



The Planning Inspectorate

Report to Broxbourne Borough Council

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an Inspector appointed by the Secretary of State

Date: 14 April 2020

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Broxbourne Local Plan

The Plan was submitted for examination on 15 March 2018.

Examination hearings were held between 11 September and 8 November 2018, and on 11 June 2019.

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Abbreviations used in this report

The Act	The Planning & Compulsory Purchase Act 2004 (as amended)
Core strategy	Broxbourne Core Strategy Development Plan Document 2010
DCLG	Department for Communities and Local Government
GTAA	Gypsy and Traveller Accommodation Assessment
HRA	Habitats Regulations Assessment
MHCLG	Ministry for Housing, Communities and Local Government
NPPF	National Planning Policy Framework
ONS	Office for National Statistics
Plan	Broxbourne Local Plan 2018-2033: A Framework for the Future Development of the Borough
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
SHMA	Strategic Housing Market Assessment
SLAA	Strategic Land Availability Assessment
sqm	Square metres

Evidence and Examination Documents

The Council submitted numerous documents as evidence in support of the Plan, all of which have individual references such as SUB1, O1, GB1, etc. Documents issued by me, and in response to my specific requests, during the examination are referenced EXAM1, etc. All such documents, along with all representations made about the Plan and written hearing statements, were published on the examination website and I have taken them into consideration. Where appropriate, I refer to documents by their reference numbers in footnotes in this report.

Non-Technical Summary

This report concludes that the *Broxbourne Local Plan 2018-2033: A Framework for the Future Development of the Borough* provides an appropriate basis for the planning of the Borough, provided that a number of main modifications are made to it. Broxbourne Borough Council has specifically requested me to recommend any main modifications necessary to enable the Plan to be adopted.

The main modifications all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal and Habitat Regulations Assessment of them. The main modifications were subject to public consultation over a six-week period in January and February 2020. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them and, as a consequence, in some cases I have amended the detailed wording.

The main modifications can be summarised as follows:

- A reduction in the amount of **comparison goods retail floorspace** proposed at Brookfield from 30,000 sqm to 19,000 sqm.
- A reduction in the amount of **office floorspace** proposed at Brookfield from up to 50,000 sqm to around 12,500 sqm.
- Replacement of policy BR1 with new policies BR1 to BR7 to reflect the above reductions in retail and office floorspace and to ensure that the Plan is effective in facilitating the creation of a new town centre at **Brookfield** along with around 1,500 new homes, elderly persons accommodation, a new civic centre, a primary school, open spaces and infrastructure, whilst retaining or relocating existing uses (including a traveller site) and protecting the historic and natural environment.
- Changes to policy PP1 (**Park Plaza West**) to ensure that the development of a business campus including up to 100,000 sqm of office floorspace on land removed from the Green Belt includes landscaped open space, is accessible by sustainable modes of transport, and safeguards the historic environment.
- Changes to policy PP2 (**Park Plaza North**) to allow an appropriate range of uses, including B8, whilst protecting the setting of heritage assets in Cedar Park.
- Inclusion of a new policy (PP4) to provide an effective framework for considering development proposals relating to land at **Maxwells Farm West and Rush Meadow**.
- Changes to various elements of the **housing land supply** identified in the Plan to reflect updated evidence and ensure a clear and effective approach to allocations.
- Inclusion of a new policy to encourage the **effective use of urban land**, and an increase in the **windfall assumption** for the plan period from 481 to 840 dwellings.
- Changes to numerous **site specific policies** and **concept plans** to ensure that they provide a clear indication of how a decision maker should react to a proposal, including through the inclusion of details about the scale and form of development.
- Changes to policy GB1 and various proposals for development in the **Green Belt** (including the former Broxbourne leisure pool, the Cheshunt Country Club,

and a potential secondary school site at Church Lane, Wormley) to ensure they are justified and consistent with national policy.

- Changes to policies GT1 and GT2, and removal of allocated sites from the Green Belt, to ensure the Plan is effective and consistent with national policy relating to accommodation for **gypsies, travellers and travelling showpeople**.
- Changes to development management policies and site specific proposals to ensure that the Plan sets out an effective and positive strategy for the conservation and enhancement of the **historic environment** consistent with national policy.
- Inclusion of effective mitigation measures to protect the Lee Valley Special Protection Area and the Epping Forest Special Area of Conservation having regard to the findings of the **Habitat Regulations Assessment**.
- Deletion of **Local Green Space** designations, and modifications to policies relating to the protection and provision of **open space**, to ensure consistency with national policy.
- Changes to various **development management policies** to ensure that they are justified, effective and consistent with national policy.
- Inclusion of a new policy and indicators to ensure the Plan can be effectively **monitored**.

Introduction

1. This report contains my assessment of the *Broxbourne Local Plan 2018-2033: A Framework for the Future Development of the Borough* ("the Plan") in terms of Section 20(5) of the *Planning & Compulsory Purchase Act 2004* (as amended) ("the Act"). It considers first whether the Plan's preparation has complied with the duty to co-operate and other legal requirements. It then considers whether the Plan is positively prepared, justified, effective and consistent with national policy or, in other words, whether it is sound.
2. The starting point for the examination was the assumption that Broxbourne Borough Council ("the Council") had submitted what it considered to be a sound plan. The Plan submitted in March 2018¹ is the basis for my examination. It is the same document that was published for consultation in November 2017 in accordance with regulation 19 of the *Town and Country Planning (Local Planning) (England) Regulations 2012* (as amended) ("the Regulations").

Background

3. The Council started work more than eleven years ago to replace the *Borough of Broxbourne Local Plan Second Review 2001-2011* that had been adopted in 2005. The *Broxbourne Core Strategy Development Plan Document* ("core strategy") was submitted for examination in December 2010, and the Inspector's report was published in September 2011². That report concluded that the core strategy could be adopted provided that a number of changes were made to it. However, the Council chose not to proceed to adoption as it did not agree with all of the Inspector's recommended changes.
4. Instead, the Council decided to prepare a new local plan in accordance with the *National Planning Policy Framework* ("NPPF") that had been published in draft in July 2011 and was finalised in March 2012. Circumstances have changed since the core strategy was examined, including with regard to evidence about development needs, the publication of the NPPF, and the revocation of the *East of England Plan*. However, I have taken account of the findings of my colleague Inspector in 2011 in so far as they are still relevant in the context of the evidence before me and national planning policy.
5. The preparation of the Plan involved the Council publishing *Borough-wide Options and Scenarios* in April 2016³. Following this, there was public consultation on a draft plan between July and September 2016 in accordance with regulation 18 before the Plan was published under regulation 19 in November 2017.
6. During the current examination, the Government published revised versions of the NPPF in July 2018 and February 2019. However, the transitional arrangements state that the policies in the previous NPPF (2012) will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. I have, therefore, assessed the soundness of the Plan on

¹ SUB1.

² EXAM2.

³ O1.

that basis, and all subsequent references to "NPPF" in this report are to the version published in 2012.

Main Modifications

7. In accordance with section 20(7C) of the Act, the Council requested that I should recommend any main modifications necessary to make the Plan sound and legally compliant and therefore capable of being adopted⁴. My report explains why the recommended main modifications, all of which relate to matters that were discussed at the examination hearings, are necessary. The main modifications are referenced in bold in the report with the use of prefix **MM**, and are set out in full in the Appendix.
8. Following the examination hearings, the Council prepared a schedule of proposed main modifications and carried out sustainability appraisal and Habitat Regulations Assessment of them. The main modification schedule⁵ was subject to public consultation for six weeks during January and February 2020. I have taken account of the consultation responses in coming to my conclusions in this report and as a result I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory, appraisal and assessment processes that have been undertaken. Where necessary I have highlighted these amendments in the report.

Policies Map

9. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the *Local Plan Policies Map Pre-Submission Consultation Draft November-December 2017* submitted with the Plan.
10. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published main modifications to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
11. All of the changes to the submitted policies map were published for consultation alongside the main modifications⁶.

⁴ Council letter dated 17 December 2019 [EXAM35].

⁵ EXAM34A.

⁶ EXAM34E.

12. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to replace the adopted policies map with that submitted with the Plan subject to changes published alongside the main modifications and described in this report.

Assessment of the Duty to Cooperate, and other Legal Requirements

The Duty to Cooperate

13. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation – the duty to cooperate in relation to the preparation of a local development document so far as relating to a strategic matter⁷.
14. Broxbourne Borough is within the county of Hertfordshire immediately to the north of Greater London. The London Borough of Enfield lies to the south; Welwyn Hatfield Borough to the west; East Hertfordshire District to the north; and Epping Forest and Harlow Districts in Essex to the east.
15. The Borough covers a compact geographical area. The main settlements of Hoddesdon, Broxbourne, Cheshunt and Waltham Cross essentially merge into one another along the eastern side of the A10 which runs north to south. Cheshunt spreads to the west of the A10 towards St James and Goffs Oak. All of the settlements are essentially separated from surrounding local authority areas by the M25 motorway to the south; open countryside protected as Green Belt to the west and north; and the West Anglia Main Line and Lee Valley Regional Park in the Green Belt to the east. There are, therefore, no cross-boundary development locations that required cooperative working during the preparation of the Plan.
16. However, the Borough's good road and rail links and the close proximity of London to the south, along with other significant settlements to the north of the M25, mean that there are a number of strategic planning issues that required cooperative working with surrounding local planning authorities and other organisations. These include how to accommodate housing, employment, retail and leisure development needs in the Borough and wider area in ways that contribute towards sustainable development; preventing urban sprawl and maintaining the openness and purposes of the Green Belt; addressing infrastructure capacity including on the A10, M25, A121 and B156 and the longer term implications of Crossrail 2; and protecting the Lee Valley Regional Park and other important environmental sites.
17. The Council's *Duty to Cooperate Compliance Statement* dated March 2018⁸ describes how it worked with prescribed public bodies and the *Hertfordshire Local Enterprise Partnership* ("the LEP") and the *Hertfordshire Local Nature Partnership* during the preparation of the Plan. This involved discussions about a duty to cooperate framework document published in 2015; borough-

⁷ "Strategic matters" are defined in section 33A(4) of the Act and include sustainable development or use of land that has or would have a significant impact in at least two planning areas or, in a two-tier area, is, or would have a significant impact on, a county matter.

⁸ SUB8.

wide options and the regulation 18 draft plan in 2016; preparation of evidence relating to development needs and other issues; and finalisation of the Plan in 2017. Mechanisms included the use of formal groups of senior officers and elected councillors such as the *Enfield, Essex and Hertfordshire Border Liaison Group* and the *Cooperation for Sustainable Development Board* for West Essex, East Hertfordshire and adjoining London Boroughs; topic-specific meetings and discussions; and the preparation of memoranda of understanding.

18. The Council's actions to discharge the duty were taken in the context of plans also being in various states of preparation in the surrounding area, including in other parts of Hertfordshire and in London, meaning that there was a degree of uncertainty about how strategic issues would be addressed in the wider area. It is clear that a number of the strategic issues facing Broxbourne have not always been straightforward to resolve, and there are a limited number that were still outstanding that I address as part of my main soundness issues later in the report.
19. However, the duty to cooperate is not a duty to agree on every strategic issue⁹, and I am satisfied that the Council worked actively, constructively and on an on-going basis with all of the relevant organisations throughout the preparation of the Plan. Furthermore, subject to the modifications that I recommend, all of the key strategic issues are effectively addressed. It is clear from the written evidence, and what I heard during the examination hearings, that none of the relevant local authorities or prescribed bodies considers that the Council has failed to comply with the duty.

Conclusion on the Duty to Cooperate

20. Overall, therefore, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to cooperate has been met.

Other Legal Requirements

21. Section 20(5)(a) of the Act requires me to consider whether the requirements of sections 19 and 24(1), and regulations under section 17(7) and any regulations under section 36 have been complied with. My findings in relation to these, and all other relevant legal requirements, are summarised in the paragraphs below.

Local Development Scheme

22. The content and timing of the Plan are as set out in the *Local Development Scheme* updated in June 2017¹⁰.

Public Consultation

23. The *Local Plan Consultation Statement* published in March 2018¹¹ describes the processes followed by the Council intended to involve the community and

⁹ PPG ID-9-021.

¹⁰ SUB10.

¹¹ SUB7.

interested organisations, groups and businesses in the preparation of the Plan. Whilst most statutory consultees and other organisations appear to have engaged successfully with the Council, a number of local residents have expressed concerns about the public consultation on the Plan including in terms of how it related to other processes including planning applications and compulsory purchase. However, this dissatisfaction does not mean that the Council failed to make genuine attempts to effectively consult and engage, or that it failed to comply with legislative requirements, national policy and guidance¹², or its own *Statement of Community Involvement* published in May 2016¹³.

Public Sector Equality Duty

24. The Council carried out an *Equalities Impact Assessment*¹⁴ to inform the preparation of the Plan. Throughout the examination, I have had due regard to the equality impacts of the Plan in accordance with the Public Sector Equality Duty contained in section 149 of the *Equality Act 2010*. This has included my consideration of several matters including the provision of sites for gypsies, travellers and travelling showpeople; the provision of accessible and adaptable housing; the provision of housing for the elderly; and the accessibility of development. My findings are set out in subsequent sections of this report as part of my assessment of the tests of soundness and I recommend main modifications where necessary. These help to ensure that the Plan is effective in furthering the three aims of the *Equality Act 2010* and in particular advancing equality of opportunity between people who share a "protected characteristic"¹⁵ and those that do not share it.

Sustainability Appraisal

25. A *Sustainability Appraisal Report* was published in October 2017 and updated during the examination to appraise the proposed main modifications¹⁶. The sustainability appraisal ensured that all options were assessed against the same sustainability objectives on a like-for-like basis so as to provide a meaningful guide to the Council about the strategy that it should pursue and the policies and proposals in the Plan. Overall the appraisal is suitably comprehensive, satisfactory and legally compliant. I am, therefore, satisfied that the sustainability appraisal that has been carried out throughout the process of preparing the Plan, as required by section 19(5) of the Act, has complied with the requirements of the European Directive on strategic environmental assessment and relevant national policy and guidance¹⁷. The appraisal concludes that the main modifications reduce adverse impacts and result in more positive impacts on social, economic and environmental objectives compared to the submitted Plan.

¹² NPPF paragraphs 17, 155 and 157; and PPG ID-12-003 and ID-12-017.

¹³ SUB9.

¹⁴ SUB6.

¹⁵ Section 149(7) of the Equality Act 2010 defines "protected characteristics" as: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

¹⁶ SUB4a and EXAM34G.

¹⁷ NPPF paragraph 165 and PPG ID-11.

Habitats Regulations Assessment

26. A *Habitats Regulations Assessment* report was published in March 2018 and updated at the proposed modifications stage¹⁸. In summary, the conclusion of the HRA is that the Plan, including in combination with other plans and projects, will not lead to adverse effects on the integrity of any relevant protected sites¹⁹ including by reason of public access associated disturbance or air pollution provided that a number of mitigation measures are implemented. Natural England agree with these findings, and there is no substantive evidence to lead me to a different conclusion. Main modifications are required to various policies and associated reasoned justification to ensure that the Plan is effective in securing this mitigation, and these are set out in later sections of this report.

Climate Change

27. The Plan includes policies designed to ensure that the development and use of land in the borough contributes to the mitigation of, and adaptation to, climate change as required by section 19(1A) of the Act. These include policies relating to general design principles; sustainable construction; water quality and efficiency; sustainable urban drainage; flood risk; natural environment, biodiversity, green infrastructure and landscaping; electric vehicle charging points; and sustainable transport and the accessibility of development.

Superseded Policies

28. In order to ensure compliance with regulation 8(5), the Plan needs to explicitly refer to the *Borough of Broxbourne Local Plan Second Review 2001-2011* which it will replace, and include an appendix listing all of the policies in that existing adopted plan that were saved in 2008 and will be superseded when the Plan is adopted [**MM1.1** and **MMF.1**].

Conclusion on other Legal Requirements

29. I therefore conclude that, subject to the main modifications that I have referred to above, all other legal requirements have been complied with during the preparation of the Plan.

Assessment of Soundness

Introduction

30. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified a number of main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

¹⁸ EV1 and EXAM34F.

¹⁹ Protected sites either in or within 15km of the Borough: Epping Forest Special Area of Conservation ("SAC"), Wormley Hoddesdonpark Woods SAC, and Lee Valley Special Protection Area ("SPA") and Ramsar site.

31. A highly significant influence on the Plan, and my main issues, is the fact that virtually all of the undeveloped land in the Borough is designated as Green Belt in the existing local plan adopted in 2005. Whilst the preparation of a new local plan provides the opportunity to review Green Belt boundaries in order to accommodate development that is needed, it is necessary for exceptional circumstances to be demonstrated²⁰. My consideration of whether there are exceptional circumstances reflects the approach set out in the "Calverton" High Court judgment²¹, and my main issues are defined accordingly.
32. National policy is clear that the planning system should be genuinely plan-led, and that plans should be kept up-to-date and provide a practical framework within which decisions on planning applications can be made with a high degree of certainty²². In this context, and because the current local plan was adopted about 15 years ago and only looked ahead to 2011, it is of great importance that a new local plan is adopted for the Borough as soon as possible. This is particularly so in Broxbourne because of the constraints and uncertainties that would otherwise exist due to highly restrictive Green Belt policies that would continue to apply to much of the land in the Borough. This has been an important consideration for me throughout the examination, including in terms of my assessment of the main issues and my decisions about the main modifications that I recommend in order to ensure that the Plan is sound.

Is the Plan based on robust and proportionate evidence about the need and demand for different types of economic development?

