

WELWYN HATFIELD BOROUGH COUNCIL  
CABINET HOUSING AND PLANNING PANEL – 18 FEBRUARY 2016  
REPORT OF THE DIRECTOR (GOVERNANCE)

DRAFT STEVENAGE LOCAL PLAN 2011-2031

**1. Executive Summary**

- 1.1 Stevenage Borough Council (SBC) is carrying out consultation on its draft Local Plan (referred to hereafter as ‘the plan’) ahead of a public examination which will be held by an independent inspector in due course.
- 1.2 Much like the Local Plan being prepared by this Council, the plan for Stevenage is a comprehensive, single plan. It combines overall strategic policies for the borough, development management policies for specific issues to help to determine planning applications, and site allocations to set out acceptable uses and designations for certain areas. It covers a 20 year plan period from 2011 to 2031.
- 1.3 SBC previously carried out consultation in summer 2013, with a document that set out the main issues which would be dealt with in the new Local Plan and the various options SBC were considering. There remain a number of strategic issues of particular relevance to Welwyn Hatfield, and which may have a ‘duty to cooperate’ implication – these are set out over the following pages.
- 1.4 Because of the relatively short consultation period and the timing of the deadline (17 February) in relation to the meeting of this panel (18 February), the contents of this report have already been agreed with the Executive Member for Planning as the basis for a response, which has been sent to SBC accordingly. This report is therefore presented for information purposes only, although other Members’ views will be fed into ongoing discussions with SBC under the duty to cooperate.

**2. Recommendation(s)**

- 2.1 That the panel notes the areas of support and concern for Stevenage Borough Council’s Local Plan proposals set out in the report and Appendix A.

**3. Financial Implication(s)**

- 3.1 There are no specific financial implications arising from this report.

**4. Link to Corporate Priorities**

- 4.1 There are currently no confirmed links to the council’s corporate priorities.

**5. Legal Implication(s)**

- 5.1 The Duty to Cooperate is a legal requirement, which is taken into account in the examination of Local Plans. Public bodies have a duty under the Planning and

Compulsory Purchase Act 2004; as amended by the Localism Act 2011, to cooperate on the preparation of planning documents so far as they relate to a strategic matter (the duty to cooperate). Strategic matters are defined as those that would have a significant impact on at least two planning areas – further detail is set out at paragraph 8.2.

- 5.2 Local planning authorities that are unwilling to cooperate and unable to provide robust evidence to support a strategy that does not plan for the unmet requirements of another local planning authority may fail the test of compliance with the duty to cooperate or their plan may be found unsound .
- 5.3 The nature and requirements of the duty to cooperate are a key consideration in responding to SBC's current proposals.

## 6. **Climate Change Implication(s)**

- 6.1 No climate change implications have been identified resulting from this report. Although clearly proposals for more development will have an impact on climate change and have been assessed as part of the sustainability appraisal report produced to accompany the Stevenage Local Plan.

## 7. **Risk Management Implications**

- 7.1 There is a risk in not responding to Stevenage's consultation plan as it raises several areas of possible concern, and its proposals could have both direct and indirect implications for Welwyn Hatfield and other planning authorities in Hertfordshire.

## 8. **Policy Implications**

- 8.1 The policies in a Local Plan need to be justified by the evidence. In accordance with the NPPF, a local planning authority should submit a plan for examination by an independent inspector which it considers to be 'sound'. In responding to consultation on a draft plan at its publication stage (known as the 'Regulation 19' stage), consultees are therefore required to formally object if they have concern that a plan is unsound. The NPPF has four criteria for soundness:

- **Positively Prepared** – The plan should seek to meet all objectively assessed development requirements, including unmet requirements from neighbouring authorities, as long as it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – The plan should comprise the most appropriate strategy when considered against alternatives, based on proportionate evidence;
- **Effective** – The plan should have no significant barriers to delivery, and be based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – The plan should deliver sustainable development, in accordance with the NPPF.

- 8.2 As highlighted at paragraph 5.1 above, public bodies have a duty to cooperate on planning issues that cross administrative boundaries. This is particularly crucial where it relates to the strategic priorities set out in paragraph 156 of the NPPF:

- The need for homes and jobs in an area;
- The provision of retail, leisure and other commercial development;
- The provision of infrastructure for transport, telecommunications, waste management, water supply and waste water; the management of flood risk; and the provision of minerals and energy (including heat);
- The provision of health, security, community and cultural infrastructure; and
- Climate change mitigation and adaptation, and the conservation and enhancement of natural and historic environments and landscapes.

