

**EXAMINATION in PUBLIC**

**EAST HERTS DISTRICT PLAN**

**PART 2 HEARING STATEMENT**

**for**

**BAYFORDBURY ESTATES**

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## 1.0 Introduction

1.1 This paper has been prepared on behalf of Bayfordbury Estates to support promotion of the former gravel workings known as Presdales Pit off Hoe Lane, Ware SG12 9EY (SLAA ref 05/001) as a site eminently suitable for an Employment Allocation for B1c, B2 and B8 purposes, for development preferably during the first five years of the Plan period. The pit was previously considered suitable for development as a cattle market, the planning permission for which remains extant as confirmed by a letter from the Council dated August 1998 (Appendix 1). This submission has regard to what are considered to be deficiencies in the Council's choice of employment sites to meet the Districtwide 13ha requirement for B1c, B2 and B8 uses having particular regard to Hertford and Ware. We also comment on the proposed employment allocation East of Welwyn Garden City. Bayfordbury Estates, and its sister company Rialto, have been active in the commercial and housing markets in the East Herts District for in excess of 50 years and have considerable local knowledge.

1.2 This Statement responds to the Inspector's questions:-

Hertford – nos. 2, 5 and 7;

Ware – nos. 2 and 5; and

the proposed allocation of 6ha under policy EWEL1 included in the Council's Hearing Statement for Employment and Retail.

## 2.0 Chapter 7 Hertford

2.1 Responding to **Q2**, the Plan does not quantify the overall amount of employment floor space allocated to Hertford. The only reference to a precise quantum of employment floor space is in Policy HERT2 Mead Lane Area where clause (c) requires 3,000 sq m of B1 employment. The justification for this figure is challenged by St William Homes on grounds of viability and hence deliverability.

2.2 Policy HERT6 lists sites subject to an employment designation but provides no indication of the amount of floor space. I commented in detail on each of these sites in my submission to the Regulation 19 consultation (see Section 4.2). The fact that La Salle Investments, owner of Caxton Hill industrial estate, is now actively pursuing its re-allocation for housing was confirmed at the Part 1 Hearings. Hence my previous concern regarding lack of any new employment land being allocated to Hertford alongside the additional housing proposed is compounded by the possibility of existing floor space being lost if Caxton Hill is re-allocated for housing, evidence for which appears persuasive from the commercial perspective. Having regard to evidence given during Part 1 of the Examination, there must also be doubt around the quantum of floor space likely to come forward from the Mead Lane area (**Q7** refers).

2.3 From the above it must follow that the answer to **Q5** “*Is the requirement for employment floor space justified in HERT2*” must be “No”. Bayfordbury Estates is also firmly of the view that, taken together (having regard to the functional relationship between the two towns) employment land designations in both Hertford and Ware are not adequate to meet the employment needs of this part of the District. Moreover, both the housing market and employment activity within the District tend to focus around the two main north/south routes of the A10 and old A11/M11 corridors with little crossover between them due to poor road linkages. Hence, even if a more than adequate supply of employment land had been identified in the eastern part of the District (which arguably it has not) any surplus provision there would not meet employment needs in the Hertford and Ware area.

2.4 Even without these possible changes, the Council’s own evidence base (The Hertford and Ware Employment Study by Wessex Economics) published in June 2016 had already identified, inter alia, that:-

*“The availability of employment land and premises in Hertford and Ware appears to be significantly constrained. As noted in section 4, there was a net loss of 12,915 sq m of employment floor space in 2014/15 and it seems probable that when available the data for 2015/16 will show a further significant loss of employment floor space and employment land for that year. There appears to be very limited property on the market across the whole spectrum of B class uses with vacancy rates down to 2% for office space and below 2.5% for industrial space”,*

and

*“In summary, it is the loss of employment sites, **without any clear short-term means of re-provision**, which prevents a substantive challenge for EHDC as planning authority. The declining availability of employment sites will limit the scope for retaining existing businesses already located in Hertford and Ware, as and when their requirements for better or different types of premises; quite apart from the desirability of attracting new employers to Hertford and Ware to fulfil planning objectives, and building the number of business occupiers paying business rates”.*

2.5 This led the authors to recommend a variety of actions to the Council, one of which was to “**examine options** for allocating one or more new strategic employment sites in the central area of East Herts with strategic connections to the A414/A10 and with the potential to provide a good public transport connection to a railway station (existing or new) on the East Hertford-Ware-London Liverpool St route. The focus of search could usefully concentrate on sites which are not suitable for residential use, probably by virtue of proximity to major roads or for other reasons”. (emphasis added).

2.6 Unfortunately, this recommendation “**to examine options**” does not appear to have been acted upon notwithstanding clear evidence of need. When officers presented the Employment Study to the District Plan Executive Panel held on 21<sup>st</sup> July 2016 an assurance was given to members (in

response to a question from a Councillor) that reference would be made in the final Plan to the Employment Study. However, no specific mention appears in either of the chapters for Hertford or Ware. The Hertford Chapter contains a fleeting reference at paragraph 7.1.11 to the need to provide additional land, stating *“Where possible, the current employment offer should be supplemented by the creation of additional jobs in suitable locations”* but does not carry this forward in any settlement specific policy requirement.

