

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

## **Council's Statement - Stage 8 Hearing session**

### **Southern Settlements**

**Settlement: Cuffley**

**Policy Number: SADM33**

**Site References: HS26 (No02), HS27 (Cuf1),  
HS28 (Cuf6), HS29 (Cuf12), HS30 (Cuf7),  
HS31 (No10)**

**Matter number: N/A**

**Issues: N/A**

**Question Numbers: Q198-217**



## **Cuffley, Policy SADM 33 Sites HS26-31 (Cuf 1, 6 7 & 12 and No 02 &10)**

**Most of the following sites are within the Green Belt and the National Planning Policy Framework (NPPF) says at paragraph 136 that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation of plans. It is not appropriate to remove land from the Green Belt unless there are very sound reasons for doing so. In addition to the Borough's development needs, the justification should include considerations such as development constraints, as well as the removal's impact on the Green Belt's openness and purposes. As well as addressing the matters raised by representors and although not exclusively, the following questions are in part designed to establish what exceptional circumstances, beyond the Council's inability to identify sufficient land outside of the Green Belt in order to meet its Objectively Assessed Housing Need, exist to justify the release of these sites, in the context of the local and site circumstances.**

### **Matter 4 Green Belt**

**The National Planning Policy Framework stresses that the government attaches great importance to Green Belts and says that Green Belt boundaries should only be altered in exceptional circumstances.**

**The Council carried out a stage 3 Green Belt Review in 2018/19 in order to ascertain the contribution that a finer grain of sites, than were previously examined, around the urban fringes within the district, made to the different purposes of the Green Belt. In this assessment the overall harm at these sites was considered to be moderate/high (HS28) and high (HS29/30) but the parcels are not identified as areas of most essential Green Belt. In these circumstances:**

**Question 198: Is the proposed new boundary to urban development at site HS28 as robust as the existing one, in the context of visually preventing urban sprawl and maintaining openness?**

**Welwyn Hatfield Response:**

- a) Yes, the Council considers that the proposed new boundary to urban development to be as robust as the existing one. The Green Belt Study Stage 3 (2019) is clear that the railway line to the east would create a well-defined Green Belt boundary. The southern boundary would be created through master-plan led new planting along the newly created settlement edge and would be similar in strength to the existing.
- b) The school adjacent to HS28 (Cuf6) would also be removed from the Green Belt as advocated in the Green Belt Study Stage 3 (2019) to create a well-defined Green Belt boundary. As the school site is already developed and well contained, it makes little contribution to the openness of the Green Belt.
- c) The proposed new development would not extend further east than the railway line thus protecting separation in this direction noting that existing development at Cuffley to the north already extends further east than that proposed. Development to the south would not extend any further than that the existing built up area thus forming a coherent Green Belt boundary to the south of Cuffley, allowing sustainable development at one of the borough's most sustainable settlements and protecting those areas that would lead to the greatest level of Green Belt impact.

**Question 199. If the boundary is to be moved, is the current proposal the most appropriate location for a new Green Belt boundary.**

**Welwyn Hatfield Response:**

- a) Please refer to the Council's response to Question 198.

**Question 200** If not are there other more defensible boundaries that could be chosen?

**Welwyn Hatfield Response:**

- a) The Council is satisfied that the proposed boundary for site HS28 (**Cuf6**) is robust, defensible and clearly defined, as set out in the Council's responses to the proceeding questions.

**Question 201** Is there scope to improve the permanence of any new boundary through the introduction of woodland planting to create enhanced physical features?

**Welwyn Hatfield Response:**

- a) The Council is satisfied that the southern boundary of the site would be robust, defensible and clearly defined and as at least as strong as the existing boundary. However, this could be strengthened with additional planting incorporating the existing tree belt/ hedgerows where possible. To be consistent with SADM 27, a modification could be made to add wording to the policy requirements to ensure new planting/ master-planning ensures the new Green Belt boundary is a strong/ effective as possible should this be considered helpful. If required, example wording of such a Modification could include, for **HS28 (Cuf6)**:

"A masterplan led approach to new planting along the southern boundary of the site should ensure the creation of robust and defensible Green Belt boundaries, incorporating existing tree belt/ hedgerows where possible".

