

**Borough of Broxbourne
Council**

**Proposed Draft Development
Brief for Park Plaza North,**

**Representations on Behalf of IKEA
(landowner of the Park Plaza North site)
& the Potential Purchaser of the site**

July 2022

LICHTFIELDS

LICHFIELDS

Lichfields is the pre-eminent planning and development consultancy in the UK

We've been helping create great places
for over 50 years.

lichfields.uk

© 2022 Nathaniel Lichfield & Partners Limited (trading as "Lichfields"), All Rights Reserved, is registered in England, no. 2778116.
Registered office at The Minster Building, 21 Mincing Lane, London EC3R 7AG.
Formatted for double sided printing.
Plans based upon Ordnance Survey mapping with the permission of Her Majesty's Stationery Office.
© Crown Copyright reserved. Licence number 10007707
63410/01/IAN/AVi

Contents

1.0	Introduction	1
	Summary	1
2.0	According with the Plan	2
	The Broxbourne Local Plan (2020)	2
	Policy PP2	2
3.0	Procedure	5
	The Development Plan Process	5
4.0	Demand from Proposed Relocations	8
	Relocations from Waltham Cross Town Centre	8
	Other Relocations	9
5.0	Meeting Identified Needs	10
6.0	Highway and Transport Matters	12
	Secondary Access on Winston Churchill Way	12
	Delivery of Railway station	12
7.0	Draft Masterplan	14
8.0	S106	15
9.0	Conclusion	16

1.0 Introduction

- 1.1 Lichfields are instructed by IKEA, the existing owners of Park Plaza North, to respond to the draft development brief for the Park Plaza North site and the Waltham Cross Town Centre Framework Consultation Draft. Prior to submission, these were shared with the potential purchaser of the site who have endorsed the themes presented in the following representations.
- 1.2 This draft Brief was issued, following consideration by the Council's Cabinet, on the 29th March 2022.
- 1.3 Representations on this document are required by 15th July 2022.
- 1.4 Submitted within the consultation period, these representations are duly made.

Summary

- 1.5 To date, neither IKEA nor the potential purchaser of the site have had any input into the draft Brief and they do not support it in its current form.
- 1.6 The draft Brief does not interpret the development plan, nor add to it, but exceeds greatly the provisions of policy and the adopted position for the site set out in the Broxbourne Local Plan (June 2020). Any brief that were to be adopted with policies inconsistent with those in the Local Plan would be susceptible to legal challenge on the basis that changes to adopted local plan policy may only lawfully be achieved by way of a review of the relevant local plan itself, with the appropriate safeguards in terms of public consultation and independent examination that come with that process.
- 1.7 Furthermore, there is no need for this draft Brief, given the framework set out in the site-specific policy of PP2, which covers the Park Plaza North site. Further matters of detail can be adequately considered as part of the usual pre-application process and, subsequently, through the normal development control process to which any further planning application will be subject. The recently adopted Local Plan, with the detail provided in the site-specific policy, is an adequate basis for the determination of any proposed development of the site.
- 1.8 Elements of the draft brief are also incorrect and out of date.
- 1.9 Its adoption may also further increase the likelihood of recourse to appeal should the Council seek to rely on the contents of the brief as a reason for refusal of development proposals brought forward in accordance with the policies of the Local Plan. The adoption of the brief is too prescriptive and places controls on the site that could otherwise be negotiated between the applicant and the Council.
- 1.10 In combination, this is likely to make the delivery of this strategic allocation on which the Council has sought development for circa 30 years, far more challenging.
- 1.11 It would be preferable to work collaboratively with the Council as part of the pre-application and development control process on a masterplan-led scheme, which will realise mutual advantage from the development of the site, so that the key benefits and important elements of Policy PP2 can be realised, in accordance with Policy.
- 1.12 If there any comments or queries, or clarifications required on any of the points raised in these representations, then please do not hesitate to contact Ian Anderson at ian.anderson@lichfields.uk or 07947 362 618.