## 9. Background

- 9.1 The current adopted plan for Stevenage is the 2004 Local Plan. Following the publication of the National Planning Policy Framework, SBC are (in common with many other authorities, including Welwyn Hatfield) now tasked with preparing an up-to-date 'NPPF-compliant' Local Plan.
- 9.2 In summer 2013, SBC published its 'Local Plan First Consultation'. This document was not in itself a plan (or draft plan), but identified the main issues that would be considered in the Local Plan and set out the options to deal with those issues that were being considered by SBC. The Local Plan First Consultation was broadly similar in its approach and style to this Council's 2015 Local Plan Consultation Document. Since publishing its Local Plan First Consultation, SBC has carried out further consultation (summer 2015) on how it should approach housing need within Stevenage and this aided SBC in arriving at a housing target.
- 9.3 This council raised concerns in response to the summer 2013 consultation on a number of issues; including employment land provision, the capacity of the A1(M) to accommodate development, housing provision, provision for the Gypsy and Traveller community, and resultant issues around the duty to cooperate. However, on balance the 2013 consultation was considered to be a broadly acceptable set of proposals for Stevenage. This was in contrast to SBC's earlier Core Strategy consultation, which amongst other proposals would have quadrupled the retail floorspace in Stevenage with significant implications for Welwyn Hatfield. SBC's plans have become less ambitious over time, and generally more acceptable.
- 9.4 The new draft plan is set out across three parts:
- **Part 1 – Introduction and context:** Chapters introducing the plan; setting out the challenges Stevenage faces, the town's strategic context, and the vision and objectives for the plan;
  - **Part 2 – Strategic policies:** Chapter setting out 13 main policies which set the strategic direction for the plan; on topics such as sustainable development, the borough's housing target and the protection of the Green Belt;
  - **Part 3 – Detailed policies and delivery:** Chapters setting out 72 detailed policies, covering specific issues and sites across 9 topic areas. A further chapter covers the monitoring of the plan, and infrastructure delivery including the projects identified to support the development proposed in the plan.
- 9.5 The following main section of the report is set out over three parts. The first sets out specific aspects of the plan which are considered appropriate to support – whilst the majority of the plan is supportable, there are duty to cooperate issues on which it is

considered beneficial to explicitly state this. The second part covers topics within the plan where a degree of concern should be expressed to SBC alongside support. The third part sets out the small number of specific aspects of the plan on which it is considered necessary for this Council to object to SBC, in light of potential implications for Welwyn Hatfield.

## 10. Explanation

### Areas of support for Stevenage's proposals

- 10.1 As noted above, the majority of the policies and proposals across the 212 pages of Stevenage's Draft Local Plan are supportable. Most of those (particularly within Part 3 of the document, setting out detailed policies) are of only local relevance within Stevenage, and it is therefore neither appropriate nor necessary for this council to comment on them. However, there are parts of the plan of a strategic and cross-boundary nature where it is considered appropriate for this council to express explicit support, to aid the duty to cooperate. These are set out over the following paragraphs.
- 10.2 **Housing target:** Policy SP7 of the plan proposes a housing target of 7,600, which is slightly higher (4%) than the Objectively Assessed Need (OAN) of 7,300 homes for Stevenage over the plan period. This housing target has been made possible by effectively proposing to release all of the land suitable for housing within Stevenage from the green belt, as well as by proposing to build new homes at a high density on a number of sites around the town centre. It is considered appropriate to support SBC's intention to meet their own housing needs – if it did not do so, Stevenage would have to ask other authorities to help it to meet its unmet need through the duty to cooperate. This would be extremely difficult for Welwyn Hatfield, given the scale of the borough's own housing need and the known challenges of meeting it.
- 10.3 **Provision for the Gypsy and Traveller community:** Policy SP7 also sets out a target for Gypsy and Traveller pitch provision. The 2013 Gypsy and Traveller Needs Assessment for Stevenage concludes that Stevenage will require between 11 and 16 new pitches during the plan period – there is some uncertainty over the exact need because of the small sample size involved in the Needs Assessment. One new site is proposed to meet this need – whilst Policy HO12 shows that this has a capacity of up to 16 pitches in line with Stevenage's need, the target of 11 pitches in strategic Policy SP7 is considered to be acceptable as it is clear that this is a minimum and provision will be kept under review.
- 10.4 **Support for growth in neighbouring authorities:** Policy SP7 of the plan also sets out support for both North Herts and East Herts Councils in allocating sites for housing immediately adjacent to Stevenage. This will assist those authorities in meeting their own needs (which again, Welwyn Hatfield might have been asked to assist with if needs could not be met in those areas), whilst still contributing to the growth of an established settlement. Given that the plan proposes to release all of Stevenage's remaining suitable green belt land for development, its support for the 'safeguarding' of land within North Herts to meet the future growth needs of Stevenage beyond the end of the plan period should also be supported.
- 10.5 **Out-of-centre retail:** Policy SP4 of the plan proposes an effective moratorium on any new out-of-centre retail within Stevenage – this would not only limit the development of new out-of-centre retail stores, but also any relaxation of conditions (such as those that might currently restrict sales within a specific store to bulky goods or DIY). The nature of retail within Stevenage has been significantly altered