**Question 202** Is there scope to extend this site into other parts of the Green Belt parcel?

**Welwyn Hatfield Response:**

- a) A site has been promoted through the Call for Sites which adjoins this site to the south and is in the same ownership the Updated Site Selection Background Paper (2019) identifies site Cuf15, immediately to the south of HS28 (Cuf6), as being suitable for allocation,. On this basis, the proposed Green Belt boundary would not be formed along the southern boundary of Cuf6, but along the southern boundary of Cuf15.
- b) Development along the southern boundary of Cuf15 would be set back to ensure any areas of Flood Zone 1 and 3 were excluded from development and enhanced with a woodland buffer along Hempshill Brook.

- c) Development to the south-west would not extend any further than that already proposed for HS29 (Cuf7) A decision on whether or not to include this site as a modification to the Plan has yet to be made by Full Council

**Question 203 If so what, if any, remedial measures would be required to mitigate any resulting harm?**

**Welwyn Hatfield Response:**

- a) Please refer to the Council's response to Questions 200 and 201 and to Question 201 in particular.

**Question 204 Is the overall assessment of Moderate/High harm a sound interpretation of the contribution that site HS28 makes to the purposes and openness of the Green Belt?**

**Welwyn Hatfield Response:**

- a) No, the Council considers that the overall assessment, as set out in the Green Belt Study Stage 3 (2019) for this site is Moderate harm, which is considered to be a sound interpretation of the contribution that this site makes to the purposes of the Green Belt.
- b) The Council's assessment of the development parcel that includes the proposed allocation **SADM 33 (HS28 – Cuf6)** is set out in the Green Belt Study Stage 3 (March 2019 – **EX99C**). The entirety of the proposal falls within parcel P88, which is a larger parcel extending southwards and eastwards. The proposal site in question is more closely aligned to sub-parcel P88c.
- c) The 2019 study identified different 'scenarios' in order to consider variations in harm within a parcel and within proposed site allocations. Where sub-parcels were identified that would lead to differing levels of harm these are set out in the report, for example parcel P88 is sub-divided into five sub-parcels, a to e.
- d) It is important to consider the contrast in the assessment of harm between the whole of parcel P88, vs the sub-parcel that relates to the site in question, P88c. The Green Belt Study Stage 3 makes it clear that release of the whole parcel P88 would 'reduce the perceived separation between the Tier 1 settlements of Cheshunt to the east and Potters Bar to the southwest'. It is noted that Parcel 88 extends to the east of the railway line as far as the borough boundary where there is no clear or distinct physical boundary present on the ground.
- e) However, Parcel P88c is a much smaller area, that if released would have a lesser impact than releasing the whole parcel (Moderate vs. Moderate/ High) as development would be limited to the west of the railway line, thus not impacting on settlement separation to the east and where the railway line

would provide a robust boundary. Release of the site would result in the adjacent school being surrounded by development on three sides, however the school is already developed and well contained therefore releasing the school site from the Green Belt provides a coherent boundary with limited impact.

**Question 205 In that context, is the allocation of this site justified, effective and consistent with national planning policy?**

**Welwyn Hatfield Response:**

- a) Yes, the Council is confident the proposed allocation at Cuffley (**SADM33 (HS28 – Cuf6)**) is justified, effective and consistent with national policy in accordance with NPPF (2012) paragraph 182. In particular:

***Justified** – the plan should be the most appropriate strategy, when considered against alternatives, based on proportionate evidence.*

- b) The plan has been informed by a comprehensive suite of evidence and a detailed and iterative plan making process that has considered reasonable alternatives through the Council's Sustainability Appraisal process.

***Effective** – the plan should be deliverable over its period and based on effective joint working on cross boundary strategic priorities.*

- c) As referenced in the Council's response to Question 218, the Council considers that the site is deliverable within the first ten years of the plan period following plan adoption, in accordance with a cautious but realistic timetable.

***Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.*

- d) The proposal will make a valuable contribution to the borough's housing need at one of the borough's more sustainable settlements (Tier 3 – Large Excluded Village) in accordance with the Settlement Hierarchy (**Policy SP3 – Settlement Strategy and Green Belt Boundaries**), which is a secondary focus for new development, following only the main towns, where compatible with the scale and character of the village and maintenance of Green Belt boundaries.

