology of the Council’s study falls short of the Government’s expectation for UCSs in a number of respects. Firstly, they suggest the study includes sources of potential capacity which do not accord with the Government’s definition of previously developed land, namely former allotments. It has been clarified that this criticism only applies to site HS31.

The HBF are correct in their analysis that site HS31 is not previously developed land according to the definition provided in Annex C of PPG3. This is verified by the Council’s Sustainability Appraisal of Allocated Housing Sites72 which records the site as being greenfield. Nevertheless, the site is a former allotment site which has been vacant and unused for a number of years. Therefore, it can be classified as “white land” or “Vacant land not previously developed” as defined on page 16 of TTP. This states such land should be recognised as a potential resource, certainly in the initial stages of a capacity study. Consequently, it is certainly not incorrect to include the site in the capacity study and I note that a planning application for housing on the site was being considered by the Council at the time of the Inquiry.

The HBF consider the most fundamental flaw of the study is a lack of consultation with the development industry. As they emphasise, TTP (page 7) advocates working in partnership with other participants in the development process. The Council’s study was not based on a partnership approach from the outset. However, the Council could be forgiven for not following this guidance to the letter because it was not available to them when the study was undertaken.

Nevertheless, I consider the crucial point at which the development industry should be involved is at the discounting stage. The development industry can provide invaluable information on why sites or buildings identified in the earlier stages as being suitable may not in practice be able to come forward. I note that they were consulted at the pre-deposit stage of the Plan on the Key Issues Papers (which included the Housing Paper, the UCS and a list of 44 housing sites) and wider consultation at the Issues Papers stage. As a result of this consultation and representations made on the sites, approximately a third of the 44 sites were omitted from being allocated in the Deposit Plan. I therefore consider that the developers, landowners and the HBF were adequately consulted in the discounting process.

In considering the potential capacity of sites, the HBF suggest there has not been any proper analysis of the financial viability of development involving the house building industry. However, although no analysis was undertaken by the house building industry, detailed financial appraisals were undertaken by consultants (Urban Investment Development Consultancy) for a cross section of sites. I expect their assessments to be equally as robust as ones undertaken by housebuilders.

The HBF refer to their publication ‘Realising Capacity’, produced in response to TTP. This suggests that in formulating a study it is necessary to ensure that four key points are addressed. I agree with the Council that beside the point that all parties are involved in agreeing a clear methodology, the Council’s study reflects the other points made. Namely that there is a clear distinction between theoretical and discounted capacity, that the availability, marketability and derivability of sites should be tested, and definite and quantifiable sources of supply are identified that can be delivered within the Plan period.

71 Core Document CD/Hsg/70
72 Appendix 5 of the Council’s Housing Core Proof.
9.1.36 The HBF also suggest the study is not readily understandable, transparent, and rigorous as TTP recommends it should be. They contend that there is no explanation of what factors were taken into account, or how and why each site was categorised. However, Step 3 in Appendix A of the Study (Study Method) sets out the grounds on which those sites that did not make it to the shortlist of 44 (406 in total), were excluded. Appendix B of the study provides information on the assumptions made about site size, density and development form of those sites on the shortlist and which are now allocations in the Plan. I do not therefore agree with the Objector’s criticism of this aspect of the UCS.

9.1.37 Information on potential site constraints, which is what the HBF appear to be most concerned about, did not appear to have been detailed in the study, but the Council has subsequently provided an up to date statement on each site. This has enabled the HBF and others to appreciate the assumptions made about these constraints and to comment on them according. I have considered site specific objections to the sites in paragraph 9.2 of my Report below.

9.1.38 Lastly, the HBF suggest that given TTP has been available for some time, the UCS should have been updated in light of this, in line with current best practice. TTP states that UCSs should be undertaken or reviewed at least as frequently as plans are prepared and rolled forward. As plans should be reviewed at least every five years, and the UCS is approaching five years old, the HBF are suggesting it should have been updated by now. I would expect a new or reviewed UCS to be undertaken when the Plan is next reviewed, or replaced, but as alterations to the current Plan were adopted in 1998, and the UCS was completed in 1999, I consider it forms a suitably robust assessment for this Plan.

9.1.39 English Partnerships contend there is no support in national guidance for including occupied employment sites currently in gainful use. However it is plain from paragraph 42 of PPG 3 that where it is no longer required, employment land is seen as an important source of housing supply. The Council has included employment sites which they consider to be suitable and which they knew from discussions with the businesses concerned would become vacant during the plan period. This is an eminently sensible approach to take.

9.1.40 In conclusion, I do not agree with the HBF that the Urban Capacity Study is fundamentally flawed. In my opinion, even if it had been able to follow the guidance in TTP, and partnership working was firmly embedded in its development, I expect some of the same issues I have had to deal with now would still have arisen. Unfortunately, partnership working does not guarantee agreement between the partners. Where particular judgements are necessary, as is the case in making an assessment of realisable urban capacity, there is the likelihood of disagreement on certain points.

Deliverability of the Urban Capacity Study sites

9.1.41 The HBF contend the identified site component of housing supply will not deliver the anticipated number of dwellings by the end of the Plan period. They draw attention to a number of allocations that still contain viable existing uses. They emphasise these will require the termination of leases and in some instance the relocation of tenants. They draw attention to other sites which have specific problems. They contend that there is no guarantee these sites will come forward in their entirety by the end of the Plan period.

9.1.42 The HBF state the sites they refer to amount to 701 units. In their own housing land supply estimate however, they suggest an implementation rate of two thirds should be assumed for the allocated urban capacity sites, (822 units rather than the Council’s 1232 units, a difference of 410). English Partnerships examination of the allocations similarly suggest that 408 dwellings are on sites considered to be constrained for similar reasons to those raised by the HBF. They suggest that although the owners of these sites support the allocations, there can be no guarantee that all of the capacity will be developed during the Plan period. Allowances need to be made for possible under performance.

9.1.43 However, firstly the Council has already discounted unsuitable sites through the Urban Capacity Study process and in drawing up the Plan. Secondly, as the Council emphasises, there is no requirement in PPG3 for sites to be genuinely available at the present time. The key test, which is referred to in paragraph 34 of PPG3, is that there should not be unreal expectations of the developability.

73 Appendix 1 of the Council’s Housing Core Proof
of particular sites within the Plan period.

9.1.44 In a rebuttal statement the Council has made supplementary comments about each of the sites that are put forward by the Objectors as being constrained. Having regard to that and my consideration of the site specific objections in paragraph 9.2 below, I consider that the evidence indicates the allocated UCS sites are realistic propositions. Since there are eight years of the Plan period remaining, there is plenty of time for the sites to come forward and bearing in mind the land values associated with residential development, there is the incentive for them doing so.

9.1.45 After making an allowance for windfalls and then allocating sufficient realistically developable sites to meet the housing requirement, there is no support in national guidance to make further allowances or discounts for potential non-implementation. If the plan, monitor and manage approach indicates that the rate of implementation is over-optimistic, corrective action should be taken at the next review of the Plan. As I have previously stated, I consider this approach best serves the interests of the house building industry rather than the application of what would inevitably be arbitrary allowances or discounting.

9.1.46 Friends of the Earth suggest that each UCS site needs re-appraising on capacity grounds with a view to finding the optimum level of development each site could support. However the Council’s estimates of potential capacity from the UCS sites was based on a design led approach, which as TTP states, is the most effective of all the yield assessment methodologies for most capacity sources. With regards to site densities, the average density assumed in the UCS was 40 dwellings per hectare (dph). That accords with the advice in paragraph 58 of PPG 3 that local planning authorities should avoid developments which make inefficient use of land (those less than 30 dwellings per hectare).

9.1.47 I have considered other objections to the UCS sites allocated in Policy H1 in the next part of my Report, but my recommendations mainly reflect the fact that some sites have now been developed. In conclusion, I consider the Council has undertaken a realistic assessment of the deliverability of the UCS sites.

Hatfield Aerodrome (Site HS1)

9.1.48 In the Council’s calculation of the housing supply it is expected that 1700 dwellings will come forward from this site, all within the Plan period. Marshmoor Consortium and English Partnerships emphasised this means that a very large proportion (nearly 50%) of the residual housing requirement is reliant upon this single site and it is expected that it will maintain a completion rate of 189 dwellings per annum (dpa) for the remainder of the plan period. They suggest such a level of construction and sales could not be taken for granted and therefore this element of housing land supply is highly vulnerable. English Partnerships go on to suggest that a rate of only 175 dpa could be expected with 1575 of the 1700 units being completed during the plan period.

9.1.49 At the RTS the Council updated the figures for Hatfield Aerodrome site. At April 2003 there were 357 completed units on the site (330 in the previous 12 months), 362 under construction and 292 with detailed permission, resulting in 1,011 units being “in the pipeline”. That left 689 without detailed planning permission. They explained the reason for an initial slow start to house building was because the first twelve months of construction had concentrated upon on-site infrastructure. However, nearly all the necessary infrastructure was now in place and there was no reason why the remainder would not come forward.

9.1.50 At the RTS my attention was drawn to the current involvement of seven housebuilders and four Registered Social Landlords currently in the development of the Aerodrome site, the consequence of which is a consistently high build rate. Another criticism of such a large site was that it reduced choice for purchasers. However, I would expect a mix in the size and type of dwellings provided on the site, and with the different developers producing their own particular styles, there should be plenty of choice for a range of prospective purchasers. A choice in location will be provided by the sites which make up the remainder of the housing supply. The pressure for housing in the region, which is used by the developers as a reason for increasing the overall housing requirement, is indicative of a strong demand and buoyant sales.
9.1.51 I therefore consider it to be realistic to expect all the 1700 units to be completed on the Hatfield Aerodrome site in the Plan period.

9.1.52 For the above reasons, I conclude on the second issue that, subject to the deletion of sites HS13b, HS14, HS20, HS26, the Plan has not over-estimated the potential supply of housing land for outstanding planning permissions, windfall sites, sites identified in the Urban Capacity Study and at the Hatfield Aerodrome site.

Does the Plan identify sufficient land in appropriate and sustainable locations to meet housing requirements over the Plan period?

9.1.53 Both English Partnerships and the HBF highlight that the completion rate necessary to meet the total housing requirement to 2011 is considerably higher than the average completion rate over the period 1991-2002 (229 units pa)\textsuperscript{74}. They emphasise that over the last five years the average rate of completions was 132 dpa and the number of completions for 2001-2002 was only 110 dwellings, a record low for the 11 year period.

9.1.54 However, as the Council point out, there are good reasons why the completion rate dropped in the 1997-2001 period. At the start of the last Plan period (early in the 1990s) the number of units not started, under construction and completed were all high in relation to the latter part of the Plan period. One reason for this was that there were large sites coming forward. The Alterations to the Plan adopted in 1998 had a lower net annual dwelling requirement than the 1993 Plan. As a large number of units had been completed in the earlier years of the Plan period, the number of completions dropped at the end of the plan period i.e. 1997 – 2001. While the completions for 2001-2002 were a record low for the 11 year period, the number of units under construction and not yet started were also a record high. This reflects the number of units granted permission on new large sites, where work has only just begun on site, and few units have been completed.

9.1.55 The evidence of the first six years of the 1993 Plan period (1991-1997) and the figures for completions now coming forward on the Aerodrome site, show that the District can deliver annual completions at 350 – 400 and more if the land supply is available. (Completions of 373 were achieved in 1991-1992 and 489 in 1994-1995). I therefore consider there can be a firm expectation that the completions figure will rise again to a level that will enable the total housing requirement to be met within the Plan period.

9.1.56 Several Objectors have made the point that the distribution of the allocated sites in Policy H1 fails to have proper regard to sustainable locations throughout the District. They rightly point out that only four sites are proposed outside Welwyn Garden City and Hatfield (HS8, HS12, HS24, HS27) and I note that at least two of those sites have now been developed. Objectors consider that the other settlements specified in Policy GBSP2 of the Plan are sustainable locations for housing, which would help support local communities. The lack of housing choice, including affordable housing, for those who choose to live in the specified settlements is also referred to by Objectors.

9.1.57 The Plan’s settlement pattern is founded on the two main towns in the District, Welwyn Garden City and Hatfield, and the eight settlements specified in Policy GBSP2. Policy GBSP2 states that development will mainly be concentrated in the town towns and limited in the specified settlements to that which is compatible with the maintenance and enhancement of their character and the maintenance of their Green Belt boundaries. Policy GBSP2 does not therefore support the accommodation of any significant new housing land outside of Welwyn Garden City and Hatfield. I have considered other objections to Policy GBSP2 in Chapter 4 of my Report and have found it to be consistent with Government policy, particularly having regard to the constraint imposed in this District by the Green Belt.

9.1.58 I accept that it is also the Government’s policy to provide a wider opportunity and choice and a better mix in the size, type and location of housing than is currently available.\textsuperscript{75} However

\textsuperscript{74} Appendix 2 of the Council’s Housing Core Proof.

\textsuperscript{75} paragraph 2 of PPG 3 (Document CD/NP/25)
Government guidance also recognises that only a limited amount of housing can be expected to be accommodated in expanded villages. That guidance also states that villages will only be suitable locations for accommodating significant additional housing where local services could become unviable without some modest growth or additional houses are needed to meet local needs. In this case no compelling evidence has been produced to indicate that local services and facilities in any of the settlements specified in Policy GBSP2 are at risk of becoming unviable because of the lack of sufficient demand to sustain them. I accept that the provision of affordable housing within the specified settlement outside Welwyn Garden City and Hatfield is likely to be a problem because of the lack of identified sites above the threshold for such housing. However Policy RA16 of the Plan provides for small-scale affordable housing schemes on rural exception sites outside the specified settlements, where it will meet an identified local need. I return to this matter in part 9.7 of this Chapter of my Report.

9.1.59 Furthermore, paragraph 30 of PPG 3 states that local planning authorities should not extend the search for housing land further than required to provide sufficient capacity to meet the agreed housing requirement. Since that capacity in the District can be achieved primarily from the re-use of previously developed land and buildings within the urban areas, in accordance with the Plan’s settlement pattern, there is no need for the search sequence to extend further.

9.1.60 Several housing omission sites on the edges of the specified settlements have been proposed by Objectors. My conclusions from this part of my Report indicate that there is no case for the release of those sites in order to meet the Plan’s housing requirements. However, since the objections all involve the release of land currently in the Green Belt, I have considered them in Chapter 4 of my Report.

9.1.61 My attention has been drawn to an approach taken by an Inspector reporting on the Aylesbury Vale Local Plan, which sought to distribute new housing around settlements in that district according to size and the sustainability of their location. That approach may have been appropriate for Aylesbury Vale, but I consider that it could only be properly considered in this case through an Urban Capacity Study as part of a future review of the Plan. For the reasons I have given above there is no justification in this version of the Plan to incorporate the approach, or for the apportionment of housing supply between the urban and rural areas of the District as suggested by Landmatch Limited in their objections.

9.1.62 Although the Council’s general approach to the identification of housing land reflects paragraph 30 of PPG 3, I am concerned that there are other sites in sustainable locations in Welwyn Garden City and Hatfield which have not been specifically identified in the Plan as contributing towards the supply of housing land. In particular, the Council’s evidence has referred to the potential for mixed use sites to generate housing at:

- Hatfield Aerodrome District Centre (likely to be significantly more than 50 dwellings);
- Hatfield Town Centre East and the Forum (a net increase of 190 dwellings); and
- Campus East Site in Welwyn Garden City (a significant number of dwellings—possibly 150-200).

The Council’s evidence is that there is a very real expectation that these sites will come forward before 2011 and they could therefore produce at least 400 dwellings during the Plan period. Indeed, at the time of the Inquiry, two of the sites were already with preferred developers approaching detailed planning application stage. I have also recommended in Chapter 12 of my Report that a fourth mixed use site, which would include an element of housing, be allocated east of the railway line in Welwyn Garden City.

9.1.63 The above sites appear to readily satisfy the criteria of paragraph 31 of PPG 3, particularly in terms of their suitability as sustainable housing locations, which are accessible to jobs, shops and services by modes of transport other than the car. The sites have the potential capacity to generate dwelling numbers considerably in excess of that envisaged as being produced from windfall sites and would make a significant contribution to the Plan’s housing requirements. The sites appear to be sequentially preferable to the greenfield sites which are allocated in Policy H1 (HS11, HS27, HS29,

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76 paragraph 69 of PPG 3
HS30 and HS31), although I appreciate that some of those sites are already committed or have been developed for housing.

9.1.64 I therefore consider the Plan should identify the above mixed use sites as housing allocations which will contribute to the strategic housing requirement during the Plan period. That would also be consistent with the existing allocation of site HS23 in Policy H1 as a mixed use site which has an element of housing.

9.1.65 Clearly, having regard to my foregoing conclusions, the addition of the housing element of the mixed use sites would result in a significant over-provision of dwellings since the sites already allocated in Policy H1 of the Plan are sufficient in quantitative terms to meet the requirements of the Structure Plan. Paragraph 30 of PPG 3 states that local planning authorities should seek only to identify sufficient land to meet the housing requirements set as a result of the RPG and strategic planning process, which for the reasons I have already given amounts to 5,600 dwellings by 2011.

9.1.66 I therefore consider that the Council should re-assess the sites allocated in Policy H1, both to update the situation on each site (see my recommendations in the next part of my Report) and with a view to deleting sites so that there is not a significant over-provision of dwellings. Since the development progress of many of the allocated sites was changing during the Inquiry and the preparation of my Report, I do not intend making recommendations on which sites should be deleted, other than those sites already referred to in the second issue above. However, it seems to me that the allocation of the uncommitted greenfield sites (HS29 and HS30) should form part of the re-assessment of Policy H1.

9.1.67 On a more general point relating to Policy H1, Mr Lloyd has objected to the proposed increase in housing and refers to some of the allocated sites, which he considers will lead to intolerable congestion and pollution. He would like to see some of the permitted housing be co-operative development. However, the Plan is required to accommodate the housing requirements as explained above and has sought to do so in the most sustainable way, which should minimise congestion and pollution. Policy H7 of the Plan expects all proposals for residential development on sites of 1ha (or 25 units) or more, to include the provision of affordable housing (for rent or shared ownership). I do not therefore consider the Plan requires any modifications in response to this objection.

9.1.68 In conclusion on the third issue, I consider that although the Plan identifies sufficient land to meet the housing requirements over the Plan period, the omission of the housing element likely to be generated by mixed use schemes during the Plan period, will result in a significant over-provision of dwellings against those requirements. I consider that the mixed use schemes should be firm housing allocations in the Plan because of their sustainable locations, which indicates that sites in less sustainable locations presently allocated in Policy H1, in particular Sites HS29 and HS30, should be deleted.

Should the Plan reserve identified sites to meet any need for further strategic growth?

9.1.69 Since my conclusions on the above issues indicate that the Plan makes sufficient provision to meet the total housing requirement within the Plan period, I conclude that there is no need at the present time to reserve sites to either meet any need for further strategic growth, or to act as a contingency against the sources of supply not coming forward as anticipated within the Plan period. A review of the Plan (or its replacement with a ‘new style’ plan) is the appropriate mechanism through which to identify any further allocations, should they be found to be necessary.

9.1.70 An Area of Special Restraint (ASR) has been retained by Policy GBSP3 of the Plan in order to maintain the permanence of the Green Belt and will be safeguarded for the development needs of the area beyond the Plan period. The site has been identified to satisfy the guidance in PPG2 regarding the permanence of the Green Belt and is not specifically allocated as a reserve housing site. Since I am satisfied that the development needs of the District for housing land up to 2011 can be accommodated on the sites identified within the Plan, there is no need for the release of any safeguarded land at the present time.

9.1.71 I have considered specific objections to the designated ASR under Policy GBSP3 in
Chapter 4 of my Report. In accordance with PPG2, paragraph B6, a review of the Plan provides the appropriate release mechanism for safeguarded land, should it be found to be necessary. At the next review of this Plan, RPG14 may indicate a need to amend the Green Belt boundaries and the provision of safeguarded land. However, any re-assessment or alterations at this stage would pre-empt and potentially undermine the outcome of work on the strategic planning framework currently being undertaken.

**Does the Plan adequately provide for the managed release of housing land over the Plan period in accordance with advice in PPG3 on the phasing of housing land?**

9.1.72 Paragraph 33 of PPG3 states that local planning authorities should manage the release of sites over the Plan period in order to control the pattern and speed of urban growth, ensure that the new infrastructure is co-ordinated with the new housing development and deliver the local authority’s recycling target. Paragraph 34 warns that planning authorities should not seek to prioritise development sites in an arbitrary manner. This point was reiterated in the Minister’s statement in July 2003. The good practice guide “Planning to Deliver” states on page 7 the aim should be to deliver in sustainable locations sufficient housing completions to meet housing requirements.

9.1.73 The sites allocated for housing in Policy H1 of the 1st deposit draft of Plan were put into two phases. The first group included sites that had few constraints and could be developed during the first half of the Plan period. The second group included those with immediate constraints on them coming forward and so would be more likely to be developed in the second half of the Plan period. This phasing was deleted at the Plan’s 2nd deposit stage because it was considered to be an arbitrary division, contrary to paragraph 34 of PPG3 mentioned above. It was thought that any constraints which exist on sites would result in natural phasing throughout the Plan period. I agree with this analysis. It also has to be remembered that, apart from Sites HS29 and HS30, the uncommitted allocations in Policy H1 are principally made up of previously developed land in urban areas. Therefore, there is not the usual expectation, as in PPG3, that holding their release back will enable more sustainable windfall sites to come forward.

9.1.74 The only real fear is that if left unchecked, the cautious estimate for windfall development could result in a significant oversupply. Such development needs to be co-ordinated with necessary infrastructure improvements to ensure it is sustainable. Therefore, rather than the allocations, it is the potential windfall development which needs careful management during the plan period. The Council has appreciated this problem and at the Plan’s 2nd deposit stage amended Policy H2 to control windfall sites of over 10 units or 0.25ha. In light of this, I conclude the Plan is consistent with PPG3 in terms of managing the release of sites over the Plan period.

9.1.75 With regard to monitoring, page 10 of “Planning to Deliver” states that whatever the approach chosen to manage the release of sites, annual monitoring must be a central feature. The managed release of sites will only be workable with consistent and up to date information on site development collected through annual monitoring. Paragraph 8.12 of the Plan, which supports Policy IM3, states that monitoring will be carried out regularly, following available best practice guidance. Furthermore, annual monitoring reports will be published. The Council has therefore made a commitment to undertake appropriate monitoring. Whether this monitoring proves to be adequate is something that can only really be judged retrospectively.

9.1.76 As noted above, due to the previously developed nature of the allocations, phasing is not a tool which is required to ensure the housing requirements are being met in line with the sequential approach set out in PPG3. Consequently, it is not the usual case that annual monitoring will inform whether there is a need to re-assign sites between different phases. Rather, monitoring will inform whether there is a need to review the Plan. There will be a need for an early review in any event to take account of the new housing requirement figures in RPG14.

9.1.77 I therefore conclude on the last issue concerning this part of my Report that the Plan
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does adequately provide for the managed release of housing land over the Plan period in accordance with advice in PPG 3 on the phasing of housing land.

RECOMMENDATIONS

I recommend that the Plan be modified as follows:

a) delete sites HS13b, HS14, HS20 and HS26 from the list of housing sites allocated in Policy H1;

b) add the following sites and their estimated dwelling capacity to the list of housing sites in Policy H1

- Hatfield Town Centre East and the Forum (190 dwellings)
- Hatfield Aerodrome District Centre (50 dwellings plus)
- Campus East Welwyn Garden City (150-200 dwellings)
- Land east of the railway line Welwyn Garden City (if my recommendation in Chapter 12 is accepted – number of dwellings to be estimated);

c) The list of remaining sites allocated in Policy H1 be re-assessed with a view to deleting sites which are in less sustainable locations than those referred to in b) above (in particular Sites HS29 and HS30) and to ensure that the total supply of housing land in the District between 1991 and 2011 does not significantly exceed 5,600 dwellings;

d) The Proposals Maps be amended accordingly as required by the above recommendations.

No objections have been received relating to the minor amendment, proposed by the Council’s Pre-Inquiry Change PIC/022/HOU, to the heading of the last column of the table in Policy H1 from “estimated” to “estimated no. of units”. Therefore I also recommend that the Plan be modified accordingly.

9.2 NEW HOUSING DEVELOPMENT (Policy H1 – Site Specific Objections)

Inspector's Reasoning and Conclusions

9.2.1 In this part of my Report, I have listed the objection references, the issues and my consideration of the objections under the reference number of each housing site. My recommendations on the sites allocated in Policy H1 appear at the end of this part of the Report. Objections concerning the omission of sites from Policy H1 are considered in Chapter 4 of my Report.

Sites HS2, HS3 and HS4 – former Sir John Newsom School, Creswick School and Chequersfield Welwyn Garden City

D1/1228/HOU/001 Mr P Dixon
D1/1093/HOU/002 Three Valleys Water plc

Would the use of these sites for housing result in too much loss of green space and cause problems because there is a lack of shops and amenity space? Would the loss of playing fields/open space be contrary to PPG 17 and Policies OS1 and OS2 of the Plan?

9.2.2 Although Sites HS2, HS3 and HS4 are close together in one part of the town, they were all identified as potentially available for housing development by the Urban Capacity Study (UCS) undertaken in 1999. The UCS acknowledged that a number of sites comprise open land such as playing fields, but these sites are previously-developed land or land which is the subject of previous

78 except for Site HS1 which is dealt with in paragraph 9.1
commitments. The Council’s evidence indicates that Site HS2 now has planning permission for 310 flats and houses including 60 units of affordable housing, which is a total of 47 dwellings more than estimated in Policy H1. The development is currently under construction and includes a school to be relocated from Site HS3. Subject to that relocation and planning permission, the development of Site HS3 can proceed. Site HS4 is the subject of an outstanding planning application for residential development and is awaiting the resolution of land ownership problems by the signing of a Section 106 Agreement. The planning permission for Site HS2 provides for approximately 18% of the net site area to be open space.

9.2.3 I do not therefore consider the loss of playing fields or open space on these sites to be unacceptable or contrary to PPG17 or Policies OS1 and OS2 of the Plan. The sites are reasonably accessible to bus routes to the town centre and a local neighbourhood centre in Hollybush Lane. The sites will make an important contribution to the District’s housing requirement within the Plan period, including meeting part of the need for affordable housing, and there is no sound reason to delete Sites HS2, HS3 or HS4 from the Plan on the basis of the objections.

Site HS6 – Salisbury Road Depot/Garage Welwyn Garden City
D1/1093/HOU/002 Three Valleys Water plc

Would development of the site for housing result in an unacceptable increase in on-street parking, loss of storage space and loss of employment?

9.2.4 Planning permission was granted in 2001 for 6 elderly persons dwellings on this site, which are now completed and occupied. Consequently the site should be deleted from the list of allocated sites in Policy H1, but no action is otherwise required in response to this objection.

Site HS8 – Godfrey Davis Storage Site Welwyn
D1/1256/HOU/002 Mr Nigel Hutton (conditionally withdrawn)
D1/1433/HOU/001 Mr Eric Rusch

Is the site unsuitable for housing because of its location next to the A1(M) and would it fail to attract people to use modes of transport other than the private car? Would the development create a hazard to highway safety?

9.2.5 The site was identified in the UCS and comprised a centrally located area of previously-developed land within easy reach of the town centre and well suited therefore as a housing site. I saw on an unaccompanied visit to the area during the preparation of my Report that housing development was under construction on the site. Consequently the site should be deleted from the list of allocated sites in Policy H1, but no action is otherwise required in response to this objection.

Site HS9 – Former Wellfield Hospital Site Hatfield
D1/0946/HOU/006 Miss Mary Ashworth
D1/1092/HOU/002 Mrs R Cotgrove

Should the site be re-used as a hospital or for the accommodation of elderly people who need nursing care

9.2.6 The site was identified in the UCS and comprised a centrally located area of previously-developed land within easy reach of the town centre and well suited therefore as a housing site. I saw on an unaccompanied visit to the area during the preparation of my Report that housing development was under construction on the site. Consequently the site should be deleted from the list of allocated sites in Policy H1 and in that context there is no need to otherwise respond to these objections.
Site HS11 – Playing field off Black Fan Road Welwyn Garden City

D1/1309/HOU/003 Mrs Phillippa Dodgson
D1/1574/HOU/003 Dr G S Dodgson
D1/1093/HOU/002 Three Valleys Water plc

Should the site be retained as a playing field for leisure purposes for young people or such a feature be incorporated into any residential development? Would the loss of playing field land/open space set a precedent and be contrary to PPG 17?

9.2.7 Planning permission was granted in 2001 for 75 dwellings on this site, including 22 units of affordable housing, all of which now appear to be completed and mostly occupied. Consequently the site should be deleted from the list of allocated sites in Policy H1 and in that context there is no need to otherwise respond to these objections.

Site HS12 - Godfrey Davis Garage Site Welwyn

D1/1433/HOU/002 Mr Eric Rusch

Would housing development on the site create an unacceptable hazard to highway safety? Should on-street parking restrictions be introduced and off-street parking on a nearby site be provided as part of the proposal?

9.2.8 The site was identified in the UCS and is occupied by a large motor vehicle sales and repair garage. The site is opposite allocated housing Site HS8, which has been completed. The current use of Site HS12 probably generates as much, if not more, traffic than would a housing scheme, but in any case the traffic implications of any such proposal would be assessed in detail by the Local Highway Authority at the time of a planning application. Similarly, proposed housing development would have to comply with standards relating to the provision of off-street parking. I do not therefore consider that there is any sound reason to delete Site HS12 from the Plan on the basis of the objection.

Sites HS13a and 13b – Land at The Commons/Howlands Welwyn Garden City

D1/1093/HOU/002 Three Valleys Water plc

Would housing result in unacceptable increased on-street parking and loss of storage space and would there be land assembly problems?

9.2.9 Planning permission was granted in 2001 for 12 bungalows on Site HS13a and the development now appears to have been completed and occupied. Consequently the site should be deleted from the list of allocated sites in Policy H1 and in that context there is no need to otherwise respond to this objection in respect of Site HS13a.

9.2.10 Site HS13b appears to remain available, but since it is owned by the Council and occupied by garages, the tenants of which will be relocated by the Council, no land assembly problems are likely. The Council intends developing the site for affordable housing which would be required to comply with parking standards. I do not therefore consider that there is any sound reason to delete Site HS13b from the Plan on the basis of the objection, but I have already recommended in the previous section of my Report that it be deleted as a small site with a capacity of less than 10 dwellings.

Site HS14 – Land off Hollybush Lane Welwyn Garden City

D1/1443/HOU/001 Hyde Association
D1/1576/HOU/001 Hyde Association (Carpet Bowls Section)
D1/1512/HOU/001 Hyde Association (Friday Night Social Section)
D1/1458/HOU/001 Welwyn Garden City Band
D2/1458/HOU/001 Welwyn Garden City Band
D1/1439/HOU/001 Mr J C Taylor
Should all or part of the site remain in community use?

9.2.11 The site was identified in the UCS and has been allocated in the Plan for an estimated 16 dwellings. The site is partly occupied by a single storey building, which I saw on my accompanied site visit to be well-used by local community groups for social functions and associated activities. The building also provides storage space for the Welwyn Garden City Band. The site also provides parking facilities for the community building, which adjoin an area of grass and the King George V Playing Fields. The site is owned by the Council, which has been progressing a scheme for 16 elderly persons housing, but although the lease has expired, the Council has given a commitment not to serve notice until 2005 pending the users of the site finding alternative accommodation.

9.2.12 It seems clear from the evidence produced by the Objectors that the existing building performs an important community function. The building appears to be in need of some maintenance, but not to the extent that it is unusable. Indeed, my visit confirmed that the interior of the building is in relatively good condition. I understand that the search for alternative accommodation has not been mutually productive. The Council has confirmed that, although a first floor community room at a proposed replacement pavilion on the King George V Playing Fields should become available before 2005, it will not be for the exclusive use of the Hyde Association and that it is unlikely that a single community building will be found to house all of the activities and organisations which are presently accommodated on Site HS14. It is therefore far from certain that, if lost, the community functions and facilities presently provided by the building could readily be replaced in one building elsewhere in this part of the town.

9.2.13 The site is not efficiently used at the moment and is clearly in a suitable location for residential use, which would make better use of previously-land for accessible housing in the urban area. That supports the Council’s intention to develop the site for 100% affordable bungalows for elderly people. However, the site was the subject of a design exercise in the UCS to show how existing on-site community facilities could be redeveloped and re-organised to improve the quality of the facilities and provide residential development. I appreciate that the exercise was only carried out, with others, to explore the potential of individual sites. Even so, no compelling evidence has been produced to demonstrate that the design is not appropriate in this case. Although the design exercise would generate only 7 dwellings rather than the 16 desired by the Council, in addition to a larger club/hall facility it also proposed the replacement of a hall, which has now been demolished. If that hall need not be replaced, additional land might be available on the site for residential use.

9.2.14 I therefore consider that further consideration should be given to the replacement of the existing community facilities on Site HS14 as part of any residential redevelopment. That might reduce the housing capacity of the site, but I consider that to be acceptable having regard to the community value of the existing use. However I note that the 1st Deposit draft of the Plan estimated that the site would generate 7 dwellings, which indicates that the site be deleted from Policy H1 as a small site with a capacity of less than 10 dwellings, to be consistent with my recommendations on such sites in the previous section of my Report.

Sites HS16 and HS17 – Garage and Depot and Sea Cadet Hut Lemsford Lane Welwyn Garden City

D1/1309/HOU/002  Mrs Phillippa Dodgson
D1/1574/HOU/002  Dr G S Dodgson
D1/1093/HOU/002  Three Valleys Water plc

Should the existing facilities on the sites be retained? Would their loss be contrary to PPG 17 and Policy CLT13 of the Plan? Would housing result in increased on-street parking and loss of storage space and would there be land assembly problems?

9.2.15 Both of these sites were identified in the UCS and the owners of the sites support the Plan’s allocation of them for residential use. The Council has also received support for the proposed use of Site HS16 as it would result in the loss of a non-conforming use within a residential area. The
Council has confirmed that it will need to be satisfied that adequate provision is made for the relocation of the existing use of Site HS17 before planning permission is granted for residential redevelopment. The replacement of existing community facilities elsewhere would be consistent with PPG 17 and Policy CLT13 of the Plan. I do not therefore consider that there is any sound reason to delete Sites HS16 and HS17 from the Plan on the basis of the objections.

Site HS18 – Oaklands Campus Lemsford Lane Welwyn Garden City
D1/1093/HOU/002 Three Valleys Water plc

The site was not dealt with in the Urban Capacity Study - would housing use result in the loss of open land for passive/active recreation or landscaping?

9.2.16 The site adjoins Site HS17 and is close to Site HS16, both identified in the UCS, and is located within the urban area. The site is vacant and the owners have relocated. There is no evidence that the site comprises any open land or areas of landscaping and I saw none on an unaccompanied site visit. I do not therefore consider that there is any sound reason to delete Site HS18 from the Plan on the basis of the objection.

Site HS19 – SKB (GSK) site Ridgeway Welwyn Garden City
D1/1093/HOU/002 Three Valleys Water plc

Would housing have a detrimental impact on the site’s parkland setting and would it result in the unacceptable loss of an important Class B1(b) use?

9.2.17 I saw on an unaccompanied site visit that Site HS19 comprises apparently unused industrial buildings which adjoin newly developed housing on site HS11 and a Safeway foodstore and car park. The site does not therefore have a parkland setting and the acceptability of any loss of the Class B1 use has been taken into account in its identification in the UCS. There is an area of woodland to the south, but that is outside the site allocated for housing. I do not therefore consider that there is any sound reason to delete Site HS19 from the Plan on the basis of the objection.

Site HS21 – Mount Pleasant Depot Hatfield
D1/1457/HOU/001 Dr H Brzeski
D1/1256/HOU/003 Mr Nigel Hutton

Should the site be retained as an industrial site? Is it inconsistent to allocate the site for residential use without similarly allocating all industrial and commercial land adjoining existing residential areas throughout the District? Would housing redevelopment of the site be acceptable in terms of its height and visibility, highway safety, noise and pollution because of its proximity to the railway line and a major road and the potential loss of trees?

9.2.18 The site was identified in the UCS and the proposed use has the support of the County Council as landowner. There is no evidence to support the retention of the existing uses of the site on employment grounds and although the site is occupied for a variety of County Council services, it is not allocated for employment use in the currently adopted Plan. The proposed allocation would make better use of a previously-developed urban site and contribute a significant number of dwellings to the District’s housing requirement.

9.2.19 Any planning application for housing development would be determined against the design criteria set out in Chapter 7 of the Plan and the Supplementary Design Guidance, which would ensure development would respect the topography of the site and the form and character of adjoining residential development. Vehicular access to the site would be a matter for detailed consideration at the planning application stage and would have to satisfy the Local Highway Authority, which would also
take into account any impact of the proposal on highway safety. However, it seems to me that residential development would be unlikely to have any more harmful traffic impact than the existing use of the site.

9.2.20 The estimated number of dwellings on the site takes into account the need to provide noise pollution buffers between any proposed housing and the adjoining railway line and major road, particularly at the northern end of the site. The trees referred to in the objection are mainly outside the area allocated for residential development, but in any case would be protected as appropriate by the relevant policies of the Plan.

9.2.21 I do not therefore consider that there is any sound reason to delete Site HS21 from the Plan on the basis of the objections.

Site HS22 – Former Magistrates Court St Albans Road East Hatfield

D1/1308/HOU/001 Mr G M Smith

Should the existing building on the site be retained? Should alternative uses be considered in consultation with the local community and conversion to residential use rather than demolition be considered if that use is appropriate?

9.2.22 The site was identified in the UCS and its allocation for housing has the support of the landowner. The principle of residential development on the site has been established by a resolution to approve a 1999 planning application. The existing buildings are not listed as being of special architectural or historic interest. The site is close to the town centre and is attractive for sustainable residential development for that reason. The allocation of the site for housing does not preclude conversion of the existing buildings if that is a practicable and acceptable way of providing housing on the site. I do not therefore consider that there is any sound reason to delete Site HS22 from the Plan on the basis of the objection.

Site HS23 – Hilltop High View Hatfield

D1/0881/HOU/001 Mr & Mrs S Archer
D1/1318/HOU/001 Mr R H Probyn

Is the scale of the proposal too great for this site having regard to existing nearby buildings and the listed St John’s Church? Should the southern end of the site be excluded from Site HS23?

9.2.23 The site was identified in the UCS and was the subject of one of the Study’s design examples, which recognised its function as a district centre and the poor quality of its physical environment. The indicative design was an example of how the centre could be redeveloped to provide housing within a mixed use scheme and create a high quality environment, which would improve the economic health of the centre. The design example envisaged some 115 units on a site slightly larger than Site HS23 and incorporated some three storey buildings.

9.2.24 The design example for this site in the Urban Capacity Study demonstrates that the site could be redeveloped in a way which would make better use of the site and respect its existing mixed use function as well as the character of the surrounding predominantly residential area. I do not consider some three storey buildings to be inappropriate on the site having regard to the four storey flats which already exist. In any case, the detailed design of a specific proposal for the site would have to take into account the relevant design policies of the Plan, which would ensure it did not harm the character and appearance of the area, including the setting of St John’s Church.

Furthermore, the Council has proposed a Pre-Inquiry Change which affects the capacity of this site to reflect the increase in size of UOL193 (PIC/023/HOU) and the number of dwellings is now estimated at 75. I have recommended a further small increase to UOL193 in Chapter 10 of my Report, but that is unlikely to further reduce the capacity of Site HS23. However I do not consider that there are any sound reasons to delete Site HS23 or further reduce the scale of the number of estimated housing units
for the site in Policy H1 of the Plan in response to the objections.

Site HS25 – Howe Dell School Hatfield

D1/1093/HOU/002 Three Valleys Water plc

Site not dealt with in the Urban Capacity Study - would housing use result in unacceptable loss of land associated with school grounds?

9.2.25 I understand from the Council’s evidence (Core Proof) that the County Council intend relocating the School to the Hatfield Aerodrome site in the Autumn of 2004 and it will become available after that date. The school building is listed, but suitable for conversion to residential accommodation. The acceptability of any additional development on the site and its impact on the loss of existing open space should be assessed at the time of a detailed proposal, although I note that the site allocated for development is confined to the existing buildings on the site and excludes the adjoining open land.

9.2.26 I do not therefore consider that there is any sound reason to delete Site HS25 from the Plan on the basis of the objection.

Site HS26 – Land to the rear of Swanhill Welwyn Garden City

D1/0110/HOU/015 Welwyn Garden City Society
D1/1093/HOU/002 Three Valleys Water plc

Is the access to the site adequate and should the site include the adjoining garage/forecourt area? Would housing result in increased on-street parking and loss of storage space and would there be land assembly problems?

9.2.27 The site was identified in the UCS and comprises a mainly unused area of Council-owned land and lock-up garages located to the rear of existing bungalows. The capacity of the site is estimated in Policy H1 as being only 5 dwellings, which are capable of being served by an access road with a shared surface. There is no evidence to indicate that the existing access to the site, improved as necessary, could not function as a satisfactory means of access to five dwellings. Some of the existing garages adjoining the site are still used, but the Council has confirmed that the site could be extended to include them if suitable alternative facilities are provided. Such matters are in any case more appropriately considered at the time of a detailed proposal, which would have to comply with the Plan’s parking standards.

9.2.28 I do not therefore consider that there is any sound reason to delete Site HS26 from the Plan on the basis of the objections, but I have recommended in the previous section of my Report that it be deleted from Policy H1 because it is a small site with an estimated capacity of less than 10 dwellings.

Site HS27 – Land to the rear of The Fox PH New Road Woolmer Green

D1/1310/HOU/001 Mr P J Beck
D1/1070/HOU/001 Mr & Mrs L Pearce [conditionally withdrawn]

Should the Plan require improved access arrangements to the B197 and improved parking facilities in the New Road area before this site is developed? Would the use of the site for housing cause unacceptable overlooking and loss of privacy and the loss of allotment land and wildlife habitat?

9.2.29 The site was identified in the UCS and planning permission was granted in 2002 for 12 dwellings on the site. The development now appears to have been completed and occupied and consequently the site should be deleted from the list of allocated sites in Policy H1. In that context there is no need to respond to these objections.
Site HS28 – Land adjoining Crookhams and Waterside Welwyn Garden City

D1/1215/HOU/001 Mr & Mrs G C Bazzard
D1/0974/HOU/001 Mrs J Belcher
D1/1474/HOU/001 Ms Kerrie Collyer
D1/1471/HOU/001 Ms J Gill
D1/1581/HOU/001 Mr R W Hipgrave
D1/1128/HOU/001 Mr & Mrs D Nicholson
D1/1237/HOU/001 Mrs P M Pidduck
D1/1509/HOU/001 Mr & Mrs Piggott (conditionally withdrawn)
D1/1093/HOU/002 Three Valleys Water plc

9.2.30 The objections to Site HS28 have been maintained despite it being deleted at the Plan’s 2nd deposit stage. Since the site is no longer allocated for housing development under Policy H1, no further action is required in response to these objections.

Site HS29 – Reserved School Site Bericot Way Welwyn Garden City

D1/1093/HOU/002 Three Valleys Water plc

Would housing result in the loss of open space and a valuable opportunity to build new leisure and community uses including playing fields contrary to Policy OS2 of the Plan?

9.2.31 The site was identified in the UCS and I saw at an unaccompanied site visit that it comprises and open area of grassland within a residential area. I understand from the evidence that the site is expected to be released by the County Council from its reserved school status within the Plan period. Whilst there is no evidence to support the objection concerning any overriding need in this location for new leisure and community uses or playing fields, I am concerned that this greenfield site could be released for housing before more sustainable previously developed land becomes available on the mixed use sites I have referred to in the previous section of my Report.

9.2.32 As recommended in the previous section (9.1), in my view consideration should be given to the deletion of this site for housing during the Plan period.

Site HS30 – Land to the rear of Veterinary Surgery and Attimore Barns Ridgeway Welwyn Garden City

D1/1199/HOU/001 11th Welwyn Garden City Scout Group
D1/0110/HOU/017 Welwyn Garden City Society

Should the site be retained in its existing use for outdoor activities by the Scout Group? Is the site unsuitable for residential use because of adjoining non-residential uses?

