

WELWYN HATFIELD BOROUGH COUNCIL  
CABINET PLANNING AND PARKING PANEL – 14 DECEMBER 2017  
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND  
GOVERNANCE)

**BROXBOURNE BOROUGH COUNCIL LOCAL PLAN: PRE –SUBMISSION  
CONSULTATION DOCUMENT, NOVEMBER 2017**

**1. Summary**

- 1.1 Broxbourne Borough Council (BBC) has published its Local Plan Pre-Submission document 2017<sup>1</sup> for consultation between 9<sup>th</sup> November 2017 and 21<sup>st</sup> December 2017. Once adopted, this Plan will cover the period between 2018 to 2033 and will replace the policies contained within its existing Local Plan (adopted in 2005) that covered the period between 2001- 2011.
- 1.2 Consultation previously took place on a draft Broxbourne Local Plan in 2016. Welwyn Hatfield made a number of comments; expressing support in a number of areas, and concern in others relating to proposals for Brookfield Riverside, the approach to employment, the plan period length, infrastructure delivery, Gypsy and Traveller provision and concerns relating to the evidence around the selection of sites.
- 1.3 When considering how Welwyn Hatfield Borough Council (WHBC) should respond to the consultation on BBC's Local Plan, it is necessary to have regard to the Duty to Cooperate (DtC). The DtC places a legal duty on local planning authorities to engage constructively, actively and on an ongoing basis on planning matters that impact on more than one local planning area. Further, the NPPF sets out the requirement that public bodies should cooperate on planning issues that cross administrative boundaries particularly those which relate to the following strategic priorities:
- The homes and jobs needed in the area.
  - The provision of retail, leisure, and other commercial development.
  - The provision of infrastructure for transport telecommunications, waste management, water supply, wastewater, flood risk and coastal change management.
  - The provision of minerals and energy (including heat).
  - The provision of health, security, community and cultural infrastructure and other local facilities.
  - Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment including landscape.

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<sup>1</sup> Otherwise referred to in this report as the Broxbourne (or BBC's) Local Plan (2017)

- 1.4 The DtC is not a duty to agree. However, local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters.
- 1.5 This report focuses on the cross boundary strategic issues raised in the Broxbourne Local Plan (i.e. those matters where there is a Duty to Cooperate between Welwyn Hatfield and BBC), and whether or not whether or not any soundness issues should be raised in response to the consultation.

## **2. Recommendation(s)**

- 2.1 That the Panel agrees to the proposed response to the Broxbourne Borough Council Local Plan Pre-submission Consultation 2017 as set out in section 3 of this report and indicate any further issues that Members wish to see included in this Council's response.
- 2.2 That the Head of Planning be given delegated authority to agree the final response to the consultation with the Executive Member for Planning.

## **3. Background**

- 3.1 A comprehensive evidence base has informed the BBC Local Plan (2017)<sup>2</sup>, relating to topics such as housing, employment, Green Belt, the environment and infrastructure. BBC has published an Infrastructure Delivery Schedule but has not yet published its Infrastructure Delivery Plan. BBC intend to submit their Local Plan Pre-submission Document (2017) to the Planning Inspectorate for independent examination in March 2018 and adopt by 2018. Following the adoption of its Local Plan, it is then intending to produce a set of Master Plans for their Strategic sites, as well as Area Action Plans and Development Briefs to support the implementation of the Plan.
- 3.2 The BBC Local Plan (2017) has reached the Regulation 19 stage of the plan making process. Hence, this consultation is seeking views on whether their Plan meets the Tests of Soundness, relating to whether it has been positively prepared, justified by a proportional evidence, whether it is effective and consistent with national policy (Para 182, NPPF). Views may also be submitted on whether the content of the plan, or the procedures for formulating it, meet the legal requirements, including the requirements relating to the Duty to Cooperate (DTC).
- 3.3 By way of further context to the proposed response by WHBC, it is important to have regard to the Memorandum of Understanding (MOU) between WHBC and BBC, which was signed in August 2017 by the Councils' respective lead members for Planning. This document identifies the strategic issues affecting WHBC and BBC, agrees the approach to future plan reviews and includes a commitment that both authorities will continue to work together consistent with the requirements of the NPPF and the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011.