by the development of several large retail parks in recent decades – whilst a number of occupiers are ‘typical’ out-of-centre stores, others such as Argos or Boots are more typically found in town centres. As out-of-town retail in Stevenage is within the catchment of Welwyn Garden City in particular, it is considered that this restrictive approach should be supported. The plan also proposes a range of thresholds for the Retail Impact Assessments which need to accompany planning applications for retail development of a certain size, in order to support the town centre and network of smaller centres around the borough. The thresholds are relatively consistent with the approach being considered by this council, and should therefore also be supported.

- 10.6 **Stevenage Railway Station:** As part of the ambitious Stevenage Central town centre regeneration scheme, Policies SP4 and TC4 of the plan propose the rebuilding of the town’s railway station. Whilst SBC’s primary motivation for this is to provide a better sense of arrival into the town, it will in itself result in a more attractive and modern railway station with improved facilities. Given the role of Stevenage Railway Station in serving longer distance regional and intercity rail services, this will benefit residents of this borough for whom Stevenage is either the origin or interchange point for longer-distance journeys. It may also help to support the ambition of this council and other authorities in eastern Hertfordshire to have more longer-distance services stopping at Stevenage.
- 10.7 **Highway improvements:** In acknowledging that development will impact on the local road network within Stevenage, the *Delivery and Monitoring* chapter of the plan proposes a £6m programme of highway improvement and mitigation works (with £4.2m to be fully funded as a cost to developers). This should be supported, given the role of parts of Stevenage’s road network (notably the B197) in serving the northern parts of Welwyn Hatfield. The plan also proposes work to improve the cycle corridor south from Stevenage towards and into Welwyn Hatfield – by facilitating easier and safer use of the B197 for cycling over what is a relatively short distance between Welwyn Garden City, the borough’s northern villages and Stevenage, there is potential to reduce vehicular demand on the road network.

### **Areas of concern with Stevenage’s supportable proposals**

- 10.8 Whilst the areas outlined above are considered to be supportable, there are several areas of concern in relation to them which it is considered helpful to express to SBC. These are set out over the following paragraphs.
- 10.9 **Housing target:** Whilst SBC have proposed an acceptable housing target, the plan does not appear to include any reference to the phasing of development. It also does not set out whether SBC will maintain a steady supply of housing land over the plan period – this is essential in ensuring that the plan is consistent with national policy, as the NPPF requires authorities to maintain at least a five year supply of housing land (when measured against the plan’s housing target) at all times.
- 10.10 In order for the plan to be found sound, SBC will need to demonstrate this to the inspector. The response to SBC also highlights that it would be useful if this council could understand in advance of the plan’s submission how development within Stevenage will be phased, relative to development within Welwyn Hatfield. If SBC anticipate that their housing supply will not be entirely ‘steady’ (i.e. more homes will be built in some years than others), there could be additional demand for housing within Welwyn Hatfield in ‘low’ years given the housing market linkages between the two. Equally, the timing of ‘high’ years may enable greater flexibility for this authority in planning its own trajectory.