2.0 **According with the Plan**

The Broxbourne Local Plan (2020)

2.1 The Broxbourne Plan was adopted in June 2020.

2.2 The Council has confirmed, during discussions, that it does not consider the policies of the Plan, specifically PP2 'out of date' nor does it intend to commence any early review of the Plan.

Policy PP2

2.3 Policy PP2: Park Plaza North relates to the site.

2.4 The Policy states:

Policy PP2: Park Plaza North

I Park Plaza North is allocated for a mix of employment uses as follows:

1. Bulky goods retailers that need to be relocated as a result of regeneration developments proposed within Waltham Cross Town Centre; and

2. A mix of B1, B2 and B8 uses on the remainder of the site.

II. The site will be developed in general accordance with a master plan and design code which will be incorporated within an outline planning application for the development. The masterplan should include a visual landmark development at the corner of the A10 and Winston Churchill Way.

III. Development should preserve or enhance the setting of heritage assets, including the scheduled monument and listed buildings and structures, at Cedars Park.

2.5 PP2 is a site-specific policy for Park Plaza North. The intention is clear in that the Policy allocates the site for:

- Bulky goods retailers that need to be relocated as a result of regeneration developments proposed within Waltham Cross Town Centre; and
- A mix of B1, B2 and B8 uses on the remainder of the site.

2.6 It is within this context that any application should be tested through the normal planning application process.

2.7 PP2 also notes that the site will be developed in general accordance with a master plan and design code which will be incorporated within an outline planning application. The policy states this masterplan should include a 'visual landmark' at the corner of the A10 and Winston Churchill Way. This, in itself, will provide a framework for a future likely phased development, that negates the need for a Development Brief or SPD.

2.8 Policy PP2 further requires that development should preserve or enhance the setting of heritage assets, including the scheduled monument and listed buildings and structures, at Cedars Park. Once more this can be clearly tested by way of a Heritage and Townscape/Visual Impact Assessment either as part of an Environmental Statement, or as standalone reports as part of a planning application.

2.9 These are clear parameters within which a planning application can be brought forward, and ultimately tested.

- 2.10 The Inspector at the EiP set down very firm direction on Policy PP2, including the instruction that employment uses on the site should include B8 Warehousing and Distribution to meet the identified and considerable unmet need identified by the Plan. He also noted that the site should not be limited to occupation by only small and medium sized businesses / enterprises and that it was appropriate for occupation by larger scale operators.
- 2.11 The Inspector also commented on the Council's suggested introduction of the word 'balanced' into the mix of uses proposed under PP2.
- '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. (our emphasis).'*
- 2.12 And in respect of the Council's suggested insertion of 'balanced'
- '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.'* (our emphasis).
- 2.13 Separately, the Council confirmed, as part of the EiP process and in response to queries raised by the Inspector, that those businesses requiring potential relocation would be those retail operations within Waltham Cross town centre.
- 2.14 These were confirmed as (1) Fishpools, (2) Wickes and (3) Homebase.
- 2.15 The provisions of the draft Brief now seek to reverse this position, in seeking a wider allocation for relocations to the site, through location, use class and operator. The draft Brief also now seeks to control, or 'balance' the mix of acceptable uses, against the specific recommendations of the EiP Inspector.
- 2.16 IKEA as landowner have been wholly open and transparent throughout the EiP process, and thereafter, in its desire for B8 Warehousing across much of the site to achieve a Customer Fulfilment Centre. This was supported ultimately by the Inspector, in his response, and his direction to the Council on modifications to make the Plan sound and that reference to 'balance' was not required nor would that be 'positively prepared'.
- 2.17 It is our view that the recently adopted Local Plan provides an adequate and appropriate framework to consider a planning application for the development on the site, without seeking to further control the mix of uses on site, or extend the relocations suggested.
- 2.18 Critically, it is considered that the draft Brief does not accord with the adopted Plan.
- 2.19 Any Brief that were to be adopted with policies inconsistent with those in the Local Plan would be susceptible to legal challenge on the basis that changes to adopted local plan policy may only lawfully be achieved by way of a review of the relevant local plan itself, with the appropriate safeguards in terms of public consultation and independent examination that come with that process
- 2.20 At best, adoption of the draft brief in its proposed form would be likely to defer investment and jobs. It may also potentially take away further control from the Council in the event an application needs to be considered at appeal should the Council seek to rely on the contents of the brief as a reason for refusal of development proposals brought forward in accordance with