### **Explanation**

- 3.4 The BBC Local Plan (2017) sets out the key issues facing the area and a strategic vision and objectives for addressing these. It then sets out how the area is expected to develop or change; in terms of outlining the scale of future growth (i.e. how many

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<sup>2</sup> <https://www.broxbourne.gov.uk/resident-planning-and-building-planning-policy-development-plan/evidence-studies>

houses, jobs etc.), the locations to accommodate it and the timeframes for delivery; as well as the supporting infrastructure (i.e. schools, transport, community facilities, etc.) that will be delivered; to promote sustainable development.

3.5 The Plan also includes a set of policies that will apply to proposals, in order to; protect, enhance the built and natural environment; encourage good design; deliver affordable housing; as well as address climate change.

3.6 The key components of the BBC Local Plan development strategy are outlined below:

**(1) Homes:** A target of 7,700 dwellings is to be delivered through the regeneration of urban areas and the release of sites from the Green Belt. Proposals include a new Garden Village (with 1,250 dwellings), to the north-west of Cheshunt.

**(2) Jobs:** A target has been set for creating a minimum of 6,500 (net) additional jobs. It is proposing to accommodate these, largely on greenfield sites (Park Plaza and Brookfield) that are being released from the Green Belt. Also, the Park Plaza North site is being allocated, to enable the relocation of businesses from regeneration sites in Waltham cross, Brookfield, and Delama Road.

**(3) Retail:** It is proposing to extend the Brookfield retail park and centre, and to designate this as a new town centre within the areas retail hierarchy. It is expected to accommodate 30,000 sq.m of retail comparison and 3,500 sq.m of convenience goods floor space, 10,000 sq.m of leisure uses, etc. This form part of wider area strategy for the new garden village.

**(4) Infrastructure:** A number of mitigation measures are proposed to reduce congestion on the A10. A site for a new secondary school has been identified at Church Lane, Wormley and locations have been identified for new or expanded primary schools (including at Goffs Oak, which has a primary education relationship with Cuffley).

### **Objectively Assessed Housing Needs and whether these will be met in full**

3.7 BBC have undertaken a Strategic Housing Market Assessment (SHMA, 2016). This identified an objectively assessed housing need (OAHN) of 419 dwellings per annum (dpa) or a total of 7,130 dwellings (2014-31), based upon the 2012 sub national population projections (SNPP). This took into consideration factors including market signals, household formation rates, expected rate of job growth, and affordable housing need. A Partial Review of their SHMA (2017) assessed the implications of the 2014 SNPP and suggested that the OAHN should be increased to 454 dpa (or 7,700 dwellings) between 2016-33, including a 10% uplift for market signals.

3.8 The BBC Local Plan (2017) includes a housing target of 454 dwellings per annum, or 7,718 dwellings (2016-33) to meet the full OAHN of the area. The housing trajectory indicates a total housing supply of 8,098 dwellings, which exceeds the target by 5%. It also includes a 20% buffer for past under delivery, bought forward in the first years of the Plan. Approximately 1,000 dwellings of this supply have not been allocated and consist of sites identified from their Strategic Housing Land Availability Assessment (88), brownfield land register (376), self-build (75) and small windfall sites (481).