33. Broxbourne is part of a wider functional economic market area that also comprises the London Borough of Enfield to the south; the boroughs of Hertsmere and Welwyn Hatfield to the west; East Hertfordshire district to the north; and Epping Forest and Harlow in Essex to the east²³. It also has economic links with areas beyond this, including other parts of the London-Stansted-Cambridge sub region.
34. The Hertfordshire Local Enterprise Partnership ("LEP") Strategic Economic Plan aims to create 38,600 jobs in the county by 2030, and identifies Broxbourne as being in the M11/A10 growth corridor. The Council's economic development strategy *Ambition Broxbourne* aims to create 6,300 new jobs by 2030 and a thriving, vibrant and prosperous economy that is underpinned by innovation, enterprise and entrepreneurship²⁴.
35. At present, Broxbourne has a mixed economy with activity across a range of industrial, distribution and service sectors; a significant number of small and micro-sized businesses; and a diverse set of large companies. Whilst historically there has been reliance on relatively low value and low knowledge economic activity compared to some surrounding parts of the east and south east of England and London, there have been recent increases in higher value

²⁰ NPPF paragraph 83.

²¹ *Calverton Parish Council v Nottingham City Council* [2015] EWHC 1078 (Admin).

²² NPPF paragraph 17, first bullet point.

²³ *Broxbourne Borough Local Plan Employment Land Study*, July 2016 [E1].

²⁴ E3.

sectors including professional scientific and technical services; information and communications; and finance and insurance²⁵.

36. The resident population is relatively well-educated and unemployment is low²⁶. Perhaps not surprisingly given the limited size of the Borough and its proximity and accessibility to London and other large centres of employment and population, there are high levels of both in- and out-commuting²⁷. Whilst the average earnings of residents are higher than nationally, wages paid by companies in the borough are relatively low for the bottom 25% of earners²⁸. Productivity per worker has improved significantly since the 1990s, both in terms of residents and workplace-based employees²⁹.
37. There are two large areas of traditional industrial and warehousing uses: one at Hoddesdon in the north east of the Borough and the other at Waltham Cross in the south east. There are also a number of other smaller clusters of employment uses in the urban areas mainly to the east of the A10. Vacancy rates are generally low, and there is limited land available in these areas to accommodate further development³⁰. The amount of office stock in the borough is small, and there has been little new provision in recent years³¹.
38. The Council's evidence³² identifies a need for an additional **17,500 square metres** ("sqm") of floorspace for "local offices" (use class B1); 41,500 sqm of floorspace or **9 hectares** of land for industrial uses (B2); and 160,700 sqm or **36 hectares** of land for storage and distribution (B8). These figures are essentially based on the assumption that drivers of economic growth remain broadly similar to those seen recently and those anticipated at the time of the study. They do not, for example, capture the potential employment impacts of any large scale inward investment projects that may materialise³³.
39. The evidence suggests that there is likely to continue to be strong demand for additional employment space across all key economic sectors in the Borough over the coming years. Moreover, there are indications that the demand for modern storage and distribution space, including that associated with e-commerce and to provide last mile deliveries, could be higher than forecast by the Council.
40. Furthermore, there are a number of potentially significant economic drivers which indicate that, were suitable land to be made available in Broxbourne, it would be developed to meet the economic development needs of the Borough and the wider functional economic area and beyond. These include excellent road and rail links along with proposed improvements including Crossrail 2 in the longer term; recent growth in higher value, office-based economic sectors in the Borough; its geographic location in the economically dynamic London-Stansted-Cambridge sub-region; growing demand for industrial, warehousing

²⁵ E1 paragraphs 3.4.5-3.4.13

²⁶ E1 paragraphs 3.2.3-3.2.4 and 3.5.2, and oral evidence by the Council on 11 and 18 September 2018.

²⁷ 75% of Broxbourne employed residents commuted out of the Borough, and 60% of jobs located in the Borough were occupied by people living elsewhere [E1 paragraphs 3.3.1-3.3.3].

²⁸ E1 paragraphs 3.2.7-3.2.11.

²⁹ E1 paragraphs 3.4.2-3.4.4.

³⁰ E1 sections 4 and 5, and oral evidence by the Council on 11 September 2018.

³¹ E1 paragraph 5.3.20.

³² E1 section 6.

³³ E1 paragraphs 6.1.6 and 6.1.7.

and office based activities relocating from London; and the limited supply of development land in other parts of the functional economic market area³⁴. In this context, there is specific development interest in developing at least one high quality business park in the Borough during the plan period.

41. The aim of accommodating around 6,500 jobs referred to in policy DS1 could, therefore, be considered to be aspirational but realistic. However, it is clear from the Council's evidence, including that about urban capacity and employment land, that there are not deliverable development opportunities capable of accommodating identified needs and potential demand for inward investment for B1, B2 and B8 uses without releasing a significant amount of land from the Green Belt. Thus, whilst national policy generally aims to meet development needs in full, in this case specific policies in the NPPF relating to Green Belt indicate that development should be restricted³⁵. I consider whether there are exceptional circumstances to justify releasing land from the Green Belt to accommodate all or some of the identified needs and potential demand, and the specific sites allocated for employment development, later in the report.

Conclusion

42. I conclude that the Plan is based on robust and proportionate evidence about the need and demand for different types of economic development. However, whether the approach taken in the Plan to accommodating those needs is justified requires consideration of a number of other matters, including about the Green Belt and the allocated sites. I will turn to these matters in due course.

Is the Plan's assessment of housing need and requirements justified and consistent with national policy?

Objectively Assessed Need for Housing in Broxbourne Borough

43. The Plan aims to ensure that an objectively assessed need for **7,718** dwellings in the period 2016 to 2033, or an average of **454** per year, is met. This is based on analysis carried out for the Council in 2016 and 2017³⁶.
44. In accordance with national policy and guidance³⁷, that assessment took as its starting point the latest available (2014-based) national household projections. These indicated that there would be an additional 6,933 households in the Borough between 2016 and 2033. This figure was adjusted to include an allowance for vacant and second homes (+1.3%) and to take account of market signals (+10%) to arrive at the requirement for 7,718 dwellings.
45. During the examination, 2016-based household projections were published³⁸. These indicate a lower level of household growth in the Borough over the plan

³⁴ E1 section 7, and oral evidence by the Council and others on 11 September 2018.

³⁵ NPPF paragraphs 14, 20 and 21.

³⁶ *Review of Objectively Assessed Need for Housing* (2016) [H3] and *Partial Review of Objectively Assessed Need for Housing* (2017) [H2].

³⁷ PPG-ID-2a-015.

³⁸ *2016-based household projections in England* (ONS 20 September 2018).

period: 5,029 households (296 per year)³⁹. I will return to the implications of this after I consider the Council's assessment of housing need.

46. Market signals, particularly an affordability ratio (house prices to incomes) that has more than doubled since 2000 and risen by 50% since 2013 to over 11:1 in 2018, indicate that there has been an imbalance between supply and demand in the Borough for some considerable time. National guidance is clear that in such circumstances an upward adjustment should be made which could reasonably be expected to improve affordability. Having regard to that advice, the Council's adjustment of 10% is based on comparisons with uplifts made in other local plans in 2014 and 2015. However, I have also been advised of higher uplifts in plans for areas with similar affordability issues to Broxbourne. These include Braintree (15%); Canterbury, Chelmsford and Mid Sussex (all 20%); Waverley (25%); and Cambridge/South Cambridgeshire (30%). Whilst I am reluctant to attach too much weight to approaches taken elsewhere, as the Council itself has used comparisons with other areas, a higher uplift than 10% could have been made.
47. The Council's assessment assumes that the levels of net in-migration included in the 2014-based projections, which are slightly higher than longer-term trends, will continue. Furthermore, it takes account of a range of economic forecasts that are consistent with the Council's aim of accommodating 6,500 additional jobs in the Borough. There is no sound reason, therefore, why a greater number of homes should be provided to accommodate greater in-migration to support the economic growth aims of the Plan, particularly bearing in mind the high levels of commuting that take place to and from the Borough.
48. As in many other parts of the country, there is a long-term downward trend in household formation rates for the 25-34 year old age group in the Borough. Whilst this is likely to be an indicator of demand being suppressed by a lack of housing that those households could afford, there are also other potential social and economic explanations, including associated with increased international migration and increased participation in higher education. Furthermore, the Council's assessment included a sensitivity test which shows that increasing household formation rates for that age group would have a modest impact on the overall need, and that this would be less than that made to reflect market signals.
49. Unattributable population change ("UPC") is a factor applied by the Office of National Statistics to recalibrate mid year population estimates between 2001 and 2011 so that there is alignment between the censuses carried out in those years. In Broxbourne, UPC shows a potential underestimate of just over 2,000 people. This is potentially significant as it equates to around 30% of the population growth between 2001 and 2011. However, the cause of UPC is unknown. It could be a result of errors in one or both of the censuses or, more likely, due to inaccuracies in migration estimates. Given that ONS improved its methods of estimating international migration in 2006, UPC is most likely to relate to the period before that date. As the 2014-based household projections are more strongly influenced by more recent trends, it is unlikely that they are significantly deflated by any potential underestimates

³⁹ EXAM14C.

of migration and population growth in the early 2000s. Furthermore, as already noted, those projections include slightly higher levels of migration than longer-term trends suggest.

50. The Council's allowance of 1.3% for vacant and second homes is based on Council tax data. However, the 2011 census indicates that 4.1% of homes were unoccupied at that time. Council tax data between 2011 and now indicates a falling vacancy rate, but that could be explained by the fact that financial incentives for registering a home as unoccupied have decreased in recent years. Vacancy rates of around 3% are more typical in most parts of the country, and I consider that such an assumption would be more reasonable to make for Broxbourne in the absence of any robust evidence to indicate otherwise and given what the 2011 census data indicates.
51. In summary, therefore, I consider that whilst the overall approach taken by the Council to calculating the objectively assessed need for housing was reasonable, the two necessary adjustments could both have been higher.
52. I turn now to the implications of the 2016-based household projections published by ONS in September 2018. This issue was considered at a resumed hearing session in November 2018 in the context of a Government consultation exercise about the use of the ONS projections in assessing housing need that was taking place at the time⁴⁰.
53. Whilst relevant national guidance suggests that the latest household projections should be the starting point for assessing housing need, it also recognises that there is no one methodological approach that provides a definitive assessment, and advises that housing assessments should not automatically be rendered outdated every time new projections are issued. Therefore, especially given the advanced stage reached in the plan making process, it is reasonable to consider the underlying reasons for the 2016-based household projections being lower than those assumed in the Plan, rather than embark upon a comprehensive new assessment based on a lower demographic starting point.
54. Population growth underlying the 2016-based household projections is lower than that assumed in the Plan. Whilst this is partly due to lower birth rates and life expectancy, this would have only a modest effect on household growth during the plan period. More significant is the lower net in-migration to the Borough included in the 2016-based population projections (2,770 fewer people over the plan period) compared to those used by the Council. I've already noted that the net in-migration assumed in the Plan is slightly above long-term trends, and therefore a reduction in the figure is not altogether surprising.
55. In addition to lower population growth, the 2016-based projections assume lower household formation rates compared to those assumed in the Plan, which, as already noted, are themselves lower than in the past particularly for the 25-34 year old age group.

⁴⁰ *Technical consultation on updates to national planning policy* (MHCLG, 26 October 2018).

56. Data published since the Plan was prepared shows that housing completions have been below relevant requirements every year since 2011 with a cumulative deficit of around 1,000 dwellings since 2007⁴¹. Whilst the number of new homes built each year is only a small proportion of the total stock, it is likely that in recent years household growth in the Borough has been suppressed due to lack of supply and worsening affordability, particularly in terms of higher levels of out migration, lower levels of in migration, and lower household formation rates. As the 2016-based projections are heavily influenced by trends in recent years, it is therefore likely that they project forward suppressed household formation for those reasons.
57. Establishing future housing need is not an exact science. The Council's assessment was generally reasonable, although greater upward adjustments could have been made for market signals and vacancy rates. On the other hand, more recent demographic data suggests that natural population change and net in migration to the Borough could be lower than assumed in the Plan. On balance, in light of all of the evidence that I have read and heard, I am satisfied that the objectively assessed need for **7,718** homes (**454** per year) assumed in the Plan is justified and consistent with national policy.

Housing Requirement for the Plan Period

58. I turn now to consider whether the Plan's housing requirement ought to be any different to the objective assessment of need.
59. Broxbourne's location in relation to London and other settlements in Hertfordshire and Essex means that it could reasonably be considered to be in various different housing market areas overlapping with surrounding boroughs and districts⁴². Broxbourne could, therefore, potentially meet needs arising in some of those surrounding areas, and the opposite could also be true. I have already concluded that the Council has discharged its duty to cooperate, which is the main statutory mechanism to address such cross border strategic issues. Plans are in various stages of preparation and review at the present time in many of the surrounding areas, but the only authority that has suggested that it may be appropriate for some of its needs to be met in Broxbourne is the neighbouring borough of Welwyn Hatfield. However, whilst there may be difficulties in meeting needs in that borough without the development of Green Belt land, the examination into that local plan is on-going. Given this uncertain context, and because of the Green Belt constraints that also exist in Broxbourne, I do not consider that the Plan should be modified to make provision to meet potential unmet need from Welwyn Hatfield.
60. I consider later in this report the matter of affordable housing, but it is undisputed that the identified need for 291 affordable homes per year is highly unlikely to be met. Accordingly, in line with national guidance, it is necessary to consider whether the housing requirement should be increased above the level of objectively assessed need. In a high demand area like Broxbourne, it is likely that such an approach would result in more market housing being built which in turn would result in more affordable homes given the requirements of

⁴¹ Broxbourne Borough Council Annual Monitoring Report 2017.

⁴² SUB8 Appendix D includes a number of different housing market areas identified in work over the last ten years.

policy H1. However, the result would be to increase net in migration to the Borough and require the development of land that is currently in the Green Belt. I do not consider such an approach to be justified or consistent with national policy. Furthermore, the fact that the housing requirement in the Plan is significantly above the demographic starting point means that it should help to improve the affordability of market housing and deliver more affordable homes than would be the case if it simply planned to accommodate the growth indicated by household projections.

61. In summary, I conclude that the housing requirement defined in the Plan, which equates to the objectively assessed need, is justified. I consider whether the Plan should provide for less housing development than is required in the context of national Green Belt policy later in this report.

Five Year Housing Requirement

62. In order to ensure that the Plan is positively prepared, effective and consistent with national policy, it should set out an up to date five year requirement. Taking account of completions between 2016 and 2018 and applying a 20% buffer in line with national policy⁴³, the five year requirement at 1 April 2018 was **3,223** dwellings (rather than 2,297 dwellings at 1 April 2017 as stated in Table 1 of the Plan).

Conclusion

63. I conclude that the Plan's assessment of housing need for the Plan period is justified and consistent with national policy, but that the five year requirement included in Table 1 is not. However, before determining what main modifications need to be made to the Plan, I need to first consider whether the Plan's approach to accommodating housing need is justified in the context of national policy about Green Belt.

Is the amount of retail and leisure development proposed in the Plan justified?

Introduction

64. Policy DS1 states that provision will be made for around **40,000 sqm** of new retail development and around **10,000 sqm** of new leisure development, primarily at Brookfield Riverside.
65. The Council's main evidence for these proposals is set out in a *Retail and Leisure Study* published in 2015 and subsequent partial updates, the latest of which was published in September 2018⁴⁴. This evidence, which is consistent with the population growth that the Plan aims to accommodate, identifies potential need for the following net additional floorspace by the end of the plan period after having taken account of current committed retail developments:
- 4,800 sqm to 5,300 sqm for convenience goods.

⁴³ The 20% buffer reflects a record of persistent under delivery, and is applied to the shortfall in delivery between 2016 and 2018 as well as to the basic five year requirement: $(5 \times 454) + 416 = 2,686 + 20\% = 3,223$.

⁴⁴ RT3 and RT3B.

- 17,100 sqm to 29,600 sqm for comparison goods, based on Broxbourne retaining a constant share of trade in the wider retail catchment area.
 - 31,200 sqm to 53,900 sqm for comparison goods, based on Broxbourne increasing its market share of the wider area by 15%.
66. The study also indicates potential need for new health and fitness clubs, a ten-pin bowling alley, a number of additional restaurants, and a small multiplex cinema based on what is currently available in the Borough for local residents. The Council has estimated that such developments could together require a total of around 10,000 sqm of floorspace.
67. The study advises that the long-term assessment should be treated with caution due to the obvious difficulties inherent in predicting the performance of the economy and shopping habits over time. I agree that this is the case, particularly as the long term consequences of the continuing growth in internet shopping on the demand for traditional retail floorspace are uncertain. However, it is necessary to establish a reasonable estimate of need to determine if the Plan's proposals for accommodating such development are justified and consistent with national policy, particularly as the proposed approach involves removing land from the Green Belt at Brookfield Riverside.

Convenience Goods Shopping and Leisure Facilities

68. There is no substantive evidence before me to indicate that the Council's estimates of need for additional convenience goods shopping floorspace or additional leisure facilities are not justified.

Comparison Goods Shopping

69. The ranges referred to above for the constant market share and 15% market share uplift scenarios for comparison goods shopping floorspace are derived from applying different sales densities. Given that the Plan proposes to meet such need primarily in a variety of "high street" shops in a new town centre at Brookfield, the lower densities tested (which result in higher floorspace requirements) are not appropriate as they are typical of bulky goods retailing.
70. The lower floorspace requirements in each of the scenarios assume an average sales density of £4,750 per sqm in 2018, with this rising to £6,590 per sqm by 2033. These figures are based on industry-recognised sources, and are broadly consistent with the average sales density for a sample of ten main high street comparison goods retailers⁴⁵. However, there is local evidence of sales densities in 2018 being in the range £5,350 per sqm to £7,500 per sqm⁴⁶. This would indicate a need for less additional floorspace.
71. With regard to whether the Plan ought to seek to achieve a 15% market share uplift, at present 45% of shopping expenditure by Broxbourne residents is made outside the Borough. However, conversely there is a significant amount of expenditure made by non-Broxbourne residents at shops in the Borough. This pattern of shopping behaviour is not surprising given the relatively small

⁴⁵ Council matter 5 hearing statement pages 3-4.