the policies of the Local Plan, rather than via the collaborative approach favoured by IKEA or the potential purchaser of the site.

3.0 Procedure

The Development Plan Process

3.1 The planning system is founded on the development plan process. It is the heart of the planning system.

3.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 *requires ‘... in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.’*

3.3 Plans, in this case the Broxbourne Local Plan (2020) set out a vision and a framework for the future development of an area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure, as well as a basis for conserving and enhancing the natural and historic environment, mitigating and adapting to climate change, and achieving well designed places.

3.4 It follows that any development plan therefore needs to be carefully and robustly prepared, given its role in determining development proposals.

3.5 It is for this very reason that Plans proceed through the ‘*checks and balances*’ of drafts and independent examination at EIP.

3.6 NPPF21 notes:

‘The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.’¹

3.7 The NPPF additionally notes that Plans should:

(a) be prepared with the objective of contributing to the achievement of sustainable development²;

(b) be prepared positively, in a way that is aspirational but deliverable;

(c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;

(d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

(e) be accessible through the use of digital tools to assist public involvement and policy presentation; and

(f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

3.8 Para 82 of NPPF21 additionally notes Plans should be flexible enough to accommodate needs not anticipated in the plan and to enable a rapid response to changes in economic

¹ NPPF21 Para 15

² This is a legal requirement of local planning authorities exercising their plan-making functions (section 39(2) of the Planning and Compulsory Purchase Act 2004).

circumstances. Such flexibility is provided in the drafting of PP2 in the policy being able to adapt to market demands. Conversely, the draft Brief is overly prescriptive.

- 3.9 Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing Supplementary Planning Documents. Policies on producing Supplementary Planning Documents is also provided in the NPPF21 and its supporting Planning Practice Guidance.
- 3.10 Supplementary planning documents are noted as: *‘Documents which add further detail to the policies in the development plan.’*
- 3.11 The Practice Guidance notes supplementary planning documents (Briefs / SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan.
- 3.12 The Practice Guide notes Briefs / SPD’s can be a material consideration in decision-making. However, as they do not form part of the development plan, they cannot introduce new planning policies into the development plan.
- 3.13 The Practice Guide also notes Briefs / SPD’s should also not add unnecessarily to the financial burdens on development.³
- 3.14 Policy PP2 is explicit in providing for those relocations which should be accommodated ie those from Waltham Cross town centre. The Council were asked for this specificity as part of the EiP process.
- 3.15 The Council appear, through the draft Brief, to be moving away from these specific relocations towards a wider and far more generic assumed need from possible displacements from other schemes, a number of which are wholly unrelated to the renaissance of Waltham Cross town centre, all of which do not appear to be fully investigated or confirmed and the evidence to demonstrate such an approach is missing, potentially leading to policies that are unviable or undeliverable.
- 3.16 These include:
- An unallocated post Office Depot in Waltham Cross
 - A builder’s merchants’ site (Jewson’s) in the Lee Valley and
 - A further builder’s merchants’ site (Travis Perkins) in Hoddesdon
 - Potential relocation of unspecified uses from Cheshunt Waterside; and
 - Potential relocation of unspecified uses from the Half Hide Trading Estate at Brookfield
- 3.17 There is no evidence of support / justification for this from local businesses referenced. References to these relocations should be removed from the draft Brief and are entirely contrary to PP2.
- 3.18 The draft Brief for Park Plaza North goes beyond the Plan, which is understood creates a point of procedure in the adoption of the draft.
- 3.19 Any challenge or appeal is likely to delay the important development of this site, a shared key aspiration of both the Council, and any future developer of the site.
- 3.20 If the Council wishes to fundamentally change the allocation of this site, then it should undertake an early review of the Local Plan.
- 3.21 Discussions to date have confirmed that the Council do not wish, not intend to commence early review.