- 3.9 WHBC's Draft Local Plan Proposed Submission document (2016) sets a housing target of 12,000 dwellings (2013-32) and resulted in a housing land supply shortfall of between 616-1,433 dwellings against the OAHN (WHBC SHMA, 2016), which has increased to 3,200 dwellings (in light of its SHMA Update, 2017, which took into account the 2014 SNPP and SNHP).
- 3.10 Welwyn Hatfield's wider Housing Market area includes the whole local authority area of Broxbourne and parts of Broxbourne (Goffs Oak ward) lies within the more tightly defined Welwyn Hatfield HMA. In line with the NPPF and the Localism Act, WHBC has worked positively with neighbouring authorities (including BBC) within our HMA, to establish whether any other authorities have any capacity to help meet our unmet housing needs. An MOU was agreed with Broxbourne confirming that they cannot assist us with addressing any of our unmet housing needs within their area (and vice versa). The main reasons were that the level of growth that BBC could sustainably accommodate is constrained by the Lee Valley Regional Park (designated as a Special Protection Area) and the insufficient highway capacity of the A10.
- 3.11 The Council's proposed response supports Broxbourne in meeting its full OAHN. However, the Welwyn Hatfield Local Plan Inspector has asked for clarification on the number of dwellings, which will be provided within that part of Broxbourne that falls within the defined Welwyn Hatfield housing market area, and clarification on this point has already been sought from Broxbourne. It is noted that the Rosedale Park allocation (Policy CH2) falls partly within the defined Welwyn Hatfield HMA alongside other sites within the Goffs Oak ward.
- 3.12 The MOU agreed that both authorities would work together (potentially involving other authorities) to investigate solutions to the future longer term housing needs beyond the current plan periods in their respective authorities (e.g. new garden town or settlement in a sustainable location). BBC have failed to make any reference of this in their Local Plan (2017) and our proposed response will ask them to address this.
- 3.13 A potential related issue, is that the BBC Local Plan (2017) is proposing to remove land at Rush Meadow and Maxwells Farm West<sup>3</sup> from the Green Belt as part of wider Green Belt changes in the vicinity. Land here is not specifically allocated for development but is said that it could contribute to (unspecified) strategic objectives. WHBC will seek clarification in relation to the status of this site in their Plan and clarify why, in the absence of any specific development needs, this area of land could not assist Welwyn Hatfield meet its housing shortfall (albeit within the wider and not the defined WH HMA).

### **Employment needs and whether these will be met in full**

- 3.14 The BBC Employment Land Study (2016) assessed the existing supply of land and future demand for different types of employment uses. This forecasted a future net demand for the period 2016-31; 17,500 sq.m of B1 (office) or 5,000 S sq.m; (if Tesco offices are re-let), 41,500 sq.m (9.2 ha) of manufacturing and 160,700 sq.m (44.9 ha) of warehousing floor spaces for the period up to 2031.
- 3.15 Policy DS1: Development Strategy seeks to make provision for in excess of 6,500 jobs (2016-33) (The East of England Forecasting Model indicates a potential for the creation of 7,500 jobs over the plan period). The jobs target is based upon land

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<sup>3</sup> This site falls outside of the defined WH HMA, but within the wider WH HMA

availability and a lower jobs density calculation than the standard approach. The supporting text has indicated that it is not possible or appropriate for the Plan to meet future demand across all of the employment sectors because of the constrained availability of land within the area and the fact that all of their employment allocations are within the Green Belt (Para 3.19). However given the approach to job density, there may be the potential for higher jobs number albeit not in their chosen sector.

- 3.16 The BBC economic development strategy has identified a number of strategic sites (i.e. Policies PP1-3, BR1, etc.), within the Green Belt, and designated employment areas to address their future employment needs. However, the strategy is primarily focused on re-orientating the economy towards office led or high value employment. WHBC previous response to their Local Plan consultation (2016), raised the issue that this strategy is not fully in line with their evidence that indicated that there was a high need for allocating sites for delivering additional warehouse led employment.
- 3.17 It is clear that the Strategy is seeking to diversify their local economy towards office led employment and their policies encourage proposals for B1 and B2 uses to come forward with a number of the strategic sites being identified as business campuses. Specific provision would not appear to have been made for warehousing.
- 3.18 Welwyn Hatfield's evidence indicates that Broxbourne lies outside its Functional Economic Market Area although there is an economic relationship. Broxbourne's evidence indicates that this relationship is strong enough for it be included within their Functional Economic Market Area.