⁴⁶ EXAM2 paragraph 47 and BPUT matter 5 hearing statement paragraph 1.12 and appendix 2 1.14

size of the Borough, its good road and rail transport links, and the proximity of other large areas of population and town centres and other retail outlets.

72. National policy is clear that local planning authorities should meet the development needs of their areas, and there is no evidence before me to indicate that local plans in other parts of the retail study area are failing to do that with regard to retail development. Nor have I been made aware of any requests under the duty to cooperate for Broxbourne to attempt to alter the existing nature of shopping patterns in the wider area. There is, therefore, no identified need for Broxbourne to increase its market share, and certainly not by 15%. Furthermore, if such an increase in market share were achieved, around half of the additional expenditure at the new shops at Brookfield would be by residents from outside the Borough⁴⁷.
73. The Council's impact assessment⁴⁸ indicates that, assuming a sales density of £6,273 in 2026, an additional 35,000 sqm of net comparison goods floorspace would reduce expected turnover at Waltham Cross by 5.1%, Enfield by 7.3% and Harlow by 8.5%. These impacts may be more than offset by underlying turnover growth, and there is no substantive evidence of significant adverse impacts on existing, committed or planned investment in these or other town centres. However, concerns were raised during the preparation of the Plan about the impacts on town centres in the surrounding area, and any diversion of trade from nearby Waltham Cross town centre is likely to undermine the Council's own regeneration objectives and the implementation of policies WC1, WC2 and WC3 in the Plan.
74. To put this in context, the amount of additional comparison goods floorspace proposed in the Plan would be greater than currently exists in the Borough's three town centres of Cheshunt, Hoddesdon and Waltham Cross combined. The creation of such a significant shopping and leisure destination in the location proposed would undoubtedly have impacts beyond the Borough, both in terms of trade in other town centres and use of the transport network.
75. I do not, therefore, consider that the amount of retail development proposed in policy DS1 is justified. Specifically, the evidence does not demonstrate that there is a need for the Borough to increase its share of retail trade in the wider area, and there is evidence that sales densities could be higher than assumed by the Council. This means that, having taken account of commitments, the amount of net additional comparison goods floorspace needed in the Borough by the end of the plan period is unlikely to be more than around 17,000 sqm⁴⁹. To reflect the 2,000 sqm of floorspace that has planning permission at Brookfield Retail Park and to allow for 5,000 sqm of convenience goods floorspace, policy DS1 should therefore refer to an overall retail need figure of around **24,000 sqm** (rather than 40,000 sqm). Even this would represent a significant increase relative to the floorspace in the Borough's existing town centres. I therefore recommend that policy DS1 is modified accordingly [**MM3.1** and **MM3.2**].

⁴⁷ BPUT matter 5 hearing statement paragraph 1.32.

⁴⁸ RT1A Figure 2.3.

⁴⁹ *Broxbourne Retail and Leisure Study* correction note Figure 1.4 [RT3B September 2018]

Conclusion

76. I conclude on this main issue that the amount of retail and leisure development proposed in the Plan is not justified and that policy DS1 therefore needs to be modified. I deal with the implications of this for other policies in the Plan later in this report.

Is the development strategy set out in policy DS1 justified; are there exceptional circumstances to justify altering established Green Belt boundaries; and will the proposed boundaries promote sustainable patterns of development and be capable of enduring beyond the plan period?

Introduction

77. The development strategy set out in policy DS1 focuses most development on a number of strategic sites, most of which are outside the existing built up parts of the Borough.
78. Virtually all of the undeveloped land outside the built up area forms part of the Metropolitan Green Belt that was established many decades ago to control the outward spread of London⁵⁰. Today, the Green Belt in the Borough performs the following main purposes identified in national policy⁵¹:
- checking the unrestricted sprawl of the large built up area in the east of the Borough stretching from Hoddesdon in the north to Waltham Cross in the south;
 - preventing Enfield in London merging with the towns of Waltham Cross and Cheshunt in the area to the west of the A10⁵²;
 - safeguarding the countryside outside the Borough's towns and villages from encroachment; and
 - assisting in urban regeneration, by encouraging the recycling of derelict and other urban land.
79. The Plan includes policies and proposals that would entail the removal of a total of **467 hectares** of land from the existing Green Belt as defined by the detailed boundaries in the local plan adopted in 2005. This would represent around 14% of the existing Green Belt in the Borough.
80. Most of this land is proposed for residential development along with associated local facilities, services and infrastructure, mainly at three strategic locations (Brookfield, Rosedale Park and Hoddesdon) but also on a limited number of other sites. However, 40 hectares would be developed with offices at Park Plaza West; 37 hectares at Maxwells Farm / Rush Meadow would be safeguarded for an unspecified form of development that would contribute to the Plan's strategic objectives; and the eastern part of the 128 hectares at Brookfield would be developed with offices and part of a proposed town centre.

⁵⁰ The history of the Metropolitan Green Belt is summarized in paragraph 1.6 of the Council's *Green Belt Topic Paper* [GB1] and the broad extent of it in Broxbourne and the surrounding parts of Hertfordshire, Essex and London are illustrated on Figure 1 of that document.

⁵¹ NPPF paragraph 80.

⁵² Waltham Cross and Enfield have already merged to the east of the A10.

81. Whilst identified development needs should generally be met in full, this need not be the case where Green Belt restricts development opportunities⁵³. National policy is clear that, once established, Green Belt boundaries should only be altered in exceptional circumstances through the preparation of a local plan⁵⁴.
82. The Council commissioned two reviews of the Green Belt in the Borough in 2008, and reassessed the findings of these during the preparation of the Plan⁵⁵. My consideration of this issue takes account of that work as well as all of the other evidence submitted to the examination and, as stated earlier, the approach set out in the Calverton judgment. I will consider the nature and extent of harm to the Green Belt, and the extent to which the impacts on the purposes of Green Belt can be ameliorated, both on a site by site basis and cumulatively, in due course. However, I will first consider the acuteness of the needs for different types of development, and the availability of non Green Belt land and consequent difficulties in achieving sustainable development without impinging on the Green Belt.

Acuteness of the Need for Different Types of Development

83. I have found that there is an objectively assessed need for 7,718 additional homes in the Borough between 2016 and 2033. The consequences of not planning to meet that need would be to both increase the shortfall in the number of affordable homes and worsen even further the affordability of market homes. The evidence shows that the need is real and exists now, and failure to meet it would have significant social and economic adverse impacts. Boosting significantly the supply of housing is a national planning policy objective. For these reasons, I consider that great weight should be afforded to meeting the objectively assessed need for housing.
84. The evidence indicates a need for around 9 hectares of additional land for industry, at least 36 hectares for storage and distribution uses, and 17,500 sqm for "local" office development. There is no evidence to suggest that these estimates are unrealistic, or that they are not required to support the economy of the Borough in the coming years. The Government is committed to securing economic growth in order to create jobs and prosperity, and expects the planning system to do everything that it can to support sustainable economic growth. I therefore attach great weight to meeting the identified needs for development for "local" offices, industry, and storage and distribution.
85. In addition to the identified need for additional "local" office space, the evidence points to potential demand for at least one large, high quality business park in the Borough during the plan period. There are limited suitable sites available in the wider functional economic area for such a form of development, whereas two opportunities have been identified in the Borough (Park Plaza West and Brookfield Riverside, both of which are in the Green Belt). Capitalising on these opportunities would clearly bring economic and social benefits to the Borough and wider area, and would help to achieve

⁵³ NPPF paragraph 14.

⁵⁴ NPPF paragraph 83.

⁵⁵ GB1, GB2 and GB3.

the wider ambitions of the Council and partners, including the local enterprise partnership. However, the evidence does not point to acute economic or social problems that would be addressed by attracting such inward investment, nor has it been demonstrated that there is a particular reason why offices of the type envisaged require a location in Broxbourne. Therefore, whilst the benefits that such development would bring to the Borough and wider area mean that significant weight should be given to the aim of accommodating one high quality business park, further such provision in the Plan cannot be justified.

86. I have found that the Plan is based on reasonable estimates of the need for additional floorspace for convenience goods and leisure uses, but that the need for comparison goods should be reduced. Based on the available evidence, those needs are real and should be met in accordance with national policy. Furthermore, accommodating that need largely at Brookfield in a way that integrates with the significant amount of existing retail floorspace there offers the potential to create a new town centre. I consider the approach to this elsewhere in this report, but suffice to say at this stage that significant weight can be given to meeting the need for main town centre uses that I have identified in that manner.

Capacity of Non Green Belt Land in the Borough to Accommodate the Identified Needs for Economic and Housing Development

87. In preparing the Plan, the Council looked for development opportunities in non Green Belt locations⁵⁶. It concluded that intensification of the existing residential areas would adversely impact on the suburban character of much of the Borough; the nature and location of town centres and railway stations limit the scope for significant additional development at those locations; and there is very little vacant land at existing employment sites.
88. There is limited evidence of systematic analysis of the potential for, and consequences of, comprehensive or widespread intensification of existing residential and industrial areas during the preparation of the Plan. However, the economic viability of such an approach would be problematic, and it would be highly unlikely to be effective in meeting any significant proportion of identified needs for housing, industry and warehousing development during the plan period.
89. In that context, the Council's evidence about the urban capacity of the Borough is proportionate. All specific available opportunities for further significant development in non Green Belt locations are proposed in the Plan including Cheshunt Lakeside (policy CH1), Waltham Cross town centre (policy WC2), and Park Plaza north and south (policies PP2 and PP3), and there a number of policies that are aimed at securing longer term regeneration including at Waltham Cross (policy WC3), Macers Estate (policy WT2) and elsewhere. Furthermore, for the reasons set out elsewhere in this report, subject to main modifications the Plan makes a justified assumption about future windfall development (70 dwellings per year) within urban areas and contains a policy to optimise the use of urban land.

⁵⁶ Option reports O1 to O6; Employment Land Study E1; and Retail and Leisure Study RT3.

90. With regard to residential development, the latest evidence indicates urban capacity in the Plan period for around 4,075 dwellings⁵⁷. This means that, unless land is released from the Green Belt, there would be a shortfall of over 3,600 dwellings against the objectively assessed need for housing.
91. The capacity for accommodating additional employment uses without significant redevelopment of existing industrial areas is limited, and would clearly be insufficient to meet identified needs for industrial and storage and distribution uses.
92. The physical capacity of town centres and other locations to accommodate identified needs for "local" offices has not been precisely quantified. Whilst there is potential for some additional provision in and around town centres, their nature and small scale mean that opportunities are likely to be limited in the short term, but there may be the potential for further main town centre use development in and around Waltham Cross town centre in the medium to longer term.
93. There are no sites for high quality office business parks in non Green Belt locations in the Borough, and limited opportunities in the wider functional economic market area.

Harm to the Green Belt, Potential Amelioration of that Harm, and Promoting Sustainable Patterns of Development

94. I turn now to consider the harm that would be caused to the Green Belt by the development proposed in the Plan, the extent to which that could be ameliorated, and whether each proposal would promote sustainable patterns of development⁵⁸. I deal with other site-specific issues associated with the development proposed in each of these areas later in this report.

Openness

95. Clearly, the erection of new buildings would permanently detract from the openness of the areas concerned, thereby undermining the fundamental aim of Green Belt policy. The exact extent of the loss of openness in each case would depend ultimately on the scale and type of new buildings, but in broad terms the larger the area of development the greater the loss of openness there would be. Bearing that in mind, I will now consider the harm to the Green Belt in each area proposed for release in terms of the purposes that I have already described the Green Belt playing in the Borough.

Urban Regeneration

96. Given the limited opportunities for development within urban areas, the residential developments and high quality business park on land to be removed from the Green Belt are unlikely to have anything more than a limited impact on urban regeneration. However, development of retail, leisure and smaller scale "local" office developments on land currently in the Green

⁵⁷ EXAM26A.

⁵⁸ NPPF paragraph 84.

Belt could impact on urban regeneration, particularly in and around town centres.

Brookfield

97. Brookfield Garden Village, and the part of the proposed Brookfield Riverside town centre and business park to the north of New River, would represent a highly significant encroachment into attractive, largely undeveloped open countryside to the west of the A10. Whilst part of the site was subject to mineral working in the past, it has now essentially integrated back into the wider countryside and includes ancient woodland along Turnford Brook in the valley bottom.
98. The development would extend the Borough's existing large urban area beyond the clear physical features of the A10 and New River. However, future sprawl beyond the proposed Green Belt boundaries could be effectively restricted by existing and proposed landscape features. Furthermore, careful design, layout and landscaping could minimise the visual impacts of the proposed development, much of which would be within a topographical bowl. I return to whether policy BR1 would be effective in ensuring this later in this report.
99. Whilst the site forms part of the much larger area of open countryside between the towns in the Borough, Enfield to the south, Potters Bar, Hatfield and Welwyn Garden City to the west and Hartford to the north, the intervening distances would mean that the proposal would have only a limited adverse impact on the purpose of preventing the merging of towns.
100. The proposed garden village would include a neighbourhood centre and primary school, and the proposed new town centre at Brookfield Riverside would be linked by pedestrian and cycle routes and public transport. It would provide the opportunity for future and existing residents in the area to access a range of shops, services and facilities by a variety of means of transport, and reduce the need to travel to town centres elsewhere in the Borough and beyond. Overall therefore, subject to my recommended main modifications, the development proposed at Brookfield would make a positive contribution towards achieving a sustainable pattern of development.

Rosedale Park

101. The development of over 800 dwellings and associated infrastructure including a primary school on a number of sites at Rosedale Park would represent an encroachment into the remaining attractive countryside in the Rags Brook valley on either side of Andrews Lane between Cheshunt and the villages of St James and Goffs Oak. It would extend the large built up area westward towards those two small settlements which are at present essentially physically separate.
102. High quality design and layout and the proposed extensive areas of landscaped parkland would ameliorate the impact on the countryside. The fact that the land is largely contained by built development and roads means that the proposed Green Belt boundaries would be clear and defensible and that further sprawl could be restricted. It would also mean that the proposal would have little if any impact on the purpose of preventing the merging of

Cheshunt with other Hertfordshire towns beyond the Borough or Enfield to the south east.

103. The proximity of the land to the existing large built up area and local facilities, and the proposed access links, including for pedestrians and cyclists, mean that the proposal would contribute positively to creating a sustainable pattern of development.

Goffs Oak Village (4 sites)

104. The four modest-sized sites would encroach to a limited degree into the countryside around Goffs Oak village. However, each is well related to the village and largely contained by landscape features. Whilst there would be a degree of physical separation from the Rosedale Park proposal, the sites at Goffs Oak would in effect further extend the large built up area westward. However, the impact in terms of merging towns and urban regeneration would be minimal. The additional residents would be likely to support local services and facilities in Goffs Oak, and the proposed new restaurant and public open space in the centre of the village would mean that the proposals would contribute positively to creating a sustainable pattern of development in this more rural part of the Borough.

Bury Green

105. The various sites proposed for mainly residential development at Bury Green are contained by the existing large urban area to the north and east and by a dual carriageway to the south and west. In effect, the proposals would make good use of available pockets of urbanised land between existing areas of development and assist in the regeneration of this part of the Borough. The proposals would have little if any negative impacts on any Green Belt purposes, the proposed boundaries would be clear and defensible, and there would be a positive effect on the objective of creating a sustainable pattern of development.

Park Plaza west of A10

106. The development of a business park on 40 hectares of undeveloped land to the west of the A10 would represent an encroachment into the countryside and an extension to the large built up area of Waltham Cross. Furthermore, whilst undeveloped land to the south of the M25 and west of the A10 is within the Green Belt defined in the Enfield Local Plan, the proposal (in combination with the removal of land from the Green Belt at Maxwells Farm/Rush Meadow) would undermine the objective of preventing the further merging of Waltham Cross and Cheshunt with Enfield. This would be readily apparent to people entering the Borough on the A10 from Enfield or the M25: rather than experiencing mainly open land to the west for a considerable distance, the area would become largely developed all the way to Cheshunt.
107. The harm to these three Green Belt purposes would be ameliorated to some degree by the fact that the proposal is for a high quality, low density, well landscaped business park with the retention of a significant area of open land between the buildings and the M25.

108. The type of offices proposed would represent a significantly different offer to that which could be provided by existing or proposed offices within the existing urban areas and therefore the proposal would be unlikely to have a significant detrimental impact on urban regeneration.
109. Whilst public transport, pedestrian and cycle links may be provided, the location of the site alongside the A10 and M25 and some distance from Waltham Cross town centre and residential areas means that many future employees and visitors to the business park would be likely to use private motor vehicles.

Maxwells Farm / Rush Meadow west of A10

110. Whilst the type of uses on the 37 hectares of land at Maxwells Farm and Rush Meadow is not specified, the Plan allows for its ultimate development. In combination with the development proposed at Park Plaza West it would represent an encroachment into the countryside and further extension to the large built up area along the west side of the A10. However, as it is largely contained by housing and schools to the north and west and a dual carriageway to the south, the extent of sprawl would be limited. Provided that the uses allowed on the site were appropriate (which I consider later in this report), it could make a positive contribution to achieving a sustainable pattern of development given its location in relation to existing urban areas.