9.2.33 The site was identified in the UCS and adjoins land to the west used as a veterinary surgery, a public house and buildings used as an Arts Workshop and a club. A Safeway supermarket and Black Fan Road are located to the east of the site. The greenfield site comprises an area of scrub and grassland.

9.2.34 I understand from the Council’s evidence that the landowner (English Partnerships) is hoping to accommodate the Scout Group’s requirements at a school. Whilst the loss of the Scouts’ facility would be regrettable, in this case I do not consider it outweighs the need to find suitable land for housing in the urban area. Although the immediately adjoining uses are non-residential, the site is otherwise within a large, predominantly residential part of the town and, subject to relocating the Scouts, appears to be readily available for housing development.

9.2.35 I do not therefore consider that there is any sound reason to delete Site HS30 from the
Plan on the basis of the objections. However, for the same reasons given concerning Site HS29 above, in my view consideration should be given to the deletion of this site for housing during the Plan period.

Site HS31 – Former Allotments Knella Road Welwyn Garden City
D1/1093/HOU/002 Three Valleys Water plc

Are the allotments no longer needed and should the site be used for community and leisure uses in accordance with Policy OS4 of the Plan?

9.2.36 This Council-owned site was identified in the UCS and at the time of the Inquiry a planning application for 45 dwellings on the site and Site HS33 was under consideration. The site will be developed for 100% affordable housing. There is no evidence to support the objection concerning an overriding need in this location for new leisure and community uses or allotments. I do not therefore consider that there is any sound reason to delete Site HS31 from the Plan on the basis of the objection.

Sites HS2 - HS32 – The Plan’s Proposals Map
D1/1619/MAP/007 Court Homes Ltd

Is the exclusion of any reference to new housing sites HS2-HS32 from the Proposals Map confusing and unnecessary?

9.2.37 All sites identified by revisions made at the Plan’s 2nd deposit stage are shown in Document CD/DP/90, but it will be necessary for the Council to prepare a comprehensively revised version of the Proposals Map at the Plan’s final stages of adoption. All sites allocated for housing should be shown on the revised Proposals Map. The revisions may include those arising as a consequence of the Council’s consideration of my recommendations and I do not consider the objection otherwise requires a specific response.

RECOMMENDATIONS

I recommend that the Plan be modified by:

a) the deletion of the following from the list of housing sites in Policy H1 because development has been completed or is under construction: HS6, HS8, HS9, HS11, HS13a, HS27. (See also my recommendations in the previous section of my Report relating to the deletion of Sites HS13b, HS14, HS20, HS26 because of their estimated capacity of less than 10 dwellings);

b) amending the site area and estimated number of units of Housing Site HS23 in accordance with the Council’s Pre-Inquiry Change PIC/023/HOU;

I also recommend that consideration be given to the deletion of Sites HS29 and HS30 as being greenfield sites which are not required in preference to more sustainable allocated previously developed land.

9.3 LOCATION OF WINDFALL RESIDENTIAL DEVELOPMENT (Policy H2)

Objections
D1/0275/HOU/005 Landmatch Ltd
D2/1623/HOU/003 Beechwood Homes Ltd
D2/0001/HOU/005 Hertfordshire County Council (conditionally withdrawn)
D2/1607/HOU/001 British Telecommunications Plc
NOTE: objections relating to windfall development are also considered in part 9.1 of this Chapter.

Issues

1. Does the assumed contribution of housing from windfalls reflect the constraints on development imposed by the criteria in Policy H2?

2. Should the policy allow for the phasing of windfall sites or would that prevent large previously developed sites coming forward for housing in the short term? Is the reference to a “significant oversupply of housing” in the second part Policy H2 unclear?

3. Should Policy H2 include an additional criterion relating to school windfall sites that would assist in the provision of improved community facilities, notwithstanding the effect on the supply of housing?

4. Would Policy H2 have the effect of sterilising some brownfield sites that may unexpectedly come forward during the Plan period?

Inspector's Reasoning and Conclusions

9.3.1 There are five criteria set out in Policy H2 against which proposals for residential development on windfall sites, ie those not listed in Policy H1, would be assessed and they have been taken into account by the Council in its estimation of the supply of housing land from this source. I agree with the Council that the criteria are reasonable, having regard to the guidance in PPG 3 and PPG 13, and I do not consider that they impose an unreasonable constraint on any suitable windfall sites coming forward for development. Furthermore the criteria would help prevent an unnecessary over-provision of housing land from windfall sites in the context of the Council’s cautious estimate discussed in the previous section of my Report. I do not therefore consider any changes are required in response to the objection by Landmatch Limited.

9.3.2 On the second issue and the objection by Beechwood Homes Ltd, paragraph 33 of PPG 3 requires local planning authorities to manage the release of housing land over the Plan period in order to control the pattern and speed of urban growth. The good practice guide “Planning to Deliver” recognises that unexpected windfall development can complicate the managed release of sites and risk throwing the planning strategy off course. However, in this case the contribution to the Plan’s housing requirement from windfall sites is relatively small, primarily because the Council considers most suitable sites have been identified in the Urban Capacity Study.

9.3.3 For the reasons already discussed in the previous section of my Report, the phased release of allocated housing sites is not an important or necessary element of this Plan’s strategy. However there should be some mechanism to prevent a significant oversupply of housing land arising from large windfall sites which otherwise satisfy the criteria of Policy H2. “Planning to Deliver” indicates that if such sites meet the criteria of Policy H2 and help reduce any need to develop greenfield sites, they should normally be released for development. Policy IM3 of the Plan would ensure that the effect of the release of large windfall sites on the overall supply of housing land is monitored. I do not therefore consider any changes are required to Policy H2 in that respect in response to the objection.

9.3.4 However, the term “significant oversupply” in Policy H2 is vague and unhelpful to developers as to how the Council will apply the policy in its day-to-day decision making. In my view the term should be further explained and defined in the text of 9.20a with an indication of what percentage above the Structure Plan requirement is considered to be significant.

9.3.5 On the third issue the Council has proposed an amendment to Policy H2 which would insert an additional criterion (v), which would meet the County Council’s objection on this issue (PIC/024/HOU). I am not aware of any objections having been made to the proposed amendment and have no further comment on its inclusion in the Plan.

9.3.6 Turning to the fourth issue and the objection by British Telecommunications plc, the purpose of Policy H2 is to enable suitable sites which unexpectedly come forward to be considered for housing development. Such sites are known as windfall sites. There is nothing in Policy H2 to prevent
brownfield windfall sites coming forward for development, provided they satisfy the criteria set out in the policy. The policy does not therefore need any caveat to allow such sites to come forward as requested by the Objector.

RECOMMENDATIONS

I recommend that the Plan be modified by:

a) Pre-Inquiry Change PIC/024/HOU; and

b) the term “significant oversupply” in Policy H2 being further explained and defined in the text of 9.20a with an indication of what percentage above the Structure Plan requirement is considered to be significant.

9.4 LOSS OF RESIDENTIAL ACCOMMODATION (paragraph 9.22 and Policy H3)

Objections

D1/0118/HOU/010 Mr M Riches

Issues

1. Should Policy H3 be deleted because its principle was not applied to the redevelopment of the ASDA site in Hatfield?

Inspector's Reasoning and Conclusions

9.4.1 The purpose of my Report is to recommend to the Council whether or not the Plan should be amended in response to objections. The Council will be required to determine planning applications in accordance with the relevant policies of the Plan, once it is adopted, unless material considerations indicate otherwise. Consequently there is little relevance in considering the application of Policy H3 retrospectively to a redevelopment which I understand was permitted in 1998. Similarly, there is no need for me to comment on Mr Riches’ allegations about the Council’s selective and inconsistent past application of policy, since they have no relevance to my consideration of whether or not Policy H3 provides an acceptable framework for future development.

9.4.2 It is part of the Government’s policy to provide sufficient housing by bringing empty homes back into use and by converting buildings in preference to the development of greenfield sites. Policy H3 seeks to implement that policy in the District in a flexible way, which avoids retaining existing inappropriately designed or located residential accommodation. I do not therefore consider there is any justification for Policy H3 to be deleted from the Plan in response to this objection.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

9.5 CONVERSION OF COMMERCIAL OR VACANT BUILDINGS TO RESIDENTIAL ACCOMMODATION (paragraph 9.24 and deleted Policy H5)

Objections

D2/1170/HOU/001 Hornton Associates

79 paragraph 2 of PPG 3
Issues

1. Should deleted paragraph 9.27 and Policy H5 be re-instated in the Plan?

Inspector's Reasoning and Conclusions

9.5.1 In the 1st deposit draft of the Plan, Policy H5 supported the change of use of B1 offices to residential use in specified areas and the change of use of other commercial and vacant buildings in existing residential areas where conversion would benefit the local community. The Council deleted paragraphs 9.25 to 9.27 and Policy H5 at the Plan’s 2nd deposit stage because it considered the subject matter is covered in more detail by Policies EMP8, TCR8 and TCR18, which identify the appropriate locations and circumstances for residential conversions. The Council wished to avoid unnecessary duplication and an over-elaborate policy framework.

9.5.2 Paragraph 9.24, which is retained in the Plan, rightly indicates that Government guidance supports the conversion of commercial or vacant buildings to residential accommodation, particularly in town centres and refers to the above related policies. However, I find this part of the Plan unclear and confusing as to how that support is to be implemented as part of the Plan’s housing strategy, particularly in areas which are not in the town centres or employment areas. The Council is to be commended for seeking to avoid unnecessary duplication and over-elaborate policies, but in this instance I consider it has resulted in a confused message to users of the Plan. Therefore, in my view, this part of the Plan should clearly state the general policy for providing residential accommodation from the conversion of commercial or vacant buildings throughout the District. I do not consider that repeating the more specific elements of that policy in the relevant town centre and employment policies of the Plan would result in unnecessary duplication.

9.5.3 Clearly there is a need to ensure that this part of the Plan does not contradict more specific policies, but that is a matter which can be resolved by careful drafting. Subject to that re-drafting, I conclude that paragraphs 9.25 to 9.27 and Policy H5 should be re-instated in the Plan in response to this objection.

RECOMMENDATIONS

I recommend that the Plan be modified by re-instating paragraphs 9.25-9.27 and Policy H5, which were deleted at the Plan’s 2nd deposit stage, suitably re-drafted to ensure that there is no conflict with the wording of Policies EMP8, TCR8 and TCR18 and any other relevant policies of the Plan.

9.6 INCREASING DENSITIES (paragraphs 9.28-9.29 and Policy H6)

Objections

D1/1204/HOU/059 Friends of the Earth
D1/1204/HOU/060 Friends of the Earth
D1/1621/HOU/002 The Fairfield Partnership and Catomance Plc
D2/1607/HOU/002 British Telecommunications Plc
D1/1498/HOU/016 Mr & Mrs M Guerra
D1/1256/HOU/005 Mr Nigel Hutton
D1/1017/HOU/001 Mrs Joanna Ingram
D1/0118/HOU/011 Mr M Riches

Issues

1. Should the Plan and Policy H6 be encouraging higher densities, in the order of 50-70 units per hectare, on housing sites in appropriate circumstances by more emphasis on layout, design and the use of innovative development?
2. Are the requirements of Policy H6 too rigid and inflexible, would they prevent suitable lower-density sites from coming forward?

3. Would encouraging higher densities reduce the choice of housing available in the District and result in people wanting larger homes being forced to leave the area they currently live in? Should development of 5 dwellings or less be exempt from meeting a specific density target? Would building to higher densities add to the movement and parking problems close to Welwyn Garden City town centre and alter the light and spacious character of the conservation area?

4. Should density standards be set in such a way that they can be applied to a particular development depending on the type of homes proposed, style of dwellings and their suitability for the proposed purpose, and not by an arbitrary yardstick?

Inspector’s Reasoning and Conclusions

9.6.1 On the first issue, the second part of Policy H6 expects the density of residential development in central areas, and areas with good accessibility by modes of transport other than the car, to be close to or exceed 50 dwellings per hectare (dph). That wording encourages higher densities in appropriate circumstances in accordance with the guidance in paragraph 58 of PPG 3. The Council’s Supplementary Design Guidance adequately provides advice on matters of layout and design and the Plan does not preclude innovative forms of development coming forward. Other matters relating to density are dealt with in the previous section of my Report. No amendments to the Plan are therefore required in response to the objections on the first issue, including those by Friends of the Earth, The Fairfield Partnership and Mr & Mrs Guerra.

9.6.2 On the second issue, the same paragraph of PPG 3 indicates that developments which make inefficient use of land (those of less than 30dph net) should be avoided. The first part of Policy H6 accords with that guidance by requiring all residential developments to be built at densities of 30 to 50 dph, but provides some flexibility for lower density schemes by excluding developments of less than 5 dwellings. The acceptability of the density of residential developments considered under the policy is also subject to their acceptability in terms of the character of the surrounding area and the design policies of the Plan. In that respect, the effect of development on the character and appearance of a conservation area would be an important consideration. The policy does not therefore prevent lower density schemes from coming forward where the size or location of the scheme is appropriate, but rightly requires higher densities in most circumstances. I do not therefore consider Policy H6 is too rigid or inflexible as suggested by British Telecommunications plc, particularly having regard to the Government’s objective to avoid the inefficient use of land from development at densities below 30dph.

9.6.3 On the third issue and the objections by Mr Hutton and Mrs Ingram, the policy does not apply to schemes of less than 5 dwellings and does not preclude the provision of larger houses in such schemes or as part of larger schemes where the density requirements can be satisfied by a mix of dwelling types and sizes. The policy does not therefore unreasonably restrict housing choice and of the reasons I have given concerning the second issue, there is no justification to amend Policy H6 in relation to Welwyn Garden City town centre.

9.6.4 Turning to the fourth issue, the density figures in Policy H6 are not an arbitrary yardstick, but are embedded in national planning guidance, which the Plan has to take into account. The figures in the policy are expressed as a range, which will help provide a variety of housing types and styles reflecting the location and size of the site. I visited many of the sites referred to by Mr Riches in support of his objection on this issue, but since many, if not all, of the developments pre-date current guidance on good design, I found them unhelpful in considering the matter. I do not therefore consider the policy should be amended in response to the objections by Mr Riches, Mr & Mrs Guerra and Friends of the Earth.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.
9.7 AFFORDABLE HOUSING (paragraphs 9.30-9.36c and Policy H7)

Objections

D1/0232/HOU/002  Martin Grant Homes (UK) Ltd
D1/1389/HOU/001  Mrs J Ladley
D1/1623/HOU/008  Beechwood Homes Ltd
D2/1623/HOU/002  Beechwood Homes Ltd
D2/1109/HOU/008  Arlington Property Development Ltd [conditionally withdrawn]
D1/1621/HOU/003  The Fairfield Partnership & Catomance Plc
D1/0275/HOU/006  Landmatch Limited
D2/0275/HOU/003  Landmatch Limited
D1/0214/HOU/003  Community Development Agency for Herts
D2/0214/HOU/001  Community Development Agency for Herts
D1/1093/HOU/005  Three Valleys Water Plc
D1/1204/HOU/061  Friends of the Earth
D1/0012/HOU/002  House Builders Federation
D1/1085/HOU/001  Mr S S Grewal
D1/1497/HOU/001  Mrs J D A Delhanty
D1/0118/HOU/012  Mr M Riches
D1/1543/HOU/012  Mrs E H Sheppard

Issues

1. Should the definition of affordable housing in paragraph 9.31 of the Plan be changed?
2. Is the Plan’s requirement for 30% affordable housing as set out in paragraph 9.34a and Policy H7 reasonable and consistent with DOE Circular 6/98?
3. Will Policy H7 meet local needs for affordable housing throughout the District?

Inspector’s Reasoning and Conclusions

Should the definition of affordable housing in paragraph 9.31 of the Plan be changed?

9.7.1 The advice in DOE Circular 6/98 states that planning policy should not be expressed in favour of any particular form of tenure. The Circular describes affordable housing as encompassing both low-cost market and subsidised housing (irrespective of tenure, ownership, whether exclusive or shared, or financial arrangements) that will be available to people who cannot afford to rent or buy houses generally available on the open market.\(^{80}\) As explained in paragraph 6 of the Circular, assessments of the need for affordable housing should include factors such as house prices and which types of housing are best suited to meeting local needs, including low-cost market housing. Where local planning authorities are able to demonstrate a lack of affordable housing to meet local needs, a policy included in the Plan should define what is regarded as affordable, but this should include both low-cost market and subsidised housing as both will have some role to play in providing for local needs.\(^{81}\)

9.7.2 Paragraph 9.31 of the Plan confirms that the Council’s Housing Needs Survey (HNS) definition of affordable housing excludes low-cost market housing. However paragraph 9.35 of the Plan refers to the need in the District for 450 unsubsidised low cost market units to meet the needs of new forming low income households. The Council’s own evidence also states that the major rises in house prices over the last four years have increased the scale of need for subsidised rented and low cost

\(^{80}\) paragraph 4 of Circular 6/98
\(^{81}\) paragraph 9a) of Circular 6/98
market units in the District. I therefore find it difficult to discern from the Plan whether or not the affordable housing referred to in paragraph 9.34a and Policy H7 includes both subsidised and non-subsidised low cost market units.

9.7.3 The Council supports the exclusion of low cost market housing from the HNS definition by reference to the high price level of houses in the District, which puts them beyond the reach of new forming households and those in need. Whilst that is clearly demonstrated by the Council’s evidence, I remain unconvinced that it justifies excluding low-cost market housing from the requirements of Policy H7, if that is what is intended by the Plan. Such housing may have a role to play in providing for local needs, albeit a limited one in this District, and should therefore be included within the definition of affordable housing in accordance with the provisions of Circular 6/98.

9.7.4 On a related matter, Arlington Property Development Ltd sought clarification on the definition of Key Workers, which are referred to in paragraph 9.35a of the Plan. In response the Council has proposed Pre-Inquiry Changes which confirm that ongoing research will form the basis of future Supplementary Planning Guidance on the matter (PIC/026/HOU). A consequential related change is also proposed to Policy H7 (PIC/027/HOU). It seems to me that the proposed changes adequately deal with the objection and I since they would help clarify this aspect of the Plan, I agree that the Plan should be amended accordingly.

Is the Plan’s requirement for 30% affordable housing as set out in paragraph 9.34a and Policy H7 reasonable and consistent with DOE Circular 6/98?

9.7.5 The objections on this issue include reference to the Plan’s apparent requirement for affordable housing to be provided on sites above the thresholds set out in Policy H7, without adequate consideration of whether or not the site concerned is suitable for such provision. However the wording of paragraphs 9.34 and 9.34a and Policy H7 has been amended at the Plan’s 2nd deposit stage and further amendments have been proposed by the Council as Pre-Inquiry Changes PIC/027/HOU and PIC/025/HOU. As proposed to be amended, Policy H7 expects the provision of affordable housing on sites proposed for residential development of 1ha or more (or with 25 units or more). I find that reasonable having regard to the size of sites considered to be appropriate for affordable housing in paragraph 10 of Circular 6/98, which indicates that all sites of that size are eligible for consideration as to their suitability for an element of affordable housing.

9.7.6 The policy goes on to say that a proportion of affordable housing will be sought by the Council through negotiation based on certain factors. In my view those criteria do not sit comfortably with the criteria of paragraph 10 of the Circular relating to the suitability of sites and the economics of provision of affordable housing and the need to achieve a successful housing development. Although paragraph 9.34a of the Plan indicates that the expectation for affordable housing on all eligible sites is subject to certain factors concerning their suitability, it does not clearly refer to all of the circumstances relating to the suitability of sites which are referred to in the criteria of paragraph 10 of the Circular. I also find the last sentence of paragraph 9.34a unclear as to what is meant by the “current requirement” on sites above the thresholds stated in Policy H7. If that refers to the currently adopted Plan, it should say so, but in my view the sentence is unnecessary and would be meaningless upon adoption of this Plan. The sentence should in any case be deleted since the foregoing sentence refers to the provision being sought on “eligible” sites.

9.7.7 The Community Development Agency for Hertfordshire would like to see lower thresholds in Policy H7 for sites outside Welwyn Garden City and Hatfield of 0.5ha or 15 dwellings and of 3 dwellings for sites in settlements of less than 3000 population. The Objector has said that lower thresholds have been set in Dacorum and the Royal Borough of Windsor and Maidenhead, but I have been unable to consider those in the absence of any evidence. Paragraph 10(i)(c) of Circular 6/98 does enable lower thresholds to be adopted if exceptional local constraints can be demonstrated. The Objector implies that such constraints are related to housing pressures in the area and the desirability of spreading affordable housing more evenly through the community in line with Government guidance. However neither of those factors are exceptional or local since they are common throughout the region. Moreover they would be unrealistic having regard to the limited current opportunities or general need to
provide any housing outside of Welwyn Garden City and Hatfield. I do not therefore consider lower thresholds for the provision of affordable housing are appropriate in this case, but I return to the matter of affordable housing in the Specified Settlements in the third issue below.

9.7.8 Friends of the Earth considers that Policy H7 should be modified to delete any reference to size thresholds and instead require a reasonable level of provision of affordable housing as part of all housing development. The Objector would also like to see new provisions in the policy which would allow for the payment of a commuted sum to a recognised provider of social housing and require sites in town centres, or which have good access to public transport, to provide a higher requirement of affordable housing. Policy H7 does not preclude the latter points made by the Objector and paragraph 22 of Circular 6/98 enables financial or other contributions in appropriate circumstances to be made towards the provision of off-site affordable housing. Policy IM2 of the Plan would be relevant to any such arrangement. The deletion of the size threshold in Policy H7 would be inconsistent with the advice in Circular 6/98 and its replacement with a requirement to make a “reasonable level of provision” would be too vague and uncertain for a policy in a local plan.

9.7.9 Paragraph 16 of PPG 3 indicates that the amount and types of affordable housing to be provided in individual proposals should reflect local housing need and individual site suitability, and be a matter for agreement between the parties. Policy H7 of the Plan, as proposed to be amended, relates the proportion of affordable housing sought on eligible sites to certain factors concerning their suitability, but paragraph 9.34a indicates that the expectation is for 30% of units to be affordable. The objections to that figure are mainly that it appears as an unrealistic and unachievable requirement or target, which is unjustified by the HNS and that it would deter developers from bringing housing sites forward. Other Objectors say the figure is too low.

9.7.10 The Plan states that the figure of 30% is suggested by the Council’s Housing Needs Survey as being achievable and realistic. Basing the figure on the HNS is in accordance with the advice in Circular 6/98. Several Objectors have questioned the robustness of the HNS, but since it seems to me that the HNS is both comprehensive and up-to-date and no compelling evidence has been produced to support the assertions, the objections are unfounded. I also do not accept the case made by Beechwood Homes Ltd who doubt the scale of need for affordable housing indicated by the HNS on the basis that it is now easier for those on low incomes to obtain finance for purchasing a house so there are fewer households in need. I find that argument less than compelling having regard to the average price of houses in the District and the likely borrowing power of those in need of affordable housing.

9.7.11 Even so, the evidence indicates that the actual scale of need for affordable housing in the District is far higher than 30%, particularly in comparison to the Plan’s overall housing requirement to 2011. The Council’s evidence quantifies the scale of need for affordable housing to 2006, but it is not at all clear from that, or this part of the Plan, why the figure of 30% is justifiable, particularly since the HNS acknowledged that even if a 30% target was achieved, it would not address more than half of all the need for affordable housing in the District, let alone to 2011. The distribution of housing sites allocated in the Plan would also result in most of that need only being met in Welwyn Garden City and Hatfield. The figure is regarded by the Council as being realistic and deliverable in economic terms and sustainable in terms of creating balanced communities, but without further justification it is unclear how that relates to a target figure which would still leave a significant shortfall of the supply of affordable housing against need, particularly outside Welwyn Garden City and Hatfield.

9.7.12 Furthermore, Policy H4c of RPG9 asks Regional Planning Bodies to monitor the overall provision of affordable housing against a provisional indicator of 18,100 to 19,000 affordable homes a year in the ROSE area, which is some 46% to 49% of that part of the Region’s total additional housing provision. I also note that the adopted Plan contains an overall indicative target of 50% of all units for affordable housing, based on the development of all Council-owned sites. I therefore consider that paragraph 9.34a of the Plan should provide a far more robust justification for only seeking to achieve 30% affordable units on eligible sites, or that at least it be clarified that 30% is to be regarded as a minimum figure, in the context of the scale of need identified

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83 Rest of the South East (outside London)
84 paragraphs 3.44 and 3.45 Document CD/DP/10
by the HNS and RPG9. It also seems to me that the indicative target figure should be increased more in line with the HNS and RPG9 at an early review of the Plan and that there is no justification for decreasing the figure in this Plan as suggested by some Objectors.

9.7.14 Some Objectors would like to see no reference in the Plan to an indicative figure, which they say should arise from negotiations and not be based on a District-wide figure. Landmatch Ltd would like to see provision in the Plan for assessments to be undertaken in the immediate area surrounding proposed development in the Specified Settlements to indicate the level of local need for affordable housing. On the latter point, since the Plan does not preclude developers carrying out such assessments and it would be impracticable to expect the Council to do so in response to planning applications, I do not consider the Plan should be amended. The considerations in the foregoing paragraphs of my Report do not support the removal of any indicative target for seeking an element of affordable housing on individual sites. As the Council says in evidence, the circumstances of an individual site might indicate that no affordable housing is appropriate, although they are more likely indicate a reduced percentage. It seems to me that there must be a starting point for negotiations for the amount of affordable housing on suitable sites, and for the above reasons I consider 30% to be the appropriate figure as an absolute minimum. There is no persuasive evidence to demonstrate that the overall indicative figure of 50% in the adopted Plan has held back development and there is no justification therefore to conclude that the figure in this Plan would deter developers of housing land.

9.7.15 Mr Riches considers that Policy H7 results in 70% of open market housing subsidising the minority 30% of affordable housing, which is unfair and should be deleted as morally and ethically indefensible. Mrs Ladley considers housing for rent provided by housing associations is not affordable by young local families and that the Council should be the provider. It seems to me that these objections confuse and misunderstand the relationship between subsidised housing, affordable housing, special needs housing and housing for the elderly and the complex means of providing and funding these categories currently available to developers, local authorities and housing associations through the planning system. Since the Plan’s approach to the provision of affordable housing is, in essence, consistent with the Government’s objectives and guidance expressed in PPG 3 and Circular 6/98, notwithstanding the comments I have made in the foregoing paragraphs, I do not consider it needs to be altered in response to these objections.

9.7.16 In summary, I conclude on the second issue that paragraphs 9.34 and 9.34a and Policy H7 should be re-drafted to clarify that the factors relating to the suitability of eligible sites for affordable housing will include the criteria contained in paragraph 10(i) and (ii) of Circular 6/98. Paragraphs 9.34 and 9.34a should also be re-drafted to more fully justify why 30% is considered to be an appropriate indicative target for the provision of affordable housing on individual sites in the context of the greater scale of need identified in the HNS and RPG9. I also conclude that the indicative figure of 30% should be a minimum starting point for negotiations under Policy H7 and that an early review of the Plan should consider raising the indicative target more in line with the HNS and RPG9.

Will Policy H7 meet local needs for affordable housing throughout the District?

9.7.17 The HNS identifies where local housing needs arise, having obtained survey data at ward level across the District, and indicates a high level of demand for affordable housing throughout the District. However there is little opportunity to meet that demand by means of Policy H7, because the Plan only allocates four housing sites outside Welwyn Garden City and Hatfield and two of those have been completed. The only other source of affordable housing would be from windfall sites and limited small-scale development considered under Policy RA16 of the Plan as Rural Exception Sites. However, having regard to the tight boundaries of the Green Belt around the Specified Settlements in the District and the likelihood that any windfall sites would be below the thresholds in Policy H7, it is unlikely that any significant affordable housing will be provided outside Welwyn Garden City and Hatfield in the Plan period. Objectors are therefore justified in saying that the situation is unsatisfactory and fails to meet local needs for affordable housing, particularly in view of the Government’s housing objectives I have mentioned above.

9.7.18 However, the only way the situation could readily be overcome would be to release

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85 Appendix 1 to WHC/HOU/20
additional housing land from the Green Belt around the Specified Settlements, particularly those which are well-served by facilities and public transport such as Cuffley. I have already recommended earlier in this Chapter and in Chapter 4 of my Report that there should be no such releases for the reasons given and I do not consider the need for affordable housing to be a sufficiently exceptional circumstance on its own to justify a major review of Green Belt boundaries in this Plan. However, I consider the failure of this part of the Plan to adequately provide for affordable housing in the District outside Welwyn Garden City and Hatfield should be the subject of an early review of the Plan, especially when the strategic planning and housing framework has been more clearly established by RPG14.

9.7.19 Finally, Mrs Sheppard considers that affordable housing in the District should be designed to a high standard and located as close to shops and public transport as possible, including the conversion of redundant buildings. Those commendable objectives are consistent with the relevant policies of the Plan, which aim to achieve them in all housing development, including suitable sites for affordable housing in the Specified Settlements, if they were to become available. No changes to the Plan are therefore required in response to the objection.

RECOMMENDATIONS

I recommend that the Plan be modified by:

a) the Plan clarifying in paragraph 9.31 its definition of affordable housing, which should include low-cost market housing in accordance with paragraphs 4, 9a) and 15 of Circular 6/98;

b) the references to Key Workers being clarified in paragraph 9.35a and Policy H7 as proposed in Pre-Inquiry Changes PIC/026/HOU and PIC/027/HOU;

c) paragraphs 9.34 and 9.34a and Policy H7 being re-drafted in accordance with proposed Pre-Inquiry Change PIC/025/HOU and to clarify that the factors relating to the suitability of eligible sites for affordable housing will include the criteria contained in paragraph 10(i) and (ii) of Circular 6/98;

d) paragraphs 9.34 and 9.34a being re-drafted to more fully justify why 30% is considered to be an appropriate indicative target for the provision of affordable housing on individual sites in the context of the greater scale of need identified in the HNS and RPG9;

e) paragraphs 9.34 and 9.34a being re-drafted to clarify that the indicative figure of 30% affordable housing should be a minimum starting point for negotiations on suitable sites under Policy H7.

I also recommend that an early review of the Plan should consider raising the indicative target figure in paragraph 9.34a to be more in line with the HNS and RPG9 and that such a review give greater and urgent consideration to addressing the need for affordable housing in the District outside Welwyn Garden City and Hatfield in the context of the strategic planning and housing framework set by RPG14.

9.8 DWELLING TYPE AND TENURE (paragraphs 9.36-9.39 and Policy H8)

Objections

D1/1621/HOU/004 The Fairfield Partnership & Catomance Plc
D1/1623/HOU/009 Beechwood Homes Ltd
D1/1213/HOU/014 Faulkners
D1/0118/HOU/013 Mr M Riches

Issues

1. Is Policy H8 unclear regarding its application to individual sites? Should the policy only apply to larger schemes of 10 or more dwellings? Should the reference to dwellings of different tenure be
deleted from the policy? Would the policy result in future slums and ghettos? Should the needs of households for specialist accommodation be the responsibility of the Council?

Inspector's Reasoning and Conclusions

9.8.1 The Council amended Policy H8 and paragraph 9.38 at the Plan’s 2nd deposit stage to clarify that new residential developments should incorporate a range of dwelling types and sizes where appropriate. I consider that amendment satisfactorily responds to the objections by The Fairfield Partnership and Beechwood Homes Ltd concerning the application of the policy to individual sites and the size of housing schemes. I do not find the reference to tenure in Policy H8 unacceptable, as suggested by Faulkners, since PPG 3 seeks in paragraphs 9-11 to encourage the development of mixed and balanced communities and a better social mix in new housing developments. The reference to tenure in Policy H8 has to be read in the context of the wording of paragraph 9.39 and the desirability of integrating affordable housing into larger residential developments.

9.8.2 That integration would help avoid creating future problems of the type referred to by Mr Riches in his objection, although I do not accept that the past examples he has given in his evidence support his case to the extent that Policy H8 is unacceptable. Special needs housing is dealt with in paragraphs 9.40, 9.41 and Policy H9 of the Plan, which are applicable to any provider of special needs accommodation including the Council. The issue of who should provide special needs accommodation is beyond the remit of this Plan, which should concentrate on specific proposals for the development and use of land.

9.8.3 I do not therefore consider any changes are necessary in response to the objections.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

9.9 ACCESSIBLE HOUSING (paragraphs 9.42-9.44 and Policy H10)

Objections

D2/1623/HOU/001 Beechwood Homes Ltd
D1/0012/HOU/003 House Builders Federation
D1/0118/HOU/014 Mr M Riches

Issues

1. Should Policy H10 be deleted as being beyond the remit of the planning system and following changes to the Building Regulations? Is it unreasonable, unnecessary and too costly to expect a proportion of all new dwellings to be built to wheelchair standards?

Inspector's Reasoning and Conclusions

9.9.1 Policy H10 provides for the Council to seek a proportion of all residential developments over 5 dwellings to be built to lifetime homes standard, which as I understand the term, can be more comprehensive than merely complying with Part M of the Building Regulations. The reference to wheelchair standards was deleted from the policy at the Plan’s 2nd deposit stage. It seems to me that constructing some homes with the built-in flexibility to adapt to its occupant’s changing requirements is consistent with the Government’s objective to meet the housing requirements of the whole community and is not therefore beyond the remit of the planning system or this Plan. I do not therefore consider any changes are required in response to the objections by Beechwood Homes Ltd and the House Builders Federation.

9.9.2 The additional cost of such homes is minimised by incorporating the necessary features to enable adaptation at a later stage into the initial design and construction of the homes. Homes built
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to lifetime standards might initially only suit a minority of the less mobile, elderly or disabled population, but their provision now helps reduce future needs. The policy is flexible by not requiring all residential proposals to incorporate lifetime homes, but enables their provision, which is both reasonable and desirable having regard to Government policy and the factors set out in paragraphs 9.42 and 9.43 of the Plan. No changes are therefore required in response to the objection by Mr Riches.

RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan.

9.10 TRAVELLING SHOWPEOPLE'S ACCOMMODATION (paragraphs 9.48-9.49 and Policy H12)

Objections
D1/0118/HOU/015 Mr M Riches

Issues
1. Should Policy H12 be incorporated with Policy H13 or deleted because its requirements and criteria are discriminatory and impossible to meet?

Inspector's Reasoning and Conclusions
9.10.1 Travelling showpeople and Gypsies are two separate groups of people in the context of the Government’s advice on how the planning system should deal with each group’s special needs. There is no justification therefore to incorporate the two policies into one. As the Plan explains in paragraph 9.48, Circular 22/91 advises how local planning authorities should consider the needs of travelling showpeople and since the criteria of Policy H12 reflect that advice, I regard them as being reasonable. Consequently the allegation that the requirements of the policy, and the Council’s general approach to this matter, is discriminatory is entirely without foundation. No changes are therefore required in response to the objection.

RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan.

9.11 GYPSY SITES AND ACCOMMODATION (paragraphs 9.50-9.51 and Policy H13)

Objections
D1/1231/HOU/001 Romany Guild
D1/1231/HOU/002 Romany Guild
D1/0139/HOU/005 British Horse Society
D1/0118/HOU/016 Mr M Riches

Issues
1. Should this part of the Plan distinguish between Gypsies and travelling showpeople?
2. Is Policy H13 discriminatory and contrary to Circular 1/94? Should Gypsies be required to comply with many of the criteria of the policy when developers do not have to under housing policy? Is the statement that there is no identified shortfall in pitches at present untrue?
3. Should the policy include an additional criterion, which would seek to protect public rights of way?

Inspector's Reasoning and Conclusions

9.11.1 On Mr Riches’ objection concerning the first issue, as mentioned in the previous section of my Report, Gypsies and travelling showpeople are two separate groups of people in so far as the planning system is concerned. Circular 22/91 confirms that showpeople are specifically excluded from the statutory definition of Gypsies under the Caravan Sites Act 1968. It is therefore appropriate for the Plan to distinguish between the two groups in the application of Policies H12 and H13.

9.11.2 On the second issue, in response to the objections by the Romany Guild, criteria (ii) and (iii) of Policy H13 were deleted at the Plan’s 2nd deposit stage, including the requirement to demonstrate a local need. Criterion (i) was also amended at that stage to confirm that special circumstances could make a Gypsy site in the Green Belt acceptable. Paragraph 12 of Circular 1/94 advises local planning authorities to set out clear, realistic criteria-based policies for Gypsy site provision, where it is not possible to identify specific locations. The criteria of Policy H13 now in the Plan reflect that advice and paragraphs 13 to 16 of the Circular relating to the location of Gypsy sites. It has to be remembered that developers and others wishing to build on housing sites have to satisfy many criteria set out in the relevant policies of the Plan which relate to the design and layout of the proposed development and its effect on the surroundings. The criteria of Policy H13 relating to the proposals for Gypsy sites are no more onerous than those requirements. I do not therefore consider the policy to be unreasonable or discriminatory against Gypsies.

9.11.3 I am satisfied that the objections made by the Romany Guild have been met by the amendments made at the Plan’s 2nd deposit stage to Policy H13 referred to above. A further amendment was also made at the same time to the wording of paragraph 9.51, which deleted the word “excluded” in reference to settlements in response to the objections.

9.11.4 The representations from Mr Riches make several allegations about the attitude of the Council towards Gypsies and their sites and the truthfulness and accuracy concerning the availability of Gypsy sites in the District. I have to say that I find many of those more personal comments made by Mr Riches about the Council lack substance and to be unfounded or unhelpful to my consideration of his objection. I have considered the points made by Mr Riches, but they do not lead me to conclude that Policy H13 is in any way inconsistent with current Government advice on the subject, which the Plan has to take into account.

9.11.5 On the third issue and the objection by the British Horse Society, the Council accepts that an additional criterion in Policy H13, which protects public rights of way, is appropriate and has requested that I recommend accordingly. The Plan already affords the required protection under Policy RA27, which relates to all development proposals, but that policy only refers to development in the countryside. Since Policy H13 is within the section of the Plan which covers policies for the urban areas, I consider an additional criterion for Policy H13 is necessary.

RECOMMENDATIONS

I recommend that the Plan be modified by adding the following criterion to Policy H13:

*The use would not detract from convenient, safe and enjoyable use of a public right of way.*
10. CHAPTER 10 - OPEN SPACE

10.1 URBAN OPEN LAND (paragraph 10.4, Policy OS1, Appendix 8 and Proposals Maps)

Objections

D1/1137/OSP/001  St John’s Church (conditionally withdrawn)
D1/1548/OSP/002  St John’s Youth & Community Centre
D1/1584/OSP/001  St John’s Youth & Community Centre (conditionally withdrawn)
D1/1520/OSP/001  Hertfordshire Constabulary
D1/0002/OSP/079  Hertfordshire County Council
D1/0001/OSP/008  Hertfordshire County Council
D2/0001/APH/001  Hertfordshire County Council
D2/0001/MAP/002  Hertfordshire County Council
D2/0001/MAP/003  Hertfordshire County Council
D1/0990/OSP/003  Welwyn & District Local History Society
D1/0881/OSP/003  Mr & Mrs S Archer
D1/1526/OSP/001  Mrs M E Lloyd
D1/1528/OSP/001  Mr Colin Tether

Issues

1. Should Policy OS1 be linked to a process of urban landscape character assessment and refer to guidance from English Nature on accessible urban greenspace?

2. Should the Proposals Map and Appendix 8 identify the following additional sites as Urban Open Land?
   - land in the vicinity of St John’s Church and Community Centre in Hatfield;
   - land adjacent to the Welwyn By-Pass;
   - land between The Vineyard, the railway line and Lyles Lane in Welwyn Garden City.

3. Should the following sites be deleted from the Proposals Map and Appendix 8 as areas of Urban Open Land?
   - land at the Police Headquarters site in Welwyn Garden City (UOL128);
   - school playing fields in specified locations.

4. Should open space at Sir Theodore’s Way, between John Lewis and the Howard Centre in Welwyn Garden City, be preserved to reflect the character and special identity of the town?

Inspector’s Reasoning and Conclusions

Should Policy OS1 be linked to a process of urban landscape character assessment and refer to guidance from English Nature on accessible urban greenspace?

10.1.1 In preparing the Plan the Council undertook an Open Space Survey to identify all important areas of open space within the urban areas of the District and as part of that survey the contribution of open spaces to the character of urban areas was assessed. Paragraph 10.4(a) of the Plan confirms that one of the criteria in identifying areas of Urban Open Land is that the land is vital to the form and character of the built-up area. Policy OS1 was amended in response to the County Council’s objection on this issue and added reference to the criteria for identifying urban open land. It is unclear why this part of the objection has been maintained, but I do not consider any further reference.
to the assessment of urban landscape character is necessary to justify Policy OS1.

10.1.2 I understand from the evidence that English Nature’s Accessible Urban Greenspace Model proposes that every home should be within defined distances of various sizes of natural green space. Whilst that might be a desirable objective it would not be a practicable policy for the control of development in the context of this part of the Plan, which seeks to protect important areas of open land in the District. I do not consider the purpose of Policy OS1 is weakened by its lack of reference to the English Nature’s guidance on accessibility to urban greenspace and consequently I do not consider any changes to the policy are necessary in response to the County Council’s objection on the first issue.

Should the Proposals Map and Appendix 8 identify additional sites as Urban Open Land?

10.1.3 Before considering the individual sites referred to in the objections, it is important to clarify the general approach, which the Plan should take to the protection of open space. Government guidance in PPG 17 is that existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements. Open space and sports and recreational facilities that are of high quality, or of particular value to a local community, should be recognised and given protection by local authorities through appropriate policies in plans.\(^{87}\) The Structure Plan requires open spaces in towns, which are necessary and appropriate to the character or operation of the town to be protected and managed to ensure their continuing value.\(^{88}\)

10.1.4 It is clear from the above guidance that the Plan should take a robust approach to the protection of open space where justified by its value as assessed against criteria of the type set out in paragraph 10.4, which reflect those in Policy 46 of the Structure Plan. In that respect I do not consider that the substantially greater number of sites protected as UOL in this Plan, as compared to the adopted Plan, undermines the credibility of the Plan or the purposes of protection. I accept there is that danger if the Plan sought to protect virtually all areas of open space irrespective of their environmental or community value. However, in my view, by undertaking its Open Space Survey, the Council has mostly succeeded in striking the right balance by identifying sites in Appendix 8 of the Plan that should be protected under Policy OS1.

10.1.5 Even so, whilst those sites have been identified through a process of assessment against the criteria of paragraph 10.4, that process has necessarily been subjective in many cases and some of the criterion are more likely to be relevant to some sites than others. Few sites are likely to satisfy all of the criteria. It therefore seems to me that the right approach should be to protect open space which performs a key function in the built environment, in addition to any recreational, ecological, landscape or other amenity it provides, having regard to an appropriate combination of the criteria in paragraph 10.4. That approach is consistent with PPG 17 and Policy 46 of the Structure Plan and is generally reflected in paragraph 10.4 and Policy OS1 of the Plan. I have therefore adopted that approach in my consideration of the following site specific objections.

a) Land in the vicinity of St John’s Church and Community Centre in Hatfield

10.1.6 This land relates to the objections by St John’s Church, St John’s Church Youth & Community Centre and Mr & Mrs Archer.

10.1.7 The Council amended Appendix 8 of the Plan and the Proposals Map at its 2\(^{nd}\) Deposit stage to include most of the two areas of land referred by the Objectors within areas of Urban Open Land UOL192 and UOL193. The Council has also proposed a further extension to UOL193 in Pre-Inquiry Change PIC/047/MAP. I saw at an accompanied site visit that the only remaining land in dispute is a small grassed area close to the entrance of St John’s Church and Community Centre. That small area is physically and visually a part of the remaining Urban Open Land in the vicinity of the Church, and all of the designated and proposed UOL provides an important visual break within the built-up area of this part of Hatfield. I therefore consider in response to the objections that UOL193 should be extended as proposed by PIC/047/MAP and to include the small area close to the entrance of the Church.

\(^{87}\) PPG 17 paragraphs 10 and 11
\(^{88}\) Policy 46
Land adjacent to the Welwyn By-Pass

10.1.8 This land relates to the objection by the Welwyn & District Local History Society and comprises a relatively small area near the junction of London Road and Lancaster Way. The site has the character and appearance of a wide highway verge and although it is not unattractive, it does not have a key function in the built environment or clearly complies with any of the criteria for Urban Open Land, which are set out in paragraph 10.4 of the Plan. I do not therefore consider that the Plan should be amended by the designation of this site as an area of Urban Open Land.

b) Land between The Vineyard, the railway line and Lyles Lane in Welwyn Garden City

10.1.9 This land relates to the objection by Mr Tether and comprises a relatively small area located between housing and the East Coast Main Line railway. The site clearly has some amenity value for local residents, but it is not a part of a wider green chain of open land or vital to the form and character of the built-up area or clearly complies with the criteria for Urban Open Land, which are set out in paragraph 10.4 of the Plan. I do not therefore consider that the Plan should be amended by the designation of this site as an area of Urban Open Land.