**Question 206. Do exceptional circumstances exist to release this site from the Green Belt and if so, (other than Welwyn/Hatfield's housing need), what are they?**

**Welwyn Hatfield Response:**

- a) Yes, the Council considers that exceptional circumstances exist to release the site from the Green Belt<sup>1</sup>.
- b) This matter is addressed, in part, by the Council's Site Selection Background Paper (2016 – **HOU20**), which considered exceptional circumstances on a site-by-site and borough wide basis.
- c) The Council's exceptional circumstance case, as set out in the Site Selection Background Paper, included consideration of the matters addressed by the Calverton Case:
  - 1. Acuteness of the OAN
  - 2. Constraints on supply and land availability
  - 3. The consequent difficulties in achieving sustainable development without Imposing on the Green Belt
  - 4. The nature and extent of the harm to the Green Belt if boundaries are reviewed.
- d) The Council's updated Site Selection Background Paper (2019) updates and complements the Council's exceptional circumstances case and included consideration for the fifth matter addressed by Calverton:
  - 5. The extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonable extent.
- e) This matter has been considered on a site-by-site basis, as set out in the Site Templates (Appendix A of the Site Selection Background Paper 2019 – **HOUS20a**) that takes into account the nature and extent of harm to the Green Belt.
- f) Developing the site in question will lead to 'moderate' harm to the Green Belt with limited impact on separation and the formation of robust and defensible boundaries, thus enabling an important contribution towards the borough's housing need at one of the most sustainable settlements in the Council area.
- g) The Council's Updated Site Selection Background Paper (2019) also provides a summary of the consequences of not imposing on the Green Belt in Welwyn Hatfield Borough that contribute to the exceptional circumstances case for the plan as a whole, and that apply equally on a site-by-site basis. Whilst the proposal at the site in question is a smaller proposal, particularly in

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<sup>1</sup> The Council note that the plan is being examined under the 2012 Framework and that paragraph 83 of the 2012 Framework is relevant in this case rather than paragraph 136 from the 2019 Framework, as referred to in the Inspector's preamble. The Council note the distinctions between these two versions of the Framework.

comparison to the larger and more strategic proposals, the contribution from smaller allocations is still an important part of meeting the borough's housing need. The consequences of not imposing on the Green Belt would mean the plan would fail to:

- “boost significantly the supply of housing for existing and future generations, for which an acute need exists,
- Plan for or meet the full OAN or the identified requirement for employment provision,
- Plan positively for economic growth, allowing for changes in the economy and businesses to remain, grow and locate in the borough,
- Ensure there is a balance between housing and employment planned for in order to deliver sustainable development,
- Adequately plan for and coordinate the delivery of infrastructure alongside growth (noting that smaller allocations still make a valuable and proportional contribution to local infrastructure),
- Support a sustainable pattern of development, consistent with the Spatial Strategy and Settlement Hierarchy (as advocated by the NPPF at Paragraph 84) where the Council's proposed approach does:
  - Channel development first towards the urban areas, particularly at the main town of Welwyn Garden City and Hatfield, and
  - Towards towns and villages inset within the Green Belt, particularly the larger and most sustainable villages such as Welwyn and Welham Green”.

**Questions 207. Do sites HS29/30 impinge in a meaningful way upon the existing gap in built development between Cuffley and Potter Bar?**

**Welwyn Hatfield Response:**

- a) No, it is not considered that the sites HS29/ 30 (**Cuf12/7**) impinge in a meaningful way upon the existing gap between Cuffley and Potters Bar. The Green Belt Study Stage 3 (2019) makes it clear that the site in its entirety (i.e. a much larger area than proposed for development) makes a 'partial' contribution to the preventing the merging of settlements and that release of the parcel would reduce the perceived separation between settlements 'although not to a significant extent'.

**Questions 208. Do they contribute to the checking of the unrestricted sprawl of large built up areas?**

**Welwyn Hatfield Response:**

- a) No, the Green Belt Study Stage 3 (2019) makes clear that the parcel, again in its entirety (i.e. a much larger area than proposed for development) 'is sufficiently separated or distant from a large built-up area for there not to be any potential for urban sprawl from the large built-up area'.

**Questions 209. Is there mitigation that could be implemented to reduce any harm to openness?**

**Welwyn Hatfield Response:**

- a) Yes, it is important that any Green Belt is reduced to its lowest reasonable extent and so masterplan led new planting can be used to create a robust and defensible Green Belt boundary as least as strong as the existing and help to mitigate any impact.
- b) To be consistent with **SADM 27**, a modification could be made to add wording to the policy requirements (Table 17) to ensure new planting/ master-planning ensures the new Green Belt boundary is a strong/ effective as possible should this be considered helpful. If required, example wording of such a Modification could include:

"A masterplan led approach to new planting along the northern and western boundaries of the site should ensure the creation of a robust and defensible Green Belt boundary, incorporating existing tree belt/ hedgerows where possible".

