

**WELWYN HATFIELD BOROUGH COUNCIL LOCAL PLAN:
AMENDMENT TO STATEMENT OF COMMON GROUND AND HEARING
STATEMENT (JANUARY 2018) IN RELATION TO NEW BARNFIELD, HATFIELD.**

Report of the Director of Environment and Infrastructure

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1. Purpose of report

1.1 To inform Members of the discussion surrounding the site at New Barnfield in the Welwyn Hatfield Borough Council (WHBC) Local Plan Examination in Public and to enable Council to consider whether to approve the revision to the Statement of Common Ground (SoCG) and Hearing Statement for Welwyn Hatfield Borough Council Policy SP14 in relation to the land at New Barnfield as set out in para 6.7 of the Report.

2. Summary

2.1 The County Council has provided advice and feedback on a wide range of infrastructure matters throughout the Local Plan preparation process, including all consultation stages of the Local Plan and various versions of WHBC's Infrastructure Delivery Plan (IDP). The information provided has been used by WHBC to inform the site selection and evaluation process, which has formed the basis for allocation of land within the Local Plan.

2.2 Through representations submitted on behalf of County Council services, the need for 20 forms of entry (FE) of secondary education provision was identified to meet existing and new demand. It was anticipated that the need would be met via school expansions and through the identification of three new secondary school sites.

2.3 The emerging Local Plan identified two sites at North West Hatfield and Birchall Garden Suburb, the latter of which is located in East Hertfordshire but will also meet the need from the WHBC Local Plan. The County Council then commissioned a site search to identify a third site in the identified area of need. The assessment resulted in a shortlist of seven potential sites. The County Council owned site at New Barnfield was one of these shortlisted sites. Six of the sites were located, either wholly or partially, in the Green Belt

(including New Barnfield) and one of the sites was promoted for an alternative use, and has since been developed.

- 2.3 Through a Statement of Common Ground (SoCG) signed in October 2017 between the County Council, WHBC and Gascoyne Cecil Estates (GCE) it was agreed that up to 10FE of provision could be accommodated at a strategic housing site at North West Hatfield in addition to the already agreed 8FE school site as part of the strategic allocation for Birchall Garden Suburb. This agreement enabled the County Council to secure a secondary education strategy with only two new secondary schools, avoiding the need for a third. This SoCG was supported by a Hearing Statement (HS) submitted to the Inspector at the Local Plan Examination in Public in January 2018.
- 2.4 Further to the County Council's submissions, it was noted that any increase in housing numbers would necessitate the need for further secondary school site allocation(s). The Inspector has since directed Welwyn Hatfield to revisit its housing numbers and this will require a review of the education strategy for the WHBC area.
- 2.5 The New Barnfield site is currently a waste site allocation in the County Council Waste Local Plan. Following the unsuccessful application for a Recycling and Energy Recovery Facility, the site remains an unused brownfield site in the Green Belt.
- 2.6 The Inspector has sought direct confirmation from the County Council that, if housing numbers were to increase, the site at New Barnfield would be made available for secondary education. Officers continue to work collaboratively with officers at WHBC to seek an alternative allocated site for waste uses.
- 2.7 Given the knowledge of sites being promoted within the Local Plan process, and which may now come forward, it is the opinion of officers that the site at New Barnfield would form part of a revised strategy for secondary education in Welwyn-Hatfield. However, as an allocated waste site in the County Council's Waste Local Plan, any submission that the site would be used for education is not in line with County Council policy and so would require the agreement of full Council. As such, this report invites Council to consider whether to approve amendment to the January 2018 SoCG and Hearing Statement (HS). Any decision of Council on this Report will not amend the County Council's Waste Local Plan but will ensure that the submission of the amended SoCG and HS is in line with the requirements of the Council's Constitution.