Should the following sites be deleted from the Proposals Map and Appendix 8 as areas of Urban Open Land?

a) Land at the Police Headquarters site in Welwyn Garden City (UOL128)

10.1.10 This land relates to the objection by the Hertfordshire Constabulary and comprises an area of private playing fields located between the headquarters buildings of the Constabulary and Stanborough Park on the southern edge of Welwyn Garden City. The southern boundary of the site defines the Green Belt.

10.1.11 The site is not within the urban area of Welwyn Garden City as such, but adjoins UOL124 and UOL127 and contributes to the important visual and physical break between the built-up areas of Welwyn Garden City and Hatfield. The site also contributes to the wider green chain provided by Stanborough Park to the south. I consider those factors outweigh the apparently limited potential value of the site for any passive or active recreation and the absence of any wildlife or ecological value. I do not find the proximity of the site to the Green Belt to be a compelling factor against its designation as an area of Urban Open Land, since the quality of the landscape is not relevant to the inclusion of land in a Green Belt.

10.1.12 I appreciate that the Objector is concerned about the Plan’s designation inhibiting any future proposals for the expansion of the Constabulary’s headquarters, but Policy OS1 would enable such development subject to compliance with the criteria. I do not therefore consider that UOL128 should be deleted from the Plan.

b) School playing fields in specified locations

10.1.13 The objections by Hertfordshire County Council relate to the designation of fifteen school sites as areas of Urban Open Land. I carried out an accompanied visit to all of the sites during the Inquiry and have considered each site against the criteria of paragraph 10.4 of the Plan and the evidence submitted by each party.

10.1.14 The County Council has not maintained objections to the designation of other school sites as Urban Open Land, but in considering the objections to the fifteen sites, I have had careful regard to whether it is appropriate for the Plan to designate any of those sites for protection as UOL. My reasons for that are the sites, although all inaccessible to the general public, are part of the public realm which is in local authority ownership and the County Council has no current plans to change the use of any of the sites or to develop them in any way which would conflict with their UOL status. The sites clearly have an important function as playing fields, but in association with school use only, except for some shared use at UOL127. The evidence indicates that none of the sites are likely to become available for informal or formal passive or active recreation during the Plan period by the general public. In any case the possible loss of the playing fields in the event of them becoming surplus to
school requirements would be considered against Policy OS2 and does not necessarily justify their designation as Urban Open Land. None of the sites are identified by the County Council as Common Land and there is no evidence to demonstrate that any are of notable ecological or wildlife significance.

10.1.15 Furthermore, many of the school sites, although areas of attractive well-landscaped open space, are not readily visible from public viewpoints or any viewpoints outside the sites themselves, or if they are visible it is often restricted by boundary landscaping or only available from a limited area. The environmental value of such sites as open space is therefore generally limited to the residents of surrounding dwellings rather than performing a key function in the wider built environment that justifies protection under Policy OS1.

10.1.16 Since many school sites are likely to perform relatively poorly against the appropriate combination of criteria set out in paragraph 10.4 of the Plan I consider that in general there needs to be compelling reasons to designate them as Urban Open Land. I have therefore drawn my conclusions on the fifteen objection sites mainly on the basis of each site’s value as an important visual and physical break in the built-up area, particularly in areas of higher density development or which lack other areas of open space. I have also taken into account their contribution to any wider green chain or corridor.

10.1.17 On that basis I consider that the following sites satisfy the criteria for designation as Urban Open Land.

- **Applecroft School Welwyn Garden City (UOL71)**, particularly because the site provides an important visual and physical well-landscaped break within a relatively dense housing area.
- **Peartree Primary School Welwyn Garden City (UOL72)**, particularly because the site provides an important visual and physical well-landscaped break between industrial and housing areas.
- **Countess Anne C of E School Hatfield (UOL139)**, particularly because the site forms part of a wider green chain with UOL138 and is an important visual break in the built-up area close to the town centre.
- **Brookmans Park JMI School (UOL187)**, particularly because the site is an important visual break within a closely built-up area.
- **Panshanger JMI School Welwyn Garden City (UOL197)**, particularly because the site is part of a wider green chain with nearby UOLs, which together provide an important visual break in the built-up area, which contributes to the character of the Garden City.
- **Watchlytes Primary School Welwyn Garden City (UOL198)**, particularly because the site forms part of a wider green chain with UOLs 58 and 59, which provides an important break in the built-up area, which contributes to the character of the Garden City.
- **Green Lanes School Hatfield Garden Village (UOL200)**, particularly because although the site is close to the edge of the urban area and the Green Belt, it provides an important well-landscaped break in a new and densely developed built-up area, which contributes to the character of the area.
- **Birchwood Avenue JMI School Hatfield (UOL201)**, particularly because the site provides an important visual and physical well-landscaped break within a relatively dense housing area. However the designated site should be amended to exclude development which has been built in the south-west corner off Birchway.
- **Hazel Grove Primary School Hatfield (UOL168)**, particularly because although the site is close to the edge of the built-up area, it provides an important visual and physical well-landscaped break within a relatively dense housing area. The site also visually links to UOL179 to the south-west.
- **Five Oaks Primary School Hatfield (UOL153)**, particularly because although the site is screened from most of the surrounding built-up area it links visually to UOL155 and other tree belts.

10.1.18 Also on the basis discussed above, I consider designation as Urban Open Land is not justified for the following sites.
St Michael’s Woolmer Green Mardley Hill (UOL2), particularly because since the site is visually isolated from the surrounding built-up area, it makes no vital contribution to its form and character or otherwise forms part of any wider green chain or open corridor.

Oaklands Primary School (UOL5), particularly because part of the site is occupied by a dwelling and garden and the remainder is visually isolated from the surrounding built-up area. Although the site is attractive and well-landscaped it is not vital to the form and character of the area or otherwise forms part of any wider green chain or open corridor.

Springmead JMI School Welwyn Garden City (UOL53), particularly because the site adjoins open countryside and relatively low density housing and is not part of a wider green chain, although I note that the site adjoins UOL203, which is proposed as a Pre-Inquiry Change (PIC/046/MAP). The site might become more important as UOL if the Area of Special Restraint to the north is developed in the future, but that is not proposed in this Plan period.

Homerswood Primary School Welwyn Garden City (UOL42), particularly because since the site is visually isolated from the surrounding built-up area, it makes no vital contribution to its form and character or otherwise forms part of any wider green chain or open corridor.

Should open space at Sir Theodore’s Way, between John Lewis and the Howard Centre in Welwyn Garden City, be preserved to reflect the character and special identity of the town?

10.1.19 The Council has considered the objection by Mrs M E Lloyd on this issue as relating to a request that the open space known as Anniversary Gardens be designated as Urban Open Land. In the absence of any reasons to do otherwise, I have considered the objection on the same basis.

10.1.20 I understand from the Council’s evidence that the area occupied by Anniversary Gardens was originally intended to be developed in the master plan for Welwyn Garden City drawn up by Louis de Soissons in 1949. The land was occupied by a police station until 1962 and then used as a green until laid out as formal gardens in 1996 in commemoration of the Garden City’s 75th anniversary. The function of the land as formal open space is therefore relatively recent and I share the opinion expressed in the Conservation Character Appraisal that although the Gardens provide a useful pedestrian link between Stonehills and John Lewis, they lack the sense of enclosure or focus of activity needed to make them a meaningful public space. I do not therefore consider the Gardens perform a key function in the built environment.

10.1.21 The Gardens are included within a site proposed for major retail development under Policy TCR4 of the Plan and one of the requirements of the policy is for development to enhance the public realm and landscape within the town centre. Illustrative plans for such a proposal indicate how a larger and more usable public open space of quality could be provided as part of such development and that it could contribute to the character of the built environment and maintain openness in the town centre, consistent with its origins as a Garden City. I therefore consider that the value of protecting open space in this part of the town centre would be more beneficially achieved through the implementation of Policy TCR4 rather than by designating the present Anniversary Gardens as Urban Open Land.

RECOMMENDATIONS

I recommend that the Plan be modified as follows.

a) the area of Urban Open Land at St John’s Church & Community Centre (UOL193) be extended as proposed in Pre-Inquiry Change PIC/047/MAP together with the addition of the remaining area of land close to the entrance to the Church as proposed in the Objectors’ evidence. Appendix 8 of the Plan and the Proposals Maps to be modified as appropriate.

b) the following areas of Urban Open Land at school sites be deleted from Appendix 8 of the Plan and the Proposals Maps:

UOL2 St Michael’s Woolmer Green Mardley Hill
UOL5 Oaklands Primary School
UOL53 Springmead JMI School Welwyn Garden City
UOL42 Homerswood Primary School Welwyn Garden City
the boundary of UOL201 be amended to exclude development which has been built in the southwest corner of Birchway and the Proposals Map amended accordingly.

10.2 PLAYING PITCH PROVISION (paragraphs 10.5-10.7 and Policy OS2)

Objections

D1/1204/OSP/062  Friends of the Earth
D1/1543/OSP/011  Mrs E H Sheppard
D2/2275/OSP/005  Landmatch Ltd
D1/1498/OSP/017  Mr & Mrs M Guerra

Issues

1. Are the Plan's policies on playing fields inadequate because no factual information on current levels of playing field provision is given for differing standards of use in different parts of the District?
2. Will the Plan stop the loss of playing fields to development and should it seek to create more playing fields?
3. Should Policy OS1 define the criteria for assessing future demand for playing fields? Should it provide for playing fields, which are part of a green corridor to be given over to community gardens or forest?
4. Does the Plan make insufficient provision for playing pitches in Cuffley and if so should any shortfall be provided as an extension to the existing playing fields in Northaw Road East as part of new housing development? Should Policy OS2 be amended to enable the Council to seek to remedy any local deficiencies in the quantity and quality of open space, sports and recreational provision?

Inspector's Reasoning and Conclusions

10.2.1 The objection by Friends of the Earth on the first issue has been maintained despite the publication of the Council’s Playing Pitch Provision Study in June 2002. The Study is a comprehensive assessment of supply and demand relating to playing pitch provision by each ward of the District and provides the background for the objectives described in paragraphs 10.5 to 10.7 and Policy OS2 of the Plan. The Plan would become excessively and unnecessarily long and detailed if it attempted to summarise the information in the Study, and potentially misleading as circumstances could change during the Plan period. Policy OS2 is therefore based on an up-to-date assessment of the supply and demand of playing fields in the District and I do not consider any changes are necessary in response to the objection.

10.2.2 On the second issue, which concerns the objection by Mrs Sheppard, Policy OS2 requires there to be clearly demonstrable reasons to justify the loss of playing fields before planning permission is granted for development. The policy also seeks to increase the provision of playing fields in areas where there is a lack of provision, where it is reasonable and appropriate to do so through the planning system. I therefore consider the Plan does all it reasonably can to stop the loss of playing fields to development and to provide for the creation of additional facilities where they are needed. Consequently I do not consider Policy OS2 needs changing in response to the objection.

10.2.3 On Mr & Mrs Guerra’s objection concerning the third issue, it would difficult for Policy OS2(ii) to define how to assess whether or not there is any real prospect of a demand for playing fields affected by proposed development. Individual proposals are likely to be different in terms of their effect and require different consideration in the context of the supply and demand of pitches in the local area. In my view Policy OS2(ii) provides an adequate framework for such considerations in the

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Council’s day-to-day control of development. Furthermore, other policies of the Plan provide adequate protection for playing fields that are part of more general open space and there is no justification for Policy OS2 to give any preference to the re-use of playing fields for community gardens or forests. The policy does not therefore require any change in response to the objection on this issue.

10.2.4 The objection by Landmatch Ltd on the fourth issue also relates to their site specific objections, which I have considered in Chapter 4 of my Report. In that Chapter I have concluded that there are no exceptional circumstances, including the provision of recreational facilities, to justify altering the Green Belt boundary so as to release the site in Northaw Road East for housing development. In my view that conclusion is supported by the Council’s evidence, which demonstrates that the standards for outdoor playing space provision in Northaw and Cuffley is better than Hatfield and only marginally worse than Welwyn Garden City. I do not therefore consider there is sufficient evidence to require the Plan remedying any shortfall of playing pitches in Cuffley. Furthermore, if a shortfall does arise, the use of the Objector’s site in Northaw Road East for outdoor sport and recreation would not in any case necessarily be an inappropriate use in the Green Belt.

10.2.5 The Objector’s suggested amendment to the wording of Policy OS2 would add little to the policy as drafted since the final sentence of Policy OS2 expects substantial new development to contribute towards the provision of new facilities in areas where there is a lack of playing pitch provision. I do not therefore consider any changes to Policy OS2 are required in response to the objection by Landmatch Ltd.

10.2.6 I note that a minor amendment to the wording of paragraph 10.7 and Policy OS2 is proposed by the Council as Pre-Inquiry Changes PIC/028/OSP and PIC/029/OSP to clarify the Plan. No objections have been lodged to the changes and I do not have any comments on them.

RECOMMENDATIONS

I recommend that, other than Pre-Inquiry Changes PIC/028/OSP and PIC/029/OSP, no modifications be made to this part of the Plan.

10.3 PLAY SPACE AND INFORMAL OPEN SPACE PROVISION (paragraphs 10.8-10.11 and Policy OS3)

Objections

D1/1584/OSP/003 St John’s Youth & Community Centre (conditionally withdrawn)
D1/1313/OSP/002 Mrs Clare Woolmer

Issues

1. Should the Plan designate land in the vicinity of St John’s Youth & Community Centre as Urban Open Land because it provides an open space that is often used for informal activity?
2. Should the Plan seek to upgrade or redevelop children’s play areas in very poor condition at Stanborough, Shoplands and Haldens in Welwyn Garden City?

Inspector's Reasoning and Conclusions

10.3.1 On the objection by St John’s Youth & Community Centre concerning the first issue, this part of the Plan seeks to ensure that there is adequate provision made in new residential development for play space and informal open space. Any such proposals affecting land in the vicinity of St John’s Community & Youth Centre referred to by the Objector would be subject to the requirements of Policy OS3. The value of existing open space for informal activity is only one of the criterion for designating Urban Open Land, but I have dealt with this matter in respect of the land referred to in section 10.1 of my Report above. I do not therefore consider any changes are required to Policy OS3 in response to the objection on this issue.
10.3.2 On the objection by Mrs Woolmer and the second issue, the main purpose and function of the Plan is to set out policies and proposals for the development and use of land. The Plan can only seek to improve existing children’s play space through the planning process where new development is likely to place additional demands on its use. The Plan seeks to do that in Policy OS3. Other issues relating to the maintenance and facilities of existing play space, which is under the Council’s control, is a matter for the relevant Department of the Council. I do not therefore consider any changes are required to Policy OS3 in response to the objection on this issue.

RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan

10.4 ALLOTMENTS (Policy OS4)

Objections

D1/1204/OSP/063 Friends of the Earth

Issues

1. Should an additional clause be added to the end of Policy OS4 which addresses under-use of allotments because of existing conditions?

Inspector's Reasoning and Conclusions

10.4.1 This objection has been maintained despite the Plan being amended at its 2nd Deposit stage in response to the objection. In my view the amended wording fully meets the objection and no further change to Policy OS4 is necessary.

RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan
11. CHAPTER 11 - COMMUNITY, LEISURE AND TOURISM

11.1 LEISURE FACILITIES FOR SWIMMING AND YOUNG PEOPLE IN WELWYN GARDEN CITY (Paragraphs 11.6-11.10 and Policies CLT1, CLT2)

Objections

D1/1624/CLT/005    Welwyn Hatfield YMCA
D1/1624/CLT/009    Welwyn Hatfield YMCA
D1/1364/CLT/001    Dr K B Everard
D1/1588/CLT/002    Mrs S A Haywood
D1/1534/CLT/003    Mr A Achampung-Kyei
D1/1300/CLT/002    Mr Andrew Woolmer
D1/1313/CLT/001    Mrs Clare Woolmer
D1/1302/CLT/001    Mr Ben Young
D1/1322/CLT/001    Mr P C Jones
D1/1325/CLT/001    Mrs Jill M Smithen
D1/1303/CLT/001    Ms S Young
D1/1527/CLT/002    Mr J Aughton
D1/1361/CLT/003    Mrs D Burns
D1/1536/CLT/004    Mr T M Hogan
D1/1582/CLT/002    Mrs E Jones
D1/0118/CLT/017    Mr M Riches

Issues

1. Should the Plan be more proactive in seeking the provision of public swimming facilities in Welwyn Garden City?

2. Should the Plan allocate a specific site or sites for a swimming pool in Welwyn Garden City and/or should the Plan seek to protect sites which are potentially suitable for such use?

3. Should the Plan be more proactive in terms of the provision of leisure facilities in general for younger people?

Inspector's Reasoning and Conclusions

11.1.1 Many of the above objections touch on all three issues, but most concern the first two and the absence of any provision of general public swimming facilities in Welwyn Garden City following the closure in 1999 of a public open air swimming pool in Stanborough Park (“Splashlands”) in 1999, due to structural failure, and its subsequent demolition. Currently the only public swimming pool in the District is located at the western end of Hatfield town centre. That pool (“Hatfield Swim Centre”) is a modern facility having been refurbished in 1991 and provides an indoor 33m six lane pool with diving pit, learner and baby pool with other health and fitness facilities. An indoor 25m eight lane pool with health and fitness facilities is due to open in summer 2003 at the University of Hertfordshire campus on the Hatfield Aerodrome site. I understand that the University pool will be open to the public for most of the day. There is also a proposal for a 25m pool elsewhere on the Hatfield Aerodrome site as part of a private health and fitness club.

11.1.2 On the first issue, there are, or have been, other swimming facilities available at school pools in Welwyn Garden City, but with limited public access to the community and effectively there is now no public swimming pool in Welwyn Garden City, which is the largest town in the district, housing over 50% of the district’s population.

11.1.3 Nevertheless, research by Sport England in 1998, and 2001 after the closure of the Sir Frederick Osborn School pool, concluded that there is more than sufficient water space in Welwyn
Hatfield to meet anticipated future demand for swimming in the district. Sport England consider that Hatfield Swim Centre will continue to be the major venue for swimming in the district and community use of school pools will have the potential to provide for more local needs especially if they are managed and promoted for community use. Sport England acknowledge however that residents of Welwyn Garden City are relatively disadvantaged in terms of their accessibility to a pool offering the range of swimming opportunities available in Hatfield. That disadvantage has increased since Sport England investigated the matter by the imminent opening of the University pool at the Hatfield Aerodrome site.

11.1.4 PPG 17 recognises the vital role sports and recreational facilities have to play, not only in terms of health and well being, but also in the promotion of social inclusion and community cohesion. It is clear from Objectors’ evidence that there is a strong body of opinion in the local community about the lack of a swimming pool in Welwyn Garden City. I therefore find it surprising that the Plan has not sought to address this matter, particularly having regard to the above background and more especially the conflict between the location of public swimming pool facilities in the District and one of the key sustainability objectives of the Plan, which is to minimise the overall need to travel. I also note that in March 2003, the Council considered a report on the subject and resolved to progress it, including the establishment of a Leisure Trust for the delivery of some leisure services. In particular the objective for facility development in that report is to ensure that all residents of Welwyn Hatfield have easy access to well managed swimming pools offering a range of casual and programmed activities, sited in locations convenient for users.

11.1.5 One of the main functions of a local plan is to set out the Council’s detailed policies and specific proposals for the development and use of land, which will guide its day-to-day planning decisions. It seems clear that at this stage of the Council’s consideration of the Swimming Development Proposal for the District it would be premature for any proposals to be incorporated into the Plan. Nevertheless, for the above reasons I conclude on the first issue that the Plan should be more proactive on the matter, not least because it is likely to be progressed during the Plan period and because of the level of public concern which deserves more attention in the Community, Leisure and Tourism Chapter. I therefore consider that a new paragraph of text should be inserted in the Plan somewhere between paragraph 11.8 and Policy CLT2. The text should explain the current situation concerning swimming facilities in the district and summarises the action being formulated to pursue the objective for facility development, in particular, as set out in the report referred to above.

11.1.6 Turning to the second issue, Objectors have suggested sites they consider to be in suitable locations for a public swimming pool in or near Welwyn Garden City town centre and consider the Council should identify a site in the Plan. However, at the moment there appears to be no realistic prospect of a proposal for a public swimming pool coming forward on any of the sites referred to. Subject to the progression of action to achieve the facility development objective referred to above, a new site might be required to fill any identified gaps in existing swimming pool provision in the future. However there is still too much uncertainty at this point in time for the Plan to allocate land, or seek to protect potential sites, particularly having regard to the advice in paragraph 8.16 of the Companion Guide to PPG 17. Furthermore, criteria-based Policy CLT2 would not preclude the provision of a new public swimming pool in sustainable and appropriate locations in Welwyn Garden City including sites suggested by Objectors.

11.1.7 Some Objectors would like to see the previous swimming pool complex at Stanborough replaced on the site by a new pool. However it appears from the evidence that it is unlikely that any future proposals would include a public swimming pool. Furthermore, any redevelopment of the site is strictly constrained by its location within the Green Belt and it is not particularly well located to the rest if the town in terms of accessibility. Even so, I note that Policy CLT3 of the Plan would not preclude the provision of leisure facilities, which could include a swimming pool, provided that criteria relating to size and impact are satisfied.

11.1.8 I therefore conclude on the second issue in response to the objections that at the present point in time the Plan should not allocate or protect a specific site or sites for a swimming pool in Welwyn Garden City.

11.1.9 On the third issue, similar considerations are relevant to the provision of other leisure
facilities for young people. The Plan does not say such facilities are unnecessary and any proposals would be determined against the provisions of Policy CLT2. I appreciate that earlier consultation with the YMCA and others might have identified the need for specific facilities in particular locations, such as a “drop-in” type centre for young people. However, I note that the Council did consult five youth groups in 1998 during the Plan’s consultation process and I find the evidence on the need for such facilities to be vague and insufficient to justify the Plan including site specific policies on the subject. PPG12 promotes the use of criteria based policies as a means of simplifying plans and in my view Policy CLT2 provides an acceptable level of detail for the consideration of new leisure facilities in general. No changes are therefore required in response to the objections.

RECOMMENDATIONS

I recommend that the Plan be modified by a new paragraph or paragraphs of text being inserted between paragraph 11.8 and Policy CLT2 of the Plan to summarise and explain the Council’s proposed actions pursuant to its March 2003 resolution concerning the Swimming Development Proposal. The text should include the objective for facility development set out in paragraph 4.6 of the Proposal.

11.2 LEISURE FACILITIES FOR A FOOTBALL GROUND IN HATFIELD (Paragraphs 11.6-11.10 and Policies CLT1, CLT2)

Objections

D1/1490/CLT/001 De Havilland FC
D1/1265/CLT/001 Hatfield Town FC

Issues

1. Should the Plan make specific provision for a football ground in Hatfield at Angerland Common?

Inspector's Reasoning and Conclusions

11.2.1 Angerland Common is identified in the Council’s Playing Pitch Study (site 52) as playing fields in community use owned by the University of Hertfordshire. The Study indicates that the site has 6 senior football pitches, 2 rugby pitches, 1 hockey pitch and 1 cricket pitch with changing rooms and a car park. Although the site is in Welham Green Ward, it contributes to the open space provision of Hatfield due to its proximity to the town. I saw at an unaccompanied site visit during the Inquiry that Angerland Common adjoins farmland, a cemetery and the A1(M) on the southern edge of the town. Whilst being open and flat the site is mostly well screened by hedgerows on the boundaries.

11.2.2 The existing use of the site reflects its planning history following a report prepared in the mid 1970s and subsequent planning permissions, although only the first phase of the original sports proposals has been implemented. Even so the site could, with the landowner’s consent, facilitate a football ground for the town’s senior club or clubs by virtue of its existing use and there is no compelling need for the Plan to specifically allocate the site for that purpose. I also note from the University’s evidence relating to Chapter 12 of the Plan that its November 2002 Masterplan for the site makes provision for a site described as “Hatfield Football Stadium”.

11.2.3 The Council’s Playing Pitch Study indicates that Angerland Common makes an important contribution to Hatfield meeting the National Playing Field Association’s Standard of playing field space. I understand that the landowner has currently closed the site for a temporary period, which is therefore to be regretted. However, Policy CLT1 of the Plan protects the site from any proposed development, which would involve the loss of its existing use, subject to three criteria relating to the demand for that use. Furthermore, although the site is within the Green Belt, its use for outdoor sports, including small changing rooms or unobtrusive spectator accommodation, would not necessarily...
conflict with its location in the Green Belt. Such facilities, if required as part of the town’s football ground, would not necessarily be inappropriate development, provided the openness of the Green Belt is preserved and there is no conflict with the purposes of including land in the Green Belt.

11.2.4 It is clear from the evidence, and undisputed by the Council, that there is a need for a football ground to serve Hatfield and that there would be clear benefits to the community arising from such provision, especially having regard to the objectives in PPG 17. It also appears that the only suitable location for that provision is at Angerland Common. However the site is important in performing the Green Belt functions of checking unrestricted sprawl south of Hatfield, and preventing it from merging with Welham Green, as well as safeguarding the countryside from encroachment.

11.2.5 Clearly the need for a town football ground on the site could be a relevant consideration if a planning application for a different use is submitted. However, in view of the above considerations and the existing use of the site, I conclude that the circumstances in this case are not sufficiently exceptional to justify making specific provision for a football ground at Angerland Common.

RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan

11.3 PROTECTION OF EXISTING LEISURE FACILITIES (Paragraphs 11.6-11.7 and Policy CLT1)

Objection
D1/1137/CLT/002 St. John’s Church

Issue
1. Should land to the west of St John’s Church Hatfield be identified as Urban Open Land to afford it protection under Policy CLT1?

Inspector's Reasoning and Conclusions
11.3.1 I have already considered objections to the omission of the land referred to in this objection in Chapter 10 of my Report, but in any case there is no direct relationship between the designation of land as Urban Open Land and the protection of existing leisure facilities under Policy CLT1.

11.3.2 I understand from the objection that it is based on the potential loss of land west of the Church and surrounding the Youth and Community Centre which is used for festival functions by the Church and which provide community enjoyment and fellowship. If such use of the land is lawful, any future proposals which threatened its continuation would fall to be considered against the three criteria contained in Policy CLT1. The policy would therefore provide for protection of the existing use and I do not consider the Plan needs amending in response to this objection.

RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan.

91 Parts 10.1 and 10.3
11.4 NEW AND EXPANDED LEISURE FACILITIES (Paragraphs 11.8-11.10 and Policy CLT2)

Objections

D1/1616/CLT/054 Royal Veterinary College
D1/1616/CLT/055 Royal Veterinary College

Issues

1. Are policies associated with community, leisure and tourism too predominantly associated with urban areas? Should the Plan be amended to accommodate suitable opportunities in rural areas, including those appropriately located and related to the College?

Inspector's Reasoning and Conclusions

11.4.1 Chapter 11 is within that part of the Plan that deals with policies for urban areas, which is reasonable having regard to the overall aims and objectives of the Plan for sustainable development. Policies for the rural areas of the District are in Chapter 15 of the Plan and deal specifically with the Royal Veterinary College (RVC) at paragraphs 15.15 to 15.17a and Policy RA7, which identifies the College as a Major Developed Site (MDS) in the Green Belt.

11.4.2 I saw at one of my unaccompanied visits to the area that the MDS is located in a rural area to the west of Brookmans Park. In terms of the Plan’s objectives for a sustainable pattern of development, the College does not appear to be very well-located for new or expanded leisure facilities, other than to serve its own requirements. Any such proposals would need to be considered against the criteria of Policy RA7.

11.4.3 I do not therefore consider there is any justification for the Plan to seek to accommodate community, leisure and tourism proposals for the rural area, or at the RVC site, in Chapter 11 of the Plan in response to these objections.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

11.5 STANBOROUGH PARK (Paragraph 11.11 and Policy CLT 3)

Objections

D1/1622/CLT/001 Stanborough Leisure Ltd

Issue

1. Should the Plan provide for a wider range of options for the future enlargement, development and management of Stanborough Park, in particular by extending into land to the south and requiring the preparation of a Planning Study and future Supplementary Planning Guidance?

Inspector's Reasoning and Conclusions

11.5.1 During my accompanied and unaccompanied visits to the site and surrounding area I saw that Stanborough Park is located on the south-western edge of Welwyn Garden City. The Park and the objection site to the south are part of a relatively small gap of attractive countryside in the Green Belt, which separates the built up areas of Welwyn Garden City and Hatfield. That gap therefore
performs an important function in preventing Welwyn Garden City and Hatfield from merging into one another as well as achieving the other purposes of including land in the Green Belt, which are set out in paragraph 1.5 of PPG 2.

11.5.2 The Council confirmed at the Inquiry that the main purpose of Policy CLT3 is to control any redevelopment of the redundant swimming pool in Stanborough Park, although paragraph 11.11 and the policy also refer to the opportunities provided by its recreational and wildlife functions. Since Policy CLT3 is therefore specifically concerned with the development and use of land in the Park I consider the area to which the policy applies should be defined on Proposals Map 2. The Objector would like to see their land to the south, which is bounded by the existing Park, railway line and adjoining major roads, included in that area, primarily as a means of improving the environmental and recreational value of the Park.

11.5.3 Paragraph 20 of PPG17 requires local authorities to take into account eleven general principles in identifying where to locate new areas of open space, sports and recreational facilities. The sixth principle says that authorities should add to and enhance the range and quality of existing facilities. However the principles are intended to be applied in the context of a robust assessment, normally at District level, of the existing and future needs of the community for open space, sports and recreational facilities. The Council accepts that in the absence of a District wide assessment, the Plan is not fully compliant with PPG17 in this respect. It is therefore impossible to conclude whether or not there is a justifiable need for the range and quality of existing facilities at Stanborough Park to be increased or enhanced during the Plan period.

11.5.4 Although a new park is shown on the Masterplan for the Hatfield Aerodrome site, the Plan does not otherwise propose any new Country Parks. I have no doubt that, if needed, the objection site would enable the range and quality of existing facilities presently provided by Stanborough Park to be increased and enhanced. The site physically adjoins the existing Park and is set in a generally well-landscaped and attractive environment with visual qualities, albeit somewhat undermined by a telecommunications mast, some semi-derelict stables and the proximity of traffic on the adjoining roads. The site also includes reed beds which are a designated Wildlife Site (WS65) and adjoins another Wildlife Site within the Park (WS55). The objection site therefore has the potential to disperse the active and passive recreational pursuits of Stanborough Park over a wider area and could extend the areas that are subject to ecological management and protection.

11.5.5 However, there is no compelling evidence to demonstrate that any unacceptable harm arises from any intensive recreational use of the existing facilities provided by Stanborough Park or that any areas of ecological interest are under threat. The Council operates a management plan for the Park and in recent years has implemented a number of improvements. The Council currently has no plans to extend the Park and whilst a full PPG17 assessment of the District’s needs might support such an extension, at the moment there is no compelling case on the grounds that it is needed to overcome any particular deficiencies or problems. I do not therefore regard the absence of a full PPG17 assessment to be a sufficient reason to justify extending the Park into the objection site.

11.5.6 Furthermore, I note from the objection that enabling development may possibly be required as part of any rationalisation or relocation of existing uses in the extended Park. It would seem that is one of the reasons why a Planning Study and Supplementary Planning Guidance is being proposed by the Objector as an amendment to Policy CLT3. Whilst I appreciate that it is not possible to properly assess any such proposal until further details are known, I share the Council’s concern at the prospect of any form of inappropriate enabling development in this vulnerable part of the Green Belt. I also note there is a likelihood that development could result in the loss of some of the District’s best and most versatile agricultural land and that any access from the site to the adjoining major roads represents a further possible constraint to development.

11.5.7 The above circumstances indicate that there is insufficient justification at the present time for the Plan to propose an extension of Stanborough Park into the objection site as part of Policy CLT3. I also do not consider that there are sufficient reasons for the policy to provide for the preparation of a Planning Study and Supplementary Planning Guidance to consider a wider range of options for the future enlargement, development and management of the Park. Any such Study could be prepared at any time irrespective of the policy. I consider that the Plan as drafted provides adequate
certainty to prospective developers in terms of any future proposals for the development and use of land in this area in the form of the relevant criteria-based policies and its location in the Green Belt. No objection has been raised on the latter point.

11.5.8 The Council suggested minor amendments at the Inquiry to the wording of Policy CLT3 to reflect the fact that the swimming pool and associated buildings in the Park have been demolished. I agree that those amendments are necessary in the interests of clarity, but for the above reasons I do not consider any other changes to the policy are necessary, apart from defining the relevant area on the Proposals Map.

RECOMMENDATIONS

I recommend that the Plan be modified as follows.

a) Policy CLT3 be modified to read as follows:

In Stanborough Park the Council will seek to preserve and enhance the natural wildlife, whilst promoting and improving the recreational potential of the park. Development proposals will be considered against the policies in the Plan which define appropriate development in the Green Belt. In addition, the Council will grant planning permission for proposals for the redevelopment of the Splashlands site, subject to the following criteria:

(i) It should have no greater impact on the openness of the Green Belt and the purposes of including this land within it than the development which existed on the site at the time of the closure of the swimming complex;

(ii) Any new buildings should not exceed the height of the buildings which existed on the site at the time of the closure of the swimming complex; and

(iii) New buildings should not occupy a greater footprint of the site than the buildings which existed on the site at the time of the closure of the swimming complex.

b) The extent of Stanborough Park and the area to which Policy CLT3 applies be shown on the relevant Proposals Map.

11.6 TOURISM FACILITIES (Paragraphs 11.13-11.14 and Policy CLT5)

Objections

D1/1209/CLT/001 Mr Gregory Beecroft
D1/1616/CLT/056 Royal Veterinary College

Issues

1. Should the Plan provide stronger support for a museum devoted to the history and development of Welwyn Garden City and the garden city movement in general?

2. Does the policy relate solely to urban areas, if so should it be required to take account of exceptional opportunities?

Inspector's Reasoning and Conclusions

11.6.1 On the objection by Mr Beecroft on first issue, Policies CLT4 and CLT5 of the Plan promote and facilitate proposals which would increase or improve the provision of arts and cultural facilities and new and improved tourist attractions, but they do not specifically propose a museum.

11.6.2 The history and development of Welwyn Garden City is an important part of the town’s heritage and that could be reflected in a museum, which would also no doubt be of benefit to tourism. However, the function of a local plan is to set out the Council’s detailed policies and specific proposals for the development and use of land, which will guide its day-to-day planning decisions. Although the
Council has no specific proposals for a museum, Policies CLT4 and 5 provide an adequate criteria-based approach for the consideration of any such proposal that might come forward during the Plan period. I do not therefore consider the Plan should be changed in response to Mr Beecroft’s objection.

11.6.3 On the objection by the Royal Veterinary College concerning the second issue, this part of the Plan deals with policies for urban areas. Any proposals for tourism facilities should be considered against the Plan’s overall aims and objectives for achieving a sustainable pattern of development, which are reflected in its policies for the rural areas of the District. I do not therefore consider the Plan needs amending in response to the objection.

RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan.

11.7 HOTELS (Paragraph 11.15 and Policy CLT6)

Objections

D1/0251/CLT/002  East of England Tourist Board
D1/1616/CLT/057  Royal Veterinary College

Issues

1. Would the criterion of Policy CLT6 relating to easy accessibility by public transport be difficult to fulfil in the locations that are most likely to appeal to business users of budget hotels?
2. Should the Plan take account of potential hotel opportunities in locations other than those preferred in Policy CLT6, for example holiday-lets of education facilities?

Inspector's Reasoning and Conclusions

11.7.1 On the objection by the Tourist Board on first issue, Policies CLT5 and CLT6 facilitate tourist development in accordance with PPG 21. The general preference for hotels to be located in town centres or areas with high accessibility by public transport accords with paragraph 37 of PPG 13 and Policy 20 of the Structure Plan and the Plan’s objectives for a sustainable pattern of development. I do not therefore consider the Plan should be changed to accommodate the needs of users of budget hotels.

11.7.2 On the Royal Veterinary College’s objection concerning the second issue, this part of the Plan deals with policies for urban areas. Any proposals for hotels should be considered against the Plan’s overall aims and objectives for achieving a sustainable pattern of development, which are reflected in its policies for the rural areas of the District. I do not therefore consider the Plan needs amending in response to the objection on the second issue.

RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan.

11.8 COMMUNITY USE OF SCHOOLS/EDUCATIONAL FACILITIES (Para graphs 11.16-11.17 and Policy CLT7)

Objections

D1/1616/CLT/006  Royal Veterinary College
D1/1624/CLT/006  Welwyn Hatfield YMCA (conditionally withdrawn)
Issues

1. **Is Policy CLT7 and criterion (iii) too rigidly worded?**

2. **Should the Council collaborate with the YMCA to promote the dual-use of local school facilities, such as once existed at the Sir Frederic Osborne School?**

Inspector's Reasoning and Conclusions

11.8.1 The wording of criterion (iii) of Policy CLT7, which is the subject of the objection by the Royal Veterinary College, accords with paragraph 40 of PPG 1, which states that those deciding planning applications or appeals must always take into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. Criterion (iii) of the policy provides clarification about the interests which are relevant to the application of the policy. The extent of any harm would be weighed in the balance in the determination of any planning applications. I do not therefore consider the policy is too rigidly worded or needs amendment in response to the objection.

11.8.2 On the second issue and the objection by the YMCA, the function of the Plan is not to provide a procedural framework for the Council’s actions. Even so Policy CLT7 does not preclude collaboration with the YMCA to achieve the objectives of the policy. I do not therefore consider the policy requires any amendment in response to the objection.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

11.9 **NEW EDUCATION FACILITIES (Paragraphs 11.18-11.20 and Policy CLT8)**

Objections

D1/1580/CLT/008 Oaklands College
D2/1616/CLT/004 Royal Veterinary College

Issues

1. **Should Policy CLT8 require the Council to actively support an education provider seeking to solve a deficiency in permanent accommodation, which has resulted in the need for temporary buildings, before not renewing planning permission for a temporary period?**

2. **Do the changes to Policy CLT8 introduce wider tests which could prove impractical in relation to some proposals for new or extended education facilities?**

Inspector's Reasoning and Conclusions

11.9.1 On the first issue and the objection by Oaklands College, the Council amended paragraph 11.20 of the Plan at its 2\textsuperscript{nd} Deposit stage in response to the objection. I regard that amendment to be an adequate statement of intent as background to the implementation of Policy CLT8 and that it would make the policy unnecessarily complicated to incorporate the wording suggested by the Objector. No changes are therefore required in response to the objection.

11.9.2 On the second issue, I am only aware of relatively minor changes to the wording of Policy CLT8 and criteria (iv) and (vi) at the Plan’s 2\textsuperscript{nd} Deposit stage. The changes add clarity to the policy and do not significantly alter its purpose. If proposed development is impractical when considered against Policy CLT8, it would be an indication that planning permission should not be granted. The changes were made to the criteria to make them consistent with the wording of other policies of the Plan. I do not therefore consider that there is any justification to amend Policy CLT8 in response to the objection by the Royal Veterinary College on the second issue.
RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

11.10 USE OF REDUNDANT EDUCATIONAL FACILITIES (Paragraph 11.21 and Policy CLT9)

Objections

D1/0001/CLT/010 Hertfordshire County Council
D1/1580/CLT/009 Oaklands College
D1/1580/CLT/010 Oaklands College
D1/1580/CLT/011 Oaklands College
D2/1580/CLT/001 Oaklands College

Issues

1. Is it unreasonable for Policy CLT9 to restrict the re-use and redevelopment of redundant educational establishments to community, leisure and recreation uses?

2. Is it unreasonable for Policy CLT9 to require the Local Education Authority to demonstrate that the loss of an educational facility will not lead to future deficiencies in education facilities, before an alternative use to community, leisure and recreation is accepted? Does the Plan provide sufficient guidance as to what is required in such a demonstration?

3. Does Policy CLT9 jeopardise the efficient and appropriate redevelopment of the Oaklands College Lemsford Lane Campus for residential use? Should Policy CLT9 be clear and unambiguous in that respect?

Inspector's Reasoning and Conclusions

11.10.1 On the objection by Hertfordshire County Council concerning the first issue, paragraph 216 ii) and Policy 13 of the Structure Plan recognises that land and buildings currently in education use, but which are declared to be surplus to requirements, are potentially available for release and reuse or redevelopment for other uses. The Structure Plan states that such uses will be considered in local plans. This Plan explains in paragraph 11.21 that because of the design and frequent dual use of buildings in education use, they are considered to be suitable in principle for occupation by community uses.

11.10.2 There is no further justification for that consideration in the Plan, but I do not find that to be unreasonable, since most buildings and sites designed for education use are likely to be capable of accommodating relatively large numbers of people or groups of people. Such facilities might sometimes have also performed a dual role in serving the community’s leisure or recreational needs. Therefore the facilities would normally provide suitable opportunities for leisure or recreational uses serving the local community, probably more so than would redundant buildings in other non-educational uses.

11.10.3 The need or justification for such uses will clearly depend on the location and suitability of the redundant facilities. In the absence of a District-wide assessment of the communities’ leisure or recreation needs, as provided for in PPG17, there is little justification for Policy CLT9 to preclude the consideration of other uses. However, the policy recognises that by stating that other suitable alternative uses such as housing will be considered where the buildings are unsuitable for reuse or there is no local need for community and leisure facilities. The policy therefore incorporates a reasonable degree of flexibility, which could take any particular circumstances into account.

11.10.4 I therefore conclude on the first issue that Policy CLT9 is consistent with Policy 13 of the Structure Plan and that it is not unreasonably restrictive in terms of the re-use and redevelopment of redundant educational establishments to community, leisure and recreation uses. No changes to the
Turning to the second issue and the objections by the County Council and Oaklands College, the final sentence of Policy CLT9 seems to be imposing a more onerous requirement on the Local Education Authority (LEA) than on other education providers who may wish to dispose of redundant education facilities. In the absence of any justification in the Plan for such discrimination, I find that part of the policy to be unreasonable as a guide to development control decisions. The last sentence of the policy also appears to be imposing an unreasonable additional level of control over decisions which the LEA may have already properly taken in accordance with its procedures for declaring any of its facilities redundant or surplus to requirements. I understand from the evidence that the LEA’s procedures include consultation with the District Council, and I do not consider that development control decisions taken under Policy CLT9 should provide an opportunity for questioning the final decision taken in consequence of those procedures.

Furthermore, Policy CLT9 is unclear as to the criteria which would be considered by the Council in determining whether the loss of an educational facility would not lead to future deficiencies in education facilities. In addition, it seems to me that for an education provider to demonstrate that with any degree of accuracy or reliability would be an onerous requirement. I therefore consider this part of the policy to be unclear and unreasonable, irrespective of the type of education provider.

I have considered the alternative forms of wording suggested for Policy CLT9 put forward during the Inquiry by the Objectors and the District Council. For the above reasons I do not consider that the first sentence of the policy should be changed. In my view the second sentence of the policy would be clearer if it imposed a requirement on applicants to demonstrate that buildings are unsuitable for re-use for community, leisure or recreation uses or that there is no local need for such uses, before alternative uses are considered. For the above reasons I consider that the final sentence concerning future educational deficiencies should be deleted. I do not consider the deletion of the final sentence would seriously weaken the Council’s ability to implement Policy CLT9 having regard to the purpose of the policy as set out in paragraph 11.21.

On Oaklands College objection concerning the third issue, the redundant education facility at Lemsford Lane is identified in Policy H1 of the Plan as housing site HS18. That allocation implies that the site is not suitable for community, leisure or recreation use and is suitable for housing. It is not clear from the objection whether the entire college site is included in the housing allocation, but even so Policy CLT9 clearly provides the opportunity for such use if it is considered more suitable than community, leisure or recreation uses. In those circumstances I do therefore consider that Policy CLT9 jeopardises the use of the Oaklands College Lemsford Lane Campus for residential use or that the policy requires amendment to specifically refer to that site in response to the objection.