#### **Policy BR1: Brookfields**

- 3.19 The BBC Local Plan is proposing to designate the Brookfield retail park and shopping centre as a new town centre. To improve and expand it, it is proposing to allocate 35,000 sq.m of retail and 10,000 sq.m of leisure uses as well as a number of other uses, so that it functions as a town centre (i.e. business campus, civic centre). Also, it should be noted Brookfield is proposed as part of a larger strategic area, which includes proposals for a garden village (1,250 dwellings), within proximity of it (i.e. Brookfield Riverside). In response to their consultation last year, Welwyn Hatfield raised concerns about the potential impact on retail centres within Welwyn Hatfield and asked that a retail impact study carried out.
- 3.20 The BBC Retail and Leisure Impact Study (2017) has assessed how the Brookfield site proposal may impact; the vitality and viability of the existing town centres, within their area and wider areas, as well as any planned investments (or commitments) within them. The key finding were; the turnover of all of the existing centres are likely to expand between 2016-24, the proposal may reduce the turnover of Welwyn Garden City (WGC) and Hatfield town centres, by approximately between 3.4-4.8% and 1.3-1.8% (respectively) under the different scenarios. Also, if comparisons goods floor space was increased to 35,000 sq.m, the turnover of WGC may fall by 4.6-5.9%. Also, it indicated that the above proposal was not likely to have a significant impact on planned investments or commitment within Welwyn Garden City and Hatfield Town Centre.
- 3.21 WHBC were consulted in relation to the draft methodology and findings of the above study. Our response to this (based upon our consultants advice) indicated that the Brookfield proposal is unlikely to have a have a materially harmful impact on WGC town centre in quantitative terms but that it could have a qualitative impact. Due to this, WHBC suggested that a qualitative assessment should be undertaken,

as the trade of WGC town centre is more dependent upon the presence of two department stores.

- 3.22 BBC's have met the sequential test as their net retail floor space needs cannot be accommodated within their existing centres and the majority of this will need to be accommodated within the Brookfield proposal.
- 3.23 It is proposed that the WHBC response supports BBC's aspirations to direct their future retail needs at the Brookfield site subject to a future retail impact assessment of any specific proposals that come forward and their being no detrimental impact on the vitality and viability of centres within Welwyn Hatfield. The response will need to express concern about how this proposal has the potential to adversely impact the turnover of existing businesses located within the Welwyn Garden City and Hatfield Town Centres, as well as the vitality and viability of them. To address these issues, it will suggest that the BBC Plan (2017) should not yet formally designate the Brookfield as a new town centre (as it does not currently function as one) and thus any proposal coming forward would be the subject of a retail impact assessment which would need to assess both the quantitative and qualitative impact on existing centres
- 3.24 In addition, a change would need to be made to policy BR1 to make it clear that the proposals will not exceed the retail and leisure floor space targets, and that WHBC and other neighbouring authorities will be consulted on the master plan and any applications for the Brookfield site which would trigger the need for retail impact assessment.

### **Goffs Oak and St James**

- 3.25 The BBC Local Plan is proposing a total of 181 dwellings within the village of Goffs Oak but the housing capacity of the Goffs Oak ward, which falls within the defined WH HMA is approximately 1,089 dwellings<sup>4</sup>. Also, an expansion of Woodside primary school is proposed from 1 form entry to 2, which will allow for 'push-back' from Cuffley, therefore allowing for limited growth at Cuffley as set in the WH Local Plan.
- 3.26 The supporting evidence<sup>5</sup> has indicated that BBC has shared their transport modelling data with Hertfordshire County Council. The cumulative modelling data from the proposed development in both Boroughs indicates that the B156 should be able to cope with additional traffic.

### **Policy GT1: Gypsy and Traveller Sites**

- 3.27 BBC have undertaken a Gypsy and Traveller (G & T) Needs Assessment (2017). This identified a need for 21 pitches for the period to 2033. Also a need for up to additional 5 pitches for G & T households that meet the Planning definition and a need for 10 additional pitches households that do not meet the definition. If the potential need from 90% of unknown households is added to this, the total need for non-travelling household can be as high as 14 additional pitches. Further, the study did not identify any need for Transit pitches.
- 3.28 Policy GT1 is seeking to accommodate the need for through allocating 45 pitches. This will be achieved through the expansion of existing sites, using an existing pitch and authorising the Wharf Road site. Also the supporting text indicates that if there

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<sup>4</sup> Comprising of completions, permissions (or awaiting decision and proposed BBC Local Plan allocations (2013-2032)

<sup>5</sup> Interim Duty to Cooperate compliance Statement (2017)

are additional unidentified needs during the Plan, redundant nursery sites will be acquired to meet the needs.