- 10.11 **Position on office-to-residential conversions:** In 2013, SBC was one of a small number of authorities which were given a partial exemption from the government's temporary 3-year permitted development right, allowing offices to be converted to homes without planning permission. SBC's exemption covered Gunnels Wood, by far its largest and most strategic employment area. The government has since stated its intent to make the permitted development right permanent – whilst the protection for exempted areas will be extended until 2019, it will then cease. Any office within Gunnels Wood could then be converted to a residential use without permission – evidence from Welwyn Hatfield and elsewhere in Hertfordshire over the three years that the right has been in place suggests that take-up could be significant, leading to large potential losses of employment floorspace.
- 10.12 Local authorities are able to restrict permitted development rights through the use of an Article 4 Direction (A4D), meaning that planning permission would once again be required. There is no indication in the plan that SBC intend to implement an A4D, but equally no indication that potential losses of office floorspace have been factored into the borough's floorspace needs. It is understood that SBC may not yet wish to commit to preparing an A4D given that the current protection remains in place for a further three years, but the response highlights that it would be useful for the plan to set out an intention in this regard. The response also indicates that this council would support SBC introducing an A4D in due course. This is considered to be of particular benefit, given that Stevenage's employment floorspace needs are already more than SBC can meet within Stevenage (see paragraph 10.22).
- 10.13 **Highway improvements:** Whilst SBC have proposed a clear programme of highway improvements to support development, there is a degree of uncertainty around the two which are most important – improvements to Junction 7 and Junction 8 of the A1(M). The plan's *Delivery and Monitoring* chapter places significant reliance on Highways England's Smart Motorway scheme as the means to deliver these. This scheme, which will allow hard shoulder running between Welwyn and Stevenage North/Hitchin within the next few years, is now committed. However, the plan simply states that these improvements 'may' be included into the Smart Motorway scheme.
- 10.14 The A1(M) is of strategic importance, not only to Welwyn Hatfield but also a far wider regional area. If it were not possible to mitigate any adverse impact upon the traffic flow through these junctions, this would be of concern. Whilst it is not considered necessary to object on this point, the response to SBC seeks reassurance on what the implications for the plan will be if junction improvements are not part of the Smart Motorway scheme – this will help to ensure that the plan can be judged to be effective and therefore sound.

### **Proposals by Stevenage which require objection**

- 10.15 Whilst the majority of the policies and proposals within Stevenage's Draft Local Plan are supportable, there are three specific parts of the proposals (across two topics) on which it is considered necessary for this Council to formally object. These issues are set out over the following paragraphs.
- 10.16 **Stevenage Central:** Many authorities' Local Plans are primarily concerned with delivering growth in a sustainable way. By necessity sustainable growth also features within Stevenage's Local Plan, but the primary focus of the plan is on the regeneration and renewal of the town. SBC's flagship regeneration scheme is for the town centre and surrounding areas – being badged as 'Stevenage Central'. Ensuring that Stevenage Town Centre works for the residents and businesses of

Stevenage is clearly not a matter for this council, and there is no concern with the principle of SBC wishing to regenerate and renew the town centre.