RECOMMENDATIONS

I recommend that the Plan be modified as follows.

a) Policy CLT9 be amended to read (in its entirety) as follows:

\[ \text{The Council will grant planning permission for the redevelopment or re-use of redundant educational establishments that are surplus to educational requirements, for community, leisure or recreation purposes. Where applicants can demonstrate that the buildings are unsuitable for re-use or there is no local need for community, leisure or recreation facilities, other suitable alternative uses such as housing will be considered; and} \]

b) The text of paragraph 11.21 be amended to reflect the deletion of the final sentence of Policy CLT9 as presently drafted in the Plan.
11.11 LIBRARY SERVICES (Paragraph 11.23 and Policy CLT11)

Objection

D1/1256/CLT/006 Mr Nigel Hutton

Issues

1. Should the Plan be more proactive in the provision of a significantly expanded library facility within the central core of Hatfield town centre?

Inspector's Reasoning and Conclusions

11.11.1 Paragraph 11.23 and Policy CLT11 specifically refer to support for proposals to improve the library facilities in Hatfield town centre and the provision of a suitable site is a requirement of the Revised Planning Brief for the Hatfield Town Centre Redevelopment. I do not therefore consider there is any need for Policy CLT11 to contain more detail or for the Plan to be more proactive on this matter, particularly as the provision of library services is outside the direct control of the Council.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

11.12 LOSS OF COMMUNITY FACILITIES (Paragraph 11.27 and Policy CLT13)

Objection

D1/1137/CLT/003 St John’s Church

Issues

1. Does Policy CLT13, paragraph 11.27 of the Plan and Proposals Map 4 fail to protect land to the west of St John’s Church and the land surrounding the Youth Centre because it is not allocated as Urban Open Land?

Inspector's Reasoning and Conclusions

11.12.1 I have already considered objections to the omission of the land referred to in this objection in Chapter 10 of my Report. I consider that my recommendations in that Chapter meet this objection and that no further changes are necessary.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

92 Document CD/RTC/70
93 Parts 10.1 and 10.3
12. CHAPTER 12 – EMPLOYMENT

12.1 INTRODUCTION (Paragraphs 12.1-12.16)

Objections

D1/1314/EMP/001  Ms Linda Groves
D1/1312/EMP/002  Mr B Jones
D1/1543/EMP/009  Mrs E H Sheppard
D1/1204/EMP/066  Friends of the Earth

Issues

1. Should the Plan take a more holistic view on employment than that advocated in PPG 4 particularly in terms of the contribution each business sector in the area makes to the overall sustainability of the District and removing the emphasis on usage of the A1(M)? Should the Plan seek to prevent any more distribution warehouses being built in the District?

2. Will more employment lead to a self-perpetuating spiral of expansion of jobs-people-houses-services-more jobs-more people etc? Is building housing on land that was previously used for industrial use misplaced and contrary to the original vision for Welwyn Garden City as a sustainable economy?

Inspector’s Reasoning and Conclusions

12.1.1 On the first issue and the objections by Friends of the Earth and Ms Groves, one of the Government’s key objectives is to encourage continued economic development and growth and to create conditions in which business can compete freely, develop and exploit new technologies and generate sustainable jobs. In preparing development plans local authorities should take account of the need to revitalise and broaden the local economy, the need to stimulate employment opportunities, and the importance of encouraging industrial and commercial development, particularly in the growing knowledge driven sector.

12.1.2 Paragraph 12.1 of the Plan reflects the above guidance by seeking to establish planning policies which will help to ensure the local economy remains buoyant and offers good employment opportunities for local people, and which will guide the main employment generating uses to the most appropriate locations. Although there is no need to allocate any additional land for employment uses in the District, the overall aim of the Council’s Economic Development Strategy, as outlined in paragraph 12.16 of the Plan, is to promote sustainable economic development and to encourage a thriving local business community. That forms the basis of the four employment objectives of the Plan as set out in paragraph 12.16.

12.1.3 Those objectives, and the policies of the Plan, do not contain any emphasis on developing sites for large companies and prestigious inward investment in favour of developing the local economy. On the contrary three of the objectives seek to support the local economy including the encouragement and development of small businesses. There is also no emphasis in the Plan’s employment objectives or policies on distribution or other types of warehousing. There is no evidence to demonstrate that distribution warehouses do not contribute towards the economic well-being of the District in terms of the number of jobs they provide. It would be inappropriate for the Plan to disregard the attractiveness of the District to distribution warehouse operators and other potential employers, having regard to the factual proximity of the A1(M) to the main employment areas. Furthermore,

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94 PPG 12 paragraph 4.7
95 PPG 12 paragraph 4.9
Government guidance recognises the need for modern distribution facilities in appropriate locations.  

12.1.4 I do therefore consider any changes to the Plan are required in response to the objections based on the first issue.

12.1.5 The second issue concerns the objections by Mr Jones and Mrs Sheppard. Some sites on the periphery of existing employment areas, or on sites outside previously designated employment areas adjacent to existing or new residential areas, have been allocated for housing under Policy H1 of the Plan (total 15.3ha). Those allocations have avoided the loss of highest quality employment land and have been identified as suitable to meet housing needs in the Urban Capacity Study undertaken for the Council during the preparation of the Plan (see Chapter 9 of my Report). However the Plan resists any further loss of employment land to non-employment uses, including housing.

12.1.6 Having regard to the above and to the objectives of the Plan as a whole (paragraph 2.24), I consider the employment Chapter of the Plan to be consistent with the objectives for a sustainable pattern of development contained in national, regional and strategic guidance. I therefore have no reason to conclude that the Plan’s policies should follow a different approach. I do not believe the Plan’s employment policies would have any significant effect on the original vision of Welwyn Garden City as a sustainable economy, having regard to the very different social and economic conditions which operate today as compared to when that vision was first formulated. There is no evidence to indicate that the Plan’s policies would lead to a self-perpetuating spiral of expansion. I do not therefore consider any changes to the Plan are justified in response to the objections based on the second issue.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan

12.2 EMPLOYMENT LAND AND ACCEPTABLE USES IN EMPLOYMENT AREAS (paragraphs 12.17-12.24 and Policies EMP1, EMP2, EMP3)

Objections

D1/1628/EMP/009 Land Securities Properties Ltd
D1/1628/EMP/010 Land Securities Properties Ltd
D1/1628/EMP/007 Land Securities Properties Ltd
D1/1628/EMP/008 Land Securities Properties Ltd
D1/1628/EMP/011 Land Securities Properties Ltd
D1/1628/EMP/012 Land Securities Properties Ltd
D1/1593/EMP/003 Chinacorp
D1/1593/EMP/004 Chinacorp
D1/172/EMP/001 Nestle UK Ltd
D1/1216/EMP/001 B&Q
D1/0217/EMP/005 Welwyn Parish Council

Issues

1. Should the Plan generally seek to resist uses other than Classes B1, B2 and B8 in employment areas (paragraphs 12.4, 12.17 and Policies EMP2 and EMP3)? Is it unreasonable for the Plan to protect employment areas specifically from retail and leisure uses including at a site at Bessemer Road in Welwyn Garden City (paragraphs 12.19, 12.24 and Policy EMP3)?

2. Should the Plan make provision for a mix of uses beyond Classes B1, B2 and B8 in part of Employment Area EA1 allocated under Policy EMP1 east of the railway station in Welwyn Garden City?

96 paragraph 12 of PPG 4 (Document CD/NP/40)
3. Should the Plan designate any Employment Areas within Welwyn?

Inspector's Reasoning and Conclusions

Should the Plan generally seek to resist uses other than Classes B1, B2 and B8 in employment areas (paragraphs 12.4, 12.17 and Policies EMP2 and EMP3)?

12.2.1 The objections by Land Securities Properties Ltd, Chinacorp, Nestle UK Ltd and B&Q concern matters raised by the first issue.

12.2.2 Policy EMP2 restricts proposals in the employment areas allocated under Policy EMP1 to uses within Classes B1, B2 and B8. Paragraph 12.4 of the Plan justifies that approach as being necessary to maintain a balance between supply and demand for employment floorspace in the context of there being sufficient employment land and floorspace in Hertfordshire to meet a predicted growth in business and floorspace needs to 2011. Paragraph 12.17 states that further releases of land within the Employment Areas for other uses must be resisted if an adequate level of employment land is to be retained to meet business needs.

12.2.3 There is not an up to date or detailed survey of employment land supply and demand in the District and it is not therefore possible to be sure that maintaining the balance or adequacy of land, referred to in paragraphs 12.4 and 12.17 of the Plan, justifies resisting other uses in the allocated employment areas throughout the Plan period. However, it is clear from the adopted Structure Plan and from research undertaken in connection with the emerging Alterations to the Structure Plan, that there is a significant and persisting quantitative surplus of employment floorspace in Hertfordshire. There is also no evidence of any quantitative shortfall of such floorspace in Welwyn Hatfield District.

12.2.4 The most recent technical work on the topic indicates that Welwyn Hatfield District could absorb some of the reduction of county-wide surplus floorspace (104,000 square metres), but that has not been carried forward into Policy 14 of the emerging Alterations to the Structure Plan. The District Council is concerned about the implications of such a reduction and does not entirely agree with the methodology of the technical work. In any case the emerging Alterations to the Structure Plan are ‘on hold’ pending publication of draft Regional Planning Guidance for the East of England (RPG 14). Whilst those factors do not invalidate the technical work carried out and the possible need to reduce surplus employment floorspace, in my view they indicate that the matter should carry relatively little weight in my consideration of this issue.

12.2.5 Even so the adopted Structure Plan states that, although in the longer term the overall balance of supply and demand for employment land and floorspace is far from certain, it is reasonable to proceed on the assumption of a surplus and therefore that some land and buildings either currently in employment uses or allocated for such uses may be released for other uses. The objective of Policy 14 of the Structure Plan is to foster economic growth in existing employment areas through planned regeneration and provides for the re-use of existing employment land and buildings, but only for other purposes where no longer required to meet future employment requirements and community needs.

12.2.6 The general approach of the Structure Plan reflects the advice in paragraph 42 of PPG 3 concerning the review of employment land allocations to consider whether some land might better be used for housing. The Council has proposed the release of some land previously allocated for employment use for housing under Policy H1 of the Plan, although there is no evidence to demonstrate how the quantity of release relates to balancing the supply and demand for employment floorspace, or that the release of more land would result in unacceptable harm to the economic strategy for the District.

12.2.7 The above factors suggest that there is no compelling quantitative justification for the Plan to strongly resist the release of employment land to other uses. However, the Structure Plan states that a discriminating approach is required to any such release, together with careful monitoring of

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97 paragraph 172 Document CD/SP/130
98 paragraph 175 Document CD/SP/130
99 paragraph 248 Document CD/SP/20
Furthermore a cautious approach to the release of employment land is justified having regard to the evidence concerning the qualitative need in the District, particularly for land or premises for small “low-tech” businesses and larger existing businesses which might need to expand or redevelop in the area. There appears to be scope for the re-cycling of some sites in the main employment area of Welwyn Garden City, which are suited for such development and it is important to the implementation of Structure Plan Policy 14 that such opportunities are not lost to other uses by piecemeal regeneration.

12.2.8 I therefore conclude that there is justification for the Plan to adopt a cautious approach which should generally resist uses other than those within Classes B1, B2 and B8 in the allocated Employment Areas as a whole. However, I also consider the Plan should better reflect Policy 14 of the Structure Plan by recognising that some land and buildings in employment use or allocated for such use may be released for other uses as part of planned regeneration and I return to that matter further in considering Chinacorp’s objection on the second issue below.

Is it unreasonable for the Plan to protect employment areas specifically from retail and leisure uses including at a site at Bessemer Road in Welwyn Garden City (paragraphs 12.19, 12.24 and Policy EMP3)?

12.2.9 Policy EMP3 provides some flexibility in allocated employment areas by enabling some non-Class B uses if they comply with four criteria. However there are strong objections to that part of the policy and related paragraphs of the Plan, which state that retail and leisure uses are unacceptable in the designated employment areas, not least because paragraph 12.2 recognises that retail uses are a major source of employment in the District.

12.2.10 PPG 6 and subsequent Government advice indicates that the first preference for retail development should be for town centre sites followed by edge-of-centre sites, district and local centres and only then out-of-centre sites in locations that are accessible by a choice of means of transport. Paragraph 3.23 of PPG 6 states that retail development should not normally be allowed on land designated for other uses in an approved Development Plan, especially land allocated for industry, employment and housing where retail development can be shown to have the effect of limiting the range and quality of sites that would be available for such uses.

12.2.11 I deal with the sequential approach to retail development in Chapter 13 of my Report, but it is clear that such development should not be located within employment areas unless the tests for satisfying the sequential approach can be met. Even so I consider that aspect of the control of retail development in employment areas is better dealt with through the Plan’s retail policies and does not justify the unconditional statement in Policy EMP3 that retail uses are unacceptable in employment areas. Deleting the statement from Policy EMP3 would avoid any potential conflict with the sequential approach advocated in Policy TCR1. As discussed above, although there is some justification for the Plan to adopt a cautious approach to the release of employment land, that has to be seen in the context of a surplus of quantitative supply. In that context and the advice in paragraph 3.23 of PPG 6, I consider there to be little justification for the unconditional statement in Policy EMP3 that retail uses are unacceptable in employment areas.

12.2.12 Furthermore paragraph 12.24 of the Plan more specifically justifies the approach of Policy EMP3 to retail and leisure uses in employment areas by referring to their adverse impact on the vitality and viability of town centres. It seems to me that any such impact would depend very much on the type and scale of provision and location of the particular retail or leisure use proposed and there is no sound reason or evidence for the Plan to make such a generalised statement in justification of Policy EMP3.

12.2.13 I now turn to the related objection by Land Securities Properties Ltd, which seeks the specific release of a 3.4ha site in Bridge Road and Bessemer Road in Welwyn Garden City for retail use. The site is within employment area EA1 allocated under Policy EMP1 and is close to the town centre and is currently in use as an Argos distribution centre. I consider whether there is a general case to specifically support the use of this site for bulky goods retailing in Chapter 13 of my Report.  

100 paragraph 248 Document CD/SP/20
conclude in that Chapter that there is insufficient evidence to support that use on the site during the Plan period. In view of that conclusion and the justifiable cautious approach to the release of employment land I have referred to above, I think it would be quite wrong to recommend the release of the site from its allocated employment use in the Plan on the basis of the limited information before me. Furthermore, the policies of the Plan would not prevent a planning application for retail use on the site being considered against the relevant criteria and the sequential test for such development.

12.2.14 Having regard to the foregoing, my overall conclusion in response to the objections on the first issue is that it is not unreasonable for the Plan to adopt a cautious approach to the release of employment land to other uses. However, it is unreasonable for Policy EMP3 to unconditionally protect employment areas from retail and leisure uses by describing them as being unacceptable. Notwithstanding that, and for the reasons given above, I do not consider the site at Bessemer Road in Welwyn Garden City should be allocated for retail use in response to the objections by Land Securities Ltd.

12.2.15 My concerns about this part of the Plan could be dealt with by deleting the first sentence in Policy EMP3 and the matter of retail and leisure development in employment areas being incorporated into the text of this part of the Plan, with reference as appropriate to other policies of the Plan which specifically deal with such development. However, I would still find the purpose of Policy EMP3 unclear in that although the policy is headed “Employment Generating Uses in Employment Areas”, none of the criteria require a non-Class B use to generate employment. Criteria (ii) and (iii) of the policy also repeat those set out in Policy EMP2 and the provisions of criterion (i) relating to ancillary retail use should, in my view, apply to any development within the designated employment areas and not just to the specific non-Class B examples referred to in the policy.

12.2.16 It therefore seems to me that Policy EMP3 could be deleted and Policy EMP2 amended to simply deal with all acceptable uses in the designated employment areas. I consider that such an amendment, in the form of wording I have recommended below, would give the Plan greater clarity whilst avoiding excessive or unnecessary detail. The Plan would also then more clearly reflect Policy 14 of the Structure Plan and help ensure that an unacceptable imbalance between the supply and demand for employment land does not arise from the re-use of existing employment provision.

Should the Plan make provision for a mix of uses beyond Classes B1, B2 and B8 in part of Employment Area EA1 allocated under Policy EMP1 east of the railway station in Welwyn Garden City?

12.2.17 Turning to the second issue and the objections by Chinacorp, PPG 1 says that development plan policies should promote and retain mixed uses particularly in town centres and other areas highly accessible by means of transport other than the private car. Plans should identify individual sites where development should incorporate a mixture of uses and where there are proposals for major mixed-use developments. PPG 4 says that Plans should encourage new business development in locations, which minimise the length and number of trips, especially by motor vehicle. Optimum use should be made of potential sites and existing premises in inner cities and other urban areas taking into account such factors as accessibility by public transport. Such areas should be identified in development plans. PPG13 also encourages a mix of uses and states that planning policies should focus mixed-use development involving large amounts of employment, shopping, leisure and services in city, town and district centres, and near to major public transport interchanges. 101

12.2.18 Employment Area EA1 covers a large area in Welwyn Garden City and extends into the core of the town immediately east of the main railway station and town centre. The objection by Chinacorp on this issue relates to a site of some 16ha, which is mostly occupied by industrial land and buildings in Class B1, B2 and B8 uses, some of which are vacant. The site adjoins a residential area to the south and is directly linked to the railway station and town centre facilities and bus station by a footbridge.

12.2.19 It seems to me that the objection site could not be in a better position to comply with the above guidance concerning its suitability for a sustainable mixed use development. It is clearly highly accessible to the railway station and bus services as well as being within easy reach by foot or

101 paragraphs 8-10 of PPG 1, paragraphs 10 & 21 of PPG 4, paragraphs 20 & 30 of PPG 13
cycle of the town’s central housing areas. The site is partly in need of regeneration, since some of the
unused existing buildings are of dated design and of semi-derelict appearance as well being partly
contaminated. There are also extensive areas of under or unused land immediately adjoining the
railway line, which I consider is a wasted resource in a highly accessible location. Furthermore, one of
the key occupiers of the site (Roche) will shortly be relocating most of its operations to another site in
Welwyn Garden City, leaving their buildings available for re-use or redevelopment.

12.2.20 The accessibility of the site makes it eminently suitable for its allocated use for Classes
B1, B2 and B8 and re-cycling of the existing buildings could be achieved under the Plan as presently
drafted, including smaller business units. Any substantial release of the employment use of the site
would need to be carefully considered having regard to the cautious approach I have referred to above.
However the location of the site so close to the town centre and a major transport interchange and its
potential for regeneration indicates that it is a scarce development opportunity for mixed uses. PPG 13
states that local authorities should seek to make maximum use of such key sites and be pro-active in
promoting intensive development on them in development plans. The evidence I heard at the Inquiry
does not lead me to conclude that there are any insurmountable problems to achieving a satisfactory
mix of employment, housing and leisure uses on the site, although for the reasons given in section 13.4
of my Report I do not consider any significant retail floorspace should be provided in the Plan period.

12.2.21 Therefore in conclusion, I consider that the Plan should provide for uses in addition to
those in Classes B1, B2 and B8 on the objection site as part of a mixed use scheme. As discussed at the
Inquiry, the quantum and type of uses could be the subject of a development brief, and would be subject
to other relevant policies of the Plan, particularly those relating to retail development. I have therefore
recommended that Policy EMP3 be replaced by an appropriate policy relating to this site.

Should the Plan designate any Employment Areas within Welwyn?

12.2.22 On the objection by Welwyn Parish Council relating to the third issue, Policy 14 of the
Structure Plan states that new employment land should only be identified in the County in exceptional
circumstances. My attention has not been drawn to any such circumstances in terms of the needs of
Welwyn, which I note is within a short distance of the very considerable amount of employment land
allocated in Welwyn Garden City. Having regard to those factors and my considerations relating to
the first issue above, I do not consider there is any justification for the Plan to designate any
Employment Areas in Welwyn under Policy EMP1.

RECOMMENDATIONS

I recommend that the Plan be modified as following:

a) Policy EMP2 be amended to read as follows:

Policy EMP2 – Acceptable Uses in Employment Areas

In the designated employment areas, proposals for development within Use Classes B1, B2 and B8 will be
permitted, subject to the following criteria:

(i) The proposal would not, due to the scale of employment generated, have an unacceptable impact on
the demand for housing in the travel to work area;
(ii) The proposal would not have an unacceptable impact on the local and/or strategic transport
infrastructure;
(iii) The proposal would not harm the amenities of any nearby residential properties;
(iv) The development would provide adequate parking, servicing and access;
(v) Any retail element of the development would clearly be ancillary to the main business use;

Proposals for Class B8 development should also be well located in relation to the primary road network.

Proposals for any other uses in the designated employment areas will only be permitted where it can be
clearly demonstrated that the existing land or premises are no longer required to meet future employment

102 paragraph 21 of PPG 13
requirements and business and community needs. All such proposals will also be required to satisfy criteria (i) to (v) above and other relevant policies of the Plan relating to the use proposed.

In all cases, the proposed development must comply with the design policies contained in the Plan.

b) Policy EMP3 be deleted and replaced by a new policy:

Policy EMP3 – Mixed Use Development Site east of the railway station in Welwyn Garden City

The site within Employment Area EA1 (as defined on the Proposals Map) is identified as an opportunity area of planned regeneration for mixed use development comprising primarily employment, housing, leisure and rail-related uses. Development of the site shall be in accordance with the criteria in Policy EMP2 and other relevant policies of the Plan relating to the uses proposed. Development shall also comply with a Development Brief to be approved by the Council as supplementary planning guidance. The Development Brief shall include the minimum quantum of Class B floorspace to be provided on the site.

c) The text of the Plan at paragraphs 12.19 to 12.24 be amended accordingly.

12.3 CAR SALES AND SHOWROOMS (paragraphs 12.25-12.26 and Policy EMP4)

Objections

D1/1256/EMP/007 Mr Nigel Hutton

Issues

1. Should the Plan require car sales and showrooms to make specific provision for customer car parking facilities?

Inspector’s Reasoning and Conclusions

12.3.1 Criterion (ii) of Policy EMP4 requires proposals for car sales and showrooms to have no adverse affect on the highway network including highway safety. The Council would take that criterion into account in considering the adequacy of car parking provision. Policy M19 of the Plan requires parking provision for new development to be made in accordance with the standards set out in the Council’s supplementary planning guidance (SPG) on parking. The SPG contains standards for uses related to the motor trade including showrooms for car sales. I do not therefore consider any specific provision about customer parking needs to be made in Policy EMP4 in response to Mr Hutton’s objection.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan

12.4 BAD NEIGHBOUR OR DIRTY USER INDUSTRIES (paragraphs 12.33-12.34 and Policy EMP7)

Objections

D1/1204/EMP/028 Friends of the Earth
D1/1204/EMP/029 Friends of the Earth
D1/1090/EMP/010 Fanshanger Community Group
Issues

1. Should the Plan be more clear about the definition of ‘dirty user’ industries and include ‘bad neighbour’ uses? Should Policy EMP7 consider the potential impact of such development rather than enabling it? Should Chapter 3 of the Plan have a new policy, which applies the precautionary principle about development that has an uncertain impact?

2. Should the Plan say that an incinerator for waste destruction should not be built on the site referred to in Policy EMP7 or any other site in the area?

Inspector's Reasoning and Conclusions

12.4.1 The Plan was amended at the 2nd Deposit stage to clarify that paragraphs 12.33 to 12.34 apply to ‘bad neighbour’ uses. Paragraph 12.33 describes such uses as those which have particularly adverse environmental impacts due to their activities. The Council has confirmed that the purpose of this part of the Plan is not to assess the potential impact of proposed bad neighbour/dirty uses, but to identify a suitable site for them. In those circumstances I do not consider there is any need for this part of the Plan to contain excessive detail about the definitions and legislative background concerning ‘bad neighbour’ or ‘dirty uses’.

12.4.2 Furthermore, I have considered the Plan’s general approach to the environmental impact of any proposal for development in the District in Chapters 1 to 3 of my Report and in my view there is no need for a new policy relating to the ‘precautionary principle’. Proposals which have a potentially harmful impact would be considered in the context of other relevant policies and in particular Policy SD1 and the sustainability checklist in related SPG. Therefore I do not consider any changes to the Plan are required in response to the objections by Friends of the Earth on the first issue.

12.4.3 On the second issue and the objection by the Panshanger Community Group, the identification of a waste incineration site is a matter to be dealt with by the County Council through the Hertfordshire Waste Local Plan. There is no evidence before me to indicate that the site identified for ‘bad neighbour/dirty uses’ in Policy EMP7, or any other site in the area, is under consideration for waste incineration in a review of the Waste Local Plan. In the absence of sound evidence at this stage to demonstrate the unsuitability of the site for such a use, it would be inappropriate for this Plan to prohibit its future consideration, along with any other potential sites, as part of the Waste Local Plan process. No changes are therefore required in response to the objection.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan

12.5 EMPLOYMENT DEVELOPMENT OUTSIDE OF EMPLOYMENT AREAS (paragraphs 12.35-12.37a and Policy EMP8)

Objections

D1/1623/EMP/010 Beechwood Homes Ltd
D1/1208/EMP/002 Northaw Properties Ltd
D2/1208/EMP/001 Northaw Properties Ltd
D2/1208/EMP/002 Northaw Properties Ltd

Issues

1. Should the Plan have a policy for alternative uses on inappropriately located employment sites and acknowledge that some employment uses may be inappropriately located even though not within or adjacent to residential areas?

2. Should the Plan acknowledge that there may be other planning reasons why a live-work scheme may not be the best solution for an inappropriately located employment site?
Inspector's Reasoning and Conclusions

12.5.1 On the objections by Beechwood Homes Ltd and Northaw Properties Ltd concerning the first issue, Policy EMP8 provides the context for the consideration of proposals for development on all existing employment sites outside the designated employment areas irrespective of whether or not they are inappropriately located. The policy sets out criteria for the consideration of new employment development or redevelopment in terms of its impact on residential amenities, which would take into account the appropriateness of the location for such development. In response to the objections, I do not therefore consider an additional policy is necessary for alternative uses on inappropriately located employment sites.

12.5.2 I accept that an existing site might be inappropriately located for employment purposes, even though not within or adjacent to a residential area. Paragraph 12.37 of the Plan was amended at the 2nd Deposit stage to insert the words ‘or on highway safety’ after ‘residential amenity’, but the inappropriateness of an employment use might also relate to other environmental factors. I therefore consider that the effect of an existing employment use on the local environment should be inserted in the paragraph, and the reference to residential areas be deleted, as recommended below. However I do not consider a consequential amendment to Policy EMP8 is necessary because the criteria relate to the effect of a proposal on the local environment. I also note that the Council has proposed a Pre-Inquiry Change to criterion (iii) to add the effect of a proposal on the highway network and safety (PIC/030/EMP). Since that change would support my above comments, I agree that the Plan should be amended accordingly.

12.5.3 On the second issue and the objections by Northaw Properties Ltd, Policy EMP8 provides for residential development other than live-work mixed use schemes on employment sites outside of employment areas where such schemes are not viable. It seems to me that provides reasonable flexibility whilst seeking where possible to retain some employment on appropriate sites. Proposals for uses or solutions other than residential would be considered on their merits and other relevant policies of the Plan. I do not therefore consider the Plan needs changing in response to the objections.

RECOMMENDATIONS

I recommend that Policy EMP8(iii) of the Plan be modified in accordance with Pre-Inquiry Change PIC/030/EMP and that paragraph 12.37 be modified to read as follows:

It is also recognised that some employment sites are inappropriately located because their scale or use has an adverse impact on the local environment or residential amenity or on highway safety through traffic generation, noise and general disturbance.

12.6 LOCAL RECRUITMENT (paragraph 12.43 and Policy EMP11)

Objections

D1/1213/EMP/016 Faulkners

Issues

1. Should Policy EMP11 be deleted because it is not a land use policy and the employment programmes of any large scale employers are not a matter for the local planning authority and should not be subject to a requirement for section 106 Obligations?

Inspector's Reasoning and Conclusions

12.6.1 Policy EMP11 does not and should not require local people to be recruited for any proposals for large-scale employment generating development or that developers or employers enter into Obligations under section 106 of the Act to achieve that objective. The policy relates to the
development and use of land and the encouragement of local recruitment in association with such
development is consistent with the Plan’s overall objectives for a sustainable pattern of development,
particularly in terms of reducing the need to travel. I do not therefore consider the policy should be
deleted in response to the objection.

RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan

12.7 UNIVERSITY OF HERTFORDSHIRE (paragraphs 12.44-12.47 and Policy EMP12)

Objections

D1/1627/EMP/008 University of Hertfordshire
D1/1627/EMP/009 University of Hertfordshire

Issues

1. Is it unreasonable for Policy EMP12 to require any development on the University’s Hatfield
   Aerodrome site to accord with supplementary planning guidance for the site?

2. Is paragraph 12.47 contradictory? Should the Plan’s Proposals Map (Inset 3) allocate the
   University’s site in College Lane Hatfield for university use, as shown at Hatfield Aerodrome?

Inspector's Reasoning and Conclusions

12.7.1 On the first issue the Council’s supplementary planning guidance (SPG) for the
Hatfield Aerodrome site was adopted in 1999. The SPG sets out the key development strategies and
principles for the 322ha site and contains a series of Area Planning Briefs, which set out development
guidance for different parts of the site. One of those Briefs deals with a 12.1 ha site reserved for the
University campus and contains a description of the proposed uses and principles relating to
sustainability, mix, urban design, car parking, landscaping, phasing and infrastructure requirements. I
understand that the University participated in the preparation of that Brief.

12.7.2 I also understand from the evidence that, in granting outline planning permission for
the various uses identified in the SPG for Hatfield Aerodrome, it was a requirement that individual
framework plans for the University site and four others were to be submitted for approval. No
Masterplan has been approved for the University site although following the grant of detailed planning
permission and reserved matters, the site has now been developed as the de Havilland campus and from
2003 will become one of the University of Hertfordshire’s two principal centres of activity. The other
site is an existing campus some 1km south at College Lane.

12.7.3 Matters have therefore clearly moved on since the SPG was adopted in 1999, not least
by the granting of outline planning and other permissions, which I have seen for myself have resulted in
a significant amount of development being built or under construction across the whole area. However,
there is no compelling evidence to demonstrate that the SPG has been superseded or become out-dated
as a masterplan for the Hatfield Aerodrome site as a whole. Chapter 14 of the Plan indicates that the
1999 SPG as a masterplan, and any subsequently adopted revisions, will provide the detailed guidance
for determining planning applications for the redevelopment of the site in future years.

12.7.4 I do not therefore consider it to be unreasonable for Policy EMP12 to require any
further development of the University site to accord with the currently adopted SPG. The word
‘further’ does appear in the policy, but I do not consider the word is essential to the purpose of the
policy. I have considered the alternative wording suggested by the University, but find it unclear in that

103 Document CD/HA/10
it appears to require proposals to take account of the SPG at the same time as committing the Council to consider proposals on their individual merits for reasons of flexibility. It seems to me that any need for flexibility in the context of the SPG is more properly taken into account as a material planning consideration at the time of any planning application. The Council could then balance such need against the overall provisions of the SPG. Alternatively, if the University’s future requirements for the site appear likely to depart significantly from the original principles and objectives of the 1999 SPG, it would be more appropriate to deal with that transparently through a revision to the SPG.

12.7.5 On the second issue, paragraph 12.47 only deals with the University’s other principal centre of activity at College Lane. The University has prepared an Estate Development Masterplan for the College Lane Campus, which has been the subject of public consultation, although at the time of the Inquiry it had not been submitted to the Council for approval. The Masterplan indicates that there is considerable scope on the campus for rationalising and updating the existing buildings and their relationship with each other and the surrounding area. It is also clear from the results of the public consultation exercise that not all of the current proposals for the site have met with public approval.

12.7.6 The University and the Council have both suggested a similar form of revised wording for paragraph 12.47, which I consider more reasonably reflects progress towards the preparation of an agreed Masterplan for the College Lane Campus. However, since the Masterplan also includes proposals for Angerland Common, I consider reference to that site and its location in the Green Belt should also be included in paragraph 12.47 of the Plan, as recommended below. Furthermore, I consider Policy EMP12 could be simplified by re-wording in the form I have recommended below.

12.7.7 The Plan’s Proposals Maps should illustrate each of the detailed policies and proposals of the Plan, defining sites for particular developments or land uses and the areas to which specified development control policies will be applied.\(^{104}\) Policy EMP12 specifically refers to the College Lane campus and is a development control policy, which applies to proposals for development at that site. The site is a significant area, which is mostly surrounded by residential development. It should be clear to those reading the Plan, but who are not familiar with the area, that the University’s land is the subject of a Masterplan for proposed development which could take place during the Plan period. The draft Masterplan includes proposals for sites in the University’s ownership at College Lane North and Angerland Common as well as for the existing main campus site in College Lane.

12.7.8 Therefore in the interests of clarity and consistency, it seems to me that all of the University’s land referred to in the ‘College Lane Campus Masterplan’ and Policy EMP12 should be identified for University use on the Plan’s appropriate Proposals Maps.

**RECOMMENDATIONS**

I recommend that the Plan be modified as follows:

a) paragraph 12.47 be deleted and replaced with:

*The Council recognises that the University needs to rationalise and update its existing facilities and buildings on the College Lane site and at Angerland Common. However, any further development will need to be treated with sensitivity to the amenities of nearby residential properties and the issue of parking and reflect the location of Angerland Common in the Green Belt. It is therefore proposed that a Masterplan be prepared, in partnership with the University, to guide future development.*

b) Policy EMP12 be amended to read as follows:

*The University is developing a new campus facility on a 12ha site at Hatfield Aerodrome. Any development by the University must accord with the approved supplementary planning guidance for the aerodrome site. Any further proposals for development on the University’s sites in College Lane and Angerland Common shall accord with a Masterplan to be approved by the Council for those sites.*

\(^{104}\) PPG 12 Annex A paragraph 26
The Proposals Maps be amended to identify the College Lane Campus, College Lane North and Angerland Common sites as being for University use and subject to Policy EMP12.

12.8 DESIGN CRITERIA FOR EMPLOYMENT DEVELOPMENT (paragraphs 12.48-12.51 and Policy EMP13)

Objections

D1/1626/EMP/008 GlaxoSmithKline
D1/1109/EMP/021 Arlington Property Development Ltd

Issues

1. Is Policy EMP13 unduly restrictive and unreasonable in seeking to ensure that all buildings for employment development are designed in a way that would allow differing uses within Classes B1 and B2?

Inspector's Reasoning and Conclusions

12.8.1 A building can be used under Class B1 (business) of the Use Classes Order for all or any of the purposes for office, research and development or light industrial uses without planning permission.\(^{105}\) A change of use within Class B1 does not require planning permission, but the Order does not permit changes of use between Use Classes B1 and B2. The current General Permitted Development Order permits a change of use to Class B1, from Class B2 or B8, but so far as I am aware, the 235 square metres limitation on floorspace only applies where the change of use is to or from a use falling within Class B8.\(^{106}\) Therefore, in my view paragraph 12.51 of the Plan is misleading and should be amended to reflect the correct position regarding changes of use within and between Classes B1 and B2.

12.8.2 The greater flexibility to change between light industrial, office and research and development uses within Class B1 was one of the key changes introduced by the 1987 Use Classes Order. To preserve that flexibility, development policies should not generally contain policies advocating the imposition of general restrictions on the freedom provided.\(^{107}\) The references in paragraph 12.51 of the Plan and Policy EMP13 to achieving flexibility by design are not therefore unreasonable if applied to buildings proposed for a range of purposes within Class B1 use. However, there is no compelling evidence before me to demonstrate why that flexibility should extend to buildings for Class B2 (general industrial) use, for which the design requirements will often be very different from buildings for Class B1 (business) use.

12.8.3 Furthermore the policy should recognise that in non-speculative development, the particular design requirements of the use involved could constrain the ability to achieve flexibility to meet the requirements for the use of the building for other purposes within Class B1. I have considered the changes to the policy suggested by one of the Objectors, but in my view the addition of the words “where appropriate” would be too vague. It seems to me that the policy would be better amended by enabling exceptions to be made when particular circumstances can be demonstrated.

12.8.4 However since Class B2 of Part B of the Schedule to the Use Classes Order does not refer to any other purposes within that general industrial use, it is difficult to envisage how a building could be designed to be adapted for differing uses within Class B2 as required by Policy EMP13. I therefore consider that since the policy is unclear and unreasonable in its reference to Class B2, the reference to that use class should be deleted.

\(^{105}\) The Town and Country Planning (Use Classes) Order 1987 Schedule Part B
\(^{106}\) The Town and Country Planning (General Permitted Development) Order 1995 Schedule 2 Part 3 Class B (condition B1)
\(^{107}\) paragraph 7 of PPG 4
RECOMMENDATIONS

I recommend that the Plan be modified as follows:

a) Paragraph 12.51 be amended to reflect the correct position concerning changes of use within and between Classes B1 and B2 as set out in the current versions of the Use Classes Order and General Permitted Development Order;

b) The third sentence of the second paragraph of Policy EMP13 be amended to read as follows:

   Buildings for proposed development within Class B1 should be designed with a flexible internal layout and external elevations that would allow the building to be readily adapted for differing purposes within Class B1, unless it can be demonstrated that such flexibility would be impracticable in the particular circumstances of the development proposed.
13. CHAPTER 13 - RETAILING AND TOWN CENTRES


Objections

D1/1593/TCR/007  Chinacorp
D1/1628/TCR/006  Land Securities Properties Ltd
D2/1609/TCR/001  John Lewis Partnership (conditionally withdrawn)
D1/2700/TCR/001  Mr P J Rimmer
D1/1354/TCR/003  Mr H Overy
D1/1300/TCR/003  Mr Andrew Woolmer
D1/1311/TCR/002  Mr Earnest Kramer
D1/1269/TCR/001  Mr G A Rawlinson
D1/1510/TCR/001  Mrs M Jenkinson

NOTE: many of the more general objections by local residents and others to this Chapter of the Plan, which are listed in Appendix 3 of my Report, include the matters raised by the issues in this part of my Report. I also consider related site specific objections by Chinacorp and Land Securities Properties Ltd in part 13.4 of this Chapter.

Issues

1. Has the Council underestimated the quantitative need for additional retail floorspace in the Plan period?
2. Does Welwyn Garden City town centre need any more shops?
3. Has there been enough consultation with local residents on the above issues?

Inspector's Reasoning and Conclusions

The quantitative need for additional retail floorspace

13.1.1 Chinacorp, Land Securities Properties Ltd and the John Lewis Partnership submitted evidence in support of their objections that the Council has underestimated the quantitative need for additional retail floorspace in general and in Welwyn Garden City in particular. I also heard detailed evidence from Chinacorp on the subject at the Inquiry.

13.1.2 In preparing development plans PPG 6 and RPG 9 require local planning authorities to consider the need for new retail development.\(^{108}\) The explanatory text to Policy 17 of the Structure Plan indicates that changes in retail turnover arising from an increase in spending per head and population growth will need to be assessed within the context of the Structure Plan’s policies.\(^{109}\)

13.1.3 Although there is no methodology for assessing retail need provided in the above policies or guidance, Ministerial Statements have indicated that a broad, uncomplicated approach is usually appropriate. Greater weight is placed on quantitative need for new retail provision in the context of proposals for such development. In the preparation of local plans, PPG 6 indicates that account should be taken of broad forecasts of retail demand and how the retail sector is likely to want to respond to that demand over the Plan period. Development plans should be based on a factual assessment of retail developments and trends. Data on the quality, quantity and convenience of retailing in the area and the potential capacity for growth or change of shopping centres is important. The guidance indicates that trends in turnover, population, expenditure patterns and efficiency in the

\(^{108}\) paragraph 1.10 of PPG 6 and Policy Q5c ii of RPG 9

\(^{109}\) paragraphs 254 and 255 of the Structure Plan
use of existing retail floorspace are some of the factors which are relevant to retail impact and capacity assessments.  

13.1.4 The Council has assessed the quantitative need for additional gross retail floorspace in the Plan area as a whole as 300 square metres for convenience goods and 14,600 square metres for comparison goods (including 7,300 square metres for bulky goods). The assessment has sought to adopt the uncomplicated broad approach as advocated in national guidance. However, the evidence produced by Chinacorp in respect of the need for retail floorspace in Welwyn Garden City has raised several concerns in my mind about the robustness of the Council’s approach.

13.1.5 Firstly, I am not convinced that taking the administrative area of the District as a proxy for the Welwyn Garden City and Hatfield primary shopping catchment areas adequately reflects the pattern of expenditure in the District.

13.1.6 The District is in a relatively densely populated and wealthy part of the South-East where, as the Council’s retail witness at the Inquiry indicated, the pattern of retail expenditure is complex. Furthermore Welwyn Garden City is a minor sub-regional centre and the Council’s core proof states that the town centre serves a catchment area well beyond the District boundaries. The Plan indicates that Welwyn Garden City town centre draws customers from a wide catchment area. The Council’s own street surveys in Welwyn Garden City and Hatfield town centres indicated that some 32% of shoppers there came from outside the District. That is supported by a Household Interview Survey undertaken by the main Objector on this issue, which indicates that Welwyn Garden City attracts a considerable amount of potential expenditure from outside the District.

13.1.7 I am therefore unable to accept the Council’s evidence that the exclusion of a large part of the Objector’s secondary catchment area from their own study area is insignificant. The Council’s assumption that expenditure growth outside the study area, but within the catchment area of Welwyn Garden City, would all be accommodated in centres outside the District over-simplifies the situation and underestimates the assessment of available expenditure as an element of quantitative need.

13.1.8 Secondly, I find the Council’s approach unconvincing in terms of its lack of consideration of any possible changes in the pattern of expenditure over the Plan period. In particular, no account has been taken of any need arising from surplus expenditure in existing stores (‘overtrading’) or from changes in the market share of Welwyn Garden City town centre which might be desirable to ‘claw-back’ expenditure from other centres.

13.1.9 It seems to me that the turnover of existing stores and centres is a valid element in assessing the capacity for additional retail floorspace, since it is an indication of whether surplus consumer expenditure could be accommodated elsewhere without harm to the viability of existing outlets. In principle the diversion of such expenditure is consistent with the Government’s objectives, as expressed in PPG 6 and Ministerial statements, which promote more competition and choice for the consumer. I also note that my view on this matter is supported by its general use in retail assessments and in an Inspector’s recent Report on the Torridge District Local Plan.

13.1.10 The assessment carried out by Chinacorp indicates that there is an element of quantitative need arising from surplus expenditure at existing stores. However, that conclusion has been reached by comparing the ‘actual’ turnover derived from a Household Interview Survey with the average store turnover for the Company concerned. Although that conclusion is an indicative factor of need, I consider it should be treated with caution because it relies on subjective, albeit professional, judgements and evaluation of survey data which includes a paucity of accurate data on the actual turnover of individual stores or centres which might be trading above or below the company average for all sorts of reasons unrelated to profitability. Furthermore there is no compelling evidence of the normal physical symptoms of overtrading in the retail facilities referred to by Chinacorp as releasing

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110 paragraph 4.14 and Annex B paragraphs 4, 8 & 9 of PPG 6
111 Document CD/CP/80 (paragraph 2.4(1))
112 paragraph 13.26
113 Document CD/RTC/40 (paragraph 6.17)
114 Documents 46 & 47
surplus expenditure, such as overcrowding or severe parking problems.

13.1.11 Turning to the matter of market share, the evidence suggests that there is a significant leakage of expenditure to centres and stores outside Welwyn Garden City, which the Council’s assessment assumes remains constant during the Plan period. That assumption seems to me to conflict with the Plan’s acknowledgement that there is a need to prevent such leakage and to enhance the vitality and competitiveness of Welwyn Garden City town centre as the District’s main shopping centre. That is important having regard to the strategic role of Welwyn Garden City in the county’s shopping hierarchy as a minor sub-regional centre.

13.1.12 Consequently, although the ‘claw-back’ of expenditure leaking to other centres and stores is relevant to the assessment of qualitative need, I do not consider it to be entirely irrelevant to the assessment of quantitative need. I do not therefore find it unreasonable in principle to provide for an increase in the market share of the town centre, which is also consistent with national and local sustainability objectives by reducing the need to travel.