3. Recommendation

- 3.1 The Growth, Infrastructure, Planning & the Economy Cabinet Panel will consider a report on this matter at its meeting on 5 July. The Panel will be asked to consider and comment on the report and to recommend to Cabinet at its meeting on 9 July that it recommends to full Council *"That County Council approves the revision to the Statement of Common Ground (SoCG) and Hearing Statement for Welwyn Hatfield Borough Council Policy SP14 in relation to the land at New Barnfield as set out in para 6.7 of the Report."*

Cabinet's recommendation to Council will be reported orally at the meeting and circulated in the Council Order of Business sheet.

4. Background

The Welwyn Hatfield Local Plan

- 4.1 County Council officers have engaged with WHBC officers on the development of the WHBC Local Plan. At an earlier stage of the Plan making process (March 2015) County Council officers identified the need for in excess of 20 forms of entry (FE) for secondary education provision to meet secondary need arising from the projected housing delivery target alongside existing demand.
- 4.2 At the next stage of the Plan making process (October 2016), WHBC had identified the allocation of two new secondary schools, a 6-8FE allocation south east of Welwyn Garden City at Birchall Garden Suburb (Site SDS2) and a 6-8 FE allocation at North West Hatfield (Site SDS5). The County Council objected to the Plan, identifying it as unsound, due to the under-provision of secondary school places.
- 4.3 Continuous engagement between the County Council and WHBC resulted in the County Council agreeing (in January 2017) that a solution to providing secondary capacity involving an 8FE school at North West Hatfield, with potential to expand the school to 10FE would overcome any objection, but would provide little flexibility and not support additional housing growth in the area.
- 4.4 Welwyn Hatfield Borough Council submitted its Local Plan on 15 May 2017. The submitted Plan does not provide enough housing allocations to meet the full Objectively Assessed Need (OAN), constraining allocations in significant part due to a lack of secondary education solutions.
- 4.5 On 17 October 2017, a Statement of Common Ground was agreed between WHBC, the County Council and Gascoyne Cecil Estates (GCE), confirming that the secondary school which would be made available at North West Hatfield would be 8FE with the capability of expansion to 10FE. WHBC and promoters (GCE) agreed that the County Council should re-evaluate the availability of other sites in the area, specifically New Barnfield, should housing numbers increase, requiring further secondary education capacity.
- 4.6 The Plan is now under examination by a Government appointed Inspector. Land promoters for sites which were not included in the submitted Local Plan have challenged the reasonableness of the constrained approach, raising further questions regarding the availability of New Barnfield to deliver a solution to additional secondary school capacity.
- 4.7 Following a meeting with WHBC in early January 2018, County Council officers submitted a further Statement of Common Ground to the Examination process, identifying that if the Plan proposed additional housing, the County Council would make the New Barnfield site available for a secondary school "and as and when it does so it would ensure that the capacity of adjacent lands to contribute to the future needs of the District is not prejudiced. In the

event that it becomes necessary WHBC and the County Council would work together to consider appropriate revision to the Infrastructure Delivery Plan to set out the approach to funding/planning obligations and or/Community Infrastructure Levy (CIL)". The Statement of Common Ground is supported by a Hearing Statement submitted by the County Council in January 2018.

- 4.8 As part of the Local Plan process, the Inspector has challenged WHBC to review its ability to meet its OAN and, as part of this work, WHBC is currently undertaking a further Green Belt Review to inform the capacity of the District to accommodate the additional 4000 houses to achieve full OAN. The results of that review are due in mid-July 2018. The probable result of that work is an increase in housing numbers, some of which is highly likely to be in the area south of the Borough, requiring the County Council to identify a new education strategy and consider the future of the site at New Barnfield and its suitability to meet secondary education need from an increase in local housing projections.
- 4.9 Any increase in housing numbers may determine that additional strategic allocations are promoted through the Plan making process, although any request for a secondary school site would inevitably impact on the land available for new homes in an area where Green Belt constraints already exist.
- 4.10 The hearing sessions are due to re-convene for one week from 26 June 2018, with further sessions due from September. It is envisaged that the Green Belt Review will feed into the September sessions though whether that relates to just those existing sites in the Plan, or to additional sites which might be necessary to achieve the full OAN of 16000 houses is not yet clear.
- 4.11 County Council officers continue to proactively engage with WHBC officers. As part of those ongoing discussions there may be potential for the identification of a new allocation for waste use as part of additional employment land proposed through the Local Plan process, subject to the outcome of the Green Belt review. Officers will pursue this point with their WHBC colleagues in forthcoming meetings.