³ Practice Guidance Paragraph: 008 Reference ID: 61-008-20190315

- 3.22 As a consequence, those elements which extend the draft Brief beyond policy, should be removed, and the draft Brief refocussed on the Masterplan principles and design, taking account comments made subsequently in these representations.

4.0 Demand from Proposed Relocations

4.1 The Council's vision appears to require the relocation of bulky goods retailers from Waltham Cross town centre. Simply, this cannot be guaranteed / delivered and needs to be appropriately caveated.

4.2 Importantly, it is our view that the draft Brief does not take into account relevant key market viability and technical considerations, contrary to Paragraph 82 of the NPPF.

Relocations from Waltham Cross Town Centre

4.3 PP2 of the Plan, reflective of discussions pre- and post EIP, focussed on relocation from Waltham Cross Town Centre.

4.4 Specifically:

- Wickes;
- Homebase; and
- Fishpools

4.5 Policy PP2 does not extend beyond relocated retail uses in Waltham Cross town centre.

4.6 Fishpools historically were not part of the Council's wider development ambitions for Waltham Cross. However, through discussion at the EIP and subsequently, as a local furniture retailer in Waltham Cross who aspires for larger premises in order to combine both its retail and warehousing facilities at one location, and this has been supported by IKEA. Indeed, as part of its preparations for a planning application, IKEA undertook some detailed pre-application discussions with the Council on the prospect of relocating Fishpools on the site at the 'Landmark building' foreseen in PP2 at the north-western most part of the site where the A10 meets Winston Churchill Way.

4.7 Market assessment testing has been undertaken by agents, Cushman and Wakefield in July 2022 for each of the three 'bulky goods' retailers identified above and located within Waltham Cross, to determine market interest and future trading plans for the town centre.

- **Wickes:** It is understood Wickes has confirmed that it wishes to continue to trade from its existing store.
It is further understood the business re-gearred its lease in 2018 and entered into a new 10-year lease, underlying its commitment to its present site / staying within its existing position in Waltham Cross town centre.

It is therefore unlikely this site will come forward for development or that Wickes will locate to Park Plaza North.

- **Homebase:** The Homebase unit is the subject of an appeal for its subdivision, with Homebase intending to occupy the western element of the old store and Aldi occupying the eastern element.

As such, it is understood Homebase have plans to extend their lease in a downsized store with the balance of the space contracted to Aldi on a long-term lease, subject to the positive outcome of the appeal, an Inquiry for which is due to commence on July 21st.

We understand that Homebase has confirmed its full intention to the Council to remain at its current location at Sturlas Way in Waltham Cross town centre. Homebase fully support the Aldi appeal, as does Homebase's landlord, London Cambridge.

Homebase consider a new downsized store on its existing site the best solution to continuing its 30+ year commitment to Waltham Cross. Critically, we understand Homebase propose to remain in situ even if the appeal fails.

- **Fishpools:** Discussions have taken place with Fishpools and these can be re-energised following the sale of the site. Ultimately, subject to the agreement of acceptable terms there is support for their relocation.

4.8 In respect of both Homebase / Wickes the draft Brief expects such discussions to be

'... re-awakened in pursuing the master planning of Park Plaza north and that any emerging requirement for relocation will be accommodated'.

4.9 It is our view that this is a naïve position to adopt and wholly uneconomic / unrealistic or market reality, lease commitment or commercial information shared with the Council provided as part of the earlier pre-application process IKEA entered into.