13.1.13 The Council has drawn my attention to a 2001 decision in which the Secretary of State indicated that the intention to provide a store in Bordon, East Hampshire to compete with stores in surrounding towns in order to claw back expenditure does not constitute “need” in the context of the Ministerial statement of February 1999.\(^{115}\) Although I do not know the full details about the Borden case, it is clear from the decision that it was taken in the context of the determination of a planning application for a foodstore in an out-of-centre location. It seems to me that this is different from my consideration of the matter in this Local Plan context and the assessment of a general need for additional retail floorspace in Welwyn Garden City in particular. I also note that in the Report on the Torridge District Local Plan, having considered the ‘Bordon’ decision and other cases, the Inspector considered that claw-back of expenditure can reasonably be considered as an element of need (paragraph 18). That conclusion was reached in the context of the role of the centre concerned, which I consider is more relevant to the “claw back” issue in this case than is the Bordon decision.

13.1.14 Even so the relatively modest increase in the market share of Welwyn Garden City estimated as being appropriate by the Objector for convenience and comparison goods in the primary catchment area (34% to 45%), results in a very considerable increase in estimated surplus expenditure. The Objector has used that amount of surplus expenditure in support of a quantitative need in the town centre by 2011 for convenience goods of some 6,330 square metres gross and 32,520 square metres gross for comparison goods. A further 36,050 square metres gross is estimated as needed for new bulky goods floorspace (including edge/out of centre). Those figures are very considerably in excess of the Council’s assessment of quantitative need referred to above and which form the basis for the proposals in Policies TCR4, TCR5, TCR5A and TCR14 of the Plan.

13.1.15 Chinacorp accepted at the Inquiry that its evidence on market share was subjective, albeit being a professional judgement based on experience and knowledge. Even so, I have serious reservations about whether the judgement has resulted in a realistic outcome because Chinacorp’s total assessed need for additional retail floorspace in Welwyn Garden City, at almost 75,000 square metres gross, would be more than the total existing floorspace in the town centre (62,700 square metres\(^{116}\)).

13.1.16 If all of that assessed need were to be met in the existing town centre, in accordance with national, regional and strategic preferred locational policy, it would radically change the role of Welwyn Garden City as a shopping centre. That would not only be against the wishes of many local residents who have objected to this part of the Plan, but also have implications for the position of Welwyn Garden City as a minor sub-regional centre in the shopping hierarchy of Hertfordshire. Other shopping centres in the hierarchy have proposals for expansion and some have a considerable amount of out-of-centre retail floorspace.\(^{117}\) However in my view the implications of any such significant changes in the relative sizes of shopping centres and their place in the shopping hierarchy are matters which should be considered in the sub-regional context of RPG 14 or the Structure Plan and not as a response to objections to this Plan.

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\(^{115}\) Document 52 (APP/M1710/V/00/000226)

\(^{116}\) Document CD/CP/90 (paragraph 2.4)

\(^{117}\) Document 57
13.1.17 There are other differences between the approaches taken by the Council and Chinacorp in the assessment of quantitative need, such as the allowance for expenditure growth in internet retailing and the figures used to convert residual expenditure to floorspace. The consultants for each party also used different price bases. However, those differences are relatively insignificant to the outcome of the two different approaches.

13.1.18 Having regard to the above and the evidence presented to the Inquiry, I am drawn to conclude on the first issue that the Council has underestimated the quantitative need for additional retail floorspace in the Plan period.

Does Welwyn Garden City town centre need any more shops?

13.1.19 Many local residents and others listed in Appendix 3 of my Report have objected in principle to the Plan’s proposals to provide more retail floorspace in Welwyn Garden City town centre (Policies TCR4, TCR5 and TCR5A). The general feeling of those Objectors is that there are enough shops and facilities already and that it would be better to concentrate on improving the quality of existing shops and facilities rather than increasing their quantity. There is strong feeling amongst some Objectors that there is no need for another foodstore in the town centre.

13.1.20 I consider objections to the Plan’s policies for the location of retail development in the next part of this Chapter. However, the Council’s surveys and studies of shoppers and shopping in the town centre of Welwyn Garden City have identified a number of problems and weaknesses having regard to its role in the shopping hierarchy of Hertfordshire as a minor sub-regional centre. In brief these are: the comparison goods offer is dependent on John Lewis and a few major multiples; a limited range of fashion and footwear shops; a weak convenience goods offer; a lack of cafes, restaurants, pubs and other leisure facilities; a shift of shopping patterns away from the parts of the centre because of the attraction of the Howard Centre; conflict between the circulation of pedestrians and vehicles; and a lack of useable open space. Surveys undertaken by the Council indicate that the problems and weaknesses of the town centre lead to a ‘leakage’ of expenditure to other centres and stores outside the District.

13.1.21 The objections of local residents are understandable and I return to their more specific concerns later in this Chapter of my Report in respect of the impact of the Plan’s proposals for the town centre. However national, regional and strategic planning policies all seek to sustain and enhance the vitality and viability of town centres such as Welwyn Garden City which is one of five minor sub-regional centres in the shopping hierarchy of Hertfordshire as defined in Policy 16 of the Structure Plan. The evidence on this matter, and my conclusion on the first issue above, strongly supports the need to improve the quality of Welwyn Garden City as a shopping centre if it is to maintain and enhance its role in accordance with current policies.

13.1.22 Some Objectors would prefer to see the quality of the existing centre improved in terms of the re-use of vacant shops and higher quality shopping encouraged, before any additional retail development is built. However at the time of my unaccompanied visits to the area there were relatively few vacant units in the centre and such units are not necessarily attractive to higher quality retailers because of their size or location. It seems to me that the most achievable way to raise the quality of individual shops in the town centre is to improve the long-term attractiveness of the centre to investors and retailers by addressing the problems and weaknesses referred to above. The provision of more shopping floorspace is an integral part of achieving that.

13.1.23 I therefore conclude that there is a general qualitative need for more shopping floorspace in Welwyn Garden City.

Public consultation

13.1.24 The surveys and studies on the need for additional retail floorspace referred to above provided the background for the town centre strategy, which underpins the Plan’s proposals for Welwyn Garden City town centre. The Council’s evidence demonstrates that consultations with local residents, community groups, retailers and landowners was carried out at key stages in the preparation of this Plan and the town centre strategy between 1998 and 2002.118 Whilst many people might not

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118 Document CD/CP/80
agree with the need for additional retail floorspace in the town centre, I conclude on the third issue that there is no compelling evidence to demonstrate that there has been inadequate public consultation on the matter as suggested by some Objectors.

**Overall conclusion on the need for additional retail floorspace**

13.1.25 At the Inquiry, and without prejudice to their case, the Council re-assessed the quantitative additional retail need for the District based on Chinacorp’s methodology and catchment area, but assuming no increase in market share or any allowance for overtrading, and a 5% allowance for internet trading. The need in the District by 2011 re-assessed on that basis is for no convenience goods floorspace and for some 18,000 square metres gross for comparison goods (including 6,700 square metres for bulky goods). However, I still regard that re-assessed quantitative need as being unrealistic because it does not take into account any available expenditure from overtrading or an increase in the market share of Welwyn Garden City.

13.1.26 During the Inquiry, in response to part of Objection reference D2/1609/TCR/001, the Council proposed amendments to the wording of paragraph 13.14 of the Plan, which would acknowledge that the quantitative need for additional retail floorspace has been assessed purely as a result of forecast population and expenditure growth up to 2011.\(^{119}\) I support that amendment, but for the reasons given above, I conclude that the Council should also undertake to prepare a more realistic, appropriate and thorough assessment of the quantitative need for additional retail floorspace in the District. Such an assessment should include any potential expenditure arising from, in particular, overtrading and any increase in the market share of Welwyn Garden City town centre.

13.1.27 I have not recommended that a re-assessment of the quantitative need for additional retail floorspace be undertaken before adoption of this Plan, because a considerable amount of additional floorspace is in any case proposed for qualitative reasons by Policies TCR4, TCR5, TCR5A and TCR14. There are also many objections to the scale of additional floorspace arising from those proposals and any further increases, if needed, should properly be considered in an early review of the Plan and in the context of the sub-regional framework to be provided by RPG14.

**RECOMMENDATIONS**

I recommend that the Plan be modified as follows:

a) paragraph 13.14 being amended as proposed by the Council during the Inquiry in Document WHC/TCR/001 to read

> In preparing the Plan, the Council commissioned an assessment of the need for additional retail floorspace in the District likely to arise over the period of the Plan (Assessment of Retail Floorspace Requirements 2001-2011, by Vincent and Gorbing 2002). In overall quantitative terms, purely as a result of forecast growth in population and consumer expenditure up to 2011, the study estimated that there will be a need for an additional 14,900 square metres gross of retail floorspace, broken down as follows:

| Convenience goods (eg food) | 300 square metres |
| Bulky comparison goods (eg DIY, electrical, furniture) | 7,300 square metres |
| Non-bulky comparison goods (eg clothes, shoes) | 7,300 square metres |

b) further text to be added to paragraph 13.14 to confirm that a full re-assessment of the quantitative need for additional retail floorspace in the District, including any potential expenditure arising from, in particular, overtrading and any increase in the market share of Welwyn Garden City town centre, will be carried out as part of an early review of the Plan.

\(^{119}\) Document WHC/TCR/001 (paragraph 3.4)
13.2 THE LOCATION OF NEW RETAIL DEVELOPMENT (paragraphs 13.18-13.25 and Policies TCR1, TCR2 AND TCR3)

Objections

D1/1628/TCR/001    Land Securities Properties Ltd
D1/1628/TCR/002    Land Securities Properties Ltd
D1/1628/TCR/003    Land Securities Properties Ltd
D1/1628/TCR/004    Land Securities Properties Ltd
D1/1628/TCR/005    Land Securities Properties Ltd
D1/1216/TCR/002    B&Q
D1/1216/TCR/003    B&Q
D1/1593/TCR/005    Chinacorp
D1/1593/TCR/006    Chinacorp
D1/1593/TCR/008    Chinacorp
D2/1593/TCR/001    Chinacorp
D1/1513/TCR/001    Mr G F Arthur
D1/1311/TCR/002    Mr Earnest Kramer

Issues

1. Do paragraphs 13.9(1), 13.19 and Policy TCR1 of the Plan properly reflect the sequential approach to the location of retail development as set out in PPG 6?
2. Are criteria (ii) and (vii) of Policy TCR3 unnecessary? Should Policy TCR1 be simplified, reworded and combined with Policies TCR2 and TCR3? Should the Plan refer to the existing mix of out-of-centre retail uses?
3. Should there be smaller shopping centres spread throughout the District? Should Welwyn Garden City be an exception to the sequential approach to the location of retail development?

Inspector's Reasoning and Conclusions

13.2.1 On the objections by Land Securities Properties Ltd, B&Q and Chinacorp concerning the first issue, PPG 6 states that in drawing up their development plans, local planning authorities should adopt a sequential to selecting sites. That means the first preference should be for suitable and available town centre sites or buildings, followed by edge-of-centre sites, district and local centres and only then out-of-centre sites in locations that are accessible by a choice of means of transport.\(^{120}\) RPG 9 requires authorities to identify which town and district centres should be the preferred locations for growth and to apply the sequential approach to identify sites for retail development.\(^{121}\) Policy 17 of the Structure Plan repeats the foregoing locational policy.

13.2.2 Policy TCR1 of the Plan, as amended at 2\(^{nd}\) Deposit stage, clearly refers to retail development in town centres and edge of town centres and states that the preferred location for retail development is within the District’s town centres on specific sites, which are allocated in the Plan. In that respect the policy accords with the sequential approach in PPG 6, RPG 9 and the Structure Plan. The policy goes on to set out the criteria against which retail development on the edge of the District's two town centres will be considered. That also reflects the sequential approach of national, regional and strategic planning policies.

13.2.3 The sequential order of considering proposals for retail development in other locations in the District is then logically dealt with separately in criteria based Policies TCR2 and TCR3. When the three policies and supporting text are read as a whole, I do not consider there is any sound basis to doubt the compliance of the Plan with the sequential approach to the location of retail development as

\(^{120}\) paragraphs 1.10 and 1.11 of PPG 6
\(^{121}\) Policy Q5c iii and iv of RPG 9
set out in PPG 6.

13.2.4 The Council has proposed a further amendment to Policy TCR1 by Pre-Inquiry Change PIC/031/TCR, which would delete reference to retail proposals having to be viable and deliverable within the Plan period. There have been no objections to that change and it satisfies part of Chinacorp’s objections to Policy TCR1. The amendment would help simplify the policy and I support it, but do not consider any further changes are necessary in response to the objections on the first issue.

13.2.5 The second issue concerns the remaining objections by Land Securities Properties Ltd, B&Q and Chinacorp. Criterion (ii) of Policy TCR3 requires the sequential approach to be applied in selecting a site for out-of-centre retail development, which is consistent with PPG 6 and subsequent Ministerial statements. The criterion is therefore necessary as part of Policy TCR3 as drafted.

13.2.6 Paragraph 3.23 of PPG 6 states that retail development should not normally be allowed on land designated for other uses in an approved Development Plan. The advice applies especially to land allocated for industry, employment and housing, where retail development can be shown to have the effect of limiting the range and quality of sites that would be available for such uses. Criterion (vii) of Policy TCR3 is therefore reasonable as being consistent with PPG 6. The effect on the range and quality of sites of any particular proposal for retail development on land allocated for other uses in the Plan would be taken into account as a material consideration in the context of the relevant policies of the Plan and does not need specific reference in Policy TCR3.

13.2.7 Chinacorp considers that the Plan should refer to the contribution the existing mix of out-of-centre retail uses at Oldings Corner in Hatfield makes to meeting the needs of the District. However, it seems to me that when read as whole, Chapter 13 of the Plan clearly recognises the importance of the various types and mix of retail facilities in serving the District’s retailing needs. I do not therefore consider there is any need for the Plan to specifically refer to the existing foodstore and retail warehouses in out-of-centre locations.

13.2.8 Although I find some merit in the Objectors’ suggestions that the Plan could be simplified by the amalgamation of Policies TCR1, TCR2 and TCR3, having carefully considered the matter, and the suggested form of re-wording, I have concluded that little would be gained by any amalgamation. The three policies have similar, but slightly different, criteria which are relevant to the consideration of proposals in each type of location. It seems to me that although combining the criteria into one policy would avoid some repetition, the three separate policies provide a sound basis for the control of retail development that properly reflects the sequential approach and other relevant considerations.

13.2.9 Therefore in conclusion on the second issue I do not consider that Policy TCR3 and the text of the Plan should be amended in respect of out-of-centre retail development or that there is any need to combine Policies TCR1, TCR2 and TCR3 into one policy.

13.2.10 The objections by Mr Arthur and Mr Kramer relating to the third issue reflect more general points made by other local residents listed in Appendix 3 of my Report. As indicated at the beginning of this part of my Report, national and strategic policies do not support the spread of retail facilities throughout the District. Such a locational policy would also not be consistent with sustainability objectives and could prejudice the vitality and viability of existing shopping centres. Subject to the physical impact of the location of any retail development in Welwyn Garden City town centre, there is no justification for the centre to be excluded from the sequential approach that is inherent in national, strategic and local policies for the location of retail development.

13.2.11 I do not therefore consider the Plan should be altered in response to the objections made on this issue.

RECOMMENDATIONS

I recommend that, other than Pre-Inquiry Change PIC/031/TCR, no modifications be made to this part of the Plan.
13.3 WELWYN GARDEN CITY TOWN CENTRE DEVELOPMENT SITES (paragraphs 13.26-13.31 and Policies TCR4, TCR5, TCR5A)

Objections

Appendix 3 of my Report lists the 222 objections maintained to this part of the Plan. The objections cover a wide range of related topics, which I have condensed into the three main issues shown below.

Issues

1. Could the sites allocated in Policies TCR4, TCR5 and TCR5A accommodate the identified need for additional retail floorspace within the Plan period? Should site TCR5A be deleted?

2. Would more shops in the town centre have an unacceptable impact on its character?

3. Does this part of the Plan require any amendments to clarify or implement its strategy for the town centre?

Inspector's Reasoning and Conclusions

Could the sites allocated in Policies TCR4, TCR5 and TCR5A accommodate the identified need for additional retail floorspace within the Plan period?

13.3.1 The Plan allocates land in the north of Welwyn Garden City town centre (Policy TCR4) for additional comparison goods floorspace. Paragraph 13.30 of the Plan states that the site could accommodate a floorspace of up to 9,300 square metres. The Plan goes on to indicate that a larger site could be assembled, subject to its impact on the town centre. Land is also allocated in Hatfield town centre for comprehensive redevelopment (Policy TCR14), which is proposed to include a net increase in retail floorspace of some 6,000 square metres.\footnote{122} Evidence at the Inquiry indicated that the redevelopment scheme currently under consideration would result in a net increase in floorspace of some 9,400 square metres for the sale of comparison goods.

13.3.2 Consequently the total capacity of the sites allocated in the Plan for the sale of comparison goods is therefore at least 18,700 square metres, which is more than sufficient to accommodate the District-wide quantitative need for additional floorspace for comparison (bulky and non-bulky) goods by 2011 identified by the Council in the Plan as 14,600 square metres.

13.3.3 The Plan allocates land in Welwyn Garden City town centre at Campus East (Policy TCR5) and in the southern part of the centre (Policy TCR5A) for additional convenience goods floorspace. Evidence produced by the Council at the Inquiry indicated that extensions to the existing Waitrose and Sainsbury foodstores within those sites could accommodate a total additional floorspace of some 4,360 square metres. Further convenience goods floorspace, amounting to some 1,715 square metres gross, is also proposed as part of the Hatfield town centre redevelopment and in the proposed district shopping centre at Hatfield Aerodrome.

13.3.4 It is therefore clear that the sites allocated in the Plan in the town centre of Welwyn Garden City alone is more than required to accommodate the District-wide quantitative need for additional floorspace for convenience goods by 2011 identified by the Council in the Plan as 300 square metres.

13.3.5 One of the objections by the John Lewis Partnership seeks clarification in paragraph 13.27 of the Plan as to whether additional retail floorspace for convenience goods is supported at both of the sites identified in Policies TCR5 and TCR5A. During the Inquiry, the Council confirmed that retail development is proposed on all three sites allocated under Policies TCR4, TCR5 and TCR5A and suggested appropriate amendments to paragraphs 13.27 and 13.30.\footnote{123 Document WHC/TCR/001 (paragraphs 4.3 and 5.1)} The Council has also proposed, as part of Pre-Inquiry Change PIC/032/TCR, an amendment to paragraph 13.30(b) which would delete

\footnote{122} paragraph 13.49 of the Plan
\footnote{123 Document WHC/TCR/001 (paragraphs 4.3 and 5.1)}
reference to a figure in respect of any additional convenience goods floorspace in site TCR5. Since the proposed amendments would add clarity to the Plan and be consistent with the qualitative need for additional retail floorspace in Welwyn Garden City, I consider the Plan should be modified accordingly.

13.3.6 The objections by Chinacorp question whether the proposal for a foodstore on site TCR5A would be viable and whether a food retailer would be prepared to support a limited amount of floorspace growth on the back of basement level car parking. The viability of the proposals on Site TCR5 and Site TCR4 was also discussed at the Inquiry.

13.3.7 At the time of the Inquiry the John Lewis Partnership were in the process of drawing up detailed plans for an extension to the Waitrose store in Policy area TCR5 which would provide sufficient car parking spaces to serve the extended foodstore and also maintain the car park’s secondary function as a town centre car park. The Partnership indicates that such an extension could form a first phase of the proposed redevelopment of the TCR5 area. Also at the time of the Inquiry, a full planning application had been submitted in the area allocated under Policy TCR5A for alterations and extensions to the existing J H Sainsbury’s supermarket to provide a new superstore and related development.124 A supporting statement submitted with the planning application indicates that the proposal represents the culmination of detailed negotiations and discussions with the Council over many months.

13.3.8 The key landowners of the site in Policy area TCR4 support the principle of the proposal. The viability of the proposal is less uncertain than might otherwise be the case because the department store anchor, which is a key factor to viability, is already in place in the form of the existing John Lewis store, which would be extended into the scheme. There is no evidence to demonstrate that there are any significant constraints on the availability of land within site TCR4. The Council estimate that the proposal could be completed within 5 years of consultation on the draft Planning Brief referred to in Policy TCR4, which indicates a possible completion date of around 2009 or 2010, which would be within the Plan period.

13.3.9 I do not accept that the site allocated in Policy TCR5A should be deleted as suggested in the objection by Somerfield, because of the Plan’s identified qualitative need for additional retail floorspace in Welwyn Garden City and my conclusions at the beginning of this Chapter that the quantitative need has been underestimated. Furthermore, the site fully complies with the sequential approach to the location of additional retail floorspace.

13.3.10 I therefore conclude on the first main issue that the sites allocated in Policies TCR4, TCR5 and TCR5A can accommodate the need identified in the Plan for additional retail floorspace, subject to clarification that the Plan supports retail provision on all of the allocated sites. I also conclude that the sites are viable and likely to become available for the proposed uses in the Plan period.

Would more shops in the town centre have an unacceptable impact on its character?

13.3.11 Turning to the second issue very many of the objections from local residents and others listed in Appendix 3 of my Report express concerns about the effect of additional retail development on the character and design of the town centre, especially having regard to its special Garden City character. The potential loss of Anniversary Gardens to the development proposed under Policy TCR4 has caused particular concern. There is a strong feeling in the objections that retail development on the sites proposed is unsuitable because Welwyn Garden City would lose its calm shopping ambience and quiet character and that it would become just like any other town. One Objector has expressed her concerns about a new hotel in the centre, but there is no such proposal in the Plan.

13.3.12 Whilst I fully understand the above concerns, as mentioned at the beginning of this Chapter of my Report, the Plan must have regard to national and strategic requirements to maintain and enhance the role of Welwyn Garden City as a minor sub-regional shopping centre. The Council’s strategy for the town centre has rightly been underpinned by those requirements and has provided a sound base in the formulation of the Plan’s proposals for the town centre. The concentration of additional retail floorspace in the town centre accords with the sequential approach of national and strategic planning policies and would meet identified quantitative and qualitative needs.

124 Document CD/RTC/95
Furthermore many concerns of the Objectors involve matters which are more properly considered at the detailed design stage of any proposals which come forward on the allocated sites. In particular, the whole town centre is a designated Conservation Area and that has been taken into account by the Council in formulating the town centre strategy both in the Plan as Policies TCR4, 5 and 5A and as illustrative schemes in the context of a Conservation Area Appraisal. Any proposals for the provision of retail floorspace on the allocated sites would be required under the first criterion of each policy to preserve and enhance the character of the Conservation Area, and that would include the special character that derives from its Garden City origins.

I agree with Objectors that landscaped open space within the town centre is an important part of its special character, which contributes to its ambience and attractiveness. The proposal under Policy TCR4 would lead to the loss of the Anniversary Gardens, open space and trees in the vicinity of the present traffic roundabout. It also seems to me that the development of the area allocated in Policy TCR4 could result in a visual barrier between the main part of the town centre and the eastern part of The Campus.

However, it is clearly the Council’s intention to replace Anniversary Gardens with a larger area of open space within the allocated area as shown in the Vision Plan and illustrative development options in the Town Centre Strategy. Policy TCR4(iii) requires the enhancement of the public realm and landscape and I have no doubt that this would be an important element of the Planning Brief referred to in the policy. It seems likely that open space within the area allocated under Policy TCR4 would replace the John Lewis car park, which would be an environmental gain. Landscaped public open space in that location would also relate well to the overall pattern and architectural context of the town centre as well as pedestrian circulation.

The visual barrier which would result from development under Policy TCR4 has concerned me because it could prejudice the town centre strategy and vision in terms of linking the area allocated under Policy TCR5 with the rest of the town centre. However, after careful thought I consider that this is primarily also a matter which should be dealt with at the detailed design stage of any proposals which come forward. The matter has clearly already been considered in formulating the illustrative development options for the areas allocated under Policies TCR4 and TCR5 and in my view the matter should be a major feature of the Planning Briefs referred to in those policies. I therefore consider it should be given more strength as part of criterion (iii) of Policy TCR4 and recommend an appropriate form of wording below. In my view that would be a satisfactory response to the objections by Chinacorp and others on this matter.

Bridge Road also represents a physical barrier between the area allocated under Policy TCR5 and the rest of the town centre and some Objectors, including Chinacorp, consider that would reduce the effectiveness of the proposed retail development in satisfying the objectives of the town centre strategy. There is also criticism that such development would destroy the existing pattern of shopping by extending the centre too far to the north and further away from the Howard Centre.

It is certainly the case at the moment that the area north of Bridge Road has an ‘edge-of-centre’ feel to it, notwithstanding the presence of Waitrose, mainly because of its poor pedestrian linkage with the rest of the centre. However, most of the area is within convenient walking distance of the core of the town centre and the Plan envisages much improved pedestrian linkages through the requirement of criterion (ii) of Policy TCR5. This too would be an important feature at the detailed design stage in terms of the visual linkage with the rest of the centre, but is accommodated in the design requirements of the criteria in Policy TCR5.

Many people have also objected to the possible loss of the Council’s office building and the Waitrose building (former “Cherry Tree”) as a result of the proposal in Policy TCR5. However, the area allocated under Policy TCR5 was amended at the 2nd deposit stage of the Plan to exclude the Council’s office building and there is no intention by the Council or Waitrose to demolish the former “Cherry Tree” building and that could be incorporated into the Planning Brief for the site referred to in Policy TCR5. I do not therefore consider any further amendment is needed in response to those objections.

125 Document CD/RTC/90
13.3.20 Finally on this issue, many Objectors have expressed concern about the impact of the retail proposals on traffic and parking in the town centre. However, I consider the concern to be unfounded having regard to the requirements in each of Policies TCR4, TCR5 and TCR5A to ensure efficient vehicle movement on surrounding roads and provide adequate parking to meet the needs of the development. Those requirements are in accordance with PPG 13. It also seems clear to me from the Town Centre Strategy documents that the proposals provide the opportunity for improvements to be made to the existing circulation of traffic in the town centre as well off-street parking provision.

13.3.21 I therefore conclude on the second main issue that, subject to an amendment to Policy TCR4(iii), more shops on the sites allocated under Policies TCR4, TCR5 and TCR5A would not have an unacceptable impact on the character of the town centre.

Does this part of the Plan require any amendments to clarify or implement its strategy for the town centre?

13.3.22 The objections listed in Appendix 3 of my Report include further concerns about the Plan’s strategy for the town centre of Welwyn Garden City, which I have grouped under the following sub-headings.

a) The extent of the defined Primary Retail Core of the town centre

13.3.23 The whole Campus area, including the existing Waitrose store and associated car park north of Bridge Road, is within Welwyn Garden City town centre as defined on the Plan’s Proposals Map (Inset 2). However the Waitrose store and car park is not within the area defined as the Primary Retail Core (PRC) because the Council took the view that Bridge Road more clearly defines the northern edge of the retail core of the centre. The Council re-considered that view during the Inquiry taking into account the important function of the Waitrose store as a retail anchor in the town centre and the fact that it is within the primary retail area as defined in the adopted Plan. The Council has suggested that the PRC be extended to include the Waitrose store and its car park and that Proposals Map (Inset 2) and paragraphs 13.29(1) & (2), 13.30(b) and 13.36(a) be amended accordingly.126

13.3.24 I have no reason to disagree with the reasoning which justifies the Council’s suggested amendments and therefore support them as being a reasonable response to the relevant objections by the John Lewis Partnership.

13.3.25 The existing bus station and multi-storey car park north of the Howard Centre is within the PRC as defined on the Proposals Map (Inset 2). Paragraph 13.29.1 of the Plan indicates that in addition to its main shopping function the PRC of the town centre is also the hub for the town’s passenger transport services, including the railway station, bus station and taxi rank. The inclusion of the bus station and car park in the PRC generally accords with the guidance in PPG 6 and PPG 13, which seeks to ensure that retail facilities are accessible by a choice of means of transport. I do not therefore consider the bus station and car park should be excluded from the PRC just because they might remain in non-retail use. No amendment to the Plan is therefore required in response to the objection on this point by Chinacorp.

b) Should the Police Station and Oaklands College be included within the area allocated under Policy TCR5

13.3.26 Policy TCR5 allocates land in the PRC adjoining the Police Station and Oaklands College for mixed use development comprising retail, office and residential uses. Policy TCR9 of the Plan sets out acceptable uses for the Campus area outside of the PRC, which includes land occupied by the Police Station and the College. The policy indicates that mixed use schemes involving offices, leisure, cultural, community, education and residential uses would be permitted, subject to criteria, where existing uses are no longer required.

13.3.27 The permissible uses described in Policy TCR9 are appropriate to the area having regard to its relationship with the rest of the town centre and the policy provides the opportunity for a

126 Document WHC/TCR/001 (paragraph 2.4)
c) Should the Plan require the provision of car parking spaces to serve additional retail floorspace?

13.3.28 During the Inquiry the Council confirmed that part of its overall strategy for the town centre is to ensure that there continues to be sufficient parking to meet its needs and to maintain its vitality and viability. Amendments to the wording of paragraph 13.31, which support the requirement for adequate parking as part of development proposed on Sites TCR4, TCR5 and TCR5A, are proposed in Pre-Inquiry Change PIC/033/TCR. I agree with the Council that paragraph 13.31 could also provide greater clarity on the matter by means of further amendments to its wording proposed at the Inquiry, which would emphasise that provision would be made for parking to serve additional retail floorspace.\(^{127}\) I therefore recommend below that the Plan be modified accordingly in response to the objections on this matter.

d) Should the Plan recognise the role that passenger transport infrastructure plays in making town centres more attractive and accessible to non-car modes of travel and should it provide for the expansion of the existing bus station?

13.3.29 Policies M1 and M12 of the Plan seek to integrate transport and land use improvements to passenger transport interchanges in general. Policy TCR12A requires development proposals in Welwyn Garden City town centre to contribute to improving the infrastructure and services for passenger transport to and within the town centre. One of the requirements of Policy TCR4 and Policy TCR5 is that development be designed to improve passenger transport provision in the town centre. The Council has stated that such improvements would be incorporated into the Planning Briefs referred to in Policies TCR4 and TCR5.

13.3.30 Having regard to those provisions, it seems to me that there is adequate recognition in the Plan of the role that passenger transport infrastructure plays in making town centres more attractive and accessible to non-car modes of travel. Furthermore Policies TCR4 and TCR5 specifically enable any expansion or re-design of the existing bus station as part of the implementation of those proposals. The alternative options for the bus station are partly dependent on the design of those proposals and associated proposals for the circulation of traffic in the town centre which have yet to be determined. I understand from the Council’s evidence that the County Council and main bus operators have been consulted on the Plan’s proposals and no doubt those consultations would continue on the preparation of the Planning Briefs and as any detailed proposals emerge.

13.3.31 I do not therefore consider there is any justification for the Plan to provide any further detail on passenger transport or the bus station in Welwyn Garden City as suggested in the objections by Mr Hutton and others.

**RECOMMENDATIONS**

I recommend that the Plan be modified as follows:

a) Paragraphs 13.27 and 13.30 be amended in accordance with Pre-Inquiry Change PIC/032/TCR and paragraphs 4.3 and 5.1 of Document WHC/TCR/001;

b) Policy TCR4(iii) be amended by the addition of the words **“and achieve a strong visual linkage between the town centre and the Campus East Development Site”**;

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\(^{127}\) Document WHC/TCR/001 (paragraph 6.3)
c) Paragraphs 13.29, 13.30, 13.36 and Proposals Map (Inset Map 2) be amended in accordance with paragraph 2.4 of Document WHC/TCR/001 to provide for the Waitrose store and car park to be included within the area defined as the Primary Retail Core; and

d) Paragraph 13.31 be amended in accordance with Pre-Inquiry Change PIC/033/TCR and paragraph 6.3 of Document WHC/TCR/001 to clarify that additional car parking will be required commensurate with the scale of additional retail floorspace.

13.4 THE NEED FOR ADDITIONAL RETAIL FLOORSPACE IN WELWYN GARDEN CITY

Objections

D1/1593/TCR/007 Chinacorp
D1/1628/TCR/006 Land Securities Properties Ltd

Issues

1. Should the Plan allocate further land to accommodate retail floorspace on two sites proposed by Objectors?

Inspector's Reasoning and Conclusions

13.4.1 The objections by Chinacorp and Land Securities Properties Ltd both seek provision in the Plan for additional retail floorspace to be allocated just outside Welwyn Garden City town centre as defined on the Proposals Map. The objections are related to the objections I have considered at the beginning of this Chapter of my Report concerning the extent of quantitative need for additional retail floorspace in the town.

13.4.2 Chinacorp estimates that the capacity of the site allocated in Policy TCR4 leaves a significant shortfall of floorspace for comparison goods in Welwyn Garden City by 2011 of some 59,000 square metres, 36,050 square metres of which is estimated to be needed for bulky goods floorspace. The capacity of the sites allocated in Policies TCR5 and 5A appear to leave a shortfall of floorspace for convenience goods in Welwyn Garden City by 2011 of some 1,970 square metres. However, it would seem from Chinacorp’s evidence that the shortfall on their assessment is greater than that, because the level of trade at Sainsburys and Waitrose as extended would not necessarily increase in proportion to the amount of additional floorspace provided. Chinacorp contend that the resulting need for additional convenience goods floorspace in Welwyn Garden City, assuming the extensions to Waitrose and Sainsburys are completed, would be 3,433 square metres net (approximately 4,900 square metres gross).  

128 Land east of the railway line and west of Broadwater Road (Objection Ref D1/1593/TCR/007)

13.4.3 Chinacorp proposes that the Plan should meet part of their assessed shortfall of retail floorspace in a mixed use development on this site, which is also considered in part 12.2 of Chapter of 12 of my Report. The illustrative drawing submitted at the Inquiry in support of Chinacorp’s objection indicates that the objection site could accommodate approximately 14,121 square metres of non-food retail floorspace and approximately 6,319 square metres of food retail floorspace in a Tesco store.

13.4.4 The site is adjacent to the town centre and Welwyn Garden City railway station and is therefore in a most sustainable and accessible location. For that reason, and those given in Chapter 12, I have recommended that the objection site be allocated in the Plan for development comprising primarily employment, housing, leisure and rail-related uses. National planning policy guidance supports the allocation of such a key site for travel intensive uses including offices, retail and

128 Documents 45, 50 & 51
commercial leisure and where possible a mix of uses including a residential element. However, despite the proximity of the site to the town centre and the arguable quantitative need for any additional retail floorspace, there are several factors which weigh against the suitability of the site to accommodate any significant retail development.

13.4.5 Firstly, at the moment the Howard Centre and the railway line represent formidable barriers between the site and the rest of the town centre, both visually and physically. The massive and featureless western ‘rear’ elevation of the Howard Centre conceals both its function as a shopping mall and any views into the rest of the town centre, resulting in a high level of visual separation between the site and the town centre. Whilst the existing footbridge from the site directly enters the shopping mall, it does so at first floor level and by means of a narrow and uninviting doorway, particularly as seen from the town centre side.

13.4.6 I have no doubt that the existing footbridge link could be made much more attractive and effectively become another arm of the Howard Centre, as envisaged in the Objector’s illustrative drawing. The evidence indicates that the costs of such an improvement are not likely to be a significant deterrent to the achievability of such an improvement as part of an overall retail development. The location of development around a transport node, which includes a railway line, must inevitably involve some means of crossing the line. However, it seems to me that the linkage to the site from the town centre would remain a relatively narrow ‘pinch-point’ at first floor level with a poor relationship to the pattern of pedestrian flows and facilities in the rest of the centre.

13.4.7 Since the retail floorspace shown on Chinacorp’s illustrative drawing amounts to some 20,440 square metres, which is roughly the size of the Howard Centre, I regard it to be significant. Such development would therefore be likely to function mainly as shopping destination in its own right and make little contribution to addressing the problems and weaknesses of the existing town centre identified by the Council and referred to in section 13.1 of my Report. Such significant development could also shift the focus of retailing in the town centre to the east. That would further exacerbate the adverse effects of the shift in focus which arose from the opening of the Howard Centre in 1990 and which the current town centre strategy and the Plan seek to address.

13.4.8 I do not accept that, in this respect, the objection site is similar to the site allocated under Policy TCR5 at Campus East, despite its location and distance from the rest of the centre. I have already referred to the importance of linkage between that site and the rest of the town centre and the potential problem imposed by Bridge Road. However it seems to me that the problem is much more readily capable of being overcome at Campus East because improved pedestrian linkage to the rest of the centre would be at the same level and, with careful design with the development proposed under Policy TCR4, retail development would retain a strong visual link. Unlike the objection site, the area in TCR5 is also already effectively a part of the town centre because of the existence of an established foodstore.

13.4.9 For the above reasons, I consider any significant retail floorspace on the objection site would harm the Plan’s strategy for Welwyn Garden City town centre and I do not therefore consider the site should be allocated in the Plan as proposed by Chinacorp.

Land east of the railway line and north of Bridge Road (Objection Ref D1/1628/TCR/006)

13.4.10 This site is proposed by Land Securities Properties Ltd as being suitable to meet a need for up to 10,000 square metres gross of floorspace for bulky comparison goods. The site comprises some 3.4ha of land, currently occupied by Argos as a distribution depot. The site is also within Employment Area EA1 allocated for Class B1, B2 and B8 uses in the Plan and is located to the east of the town centre site allocated in the Plan under Policy TCR5, although separated from it by the railway line.

13.4.11 This site is also close to the town centre, but the railway line comprises a substantial obstacle to its definition as an edge-of-centre location for retail development. Most of the site appears to be within 200-300 metres walking distance of at least the edge of the town centre in Bridge Road, but there is no direct pedestrian link from the site to the town centre. The site has little visual relationship

129 paragraphs 8 & 10 of PPG 1 and paragraph 21 of PPG 13
with the town centre and its location relates more to adjoining employment development than to the
town centre in terms of its character. It seems to me that those factors would militate against any car
parking on the site serving a dual purpose in terms of shopping for bulky goods on the site and other
goods in the town centre. I do not therefore consider the site comfortably fits the PPG 6 definition of an
edge-of-centre site as suggested by the Objector, despite its proximity to the town centre.

13.4.12 In the absence of any compelling evidence in support of the objection I do not consider
there is any justification for the Plan to allocate this site for the sale of bulky comparison goods. I
consider the Plan already provides the framework for such proposals to be considered on the site if a
need can be demonstrated.

Conclusions

13.4.13 My conclusions in the foregoing sections of this Chapter of my Report indicate that the
need for further retail floorspace identified in the Plan can be met within the town centres of Welwyn
Garden City and Hatfield, which accords with the policies set out in PPG 6, RPG 9 and the Structure
Plan. I have recommended that the Council carry out an a re-assessment of the quantitative need for
additional retail floorspace, but I also consider that Policies TCR1 and TCR3 of the Plan provide an
adequate framework for considering any proposals on the objection sites, in the context of any
demonstrable need for additional retail floorspace and the extent to which it cannot be met in the town
centre of Welwyn Garden City.

13.4.14 I have considered the policy proposed by Chinacorp (TCR5B), which would identify
their site for mixed use including employment (Class B) and a range of town centre uses including
convenience and comparison retail floorspace, leisure and housing. In order to not prejudice the Plan’s
town centre strategy, Chinacorp also proposed a caveat to the policy, which would require the
demonstration of sufficient need for any additional retail floorspace and that the need could not be met
elsewhere in the town centre. However, for the reasons given above I do not consider the proposed
inclusion of convenience and comparison retail floorspace in the range of uses in the proposed policy to
be acceptable. Furthermore, the Objector’s proposed caveat to the policy is unnecessary having regard
to the provisions of Policies TCR1 and TCR3.

13.4.15 I do not therefore consider any changes to the Plan are required in response to these
objections by Chinacorp and Land Securities Properties Ltd.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

13.5 RETAIL FRONTAGES IN WELWYN GARDEN CITY TOWN CENTRE (paragraphs
13.32-13.36 and Policy TCR6)

Objections

D1/1017/TCR/006  Mrs Joanna Ingram
D1/1317/TCR/003  Mr N K Knapp
D1/1277/TCR/001  Mr G Bird

Objections to Proposed Changes

PIC/2702/TCR/001  Welwyn Hatfield Chamber of Commerce

Issues

1. Should the Plan encourage more restaurants, cafes, take-aways, pubs and other leisure activities in
the town centre?
2. Is it unreasonable for the Plan to require that 4-42 (evens) Church Road maintain a predominantly (70%) retail function?

Inspector’s Reasoning and Conclusions

13.5.1 The first issue has been raised in the objections by Mrs Ingram, Mr Knapp and Mr Bird and many other Objectors listed in Appendix 3 of my Report. However it is Government policy, as expressed in PPG 6, to encourage a diversity of uses in town centres, which can contribute to their vitality and viability during the day and in the evening. The background studies to the Plan have indicated that the lack of restaurants, cafes, pubs and other leisure facilities in the town centre detracts from its core shopping function and its evening economy. It is not therefore unreasonable for the Plan to seek to address the problem by encouraging further such uses, particularly in view of the role of Welwyn Garden City as a minor sub-regional centre in Hertfordshire’s shopping hierarchy.

13.5.2 However, PPG 6 recognises that concentrations of single uses, such as restaurants and take-away food outlets can cause local problems, and that can also apply to pubs. Policies TCR6 and TCR7 of the Plan provide the context for avoiding such concentrations in the town centre and state that planning permission will only be granted where the proposal would not harm the amenities of nearby residential properties. I do not therefore consider any changes to the Plan are required in response to the objections by Mrs Ingram and Mr Knapp.

13.5.3 The objection by Welwyn Hatfield Chamber of Commerce concerns the second issue. I understand that the Council’s proposed Pre-Inquiry Change PIC/059/TCR change is in response to a typographical error in paragraph 13.36 of the Plan, which deleted 4-42 (evens) Church Road from the list of retail frontages in paragraph 13.36 at the 2nd Deposit stage of the Plan. In my view, having regard to the position of that frontage in the town centre, the objectives of the town centre strategy and the development proposed under Policy TCR5A, it would be a retrograde step to identify it as one where retail uses should not predominate. Those factors all seek to improve the viability and shopping function of this part of the town centre, which would be undermined by designating the frontage as being suitable for mixed uses as suggested by the Objector. I therefore support the re-instatement of numbers 4-42 (evens) in paragraph 13.36 as proposed by the Council in Pre-Inquiry Change PIC/059/TCR.

RECOMMENDATIONS

I recommend that, other than Pre-Inquiry Change PIC/059/TCR, no modifications be made to this part of the Plan.

13.6 ACCEPTABLE USES OUTSIDE THE PRIMARY RETAIL CORE OF WELWYN GARDEN CITY TOWN CENTRE (paragraph 13.38, Policies TCR9, TCR10 and PROPOSALS MAP (INSET 2)

Objections

| D1/1275/TCR/002 | Ms Janet M Fraser  
| D1/1017/TCR/007 | Mrs Joanna Ingram  
| D1/1246/MAP/001 | Mr George Sweeney  
| D1/1249/TCR/001 | Mr S R Bradshaw  
| D1/1425/TCR/003 | Mrs B Bevan  
| D1/1230/TCR/002 | Mrs E A Crossland  

Issues

1. Should Policy TCR9 seek to prevent any significant alteration to the Campus area where an existing use is no longer required? Should the Plan designate part of the green in front of the Library as a children’s play area?
2. Are some uses outside of the primary retail core in the Church Road area (Policy TCR10) unacceptable since they do not reduce noise and disturbance for local residents? Should the boundary of the town centre include residential properties at 6 and 8 Longcroft Road?

3. Would Policy TCR10 lead to the change of use of the Sainsburys building to office, community, cultural and residential use?

Inspector's Reasoning and Conclusions

13.6.1 On Ms Fraser’s objection concerning the first issue, any proposals for conversion, change of use or redevelopment in the Campus area would be considered against the five criteria of Policy TCR9 which include the preservation and enhancement of the Conservation Area. The Campus open space is protected under Policy OS1 of the Plan by its designation as Urban Open Land. It would be unreasonable for the Plan to impose any further restrictions on the consideration of any future proposals where an existing use is no longer required. The area in front of the Library is adjacent to a busy road and is therefore unsuitable as a children’s play area as suggested in the objection by Mrs Crossland. Policy OS3 of the Plan makes provision for such play areas in suitable locations.

13.6.2 I do not therefore consider any changes to the Plan are required in response to the objections by Ms Fraser and Mrs Crossland.