**Questions 210. Would the proposed new boundary to urban development be as robust as the existing one, in the context of visually preventing urban sprawl and maintaining openness?**

**Welwyn Hatfield Response:**

- a) Yes, as per the Council's response to Question 209 the use of masterplan led new planting to form a robust and defensible Green Belt boundary will ensure the boundary is similar in strength to the existing and comparable to many Green Belt settlement edge elsewhere in the borough.

**Questions 211. If the boundary is to be moved, is the current proposal the most appropriate location for a new Green Belt boundary.**

**Welwyn Hatfield Response:**

- a) In relation to sites HS28, 29 and 30, yes. Please refer to the Council's responses to the proceeding questions. Please also refer to the Council's response to Questions 200 and 201 that refer to the site **Cuf15**. If identified for allocation, this site would also lead to the creation of coherent Green Belt boundaries where mitigation can ensure impact is reduced to its lowest reasonable extent.

**Question 212. If not are there other more defensible boundaries that could be chosen?**

**Welwyn Hatfield Response:**

- a) Please refer to the Council's response to Question 211.

**Question 213. Is there scope to improve the permanence of any new boundary through the introduction of woodland planting to create enhanced physical features?**

**Welwyn Hatfield Response:**

- a) Yes, the Council's response to Question 209 outlines a possible modification to improve consistency between policies and ensure the Green Belt boundary is as clearly defined and robust and defensible as possible. This could be expanded to include further woodland planting should this be considered appropriate.

**Question 214. Is the overall assessment of High harm a sound interpretation of the contribution that sites HS29/30 makes to the purposes and openness of the Green Belt?**

**Welwyn Hatfield Response:**

- a) Yes, the Council considers that the overall assessment of High harm is a sound interpretation of the contribution that this site makes to the purposes of the Green Belt.
- b) The Council's assessment of the development parcel that includes the proposed allocation **SADM 33 (HS29/30 – Cuf12/7)** is set out in the Green Belt Study Stage 3 (March 2019 – **EX99C**). The entirety of the proposal falls within parcel P86, which is a larger parcel extending north westwards. The proposal site in question consists of a relatively small area at the southern end of the parcel.
- c) The 2019 study identified different 'scenarios' in order to consider variations in harm within a parcel and within proposed site allocations. Where sub-parcels were identified that would lead to differing levels of harm these are set out in the report, however in relation to parcel P87 there are no sub-parcels identified.
- d) The 'high' harm rating is a product of the large area of the parcel and its topography. It is described within the Green Belt Study Stage 3 (2019) as being 'open and rural in character and strongly distinct from Cuffley which slopes down eastwards from the parcel edge'. It is stated that the release of the parcel would 'reduce the perceived separation between the Tier 1 settlements of Cheshunt to the east and Potters Bar to the southwest as well as the perceived separation between the inset settlement of Cuffley to the east and Potters Bar to the west, although not to a significant extent'. The new Green Belt boundary within or bordering the parcel would 'be weaker than the current ridge crest boundary'.
- e) Although the Green Belt Study Stage 3 does not identify any further sub-parcels for parcel P87 indicating that release of the smaller area considered for development would also lead to 'high' harm, it is also important the Council seeks to reduce any impact to its lowest reasonable extent and also to introduce appropriate mitigation. These matters are discussed in response to Questions 217 to 213.

**Questions 215. Can this level of harm be appropriately applied to the entirety of the sites?**

**Welwyn Hatfield Response:**

- a) Yes. Please refer to the Council's response to Question 214.

**Question 216. In these contexts, is the allocation of these site justified, effective and consistent with national planning policy?**

**Welwyn Hatfield Response:**

- a) Yes, the Council is confident the proposed allocation at Cuffley (**SADM33 (HS29/30 – Cuf12/7)**) is justified, effective and consistent with national policy in accordance with NPPF (2012) paragraph 182. In particular:

***Justified** – the plan should be the most appropriate strategy, when considered against alternatives, based on proportionate evidence.*

- b) The plan has been informed by a comprehensive suite of evidence and a detailed and iterative plan making process that has considered reasonable alternatives through the Council's Sustainability Appraisal process.