4.10 We strongly encourage the Council to re-engage with the property teams of Wickes and Homebase. Notwithstanding the outcome of future discussions, under the premise of Policy PP2, the draft Development Brief should not be extended to include retailers beyond Wickes, Homebase and Fishpools.

Other Relocations

4.11 Policy PP2 expressly sets out those relocations which should be accommodated. Moreover, the Council were asked for this specificity as part of the EiP process.

4.12 As set out in Section 3, the Council appear to be moving away now towards wider relocations and more generic displacements from other schemes, a number of which are wholly unrelated to the renaissance of Waltham Cross town centre.

4.13 These include:

- An unallocated post Office Depot in Waltham Cross
- A builder's merchants site (Jewson's) in the Lee Valley and
- A further builder's merchants (Travis Perkins) in Hoddesdon
- Potential relocation of uses from Cheshunt Waterside; and
- Potential relocation of uses from the Half Hide Trading Estate at Brookfield

4.14 Moreover, there appears a paradox in suggesting some of these new uses on site, given the ambition for the site to be developed as a 'high quality, strategic' employment location. Many of these suggested uses are non-strategic, including, in some cases, vehicle servicing, tyre workshops and construction open storage at this key gateway location.

4.15 These are inconsistent with Policy PP2, are not supported by any evidence that the referenced parties support the position and are neither in the spirit of discussions on the site, nor those recommendations made by the Inspector and their references should be deleted.

5.0 Meeting Identified Needs

- 5.1 The 2010 Development Brief produced by the Council, alongside other Masterplans from the site dating to the 1990’s, were discussed at the EiP.
- 5.2 The EiP Inspector was dismissive of these documents in favour of the Policy allocation now in place.
- 5.3 Comparison suggests this latest draft Brief largely replicates the 2010 Development Brief document and seeks to ‘wind back’ against those firm recommendations at EiP, notably, in respect of mix of uses, the extent to which relocations apply and the scale of B8 Class Development.
- 5.4 The Council should take account of the evidence-based advice from its own consultants, AECOM, on the need to accommodate the significant additional logistics and B8 floorspace forecasted required within the Borough. At 160,700 sqm or 36 hectares of land for Storage and Distribution (B8), this figure is very significant.
- 5.5 This ‘need’ has further grown exponentially since AECOM’s work (2016), meaning there is an even greater pressing requirement to accommodate identified Plan-led needs, as a minimum.
- 5.6 Recent intelligence⁴ suggests:
- A growth in employment of 675,000 in 2012 to 1.25M in 2021;
 - That a logistics job can create up to 1.5 additional jobs in the immediate area through a positive multiplier effect.
- 5.7 Outside London, in the South East, that pace of growth has not matched other regions. In many cases this may be as a consequence of employment land sites and allocations being developed for residential schemes.

REGION	GROWTH FROM 2012/4 TO 2019/21	
	LOGISTICS JOBS (%)	NON-LOGISTICS JOBS (%)
North East England	97%	0%
North West England	62%	8%
Yorkshire and the Humber	42%	5%
East Midlands	60%	5%
West Midlands	74%	7%
East of England	93%	10%
London	125%	12%
South East England	37%	6%
South West England	77%	7%
Scotland	67%	3%
Wales	87%	4%
Northern Ireland	74%	7%