13.6.3 Turning to the second issue and the objections by Mrs Ingram, Mr Sweeney and Mr Bradshaw, some community and other uses in the Church Road area which are normally acceptable within a town centre, although outside the primary retail core, will inevitably cause some noise and disturbance. Residential development is particularly close to the town centre in the Church Road area, but should be protected from the adverse effects of any proposed development by criterion (ii) of Policy TCR10.

13.6.4 Mr Sweeney and Mr Bradshaw, as the occupiers of 6 and 8 Longcroft Road, seek the inclusion of their houses within the town centre mainly on the basis of providing a more logical boundary and problems which have arisen from the close juxtaposition between residential and town centre uses. I saw at my accompanied site visit during the Inquiry that numbers 6 and 8 are at the extreme northern end of Longcroft Road, which is entirely residential in use, and that number 6 has a return frontage to Church Road. Both sides of Church Road to the east and west of number 6 are within the town centre as defined on Inset Map 2 and comprise town centre uses such as car parks, shops and other commercial properties including a public house. It is clear from the evidence I heard at the Inquiry that the latter is a particular source of noise and disturbance.

13.6.5 In general, numbers 6 and 8 Longcroft Road are not unusual in being residential properties located close to the town centre. There are other examples around the town centre which reflect the planned nature of Welwyn Garden City. However, number 6 seems to be rather unusual in that the house is set back from the building line of Longcroft Road and has a return frontage to Church Road. Both sides of Church Road to the east and west of number 6 are within the town centre as defined on Inset Map 2 and comprise town centre uses such as car parks, shops and other commercial properties including a public house. It is clear from the evidence I heard at the Inquiry that the latter is a particular source of noise and disturbance.

13.6.6 I accept that there would be a risk of harm to the residential character of Longcroft Road if town centre uses began to encroach into the road. However, any future use of number 6, if it is within the town centre, would be considered against Policy TCR 10, which favours office, community and cultural uses as well as residential provided they would preserve or enhance the Conservation Area and not harm the amenities of nearby residential occupiers. In that respect, the setting of number 6 in particular seems to be little different from the rest of Church Road in terms of acting as a buffer between the retail core and the residential area in Longcroft Road.

13.6.7 I do not therefore consider that any undue harm would arise to the character or function of the town centre, or Longcroft Road, if number 6 were to be included within the area to which Policy TCR10 applies. I am not persuaded that number 8 should be included because that property is more clearly part of the Longcroft Road residential area and bears no direct relationship to the town centre. It seems to me that the town centre could be clearly defined as following the boundary between numbers 6 and 8 and would be a defensible boundary in terms of the application of Policy TCR10.
13.6.8 I appreciate that Mr Sweeney’s anxiety to have the option to dispose of his property for a commercial use could be satisfied without including it in the town centre by applying other policies of the Plan. However, since the above considerations indicate that no harm would arise from the property being within the town centre boundary, I consider the Plan should be amended accordingly in response to the objection.

13.6.9 On the third issue and the objection by Mrs Bevan, Policy TCR10 would not apply to any proposals for the Sainsbury building since it is located within the primary retail core. Any proposed change of use away from the primary retail use of the Sainsbury building or site would conflict with other policies of the Plan. I do not therefore consider any changes to the Plan are required in response to the objection.

RECOMMENDATIONS

I recommend that the Plan’s Proposals Map (Inset 2) be modified to include number 6 Longcroft Road within the boundaries of the town centre, but outside the area defined as the Primary Retail Core.

13.7 ACCESSIBILITY TO THE TOWN CENTRE (paragraphs 13.39 & 13.40, deleted Policies TCR11, TCR12 and POLICY TCR12A)

Objections

D1/1313/TCR/004    Mrs Clare Woolmer
D1/1300/TCR 006    Mr Andrew Woolmer
D1/1540/TCR/002    Mr & Mrs T Elvins
D1/1320/TCR/002    Mrs L M James
D2/2702/TCR/002    Welwyn Hatfield Chamber of Commerce
D1/0809/TCR/001    Mr & Mrs Barker
D1/1317/TCR/002    Mr N K Knapp
D1/1338/TCR/002    Mr & Mrs M & J Chandler
D1/1017/TCR/008    Mrs Joanna Ingram
D2/1660/TCR/006    John Lewis Partnership (conditionally withdrawn)
D2/1660/TCR/007    John Lewis Partnership (conditionally withdrawn)
D2/0153/TCR/002    Wm Morrison Supermarkets Plc (conditionally withdrawn)
D2/0064/TCR/007    Railtrack Plc (conditionally withdrawn)

Issues

1. Should the Plan be more clear on the impact of any new development on traffic in the town centre and Digswell Road? Will Parkway be closed?

2. Is pedestrianisation of the town centre necessary or realistic having regard to the expectations of people, including elderly people, who need to use their cars for shopping trips? Would the reduction of parking facilities in the town centre, and lack of proper parking provision for new development, have an adverse effect on the attractiveness of the town centre to shoppers and the business requirements of retailers? Where would those employed in the town centre be able to park within a reasonable distance of their place of employment? Should the Plan provide for the protection of surrounding roads against on-street parking? Should the Plan consider a ‘Park and Ride’ scheme?

3. Does paragraph 13.40 sufficiently highlight the importance of making adequate provision for additional car parking spaces?

4. Is the wording of Policy TCR12A inconsistent with the advice in Circular 1/97 and paragraphs 48 and 83 of PPG13? Should the policy refer to ‘public transport’ instead of ‘bus access’?
Inspector's Reasoning and Conclusions

13.7.1 On the first issue and the objections by Mrs Woolmer and Mr & Mrs Elvins, Policy TCR12A provides the framework for enabling improvements to the highway infrastructure to and within the town centre, which are necessary as a result of proposed development. If the Local Highway Authority considers such development would lead to increased traffic in Digswell Road, any necessary improvements would be taken into account at the detailed planning stage.

13.7.2 The movement of traffic in and around the town centre has been the subject of studies leading to the formulation of the town centre strategy, which has in turn informed the Plan’s policies for the town centre. The principles of the development proposed in the town centre is clearly set out in paragraphs 13.26 to 13.31 and Policies TCR4, TCR5 and TCR5A of the Plan. Further details of any development proposals which emerge from those policies will be the subject of Planning Briefs and planning applications, which will be the subject of public consultation. There are no proposals in the Plan to close part of Parkway.

13.7.3 I do not therefore consider there is any need for the Plan to be any more clear or detailed on these matters other then as set out in Policy TCR12A and no changes are therefore required in response to the objections by Mrs Woolmer and Mr & Mrs Elvins.

13.7.4 The objections by the Welwyn Hatfield Chamber of Commerce and the other local residents listed above concern the matters raised in the second issue. However, the intention to give greater priority to pedestrians has been removed as a specific policy of the Plan by the deletion of Policy TCR11 at the 2nd deposit stage and the Plan does not now contain any specific proposals for pedestrianisation in the town centre. The needs of shoppers to be able to conveniently park in the town centre has also been recognised by the deletion at the 2nd Deposit stage of the Plan of that part of paragraph 13.40 which referred to possible opportunities to reduce parking provision in new development as a way of reducing the use of the car. The paragraph now requires all new development to provide additional parking in line with Policy M19 of the Plan. In my view Policy TCR12A, and the criteria of Policies TCR4, TCR5 and TCR5A, provide an adequate framework for improving pedestrian access in the town centre.

13.7.5 The Council has proposed amendments to the wording of paragraph 13.40 and Policy TCR12A in Pre-Inquiry Changes PIC/034/TCR and PIC/035/TCR to improve the clarity and the consistency of terminology of the Plan. I was initially concerned about the Council’s amendments because advice in paragraph 49 of PPG13 says that reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices. However when the Plan is read as a whole, it is clear that the above advice is reflected in paragraphs 6.49 to 6.54 and the requirements of Policy M19 in terms of a restraint based approach to the provision of parking, particularly in areas which are accessible by non-car modes of transport. I therefore consider the amended wording of paragraph 13.40 in the Pre-Inquiry Changes to be acceptable.

13.7.6 There are no specific proposals in the Plan to remove existing long-term or other parking facilities. Any development proposed under Policies TCR4, TCR5 and TCR5A would be likely to affect existing parking facilities, but the criteria of each policy require adequate parking to be provided as part of the development. As stated in paragraph 13.40 of the Plan the Council intends to prepare a parking strategy for the town centre, which will address the matter of long-stay parking for employees and the co-ordination of parking with the use of passenger transport. The latter could include consideration of a ‘Park and Ride’ scheme.

13.7.7 I do not therefore consider the Plan needs to deal with the above matters in any further detail and no changes, other than those proposed by PIC/034/TCR and PIC/035/TCR, are required in response to the objections concerning the second issue.

13.7.8 A further change to paragraph 13.40 was proposed at the Inquiry by the Council in response the objection by the John Lewis Partnership concerning the third issue. Having regard to paragraph 13.7.5 above, and paragraph 13.3.38 of my Report, I agree that the wording of the paragraph

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130 Document WHC/TCR/001(paragraph 7.3)
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should be amended as proposed by the Council.

13.7.9 In response to the objections by the John Lewis Partnership, Wm Morrison Supermarkets plc and Railtrack plc on the fourth issue, the Council has proposed amendments to the Plan in Pre-Inquiry Changes PIC/034/TCR and PIC/035/TCR and Inquiry Document WHC/TCR/001 (paragraph 7.3). The proposed amendments include reference to Policy IM2 of the Plan and substitution of the words ‘passenger transport’ for ‘bus access’ as well as emphasising the importance of parking to the attractiveness of the town centre. Since the amendments are more compliant with PPG13 and the advice in Circular 1/97, I consider the Plan should be changed accordingly in response to the objections on this issue.

RECOMMENDATIONS

I recommend that the Plan be modified in accordance with Pre-Inquiry Changes PIC/034/TCR and PIC/035/TCR and the amendments to paragraph 13.40 and Policy TCR12A, proposed by the Council in Document WHC/TCR/001.

13.8 HATFIELD TOWN CENTRE (paragraphs 13.42-13.53 and Policy TCR14)

Objections

D1/1256/TCR/011 Mr Nigel Hutton
D1/1256/TCR/012 Mr Nigel Hutton
D1/1376/TCR/001 Cards Cards Cards
D1/1170/TCR/001 Hornton Associates
D1/1552/TCR/001 ICS International Contract Services Ltd
D1/1290/TCR/001 Simmons (Bakers) Ltd

Issues

1. Could the objectives of the Plan for Hatfield town centre be achieved more effectively and with less disruption by following a policy of continuous change and improvement?

2. Is the scale and site of the proposed redevelopment too large to be successful? Does the size of the current proposal conflict with other assumptions of the Plan and negate the effectiveness of the democratic process? Should the town centre be more compact?

3. Should the Plan seek to provide or identify: a town centre manager; a use for the space between the Bill Salmon Centre and the ASDA store; a town centre fund; that adequate on or off-street car parking provision is available at times the doctors’ surgeries in the Common are open for consultation?

Inspector's Reasoning and Conclusions

13.8.1 On the first issue, the objections by Hornton Associates and others in essence question the need for the Plan’s proposals for improving Hatfield town centre.

13.8.2 Policy 4 of the Structure Plan states that the vitality and viability of town centres should be maintained and strengthened with priorities being given to a range of issues in order to achieve that. The issues include securing an appropriate range of shopping and service facilities and providing a high quality environment. It seems clear from the Council’s evidence and my own visits to the area, that both of those issues are in urgent need of attention in Hatfield town centre and demand rather more action than just continuous change and improvement. There is no evidence before me to demonstrate that the Objectors’ approach would be effective and, since it would be likely to be of a piecemeal nature, I consider there would be a high risk of failure if a policy of continuous change and improvement to revitalise the town centre as a whole is adopted.

13.8.3 Policy 16 of the Structure Plan requires this Plan to maintain and enhance the role of
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Hatfield town centre in the county’s shopping hierarchy. The Council’s strategy and vision for the town centre is set out in paragraphs 13.42 to 13.45 of the Plan and has been prepared in consultation with the public and the local business community primarily to address the decline that has taken place in recent years. The strategy and vision seeks to secure the regeneration of the town centre and in principle it accords with Policies 4 and 16 of the Structure Plan as well as national and regional planning guidance in terms of enhancing the vitality and viability of the town centre.

13.8.4 I also note that Policy HAT3 of the adopted Plan actively encourages proposals for new shopping facilities in the town centre through either redevelopment or refurbishment of existing buildings. That policy does not appear to have been very effective in terms of refurbishment, which lends support to this Plan’s more proactive approach to redevelopment. I do not therefore consider there is any sound basis to justify this Plan abandoning the principle of redevelopment of part of the town centre as a means of improving its vitality and viability.

13.8.5 On the matter of disruption raised in the objection by Simmons (Bakers) Ltd, that would be a temporary feature during any redevelopment. Such disruption should not therefore be an obstacle to the long term benefit gained from improving the vitality and viability of the town centre. In any case such matters can be controlled during construction works by means of planning conditions and legal agreements.

13.8.6 I do not therefore consider any changes to the Plan are required in response to the objections concerning the first issue.

13.8.7 The objections by Mr Hutton, Cards Cards Cards and ICS International Contract Services Ltd raise concerns about the scale and extent of the proposed redevelopment scheme referred to in the second issue. ICS want their property excluded from the site of the proposed redevelopment.

13.8.8 The proposed redevelopment site comprises some 3.3ha at the eastern end of the town centre and the Plan seeks to secure a major scheme in the region of 11,000 square metres of retail floorspace (some 6,000 square metres net increase). The size and extent of the redevelopment area has been formulated to be the most appropriate and viable solution for a high density mixed use scheme and has formed the basis for consultations and the preparation of a Development Brief. The provision of the amount of floorspace proposed does not conflict with the Council’s assessment of the quantitative and qualitative need for additional retail floorspace in the District as set out in paragraph 13.14 of the Plan. I understand from the evidence that negotiations have reached an advanced stage with a prospective developer for a redevelopment scheme based on the Plan’s proposals.

13.8.9 I therefore have no reason to doubt the viability, success or appropriateness of the proposed redevelopment as set out in the Plan in terms of its size, or to conclude that a more compact town centre would achieve the Plan’s objectives. In that context there is no sound basis for me to recommend that the size or extent of the redevelopment proposal should be amended in response to the objections.

13.8.10 Hornton Associates has criticised the effectiveness of their ability to object to the Plan’s proposal for redevelopment in the town centre because the proposal has reached an advanced stage. I did not agree to their request to adjourn the Inquiry to await the submission of a planning application for the proposed redevelopment and I am unaware whether or not a planning application has been submitted during the preparation of this Report. Even so, when an application is submitted the Council will have to consider it mainly against the provisions of Policy HAT3 of the adopted Plan and the above policies of the Structure Plan. The provisions of this Plan, including any recommendations I might make, will also carry weight depending on the stage it has reached and the time the application is determined. The planning application will be subject to public consultations before it is determined. I do not therefore accept that the democratic process has been prejudiced because the proposal for redevelopment appears to be overtaking the Plan process.

13.8.11 On the objections by Mr Hutton concerning the third issue, the provision of a town centre manager and a town centre fund are not related to the development and use of land and are not therefore appropriate for inclusion in the Plan. I understand from the Council’s evidence that the
provision of parking in Hatfield is being reviewed as part of the town centre redevelopment scheme, which will aim to provide more spaces. That should solve any need for additional parking for surgeries or other buildings in the Common. Policy M19 of the Plan would require parking to be provided for any new surgeries. I am unable to reach a conclusion on any need for the Plan to identify a use for the space between the Bill Salmon Centre and the ASDA store, because I have no information on the matter.

13.8.12 I do not therefore consider any changes are required in response to Mr Hutton’s objections.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

13.9 TRANSPORT INFRASTRUCTURE IN HATFIELD TOWN CENTRE (paragraph 13.62 and Policy TCR21)

Objections

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<tr>
<th>Objection ID</th>
<th>Party</th>
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<tbody>
<tr>
<td>D1/1256/TCR/013</td>
<td>Mr Nigel Hutton</td>
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<td>D1/0002/TCR/034</td>
<td>Hertfordshire County Council (Environment)</td>
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<tr>
<td>D2/0153/TCR/003</td>
<td>Wm. Morrison Supermarkets Plc (conditionally withdrawn)</td>
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Issues

1. Should the Plan be more specific and proactive about the location of the proposed bus station in the town centre? Is Policy TCR21 unclear and inconsistent with the advice in Circular 1/97?

Inspector's Reasoning and Conclusions

13.9.1 Paragraph 13.45 of the Plan states that one of the objectives of the town centre strategy is to integrate public transport facilities within the town centre. Paragraph 13.52 states that the proposed redevelopment scheme must inter alia give priority to buses. The Council proposes to amend paragraph 13.62 by Pre-Inquiry Change PIC/036/TCR so that it states that new development in the town centre will require inter alia the provision of a new bus interchange. Since that amendment would help clarify the Plan, I consider paragraph 13.62 should be amended accordingly in response to the objection by the County Council.

13.9.2 Policy TCR21 also requires development proposals in the town centre to contribute inter alia to improving bus access to and within the town centre (Pre-Inquiry Change PIC/037/TCR proposes amending that to “passenger transport”). The details and location of any bus interchange facility in the town centre is a matter more appropriately dealt with at the design stage and I note that the adopted Planning Brief for the redevelopment scheme provides specific requirements that would need to be considered in its design and location. Consequently I consider that the Plan and the proposed Pre-Inquiry Changes provide sufficient guidance and proactive support for a new bus station in the town centre and that further specific details about its design and location are not appropriate matters for inclusion in the Plan. I do not therefore consider any changes are required in response to the objection by Mr Hutton.

13.9.3 The proposed Pre-Inquiry changes to Policy TCR21 include inserting a reference to Policy IM2. Since that policy is consistent with Circular 1/97, I consider the Pre-Inquiry Change is necessary and responds satisfactorily to the objection by Wm Morrison Supermarkets plc.

132 paragraphs 4.6-4.8 of Document CD/RTC/70
RECOMMENDATIONS
I recommend that paragraph 13.62 and Policy TCR21 of the Plan be modified in accordance with Pre-Inquiry Changes PIC/036/TCR and PIC/037/TCR.

13.10 LARGE VILLAGE CENTRES (paragraph 13.75 and Policy TCR28)

Objections
D1/1030/TCR/004 Ms M Edwards
D1/1543/TCR/004 Mrs E H Sheppard

Issues
1. Should the Plan be more clear about the quantity and quality of shops in Welwyn and Welham Green?

Inspector's Reasoning and Conclusions
13.10.1 The Plan indicates that the large village centres, including Welwyn and Welham Green, are important in that they meet the needs of local residents. Policy TCR28 seeks to retain the provision of a range of every day convenience shopping and service facilities for local people and requires that a minimum of 60% of the total frontage in each centre remain in retail Class A1 use.

13.10.2 The Plan can not control certain changes of use of existing shops or influence changes in retailing or the market demand for certain types of retailing. That often results in the loss of shopping facilities for everyday use. Unfortunately, Policy TCR28 can not be applied retrospectively and so would not directly meet the Objectors’ concerns about their needs not being met in Welwyn and Welham Green. However the policy would at least seek to ensure that the situation is not made worse from changes of use in shopping frontages which can be controlled.

13.10.3 I do not therefore consider the Plan requires changes in response to the objections.

RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan.
14. CHAPTER 14 HATFIELD AERODROME SITE

14.1 SUSTAINABLE DEVELOPMENT OF THE SITE (Policy HATAER1)

Objections

D1/1109/HAT/023  Arlington Property Development Ltd
D2/1109/HAT/009  Arlington Property Development Ltd
D1/1204/HAT/069  Friends of the Earth
D1/1356/HAT/001  Mr P Porter

Issues

1. Should paragraph 14.8 of the Plan be amended to reflect the agreed position that mineral extraction will focus on the Green Belt portion of the land and not the allocated development area? Is the sentence added to paragraph 14.8 at the Plan’s 2nd Deposit stage misleading?

2. Should Policy HATAER1 require a full sustainability appraisal of the redevelopment, including an assessment of a range of development options in order to achieve the most sustainable schemes, as a pre-requisite of the consideration and approval of the master plan for the site?

3. Should the objectives for the site include the provision of a de Havilland Museum? What is proposed for the listed buildings on the site?

Inspector's Reasoning and Conclusions

14.1.1 Changes were made to paragraph 14.8 of the Plan in response to the initial objection by Arlington Property Development Ltd on the first issue at the 2nd Deposit stage, which clarify that the majority of the area of the Masterplan site within the Green Belt is identified within the Hertfordshire Minerals Local Plan as a preferred area for Minerals extraction. Since I understand that to be a statement of fact, no further changes are necessary. The additional sentence is also a statement of fact, which reflects the wording of Policy 12 of The Hertfordshire Waste Local Plan. There is no evidence to demonstrate that the subsequent possible provision of a Materials Recovery Facility as part of a section 106 Agreement should outweigh or supersede the provisions of a statutory Development Plan. I do not therefore consider the continuing reference to the need for facilities for materials recovery in paragraph 14.8 to be superfluous.

14.1.2 However, I do agree that the meaning of the additional sentence is unclear as to whether it relates to the development area as a whole, or just to that part of the site which is within the Green Belt. I therefore consider the additional sentence should be amended in response to the objection to be more clear in that respect.

14.1.3 The objection on the second issue by Friends of the Earth appears to have little regard to the evolution of the development proposals for the Hatfield Aerodrome site and the appraisal of options and sustainability which were part of the allocation of the site in the adopted Local Plan. Sustainability tests have also been incorporated in the preparation of subsequent supplementary planning guidance, which provides the Masterplan for the site. That guidance is used to assess planning applications for development on the site. Furthermore, the policies of Chapter 14 of the Plan have also been through a sustainability appraisal process. I do not therefore consider there is any need for Policy HATAER1 to require any further appraisal to ensure that development options are sustainable.

14.1.4 On the third issue and the objection by Mr Porter, Policy HATAER4 includes a proposal for an Aviation Heritage Centre in the original 1934 offices of Sir Geoffrey de Havilland, which is a Grade II listed building. The proposal is also the subject of a legal agreement and is the

133 Document CD/HA/10
subject of a separate Area Brief within the supplementary planning guidance for the site. I do not therefore consider there is any need for changes to be made to the Plan in response to Mr Porter’s objection.

RECOMMENDATIONS

I recommend that the Plan be modified by the second sentence of paragraph 14.8 being amended to clarify exactly which part of the Hatfield Aerodrome site is identified in the Hertfordshire Waste Local Plan as an area of search for the siting of permanent facilities for materials recovery.

14.2 REQUIREMENT FOR A MASTERPLAN (Policy HATAER3)

Objections

D1/1308/HAT/002 Mr G M Smith

Issues

1. Should the Plan do more to encourage better cycle access to the Hatfield Aerodrome site from the west?

Inspector's Reasoning and Conclusions

14.2.1 I understand from the Council’s evidence that the Masterplan and planning permission for development provide for improved cycle access to and from the site, as well as good access within the site. Various access points are included to the western side of the site, including a cycleway along Manor Road which links to Coopers Green Road. The matter of additional cycleways is being considered by the Council as part of its Cycling Strategy. I do not therefore have any reason to conclude that the Plan should be amended in response to Mr Smith’s objection.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.
15.  CHAPTER 15 - RURAL AREAS

15.1 STRATEGY AND OBJECTIVES (Paragraph 15.3)

Objections

D1/1213/RUR/017 Faulkners

Issues

1. Should paragraph 15.3d) be re-drafted because retaining a social mix of people is not a land use planning objective and represents excessive interference by the Council?

Inspector's Reasoning and Conclusions

15.1.1 The Government’s objectives for the countryside include meeting the economic and social needs of people who live and work in rural areas and promoting communities which have a reasonable mix of age, income and occupation.\(^{134}\) The objectives for housing also include seeking to create mixed communities.\(^{135}\) Paragraph 15.3d) of the Plan is consistent with those objectives by encouraging a thriving rural village life and retaining a social mix of people by enabling villages to offer employment, shops and services, community facilities and a mix of housing including affordable housing.

15.1.2 I do not therefore accept that this part of the Plan is not a land-use planning objective and since it is consistent with the Government’s objectives for rural areas, there is no need for it to be re-drafted in response to the objection by Faulkners.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

15.2 DEVELOPMENT IN THE GREEN BELT (Policy RA1)

Objections

D1/0275/RUR/007 Landmatch Limited
D1/1629/RUR/003 The James Crawford Trust
D1/1630/RUR/003 Mr D Thomas
D1/0037/RUR/003 North Mymms District Green Belt Society

Issues

1. Should Policy RA1 be amended to include provision for affordable housing under Policy RA16?

2. Should Policy RA1 distinguish between cemeteries and pet cemeteries?

3. Should land at Skimpans Farm Welham Green and The Meadway Cuffley be excluded from the Green Belt?

Inspector's Reasoning and Conclusions

15.2.1 On the first issue, Policy RA1 was amended at the Plan’s 2\(^{nd}\) deposit stage to include

\(^{134}\) paragraph 1.4 of PPG 7 (Core Document CD/NP/60)

\(^{135}\) paragraph 2 of PPG 3
reference to Policy RA16 and no further action in response to the objection by Landmatch Limited is therefore required.

15.2.2 On the second issue, the Plan should not seek to re-define the categories of development set out in paragraph 3.4 of PPG 2, which are not inappropriate inside a Green Belt. The question of whether or not a pet cemetery is inappropriate development in the Green Belt should be considered at the time of any individual planning applications for such proposals in the context of the guidance in PPG 2 and other material considerations.

15.2.3 On the third issue, I have dealt with whether or not the boundaries of the Green Belt should be altered to exclude the sites referred to by the James Crawford Trust and Mr Thomas at Welham Green and Cuffley in Chapter 4 of my Report. I have recommended in that Chapter that neither site be released from the Green Belt, but even so the purpose of Policy RA1 is to indicate which forms of development are acceptable in the Green Belt, not to define its boundaries. I do not therefore consider Policy RA1 requires amending in response to the objections relating to the sites at Welham Green and Cuffley.

**RECOMMENDATIONS**

I recommend that no modifications be made to this part of the Plan.

15.3 DEVELOPMENT IN SETTLEMENTS WITHIN THE GREEN BELT (Policy RA2)

**Objections**

**D1/1085/RUR/003 Mr S S Grewal**

**Issues**

1. Should Policy RA2 provide for legitimate local affordable housing needs in rural settlements other than those listed in the policy?

**Inspector's Reasoning and Conclusions**

15.3.1 Policy RA2 restricts development in four settlements, which have a number of facilities and a degree of self sufficiency, to housing, employment, local facilities, services and leisure to accommodate the specific needs of the settlements and surrounding local rural area. However, the provision of small-scale affordable housing schemes to meet an identified local need on rural exception sites within any of the Green Belt settlements is possible under Policies RA1 and RA16. Therefore, in principle, Policy RA2 does not preclude meeting legitimate local affordable needs in rural settlements other than those listed in the policy.

15.3.2 I am aware from the objection by Mr Grewal that he doubts the effectiveness of Policy RA16 to achieve affordable housing in settlements other than those listed in Policy RA2 and I return to that matter later in this Chapter of my Report. However, for the above reasons I do not consider that Policy RA2 needs to be altered in response to his objection.

**RECOMMENDATIONS**

I recommend that no modifications be made to this part of the Plan.
15.4 EXTENSIONS TO DWELLINGS IN THE GREEN BELT (Policy RA3)

Objections

D1/1616/RUR/008 Royal Veterinary College

Issues

1. Should Policy RA3 include encouragement for the retention of small housing units?

Inspector's Reasoning and Conclusions

15.4.1 This objection by the Royal Veterinary College has been maintained although the related reference to retaining small housing units was deleted from paragraph 15.6 at the Plan’s 2nd deposit stage. In my view that deletion was correct since it has little relevance to the consideration of whether limited extensions to dwellings are not inappropriate development in the Green Belt, particularly in the context of the guidance in paragraph 3.6 of PPG 2. The criteria of Policy RA3 are consistent with that guidance and I do not therefore consider that the policy should be altered in response to this objection.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

15.5 REPLACEMENT OF DWELLINGS IN THE GREEN BELT (Policy RA4)

Objections

D1/0231/RUR/001 Barker Parry Town Planning
D2/0214/RUR/004 Community Development Agency for Hertfordshire
D1/1213/RUR/018 Faulkners
D1/1616/RUR/009 Royal Veterinary College

Issues

1. Is Policy RA4(i) unduly restrictive and inconsistent with paragraph 3.6 of PPG 2?
2. Should the policy always remove permitted development rights from replacement dwellings or is that section of the policy contrary to Circular 11/95 in any case?
3. Should Policy RA14 seek the encouragement of small housing units?

Inspector's Reasoning and Conclusions

15.5.1 On the first issue, the objection by Barker Parry Town Planning has been maintained despite Policy RA4(i) being amended at the Plan’s 2nd deposit stage to clarify that replacement dwellings in the Green Belt should not materially exceed the size of the original dwelling. Since that wording is consistent with the guidance in paragraph 3.6 of PPG 2, no further change to the Plan is required in response to this objection.

15.5.2 On the second issue and the objections by the Community Development Agency for Hertfordshire and Faulkners, paragraph 87 of Circular 11/95 says that, save in exceptional circumstances, conditions should not be imposed which restrict permitted development rights. Such conditions are unreasonable unless there is clear evidence that there would be a serious adverse effect on amenity or the environment. There should be no other from of control available and such conditions should serve a clear planning purpose.
15.5.3 I note that in the 1st deposit version of the Plan Policy RA4 said that permitted development rights “will” be removed, but that word was replaced by “may” at the 2nd deposit stage. I consider that amendment was correct having regard to the above guidance in Circular 11/95, and the presumption against the imposition of conditions which remove permitted development rights. The word “may” does not preclude the imposition of such a condition in individual cases if the circumstances justify it in the context of Policy RA4 and the guidance in Circular 11/95. I do not therefore consider Policy RA4 should be amended in response to the objections.

RECOMMENDATIONS
I recommend that no modifications be made to this part of the Plan.

15.6 MAJOR DEVELOPED SITES IN THE GREEN BELT (LIMITED INFILLING) (Policy RA5)

Objections
D1/0037/RUR/005 North Mymms District Green Belt Society (conditionally withdrawn)
D1/1208/RUR/004 Northaw Properties Ltd
D1/1626/RUR/011 GlaxoSmithKline
D1/1543/RUR/006 Mrs E H Sheppard

Issues
1. Should the list of Major Developed Sites include Barvin Park and Northaw House in Northaw?
2. Is Policy RA5 clear and precise and should criterion (v) be deleted as inappropriate?
3. Should the Plan seek to prevent any further development of the New Barnfield Resources Centre because of concern that it would lead to erosion of the Green Belt and merging with South Hatfield?

Inspector’s Reasoning and Conclusions
15.6.1 On the first issue, Barvin Park Northaw is identified as a Major Developed Site (MDS) in the Green Belt in the adopted Plan, but because of its use and the fact that it has been fully developed, the Council does not consider it justifies allocation as a MDS in this Plan. In the absence of any further evidence on this objection from either the North Mymms District Green Belt Society or the Council, I have been unable to consider the matter in the context of the guidance set out in Annex C of PPG 2. I therefore make no recommendation in response to this objection.

15.6.2 The Council’s evidence indicates that the area of land proposed in the objection by Northaw Properties Ltd as a MDS extends to some 1.9ha, but is only occupied by buildings which cover a footprint approximately 910 square metres or 4.57% of the total site area. I understand that the site was occupied by a hospital in the past, and has been used for offices since the 1970s with approximately 50 people now employed there. Northaw House and stables are Grade II listed buildings.

15.6.3 Paragraph C1 of Annex C to PPG 2 does not specify any minimum size for a MDS, but indicates that they are substantial. In defining the existing MDSs in the currently adopted Plan, the Council used criteria based on the character of the District and the type and extent of existing development. I have no reason to disagree with the Inspector who prepared the Report on the Plan that the criteria adequately reflected the advice in PPG 2, which has not changed since then. The evidence indicates that the scale of the existing and proposed MDSs in this Plan is considerably larger than the Northaw House site in terms of site area, building floorspace and activity. It therefore seems to me in

\[136\] paragraph 7.8 WHC/RUR/CP and paragraph 5.2 WHC/RUR/004
Turning to the second issue, the wording of Policy RA5 was amended at the Plan’s 2nd deposit stage to delete the uncertainty which arose from the words “may be permitted” and it is now clear that proposals for limited infilling within the MDSs will be permitted subject to compliance with six criteria. Criterion (v) requires the preparation of a Green Transport Plan.

In referring to the circumstances where it would be appropriate to require a Green Travel Plan, the objection by GlaxoSmithKline has drawn my attention to paragraph 68 of revised PPG 2. I have assumed that to be an error because there is no such paragraph. Even so paragraph 89 of PPG 13 expresses the Government’s view that travel plans should be submitted alongside planning applications which are likely to have significant transport implications. It seems unlikely that limited infilling within a MDS would have such implications, but in any case the submission of a Green Travel Plan would be required by the District-wide Policy M4 of the Plan if the proposed development is at or above the thresholds referred to in that policy. I am not aware of any justification for the requirements of Policy RA5 to be more onerous than Policy M4 in terms of Green Travel Plans. I therefore consider that the requirements of Policy M4 should be specifically referred to in paragraph 15.14 of the Plan in the context of criterion (iv) of Policy RA5 and that criterion (v) should be deleted.

On the third issue and the objection by Mrs Sheppard, I am satisfied that the criteria of Policy RA5 (and RA6) would ensure, in accordance with PPG 2, that any further development on the New Barnfield Resources Centre MDS would not lead to erosion of the Green Belt or merging with South Hatfield. Mrs Sheppard has also referred to her concerns about any further development at the Brookmans Park Transmitting Station (in D1/1534/RUR/007), but since that site is not a MDS any such development would be subject to strict control under Policy RA8 and other relevant policies of the Plan. I do not therefore consider Policy RA5 should be altered in response to the objection.

**RECOMMENDATIONS**

I recommend that the Plan be modified as follows:

a) Criterion (v) of Policy RA5 be deleted;

b) Paragraph 15.14 be amended to incorporate reference to the requirements of Policy M4 of the Plan concerning the preparation of Green Travel Plans where appropriate.

**15.7 MAJOR DEVELOPED SITES IN THE GREEN BELT (REDEVELOPMENT) (Policy RA6)**

**Objections**

D1/1626/RUR/012 GlaxoSmithKline

**Issues**

1. Should criterion (vi) of Policy RA6 be deleted?

**Inspector's Reasoning and Conclusions**

Criterion (vi) of Policy RA6 requires the preparation of a green transport plan where complete or partial redevelopment of a MDS is proposed. The complete redevelopment of a MDS would be more likely to have significant transport implications than limited infilling and so justify the preparation of a green travel plan in accordance with the guidance in PPG 13 I have referred to in the previous part of my Report. I therefore consider that criterion (vi) should not be deleted from the policy. Even so, and to be consistent with my previous recommendation, I consider that there should be a cross reference to Policy M4 in the criterion, which would indicate that a green transport plan would
not be required for partial redevelopment if it is below the thresholds referred to in Policy M4.

RECOMMENDATIONS

I recommend that the Plan be modified by Policy RA5(vi) being amended to clarify that a green transport plan is required in the circumstances set out in Policy M4 of the Plan.

15.8 ROYAL VETERINARY COLLEGE (Policy RA7)

Objections

D1/0037/RUR/007 North Mymms District Green Belt Society (conditionally withdrawn)
D1/1543/RUR/007 Mrs E H Sheppard

Issues

1. Should the Plan provide for a new Masterplan to be prepared for the RVC site and its boundary to be re-drawn?

2. Should any further development of the RVC site be permitted?

Inspector's Reasoning and Conclusions

15.8.1 On the first issue and the objection by the North Mymms District Green Belt Society, criterion (v) of Policy RA7 requires any new development on the site to be proposed in the context of a master planning brief and I understand from the Council’s evidence that one is in preparation. I do not have sufficient evidence to consider whether or not the boundary of the RVC site should be re-drawn, but note that paragraph 15.17 and criterion (ii) of Policy RA7 refer to the possibility of new development outside the boundary of the MDS if there are very special circumstances to justify it.

15.8.2 On that matter and the second issue, which is also the subject of Mrs Sheppard’s objection, I have to say that I find this section of the Plan confusing and potentially contradictory because the RVC site, as an MDS, appears to be the subject of all three Policies RA5, RA6 and RA7. Paragraph 15.12 has been amended to indicate that the site is dealt with separately under Policy RA7, but that is far from clear when reading the policies individually. Furthermore, if the RVC site is identified as an MDS in the Plan, infilling or redevelopment within the MDS which meets the criteria of paragraphs C3 or C4 of PPG 2 (Annex C) is not inappropriate development and in my view should not therefore be subject to the test of very special circumstances which is part of Policy RA7.

15.8.3 Any development outside the MDS, as referred to in paragraph 15.17 and criterion (ii) of the policy, would be inappropriate unless it is for the purposes described in paragraph 3.4 of PPG 2 and therefore by definition harmful to the Green Belt. Very special circumstances to justify inappropriate development outside the MDS will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Since any such circumstances can only be properly considered in the context of specific proposals, Policy RA7 should not seek to pre-empt any such consideration, notwithstanding the importance and function of the Royal Veterinary College. Consequently, criterion (ii) of the policy should be deleted.

15.8.4 I therefore consider that as drafted, Policy RA7 is inconsistent with PPG 2 and that further thought should be given to whether or not the RVC site should be identified as an MDS having regard to its function and the guidance in Annex C of PPG 2. If all or part of the site is considered suitable as an MDS, Policy RA7 should be amended to allow for infilling or redevelopment within the MDS in accordance with the requirements of Policies RA5 and RA6 and without any test of very special circumstances. Policy RA7 should only apply such a test to any development outside the area of the MDS, or to the whole site if it is not identified as an MDS.

137 paragraph 3.2 of PPG 2
RECOMMENDATIONS

I recommend that the Plan be modified by:

a) the identification of the RVC site in the Plan as an MDS, and the extent of the MDS, be reconsidered having regard to the function and nature of the site and the guidance in Annex C of PPG 2; and if it remains identified in whole or part as an MDS:

b) policy RA7 being amended by the deletion of the test of very special circumstances being applied to proposals for infilling or redevelopment within the MDS, which satisfy the criteria of Policies RA5 and RA6 of the Plan;

c) criterion (ii) of Policy RA7 being deleted and the supporting text clarifying that any inappropriate development outside the MDS will not be permitted except in very special circumstances.

15.9 CEMETERIES AND MEMORIAL GARDENS (Policy RA9)

Objections

D1/1204/RUR/064 Friends of the Earth
D1/1498/RUR/022 Mr & Mrs M Guerra

Issues

I. Should Policy RA9 provide for “green” cemeteries? Should there be no cemeteries or memorial gardens on Green Belt land unless “green” burials are carried out?

Inspector’s Reasoning and Conclusions

15.9.1 Cemeteries are included in the uses set out in paragraph 3.4 of PPG 2 which are not inappropriate in the Green Belt and there is no justification therefore to exclude them from the provisions of Policy RA9. Similarly, so long as memorial gardens preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, they are also not inappropriate. I am satisfied that the criteria of Policy RA9 would ensure those objectives of PPG2 are met and since the policy was amended at the Plan’s 2nd deposit stage to include sites for woodland and green burials, I do not consider any further changes are required in response to these objections.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

15.10 LANDSCAPE REGIONS AND CHARACTER AREAS (Policy RA11 and Appendix 11)

Objections

D1/0002/RUR/087 Hertfordshire County Council
D1/1626/RUR/013 GlaxoSmithKline

Objections to Proposed Changes

PIC/0036/APK/001 North Hertfordshire District Council (conditionally withdrawn)
PIC/0036/APK/002 North Hertfordshire District Council (conditionally withdrawn)
Issues

1. **Should this section of the Plan have a specific policy and supporting text covering visual amenity?**

2. **Are the criteria for landscape character assessments clearly set out in the Plan?**

3. **Should the boundaries of Character Areas 132, 133 and 134 be amended (added to Appendix 11 of the Plan by the Council as Pre-Inquiry Proposed Changes PIC/043/PIC)?**

Inspector's Reasoning and Conclusions

15.10.1 On the first issue and the objection by the County Council, the impact of development on visual amenity is perhaps the most relevant interest of acknowledged importance, which has to be taken into account as a material planning consideration in the determination of all planning applications. Therefore in my view, little purpose would be served by an additional policy and text as suggested by the County Council.

15.10.2 In any case, all of the Plan’s policies which concern development that would have a potential visual impact contain criteria against which that impact can be assessed. The majority of the Council’s Supplementary Design Guidance is intended to prevent any harmful impact of development on visual amenity. I therefore find it difficult to reach page 215 of the Plan and agree with the County Council’s objection that the Plan’s coverage of visual amenity as a topic has been patchy or inadequate. Furthermore, for the same reasons, I do not accept that the Plan fails in any way to comply with the statutory requirements concerning visual amenity referred to by the County Council.

15.10.3 My attention has not been drawn to a policy of the adopted Structure Plan which supports the objection and I do not consider the emerging Structure Plan carries sufficient weight at this stage to justify the addition of a new policy in this Plan.

15.10.4 I am satisfied that, in general, the relevant criteria-based policies of the Plan provide a sound policy basis to refuse planning permission in circumstances when harm is likely to occur to visual amenity. I do not therefore consider that an additional policy providing a basis for a common reason for refusal is necessary. Similarly, those policies provide an adequate basis for the imposition of planning conditions where appropriate, although so long as conditions accord with the provisions of the Plan and satisfy the tests of Circular 11/95, they can be imposed in any case to protect visual amenity and mitigate against adverse impact.

15.10.5 District-wide Policy D2 requires all development to respect and relate to the character and context of the area in which it is proposed and paragraphs R7.15 to R7.19 clearly indicate that proposed development must address the visual impact on the character of the landscape. Consequently it would be repetitious for that to be said again in an additional policy on visual amenity in this part of the Plan.

15.10.6 Finally, the County Council supports its case for an additional policy on the grounds that it would dispel the view that visual amenity is purely a subjective consideration. I do not find that to be a persuasive argument because the final judgement of whether or not the impact of development on visual amenity amounts to unacceptable harm must be subjective, even when informed by Supplementary Design or other Guidance and that would not be changed by an additional policy. There are many instances when that final judgement has to be taken by individuals or committees, with or without stakeholder involvement and professional guidance and I do not consider an additional policy would serve any useful purpose in that respect.

15.10.7 In conclusion on the first issue for the above reasons I do not consider an additional policy and text on visual amenity is necessary in this part of the Plan as proposed by the County Council.

15.10.8 On the second issue and the objection by GlaxoSmithKline, the Landscape Character Areas referred to in paragraph 15.22 of the Plan are identified in Appendix 11. However it seems to me that it is unclear how proposals for development will be expected to contribute under Policy RA11 to the conservation, maintenance and enhancement of the local landscape character areas without knowing the criteria which have led to the identification of those areas. Although the Plan indicates that the full assessment will be published as supplementary planning guidance, I consider it would help clarify the
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Purpose and implementation of Policy RA11 if paragraph 15.22 set out the criteria upon which the landscape character areas have been assessed.

15.10.9 On the third issue and the objections by North Hertfordshire District Council, an amendment to Appendix 11 was proposed by the Council as a Pre-Inquiry Changes (PIC/043/APK). I understand from the Council’s evidence that an agreement has been reached with the Objector as to how Landscape Character Areas 132, 133 and 134 should be defined and extended in the Plan so that they co-ordinate with those identified in the adjoining District. It has also been agreed that the boundaries of the Landscape Character Areas identified in this Plan should not extend outside Welwyn Hatfield District.

15.10.10 I consider those amendments, and any consequent changes to the text of paragraphs 15.21 and 15.22 of the Plan, satisfactorily respond to the objections by North Hertfordshire District Council. I also consider that, since Policy RA11 refers to them, the landscape character areas identified in Appendix 11 should all be shown on the relevant Proposals Maps and not by a plan in Appendix 11.

RECOMMENDATIONS

I recommend that the Plan be modified as follows:

a) Paragraph 15.22 be amended to explain the criteria against which the Landscape Character Areas identified in Appendix 11 of the Plan have been assessed;

b) Appendix 11 be amended in respect of Landscape Character Areas 132, 133 and 134 in accordance with the supplementary statement submitted to the Inquiry by the Council dated 24 October 2003;

c) The boundaries of all the Landscape Character Areas listed in Appendix 11 be identified on the relevant Proposals Maps, and no such Areas should extend outside the Plan area.