2.7 When asked at the Part 1 Hearing about what actions followed publication of the Hertford and Ware Employment Study the Inspector was advised by the Council’s representative that it was considered through the Settlement Appraisals placed before Executive at the same time as the respective chapters for each town. However, there is nothing in these appraisals to suggest that any options for allocating *“new strategic employment sites in the central area of East Herts with strategic connections to the A414/A10”* were considered at that time. It had previously been indicated that 3ha employment land would be sought on the edge of Ware in association with that urban extension; that allocation was not a response to the Employment Study.

2.8 The Hertford Appraisal reiterated the point about the overall number of jobs available in the towns having decreased by 600 since 2009 and stated that *“It is considered important that the Council develop a strategy for dealing with ongoing pressure to release employment sites for residential development”*. It then stated that a key element of this involves establishing a clear housing land supply position through progression of the Plan. We concur that this is an important aspect but alone it is demonstrably not enough since it is not preventing existing out-dated industrial estates that are poorly located relative to the strategic road network (such as Caxton Hill) from being brought forward for redevelopment for housing when there is an evidence base which supports change of use assessed against paragraph 51 of The NPPF. It is worth noting that whilst it was an aspiration associated with development of Foxholes Business Park in the 1980’s that vehicular access should be provided through to Caxton Hill, this unfortunately has never proven to be deliverable.

2.9 Bayfordbury Estates is thus firmly of the view that genuinely new employment allocations must be identified if the economic base of Hertford and Ware is not to be further eroded. Moreover, adequate provision must be made concurrently with new housing in order to avoid an increase in the 57% of town residents who already commute out of the District for work, given its attendant impact on already congested roads and trains. The conclusion with regard to Q7 as it relates to Hertford (and Q5 for Ware) can only be that there is no evidence of the Council having given any serious consideration to the recommendations of The Study, as a consequence of which the identified sites will not deliver the right amount of employment land to meet either existing or proposed identified needs.

### **3.0 Chapter 9 Ware**

- 3.1 As with Hertford, the overall amount of employment floor space allocated to Ware is not quantified (Q2 refers). The only reference to floor space is in paragraph 9.1.15 and Policy WARE2 which includes 3ha within the allocation for land North and East of Ware. Appendix 2 to the SoCG (described as a “Without Prejudice Indicative Layout”) indicates two employment sites, one immediately north of the proposed neighbourhood centre and one fronting the A10 but accessed through the residential development via the link off the A1170. No indication of the amount or type of floor space is given. Experience suggests that residential led development looks to locate “soft” employment uses within urban extensions since these will mitigate impacts on amenity, minimise conflict between commercial and residential traffic and limit the impact on house values. This land is therefore considered unlikely to provide for B1c/B2 and/or B8 uses.
- 3.2 Additionally, the SoCG contains no commitment or timescale for provision of this employment land. Even if speculative industrial units were proposed next to the A10, they would not generate finance to help deliver the significant infrastructure the site requires and are therefore likely to be left until the latter stages of the development. The promoter’s trajectory envisages a start on site in Q4 of 2019, delivery of just 100 houses within the critical first 5 year period and 300 by 2024. We consider it unlikely that any form of industrial units will be provided here within the next 10 years, if at all.
- 3.3 We therefore reject as commercially unsound the Council’s implied position that providing additional employment land in this location fulfils the recommendations of The Hertford and Ware Employment study (Q5). As with Hertford there is no evidence that the recommendation to *“examine options for allocating one or more new strategic employment sites in the central area of East Herts with strategic connections to the A414/A10”* has been taken up.

### **4.0 Chapter 13 East of Welwyn Garden City.**

- 4.1 The wording of the Pre-Submission Plan does not quantify the amount of employment land to be provided although clause (d) of Part VI of Policy EWEL1 states that the site will provide an employment area in a visible and accessible location to incorporate The Holdings in Welwyn Hatfield together with land off Birchall Lane currently allocated as a Waste Site. It emerged at the Hearing session into the Employment Strategy that a requirement for 6ha has now been identified for this location to meet what the Council recognises as an increased need Districtwide for 13ha of industrial land (B1c/B2/B8) compared with the 10-11ha stated in policy DPS1 (albeit it is not clear whether the 10-11ha figure also includes the requirement for B1a offices).
- 4.2 The Council’s Hearing Statement notes at paragraph 6 that provision of these 6ha will depend upon a change of operation for the land and at paragraph 8 to Q2 that *“The site is part of an allocated waste site which was granted permanent planning permission for an aggregate crushing*

*plant in 2016 having operated with temporary permissions for some years before that. The proposed allocation as employment land recognises this permission and facilitates the continued use of the land for employment purposes **should the current operation cease or relocate later in the Plan period**". (emphasis added).*