Source: Source: Frontier analysis of: BRES 2012-2020; LFS 2020-2021; EBG data

⁴ The Impact of Logistics Sites in the UK, June 2022

- 5.8 From the narrative of the Council, both at EiP and since, there appears a reluctance to acknowledge the value of B8 employment development, notwithstanding ‘assessed need’.
- 5.9 Employment in logistics has nearly doubled since 2012. Logistics is one of the largest industries in the UK, employing 1.25m people, 4.1% of all UK jobs.
- 5.10 This includes around 690,000 people employed in the “core” industry (e.g. third-party logistics companies), and a further 550,000 employed by other companies (e.g. retailers or manufacturing companies with their own distribution operations).
- 5.11 Growth of the UK logistics industry over the last decade has been exponential: adding over 600,000 jobs across the UK, which is equal to the population of Manchester. To put this further into context, employment in the logistics industry is likely to surpass the English NHS (which currently employs around 1.4m people) by 2023.
- 5.12 The impact on employment-led opportunity through logistics however continues beyond the industry itself. It is estimated that every 1,500 logistics workers in an area can support up to a further 1,000 jobs in supply chain, service providers, and other businesses in the local community. The industry is estimated to have generated around £48bn in Gross Value Added in 2021.
- 5.13 Qualifications are not a barrier to entry, and the sector has more managers without degrees than the rest of the economy. In a recent survey of new hires, opportunities for career development were the top reason that people chose to join logistics firms such as Amazon.
- 5.14 The existing UK Logistics market has further enabled:
- 35,000 people to be promoted to management positions in Logistics in 2021;
 - 87% of logistics workers receiving training in their role to help further careers.
- 5.15 At the Broxbourne Plan EiP, the Inspector noted the indications that the demand for modern storage and distribution space, including that associated with e-commerce and to provide last mile deliveries, could in fact be higher than that forecast in 2016 by AECOM, as the Council’s consultants.
- 5.16 All indications, post pandemic, are that the demand for logistics and e-commerce has accelerated steeply, increasing the need to accommodate this within the Borough of Broxbourne at a strategic and accessible location, such as Park Plaza North.
- 5.17 This ‘need’ should be met, according to the Plan.

6.0 **Highway and Transport Matters**

Secondary Access on Winston Churchill Way

- 6.1 As part of pre-application preparation, IKEA and its advisors had detailed discussions with Highways Officers at Hertfordshire County Council. These included the potential / acceptability of access from Winston Churchill Way.
- 6.2 The conclusion was that a secondary access was not feasible nor desirable on Winston Churchill Way. There was concern in the creation of a junction in close proximity to the A10/Winston Churchill Way roundabout, that that topography and levels of the site against those of Winston Churchill Way precluded a supportable access. It was also of concern that such an arrangement may lead to rat running through the development, especially at peak traffic flows. For this reason, the secondary access on Winston Churchill Way was removed and absent from later pre-application discussions.
- 6.3 The original illustrative diagram supporting Policy PP2 in the Broxbourne Plan also initially had a 'two point access' arrangement to the site, but this was revised ahead of adoption of the Plan given the feedback from Hertfordshire County Council, to a single access point on the A10.
- 6.4 The draft Masterplan contained within the draft Brief now appears to re-introduce and access on Winston Churchill Way with not one, but two secondary access to create an 'in' and 'out' to the development from the north.
- 6.5 We understand that this is neither realistic nor achievable, given the levels, position of the railway bridge and road geometry of the access / egress proposed. It would be helpful to understand any agreement which has been reached with Hertfordshire County Council in this respect, given its previously opposing position to a northerly secondary access on Winston Churchill Way.
- 6.6 If the suggested access points are introduced without such discussions / consultation, then these should be removed. The nature of access is a matter that can be progressed throughout the pre-application and development management process in line with the policy requirements of PP2.

Delivery of Railway station

- 6.7 The Council's vision suggests a requirement for the delivery of a railway station. Simply, this cannot be guaranteed / delivered and needs to be appropriately caveated.
- 6.8 The site also falls beyond the boundary of the site ownership of IKEA. This should be made clear.
- 6.9 We understand that some discussions have been held with Network Rail and the rail operator, but that these are yet to reach any firm conclusion of the acceptability or indeed efficacy of the provision of a station at Park Plaza.
- 6.10 To date, no detail on the feasibility or financial confirmation that a station will be located at this location has been shared. In this respect we note the tone of Policy INF5 which commits the Council only to examine the feasibility of new railway stations at Turnford and Park Plaza.
- 6.11 Whilst IKEA and the potential purchaser are willing to consider the opportunity for access to the Railway Station, according to business case led demand being confirmed, it should not be a pre-requisite of the draft Brief, nor should the siting and layout of the station be required as part of the Masterplan process, given the need to involve technical 3rd parties either in design or land ownership who may not support the provision of the station and thus prejudice delivery of the development.