Albury east of A10

111. Much of the 40 hectares of land at Albury is influenced by urban uses including a school, football club, and car parks. Furthermore, it is contained by Cheshunt to the north and east; Cedars Park to the south; and the A10 to the west. The development proposed on the eastern part of the site includes a new school and the redevelopment of the football club to include commercial and community uses as well as new homes. This would assist in the regeneration of this part of the urban area not far from Cheshunt and Waltham Cross town centres.
112. Whilst the western part of the site is undeveloped and contributes at present to the open nature of this part of the A10, it is physically and visually separate from the open countryside to the west and south west. Overall, the land plays only a limited role in preventing sprawl and protecting the countryside from encroachment, and no significant role in preventing the merging of towns. Development proposed in the Plan is limited to the eastern parts of the land which relate closely to the existing built up area, and the western part is proposed as a "landscape protection zone" to retain some of the open land alongside the A10 in this part of the Borough. However, to be effective in that regard, policy CH8 needs to specify what limited forms of development may be permitted on that land [**MM7.10**].

West of Hoddesdon

113. The development of High Leigh Garden Village on over 40 hectares of land to the west of Hoddesdon would represent a significant encroachment into the countryside and the sprawl of the large urban area westward. However, the land is contained by the A10 to the west, and is in reasonable proximity to the

town centre and existing employment sites meaning that would contribute towards a sustainable pattern of development.

Broxbourne School

114. The redevelopment of the existing school site for housing, and the provision of a new school on undeveloped land to the south would represent a limited encroachment into the countryside and extension of the large built up area of Broxbourne. However, overall the proposal would assist with urban regeneration and creating a sustainable pattern of development through the provision of a new school and new homes well related to the existing built up area.

Britannia Nurseries

115. The site is well related to the large built up area of Waltham Cross and was under construction at the time of the examination. Any further assessment of the impact on Green Belt purposes would not materially affect my consideration of the soundness of the Plan.

Cumulative Impact

116. In light of the above, the cumulative harm to Green Belt purposes would be moderate with regard to checking unrestricted sprawl, preventing neighbouring towns merging, and assisting in urban regeneration; and significant in terms of safeguarding the countryside.

Would the Green Belt boundaries need to be altered again in a future review of the Plan?

117. Based on the evidence before me, it is unlikely that the Green Belt will need to be amended again before 2033 to meet currently identified development needs. However, a new secondary school may be needed in the Borough before 2033. If this is so, it is possible that it may require development on land that is in the Green Belt as currently proposed in the Plan. For the reasons set out later in this report, this would be addressed through a plan-led approach consistent with national policy in accordance with my recommended main modification to policy INF10.

118. There are, of course, considerable uncertainties about what development will be needed in the Borough in the longer term and it would not be appropriate to attempt to quantify that at the present time. In terms of how needs may be met in the longer term, the Plan identifies a number of significant opportunities including in and around Waltham Cross town centre and elsewhere associated with Crossrail 2. In addition, the Council may wish to consider further whether the existing residential and industrial areas in the Borough have greater potential for intensification through redevelopment and infilling.

119. In that context, and because of the importance of getting a local plan for the Borough adopted as soon as possible for the reasons outlined earlier, I am satisfied that appropriate consideration has been given to the objective of

ensuring that Green Belt boundaries are capable of enduring beyond the plan period⁵⁹. Certainly, there are not exceptional circumstances to justify taking additional land out of the Green Belt at the present time. Subject to my recommended main modifications, the proposed Green Belt boundaries to the sites that have been removed from the Green Belt are clearly defined and likely to be permanent.

Conclusion on whether there are exceptional circumstances to justify altering established Green Belt boundaries, and whether the proposed boundaries promote sustainable patterns of development

120. For the reasons set out earlier, it is clear that the development that I have identified as being needed in the Borough during the plan period could not be accommodated without building on land that it is currently in the Green Belt.
121. Development in each of the areas proposed for removal from the Green Belt would, to differing degrees, lead to a loss of openness and harm one or more Green Belt purposes. Overall the harm would be moderate to significant, provided that the development on each of the sites was of an appropriate type, scale, design and layout. This would be ensured by policies in the Plan, subject to relevant main modifications that I recommend throughout this report.
122. The moderate to significant harm that would be caused to the Green Belt would be outweighed by the very significant social and economic benefits that would arise from accommodating the development that I have concluded is needed in the Borough in ways that would help to create a sustainable pattern of development.
123. I therefore conclude that the development strategy set out in policy DS1 is justified and there are exceptional circumstances to justify altering established Green Belt boundaries. Furthermore, the proposed boundaries would help to promote sustainable patterns of development, provided that the uses proposed on the land are appropriate and that there are not other site-specific reasons that mean development should be prevented. Those are matters that I consider later in this report.

Is policy BR1 relating to Brookfield justified and consistent with national policy and, if so, would it be effective in ensuring that development in that area is delivered in an acceptable manner?

The proposals

124. Policy BR1 proposes the development of a "sustainable and integrated garden suburb" comprising "Brookfield Riverside" and "Brookfield Garden Village" on land to the west of the A10 Turnford interchange, most of which is currently in the Green Belt. A new link road would serve both parts of the development, connecting Halfhide Lane to the Turnford interchange. An indicative layout is shown on a concept plan (Figure 3).

⁵⁹ NPPF paragraph 83.

125. Brookfield Riverside would include around 33,500 sqm of retail floorspace; 10,000 sqm leisure floorspace; 30,000 to 50,000 sqm of office space; a new civic centre; 250 dwellings; and elderly persons accommodation. It would be located on land to the north of large Tesco and Marks and Spencer stores, and east of an existing small retail park. The proposal would require the relocation of the Halfhide Lane travellers site, allotments, a household waste recycling centre and council depot. Whilst not stated in policy BR1, it is clear from the reasoned justification and policy RTC1 that the intention is to, ultimately, create a new town centre.
126. The Garden Village would include around 1,250 homes, elderly persons accommodation, a local centre and primary school on land to either side of Turnford Brook to the north and west of Riverside in the open countryside. The policy proposes public open space and woodland including the enhancement of the valley of Turnford Brook as a green corridor and a linear park running west to east through the centre of the development.
127. I have already concluded that there are exceptional circumstances to justify removing land for development in this area, provided that the scale of development is justified by evidence of need and that there are not site-specific issues that could not be satisfactorily overcome. I consider now whether policy BR1 is justified and whether it would be effective in those respects, and if not how it could be modified to ensure that it is.

The site and surroundings

128. The Garden Village, and the part of the proposed Brookfield Riverside town centre and business park to the north of New River, form part of the attractive open countryside to the west of A10. The eastern part is largely flat, but the land rises to the north and south of Turnford Brook and more steeply to the west towards the existing woodland along Park Lane Paradise.
129. There are two areas of substantial, well-preserved medieval earth works in the woodland to the south of the brook, both of which are scheduled monuments and areas of archaeological interest. The significance of these designated heritage assets arises in part from their position within woodland alongside the brook in the valley bottom in a rural area. There are also two other areas of archaeological interest elsewhere within the site: one containing evidence of a Roman settlement, and the other evidence of prehistoric burial mounds.
130. To the north, facing the site from the hillside on the other side of Wormleybury Brook, stands Wormleybury House within parkland grounds. The house is a grade I listed building, and the grounds are a grade II registered park and garden within which are numerous other listed buildings and structures not far from the site boundary. The open countryside to the south of these important heritage assets, including the site of the Garden Village, forms part of their rural setting.
131. Turnford Brook and the adjoining woodland is designated as a local wildlife site and covered by a tree preservation order, and there are other areas of woodland and wildlife sites immediately adjoining and surrounding the site. There is evidence of protected species and other wildlife inhabiting and using the site and surrounding area.

Why policy BR1 is unsound

132. Given the extent and nature of the proposal and the character of the local environment, it is essential that the Plan sets out a clear framework for the scale and layout of development, particular requirements that need to be met, and how the scheme is to be implemented. As drafted, policy BR1 and the concept plan would not be effective as it essentially sets out a list of land uses and, whilst it aims to avoid piecemeal development, this is dependent on a masterplan being prepared outside the statutory planning process. This would not be consistent with national policy which advises that local plans should provide detail on form, scale, access and quantum of development where appropriate⁶⁰.
133. I have already concluded that the amount of retail floorspace proposed in the Plan should be reduced from 40,000 sqm to 24,000 sqm, and that there is a need for 17,500 sqm of office floorspace in addition to one high quality business park to attract inward investment at Park Plaza West. In this context, the amount of retail and office floorspace proposed in policy BR1 is not justified by evidence of need and would be harmful in terms of the impacts on existing town centres and travel patterns. Nor would the policy be effective in ensuring that the range of main town centre uses were developed in such a way that they would integrate with the existing shops at Brookfield to create a new high quality town centre.
134. The Halfhide Lane traveller site has 15 pitches⁶¹ and is clearly highly valued by the families who have lived there for around 40 years as a close knit community. Neither the proposal in policy BR1 to relocate these homes, nor the indicative route of the proposed link road through the existing site shown on the concept plan, are justified as it is by no means clear that other layouts could not achieve a satisfactory form of development.

Modifications required to policy BR1 to make the Plan sound

135. Substantial changes are needed to the Plan to overcome the soundness issues that I have identified. Policy BR1 needs to be deleted and replaced with policies that clearly set out details of the developments proposed, specific requirements that need to be met, and how they will be implemented.
136. To meet the needs for development that I have found to be justified, having regard to other proposals in the Plan, Brookfield Riverside should accommodate up to 19,000 sqm of net comparison retail floorspace (including 2,000 sqm that has planning permission at Brookfield Retail Park), 3,500 sqm of convenience goods floorspace, 10,000 sqm of leisure floorspace, and 12,500 sqm of office floorspace. This, along with the civic centre, 250 homes, elderly persons accommodation, public open spaces, roads and pedestrian and cycle links, must be designed and laid out to integrate with the existing shops and create a new high quality town centre environment. Replacement policy BR1 makes this clear, and sets out specific criteria to ensure that it is effective in achieving those objectives.

⁶⁰ NPPF paragraph 157 5th bullet point.

⁶¹ GTAA Figure 4 [GT1].

137. New policy BR2 sets out the uses proposed at Brookfield Garden Village: approximately 1,250 new homes (subject to meeting the requirements of new policy BR6), elderly persons accommodation, a primary school, a neighbourhood centre containing local shops and facilities, and landscaped open spaces.
138. New policy BR3 makes it clear where the existing allotments, Council depot and household waste recycling centre will be relocated to within the Garden Village site.
139. New policy BR4 makes clear that an assessment of options for a link road between Halfhide Lane and the Turnford interchange needs to be carried out to determine whether the existing traveller site could be retained where it is, or whether it needs to be relocated within the Garden Village site. This will require careful consideration being given to options for the layout and design of the road and the part of the proposed town centre in the relatively narrow area of land between the travellers' homes and the A10. However, the policy also sets out criteria to ensure that a thorough assessment of options for where to provide a new traveller site within the Garden Village is carried out if relocation is proved to be essential. The policy is explicit that both assessments would need to be undertaken in consultation with the Halfhide Lane residents and other interested parties. This approach strikes an appropriate balance between ensuring that the new town centre can be created whilst also allowing the travellers to continue to live in their existing homes or be provided with an accessible, good quality new site within the Garden Village. I have omitted references to potential sites from paragraph 5.20 suggested by the Council as these are unjustified in advance of the process set out in the modified policy having been completed.
140. New policy BR5 sets out the highway infrastructure that needs to be provided, including the proposed link road in accordance with policy BR4 and a Garden Village distributor road. The latter would take the form of a tree-lined boulevard providing access to all parts of the development for buses, bicycles and private vehicles with multiple safe crossing points both for people and wildlife. Part II of policy BR5 sets out requirements to achieve sustainable travel, including the provision of bus services and high quality links for pedestrians and cyclists.
141. New policy BR6 deals with the environment and landscape of the Brookfield area. Part I sets out detailed requirements to ensure that the proposed development minimises impacts on and provides net gains for biodiversity. Part II makes clear that the extent, scale, density and layout of development, along with necessary mitigation, should ensure that harm to heritage assets on and around the site and their settings would be prevented, and how this would be achieved through a heritage impact assessment to inform the masterplanning process. Part III protects the valley of the Turnford Brook and ensures that new woodland and natural and semi-natural greenspaces would be created to mitigate any visual impacts on the wider landscape and maximise benefits to the natural and historic environment.
142. My recommended reasoned justification to policy BR6 provides further information about how these requirements could be met, including through the use of heritage and biodiversity impact assessments and potentially restricting

public access to certain parts of the site. Overall the policy should ensure that the biodiversity of the area is protected, and that the development will be designed in such a way to ensure that the significance of heritage assets and their settings, some of which are of the highest significance⁶², will be conserved. Specifically, the policy should be effective in protecting the scheduled monuments on the site, which are currently at risk through neglect and unauthorised access, and ensuring that their significance is better revealed in an appropriate way. The setting of the heritage assets at Wormleybury should be preserved through appropriate design, layout, density and landscaping of development, particularly on the higher ground on the northern part of the site.

143. New policy BR7 sets out how the masterplanning process will determine the quantum and distribution of land uses and other details of the development in the context of the requirements of policies BR1 to BR6. The policy also makes it clear that the Council (who, along with the county council, already own much of the allocated site) will use compulsory purchase powers if necessary to help deliver the proposal.
144. The indicative concept plan needs to be modified to reflect the requirements of policies BR1 to BR6. In particular, it needs to show the location of the heritage assets on and around the site; the existing traveller site and shops; the indicative route of the proposed roads (avoiding the traveller site) and locations of different parts of the development; and existing woodland and other landscape features as well as substantial areas of new green infrastructure including wildlife corridors across various parts of the site and linking to the surrounding countryside.
145. Arrangements are in place to secure a developer for the site in the near future and a planning application is expected to be submitted in 2020. Given this, the land ownerships, and the clear commitment that the Council has to delivery, it is reasonable to assume that at least 100 dwellings will be built on the first phase of the site by April 2023.
146. Collectively, the modified policies BR1 to BR7, reasoned justification, and indicative concept plan should be effective in ensuring that the development proposed, which would make a substantial contribution to meeting identified development needs, can be satisfactorily accommodated on the allocated site and assimilated into the surrounding rural landscape. Furthermore, the revised proposals should ensure defensible Green Belt boundaries defined by existing and proposed physical features, including woodland, that are likely to be permanent. I therefore recommend those main modifications [**MM3.9** and **MM3.10** and **MM5.1** to **MM5.18**].

Conclusion

147. For the reasons set out above, and elsewhere in this report, the Plan's proposals relating to Brookfield need to be modified so that it is justified, consistent with national policy and effective in ensuring that development in that area is of an appropriate scale and delivered in an acceptable manner.

⁶² NPPF paragraph 132.

Does the Plan identify an adequate supply of housing land and contain sound policies to ensure that it will be effective in meeting housing requirements in an appropriate and timely manner?

Introduction

148. I have already concluded that the Plan's housing requirement is justified and that there are exceptional circumstances to justify removing land from the Green Belt to accommodate development. Under this issue I consider whether the sites proposed for development in the Plan are deliverable or developable⁶³; whether the Plan identifies an appropriate overall supply and five year supply of housing land; and development management policies for different types of housing.

149. Table 1 in the Plan provides an overview of housing supply:

• Completions 2016-2017	251
• Commitments ⁶⁴ at 1 April 2017	1,512
• Local plan allocations	5,315
• Strategic Land Availability Sites	88
• Brownfield Register Sites	376
• Windfalls (small sites)	481
• Self-build sites	75
• Total 2016-2033	8,098

150. However, during the examination the Council submitted updated evidence about housing land supply⁶⁵. This includes information relating to completions, outstanding planning permissions, and the capacity and availability of sites as at 1 April 2018. In order to be effective and justified, the Plan should be modified to take account of this latest information (rather than the position as at 1 April 2017). This is reflected in the main modifications that I set out below.

151. The submitted Plan does not include clear information about the expected capacity of all of the sites that are assumed to contribute towards the overall supply set out in Table 1. A number of main modifications are therefore required to ensure that the policies relating to all identified sites include an indicative number of dwellings to be delivered during the plan period. These are reflected in the main modifications that I set out below for specific sites. Furthermore, an additional table needs to be included in section 3 of the Plan listing all of those sites along with the indicative number of dwellings. This needs to be accompanied by reasoned justification explaining that the figures are neither a minimum nor maximum, but rather an estimate of capacity to inform the plan making process and to provide a starting point for the consideration of site specific issues through the planning application process.

⁶³ NPPF paragraph 47 and footnotes 11 and 12.

⁶⁴ This figures includes all sites with planning permission, other than those identified as allocations in the Plan.

⁶⁵ Relevant housing supply evidence submitted by the Council during the examination includes: Local Plan Deliverability Report, June 2018 [EXAM3B]; Windfall Report and Five Year Supply Report, 5 September 2018 [EXAM4G and EXAM4H]; Response to Action Point 4 (windfall allowance), 18 September 2018 [EXAM14D]; Response to Action Point 5 (summary information about the deliverability of strategic sites), 12 October 2018 [EXAM14E]; and Response to Supplementary Questions for matter 3 and Appendices (housing supply tables), 26 October 2018 [EXAM26A-EXAM26D].

Those modifications are required to ensure that the Plan is justified and effective [**MM3.7** and **MM3.8**].

Completions

152. Between 1 April 2016 and 31 March 2018, **492 dwellings** were completed in the Borough. To be effective and justified, Table 1 needs to be modified accordingly [**MM3.6**].

Commitments

153. On 1 April 2018, sites with planning permission (excluding those included as allocations in the Plan) had capacity for **926 dwellings**. There are over 150 different sites, the vast majority of which are for fewer than 10 dwellings, and many are under construction. The evidence indicates that these developments will be completed and therefore Table 1 should be modified to refer to 926 dwellings being delivered through commitments in the period 2018-2033 [**MM3.6**].