4.3 This begs the question of the likelihood of this land becoming available for general B1c/B2/B8 usage. The Council's Statement fails to record that as well as authorising use of the site as a recycling facility for inert waste, the planning permission (3/15/1124/CPO) granted in 2016 additionally included the erection of new buildings comprising 1,330 sq m floor space for the storage, repair and maintenance of plant plus 1,300 sq m of additional hardstanding for HGV parking. These have been provided, representing a very significant investment which it would seem unlikely will be given up by the current operator, B P Mitchell, in the foreseeable future. Indeed, this site is one of the most important recycling facilities serving this central part of Hertfordshire with a capacity to recycle up to 350,000 tonnes of inert waste per annum and employing 105 staff. The Council's representative at the Hearing session into the Employment Strategy acknowledged that *"The B P Mitchell site is unlikely come available in the short to medium term"*. Moreover, this allocation does not provide "new" employment land. Nor would it be easy to find an alternative suitable site were the current occupier minded to re-locate.

## **5.0 Proposed Employment Allocation at Presdales Pit**

5.1 The illustrative layout 7813-SK01 submitted with our Regulation 19 representations indicates a layout for a total of 250,000 sq ft (23,225 sq m) of mixed B2 and B8 development comprised in units of varying sizes. The precise mix is negotiable and some of the smaller units could be provided for B1c purposes if considered desirable. The total area proposed for development is 6ha across a site of approx. 11.5ha leaving ample space for existing and additional screen planting to protect the character of this part of the MGB whilst allowing the development to blend easily into its setting and providing generous internal manoeuvring space and parking for all types of vehicles. Given the location of the site close to the junction of Hoe Lane with the B1502 (and the commitment given to design the access so as to prevent HGV movements north along Hoe Lane) traffic would not need to pass through any residential areas. Its allocation for B1c/B2/B8 uses could thus contribute towards the updated requirement to provide a total of 13ha of genuinely new industrial land Districtwide, in a location recommended in The Employment Study.

5.2 The Ware Settlement Appraisal responded at paragraph 22.3 to the submission of Presdales Pit through "Call for Sites" under the heading "Consideration of Alternative Sites". It stated that the site was being promoted for residential, affordable housing and employment development. Whilst it is correct that Bayfordbury Estates responded to the 2010 Call for Sites by suggesting mixed residential and employment use, the residential element was dropped when the site was identified by Herts County Council in 2012 as a proposed Waste Site Allocation (HCC site ref. AS014).

Bayfordbury was supportive of this allocation and responded positively to HCC but ultimately the site was not selected in the 2014 Adopted Waste Site Allocations because it was not considered necessary. However, since that time Bayfordbury Estates has only promoted the site for employment purposes as made clear in their response to the Regulation 19 consultation.

5.3 The Council's response to the site appears to have been overly influenced by the conclusions of the Inspector who examined The Second Local Plan Review in 2006 when the site was promoted for residential development and a hospice. At that time it was submitted as a competing site to one to the north of Ware which was duly confirmed by the Inspector. Thus, the background context in terms of need was completely different and the Inspector did not allocate any of the competing "Omission Sites".

5.4 Our submission to the Regulation 19 consultation explores in detail the impact of the industrial development now proposed on this part of the Green Belt including on the strategic gap. The Inspector is asked to particularly consider the Landscape Visual and Green Belt Appraisal prepared by The Landscape Partnership which demonstrates a lack of harm in terms of Green Belt character.

5.5 Whilst the previous Inspector's concern that residential development would "*result in an illogical and unacceptable hole*" in the Green Belt is understood, there are other examples within the District of employment sites being located within the Green Belt. Ermine Point/Gentlemen's Field to the north of Ware on the west side of the A10 is an obvious example. As with Presdales Pit, that site was also a former gravel pit.

## **6.0 Conclusion**

6.1 The Council has not followed the recommendations of the Hertford and Ware Employment Study to "*examine options for allocating one or more new strategic employment sites in the central area of East Herts with strategic connections to the A414/A10*". The recent proposal to allocate 6ha of land within the development East of Welwyn Garden City is most unlikely to be delivered in the short to medium term, and even if it does eventually come forward will not help address the existing shortfall within the Hertford and Ware area. Exactly the same applies to the 5ha proposed to be included at Gilston. Additionally, if two of the allocated Hertford employment sites are not confirmed, as sought by objectors, this shortfall will be compounded. It is thus imperative that the Plan gives proper consideration to the identification of genuinely new employment land in order that these two important towns are able to develop in a sustainable manner.

6.2 As a former gravel pit that has not been restored (nor is there any legal requirement to restore it), Presdales Pit is ideal in terms of its location and topography to meet the short term need for new

employment land. The site is within the control of Bayfordbury and the company has the expertise and means to deliver. An employment allocation is accordingly requested.

Attached:-

Appendix 1 Letter from Council dated August 1998