- 10.17 In order to facilitate Stevenage Central, Policy SP4 of the plan sets a target to deliver up to 4,600m<sup>2</sup> of new retail floorspace within the Stevenage Central area. This is considered to be relatively modest in a strategic context – by comparison, this council’s Welwyn Garden City Town Centre North Supplementary Planning Document plans for 5,000m<sup>2</sup> of new retail floorspace. Policy TC5 of the plan indicates an intention for the required 4,600m<sup>2</sup> to be provided through a single extension to the town’s Westgate Centre – there are no concerns in this regard.
- 10.18 However, the introductory text to the *Vital Town Centre* chapter of the plan states an intention for Stevenage to ‘regain its former role within northern Hertfordshire and the surrounding area’. By implication, this amounts to a desire to attain a greater status than the other retail centres within Stevenage’s catchment. Hertfordshire is currently characterised by its network of centres with overlapping catchment areas, and the most recent definition of a regional hierarchy of centres (in the East of England Plan, prior to its abolition) places Stevenage and Welwyn Garden City on the same level. Given the two centres’ close proximity, there is particular concern at how SBC’s ambitions for Stevenage to become dominant might impact on the viability and vitality of Welwyn Garden City Town Centre.
- 10.19 As a result, the response to SBC objects to the ambition for Stevenage to ‘regain its former role within northern Hertfordshire’ – the plan is not considered to be positively prepared or sound in this regard, because of its emphasis.
- 10.20 Furthermore, whilst the *target* amount of floorspace proposed for the town centre is relatively modest, there is concern at how a planning application for a larger amount of floorspace (which would have a greater impact on other centres) within Stevenage would be dealt with, if one were to arise. Policies TC4, TC6 and TC7 cover three areas of Stevenage Central away from the designated Town Centre Shopping Area and the proposed Westgate Centre extension – as currently worded, they state without limitation that ‘planning permission will be granted for new Use Class A1, A3 and A4 shop, bar, restaurant and cafe uses’. This wording is no doubt intended to provide flexibility for SBC – however, it is considered that the approach permitted is excessively flexible.
- 10.21 The response to SBC therefore raises further objection to the wording of these policies – if a floorspace increase of 4,600m<sup>2</sup> is shown to be reasonable by SBC’s evidence, it is not considered to be justified nor sound to plan to allow significant additional floorspace beyond this. It is recommended that SBC should amend the reference to allowing new A1 floorspace from Policies TC4, TC6 and TC7, to require schemes which create an excessive amount of floorspace above that which would meet the needs of Stevenage and its immediate environs to be refused.
- 10.22 **Functional Economic Market Area (FEMA) and economic needs:** The plan acknowledges strong economic linkages between Stevenage and Welwyn Hatfield, and this is welcomed. However, SBC’s evidence base concludes that the borough’s FEMA – the core area of its commercial property and labour market – only consists of Stevenage itself, North Herts, and the eastern half of Central Bedfordshire. Welwyn Hatfield is excluded. There is no one methodology for establishing a FEMA, and it is not necessarily unacceptable for two to be different. However, Stevenage is well within this council’s FEMA – as is North Herts, signalling the extent of Welwyn Hatfield’s economic linkages to the north. Stevenage’s FEMA appears to have been constructed primarily around in-commuting to Stevenage, underplaying out-

commuting despite Welwyn Hatfield being the largest workplace destination for Stevenage residents (joint with North Herts at 20% of all jobs).

- 10.23 Policy SP3 of the plan sets out a target to provide 140,000m<sup>2</sup> of new employment floorspace within Stevenage. This is based on allocating all available employment sites within the borough, and it is evident that SBC have only been able to achieve a figure this high by maximising density, where appropriate. SBC's Employment Technical Paper states that this leaves Stevenage with a shortfall of around 10 hectares – a third of its 30 hectare need – but the plan itself is not explicit about this. Whilst paragraph 5.23 states that the proposed sites 'will deliver a significant amount of new employment in Stevenage by 2031 but will not meet all of the identified needs', no figure on the scale of shortfall is given.
- 10.24 In light of the scale of Stevenage's shortfall and the support for the retention of employment floorspace in Welwyn Hatfield in Policy SP3, it is evident that SBC would like to rely on Welwyn Hatfield to meet some of its needs. However, there has not to date been any formal indication of this from SBC through the duty to cooperate. The response notes that Welwyn Hatfield will itself have a shortfall of employment floorspace by the end of the plan period – a position that may be worsened by office-to-residential conversions – and has a very small number of sites which might help to meet this shortfall. The response to SBC sets out that the position should be reviewed once this council has published its draft Local Plan in summer, in order to ensure economic needs are met across this council's FEMA.

## 11. Equality and Diversity

- 11.1 I confirm that an Equalities Impact Assessment has not been carried out, as this report refers solely to the emerging policy and proposals of another authority.

Rob Webster  
Strategy and Development  
8 February 2016

## Attachments

- Appendix 1 – Agreed consultation responses to SBC

## Background Papers

- [Stevenage Draft Local Plan](#) (January 2016)
- [Stevenage Draft Local Plan Proposals Map](#)
- [Stevenage and North Herts Strategic Housing Market Assessment Update](#) (2015)
- [Stevenage Gypsy and Traveller Accommodation Study](#) (2013)
- [Stevenage Strategic Land Availability Assessment – Housing](#) (2015)
- [Stevenage Employment Technical Paper](#) (2015)
- [Stevenage Functional Economic Market Area Study](#) (2015)
- [Stevenage Employment and Economy Baseline Study](#) (2013)
- [Stevenage Town Centre Framework](#) (2015)
- [Stevenage Retail Study](#) (2014)
- [National Planning Policy Framework](#)
- [National Planning Practice Guidance](#)