- 6.12 This further explains why flexibility of use (as retained within PP2 as opposed to the draft Brief) should be retained so as to allow any future development to respond to such a requirement. If a railway station is not deliverable or viable, high trip generating uses such as offices which would potentially result in congestion at peak times would not be appropriate in a location such as this unless public transport was significantly enhanced. Seeking to be more descriptive over the type of uses and occupiers, as currently drafted, prevents the flexibility advocated by the NPPF and that position set out by the Inspector at EiP.

7.0 **Draft Masterplan**

- 7.1 The Park Plaza site has a long history, including at least two failed attempts at ‘master-planning’ in a similar manner to that now proposed.
- 7.2 It is misleading for the text to suggest that the draft Brief supersedes those of 1995 and 2010. In both cases these Development Briefs were superseded by the Local Plan, latterly by PP2 of the Plan because they were deemed commercially unrealistic or responsive to the market. These references should therefore be deleted.
- 7.3 The draft Masterplan included within the draft Brief also does not take into account key operational /technical requirements for anticipated end users, nor does it appear to be supported by evidence of commercial demand/supply, or specific user requirements (which is pertinent given references to specific occupiers).
- 7.4 We are not aware that the Masterplan layout has been market tested, and it is clear it has not been discussed with referenced parties and therefore is not a deliverable scheme in terms of market and technical perspective and therefore is unable to provide any viable basis for the development of the site.
- 7.5 However, we would comment, as a guide:
- The retail / bulky good uses do not appear to have any servicing, adequate storage or significant accessibility for bulky good deliveries;
 - The preference is for operators always to have ‘road presence’, whereas the retail units appear to be situated within the site;
 - The Homebase unit does not appear to have an open garden centre;
 - Access on Winston Churchill Way is understood not to be feasible / desirable form Hertfordshire County Council (see section 6 above). The access, as drawn, is likely to encourage rat running at peak hours.
 - Road geometry appears uncharacteristically narrow and leaves no room for paths and landscaping.
 - B8 and B2 uses require adjacent loading yards in order to accommodate HGV’s servicing requirements. None of the units appear to show these
 - There appears to be no hierarchy of uses, and with the exception of the Homebase unit which is named, it is not possible to determine which units are likely to be developed for which uses; and
 - Generally, the feel of the masterplan is one of an out of centre business park, mirroring those plans produced in the 1990’s and in 2010 rather than reflecting the 2020 policy aspirations and requirements of PP2 and the employment sector.
- 7.6 Overall, the masterplan offers little to help assist either the purchaser of the site or potential occupiers to deliver the opportunity which exists for uses across the site, and ultimately a cohesive ‘building block’ which will aid not only an eventual planning application, but key investment decisions on which commercial occupational leases will be secured.

8.0 **S106**

8.1 The draft Brief notes that the Council will require the owner of the site to enter into a Section 106 agreement at outline approval stage to include the following:

1. Contribution to Park Plaza Rail Station - £2 million
2. Sustainable Transport contribution – £0.5 million
3. Bus Service contribution – £0.75 million
4. Highways contribution – 0.25 million
5. Sports provision - £0.1 million
6. Training and skills development package for the local workforce

These headings and figures remain to be tested as against the criteria in Regulation 122 of the Community Infrastructure Levy Regulations 2020

8.2 It is additionally noted that the developer may be required to enter into a S278 agreement to implement any further highway works necessary to serve the development.