Strategic Land Availability Assessment and Brownfield Register Sites

154. In order to be justified and effective, the Plan needs to be modified to include, as site-specific policy proposals in the Plan, the three "strategic land availability sites" and the three "brownfield register sites" referred to in Table 1. Each policy needs to set out the proposed number of dwellings and any particular requirements, including in relation to the historic environment, along with appropriate reasoned justification. The sites are:

- Gas distribution site, Broxbourne [**MM6.5** and **MM6.6**]
- 19 Amwell Street and Scania House, Hoddesdon [**MM9.3** and **MM9.4**]
- Former Hoddesdon police station [**MM9.5** and **MM9.6**]
- Westfield Primary School, Hoddesdon [**MM9.13**, **MM9.14** and **MM9.17**]
- East of Dinant Link Road, Hoddesdon [**MM9.11** and **MM9.16**]
- Theobalds Grove station car park, Waltham Cross [**MM11.7** and **MM11.8**]

155. Whilst some of the sites are owned by public bodies and have been identified in the strategic land availability assessment for a number of years, I am satisfied that the Council's expectations about deliverability are reasonable based on their limited size and the latest information about availability. Whilst some of those sites may be able to accommodate a greater number of dwellings, the indicative figures proposed by the Council are reasonable.

Self Build Sites

156. I consider whether policy GB2, which allows redevelopment of disused glasshouse sites in the Green Belt for self build housing provided that a number of criteria are met, later in this report. However, in summary, I conclude that the policy is justified, and in that context I am satisfied that the modest assumption that 5 self build dwellings per year will be built is reasonable.

Windfalls

157. The submitted Plan includes a windfall allowance of **37 dwellings per year** from 2019 onwards (**481 dwellings** in the plan period). However, Council evidence submitted during the examination shows that around 1,500 dwellings were built on windfall sites in the 12 years between 2006 and 2018 (average 125 per year)⁶⁶. This includes sites of all sizes, but excludes development that took place on residential gardens⁶⁷. An average of 20 windfalls per year were on sites of fewer than 10 dwellings. Analysis of all of the sites that delivered 10 or more dwellings shows that some were in the Green Belt, and others were of a nature such that it is likely that they would have been identified as allocations had an up to date local plan been in place⁶⁸. Adjustments to take account of those factors suggest that around 56 dwellings per year took place on sites that were not in the Green Belt and would not have been an allocation even if an up to date plan had been in place.
158. All of the sites specifically allocated in the Plan have capacity for at least 25 dwellings. Given the nature of the built up areas of the Borough, it is likely that proposals for housing development are likely to continue to come forward on sites of fewer than 25 dwellings, and indeed on larger sites that have not been identified as being deliverable or developable now. Such development would make efficient use of land and reduce the need to build in the Green Belt and should therefore be encouraged.
159. Based on the above, I consider that there is compelling evidence that windfall sites have consistently become available in the Borough and that at least 70 dwellings per year are likely to continue to come forward during the plan period provided that the Plan includes an additional policy to optimise the potential for housing delivery on all suitable and available brownfield sites. To avoid or minimise double counting with commitments, this figure should be applied from 1 April 2020 onwards. I therefore recommend the inclusion of an additional policy H1 [**MM21.1**], and that table 1 in the Plan is modified to include **70 windfalls per year** from 2020 which amounts to a total of **840** by 2033 [**MM3.6**].

Allocations that are not in the Green Belt in the 2005 local plan

160. There are 12 sites allocated in the Plan for housing development that are not in the Green Belt in the local plan adopted in 2005. The Council's latest evidence indicates that, collectively, these have capacity for 2,560 dwellings during the plan period. Of that total, the Council expects 615 to be built by 31 March 2023. This contribution towards the five year supply is assumed to come from 6 of the 12 sites, with 400 of those at Cheshunt Lakeside proposed by policy CH1.
161. There is nothing to indicate that the total capacity of the 12 sites for the plan period is unreasonable, and indeed it is possible that a greater number could ultimately be provided at Cheshunt Lakeside.

⁶⁶ EXAM4G.

⁶⁷ NPPF paragraph 48.

⁶⁸ EXAM14D.

162. The assumptions about completions on the five allocations (other than Cheshunt Lakeside) that are expected to collectively deliver just over 200 dwellings by 2023 are justified as they are based on clear evidence about planning permissions and the intentions of landowners and developers.

163. The Plan therefore needs to be modified to include the up to date dwelling figures for each of the relevant allocated sites [**MM3.5**, **MM3.6** and **MM3.8**, along with site specific modifications referred to below]. Furthermore, a number of other main modifications are required to ensure that the policies relating to some of these allocations are effective and justified. They are as follows:

- Council Offices, Churchgate: modification to policy CH13 to ensure that it is effective in protecting heritage assets in line with national policy [**MM7.20**].
- Turnford Surfacing Site: modification to policy HOD2 and reasoned justification and inclusion of an additional concept plan, to clarify the type and scale of development proposed to ensure that it is effective including with regard to protecting the setting of listed buildings and a scheduled monument on the other side of the River Lee to the east [**MM9.7**, **MM9.8** and **MM9.10**].
- Waltham Cross Northern High Street (policy WC2): modifications to policy WC2 and reasoned justification to ensure that the proposal for a mixed use development, which would include 150 dwellings (rather than 300 referred to in the submitted Plan), is justified and effective having regard to the clear evidence about the availability of different parts of the site and relocation requirements for two large existing stores [**MM11.5**].

Cheshunt Lakeside

164. Policy CH1 proposes that land currently occupied by industrial, storage and commercial uses and vacant offices along Delamare Road, between Windmill Lane and Cadmore Lane, be comprehensively redeveloped as a mixed use urban village known as "Cheshunt Lakeside". This would comprise 1,750 homes, elderly persons accommodation, business space, a local centre, a primary school and landscaped open space. Most of the land is owned by a development company who has been actively pursuing a scheme in partnership with the Council for some time. The development is proposed to be carried out in various phases by a number of builders, with the residential development being provided in several apartment blocks up to 8 storeys in height. Development of the first block is expected to start in 2020 with a total of 400 apartments in the phase 1 blocks to be completed by 31 March 2023.

165. In the absence of detailed planning permission and planning obligations being in place, and having regard to the need for further land acquisition and the provision of road and drainage infrastructure, there is no certainty that the development will go ahead to the timescales assumed by the Council. However, given the commitment of the Council and developer, and the progress that has been made to date in bringing forward a scheme, I am satisfied that there is a realistic prospect that 400 apartments will be completed by April 2023.

166. Some existing businesses that occupy land and premises on the site are to be provided with new accommodation as part of the development, and there may also be the opportunity to retain an existing office building on Windmill Lane as part of the scheme. Other existing uses may be more appropriately provided with premises elsewhere in the Borough, and the Council is committed to working collaboratively to achieve this. In order to be effective in facilitating the provision of suitable replacement accommodation for existing businesses that could be satisfactorily located within the proposed urban village, part 5 of policy CH1 needs to be modified to refer to the provision of around 20,000 sqm of business space [**MM7.1**].
167. A main modification is also required to policy CH1 and the reasoned justification to ensure that it is consistent with national policy, policy NEB2 (as modified) and the findings of the Habitat Regulations Assessment with regard to the effective provision of on- and off-site measures to mitigate effects on the qualifying interests of the nearby Lee Valley Special Protection Area due to increased disturbance arising from additional households living in the locality [**MM7.1** and **MM7.2**].
168. Crossrail 2 is a proposed new rail link between Hertfordshire and Surrey that, if delivered, would have direct impacts on the Borough including through the four-tracking of the existing West Anglia Mainline. As such it is recognised and supported in the Plan in a number of places, including policy INF4. The project is expected to necessitate the closure of a number of level crossings and the provision of replacement bridges. This is likely to be the case at Windmill Lane where a process is underway to consider potential options. Whilst a safeguarding direction was issued for the southern part of Crossrail 2 in 2015, this is not the case for the route through Broxbourne. In the absence of such a direction or other definitive evidence that land within the Cheshunt Lakeside site will be required to provide a new crossing over the railway I am not persuaded that there is robust evidence to identify and protect that land for such a potential use⁶⁹. It is not, therefore, necessary to modify the Plan in that regard.
169. Subject to the main modifications that I have described above, the policies relating to housing allocations that are not in the Green Belt are justified, consistent with national policy and effective.

Allocations that are proposed to be removed from the Green Belt

170. There are 14 policies in the Plan that propose housing development on sites that are to be removed from the Green Belt. In total these are expected to deliver over 3,400 dwellings during the plan period. All but one of the sites are expected by the Council to contribute towards the five year supply from 2018, collectively delivering a total of over 1,600 dwellings by that date.
171. I have already concluded that there are exceptional circumstances to justify removing land from the Green Belt in each of these locations provided that there are not site-specific planning issues that could not be overcome. I turn now, therefore, to consider whether that is the case for each of those sites,

⁶⁹ NPPF paragraph 41.

and whether the Council's assumptions about delivery within five years are justified.

Brookfield

172. I have already concluded that the proposal for a total of around 1,500 dwellings at Brookfield is justified, and that 100 of those could contribute to the five year supply from 2018.

Rosedale Park

173. Policy CH2 proposes that Rosedale Park be developed as a series of interlinked new suburban parkland communities that include 360 homes and a retirement village at Rosedale Park South (Tudor Nurseries); 50 homes south of Andrews Lane / east of Burton Lane; and 380 homes and elderly persons accommodation at Rosedale Park North (Rags Valley). However, the latest evidence indicates that in total 820 dwellings could be delivered in the area, with 368 of these completed by 31 March 2023.

174. Development on the northern part of the site, on both sides of Andrews Lane, would have a significant effect on the existing rural character and appearance of the area due to the introduction of a large number of new homes and associated infrastructure including a primary school and new link road. However, restricting the use of Andrews Lane to pedestrians and local access would help to preserve its character, and the indicative concept plan (Figure 5) shows how development could be sensitively accommodated amongst extensive areas of greenspace with a comprehensive network of pedestrian and cycling routes. Modifications to policy CH2 and the concept plan are required to ensure they are effective in protecting the setting of listed buildings on Burton Lane and Goffs Lane [**MM7.3** and **MM7.4**].

175. Development on the southern part of the site would entail the redevelopment of large glasshouses at Tudor Nurseries, as well as the loss of currently open land. Various assessments of the glasshouse industry in the Borough have been done over the years by the Council and others, and it is clear that Tudor Nurseries, and other remaining glasshouse sites, are unlikely to be economically competitive in the world market. The replacement of glasshouses by well designed and landscaped new homes would present the opportunity to improve the character and appearance of this part of the site.

176. The increase in households living in the area that would arise as a result of the Rosedale Park proposal along with other housing developments nearby, including at Goffs Oak, would generate additional traffic and demand for other infrastructure including schools and health facilities. However, the Plan contains various proposals for improved and additional infrastructure, and both the Council and County Council (local highway and education authority) are satisfied that these can be delivered. Overall, I am satisfied that the development proposed could be satisfactorily accommodated in the area with adequate infrastructure being in place. I consider the transport policies and proposals in the Plan and the likely impact on the road network, including the B156, later in this report.

177. The Council resolved to approve three planning applications for development on much of the site in May 2018, and work continues to progress these

schemes which are in line with policy CH2. There is nothing to indicate that the latest estimates for the total number of dwellings that would be provided on the site in the next five years and in the plan period as a whole are unrealistic. In order to be effective and justified, the Plan should be modified to reflect the latest dwelling numbers [**MM7.3**].

Goffs Oak Village

178. Policy GO2 proposes 80 homes, a restaurant and open space on land north of Goffs Lane in a prominent location close to the village centre. The site has been used for horticulture and other commercial uses, and the proposal provides the opportunity to enhance the character and appearance of the area and provide new homes and a local facility that would add to the vitality and viability of the village.
179. Policy GO3 proposes 30 homes on land south of Goffs Lane. However, the latest evidence indicates that part of the allocated site currently used as a travelling showpeople's yard is unavailable, whereas an additional area to the east comprising Lafiya House and its curtilage is available. If this adjustment were made to the site boundaries, the overall area for development would be similar to that proposed in the submitted Plan, and the impact on the Green Belt and character and appearance of the area would be limited. On the other hand, further extending the site to include open land to the south west, as proposed by the site promoter, would cause greater harm in those respects. The latest evidence indicates that the site including Lafiya House but excluding the travelling showpeople's yard has capacity for approximately 50 dwellings. To be effective and justified, I recommend modifications to GO3, paragraph 8.5 and Figure 10 so that they reflect the extent of the available site and the latest evidence about its capacity [**MM8.4**, **MM8.5** and **MM8.8**].
180. Policy GO4 proposes 25 homes and a new area of public open space on land at Newgatestreet Road, along with improved pedestrian links. Whilst the new homes would encroach into the countryside, they would be close to the village centre and the proposal would present the opportunity to create a village green in an appropriate location.
181. Policy GO5 proposes a total of 46 homes on 3 sites north of Cuffley Hill (CG Edwards, Fairmead Nursery and Rosemead Nursery). The proposal would provide the opportunity to replace former horticultural buildings and structures, and whilst there are mature trees on the site the amount of development proposed could be accommodated without the significant loss of good quality specimens. The reference to a commuted sum in lieu of on site provision of affordable housing is not consistent with national policy or justified and should, therefore, be deleted [**MM8.7**].
182. For the reasons set out above in my consideration of policy CH2 relating to Rosedale Park, I am satisfied that development in the area can be accommodated having regard to existing and proposed infrastructure.
183. The Council's latest evidence indicates that all of the dwellings on the four sites in Goffs Oak are likely to be completed by 31 March 2023. Given the modest size of the sites, the intentions of landowners and potential developers, and the fact that schemes are being actively pursued, I consider that this assumption is justified.

Bury Green

184. Policies CH9 and CH10 propose 96 homes at Theobald's Brook Field and 60 homes on land east of Dark Lane respectively. Masterplans submitted with outline planning applications show slightly fewer dwellings on both sites and therefore, in the absence of any other substantive evidence, the Plan should be amended to refer to 90 and 50 dwellings respectively [**MM7.12** and **MM7.14**].
185. Policy CH11 proposes a residential care home comprising 75 units and a new community hall on the former eastern playing field of St Mary's High School. I conclude elsewhere in this report that additional accommodation is required for the elderly during the plan period, that this could take a number of different forms, and that the Plan ought to make appropriate provision. Whilst this site is suitable for elderly persons accommodation in terms of its character and location, in order to be effective and justified policy CH11 needs to be modified to allow flexibility in the form that such development would take [**MM7.15**].
186. Modifications are required to policies CH10 and CH11 and the reasoned justification to ensure that they are effective in conserving the historic environment and the setting of designated heritage assets nearby [**MM7.13**, **MM7.14** and **MM7.15**].
187. Policy CH12 proposes an unspecified amount of housing development on land north of Bonney Grove to enable improvements to a sports club that currently occupies part of the site. However, there are uncertainties about whether the club are able to relocate to another site, and if not whether some residential development could take place on part of the site in a satisfactory manner. In order to be effective and justified, policy CH12 and paragraph 7.21 need to be modified to provide a criteria-based approach dealing with both possible scenarios. Furthermore, given the uncertainties, Table 1 in the Plan should not assume that any dwellings will be provided during the plan period. [**MM3.8**, **MM7.16** and **MM7.17**].
188. The limited size of the sites, the intentions of the landowners, and the fact that schemes are being actively pursued means that it is reasonable to assume that all of the dwellings proposed by policies CH9, CH10 and CH11 will be built by 31 March 2023.

Cheshunt Football Club, Albury east of A10

189. Policy CH7 proposes the development of around 165 homes, community and commercial floorspace and the redevelopment of Cheshunt Football Club stadium. This would provide new homes and improved community and associated commercial facilities well related to the urban area not far from Waltham Cross town centre. However, to be effective and consistent with national policy, the detailed wording of policy CH7, reasoned justification and Figure 6 need to be modified to make clear the type and scale of development proposed and the need to safeguard the setting of nearby heritage assets in Cedars Park [**MM7.8**, **MM7.9** and **MM7.11**]. Whilst planning permission was refused in 2017, a detailed application for a revised scheme was submitted in May 2018 by a development company who intends to start work in 2020. Whilst it may be optimistic to assume that 43 dwellings will be completed in

the first year of development, as the remainder will be apartments there is a realistic prospect that the development as a whole will be completed before April 2023.

West of Hoddesdon

190. Policy HOD4 proposes the development of "High Leigh Garden Village" to the west of Hoddesdon in line with an outline planning permission granted in 2015. Up front infrastructure was provided and the site serviced and marketed in 2018. Development is expected to start in 2020 and be carried out by a number of housebuilders. There is a realistic prospect that 250 dwellings will be completed by 31 March 2023. However, the policy needs to be modified to make clear the number of dwellings and other types of development that are proposed [**MM9.12**].

Broxbourne School

191. Policy BR3 proposes the redevelopment of Broxbourne School in line with an outline planning permission for up to 153 homes, new school buildings and extended playing fields and leisure facilities. A housebuilder was procured in 2018, and the construction of a replacement school along with the provision of road infrastructure should allow the existing school to be demolished and housebuilding to start in 2020. On this basis, the Council assumes that 150 houses could be completed by the end of March 2023. There is a realistic prospect that this could be achieved.

192. Inset Map 6 (and the Policies Map) shows the area of the site proposed for residential development to be removed from the Green Belt, but the new school buildings to be within the Green Belt. However, a defensible Green Belt boundary could be clearly defined along the access track to the south of the proposed school buildings, thereby excluding them from the Green Belt. This would ensure that the Plan is effective and consistent with national policy and I therefore recommend a main modification to map 6 accordingly [**MM6.9**]. In order to be effective, the policy and reasoned justification need to be modified to refer to the settings of nearby heritage assets which need to be protected and other development requirements [**MM6.7** and **MM6.8**].