15.11 WATLING CHASE COMMUNITY FOREST (Policy RA12)

Objections

D1/1629/RUR/004 The James Crawford Trust
D1/1627/RUR/011 University of Hertfordshire
D2/0002/RUR/004 Hertfordshire County Council
D1/1616/RUR/019 Royal Veterinary College

Issues

1. Should the community forest designation be deleted at Welham Green and the College Lane Campus of the University of Hertfordshire in Hatfield?

2. Should the wording of the last sentence of Policy RA12 be amended to properly enable the implementation of Watling Chase Community Forest Plan targets?

3. Should the wording of Policy RA12 provide more flexibility?

Inspector's Reasoning and Conclusions

15.11.1 The objection by the James Crawford Trust concerns the first issue. As explained in paragraph 15.25 of the Plan, the boundary of the Watling Chase Community Forest was established in 1995 following extensive public consultation on the Forest Plan. The boundary of the Plan includes several urban areas and has been endorsed by the Government as a non-statutory plan. However, it is far from clear to me how any of the main aims of the Forest Plan (set out in paragraph 15.25 of the District Plan) could be achieved within the urban area defined by the specified settlement of Welham Green.

15.11.2 Similarly on the first issue, the University of Hertfordshire’s College Lane Campus is within the boundary of the Community Forest, but is very much a part of the large urban area of
Hatfield, although it does include areas of Urban Open Land and a Wildlife Site. Even so, the Campus is extensively developed and used for University purposes and apart from providing a small area of wildlife habitat, is therefore unlikely to contribute towards meeting most of the aims of the Community Forest Plan. It seems to me that any objectives for the site in terms of landscaping and tree cover should be more concerned with enhancing its relationship with the adjoining residential areas and its amenity value, than to achieving the aims of the Forest Plan.

15.11.3 I also note the apparent potential conflict between the location of the College Lane Campus within the designated area of the Community Forest and the provisions of Policy EMP12 of this Plan, which supports the University’s objection in terms of the latter being a policy for the urban areas of the District. It seems to me that the implementation of Policy RA12 and the main aims of the Forest Plan are mainly only achievable within the rural areas of the District. The provisions of the policy should not therefore be applied to development proposals within urban areas which are excluded from the Green Belt. I therefore consider that, in response to the objections on the first issue, Policy RA12 should be amended to clarify that it does not apply to the towns and specified settlements specified in Policy GBSP2, notwithstanding the inclusion of parts of those areas within the designated boundary of the Community Forest.

15.11.4 On the second issue, the County Council would like to see Policy RA12 worded more strongly in its requirement for woodland planting. It seems to me that the present wording of the policy reasonably recognises that achieving the aim of increasing tree planting to 30% cover in non-urban areas is dependent on the nature of the specific site and the development proposed. I do not therefore consider the minor amendment proposed by the County Council is necessary as a means of implementing the Forest Plan’s targets.

15.11.5 On the third issue and the objection by the Royal Veterinary College, no justification has been produced to justify why Policy RA12 should be applied to areas adjoining the boundaries of the Community Forest, as proposed by the Objector. Such a provision would make the policy unclear as to what is meant by “adjoining” and weaken the effectiveness of the policy as a means of achieving the objectives of the Forest Plan, the boundary of which has been established for some years. I do not therefore consider the wording of the policy should be altered as proposed.

RECOMMENDATIONS

I recommend that the Plan be modified by the amendment of the wording of Policy RA12, and its associated text, to clarify that the policy is only applicable to the rural areas of the district and its provisions do not apply to any parts of the towns and specified.

15.12 PROTECTION OF VILLAGE FACILITIES (Policy RA14)

Objections

D1/1616/RUR/020 Royal Veterinary College

Issues

1. Should Policy RA14 be amended to encourage the provision of local village type facilities in rural areas where these would be of community benefit?

Inspector's Reasoning and Conclusions

15.12.1 Policy RA14 seeks to resist the loss of local shops, public houses and other services and facilities in the Green Belt settlements, which is reasonable having regard to the Government’s objectives for rural areas as expressed in PPG 7. Although the policy itself does not specifically encourage local village type facilities, it is clear from the wording of paragraphs 15.29 to 15.31 that the Plan considers such facilities to be of vital importance to local communities and to the aims of sustainable development. Furthermore, Policy RA15 permits development for the mixed uses of
existing buildings that provides services and facilities which meet the needs of local residents within the Green Belt settlements.

15.12.2 The Plan does not therefore discourage the provision of local village type facilities in the Green Belt settlements. The provision of such facilities elsewhere in the rural areas of the District would be inappropriate having regard to policies for the Green Belt and the countryside. I do not therefore consider Policy RA14 should be changed in response to this objection.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

15.13 RURAL EXCEPTION SITES (Policy RA16)

Objections

D1/0275/RUR/008 Landmatch Limited
D2/0275/RUR/004 Landmatch Limited
D1/1085/RUR/004 Mr S S Grewal
D1/1623/RUR/011 Beechwood Homes Ltd
D1/0037/RUR/009 North Mymms District Green Belt Society
D1/0108/RUR/008 Ms Joy Preece

Issues

1. Is Policy RA16 too restrictive? Would it exclude affordable housing on sites adjoining the specified settlements which have better access by public transport to jobs, shops and services? Would Policy RA16 provide effectively for affordable housing to meet local needs in all Green Belt settlements? Should it be amended to comply with Government policy as expressed in the rural white paper “Our countryside: the future”?

2. Should this part of the Plan include a cross-reference to the housing Chapter (paragraph 9.14) concerning the absence of need to release any Green Belt land in the District to meet housing requirements up to 2011?

3. Would Policy RA16 result in the irreversible loss of agricultural land?

Inspector's Reasoning and Conclusions

15.13.1 The first issue concerns matters raised in the objections by Landmatch Limited, Mr Grewal and Beechwood Homes Ltd. Policy RA16 states that outside the towns and specified settlements, permission may exceptionally be granted for small-scale affordable housing schemes to meet local needs on land within any Green Belt settlements where development would usually be refused. The policy goes on to confirm that there must be an identified local need for such housing and that it must respect the character and local distinctiveness of the settlement.

15.13.2 Paragraph 2 of Annex B to PPG 3 indicates that an exception policy, such as Policy RA16, enables an authority to grant planning permission for small sites for affordable housing to meet local needs, “within and adjoining existing villages, which may be subject to policies of restraint, such as Green Belt, and which the local plan would not otherwise release for housing”. In my view Policy RA16 fails to comply with the guidance in PPG 3 because it does not provide for rural exception sites adjoining any settlement in the Green Belt. I therefore consider the policy is too restrictive, particularly because it precludes the consideration of sites adjoining the specified settlements and the opportunity that provides for small-scale affordable housing on rural exception sites in sustainable locations. The loss of that opportunity is particularly important having regard to the need for affordable housing outside Welwyn Garden City and Hatfield referred to in the Housing Chapter of my Report.

15.13.3 I therefore consider Policy RA16 should be amended in response to the objections by
including the words “and adjoining” in the third line of Policy RA16 after the word “within”.

15.13.4 I have some sympathy with the other concerns expressed by the Objectors, including Mr Grewal, about the problems experienced by rural communities and especially the need to provide affordable housing for local people. The ability to provide affordable housing is restricted by the use of the term “small-scale” in Policy RA16 particularly since it is not defined in the Plan. However, Annex B of PPG 3 clearly only envisages the provision of affordable housing as very limited exceptions on small sites. It also has to be remembered that all of the rural area of the District is within the Metropolitan Green Belt. The guidance in PPG 3 does not alter the general presumption against inappropriate development in the Green Belt and indicates that a rural exception policy is not intended to apply in most Green Belt areas which are by their nature close to the main conurbations where conditions are not typical of the generality of rural areas. It seems to me that could apply to some parts of the area covered by this Plan, which is also indicative that any development on rural exception sites should be small in scale. The requirement for such development to respect the character and local distinctiveness of the settlement reflects the guidance in paragraph 5 of Annex B to PPG 3 and there is no foundation to support Mr Grewal’s comment that it provides an excuse to reject any new development.

15.13.5 I do not therefore consider any further changes should be made to Policy RA16 in response to this aspect of the objections.

15.13.6 Although the White Paper “Our countryside: the future” expresses Government policy, current planning guidance on rural exception housing is set out in Annex B of PPG 3. The final sentence of paragraph 2 of the Annex clearly states that general market housing, or mixed developments consisting of high-value housing used to cross-subsidise affordable housing on the same site, are inappropriate on exception sites. The Annex also indicates in paragraph 4 that the basis of the policy is essentially one of permitting very limited exceptions to established policies of restraint. The restrictive nature of Policy RA16 accords with that guidance and I do not consider the objection by Beechwood Homes Ltd justifies any changes to the policy.

15.13.7 On the second issue and the objection by the North Mymms District Green Belt Society, paragraph 4 of Annex B to PPG 3 confirms that housing provided on exception sites should be regarded as additional to the provision in the Development Plan. This part of the Plan does not therefore need to cross-refer to the Plan’s housing Chapter as suggested by the Objector. However, the final sentence of paragraph 15.34 should be amended because counting dwellings built on exception sites as windfalls is inconsistent with the guidance in PPG 3 referred to above.

15.13.8 On the objection by Ms Preece concerning the third issue, as drafted Policy RA16 would be unlikely to lead to any loss of agricultural land because the policy only favours rural exception sites within settlements. My recommended change to Policy RA16 could result in the very limited use of agricultural land to provide affordable housing on rural exception sites adjoining settlements, but Policy RA17 would ensure that it would only take place on the lowest grade of land. I do not therefore consider Policy RA16 should be altered in response to the objection.

RECOMMENDATIONS

I recommend that the Plan be modified by:

a) the insertion of the words “and adjoining” in the third line of Policy RA16 following the word “within” and the supporting text in paragraph 15.34 be amended accordingly; and

b) the deletion of the final sentence of paragraph 15.34.

15.14 AGRICULTURAL LAND (Policy RA17)

Objections

D1/0275/RUR/009 Landmatch Limited
Issues

1. Does Policy RA17 conflict with Policy RA16 and fail to conform with PPG 7 or the recent amendment to Government policy on agricultural land in the Rural White Paper?

Inspector's Reasoning and Conclusions

15.14.1 Policy RA17 was amended at the Plan’s 2nd deposit stage to reflect the guidance in paragraph 2.17 of PPG 7 as amended by a Ministerial Statement following publication of the Rural White Paper. Subject to the amendment to Policy RA16 I have just recommended, I am satisfied that Policy RA17 does not conflict with that policy or fails to comply with PPG7. I do not therefore consider Policy RA17 requires further amendment in response to this objection.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

15.15 RE-USE OF RURAL BUILDINGS (Policy RA19)

Objections

D1/0037/RUR/011 North Mymms District Green Belt Society
D1/1543/RUR/002 Mrs E H Sheppard

Issues

1. Does the wording of this part of the Plan conflict with guidance in Annex D of PPG 2?
2. Should farm buildings next to housing in Welham Green be prevented from being re-used for industrial purposes?

Inspector's Reasoning and Conclusions

15.15.1 On the first issue concerning the objection by the North Mymms District Green Belt Society, paragraph D1 of Annex D to PPG 2 indicates that local planning authorities should examine particularly carefully applications for re-use made within four years of the substantial completion of agricultural buildings erected as permitted development. It seems to me that, although the period of four years is not mentioned, paragraph 15.40 of the Plan and Policy RA19(vii) adequately reflect the intention of PPG 2 in this respect. The Plan does not need to repeat Government guidance set out in PPGs word for word and I am satisfied that it does not require amendment in response to the objection.

15.15.2 Mrs Sheppard’s objection on the second issue relates to a matter of detail, which can only be properly considered in the context of a specific proposal to re-use the farm buildings in question. The criteria of Policy RA19 would be used to assess any such proposal and seek to ensure that no adverse effect would arise to the amenity of nearby residential properties. I do not therefore consider the Plan requires amendment in response to the objection.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.
15.16 TEMPORARY AGRICULTURAL ACCOMMODATION (Policy RA21)

Objections

D1/1498/RUR/023 Mr & Mrs M Guerra

Issues

1. Does Policy RA21 preclude the setting up of energy efficient sustainable smallholdings and so effectively dismiss sustainable agriculture and land use?

Inspector's Reasoning and Conclusions

15.16.1 Government policy as expressed in PPG 7 is that new house building and other new development in the open countryside, away from established settlements or from areas allocated for development in the Plan, should be strictly controlled. Policy RA21 reflects that guidance and the more specific advice in Annex I of PPG 7, which relate to the circumstances when temporary agricultural dwellings can be acceptable as exceptions to the general presumption against such development. The guidance in PPG 7 includes the provision that it would be unsatisfactory to grant successive extensions to a temporary permission over a period of more than three years, as stated in Policy RA2. That period is not therefore arbitrary as suggested by Mr & Mrs Guerra.

15.16.2 Policy RA21 does not preclude the establishment of energy efficient and sustainable smallholdings, so long as they comply with the criteria in PPG 7 as reflected in Policies RA21 and RA22. Any relaxation of the strict control of new development in the countryside in favour of the type of smallholding referred to by Mr & Mrs Guerra could lead to abuse of the concession that the planning system makes for the provision of agricultural dwellings in the countryside. I do not therefore consider that Policy RA21 should be amended in response to the objection.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

15.17 LEISURE AND TOURISM IN THE COUNTRYSIDE (Policy RA23)

Objections

D1/0139/RUR/006 British Horse Society (conditionally withdrawn)
D1/1616/RUR/022 Royal Veterinary College

Issues

1. Should Policy RA23 be amended to accommodate the leisure needs of horse riders and criteria (ii), (iii) and (v) amended to make provision for special circumstances?

Inspector's Reasoning and Conclusions

15.17.1 The objection by the British Horse Society has been maintained although Policy RA23 was amended at the Plan’s 2nd deposit stage in response to the objection. I am satisfied that the amendment to criterion (iii) addresses the objection and meets the needs of horse riders in any proposals for recreational development. I do not therefore consider any further changes to the policy are required in response to the objection.

15.17.2 The Royal Veterinary College suggest minor changes to the wording of criteria (ii), (iii) and (v), which would provide flexibility for any special circumstances of individual proposals for recreational development in the countryside. I do not consider such flexibility is appropriate having
regard to the need to balance the benefits of such development and its potential impact on the character and appearance of the countryside and the purposes of including land in the Green Belt. Any special circumstances which might apply to proposals put forward by the College would be taken into account as a material planning consideration. I do not therefore consider any changes to the Policy RA23 are required in response to the objection.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

15.18 GOLF COURSES (Policy RA24)

Objections

D1/0139/RUR/007 British Horse Society (conditionally withdrawn)
D1/1204/RUR/065 Friends of the Earth
D1/1498/RUR/025 Mr & Mrs M Guerra

Issues

1. Should a criterion be added to Policy RA24, which seeks to protect users of public rights of way and to improve public access in the area?
2. Should the policy require a biodiversity management plan to ensure the protection and enhancement of the ecological interest of the site prior to development and measures for on-site water storage? Should the Plan allow any new golf courses unless they use ecologically sound measures of land management with a high percentage given over to wildlife corridors and tree cover?

Inspector's Reasoning and Conclusions

15.18.1 Paragraph 15.48 was amended at the Plan’s 2nd deposit stage in response to the objection by the British Horse Society. Paragraph 15.52 and Policy RA27 were also amended, which relate to the safety of users of Public Rights of Way and improvement of the network. I am satisfied that those amendments, and Policy RA27, adequately respond to the objection on the first issue and that no further amendments are required to Policy RA24.

15.18.2 I also consider the objections by Friends of the Earth and Mr and Mrs Guerra on the second issue relating to on-site water storage have been dealt with by amendments to the text of paragraph 15.48 and criterion (vii) of Policy RA24. Criterion (iii) of the policy requires existing landscape features to be retained. Criterion (iv) requires the design and landscaping of a golf course to enhance biodiversity and take account of the local Biodiversity Action Plan. Paragraph 15.48 confirms that a wildlife habitat appraisal is required as part of an Environmental Impact Assessment. In those circumstances I do not consider any changes to paragraph 15.48 and Policy RA24 are necessary in response to the objections by Friends of the Earth and Mr and Mrs Guerra.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.
15.19 MOTOR SPORTS AND OTHER NOISY RECREATIONAL ACTIVITIES (Policy RA25)

Objections

D1/0139/RUR/008 British Horse Society (conditionally withdrawn)

Issues

1. Should Policy RA25 be amended to protect the interests of horse riders and other users of public rights of way in the vicinity?

Inspector's Reasoning and Conclusions

15.19.1 Criterion (vii) of Policy RA25 was amended at the Plan’s 2nd deposit stage in part response to this objection and seeks to ensure that any new development will not prejudice the safety and convenience of road, bridleway and footpath users. I am satisfied that amendment and the remaining criteria of the policy, together with Policy RA27, meet this objection and that no further changes are required to Policy RA25.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

15.20 RIDING AND LIVERY STABLES (Policy RA26)

Objections

D1/0139/RUR/009 British Horse Society (conditionally withdrawn)
D1/0037/RUR/013 North Mymms District Green Belt Society

Issues

1. Is the wording of Policy RA26 too restrictive and would it effectively prevent any new riding stables being established?

2. Should the policy be amended to prevent caravans or mobile homes being used at riding and livery stables for offices or rest rooms and suchlike?

Inspector's Reasoning and Conclusions

15.20.1 In response to the objection by the British Horse Society, Policy RA26 was amended at the Plan’s 2nd deposit stage to make its requirements less onerous and the Council has suggested a further amendment concerning direct access from the site to the bridleway network where appropriate. The Council also suggests that the Society’s definition of the bridleway network be added to the Plan’s glossary. It seems to me that, as proposed to be amended, the wording of Policy RA26, meets the Society’s objection and provides a suitable planning framework for the consideration of proposals for any new riding and livery stables. I therefore consider the policy should be further amended as suggested by the Council.

15.20.2 On the objection by the North Mymms District Green Belt Society, so far as I am aware, specific planning permission would be required at riding and livery stables for the stationing of any caravans or mobile homes and for any other buildings, irrespective of their use. The acceptability of any such caravans or buildings would therefore be considered against the criteria of Policy RA26 and other relevant policies of the Plan at the time of a planning application. The Council could consider
taking enforcement action against any unauthorised caravans, mobile homes or buildings stationed, erected or used in connection with riding and livery stables. It is clear from Policy RA26 that new residential accommodation would not be permitted and I do not consider any changes to the policy are required in response to this objection.

RECOMMENDATIONS

I recommend that the Plan be modified by:

a) the first sentence of the third paragraph of Policy RA26 being deleted and replaced by the following sentence:

*Proposals will not be permitted unless local roads are able to accommodate the anticipated additional vehicular traffic and links are provided from the site which give riders direct access to the bridleway network where appropriate;*

b) the definition of the term bridleway network be added to the glossary as proposed by the British Horse Society in the representation supporting objection reference D1/0139/RUR/009 (Document OBJ/0139/02).

15.21 PUBLIC RIGHTS OF WAY (Policy RA27)

Objections

<table>
<thead>
<tr>
<th>Reference</th>
<th>Objector</th>
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<tbody>
<tr>
<td>D1/0139/RUR/010</td>
<td>British Horse Society (conditionally withdrawn)</td>
</tr>
<tr>
<td>D1/1616/RUR/063</td>
<td>Royal Veterinary College</td>
</tr>
<tr>
<td>D1/0990/RUR/002</td>
<td>Welwyn &amp; District Local History Society</td>
</tr>
</tbody>
</table>

Issues

1. Should Policy RA27 be amended to enable diversions of public rights of way which are beneficial to the public?

2. Should Policy RA27 be amended to reflect the particular circumstances of the Royal Veterinary College by adding “concomittant with the requirements of the landowner/s” at the end of the first sentence?

3. Does the Council have a duty to ensure that all public rights of way are maintained and kept open and available for the use of the public?

Inspector's Reasoning and Conclusions

15.21.1 In response to the objection by the British Horse Society on the first issue, Policy RA27 was amended at the Plan’s 2nd deposit stage to the effect that diversions of public rights of way will only be supported where the new route is as least as attractive, safe and convenient for public use. That meets the objection and I do not consider any further amendment is necessary.

15.21.2 On the second issue, the particular circumstances of the Royal Veterinary College are dealt with earlier in Chapter 15 of the Plan and I do not consider there is any justification for those circumstances to be incorporated into a policy which covers the entire rural area of the District. No changes are therefore required in response to the objection by the College.

15.21.3 As explained in paragraphs 15.51 and 15.52 of the Plan, the County Council is primarily responsible for the maintenance of public rights of way and liaison with landowners. I do not therefore consider the Plan or Policy RA27 needs amending in response to the objections on the third issue by the Welwyn & District Local History Society.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.
15.22 BRIDLEWAYS (Policy RA28)

Objections

D1/1616/RUR/064 Royal Veterinary College

Issues

1. Should Policy RA28 be amended to reflect the particular circumstances of the Royal Veterinary College?

Inspector's Reasoning and Conclusions

15.22.1 The particular circumstances of the Royal Veterinary College are dealt with earlier in Chapter 15 of the Plan and I do not consider there is any justification for those circumstances to be incorporated into a policy which covers the entire rural area of the District. It is not clear from the objection how the wording of Policy RA28 should be amended, but I have assumed that a reference to the landowners of bridleways is proposed. However, I do not consider the policy needs amending having regard to its purpose.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.

15.23 GREENWAYS (Policy RA29)

Objections

D1/1616/RUR/065 Royal Veterinary College

Issues

1. Should Policy RA29 be amended to reflect the particular circumstances of the Royal Veterinary College?

Inspector's Reasoning and Conclusions

15.23.1 The particular circumstances of the Royal Veterinary College are dealt with earlier in Chapter 15 of the Plan and I do not consider there is any justification for those circumstances to be incorporated into a policy which covers the entire rural area of the District. It is not clear from the objection how the wording of Policy RA29 should be amended, but I have assumed that a reference to the landowners of greenways is proposed. However, I do not consider the policy needs amending having regard to its purpose.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.
15.24 NEW DEVELOPMENT USING RURAL ROADS (Policy RA31)

Objections

D1/0117/RUR/003 Mr George Stodulski

Issues

1. Should Policy RA31 not apply to the Royal Veterinary College because it has been in the area longer than its neighbours and has no alternative to the use of rural roads?

Inspector's Reasoning and Conclusions

15.24.1 The circumstances of the College are dealt with earlier in Chapter 15 and criterion (vi) of Policy RA7 requires any new development at the College to be acceptable in terms of its impact on the highway network including highway safety. The overall aims of the Plan include achieving a more sustainable pattern of movement and the improvement of road safety for all sectors of the community. Policies RA7 and RA31 are consistent with those aims and objectives. The existence of the College on its present site in a rural area is not a compelling reason to disregard those aims and objectives and to do so would be contrary to the Government’s objectives for a sustainable and safe pattern of development. I do not therefore consider Policy RA31 should be amended as suggested by Mr Stodulski.

RECOMMENDATIONS

I recommend that no modifications be made to this part of the Plan.
APPENDIX 1

Summary of Recommendations

<table>
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<th>Paragraph policy of the Plan</th>
<th>Topic</th>
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Chapter 1 Introduction

1.3-1.6 Scope and status of the Plan Modify Plan by amending text in paragraphs 1.3-1.6, including as proposed in PIC/001/INT abd PIC/002/INT 1.1

1.14-1.18 Policy context No modifications other than PIC/003/INT 1.2

1.19-1.20 Consultation and public participation No modifications 1.3

Chapter 2 Overall Strategy

2.1-2.6 Introduction No modifications 2.1

2.13-2.15 Reducing the need to travel and dependence on the car No modifications 2.2

2.20-2.21 Sustaining the countryside and rural communities No modifications 2.3

2.22-2.23 Revitalising town and village centres No modifications 2.4

2.24-2.25 Objectives of the Plan No modifications 2.5

Chapter 3 Sustainable Development

3.1-3.8 and Policy SD1 Sustainable development Modify Plan by amending text as proposed in PIC/004/SUS,PIC/005/SUS,PIC/006/SUS 3.1

Appendix 1 Sustainability Checklist Modify Plan by delete Appendix 1 as proposed by PIC/040/APA 3.2

Chapter 4 Green Belt and Settlement Pattern

Policies GBSP1 and GBSP2 Definition of the Green Belt around the towns and specified settlements Modify Plan by amending the Green Belt boundaries at 15 Digswell Park Road Welwyn Garden City and 52 Harmer Green Lane Digswell 4.1 & 4.3

Policy GBSP3 Area of Special Restraint No modifications 4.2

Chapter 5 Resources

- General No modifications 5.1

5.13-5.14 and Policy R1 Maximising the use of previously developed land No modifications 5.2

5.15 and Policy R2 Contaminated land Correct grammar in wording Policy R2 5.3

138 the relevant section of the Report must be consulted for further details of the recommendations
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<td>5.16-5.19 and Policies R3/R4</td>
<td>Energy</td>
<td>Modify Plan as proposed by PIC/007/RES and PIC/008/RES</td>
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<td>5.20-5.24 and Policy R5</td>
<td>Waste</td>
<td>No modifications</td>
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<td>5.26 and Policy R6</td>
<td>River corridors</td>
<td>No modifications</td>
<td>5.6</td>
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<tr>
<td>5.27 and Policy R7</td>
<td>Protection of the water environment</td>
<td>No modifications</td>
<td>5.7</td>
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<tr>
<td>5.30 and Policy R9</td>
<td>Conservation of water resources</td>
<td>Modify Plan as proposed by PIC/009/RES</td>
<td>5.8</td>
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<tr>
<td>5.31-5.33</td>
<td>Biodiversity</td>
<td>Modify Plan as proposed by PIC/010/RES and amalgamate this section with paragraph 5.41 and Policy R15 of the Plan</td>
<td>5.9</td>
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<tr>
<td>5.34 and Policy R10</td>
<td>Sites of Special Scientific Interest</td>
<td>No modifications</td>
<td>5.10</td>
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<tr>
<td>5.35 and Policy R11</td>
<td>Local Nature Reserves</td>
<td>Modify Plan by amending wording of Policy R11</td>
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<tr>
<td>5.36-5.37 and Policy R12</td>
<td>Wildlife sites</td>
<td>Modify Plan by amending wording of Policy R12 and insert new paragraph 5.36a</td>
<td>5.12</td>
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<td>Appendix 3</td>
<td>Wildlife Sites</td>
<td>No modifications</td>
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<td>5.39-5.40 and Policy R14</td>
<td>Trees, woodlands and hedgerows</td>
<td>No modifications</td>
<td>5.15</td>
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<tr>
<td>5.41 and policy R15</td>
<td>Enhancing biodiversity</td>
<td>Modify Plan by amending wording of paragraph 5.41 and amalgamating this part with 5.31-5.33 (see above)</td>
<td>5.16</td>
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<tr>
<td>5.45-5.46 and Policy R18</td>
<td>Light pollution</td>
<td>Modify Plan as proposed by PIC/011/RES</td>
<td>5.17</td>
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<tr>
<td>5.47-5.51 and Policy R19</td>
<td>Telecommunications development</td>
<td>Modify Plan as proposed by PIC/012/RES and PIC/013/RES, amending wording of paragraph 5.50 and Policy R19 and deleting criterion ix of Policy R19</td>
<td>5.18</td>
</tr>
<tr>
<td>5.52 and Policy R20</td>
<td>Development in conservation areas</td>
<td>Modify Plan as proposed by PIC/014/RES and PIC/058/RES</td>
<td>5.19</td>
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<tr>
<td>5.53-5.53a and Policy R21</td>
<td>Demolition of buildings in conservation areas</td>
<td>Modify Plan by amending wording of paragraph 5.53</td>
<td>5.20</td>
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<tr>
<td>5.54-5.55 and Policy R22</td>
<td>Character appraisals and enhancements</td>
<td>Correct typographical error in Policy R22</td>
<td>5.21</td>
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<tr>
<td>5.56-5.58a and Policies R23/R25</td>
<td>Listed buildings</td>
<td>No modifications</td>
<td>5.22</td>
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<tr>
<td>5.59-5.60 and Policy R26</td>
<td>Historic parks and gardens</td>
<td>No modifications</td>
<td>5.23</td>
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<tr>
<td>5.61-5.64, Policy R27 and Appendix 6</td>
<td>Archaeology</td>
<td>Modify Plan by amending wording of paragraphs 5.61 and 5.63 (to include PIC/015/RES) and amending the description of AAS63 in Appendix 6</td>
<td>5.24</td>
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**Chapter 6 Movement**

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<td>Introduction, strategy and objectives</td>
<td>No modifications</td>
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<td>6.10-6.12 and Policy M1</td>
<td>Integrating transport and land use</td>
<td>No modifications</td>
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<tr>
<td>6.16-6.17 and</td>
<td>Transport assessments</td>
<td>Modify Plan by amending wording of Policy M3</td>
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<tr>
<td>Policy M3</td>
<td>Green travel plans</td>
<td>Modify Plan as proposed by PIC/016/MOV</td>
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<tr>
<td>Policy M4</td>
<td>Green travel plans</td>
<td>Modify Plan as proposed by PIC/016/MOV</td>
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<td>Policy M5</td>
<td>Developer contributions</td>
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<tr>
<td>6.23-6.24 and Policy M6</td>
<td>Walking</td>
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<tr>
<td>6.25 and Policy M7</td>
<td>Cycling</td>
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<tr>
<td>Policy M7A</td>
<td>Horse riding</td>
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<tr>
<td>6.27-6.30 and Policy M9</td>
<td>Passenger transport</td>
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<td>6.31-6.35</td>
<td>Railways</td>
<td>Modify Plan by amending the wording of paragraph 6.32</td>
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<td>6.36-6.37 and Policy M12</td>
<td>Passenger transport interchanges</td>
<td>Modify Plan as proposed by PIC/017/MOV</td>
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<td>Policy M13</td>
<td>Rail freight depots</td>
<td>No modifications</td>
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<td>Policy M14</td>
<td>Transport land</td>
<td>Modify Plan by amending the wording of Policy M14</td>
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<td>6.41-6.44</td>
<td>The road network and traffic management</td>
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<td>6.47-6.48</td>
<td>Traffic management</td>
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<td>6.49-6.54</td>
<td>Parking</td>
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<td>Policy M20</td>
<td>Aviation</td>
<td>No modifications</td>
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**Chapter 7 Design**

| R7.10-7.12 and Policy D1 | Quality of design | No modifications | 7.1 |
| R7.15-R7.19 and Policy D2 | Character and context | Modify Plan as proposed by PIC/018/DES, PIC/019/DES, PIC/020/DES, PIC/021/DES | 7.2 |
| R7.25-R7.28 and Policy D3 | Design for and ease of movement | No modifications | 7.3 |
| R7.38-R7.40 and Policy D3c | Landscaping | No modifications | 7.4 |
| 7.27-7.29 and Policy D5 | Design statements | No modifications | 7.5 |
| 7.30-7.32 and Policy D6 | Development briefs | No modifications | 7.6 |
| Deleted Appendix 2 | Supplementary Design Guidance (SDG) | | |
| | • Amend presentation of SDG | | |
| | • Amend wording of paragraphs 2.4, 4.2(v) and 5.5(i) | | |
| | • Delete criterion (ii) of paragraph 5.8 | | |
| | • Amend SDG as proposed by PIC/051/SDG, PIC/052/SDG, PIC/053/SDG, PIC/054/SDG, PIC/055/SDG, PIC/057/SDG | | |

**Chapter 8 Implementation and Monitoring**

| 8.6-8.9 and Policy IM2 | Planning obligations | No modifications | 8.1 |
| Policy IM3 | Monitoring and review | No modifications | 8.2 |
### Chapter 9 Housing

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<td>9.6-9.18 and Policy H1</td>
<td>Housing land</td>
<td>Modify Plan by:</td>
<td>a) deleting sites HS13b, HS14, HS20, HS26</td>
<td>9.1</td>
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<td></td>
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<td>b) adding mixed use sites and their estimated housing capacity to Policy H1</td>
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<td>c) re-assess the remaining less sustainable sites in Policy H1</td>
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<td>d) amending the Proposals Map accordingly</td>
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<td>e) as proposed by PIC/022/HOU</td>
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<td>Policy H1</td>
<td>Housing sites</td>
<td>Modify the Plan by deleting completed sites HS6, HS8, HS9, HS11, HS13a, HS27 from Policy H1 and as proposed by PIC/023/HOU</td>
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<td>Consider the deletion of sites HS29 and HS30</td>
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<td>Policy H2</td>
<td>Location of windfall residential development</td>
<td>Modify Plan as proposed by PIC/024/HOU and amending the wording of paragraph 9.20a</td>
<td>9.3</td>
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<tr>
<td>9.22 and Policy H3</td>
<td>Loss of residential accommodation</td>
<td>No modifications</td>
<td>9.4</td>
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<tr>
<td>9.24</td>
<td>Conversion of commercial or vacant buildings to residential accommodation</td>
<td>Modify Plan by re-instating paragraphs 9.25-9.27 and Policy H5 which were deleted at 2&lt;sup&gt;nd&lt;/sup&gt; deposit stage</td>
<td>9.5</td>
<td></td>
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<tr>
<td>9.28-9.29 and Policy H6</td>
<td>Increasing densities</td>
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<td>9.30-9.36c and Policy H7</td>
<td>Affordable housing</td>
<td>Modify Plan by:</td>
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<td></td>
<td></td>
<td>a) clarifying definition of affordable housing in paragraph 9.31</td>
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<td></td>
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<td>b) as proposed by PIC/025/HOU, PIC/026/HOU, PIC/027/HOU</td>
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<td></td>
<td></td>
<td>c) amending paragraphs 9.34 and 9.34a consider raising indicative target for affordable housing in an early review of the Plan</td>
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<tr>
<td>9.36-9.39 and Policy H8</td>
<td>Dwelling type and tenure</td>
<td>No modifications</td>
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<td>9.42-9.44 and Policy H10</td>
<td>Accessible housing</td>
<td>No modifications</td>
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<td>9.48-9.49 and Policy H12</td>
<td>Travelling showpeople’s accommodation</td>
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<td>9.50-9.51 and Policy H13</td>
<td>Gypsy sites and accommodation</td>
<td>Modify Plan by amending the wording of Policy H13</td>
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### Chapter 10 Open Space

<table>
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<tbody>
<tr>
<td>104, Policy OS1, Appendix 8 and Proposals Map</td>
<td>Urban Open Land</td>
<td>Modify Plan by:</td>
<td>a) extending UOL193 in addition to that proposed by PIC/047/MAP</td>
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<td></td>
<td></td>
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<td>b) deleting sites UOL2, UOL5, UOL53 and UOL42 from Appendix 8 and the Proposals Map</td>
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<td>c) amending the boundary of UOL201</td>
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### Welwyn Hatfield District Plan Review - Inspector's Report

<table>
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<tr>
<td>10.5-10.7 and Policy 10.2</td>
<td>Playing pitch provision</td>
<td>Modify Plan as proposed by PIC/028/OSP and PIC/029/OSP</td>
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<tr>
<td>10.8-10.11 and Policy OS4</td>
<td>Play space and informal open space provision</td>
<td>No modifications</td>
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<td>10.3</td>
<td>Allotments</td>
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### Chapter 11 Community, Leisure and Tourism

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<tr>
<td>11.6-11.10 and Policies CLT1 &amp; CLT2</td>
<td>Leisure facilities for swimming and young people in Welwyn Garden City</td>
<td>Modify Plan by inserting new text between paragraph 11.8 and policy CLT2</td>
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<tr>
<td>11.6-11.10 and Policies CLT1 and CLT2</td>
<td>Leisure facilities for a football ground in Hatfield</td>
<td>No modifications</td>
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<tr>
<td>11.6-11.7 and Policy CLT1</td>
<td>Protection of existing leisure facilities</td>
<td>No modifications</td>
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<tr>
<td>11.8-11.10 and Policy CLT2</td>
<td>New and expanded leisure facilities</td>
<td>No modifications</td>
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<tr>
<td>11.11 and Policy CLT3</td>
<td>Stanborough Park</td>
<td>Modify Plan by amending the wording of Policy CLT3 and show the extent of the area to which the policy applies on the Proposals Map</td>
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<tr>
<td>11.13-11.14 and Policy CLT5</td>
<td>Tourism facilities</td>
<td>No modifications</td>
</tr>
<tr>
<td>11.15 and Policy CLT6</td>
<td>Hotels</td>
<td>No modifications</td>
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<tr>
<td>11.16-11.17 and Policy CLT7</td>
<td>Community use of schools/educational facilities</td>
<td>No modifications</td>
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<tr>
<td>11.18-11.20 and Policy CLT8</td>
<td>New education facilities</td>
<td>No modifications</td>
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<tr>
<td>11.21 and Policy CLT9</td>
<td>Use of redundant educational facilities</td>
<td>Modify Plan by amending the wording of Policy CLT9 and paragraph 11.21</td>
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<tr>
<td>11.23 and Policy CLT11</td>
<td>Library services</td>
<td>No modifications</td>
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<tr>
<td>11.27 and Policy CLT13</td>
<td>Loss of community facilities</td>
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### Chapter 12 Employment

<table>
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<tr>
<td>12.1-12.16</td>
<td>Introduction</td>
<td>No modifications</td>
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<tr>
<td>12.17-12.24 and Policies EMP1, EMP2 and EMP3</td>
<td>Employment land and acceptable uses in employment areas</td>
<td>Modify Plan by:</td>
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<td>12.2</td>
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<td>a) amending the wording of Policy EMP2</td>
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<td>b) deleting Policy EMP3 and replacing it with a new policy</td>
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<td>12.4</td>
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<td>c) amending the wording of paragraphs 12.19 to 12.24</td>
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<td>12.25-12.26 and Policy EMP4</td>
<td>Car sales and showrooms</td>
<td>No modifications</td>
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<tr>
<td>12.33-12.34 and Policy EMP7</td>
<td>Bad neighbour or dirty user industries</td>
<td>No modifications</td>
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<tr>
<td>12.35-12.37a and Policy EMP8</td>
<td>Employment development outside of employment areas</td>
<td>Modify Plan as proposed by PIC/030/EMP together with a further amendment to the wording of paragraph 12.37</td>
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<tr>
<td>12.43 and Policy</td>
<td>Local recruitment</td>
<td>No modifications</td>
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<tr>
<td>EMP11</td>
<td>University of Hertfordshire</td>
<td>Modify Plan by deleting and replacing paragraph 12.47 with amended wording and amending the wording of Policy EMP12. Proposals Maps to be amended to identify sites subject to Policy EMP12.</td>
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<td>12.48-12.51 and Policy EMP13</td>
<td>Design criteria for employment development</td>
<td>Modify Plan by amending the wording of paragraph 12.51 and Policy EMP13</td>
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**Chapter 13 Retailing and Town Centres**

<table>
<thead>
<tr>
<th>13.13-13.17</th>
<th>The need for additional retail floorspace</th>
<th>Modify Plan by amending the wording of paragraph 13.14 including an undertaking to carry out a full reassessment of quantitative need in an early review of the Plan</th>
<th>13.1</th>
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<tbody>
<tr>
<td>13.18-13.25 and Policies TCR1, TCR2 and TCR3</td>
<td>The location of new retail development</td>
<td>Modify Plan as proposed by PIC/031/TCR</td>
<td>13.2</td>
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</table>
| 13.26-13.31 and Policies TCR4, TCR5 and TCR5A | Welwyn Garden City town centre development sites | Modify Plan by:  
a) amending the wording of paragraphs 13.27, 13.29, 13.30, 13.31 and 13.36 including as proposed by PIC/032/TCR and PIC/033/TCR  
b) amending the wording of Policy TCR4(iii)  
c) amending the area defined as the Primary Retail Core on the Proposals Map | 13.3 |
| - | The need for additional retail floorspace in Welwyn Garden City (two objection sites) | No modifications | 13.4 |
| 13.32-13.36 and Policy TCR6 | Retail frontages in Welwyn Garden City town centre | Modify Plan as proposed by PIC/059/TCR | 13.5 |
| 13.38, Policies TCR9, TCR10 and Proposals Map | Acceptable uses outside the Primary Retail Core of Welwyn Garden City town centre | Modify Plan by amending the Proposals Map to include 6 Longcroft Road within the town centre | 13.6 |
| 13.39 and 13.40 | Accessibility to the town centre | Modify Plan as proposed by PIC/034/TCR and PIC/035/TCR and further amendments to the wording of paragraph 13.40 | 13.7 |
| 13.42-13.53 and Policy TCR14 | Hatfield town centre | No modifications | 13.8 |
| 13.62 and Policy TCR21 | Transport infrastructure in Hatfield town centre | Modify Plan as proposed by PIC/036/TCR and PIC/037/TCR | 13.9 |
| 13.75 and Policy TCR28 | Large village centres | No modifications | 13.10 |

**Chapter 14 Hatfield Aerodrome Site**

<table>
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<tr>
<th>Policy HATAER1</th>
<th>Sustainable development of the site</th>
<th>Modify Plan by amending the wording of paragraph 14.8</th>
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<td>Policy HATAER3</td>
<td>Requirement for a Masterplan</td>
<td>No modifications</td>
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**Chapter 15 Rural Areas**

| 15.3 | Strategy and objectives | No modifications | 15.1 |
| Policy RA1  | Development in the Green Belt | No modifications | 15.2 |
| Policy RA2  | Development in settlements within the Green Belt | No modifications | 15.3 |
| Policy RA3  | Extensions to dwellings in the Green Belt | No modifications | 15.4 |
| Policy RA4  | Replacement of dwellings in the Green Belt | No modifications | 15.5 |
| Policy RA5  | Major Developed Sites in the Green Belt (limited infilling) | Modify Plan by deleting criterion (v) of Policy RA5 and amending the wording of paragraph 15.14 | 15.6 |
| Policy RA6  | Major Developed Sites in the Green Belt (redevelopment) | Modify Plan by amending the wording of Policy RA5(vi) | 15.7 |
| Policy RA7  | Royal Veterinary College | Modify Plan by: | 15.8 |
|             | a) re-considering the identification of the site as an MDS | | |
|             | b) if the site remains an MDS, amending the wording of Policy RA7 and deleting criterion (ii) | | |
| Policy RA9  | Cemeteries and memorial gardens | No modifications | 15.9 |
| Policy RA11 and Appendix 11 | Landscape regions and character areas | Modify Plan by: | 15.10 |
|             | a) amending the wording of paragraph 15.22 | | |
|             | b) amending Appendix 11 in respect of Landscape Character Areas 132, 133 and 134 | | |
|             | c) identifying the boundaries of all Landscape Character Areas within the District on the Proposals Map | | |
| Policy RA12 | Watling Chase Community Forest | Modify Plan by amending the wording of Policy RA12 | 15.11 |
| Policy RA14 | Protection of village facilities | No modifications | 15.12 |
| Policy RA16 | Rural exception sites | Modify Plan by amending the wording of Policy RA16 and paragraph 15.34 | 15.13 |
| Policy RA17 | Agricultural land | No modifications | 15.14 |
| Policy RA19 | Re-use of rural buildings | No modifications | 15.15 |
| Policy RA21 | Temporary agricultural accommodation | No modifications | 15.16 |
| Policy RA23 | Leisure and tourism in the countryside | No modifications | 15.17 |
| Policy RA24 | Golf courses | No modifications | 15.18 |
| Policy RA25 | Motor sports and other noisy recreational activities | No modifications | 15.19 |
| Policy RA26 | Riding and livery stables | Modify Plan by amending the wording of Policy RA26 and adding the definition of the bridleway network to the Plan’s glossary | 15.20 |
| Policy RA27 | Public rights of way | No modifications | 15.21 |
| Policy RA28 | Bridleways | No modifications | 15.22 |
| Policy RA29 | Greenways | No modifications | 15.23 |
| Policy RA31 | New development using rural roads | No modifications | 15.24 |
APPENDIX 2

Pre-Inquiry Changes

The Council’s Pre-Inquiry Changes (PICs) to the Revised Deposit Version of the Plan (December 2002) are contained in Document CD/DP/180. My recommendations on those PICs which are related to parts of the Plan which are the subject of objections are contained in each relevant Chapter of the Report as shown in the table below. My recommendations on the three objections to the PICs are contained in sections 13.5 and 15.10 of the Report.