8.3 Taking account of the above, there appears ‘double counting’ between sustainable transport contributions and bus service provision, especially if the scheme will ultimately be both walkable from Waltham Cross Town Centre and possibly served by rail.

8.4 The contribution for the railway station also needs to be considered against the provision of accessibility and should have a reasonable clawback in the event the station does not come forward within a realistic timescale.

8.5 The reference to provisions will be set out in the Agreement to secure the retailers named earlier in the document into the development should be deleted. This cannot be enforced and creates an unfair advantage in any commercial negotiations if carried forward.

8.6 The presumption that the additional land at Cedars Park will simply be ‘gifted’ to the Council is misplaced. Reference to this should be deleted. This aspiration should be discussed during the application process.

9.0 Conclusion

- 9.1 IKEA as landowner and the potential purchaser of the site have had no input into the draft Brief document and are unable to support it. Policy development should be founded on active engagement in a collaborative manner, which has clearly not yet been carried out.
- 9.2 The Brief does not interpret the development plan, nor add to it, but exceeds greatly the provisions of policy and the adopted position for the site set out in of the Broxbourne Local Plan (June 2020) through addition of prescriptive measures that are not market tested for deliverability or viability.
- 9.3 We consider the draft Brief unnecessary, given that the framework set out in the site-specific policy of PP2, which covers the site. Further matters of detail can be adequately considered as part of the usual pre-application process and, subsequently, through the normal development control process. The recency of adoption of the Plan, and the detail provides in the site-specific policy, is more than adequate for the determination of any proposed development for the site.
- 9.4 Elements of the draft Brief are also incorrect and out of date as outlined in this response.
- 9.5 Cushman and Wakefield, as agents for IKEA have examined the opportunity for relocating those operators initially identified by the Council recently (July 2022) and concluded the opportunities for relocation is likely to focus on Fishpools only. Other uses suggested now as part of the draft Brief are outside the provisions of PP2 and are not in the spirit of clarifications provided to the Inspector at EiP.
- 9.6 Set against Policy PP2, any adoption of this draft Brief which seeks to amend, otherwise by formal local plan review, the polices of the adopted Plan may be subject to challenge. It may also further increase the likelihood of appeal. In either case, this is likely to delay rather than assist, the site being brought forward for development and may take important decision-making elements away from the Council.
- 9.7 It is considered the masterplan needs further consideration and does not currently reflect the modern requirement of occupiers in terms of use, servicing or car parking, notably for customers undertaking 'bulky goods' type shopping. Its use is likely to discourage, rather than encourage, market interest in the site.
- 9.8 Additional requirements which include the station, untested S106 contributions and an access which may not be achievable on Winston Churchill Way similarly are likely to dissuade investment.
- 9.9 In combination, this is likely to slow the delivery of this strategic allocation on which the Council has sought development for circa 30 years.
- 9.10 IKEA and the potential purchaser would prefer to work collaboratively with the Council as part of the pre-application and development control process on a masterplan-led scheme, which will realise mutual advantage from the development of the site, so that the benefits and key elements of Policy PP2 can be realised, in accordance with Policy.
- 9.11 If there any comments or queries, or clarifications required on any of the points raised in these representations, then please do not hesitate to contact Ian Anderson at ian.anderson@lichfields.uk or 07947 362 618.

Lichfields

July 2022

Birmingham
0121 713 1530
birmingham@lichfields.uk

Edinburgh
0131 285 0670
edinburgh@lichfields.uk

Manchester
0161 837 6130
manchester@lichfields.uk

Bristol
0117 403 1980
bristol@lichfields.uk

Leeds
0113 397 1397
leeds@lichfields.uk

Newcastle
0191 261 5685
newcastle@lichfields.uk

Cardiff
029 2043 5880
cardiff@lichfields.uk

London
020 7837 4477
london@lichfields.uk

Thames Valley
0118 334 1920
thamesvalley@lichfields.uk