Britannia Nurseries

193. Policy LV6 proposes 90 residential dwellings at Britannia Nurseries, Waltham Cross in accordance with planning permission granted in 2015. Development is underway, and is likely to be completed before 2023. However, a modification is required so that the policy is clear about the scale and type of development that is proposed for the site [**MM13.5**].

Housing Land Supply 2016-2033 and 2018-2023

194. In light of all of the above, in order for the Plan to be effective and justified, Table 1 and paragraph 3.17 should be modified to include the following figures [**MM3.5** and **MM3.6**]:

• Completions 2016-2018	492
• Commitments ⁷⁰ at 1 April 2018	926
• Local plan sites	6,002
• Windfalls	840
• Self-build sites	70
• Total 2016-2033	8,330

195. The "excess" supply for the plan period is around 600 dwellings which represents 8% of the total requirement (7,718). Given the nature of the sites and strength of the housing market, I am satisfied that this is sufficient to ensure that needs can be met. Providing any further flexibility would require the release of more land from the Green Belt which could not be justified at this time.

196. Subject to the main modifications, the five year housing land supply from 1 April 2018 was **3,242** dwellings. This only marginally exceeds the relevant requirement (3,223) by around 100 dwellings. However, that requirement includes a 20% buffer designed to ensure choice and competition in the market for housing meaning that it should be sufficient to allow needs to be met in the next few years. Furthermore, I am satisfied that the assumptions made about the identified sites and windfalls are supported by clear evidence, and as development on many of the larger allocated sites starts in the next few years the supply situation is likely to improve. For these reasons, it is likely that there will be a five year supply of deliverable sites on adoption and that this can be maintained over the plan period, or at least until the Plan is reviewed.

197. Overall, therefore, the housing supply identified in the Plan (as modified) is justified and consistent with national policy. Whilst NPPF 2019 includes a revised definition of "deliverable" which will be relevant to the Council's future calculations of five year supply, this does not alter my overall conclusion on this matter given the NPPF transitional arrangements and the housing trajectory I have described above.

198. Various representations were made about the Plan suggesting that additional land be allocated for housing development. However, given my findings above it is not necessary for the supply of housing identified in the Plan to be increased to make it sound.

Development Management Policies for Housing

199. In addition to setting out proposals relating to housing need and land supply, the Plan contains a number of development management policies relating to different types of housing development. In most respects, I am satisfied that these are sound, and deal below only with those that were considered at hearing sessions and I have decided main modifications are required.

⁷⁰ This figure includes all sites with planning permission on 1 April 2018, other than those identified as local plan sites.

Policy H1: Affordable Housing

200. The Council's assessment⁷¹, prepared in accordance with relevant national guidance⁷², indicates a need for a total of 4,365 additional affordable homes over the plan period, and there is no substantive evidence before me to indicate that this is an unreasonable estimate. Whilst this is not directly comparable with the objectively assessed need for housing overall, it does give a clear indication of a need for a large proportion of new homes to be affordable. Policy H1 requires 40% of dwellings on sites of more than 10 units or more than 1,000 sqm to be affordable (unless a full economic appraisal demonstrates that this would make development of the site unviable). Whilst this is unlikely to mean that the need for affordable homes is met in full, it strikes a reasonable balance between securing a significant supply of additional affordable homes whilst maintaining the economic viability of residential development⁷³.

201. In order to be consistent with national policy, justified and effective, policy H1 and reasoned justification need to be modified to delete reference to specific types and tenures of affordable housing; to refer to sites of 0.5 hectares or more; and also to make appropriate reference to the Council's *Affordable Housing Supplementary Planning Document* [**MM3.5**, **MM21.2** and **MM21.3**].

Policy H3: Housing Mix

202. Policy H3 is intended to ensure that new housing development helps to create residential areas that are balanced and socially diverse, which is consistent with national policy. However, to be effective part I needs to be modified to make it clear that it applies to the provision of both market and affordable housing, and to all residential developments rather than "strategic allocations" only [**MM21.4**].

203. Local planning authorities have the option to set additional technical requirements exceeding the minimum standards required by building regulations in respect of access⁷⁴. Policy H3(II) requires 5% of dwellings on developments comprising 20 units to meet building regulation M4(2) relating to accessible and adaptable homes. The additional costs associated with this requirement range from around £500 to £1,000 per dwelling depending on the size and type of the new home, and this would be unlikely to have a significant effect on viability⁷⁵.

204. Whilst the Council has not done an assessment of how many existing homes are accessible and adaptable, given the evidence of a significant increase in the proportion of the population that are elderly and/or have mobility problems over the plan period⁷⁶, it would clearly be beneficial for a significant proportion of new homes to meet that standard. However, as there is no reliable evidence available to set a specific higher target, I recommend that the policy be modified to refer to "at least 5%" and to make it clear that this

⁷¹ H3 section 4.

⁷² PPG ID-2a-022-029.

⁷³ *Local Plan Delivery Report, June 2018* [EXAM3B], which I consider later in this report.

⁷⁴ PPG ID-56-002-20160519.

⁷⁵ EXAM3B page 22-23.

⁷⁶ Council response to PQ19 [EXAM4A].

applies separately to both market and affordable homes on the site [MM21.4]. This would ensure that the policy, along with policy H5 (see below) is effective in helping to meet needs in the short to medium term, and the Council will no doubt have regard to the latest national policy relating to this issue⁷⁷ when it next reviews the Plan.

Policy H5: Housing for Specific Needs

205. The Borough's ageing population over the plan period will mean that there will be a need for additional specialist accommodation, as well as for "main stream" housing to be appropriately designed. The Council's estimate is that there will be a potential need for around 700 units of specialist housing for the elderly over the plan period⁷⁸. Whilst there may be falling demand for traditional care home residential institutions, there is growing demand for new models of extra care and other types of enhanced housing.

206. Various policies in the Plan require the provision of elderly persons accommodation on allocated sites including BR1 (Brookfield), CH1 (Cheshunt Lakeside), CH2 (Rosedale Park), CH11 (former eastern playing fields, Bury Green) and HOD4 (High Leigh). Schemes brought forward for other sites may also include the provision of elderly persons accommodation. Collectively, those proposals would make a significant contribution towards meeting identified needs and they are therefore justified.

207. Policy H5 sets out a number of criteria that should be met by proposals for specialist housing for the elderly and vulnerable people. These should ensure that such development is provided in accessible locations and suitably designed, meaning that needs would be appropriately met. Provided that the criteria in policy H5 are met, neither that policy nor the site-specific proposals (subject to my recommended main modifications where relevant) are unduly prescriptive about the type of elderly persons accommodation that should be provided. The Plan should, therefore, be sufficiently flexible to be effective in ensuring that housing to meet specific needs will be delivered.

208. In light of the above, there is no need to modify the Plan to make additional or different provision including for "care villages" or other specific types of accommodation.

Conclusion on Housing Land Supply and Policies

209. I therefore conclude that, subject to the main modifications that I refer to above, the Plan identifies an adequate supply of housing land and contains sound policies to ensure that it will be effective in meeting housing requirements in an appropriate and timely manner.

⁷⁷ NPPF 2019 paragraph 127 footnote 46.

⁷⁸ *Housing Needs of Particular Groups*, June 2018 [H5].

Is the supply of land for economic development identified in the Plan justified and consistent with national policy?

Introduction

210. Earlier in this report I concluded that great weight should be given to the aim of accommodating around 9 hectares of additional land for industry, at least 36 hectares for storage and distribution uses, and 17,500 sqm for "local" office development. I also concluded that significant weight should be given to meeting the potential inward investment demand for one high quality business park development in the Borough.
211. Policy DS1 states that the focus for accommodating additional jobs will be on Brookfield, Park Plaza, Cheshunt Lakeside and town centres.
212. I have already concluded that the proposed provision of up to 50,000 sqm of B1 floorspace at Brookfield is not justified and that this should be modified to around 12,500 sqm. Consequential modifications are required to other parts of the Plan [**MM0.2, MM0.3, MM3.1, MM3.9** and **MM3.10**].

Park Plaza West

213. Policy PP1 proposes a business campus at Park Plaza West comprising up to 100,000 sqm of floorspace for offices (B1a) and research and development (B1b) along with other uses that support the campus or clearly demonstrate that they meet the employment objectives of the Plan. I concluded earlier that there are exceptional circumstances to justify removing land from the Green Belt to accommodate such a proposal in this location provided that there are not site-specific reasons why the development should not go ahead.
214. Policy PP1 clearly sets out that development in this visually prominent and sensitive location on the edge of the Borough will be in strict accordance with a masterplan and design codes, and sets out a number of principles. This should ensure that a high quality business park will be delivered, although a number of main modifications are required so that it is effective and consistent with national policy with regard to the provision of car parking and pedestrian and cycle links; contributions towards improvements to transport infrastructure; and the conservation and enhancement of historic assets [**MM10.2 and MM10.3**].
215. Furthermore, part 4 of policy PP1 needs to be modified so that it is effective in ensuring that a minimum of 12.5 hectares on the southern part of the site is provided and permanently retained as open space. This will protect the character and appearance of the area, and maintain an area of open land between built development in the Borough and the M25 and Enfield to the south thereby ameliorating the harm to Green Belt purposes [**MM10.3**]. The concept plan (Figure 13) needs to be amended to accurately reflect the extent of the proposed area of open space [**MM10.1**].

Park Plaza North

216. Policy PP2 proposes that 9.8 hectares of land at Park Plaza North, on the edge of Waltham Cross, be developed to accommodate a variety of small and medium sized enterprises. However, there is no justification for limiting the

use of the site for occupation by businesses of a particular size. Furthermore, given the demand for additional storage and distribution floorspace that I identified, the policy should be modified to allow B8, in addition to B1 and B2 uses. I have omitted reference to a "balanced" mix of B1, B2 and B8 uses on the site as suggested by the Council in its proposed main modification. This is because such an additional requirement is not needed to make the Plan sound and, in any case, it is not justified or positively prepared.

217. In order to facilitate the proposed mixed use redevelopment scheme in Waltham Cross town centre (policy WC2), it is likely that one or more bulky goods retailer will need to be relocated. Park Plaza North is the most suitably located site that has been identified. However, to be clear and therefore effective in that regard, policy PP2 needs to be modified to refer explicitly to bulky goods retailers relocating from Waltham Cross town centre.

218. Given the potential scale of development and proximity of the site to the historic Cedars Park, which contains a scheduled monument and listed buildings and structures, the concept plan needs to be modified and an additional clause be added to policy PP2 to refer to development protecting or enhancing the setting of heritage assets. I have amended the wording suggested by the Council to be effective and consistent with relevant legislation and national policy.

219. I recommend modifications to policy PP2 and the concept plan accordingly [**MM10.1** and **MM10.4**].

Park Plaza South

220. Policy PP3 proposes that a modest sized site at Park Plaza South be developed with B1a and B1b offices. This would help to meet the identified need for local offices in a suitable location having regard to the lack of available sites in town centres.

Maxwells Farm / Rush Meadow west of A10

221. Paragraph 7.23 of the Plan states that land at Maxwells Farm West and Rush Meadow, which are removed from the Green Belt, are not specifically allocated for development. Paragraph 3.12 refers to Maxwells Farm West as a reserve site that may be brought forward if there are difficulties in implementing the development strategy. As drafted, the lack of any policy in the Plan, and the ambiguities contained in those two paragraphs, mean that the Plan fails to give a clear indication of how a decision maker should react to any development proposals relating to that land.

222. The land is available for development, and there is interest in bringing forward a particular scheme on part of the site. It is not my role to determine the merits of that, but the Plan does need to be modified to include a policy to provide clarity on the types of employment development that may be permitted along with relevant criteria that would need to be satisfied [**MM10.6**]. Modifications are also required to paragraphs 3.12 and 7.23 to provide appropriate reasoned justification with regard to the new policy relating Maxwell's Farm and Rush Meadow, and to show the site on the Park Plaza indicative concept plan [**MM3.3**, **MM7.21**, **MM10.1** and **MM10.5**].

Existing Employment Uses

223. In addition to the allocated sites that I have considered, policy ED2 seeks to ensure that the main existing employment areas in the Borough, at Hoddesdon, Waltham Cross and Cheshunt, continue to be available for a variety of industrial, storage and distribution and other business uses. Policy ED3 aims to prevent the loss of existing employment uses in other parts of the Borough unless a number of criteria are met. Part (c) of policy ED3, relating to the continued viability of existing employment areas and neighbouring uses, is not clear or justified and should therefore be deleted [MM22.1]. Subject to this, those policies should help to ensure that sufficient land and premises are available in the Borough to support the local economy in line with national policy.

Overall Employment Land Supply

224. Based on the above, and the main modifications that I describe, the needs that I have concluded should be met for office and industrial development could be accommodated in appropriate locations. Whilst all of the expected and potential demand for additional storage and distribution uses will clearly not be met in the Borough, the main modifications that I recommend would mean that the Plan makes appropriate provision on the land that is available and suitable for such uses in the context of competing needs. The extensive areas of existing employment uses will continue to be protected, and development and redevelopment opportunities may arise in those areas. Overall, subject to the main modifications, the Plan strikes an appropriate balance between protecting the Green Belt and meeting the economic needs of the Borough and wider economic area.

Conclusion

225. I therefore conclude that, subject to the main modifications that I have described, the supply of land for economic development identified in the Plan is justified and consistent with national policy.

Is the Plan's approach to accommodating retail development justified, effective and consistent with national policy?

Introduction

226. I have already concluded that the proposal in policy DS1 to accommodate an additional 40,000 sqm of additional retail floorspace in the Borough is not justified, that it should be reduced to 24,000 sqm, and that policy BR1 relating to Brookfield should be modified accordingly and to ensure that it is effective in facilitating the creation of a new town centre in that location.

Other Locations where main town centre use developments are proposed

227. Policy WC2 proposes a comprehensive mixed use redevelopment comprising main town centre uses on land at the northern end of Waltham Cross town centre. This would help to improve the vitality and viability of the town centre in the medium term. However, in order to be justified and effective, policy WC2, the associated reasoned justification and concept plan need to be modified to take account of the latest evidence about the availability of

different parts of the northern High Street site and to clarify the mix of uses that are proposed [**MM11.4**, **MM11.5** and **MM11.6**].

228. Further opportunities are likely to be forthcoming in the longer term to redevelop and improve other parts of Waltham Cross town centre linked to Crossrail 2. Policy WC4 proposes to address these longer term opportunities through an area action plan.
229. Various policies in the Plan refer to town centre strategies. However, to ensure that those policies are effective in setting out a positive approach to promoting competitive town centre environments and, where relevant, preserving or enhancing the historic environment, main modifications are needed to policies CH3, HOD1 and WC1 and associated reasoned justification relating to Cheshunt, Hoddesdon and Waltham Cross town centres respectively [**MM7.5**, **MM7.6**, **MM9.1**, **MM9.2**, **MM11.1**, **MM11.2** and **MM11.3**].
230. The Plan includes a number of proposals to provide local shops and other main town centre uses in conjunction with certain residential developments including at Brookfield Garden Village, Cheshunt Lakeside and Rosedale Park. These would provide day to day facilities to serve the additional residents living in those areas, thereby helping to reduce the need to travel. They are therefore justified.
231. To be consistent with national policy, paragraph 3.28 needs to be modified to accurately refer to local centres, but not small parades of shops of purely neighbourhood significance [**MM3.10**].

Development management policies relating to main town centre uses

232. Various main modifications are required to RTC1 and RTC2 along with the associated reasoned justification and Glossary. These are to ensure that the Plan is effective and consistent with national policy relating to main town centre use development, and with the Council's evidence relating to the retail hierarchy of town, district and local centres in the Borough [**MM23.1** to **MM23.4** and **MMD.4**].

Conclusion

233. The main modifications that I have referred to above would ensure that the Plan's approach to accommodating retail development is justified, effective and consistent with national policy.

Does the Plan contain justified and effective policies and proposals to ensure that there is a reasonable prospect that the transport and other infrastructure needed in the area will be delivered in a timely fashion in accordance with national policy?

Overall Approach to Infrastructure Provision

234. The Plan is supported by a *Draft Infrastructure Delivery Plan 2018-2033* ("IDP")⁷⁹ and a *Draft Transport Strategy*⁸⁰. The IDP seeks to identify all

⁷⁹ INF1 (January 2018).

⁸⁰ T2 (September 2017).

relevant physical, social and environmental infrastructure that is likely to be needed up to 2033 as a result of the development proposed in the Plan. Some of this is as a direct result of the strategic sites proposed in the Plan, whilst some arises as a result of the cumulative impact of development at different times of the plan period. The IDP also identifies the anticipated costs of the infrastructure needed, and potential sources of funding including government programmes, bonds and loans, the private sector, and developer contributions. The total cost is expected to be over £260 million, around half of which would be for transport. Around one third of the transport funding required has already been secured⁸¹.

235. Policy PO1 and associated reasoned justification provide the strategic framework for the Council seeking planning obligations to mitigate the impacts of development, including through delivery of relevant projects identified in the IDP and the provision of affordable housing. Policy PO2 states that the Council will establish a Community Infrastructure Levy ("CIL"); this would be used to help finance projects set out in the IDP.

236. This overall approach to identifying and delivering infrastructure is consistent with national policy and should provide an effective framework to assist in achieving sustainable development in the Borough over the plan period.

Transport Infrastructure

237. The use of the Borough's transport network is heavily influenced by its location immediately north of the M25 and London, and its proximity to a number of large towns in Hertfordshire and Essex. This means that there are a high number of transport movements into and out of the Borough as well as within it. Whilst there are a number of railway stations with frequent services, there is a strong reliance on the car for many journeys and vehicle movements are expected to increase by around 25% by 2033. There is currently significant congestion on parts of the A10 and also the B176/A1170, the alternative north-south route through the Borough, as well as other parts of the local road network. East-west movements by road are significantly affected by the need to cross the A10, and there are currently few alternative options by bus and none by rail⁸².