<table>
<thead>
<tr>
<th>Pre-Inquiry Change Reference</th>
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<th>Report reference part:</th>
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<td>Paragraph 3.4</td>
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<td>Policy SD1</td>
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<td>Appendix 5</td>
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<td>PIC/042/APH</td>
<td>Appendix 8</td>
<td>See below</td>
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</tbody>
</table>
The PICs shown above in italics do not directly relate to maintained objections and are not therefore referred to in the Report. However since the PICs either respond to earlier objections or are proposed to clarify and update the Plan, I consider the Plan should also be modified as proposed by the PICs shown above in italics.
APPENDIX 3

List of all objections maintained at close of Inquiry (total 890) and where they can be found in the Report

<table>
<thead>
<tr>
<th>Objection reference</th>
<th>Plan Paragraph/Policy reference</th>
<th>Name of Objector</th>
<th>Part of the Report where the objection is considered</th>
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**Chapter 1 Introduction (7 objections)**

See Miscellaneous below for another objection considered in Chapter 1 of the Report

<table>
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<td>D2/0275/INT/001</td>
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<td>The Barton Willmore Planning Partnership on behalf of Landmatch Limited</td>
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<tr>
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<td>Para/Policy 1.17</td>
<td>Mr. W Anderson</td>
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<td>D1/0118/INT/001</td>
<td>Para/Policy 1.21</td>
<td>Mr. M Riches</td>
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**Chapter 2 Overall Strategy (8 objections)**

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<td>D1/1638/STR/003</td>
<td>Para/Policy 2.13</td>
<td>Ms Alice Kovic</td>
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<td>Para/Policy 2.13</td>
<td>Mr. M Riches</td>
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<td>D1/1543/STR/008</td>
<td>Para/Policy 2.15</td>
<td>Mrs E H Sheppard</td>
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<tr>
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<td>Para/Policy 2.24</td>
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**Chapter 3 Sustainable Development (7 objections)**

See Appendix 1 below for other objections considered in Chapter 3 of the Report

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**Chapter 4 Green Belt and Settlement Pattern (25 objections)**

| D1/1547/GBS/001     | Para/Policy 4.9                  | David Lane Associates on behalf of Mr C Ravencroft | 4.3                                                 |
## Chapter 5 Resources (95 objections)

See Appendices 3 and 6 below for other objections considered in Chapter 5 of the Report

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The following 110 objections all relate to paragraphs 6.31-6.35 of the Plan and deleted Policies M10 and M11. The objections are those considered in part 6.10 of the Report.

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Chapter 7 Design (15 objections)
See Appendix 2 and SDG below for other objections considered in Chapter 7 of the Report

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D2/0002/DES/003 Para/Policy R7.18 Hertfordshire County Council 7.2
D1/1623/DES/005 Para/Policy D2 Beechwood Homes Ltd 7.2
### Welwyn Hatfield District Plan Review - Inspector's Report

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#### Chapter 8 Implementation and Monitoring (4 objections)

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#### Chapter 9 Housing (99 objections)

*See Proposals Map below for another objection considered in Chapter 9 of the Report*

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Chapter 10 Open Space (17 objections)
See Appendix 8 and Proposals Map below for other objections considered in Chapter 10 of the Report

Chapter 11 Community, Leisure and Tourism (37 objections)
### Chapter 12 Employment (28 objections)

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### Chapter 13 Retailing and Town Centres (275 objections)

The objections to Chapter 13 of the Plan are listed according to the policy/paragraph shown on the objection form, but many comments in the objections on this part of the Plan relate to other headings and have been considered accordingly in Chapter 13 of my Report. Also see Proposals Map below for other objections considered in Chapter 13 of the Report.

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The following 222 objections all relate generally to the Welwyn Garden City town centre development sites proposed in paragraphs 13.26-13.31 of the Plan and Policies TCR4, TCR5 and TCR5a. The objections are those considered in part 13.3 of the Report.

**General objections related to this part of the Plan**

| D1/1314/TCR/003 | Ms Linda Groves | D1/1535/TCR/001 | Mr John Mitchell |
| D1/1571/TCR/004 | Mr & Mrs W Robin | D2/1609/TCR/004* | John Lewis Partnership |
| D1/1343/TCR/001 | Mrs D A Godden | D2/1609/TCR/005* | John Lewis Partnership |
| D1/1017/TCR/003 | Mrs Joanna Ingram | D1/1256/TCR/009 | Mr Nigel Hutton |
| D1/1300/TCR/004 | Mr Andrew Woolmer | D1/1420/TCR/002 | Mr G D Wilson |
| D1/1317/TCR/001 | Mr N K Knapp | D1/1609/TCR/009* | John Lewis Partnership |
| D2/1609/TCR/003* | John Lewis Partnership | D2/2702/TCR/003 | Welwyn Hatfield Chamber of Commerce |
| D1/1609/TCR/008* | John Lewis Partnership | D1/1317/TCR/002 | Mr N K Knapp |
| D1/1593/TCR/009 | Chinacorp | D1/1401/TCR/002 | Mr D Marques |
| D1/1307/TCR/002 | Mrs F W Hindle |

**Policy TCR4 Town Centre North**

| D1/1204/TCR/067 | Friends of the Earth | D1/1322/TCR/002 | Mr PC Jones |
| D1/1204/TCR/068 | Friends of the Earth | D1/1562/TCR/001 | Mr K W Jones |
| D1/1354/TCR/001 | Mr A Achampung-Kyei | D1/1225/TCR/001 | Ms Lesley Jones |
| D1/1268/TCR/015 | Mr. W Anderson | D1/1494/TCR/001 | Mr FE Leng |
| D1/0830/TCR/001 | Mr & Mrs M Ansell | D1/1393/TCR/001 | Mr Colin Mahoney |
| D1/1527/TCR/004 | Mr J Aughton | D1/1417/TCR/001 | Mr D Newman |
| D1/1425/TCR/001 | Mrs B Bevan | D1/1417/TCR/002 | Mr D Newman |
| D1/1462/TCR/001 | Mrs M Biggs | D1/1395/TCR/001 | Mr James Parrish |
| D1/1463/TCR/001 | Mr M Biggs | D1/1394/TCR/001 | Mrs Della Parrish |
| D1/1505/TCR/001 | Mr K Bunting | D1/1358/TCR/001 | Mr P Richardson |
| D1/1601/TCR/001 | Mrs J Clyne | D1/1335/TCR/001 | Ms Clare Robinson |
| D1/1416/TCR/001 | Mr R Davidson | D1/1326/TCR/001 | Dr C E Smithen |
| D1/1329/TCR/001 | Mr A G Davis | D1/1325/TCR/002 | Mrs Jill M Smithen |
| D1/1487/TCR/002 | Mrs J D A Delhanty | D1/1530/TCR/001 | Mr P G Tasch |
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| D1/1098/TCR/003 | Mr M Freeman | D1/1492/TCR/001 | Mr M Trister |
| D1/1522/TCR/001 | Mr R A Genever | D1/1491/TCR/001 | Mrs B Trister |
| D1/1398/TCR/001 | Mr & Mrs D N Gregory | D1/1541/TCR/001 | Mr A Watkinson |
| D1/1402/TCR/001 | Mr A J. Grice | D1/1300/TCR/005 | Mr Andrew Woolmer |
| D1/1502/TCR/001 | Mr N A Hancock | D1/1313/TCR/003 | Mrs Clare Woolmer |
| D1/1247/TCR/001 | Mrs J Hodgson | D1/1303/TCR/002 | Ms S Young |
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**Policy TCR5A Land at the Southern Side of the Town Centre**

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Appendix 1 Sustainable Development Criteria (4 objections)

D1/1204/APA/011 Para/Policy A1 Friends of the Earth 3.2
D1/1616/APA/025 Para/Policy A1/1.1 Planning Consultancy Services on behalf of Royal Veterinary College 3.2
D1/1616/APA/066 Para/Policy A1/1.1 Planning Consultancy Services on behalf of Royal Veterinary College 3.2
D1/1504/APA/001 Para/Policy A1/1.5 Mrs R Bunting 3.2

Appendix 2 Design Standards and Supplementary Design Guidance (27 objections)

All of the following objections to Appendix 2 and the SDG are considered in part 7.7 of the Report:

D2/0110/APB/001 Para/Policy A2 Welwyn Garden City Society
D1/0110/APB/032 Para/Policy DS1 Welwyn Garden City Society
D1/1498/APB/027 Para/Policy DS1 Mr & Mrs M Guerra
D1/1498/APB/028 Para/Policy DS2 Mr & Mrs M Guerra
D1/1616/APB/028 Para/Policy DS3 Planning Consultancy Services on behalf of Royal Veterinary College
D1/1204/APB/017 Para/Policy A2/2.20 Friends of the Earth
D1/1204/APB/018 Para/Policy DS8 Friends of the Earth
D1/1204/APB/019 Para/Policy DS9 Friends of the Earth
D1/1616/APB/029 Para/Policy DS9 Planning Consultancy Services on behalf of Royal Veterinary College
D1/1623/APB/012 Para/Policy DS10 Beechwood Homes Ltd
D1/0110/APB/033 Para/Policy DS10 Welwyn Garden City Society
D1/0012/APB/004 Para/Policy DS11 House Builders Federation
D1/0012/APB/005 Para/Policy DS12 House Builders Federation
D1/1616/APB/031 Para/Policy DS13 Planning Consultancy Services on behalf of Royal Veterinary College
D1/1616/APB/032 Para/Policy DS19 Planning Consultancy Services on behalf of Royal Veterinary College
D1/0231/APB/002 Para/Policy DS21 Barker Parry Town Planning
D1/1589/APB/002 Para/Policy DS21 Mrs R A Stewart
D1/0110/APB/036 Para/Policy DS22 Welwyn Garden City Society
D1/1623/APB/014 Para/Policy DS25 Beechwood Homes Ltd
D1/0110/APB/042 Para/Policy DS25 Welwyn Garden City Society
D1/0110/APB/044 Para/Policy DS27 Welwyn Garden City Society
D1/1256/APB/015 Para/Policy DS27 Mr Nigel Hutton
D1/0110/APB/049 Para/Policy DS30 Welwyn Garden City Society
D1/1616/APB/068 Para/Policy A2/7.1 Planning Consultancy Services on behalf of Royal Veterinary College
D2/1667/SDG/001* Para/Policy SDG 5.3 Malcolm Judd & Partners on behalf of
Appendix 3 Wildlife Sites (1 objection)
The following objection to Appendix 3 is considered in part 5.13 of the Report:
D1/1037/APC/011 Para/Policy A3 Epcad, Ecology and Landscape Planning on behalf of Hubert C. Leach

Appendix 6 Areas of Archaeological Significance (1 objection)
The following objection to Appendix 6 is considered in part 5.24 of the Report:
D1/1626/APF/015 Para/Policy A6 GVA Grimley on behalf of GlaxoSmithKline

Appendix 8 Urban Open Land (1 objection)
The following objection to Appendix 8 is considered in part 10.1 of the Report:
D2/0001/APH/001 Para/Policy A8 John Felgate Planning Consultancy on behalf of Hertfordshire County Council

Appendix 11 Landscape Character Areas Map (2 objections)
The following objections to Appendix 11 are considered in part 15.10 of the Report:
PIC/0036/APK/001* Para/Policy A11 North Herts District Council
PIC/0036/APK/002* Para/Policy A11 North Herts District Council

Proposals Maps (5 objections)
D1/1619/MAP/007* Proposals Map Barker Parry Town Planning on behalf of Court Homes Ltd 9.2
D2/0001/MAP/002 Map 2 John Felgate Planning Consultancy on behalf of Hertfordshire County Council 10.1
D2/0001/MAP/003 Map 3 John Felgate Planning Consultancy on behalf of Hertfordshire County Council 10.1
D1/1249/TCR/001 Inset 2 Mr S R Bradshaw 13.6
D1/1246/MAP/001 Inset 2 Mr George Sweeney 13.6

Miscellaneous (1 objection)
D1/1092/MIS/004 Miscellaneous Mrs R Cotgrove 1.3
**APPENDIX 4**

**List of appearances at the Inquiry**

The Inquiry opened on 7 May 2003 and sat on the dates shown below. The Inquiry was closed on 4 November 2003.

<table>
<thead>
<tr>
<th>Objection Reference</th>
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<th>Appearing for the Council</th>
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<td>D1/0118/INT/001</td>
<td>Mr M Riches</td>
<td>Sue Tiley</td>
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<td>Mr M Riches</td>
<td>Sue Tiley</td>
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<tr>
<td>D1/1629/RES/001</td>
<td>Mrs Rosalind Packham, Solicitor, on behalf of The James Crawford Trust</td>
<td>Graham Stoker of Counsel</td>
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<tr>
<td></td>
<td>Mrs Claire Wansbury MA MSc</td>
<td>Graham Stoker of Counsel</td>
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<td></td>
<td>Jaquelin Fisher Associates Ltd</td>
<td>Herts Biological Records Centre</td>
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<tr>
<td>Tuesday 13 May 2003</td>
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<td>D1/0118/RES/003</td>
<td>Mr M Riches</td>
<td>Mike Hayden</td>
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<td>Wednesday 14 May 2003</td>
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<td>Mr M Riches</td>
<td>Paul Everard</td>
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<td>D1/0118/MOV/004</td>
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<td>D1/0118/MOV/006</td>
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<tr>
<td>D1/0118/MOV/020</td>
<td>Owen Simmons on behalf of Welwyn Area Residents’ Group</td>
<td>Paul Everard</td>
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<td>Thursday 15 May 2003</td>
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<td>D2/0110/APB/001</td>
<td>Allan Kidney on behalf of Welwyn Garden City Society.</td>
<td>Mike Hayden</td>
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<td>D1/1255/RES/001</td>
<td>Mr P W Neville</td>
<td>Anne Day</td>
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<td>Tuesday 20 May 2003 (Housing Round Table Session)</td>
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<tr>
<td>D1/0265/HOU/006</td>
<td>Nicholas de Lotviniere and Mark</td>
<td>Mike Hayden</td>
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<td>White on behalf of English Partnerships</td>
<td>Susan Tiley</td>
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<td>D1/0265/HOU/005</td>
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<td>Sally Panayi</td>
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139 details of the Council’s representatives are given at the end of this Appendix.
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<th>Date</th>
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<td>Thursday 22 May 2003</td>
<td>Paul Cronk BA (Hons) DipTP MRTPI on behalf of the House Builders Federation. John Felgate MA MRTPI of the John Felgate Planning Consultancy Ltd on behalf of the Marshmoor Consortium</td>
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<tr>
<td>Friday 23 May 2003</td>
<td>Derek Glendinning on behalf of the Welwyn Garden City Band Susan Tiley Mr Nigel Hutton Sally Panayi Mr and Mrs S Archer Sally Panayi Allan Kidney on behalf of the Welwyn Garden City Society Sally Panayi</td>
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<td>Thursday 19 June 2003</td>
<td>Martin Ledger MRICS of Prospect Planning on behalf of Dr I Brewster Celina Colquhoun of Counsel She called: Anne Day</td>
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<td>Friday 20 June 2003</td>
<td>Jon Brindle and Terry Brandon on behalf of the Hatfield Town Football Club Mike Hayden</td>
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<td>Tuesday 24 June 2003</td>
<td>Robin Bretherick FRICS DipTP MRTPI of Robin Bretherick Associates on behalf of Mr R Ferry Celina Colquhoun of Counsel She called: Anne Day</td>
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<td>Wednesday 25 June 2003</td>
<td>Robert Palmer of Counsel on behalf of the Marshmoor Consortium Graham Stoker of Counsel He called: John Felgate MA MRTPI of the John Felgate Planning Consultancy Ltd Susan Tiley</td>
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Thursday 31 July 2003

Procedural matters relating to adjournment of Inquiry
- Mike Hayden
  Susan Tiley

Tuesday 7 October to Friday 10 October inclusive and Thursday 16 October 2003

D1/1593/TCR/008 Russell Harris QC of Counsel on behalf of Chinacorp and Nestle UK Limited - Graham Stoker of Counsel assisted by Celina Colquhoun of
D1/1593/TCR/005 P P M Robin BA M Phil MRTPI of King Sturge; - Richard Parsons;
D2/1593/TCR/001 Peter J Edwards BA (Hons) MRTPI of Planning Perspectives; - George Barnes;
D1/1593/TCR/009 Philip Rust C Eng MICE MIHT of Boreham Consulting Engineers Limited. - Mike Hayden;
D1/1593/EMP/003 Richard Parsons; - Paul Everard;
D1/1593/EMP/007 Peter J Edwards BA (Hons) MRTPI of Planning Perspectives; - John Emslie.
D1/1593/EMP/002 Graham Stoker of Counsel assisted by Celina Colquhoun of
D1/1593/EMP/004
D1/1172/EMP/001

Tuesday 4 November 2003

Procedural matters relating to closing of Inquiry
- Mike Hayden
  Susan Tiley

For Welwyn Hatfield Council:

Graham Stoker LLB LLM Barrister of Law
Celina Colquhoun LLB Barrister of Law
called at various times during the Inquiry as shown above:

Michael Hayden BSc Dip TP MRTPI, Head of Planning Policy
Susan Tiley BSc (Hons) Dip TP MRTPI, Principal Planning Officer
Paul Everard BSc (Hons) Dip UP MRTPI, Senior Planner
Anne Day BA (Hons), Senior Planner
Sally Panayi BSc Dip TP MRTPI, Senior Planner
Richard Kay BA (Hons) Dip TP MA MRTPI, Senior Planner

Graham Goodall BSc (Hons) MIEEM, Ecology Officer, Hertfordshire Biological Records Centre
David Couttie FCIB DMS, Managing Director, David Couttie Associates
Richard Parsons BA (Hons) Dip TP MRTPI, Associate Director, Vincent & Gorbing
George Barnes MA MRICS, Associate Director, Drivers Jonas
John Emslie BA (Hons) MIHT MILT, Deputy Technical Director, MVA Limited
# APPENDIX 5

List of Core Documents and Documents handed in during the Inquiry

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<td>Welwyn Hatfield Council</td>
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<td>Welwyn Hatfield District Plan Review to 2011 – Key issues for Public Consultation</td>
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<td>Welwyn Hatfield District Plan Review – Deposit Version (including eight maps)</td>
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<td>Welwyn Hatfield District Plan Review – Revised Deposit Version</td>
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<td>Welwyn Hatfield District Plan Review – Revised Deposit Version – Revisions Schedule</td>
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<td>Welwyn Hatfield District Plan Review – Revised Deposit Version – Interim Car Parking Standards</td>
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<td>CD/DP/130</td>
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**STRUCTURE PLAN DOCUMENTS**

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## Welwyn Hatfield District Plan Review - Inspector's Report

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## Welwyn Hatfield Council Committee Reports and Minutes

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<td>Welwyn Hatfield Council</td>
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<td>CD/Com/60</td>
<td>Minutes of the Planning Policy Development Committee</td>
<td>Welwyn Hatfield Council</td>
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<td>CD/Com/70</td>
<td>Agenda for the meeting of the Cabinet</td>
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## National Policy Documents

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<td>CD/NP/10</td>
<td>Planning Policy Guidance Note No 1 – General Policy and Principles</td>
<td>Department of the Environment</td>
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<td>CD/NP/20</td>
<td>Planning Policy Guidance Note No 2 – Green Belts</td>
<td>Department of the Environment</td>
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<td>CD/NP/25</td>
<td>Planning Policy Guidance Note No 3 – Housing</td>
<td>Department of the Environment</td>
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<td>Planning Policy Guidance Note No 3 - Housing</td>
<td>Department of the Environment</td>
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<td>CD/NP/40</td>
<td>Planning Policy Guidance Note No 4 – Industrial and Commercial Development and Small Firms</td>
<td>Department of the Environment, Transport and the Regions</td>
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<td>CD/NP/50</td>
<td>Planning Policy Guidance Note No 6 – Town centres and Retail Developments</td>
<td>Department of the Environment, Transport and the Regions</td>
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<td>CD/NP/70</td>
<td>Planning Policy Guidance Note No 8 - Telecommunications</td>
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<td>CD/NP/90</td>
<td>Planning Policy Guidance Note No 10 – Planning and Waste Management</td>
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<td>Planning Policy Guidance Note No 11 – Regional Planning</td>
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<td>CD/NP/115</td>
<td>Planning Policy Guidance Note No 13 - Transport</td>
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<td>CD/NP/130</td>
<td>Planning Policy Guidance Note No 15 – Planning and the Historic Environment</td>
<td>Department of the Environment</td>
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<td>CD/NP/140</td>
<td>Planning Policy Guidance Note No 16 – Archaeology and Planning</td>
<td>Department of the Environment</td>
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<td>CD/NP/150</td>
<td>Planning Policy Guidance Note No 17 – Sport and Recreation</td>
<td>Department of the Environment</td>
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<td>CD/NP/160</td>
<td>Planning Policy Guidance Note No 17 – Planning for Open Space, Sport and Recreation</td>
<td>Office of the Deputy Prime Minister</td>
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<td>CD/NP/170</td>
<td>Planning Policy Guidance Note No 19 – Outdoor Advertisement Control</td>
<td>Department of the Environment</td>
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<td>CD/NP/180</td>
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<td>CD/NP/190</td>
<td>Planning Policy Guidance Note No 22 – Renewable Energy</td>
<td>Department of the Environment</td>
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<td>CD/NP/200</td>
<td>Planning Policy Guidance Note No 23 – Planning and Pollution Control</td>
<td>Department of the Environment</td>
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<td>CD/NP/210</td>
<td>Planning Policy Guidance Note No 24 – Planning and Noise</td>
<td>Department of the Environment</td>
<td>September 1994</td>
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<td>CD/NP/240</td>
<td>Parliamentary Statement by Planning Minister on PPG6</td>
<td>Department of the Environment, Transport and the Regions</td>
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<td>CD/NP/250</td>
<td>Parliamentary Statement by the Office of the Deputy Prime Minister on Town Centre Planning Policies</td>
<td>Office of the Deputy Prime Minister</td>
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**GOVERNMENT CIRCULARS**

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<td>CD/GC/10</td>
<td>Department of the Environment Circular 1/94 – Gypsy Sites and Planning</td>
<td>Department of the Environment</td>
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<td>CD/GC/20</td>
<td>Department of the Environment Circular 18/94 – Gypsy sites Policy and Unauthorised Camping</td>
<td>Department of the Environment</td>
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<td>CD/GC/30</td>
<td>Department of the Environment Circular 11/95 – The Use of Conditions in Planning Permissions</td>
<td>Department of the Environment</td>
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<td>Department of the Environment Circular 1/97 – Planning Obligations</td>
<td>Department of the Environment</td>
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<td>CD/GC/50</td>
<td>Department of the Environment Circular 6/98 – Planning and Affordable Housing</td>
<td>Department of the Environment, Transport and the Regions</td>
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<td>CD/RP/10</td>
<td>Regional Planning Guidance for the South East (RPG9)</td>
<td>Secretary of State for the Environment</td>
<td>March 1994</td>
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<td>CD/SD/10</td>
<td>A Better Quality of Life – A Strategy for Sustainable Development in the UK</td>
<td>The Stationery Office</td>
<td>May 1999</td>
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<td>CD/SD/20</td>
<td>Three Rivers Local Plan – Inspector’s Report</td>
<td>D W Rowbotham BS Econ, Dip TP, Inspector</td>
<td>June 2000</td>
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<td>CD/SD/30</td>
<td>Sustainability in Development Control</td>
<td>Local Government Association and Local Government</td>
<td>1997</td>
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## Welwyn Hatfield District Plan Review - Inspector’s Report

### RESOURCES ISSUES

| CD/Res/10 | Habitat Survey for Welwyn and Hatfield – A Nature Conservation Reference Guide | Herts and Middlesex Wildlife Trust and Hertfordshire Environmental Resources Centre | October 1997 |
| CD/Res/15 | Habitat Survey for Welwyn and Hatfield – Update of Chapter 7: Wildlife Sites Within Welwyn and Hatfield | Herts and Middlesex Wildlife Trust and Hertfordshire Biological Records Centre | October 2002 |
| CD/Res/50 | Environmental Strategy | Welwyn Hatfield Council | October 1996 |

### MOVEMENT ISSUES

<p>| CD/Mov/10 | Hertfordshire’s Local Transport Plan 2001/02 – 2005/06 | Hertfordshire County Council | July 2000 |</p>
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<td>CD/Mov/35</td>
<td>Welwyn Hatfield District Plan Review - Supplementary Planning Guidance – Parking Standards – Second Consultation Draft</td>
<td>Welwyn Hatfield Council</td>
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<td>CD/Mov/40</td>
<td>A Strategy for Walking in Welwyn Hatfield</td>
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<td>Transport 2010 The 10 Year Plan</td>
<td>Department for Transport, Local Government and the Regions</td>
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<td>Welwyn Hatfield’s Parking Strategy 2001-2006</td>
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<td>CD/Mov/75</td>
<td>Welwyn Hatfield Cycling Strategy</td>
<td>Welwyn Hatfield Council</td>
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<td>CD/Mov/90</td>
<td>The Strategic Plan 2003: Platform for Progress</td>
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<td>CD/Des/10</td>
<td>Sustainable Urban Design in Welwyn Hatfield – Final Report</td>
<td>Llewelyn-Davies</td>
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<td>CD/Des/20</td>
<td>Towards an Urban Renaissance</td>
<td>Urban Task Force</td>
<td>June 1999</td>
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<tr>
<td>CD/Hsg/10</td>
<td>Welwyn Hatfield Housing Survey Final Report / Housing Needs Survey</td>
<td>David Couttie Associates Limited</td>
<td>1999</td>
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<td>CD/Hsg/20</td>
<td>Study of Urban Potential for Housing – Final Report for Welwyn Hatfield Council</td>
<td>Llewelyn - Davies</td>
<td>August 1999</td>
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<td>CD/Hsg/40</td>
<td>Welwyn Hatfield Housing Monitoring Report</td>
<td>Chief Planning Officer, Welwyn Hatfield Council</td>
<td>April 2001</td>
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<td>CD/Hsg/50</td>
<td>Welwyn Hatfield Housing Monitoring Report</td>
<td>Chief Planning Officer, Welwyn Hatfield Council</td>
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<td>CD/Hsg/55</td>
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<td>Welwyn Hatfield District Plan Review – Open Space Survey Revisions</td>
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<td>CD/CLT/10</td>
<td>Welwyn Hatfield District – Playing Pitch Provision Study</td>
<td>Chief Planning Officer, Welwyn Hatfield Council</td>
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<td>Long Term Employment Land Needs</td>
<td>Pieda plc</td>
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<td>CD/Emp/10</td>
<td>Economic Profile of Welwyn Hatfield District – Final Report</td>
<td>Segal Quince Wicksteed Limited</td>
<td>September 1999</td>
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<td>CD/Emp/30</td>
<td>Welwyn Hatfield Employment Land Availability Statement</td>
<td>Welwyn Hatfield Council</td>
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<td>CD/Emp/50</td>
<td>Employment Space Needs in Hertfordshire</td>
<td>Roger Tym and Partners</td>
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<td>Hertfordshire Local Economy Assessment</td>
<td>Hertfordshire Prosperity Forum</td>
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<td>CD/RTC/10</td>
<td>Hatfield Town Centre Redevelopment Strategy – Report for Welwyn Hatfield Area Regeneration Partnership</td>
<td>DTZ</td>
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<td>CD/RTC/20</td>
<td>Assessment of Potential for Retail Development in Welwyn Garden City</td>
<td>Drivers Jonas</td>
<td>October 2000</td>
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<td>CD/RTC/30</td>
<td>Hatfield Town Centre Redevelopment – A Development Brief for Town Centre East (Draft)</td>
<td>BDP, DTZ, English Partnerships and Welwyn Hatfield Council</td>
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<td>Welwyn Hatfield District Plan Review – Assessment of Retail Floorspace Requirements 2001-2011</td>
<td>Vincent and Gorbing</td>
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<td>CD/RTC/45</td>
<td>Welwyn Hatfield District Plan Review – Assessment of Retail Floorspace Requirements 2001-2011 - Appendices</td>
<td>Vincent and Gorbing</td>
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<td>Drivers Jonas</td>
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<td>CD/RTC/60</td>
<td>Welwyn Hatfield District Plan Review – Assessment of the Need for, and the Impact of, Extensions to the Waitrose and Sainsbury Supermarkets in Welwyn Garden City Town Centre</td>
<td>Vincent and Gorbing</td>
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<td>CD/RTC/70</td>
<td>Hatfield Town Centre Redevelopment – Revised Planning Brief</td>
<td>English Partnerships / Welwyn Hatfield Council</td>
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<td>Hatfield Town Centre East Development Brief - Consultation Statement</td>
<td>English Partnerships / Welwyn Hatfield Council</td>
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<td>CD/RTC/90</td>
<td>Welwyn Garden City Town Centre Conservation Area Character Appraisal</td>
<td>BEAMS (Built Environment Advisory and Management Service)</td>
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<tr>
<td>CD/RTC/95</td>
<td>Church Road Site (TCR5A) – Planning Application, Plans and Supporting Statements</td>
<td>Donington Investments (Welwyn) Limited</td>
<td>19 June 2003</td>
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<td>CD/HA/10</td>
<td>Hatfield Aerodrome – Supplementary Planning Guidance</td>
<td>Welwyn Hatfield Council and St Albans City and District Council</td>
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<td>CD/RA/10</td>
<td>Watling Chase Community Forest Plan 1995</td>
<td>The Watling Chase Team</td>
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<td>Watling Chase Community Forest - Forest Plan Review 2001</td>
<td>The Watling Chase Team</td>
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<td>CD/RA/30</td>
<td>Watling Chase Community Forest - Forest Plan Landscape Supplement</td>
<td>The Watling Chase Team</td>
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**WELWYN HATFIELD COUNCIL – CORE PROOFS**

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<td>Overall Strategy and Sustainable Development Core Proof</td>
<td>Welwyn Hatfield Council</td>
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<td>Copies of the advertisements (8) (and a copy of the original text) giving notice of the Public Local Inquiry that appeared in the local press.</td>
<td>Welwyn Hatfield Council</td>
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<td>3</td>
<td>D1/1629/RES/001</td>
<td>Map showing sites referred to in para. 2.7 of proof of evidence of Graham Goodall of Hertfordshire Biological Records Centre.</td>
<td>Welwyn Hatfield Council</td>
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<td>4</td>
<td>D1/1629/RES/001</td>
<td>Petition and 23 letters supporting the Council in the continuing designation of Skimpans Farm as a wildlife site.</td>
<td>Welwyn Hatfield Council</td>
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<td>D1/0110/APB/036</td>
<td>Letter setting out draft revised wording for paragraph 4.2(v) of the Supplementary Design Guidance (relates to appearance by the Welwyn Garden City Society on 15 May 2003).</td>
<td>Welwyn Hatfield Council</td>
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<td>D1/0110/APB/036</td>
<td>Letter from the Welwyn Garden City Society indicating that the revised wording for paragraph 4.2(v) of the Supplementary Design Guidance referred to in 5 above would satisfy the Society’s objection.</td>
<td>Welwyn Garden City Society</td>
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<td>Department of the Environment Planning Research Programme publication entitled “Housing Land Availability” submitted at Housing Round Table Session.</td>
<td>Welwyn Hatfield Council</td>
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<td>9</td>
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<td>Supplementary Order of Business motion no. 12 entitled “Hertfordshire County Structure Plan Alterations 2001 – 2016” to be moved at the meeting of Hertfordshire County Council on 20 May 2003 submitted at Housing Round Table Session on 20 May 2003.</td>
<td>Welwyn Hatfield Council</td>
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<td>10</td>
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<td>Document (one page) about TTP (Tapping The Potential) Methodology submitted at Housing Round Table Session on 20 May 2003.</td>
<td>Welwyn Hatfield Council</td>
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<td>11</td>
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<td>Letter dated 15 April 2003 from Go-East’s Director of Planning and Transport to Hertfordshire County Council’s Director of Environment about the Structure Plan Alterations 2001-2016.</td>
<td>Welwyn Hatfield Council</td>
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<td>12</td>
<td>D1/0881/HOU/001 D1/0881/OSP/003</td>
<td>Photographs (12) of the site and the surrounding area.</td>
<td>Welwyn Hatfield Council</td>
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<td>13</td>
<td>D1/0110/HOU/015</td>
<td>Photographs (6) relating to HS26 – Land r/o Swanhill, WGC</td>
<td>Welwyn Hatfield Council</td>
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<td>14 B</td>
<td>D1/1170/TCR/001</td>
<td>Letter of 23 May 2003 from the Programme Officer to Hornton Associates Limited responding to the Company’s request for the adjournment of the Hatfield Town Centre aspects of the Inquiry.</td>
<td>The Inspector</td>
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<td>15</td>
<td>D1/0110/HOU/015</td>
<td>Letter dated 6 October 2001 from the Welwyn Garden City Society to the Chief Planning Officer of</td>
<td>Allan Kidney, Chairman of the Welwyn Garden</td>
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<td>D1/0118/HOU/010</td>
<td>Agenda for the meeting of Welwyn Hatfield Council’s Planning Control Board on 13/08/1998; a copy of the report of the Chief Planning Officer on item 5 – “Redevelopment of the Asda Superstore in Hatfield Town Centre”; and the minutes of the meeting.</td>
<td>23 May 2003</td>
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<td>17</td>
<td>D1/1458/HOU/001</td>
<td>Plans (6) submitted in connection with Welwyn Garden City Band’s appearance at the Inquiry on 22 May 2003.</td>
<td>23 May 2003</td>
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<tr>
<td>18</td>
<td>D1/1279/Mov/001</td>
<td>Letter dated 12 May 2003 from the Strategic Rail Authority headed “East Coast Main Line Improvement Project – Works at Welwyn”.</td>
<td>14 May 2003</td>
</tr>
<tr>
<td>18A</td>
<td>D1/1616/RUR/018 and other representations relating to Policy RA7</td>
<td>Letter dated 15 May 2003 from Welwyn Hatfield Council’s Head of Planning Policy to Planning Consultancy Services about withdrawal of objections lodged by the Royal Veterinary College.</td>
<td>21 May 2003</td>
</tr>
<tr>
<td>18B</td>
<td>Housing Round Table Session</td>
<td>Information about Greenfield Windfall Sites</td>
<td>11 June 2003</td>
</tr>
<tr>
<td>19</td>
<td>D1/1321/GBS/001</td>
<td>Folder of photographs entitled “Sandyhurst’ Welwyn By-Pass Road Welwyn Herts”.</td>
<td>24 June 2003</td>
</tr>
<tr>
<td>20</td>
<td>D1/1321/GBS/001</td>
<td>Photocopies of aerial photographs (2).</td>
<td>24 June 2003</td>
</tr>
<tr>
<td>23</td>
<td>D1/0029/GBS/002</td>
<td>Aerial photograph showing 51 Harmer Green Lane, Digswell</td>
<td>1 July 2003</td>
</tr>
<tr>
<td>Document Number</td>
<td>Title and Details</td>
<td>Author/Reviewer</td>
<td>Date</td>
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<tr>
<td>D1/1624/CLT/005</td>
<td>“Latest Plans for Community Room at King George V re: objection to HS14: Hyde”</td>
<td>Welwyn Hatfield Council</td>
<td>2 July 2003</td>
</tr>
<tr>
<td>D1/1364/CLT/001</td>
<td>Opening submissions for Stanborough Leisure Limited including a suggested text to add to the end of Policy CLT3</td>
<td>R A Jameson of Jameson and Hill (Solicitors)</td>
<td>4 July 2003</td>
</tr>
<tr>
<td>D1/1279/MOV/001</td>
<td>Letter dated 16 July 2003 from Welwyn Hatfield Council’s Chief Planning and Environmental Health Officer to the Inspector about the proposed revisions to the wording of paragraphs 6.23 and 6.34 of the Plan.</td>
<td>Welwyn Hatfield Council</td>
<td>16 July 2003</td>
</tr>
<tr>
<td>D1/1364/CLT/001</td>
<td>Extract from “Young People’s Strategy Research Report: Focus Group findings”</td>
<td>Dr K B Everard</td>
<td>18 July 2003</td>
</tr>
<tr>
<td>D1/1624/CLT/009</td>
<td>Extract from “Welwyn Hatfield Cultural Strategy for Young People Research Report”</td>
<td>Dr K B Everard</td>
<td>18 July 2003</td>
</tr>
<tr>
<td>D1/1624/CLT/005</td>
<td>Letter dated 21 July 2003 and document containing correspondence, etc, about The Cottage Public House</td>
<td>Mr George Sweeney</td>
<td>22 July 2003</td>
</tr>
<tr>
<td>D1/1010/HOU/002</td>
<td>Letter dated 23 July 2003 from North Mymms District Green Belt Society enclosing “over 500” pro-forma objections to the development of the three Green Belt sites in Welham Green at Welham Manor, Skimpans Farm and Marshmoor.</td>
<td>Welwyn Hatfield Council</td>
<td>24 July 2003</td>
</tr>
<tr>
<td>N/A</td>
<td>Notes of the Housing Round Table Session held on 20 May 2003.</td>
<td>Inspector</td>
<td>9 July 2003</td>
</tr>
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<td>N/A</td>
<td>Council’s proposed amendments to the Notes of the Housing Round</td>
<td>Welwyn Hatfield Council</td>
<td>6 August 2003</td>
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<td>Code</td>
<td>Description</td>
<td>Author/Operation</td>
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<tr>
<td>37</td>
<td>Letter of 8 September 2003 from the John Felgate Planning Consultancy offering comments on the Notes of the Housing Round Table Session.</td>
<td>John Felgate Planning Consultancy</td>
<td>8 September 2003</td>
</tr>
<tr>
<td>38</td>
<td>Letter of 11 September 2003 from the Programme Officer to the John Felgate Planning Consultancy in reply to the Consultancy’s letter of 8 September 2003.</td>
<td>Programme Officer</td>
<td>11 September 2003</td>
</tr>
<tr>
<td>39</td>
<td>Letter of 11 September 2003 from the Programme Officer to Welwyn Hatfield Council concerning the Notes of the Housing Round Table Session.</td>
<td>Programme Officer</td>
<td>11 September 2003</td>
</tr>
<tr>
<td>40</td>
<td>Note prepared by the Inspector dated 1st October 2003 headed “Objections by Chinacorp and Nestle UK Limited Appearances at the Inquiry 7-17 October 2003” sent to the Council and Berwin Leighton Paisner on 2nd October 2003</td>
<td>Inspector</td>
<td>1 October 2003</td>
</tr>
<tr>
<td>41</td>
<td>Note of Appearances for the Objectors.</td>
<td>Mr Russell Harris QC for the Objectors</td>
<td>7 October 2003</td>
</tr>
<tr>
<td>42</td>
<td>Opening Submissions on behalf of the Objectors</td>
<td>Mr Russell Harris QC for the Objectors</td>
<td>7 October 2003</td>
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<tr>
<td>43</td>
<td>Plan 1 – Primary and Secondary Catchment Area (Planning Perspectives)</td>
<td>Mr Russell Harris QC for the Objectors</td>
<td>7 October 2003</td>
</tr>
<tr>
<td>44</td>
<td>Proposed additional paragraph to suggested policy TCR5B</td>
<td>Mr Russell Harris QC for the Objectors</td>
<td>7 October 2003</td>
</tr>
<tr>
<td>45</td>
<td>Table headed “Need for convenience goods floorspace after Waitrose and Sainsbury extension”</td>
<td>Mr Russell Harris QC for the Objectors</td>
<td>8 October 2003</td>
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<tr>
<td>Document Reference</td>
<td>Description</td>
<td>Author/Recipient</td>
<td>Date</td>
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<td>D1/1593/TCR/008</td>
<td>Table headed “Recent use of company average turnover assumptions to determine qualitative need”</td>
<td>Mr Russell Harris QC for the Objectors</td>
<td>8 October 2003</td>
</tr>
<tr>
<td>D1/1593/TCR/008</td>
<td>Extract from “Torridge District Local Plan Report of Inspector (Part 2) Chapter 2”</td>
<td>Mr Russell Harris QC for the Objectors</td>
<td>8 October 2003</td>
</tr>
<tr>
<td>D1/1593/TCR/008</td>
<td>E-mail dated 9 July 2003 from Peter Hill, Environmental Health Officer, Welwyn Hatfield Council, to Philip Robin of KingSturge</td>
<td>Mr Russell Harris QC for the Objectors</td>
<td>8 October 2003</td>
</tr>
<tr>
<td>D1/1593/TCR/008</td>
<td>Letter dated 4 September 2003 from Jenny Lewis of Berwin Leighton Paisner to Sean Maxwell of Network Rail</td>
<td>Mr Russell Harris QC for the Objectors</td>
<td>8 October 2003</td>
</tr>
<tr>
<td>D1/1593/TCR/008</td>
<td>Table headed “Need for convenience goods floorspace after Waitrose and Sainsbury extension” with RJP amendments annotated</td>
<td>Welwyn Hatfield Council</td>
<td>9 October 2003</td>
</tr>
<tr>
<td>D1/1593/TCR/008</td>
<td>Letter dated March 27, 1998 from Town Planning Consultancy Limited to Chief Planning Officer of Tonbridge and Malling Borough Council</td>
<td>Mr Russell Harris QC for the Objectors</td>
<td>9 October 2003</td>
</tr>
<tr>
<td>D1/1593/TCR/008</td>
<td>Letter dated 19 October 2001 from the Government Office for the South East signed by Darren Richards to Mr T Smith of Berwin Leighton</td>
<td>Welwyn Hatfield Council</td>
<td>9 October 2003</td>
</tr>
<tr>
<td>D1/1593/TCR/008</td>
<td>Table headed “Floorspace of Centres in Hertfordshire”</td>
<td>Welwyn Hatfield Council</td>
<td>9 October 2003</td>
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<tr>
<td>Page</td>
<td>Document Reference</td>
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<td>Source</td>
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<tr>
<td>54</td>
<td>D1/1593/TCR/008 and a further seven representations made by Chinacorp and D1/1172/EMP/001</td>
<td>Table headed “Welwyn Garden City Town Centre. Waitrose and Sainsbury Supermarkets – Existing and Proposed Floorspace”</td>
<td>Welwyn Hatfield Council</td>
</tr>
<tr>
<td>55</td>
<td>D1/1593/TCR/008 and a further seven representations made by Chinacorp and D1/1172/EMP/001</td>
<td>Paper (taken from website of Inland Revenue) headed “Inland Revenue: Tax Relief for Cleaning up Contaminated Land”</td>
<td>Welwyn Hatfield Council</td>
</tr>
<tr>
<td>56</td>
<td>D1/1593/TCR/008 and a further seven representations made by Chinacorp and D1/1172/EMP/001</td>
<td>Letter dated 17 April 2003 from Peter Edwards of Planning Perspectives to Mr Hayden of Welwyn Hatfield Council and the “red line plan which defines the area which we consider to be acceptable for future town centre related development.” that was attached.</td>
<td>Welwyn Hatfield Council</td>
</tr>
<tr>
<td>57</td>
<td>D1/1593/TCR/008 and a further seven representations made by Chinacorp and D1/1172/EMP/001</td>
<td>Letter dated 14 October 2003 from Farida Sadiq of Berwin Leighton Paisner to Programme Officer and table headed “Comparison of Retail Floorspace in Sub Regional and Minor Sub Regional Centres” that was enclosed.</td>
<td>Inspector</td>
</tr>
<tr>
<td>58</td>
<td>D1/1593/TCR/008 and a further seven representations made by Chinacorp and D1/1172/EMP/001</td>
<td>Document headed “Retail Capacity Issues – Note of Agreement between Vincent &amp; Gorbing and Planning Perspectives”</td>
<td>Berwin Leighton Paisner</td>
</tr>
<tr>
<td>59</td>
<td>D1/1593/TCR/008 and a further seven representations made by Chinacorp and D1/1172/EMP/001</td>
<td>Document headed “OBJECTIONS BY CHINACORP AND NESTLE UK LTD. CLOSING SUBMISSIONS OF WHDC”</td>
<td>Graham Stoker and Celina Colquhoun on behalf of Welwyn Hatfield Council</td>
</tr>
<tr>
<td>60</td>
<td>D1/1593/TCR/008 and a further seven representations made by Chinacorp and D1/1172/EMP/001</td>
<td>Document headed “In the Matter of the Welwyn/Hatfield Local Plan Inquiry. Closing submissions on behalf of Chinacorp and Nestle.”</td>
<td>Mr Russell Harris QC for the Objectors</td>
</tr>
</tbody>
</table>