3.29 The above approach raises of issues. These are outlined below;

- The Wharf Road site is an illegal encampment within the Lee Valley (Special Protection Area) and there are uncertainties relating to the extent the authorisation of this site will meet the identified need.
- The Halfhide site currently accommodates 15 pitches and will require relocation as a result of the Brookfield development. GT1 is allocating 20 pitches on the relocated site. Clarity is required in relation to how much of this site is addressing future needs.
- GT1 states that new pitches '*are not to meet the needs of extended family members not currently resident within the Borough of Broxbourne*'. By definition in the Government's 2015 Planning Policy for Traveller Sites, Gypsies and Travellers must lead a 'nomadic habit of life'. Any restriction of new pitches to people already living within Broxbourne would run counter to this definition, and mean that neighbouring authorities would find themselves having to meet the need of those who actually travel. In order for Policy GT1 to be sound, it is considered that BBC should remove the sentence relating to local residency. This issue was raised in WHBC's previous response to BBC's consultation last year.
- The only (public) Transit site in Hertfordshire is located at South Mimms (within the borough of Hertsmer). This site serves the whole of Hertfordshire. The BBC GTAA should consider the role of this site, noting that the WHBC GTAA (2016) has made an allowance for one pitch to be provided in Welwyn Hatfield to address a need for accommodation arising from this Transit site.

### **Approach to Infrastructure Constraints**

- 3.30 The BBC Local Plan (2017) included a general outline of the infrastructure (i.e. schools, roads, and open spaces, health care) that may need to be delivered to support growth. This work has been supported by a Detailed Draft Transport Strategy Consultation Document (2017) and Draft Infrastructure Delivery Schedule (2017), which outlines the essential infrastructure that will need to be delivered to support the Local Plan proposals, potential costs, how they will be funded and the timescale for delivery.
- 3.31 The Infrastructure Delivery Plan (IDP) for the BBC Plan has not been published and is therefore not available for comment. It is proposed that WHBC should indicate a need to be consulted on such a document and a willingness to work with them on any cross boundary infrastructure matters.
- 3.32 BBC has produced a Draft Transport Strategy Document (2017) for consultation, alongside their Local Plan. It outlines how their Local Plan proposals for growth may impact upon the capacity of the existing highway network and the locations where mitigations may be required to address any adverse potential impacts. In relation to the B156 that connects Goffs Oak to Cuffley, it is proposing a new cycle network and a diversion to bus route 242 to serve the new development and facilities at Rosedale, as well as improvements to road junctions.

- 3.33 In relation to the expansion of primary schools, their Draft Infrastructure Delivery Schedule (2017) is indicating that the precise location of the primary school is still being determined.
- 3.34 It is proposed that WHBC response should seek further clarity in relation to timescales for delivering the supporting infrastructure. Support should be given for the measures set out in the Draft Transport Strategy for the proposed highway mitigation (B156) and sustainable transport measures. The response should also highlight the importance of ensuring BBC work in Partnership with WHBC, HCC to implement them.

#### **4. Legal Implication(s)**

- 4.1. 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.
- 4.2. 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. Financial Implication(s)**

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

#### **6 Risk Management Implications**

- 6.1 There is a risk that in not responding to the consultation on the BBC Local Plan, it could have both direct and indirect implications for Welwyn Hatfield, as it raises a number of strategic cross boundary issues.

#### **7 Security and Terrorism Implication(s)**

- 7.1 There are no security and terrorism implications arising directly as a result of this report.

#### **8 Procurement Implication(s)**

- 8.1 There are no procurement implications arising directly as a result of this report.

#### **9 Climate Change Implication(s)**

- 9.1 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 will need to be assessed as part of the sustainability appraisal process accompanying the preparation of the BBC Local Plan.

#### **10 Policy Implications**

- 10.1 There are no direct policy implications arising for Welwyn Hatfield as a result of this report. However it should be noted that the proposed actions in this report support the Council in discharging its duties under the Localism Act (and re-stated in the



NPPF) to engage constructively, actively and on an ongoing basis to maximize the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.

**11 Link to Corporate Priorities**

- 11.1 The Council's Business Plan 2015-2018 contains corporate priorities to meet the borough's housing need, help build a strong local economy, protect and enhance the environment and maintain a safe and healthy community. Responding to other authorities' consultations helps this Council to meet these priorities effectively.

**12 Equality and Diversity**

- 12.1 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.

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06 December 2017