238. Even if none of the development proposed in the Plan were to take place, journeys at peak times are expected to increase on virtually all key routes through the Borough by 2033⁸³. In some cases, journeys currently taking around 6 minutes would take around 9 or 10 minutes. If the development proposed in the Plan were to take place without transport interventions, journey times would be even greater, with some journeys through the Borough along the A10 increasing from around 10 minutes in 2013 to around 25 minutes in 2033⁸⁴.

239. The draft transport strategy seeks to identify sustainable and cost effective infrastructure improvements and other interventions to ensure that the development proposed in the Plan can be satisfactorily accommodated having

⁸¹ T2 paragraph xxxiv.

⁸² INF1 table 7.2.

⁸³ T2 table 11.1 – difference between base model (2013) and no local plan growth or mitigation (2033).

⁸⁴ T2 table 11.1 – difference between base model (2013) and local plan growth with no mitigation (2033).

regard to the existing context that I have summarised above. It adopts a hierarchical approach of aiming to reduce the need to travel, encouraging more sustainable options, and making better use of existing infrastructure before providing additional highway and rail capacity. An important objective of the strategy is to ensure that any infrastructure improvements do not draw in additional long distance trips through the Borough.

240. The strategy therefore proposes a package of interventions across all modes of transport, and these are reflected in the Plan. Even with these interventions, the number of road junctions in the Borough that are operating close to or above capacity at peak times is expected to increase, including on the A10 and in the Brookfield area⁸⁵. Journey times on key routes are likely to be greater than in 2013⁸⁶. Overall, it is likely that there will continue to be congestion on parts of the road network in the Borough throughout the plan period, and in some locations the situation may be worse than it is now including at Brookfield at busy times including Saturdays.
241. However I have already concluded that, subject to a number of modifications, the development proposed in the Plan is needed, and that the broad locations proposed to accommodate it are appropriate. The proposed transport interventions are expected to significantly reduce journey times on the vast majority of key routes compared to what would be likely to occur in their absence⁸⁷, and the operation of some junctions will improve including on the A10⁸⁸. Whilst there is unlikely to be any significant change in the proportion of total trips starting and finishing in the Borough by car (55%), walking/cycling (42%) and public transport (2.5%)⁸⁹, a number of significant interventions are proposed relating to bus transport (policy INF7) and walking and cycling (INF8).
242. I am satisfied that the proposed transport interventions are reasonable and realistic having regard to the likely level of resources available to deliver them. Furthermore, the highway authority is content that those interventions should ensure that the cumulative impacts of the development proposed in the Plan on the transport network overall will be less than severe⁹⁰, and there is no substantive evidence to lead me to a different conclusion.
243. That said, a number of modifications are required in order to ensure that the some of the details of the policies relating to transport infrastructure are effective. Policies INF2, INF3, INF7 and INF8 all need to make clear the bodies that are primarily responsible for delivery; policy INF2 needs to set out the elements of the transport strategy that the Plan aims to deliver; and policy INF8 needs to set out the key elements of the Council's *Local Cycling and Walking Infrastructure Plan* that are proposed [**MM17.1** to **MM17.6**].

⁸⁵ Council response to Action Point 45 [EXAM28H].

⁸⁶ T2 table 11.1 – difference between base model (2013) and preferred mitigation (2033).

⁸⁷ T2 table 11.1 – difference between local plan growth with no mitigation (2033) and local plan growth with mitigation (2033).

⁸⁸ T2 paragraph xxxii.

⁸⁹ Council response to Action Point 45 [EXAM28H].

⁹⁰ NPPF paragraph 33.

Transport Development Management Policies

244. In addition to setting out transport infrastructure proposals, the Plan includes various development management policies relating to travel and movement. In most respects I am satisfied that these, along with the delivery of the proposed transport infrastructure improvements, will be effective in ensuring that developments are provided with safe and suitable access for all people, that there would not be an unacceptable impact on highway safety, and that the use of sustainable transport modes would be facilitated. However, a limited number of modifications are required to ensure that the policies in section 30 of the Plan are sound.
245. Appendix B needs to be modified to make it clear that it sets out car and cycle parking guidelines, rather than maximum or fixed standards, and to delete a number of details that are not justified [**MMB.1** to **MMB.4**]. This would ensure that it is consistent with the wording of policy TM5 and national policy⁹¹. To be effective, policy TM1(VI) needs to refer to the cycle space guidelines [**MM30.1**].
246. Policy TM4 requires the provision of electric vehicle charging points within residential and commercial developments. This would help to balance the transport system in favour of sustainable modes, give people a real choice about how they travel, and support reductions in greenhouse gas emissions⁹². However to be effective and justified, including with regard to viability⁹³, the policy and paragraph 30.16 need to refer to both active and passive charging points [**MM30.2** and **MM30.3**].

Other Infrastructure

247. Policies PO1, INF9, INF11, INF12 and INF13, along with various policies relating to the specific development proposed on a number of strategic sites, mean that the Plan should be effective in ensuring the provision of the education, health care and utilities infrastructure necessary to support the development proposed.

Conclusion

248. Subject to the main modifications that I have recommended, the Plan contains justified and effective policies and proposals to ensure that there is a reasonable prospect that the transport and other infrastructure needed in the area will be delivered in a timely fashion in accordance with national policy.

⁹¹ NPPF paragraph 39.

⁹² NPPF paragraphs 29 and 30.

⁹³ The cost of providing electric vehicle charging points was considered in the Council's *Local Plan Delivery Report* [EXAM3B].

Are policies GT1 and GT2 regarding Gypsy and Traveller and Travelling Showpeople sites positively prepared, justified and consistent with national policy, and will they be effective in ensuring that identified needs are met at all times during the plan period?

Gypsy and Traveller Accommodation Needs

249. There are three fully authorised gypsy and traveller sites in the Borough: two family-owned sites at Hertford Road (8 caravans) and St James' Road (6 caravans), and a well used, publicly-owned site at Halfhide Lane, Brookfield (15 pitches with 24 caravans). There are also around 65 caravans on land north of Wharf Road in the Lee Valley Regional Park. That land has been used on an unauthorised basis for many decades, and most of the caravans currently on site now benefit from, or are likely to be entitled to, lawful development certificates according to the Council.

250. The *Borough of Broxbourne Gypsy and Traveller Accommodation Assessment 2017* ("GTAA")⁹⁴ identifies a need to accommodate 22 households that meet the national definition of gypsy and traveller⁹⁵ based on interviews that were carried out with some of the occupants of the existing sites⁹⁶. Those identified needs arise from 5 households that were on unauthorised pitches at the time of the study; 3 that were on doubled-up pitches; 8 teenagers that will need a pitch of their own within 5 years; and other households that are likely to form over the plan period.

251. In addition to the identified needs for travellers that meet the national definition, the Council's evidence identifies 16 existing households that do not meet the definition⁹⁷ plus an additional 10 such households that may form⁹⁸. There were also 14 existing households about whom the Council was unable to gather evidence to determine whether they meet the definition or not⁹⁹ plus an additional 4 such households that may form¹⁰⁰. The GTAA suggests that 10% of these households are likely to meet the definition, although more recent evidence from the consultants who prepared the GTAA indicates that a more accurate estimate would be around 25%¹⁰¹.

252. It is quite possible, for a number of reasons, that the GTAA conclusions about the number of existing (and future) households that meet the definition are underestimates. These relate to the nature of the questions asked, and the reluctance of some respondents to reveal details of the family's working and travelling arrangements.

253. In addition to the needs identified in the GTAA, there is evidence of other needs that may exist now or during the plan period. The 2011 Census identified 49 traveller families living in bricks and mortar housing in the Borough, and 11 specific households currently in such accommodation or

⁹⁴ GT1.

⁹⁵ *Planning Policy for Traveller Sites* (DCLG, August 2015).

⁹⁶ GT1 Figure 5 [sic] page 40.

⁹⁷ GT1 Figure 5 page 35.

⁹⁸ GT1 Appendix C Figure 12.

⁹⁹ GT1 Figure 5 page 35.

¹⁰⁰ GT1 Appendix B Figure 8.

¹⁰¹ Email from ORS dated 14 August 2018 attached as Appendix 8 to GATE Hertfordshire's revised hearing statement for matter 7.

homeless have been identified as expressing a preference to live on a traveller site¹⁰². There are 160 traveller families on the County Council's housing waiting list, 14 of whom state Broxbourne as their first preference. And needs may arise from travellers who wish to move into the Borough from other parts of Hertfordshire, Essex, London or elsewhere in the future.

254. Calculating housing needs is not an exact science, and there are particular difficulties in estimating needs associated with traveller communities. For the various reasons set out above, the specific needs identified for travellers that meet the definition identified by the Council are likely to represent the minimum requirements. Furthermore, it is also reasonable to assume that some families that may not meet the national definition would most appropriately be accommodated on sites occupied by travellers that do. This may be because of close family or community relations, or because whilst they do not currently meet the definition they may do so later in the plan period.

Meeting Gypsy and Traveller Accommodation Needs

255. In order to be consistent with national policy and effective in meeting the likely need for traveller accommodation, the Plan should identify specific deliverable sites sufficient to provide 5 years' worth of sites against identified requirements; and identify a supply of specific, developable sites or broad locations for growth for years 6 to 10 and, where possible for years 11-15. For the reasons set out above, in so doing, the specific requirements identified in the GTAA should be treated as a minimum, and the Plan should build in flexibility to accommodate additional needs that may arise.

256. In order to assess whether this is the case, I will look at the needs likely to arise from each of the four existing sites and how they are proposed to be met, and also consider how other needs that may materialise (for example due to families moving out of bricks and mortar accommodation) could be met.

257. All of the proposed sites are in the Green Belt. However, it is clear from the evidence before me that the identified needs for traveller accommodation cannot be met on land that is not in the Green Belt, due to the lack of suitable sites within the existing urban areas and because the identified needs arise directly from well established communities located in the Green Belt. These reasons, along with site specific considerations about the nature and scale of each of the proposed sites and the limited effect that they would have on the openness and purposes of Green Belt, mean that I am satisfied the exceptional circumstances exist to justify the proposed changes to the Green Belt boundary that I recommend below [**MM16.6**, along with site specific modifications recommended below].

Hertford Road and St James Road Traveller Sites

258. Policy GT1 proposes that the Hertford Road site be expanded by 3 pitches and that 2 additional pitches be provided within the St James' Road site. The sites identified on the policies map have more than adequate capacity to achieve this, and that level of provision is expected to be sufficient to meet the future needs of those family communities over the plan period. However,

¹⁰² Gypsy and Traveller Empowerment Hertfordshire Matter 7 Hearing Statement Appendix 3.

modifications are needed to policy GT1 and the reasoned justification to ensure that the Plan is effective in ensuring that needs are met on those sites without being unduly prescriptive about the number of pitches that are provided [**MM16.1**, **MM16.2**, **MM16.3** and **MM16.7**]. Furthermore, to be consistent with national policy and to ensure that the policy can be effectively applied, the policies map should be amended to remove the two sites from the Green Belt.

Wharf Road

259. Policy GT1 proposes that an authorised site be provided at Wharf Road to provide around 20 pitches. The Council's evidence submitted during the examination explains how this proposal would create a consolidated, serviced site based on the area occupied by the majority of the existing lawful caravans along with open land immediately to the north. The lawful and unauthorised caravans in the strip of land alongside the River Lee to the east would be relocated to within the allocated area.
260. This approach would accommodate the needs of existing and additional households at Wharf Road that meet the national definition based on the Council's evidence. However, it is unclear whether it would be sufficient to accommodate additional households that may meet the definition or who do not but wish to live there due to well established family and community connections. That said, there is sufficient land available to provide more than 20 pitches if required.
261. However, the site is within the functional flood plain and is at high risk of flooding. This categorisation is based on up to date and detailed analysis by the Environment Agency and assumes that all flood defences in the catchment are fully operational. National policy is clear that highly vulnerable uses, such as caravan accommodation, should not be accommodated in such areas. So clearly the proposal is contrary to national policy in this respect. The question is, therefore, whether there is robust justification in this case to depart from that national policy bearing in mind its ultimate purpose is to protect the health and safety of people and potentially save lives.
262. Significantly, there is clearly an established and growing traveller community in the area. Most of the land is owned by the occupants, and I am advised that they have no intention of selling their land or moving elsewhere. Both the Borough Council and Lee Valley Regional Park Authority ("LVRPA") advised that they have no resources or intentions to acquire the lawfully occupied plots. The fact is, therefore, that in the absence of a new approach the land is highly likely to continue to be used for caravan accommodation in the foreseeable future, including for sub-lets. As it is on an ad hoc and unplanned basis, this land use is likely to continue to be without satisfactory services and utilities, creating amenity and environmental problems. Furthermore, whilst properly designed and maintained flood defences are in place in the catchment, a large number of caravans are likely to remain on the functional flood plain with no effective site specific protection or arrangements in place to reduce the high risk that a flood would threaten the safety of residents.
263. On the other hand, the approach proposed in the Plan creates a positive opportunity to reduce the risks to health and safety of residents from flooding

through the creation of a contained, authorised and licenced site properly serviced with roads, water, electricity and drainage.

264. The Lee Valley Regional Park Authority ("LVRPA"), who has a statutory duty to improve and manage the park as a place for leisure, recreation, sport and nature reserves, is opposed to the proposal. The LVRPA considers that it would prejudice the plans it has been pursuing for many years, through significant investment in land acquisition and the preparation of various strategies, to transform this part of the Park, which adjoins a public car park, wildlife site and popular parkland as well as the river and towpath, into an area of informal recreation and nature conservation¹⁰³.
265. However, it is clear from the evidence submitted during the examination that those aims are unlikely to be achieved with the continuation of the existing unplanned land uses in the area. The consolidation of all of the traveller accommodation onto one defined area, away from the river, would provide an opportunity to create clear landscaped boundaries around it and allow the implementation of the LVRPA's environmental strategy on the surrounding land.
266. Provision of planned and formalised infrastructure and utilities, including relating to drainage, water supply, and waste management, would have further environmental as well as social benefits.
267. The detailed arrangements for implementing the proposal and managing the site are not in place. However, it is clear from the Council's evidence that it is committed to delivering the proposal and I am, therefore, satisfied that it is likely to be taken forward.
268. Overall, therefore, I conclude that the policy GT1(4) which proposes an authorised site at Wharf Road is justified. However, modifications are required to the policy and reasoned justification to ensure that it is justified and effective in terms of addressing the needs of resident families on existing pitches and through the creation of new pitches without specifying the final number of pitches which could ultimately differ from "around 20" [**MM16.1**, **MM16.5** and **MM16.7**]. To ensure that the policy can be effectively applied, the Policies Map should be amended to remove the allocated site from the Green Belt in line with national policy.

Halfhide Lane Traveller Site

269. Policy GT1 proposes that the Halfhide Lane site be relocated to provide around 20 pitches. My findings relating to this are set out elsewhere in the report as part of my assessment of policy BR1 relating to Brookfield. In summary, I conclude that the Plan needs to be modified to ensure that it is effective in ensuring that the future needs associated with that existing traveller site can be met in an appropriate way. Consequential modifications are required to policy GT1 and reasoned justification [**MM16.4** and **MM16.7**].

¹⁰³ *Wharf Road Environmental Strategy* (LUC for LVRPA, 2013).

Meeting other needs that may arise

270. I have already found that there may be additional needs for traveller accommodation that have not been specifically identified. In so far as any such needs would arise from the existing communities, policy GT1 (as modified) is sufficiently flexible to deliver additional provision. In terms of other needs that may arise, policy H3 states that the Council will seek a mix of housing on development sites that provide for a mix of occupiers. This could be used to deliver additional accommodation for travellers if clear evidence of additional needs emerged. Furthermore, my recommended modification to the reasoned justification for policy GB2 would ensure that disused glasshouse sites in the Green Belt could be redeveloped with self-build accommodation for gypsies and travellers. Overall, therefore, the Plan should be effective in ensuring that needs can be met.

Travelling Showpeople Accommodation

271. There is one existing travelling showpeople site at the junction of Goffs Lane and Lieutenant Ellis Way. This is occupied by 12 households, all of whom travel for work purposes all year round at fairs and other events, and a number of buildings for the storage and maintenance of rides and equipment. It is expected there will be a need to accommodate additional households during the plan period, but this need has not been quantified¹⁰⁴. Policy GT2 proposes to meet needs at the existing site. Given the extent of the site, there are likely to be ample opportunities to meet those accommodation needs there. However, to be effective, policy GT2 should be modified to refer specifically to meeting "accommodation needs" and set out an approach to considers proposals for the storage of equipment and other uses relating to travelling shows [MM16.9]. Furthermore, to be effective and consistent with national policy, the reasoned justification should make it clear that the site is removed from the Green Belt [MM16.8] and the Policies Map should be amended accordingly.

Conclusion

272. Subject to the main modifications that I refer to above, policies GT1 and GT2 regarding Gypsy and Traveller and Travelling Showpeople sites would be positively prepared, justified, consistent with national policy, and effective in ensuring that identified needs are met at all times during the plan period.

Are policies in the Plan relating to development in the Green Belt consistent with national policy, justified and effective?

273. National policy defines what would be inappropriate development in the Green Belt and makes it clear that such development is harmful to the Green Belt and should not be approved except in very special circumstances¹⁰⁵.

274. The Plan contains a number of development management policies relating to development in the Green Belt, and also a number of policies that specifically propose various types of development in the Green Belt.

¹⁰⁴ GTAA paragraph 1.18 [GT1].

¹⁰⁵ NPPF paragraphs 87-89.