***Effective** – the plan should be deliverable over its period and based on effective joint working on cross boundary strategic priorities.*

- c) As referenced in the Council's response to Question 218, the Council considers that the site is deliverable within the first ten years of the plan period following plan adoption, in accordance with a cautious but realistic timetable.

***Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.*

- d) The proposal will make a valuable contribution to the borough's housing need at one of the borough's most sustainable settlements (Tier 3 – Large Excluded Village) in accordance with the Settlement Hierarchy (**Policy SP3 – Settlement Strategy and Green Belt Boundaries**), which is a secondary focus for new development, following only the main towns, where compatible with the scale and character of the village and maintenance of Green Belt boundaries.

**Question 217. Do exceptional circumstances exist to release these sites from the Green Belt and if so, (other than Welwyn/Hatfield's housing need), what are they?**

**Welwyn Hatfield Response:**

- a) Yes, the Council considers that exceptional circumstances exist to release the site from the Green Belt.
- b) This matter is addressed, in part, by the Council's Site Selection Background Paper (2016 – **HOU20**), which considered exceptional circumstances on a site-by-site and borough wide basis.
- c) The Council's exceptional circumstance case, as set out in the Site Selection Background Paper, included consideration of the matters addressed by the Calverton Case:
  - 1. Acuteness of the OAN
  - 2. Constraints on supply and land availability
  - 3. The consequent difficulties in achieving sustainable development without Imposing on the Green Belt
  - 4. The nature and extent of the harm to the Green Belt if boundaries are reviewed.
- d) The Council's updated Site Selection Background Paper (2019) updates and complements the Council's exceptional circumstances case and included consideration for the fifth matter addressed by Calverton:
  - 5. The extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonable extent.
- e) This matter has been considered on a site-by-site basis, as set out in the Site Templates (Appendix A of the Site Selection Background Paper 2019 – HOU20a) that takes into account the nature and extent of harm to the Green Belt.
- f) Developing the site would lead to 'high' harm to the Green Belt, but impact is reduced to its lowest reasonable extent with a robust and defensible boundary being formed and with appropriate mitigation proposed. On balance, the provision of housing at one of the borough's more sustainable settlements is considered to outweigh any potential impacts. The scale of development at Cuffley overall is significantly below the potential considering the number of sites promoted for development and, as far as possible, development proposals seek to avoid the highest impact on the Green Belt. Overall, Cuffley is a highly sustainable location for development and

exceptional circumstances are considered to have been demonstrated<sup>2</sup>.

g) The Council's Updated Site Selection Background Paper (2019) also provides a summary of the consequences of not imposing on the Green Belt in Welwyn Hatfield Borough that contribute to the exceptional circumstances case for the plan as a whole, and that apply equally on a site-by-site basis. Whilst the proposal at the site in question is a smaller proposal, particularly in comparison to the larger and more strategic proposals, the contribution from smaller allocations is still an important part of meeting the borough's housing need. The consequences of not imposing on the Green Belt would mean the plan would fail to:

- “boost significantly the supply of housing for existing and future generations, for which an acute need exists,
- Plan for or meet the full OAN or the identified requirement for employment provision,
- Plan positively for economic growth, allowing for changes in the economy and businesses to remain, grow and locate in the borough,
- Ensure there is a balance between housing and employment planned for in order to deliver sustainable development,
- Adequately plan for and coordinate the delivery of infrastructure alongside growth (noting that smaller allocations still make a valuable and proportional contribution to local infrastructure and where this site provides an opportunity to deliver a new primary school as approved and supported by Hertfordshire County Council),
- Support a sustainable pattern of development, consistent with the Spatial Strategy and Settlement Hierarchy (as advocated by the NPPF at Paragraph 84) where the Council's proposed approach does:
  - Channel development first towards the urban areas, particularly at the main town of Welwyn Garden City and Hatfield, and
  - Towards towns and villages inset within the Green Belt, particularly the larger and most sustainable villages such as Welwyn and Welham Green”.

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<sup>2</sup> It is noted that additional evidence has been prepared during the examination phase of preparing the plan, which was not available at the time of submission. An example includes the Stage 3 Green Belt Study that identified this site as leading to 'high' harm to the Green Belt. The loss of 'high' harm sites from the plan would lead to a further shortfall in housing supply of around 500 dwellings (assuming the 'high' harm part of SDS5 (HAT1 is retained).