Green Belt Development Management Policies

Policies GB1, GB3 and GB4

275. Policy GB1, which sets out the overall approach to managing development in the Green Belt, is intended to be consistent with national policy. However, a main modification is required to ensure that it is clear and effective in this regard [**MM26.1**].
276. Policies GB3 (rural diversification) and GB4 (occupancy conditions) are not consistent with national policy, justified or effective. The Council advised during the examination that it no longer considers those policies to be necessary given the limited amount of development proposals that they would apply to and the fact that the NPPF provides an adequate policy context. I agree that this is so and therefore recommend that both policies and the associated reasoned justification be deleted [**MM26.5** to **MM26.11**].

Horticultural Glasshouse Sites

277. In the 1920s the Borough and other parts of the Lee Valley accommodated the largest area of glasshouses anywhere in the world. However, recent decades have seen the almost total decline of that industry due to a lack of competitiveness in the global market. The vast majority of glasshouse sites have now been cleared and/or redeveloped, and this has led to the westward spread of Cheshunt towards Goffs Oak over the last 50 years¹⁰⁶.
278. Some glasshouse sites are included within allocations for residential development in the Plan, but there are a number of others in the area around Goffs Oak and west Cheshunt that are to be retained in the Green Belt. Policy GB2 allows the redevelopment of these for self-build housing in certain defined circumstances. However, as horticultural sites do not fall within the definition of previously developed land, this policy is not consistent with national policy relating to new buildings in the Green Belt.
279. National policy requires plans to be based on the housing needs of different groups in the community, including people wishing to build their own homes, and associated guidance makes it clear that the government wishes to enable more people to build or commission their own home¹⁰⁷. Whilst the local self-build register included only 30 people in 2018, the Council is aware of considerable interest in self-build on rural plots if suitable sites were available. At least some of the remaining glasshouse sites would be suitable in terms of location, size and character, and the Council's assessment indicates that low density, self-build development is likely to be viable at least in some cases. The policy would have the considerable benefit of ensuring that unsightly dereliction associated with horticultural businesses that are no longer viable is dealt with, and contains criteria that should effectively ensure that development respects the rural character of the area and benefit the overall openness of the Green Belt.

¹⁰⁶ O4 page 6.

¹⁰⁷ NPPF paragraph 50 and PPG ID-2a-021-20160401.

280. In light of the above, I am satisfied that policy GB2 sets out a positive plan-led approach to development on certain sites in the Green Belt that is justified given the particular circumstances in the Borough. However, some changes to the detailed wording of the policy are required to ensure that it is clear and therefore effective [**MM26.3**]. Furthermore, paragraph 26.6 needs to be modified to clarify that the policy applies to custom- as well as self-build, and also for accommodation for gypsies and travellers as there is no justification for precluding that section of the community [**MM26.2**]. Finally, paragraph 26.10 needs to be modified to delete reference to building coverage not exceeding 10% of the site area as this is not necessary to ensure that the criteria in the policy relating to rural character and openness are met, and it could prejudice the viability of some schemes [**MM26.4**].

281. As the Plan identifies sufficient land and opportunities for market housing, there is no need to modify the policy to allow that form of development. Furthermore, to do so would be likely to result in far fewer opportunities for self-build development meaning such demand would be unlikely to be met, whilst encouraging unnecessary residential development in the Green Belt.

Proposals for Development in the Green Belt

Secondary School at Church Lane, Wormley

282. Policy INF10 states that land at Church Lane, which is in the Green Belt, is safeguarded for the development of a new secondary school. However, the need for a new school is not expected to materialise until towards the end of the plan period according to the County Council who are the local education authority. Furthermore, there are doubts about the suitability of the allocated site, including in terms of providing safe and suitable access for all people, and the development proposed would be inappropriate in the Green Belt and contrary to national policy. In the circumstances the policy is not justified and is unlikely to be effective.

283. The Council advised during the examination that it intends to prepare a development plan document to review the needs case and timing for a new secondary school and identify a suitable site, and that this will be undertaken following adoption of the Plan. This represents a pragmatic and effective way forward that should ensure that a site can be allocated in advance of the school being needed. In order to provide clarity, and thereby ensure that other proposals in the Plan that may be dependent on the provision of a new secondary school can be effectively implemented, I recommend that policy INF10 and associated reasoned justification be modified accordingly [**MM3.1, MM7.23, MM12.1, MM17.7 and MM17.8**].

Broxbourne School

284. I recommend elsewhere in this report that the site of the proposed new school buildings in Broxbourne (policy BX4) be removed from the Green Belt in order to be consistent with national policy [**MM6.7 and MM6.8**].

Broxbourne Leisure Pool Site, Lee Valley Regional Park

285. Policy LV3 proposes residential and other development on the site of a former leisure pool site in the Lee Valley Regional Park. The land has been largely

cleared and landscaped and now forms part of an area of public open space. Whilst some development in the area may be justified, there is no adequate justification for the Plan to propose anything other than this in the context of national policy relating to development in the Green Belt. The policy and reasoned justification needs to be modified accordingly [**MM13.1** and **MM13.2**].

Spitalbrook, Lee Valley Regional Park

286. Policy LV4 proposes environmental improvements, improved public access, and leisure and recreation facilities including a visitor hub at Spitalbrook in the Lee Valley Regional Park. Such development would help to fulfil the Park's statutory purposes, and would not be inappropriate development in the Green Belt provided that any new buildings to provide facilities for outdoor recreation preserved openness and did not conflict with the purposes of including land in the Green Belt. The last part of the policy, however, is not effective or justified and should therefore be deleted [**MM13.4**].

Cheshunt Country Club

287. Policy CS1 proposes development that would ensure a "sustainable future" for the Cheshunt Country Club that is "compatible with its countryside location". This is ambiguous, and therefore the policy would not be effective in ensuring that any development on the site would be consistent with national policy relating to the Green Belt. As there is no adequate justification for the Plan to propose inappropriate development in this area, the policy and reasoned justification need to be modified to allow uses that are compatible with Green Belt location and ensure that any new buildings do not have a greater impact on openness than the existing structures [**MM14.1** and **MM14.2**].

Conclusion

288. The modifications that I have set out above are necessary to ensure that policies in the Plan relating to development in the Green Belt are consistent with national policy, justified and effective.

Are the Plan's development management policies justified, effective and consistent with national policy?

289. I have already considered the Plan's development management policies relating to Green Belt, housing, economic development, retail and town centres earlier in this report. Under this issue, I deal with the remaining development management policies.

Natural Environment and Biodiversity

290. Policy NEB1 sets out a positive strategy that aims to ensure that development results in net gains to biodiversity wherever possible. In order to be justified and effective, part V needs to be modified to refer to "any proposals that include measures to improve biodiversity" being subject to appropriate planning conditions or obligations, and the reasoned justification needs to be modified to refer to relevant guidance [**MM27.1**].

291. Policy NEB2 seeks to provide protection for internationally, nationally, and locally designated wildlife sites. A number of amendments are needed to this policy and the reasoned justification to ensure that it is consistent with national policy, justified and effective, including in terms of ensuring that necessary mitigation measures are implemented relating to the Lee Valley Special Protection Area and the Epping Forest Special Area of Conservation in line with the findings of the Habitat Regulations Assessment [**MM27.2 to MM27.6**]
292. With regard to Epping Forest, which is several kilometres from the Borough, it is justified for the policy to require, where necessary, contributions from developers towards measures set out in the relevant mitigation strategy relating to additional recreational pressures. However, as that mitigation strategy is being prepared by third parties, it would not be reasonable to require it to be in place before the Plan is adopted. Despite this, I am satisfied that the Plan will be effective in ensuring that the mitigation measures identified by the HRA will be delivered as required. This is because the Epping Forest mitigation strategy is under preparation, and part II of policy NEB2 needs to be read in conjunction with part III which requires all development proposals which may have an adverse impact on any internationally designated wildlife site to avoid or mitigate any impacts. If that cannot be demonstrated, for example because a proposal in the Borough fails to provide necessary mitigation for any impact on Epping Forest, it would not comply with policy NEB2 and could therefore be refused.
293. In light of the above, my recommended main modifications to policy NEB2 and associated reasoned justification would ensure that the Plan is consistent with national policy, justified and effective including in terms of ensuring the provision of mitigation identified by the HRA.
294. A main modification is required to the second part of policy NEB2 to ensure that the requirements relating to nationally designated wildlife sites are justified and consistent with national policy [**MM27.6**].

Historic Environment

295. Policy HA1 is aimed at ensuring that development improves the historic environment. However, a number of changes are needed to ensure that it sets out a positive strategic approach. In addition to the measures referred to in the policy, to be effective it should also require development proposals to have regard to the *Historic Environment Strategy Supplementary Planning Document* ("SPD") which the Council confirmed during the examination is expected to be adopted in 2020. Policy HA1 should also refer to the preparation and updating of conservation area appraisals, and the potential for the designation of new conservation areas. Paragraphs 29.3 to 29.6 need to accurately describe the designated and non-designated heritage assets in the Borough and explain the purpose of the SPD. These modifications [**MM29.1 to MM29.3**] will ensure that policy HA1 is effective, justified and consistent with national policy.
296. Policies HA2 and HA12 in the submitted Plan relate to various different sorts of heritage asset and their settings. However, whilst it was the Council's intention that all of these policies are consistent with national policy, it became

clear during the examination that this is not so in numerous respects. I therefore recommend that those policies and associated reasoned justification be deleted and be replaced with a single policy which states that development proposals affecting heritage assets or their settings should conserve or enhance the historic environment and will be determined in accordance with relevant national planning policy, along with other relevant policies in the Plan. [**MM29.4 to MM29.38**]. This, along with policy HA1 and the modifications to the reasoned justification and to various site specific policies that I recommend below and elsewhere in this report, will ensure that overall the Plan sets out a positive strategy for the conservation and enjoyment of the historic environment¹⁰⁸.

297. The relevant concept plans need to be modified to indicate the location of designated heritage assets on or close to allocated site to ensure that the policies are effective in protecting those assets and / or their settings [**MME.1**, along with modifications relating to individual sites recommended earlier in this report].
298. Policies BX1 and HOD1 set out proposals to improve Broxbourne village and Hoddesdon town centre, both of which include conservation areas. Modifications are required to ensure that these policies are justified and effective, including in terms of improving the historic environment and how they will be implemented [**MM6.1, MM6.3, MM9.1 and MM9.2**].
299. Policy BX2 needs to be amended so that it is clear, and therefore effective, with regard to the forthcoming preparation of an area action plan for Broxbourne station and environs in the context of Crossrail 2 and the need to conserve the setting of the nearby conservation area. [**MM6.2 and MM6.4**].
300. Policies WT1 and NR1 set out the Council's intention to produce a conservation area improvement plan for Wormley and a conservation area appraisal for New River. However, these two policies provide no guidance on how a decision maker should react to a development proposal, and are unnecessary in the context of policy HA1 (as modified) provided that the reasoned justification refers specifically to those two conservation areas. I recommend main modifications accordingly [**MM12.2, MM12.3, MM15.1 and MM15.2**].
301. Policy WT2 and the reasoned justification need to be modified so that it is effective in ensuring that development at Macers Estate protects the historic environment including the setting of Wormley conservation area [**MM12.4 and MM12.5**].
302. Subject to all of the above, I am satisfied that the Plan pays special regard to the desirability of preserving or enhancing designated heritage assets and represents a positive strategy for the conservation and enjoyment of the historic environment¹⁰⁹.

¹⁰⁸ NPPF paragraph 126.

¹⁰⁹ NPPF paragraphs 17, 126 and 132 and the *Planning (Listed Buildings and Conservation Areas) Act 1990*.

Other Development Management Policies

303. Based on the evidence before me, I am satisfied that most of the other development management policies in the submitted Plan are sound. However, there are a number of main modifications that are required in order to ensure that this is so.

Design and Sustainable Construction

304. Policy DSC1, which sets out general design principles, needs to be modified to state that "wherever possible" development must enhance local character and distinctiveness, and to make it clear that all development should have regard to the Council's design guidance **[MM20.1]**. This is to ensure consistency with national policy and effectiveness.

305. Policy DSC4 needs to be modified to refer to applicants submitting a long term management and maintenance plan for open spaces and leisure and sports facilities provided as part of development "where appropriate" **[MM20.2]**. This is to ensure that the policy is effective and justified.

306. Policy DSC6(I)(b) refers to boundary treatments and flat-roofed extensions as a means of accessing upper floor windows. However, the meaning of the policy and how it is intended to be implemented is unclear such that it is unlikely to be effective. The Council has advised that the policy is unnecessary and should be deleted, and I agree that this is so **[MM20.3]**.

Open Space, Recreation and Community Facilities

307. Policies ORC1 and ORC3 and the associated reasoned justification need to be modified to delete references to "Local Green Space" as none of the proposals are consistent with national policy in that regard¹¹⁰. Instead, the Plan should refer to new areas of open space being provided on a number of specified sites as set out in various site-specific policies, and make it clear that those areas should be kept permanently free from built development **[MM24.1, MM24.2 and MM24.4]**. This would ensure that the Plan is consistent with national policy and effective.

308. A number of changes to policy ORC2 and Appendix A are needed to ensure that they provide effective protection for all existing open spaces and sport, recreational and leisure facilities in line with national policy¹¹¹ **[MM24.3, MMA.1 and MMA.2]**.

Environmental Quality

309. Policy EQ3 relating to air quality, and the associated reasoned justification, need to be modified to ensure that the Plan is consistent with national policy and effective in ensuring that development in the Borough helps to sustain compliance with and contribute towards EU limit values for pollutants taking

¹¹⁰ NPPF paragraphs 75-78.

¹¹¹ NPPF paragraphs 73-74.

into account Air Quality Management Areas and the Council's action plan for air quality¹¹² [**MM28.1** and **MMM28.2**].

Conclusion

310. Subject to the main modifications that I have recommended, the Plan's development management policies are justified, effective and consistent with national policy.

Would the cumulative impacts on viability of the policy requirements in the Plan, in combination with other local requirements and nationally required standards, be likely to put implementation of the Plan at serious risk?

311. No comprehensive or systematic viability assessment was carried out by the Council during the preparation of the Plan as required by national policy and guidance¹¹³. In response to my request made early in the examination for evidence about economic viability, a *Local Plan Deliverability Paper*¹¹⁴ was published in June 2018, and viability was discussed at a number of hearing sessions.

312. Whilst the Council's viability assessment does not comply with the requirements of national guidance, there is sufficient evidence available about the deliverability of the strategic sites, which are critical to the achievement of the Plan's objectives, to satisfy me that they are likely to be implemented in a timely manner. The other smaller sites allocated for housing or mixed use developments vary in size and nature. Collectively, they would make a modest but important contribution to meeting identified needs, and each has been subject to a proportionate assessment of deliverability in liaison with the owners and / or potential developers.

313. There are a number of policies in the Plan that would have significant cost implications for developers. However, these have been taken into account in the site specific discussions and assessments that I have referred to above, and I have considered the justification for each during the examination. Many of these policies provide for flexibility when specific schemes are proposed for particular sites. Whilst this may impose something of a burden on some developers by requiring them to submit viability evidence as part of a planning application which is discouraged by national policy and guidance, it represents an effective and pragmatic approach in the context of the particular circumstances of the Borough and the types of sites proposed for development.

314. Overall, therefore, I am satisfied that the cumulative impacts on viability of the policy requirements in the Plan, in combination with other local requirements and nationally required standards, are unlikely to put implementation of the Plan at serious risk.

¹¹² NPPF paragraph 124.

¹¹³ NPPF paragraph 173 and 174 and PPG-ID-10.

¹¹⁴ EXAM3B.

Other Matters

315. In addition to those that I have described throughout this report, a number of other main modifications are required to the Plan to ensure that it is sound.
316. A number of changes are required to the key diagram (Figure 2) [**MM3.4**] and concept plans (Appendix E) in order to ensure that they are consistent with various main modifications to policies that I recommend and accurate in all respects [**MM5.2, MM6.9, MM7.4, MM7.11, MM7.18, MM7.19, MM8.3, MM8.8, MM9.10, MM9.15, MM10.1, MM11.6, MM11.9, and MM13.3**]. Further, the plans in Appendix E need to be consistently entitled "indicative concept plans" in order to ensure that their purpose is clear [**MME.1**].
317. To be effective, policies CH4 and GO1 need to specify that the proposed "improvement plans" for the Old Cambridge Road Corridor and Goffs Oak village respectively will be supplementary planning documents and clarify that proposals that improve the environmental quality and attractiveness in those areas will be supported [**MM7.4, MM8.1 and MM8.2**].
318. In order to ensure that implementation of the Plan can be effectively monitored and reviewed as necessary, an additional policy and set of monitoring indicators needs to be included in the Plan along with appropriate reasoned justification [**MM19.2, MM19.3 and MMG.1 to MMG.8**].
319. Three main modifications to definitions in the Plan's Glossary are required to ensure consistency with national policy and clarity [**MMD.1 to MMD.3**].
320. Finally, a number of modifications are required to various other parts of the Plan in order to ensure consistency with the modifications that I am recommending. Those that I consider to materially affect the Plan are included in the Appendix [**MM0.1 to MM0.5; MM3.1 to MM3.3; MM19.1; and MMC.1**].
321. The Council may also make additional (minor) modifications as a consequence of the main modifications that I am recommending and to ensure accuracy when it adopts the Plan.

Conclusion

322. The main modifications relating to other matters that I describe above, along with all others referred to in this report, are necessary to make the Plan sound. No other main modifications are required.

Overall Conclusion and Recommendation

323. The Plan has a number of deficiencies in respect of soundness and/or legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
324. The Council has requested that I recommend main modifications to make the Plan sound and legally compliant and therefore capable of adoption. I

conclude that with the recommended main modifications set out in the Appendix the *Broxbourne Local Plan 2018-2033: A Framework for the Future Development of the Borough* satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

William Fieldhouse

Inspector

This report is accompanied by an Appendix containing the Main Modifications.