Site History

- 4.12 A former secondary school and central resources library, the New Barnfield site was allocated as a waste site (Site AS048) in the County Council's Waste Site Allocations Development Plan Document (DPD), adopted in 2014. This document forms part of the current Waste Local Plan, and is a statutory document that is a material consideration in the WHBC Local Plan process and in relation to the determination of future planning applications on this site.
- 4.13 In 2011, Veolia Environmental Services (Hertfordshire) Limited submitted a planning application to enable the demolition of the existing buildings at New Barnfield and construction of a Recycling and Energy Recovery Facility (RERF) for the treatment of Municipal, Commercial and Industrial Wastes together with ancillary infrastructure.

- 4.14 In January 2013, the Secretary of State directed that the application be called-in for determination because the proposal involved matters giving rise to substantial cross boundary or national controversy.
- 4.15 On 8 July 2014 the Secretary of State for the Department of Communities and Local Government (“SoS”) refused to grant planning permission for the RERF at new Barnfield. Veolia successfully challenged his refusal in the High Court. The SoS re-determined the planning application and on 16 July 2015 issued a notice refusing the application. Since that date the site has not been subject of any further planning application.
- 4.16 Assuming retention of the existing Green Belt boundary and assuming all woodland areas are retained there are approximately 9ha available for a new school within the current site boundary.

The Waste Local Plan (WLP)

- 4.17 There have been a number of changes to the overall picture for waste within the County since adoption of the Waste Core Strategy & Development Management Policies Development Plan Document (in November 2012) and the Waste Site Allocations Development Plan Document (in July 2014). New waste facilities have added to the capacity to manage certain waste streams and some facilities have closed down.
- 4.18 As the economy has recovered out of recession, the Government has promoted a growth agenda which is being implemented through the district and borough Local Plans in Hertfordshire. An increase in development means there is an increase in waste production from construction projects and domestic waste from occupiers of new developments.
- 4.19 The Initial Consultation Draft Capacity Gap Report November 2017, completed as evidence to support the review of the WLP, identifies a significant shortfall in capacity for the management of the two largest waste streams: Non-Hazardous and Construction, Demolition and Excavation waste and the recycling and composting of non-hazardous waste, from the start of the Plan period. This gap is set to increase as Hertfordshire grows.
- 4.20 The County Council is currently progressing work on a review of the WLP, with the first consultation concluding in March this year.
- 4.21 The emerging WLP provides an opportunity to review the number, location and principles of waste site allocation, including the potential removal of New Barnfield from the WLP and the allocation of an alternative.

The County Council as the Waste Disposal Authority (WDA)

- 4.22 The infrastructure requirements of the WDA are detailed in the County Council’s Local Authority Collected Waste (LACW) Spatial Strategy (November 2016) and its Annex document on the provision of a Household Waste Recycling Centre (HWRC) service (November 2017). It is recognised by the WDA that the New Barnfield site could meet a wide range of waste needs that may emerge over the course of the Plan period but that the most

urgent need as a minimum is for a replacement HWRC to serve the Welwyn-Hatfield area.

- 4.23 The nearest HWRC, serving the Welwyn-Hatfield area, is located at Cole Green, off the A414. The site is currently running over-capacity (at 112%). This assessment assumes an equal distribution of residential visits during operational hours, which is not an accurate representation of the site use. The centre operates above capacity and queues back on to the primary road network during peak times.
- 4.24 The Cole Green HWRC is identified by the WDA as unsuitable¹. It is not feasible to adequately expand the existing centre and a short term rental agreement is in place. Leased from Tarmac Lafarge Aggregates, the lease commands a significantly higher fee than others in the network and is due to come to an end in 2021.
- 4.25 Consideration of the concentration of planned housing growth within the A414 corridor and existing population is a significant factor contributing to the unsuitability of the Cole Green HWRC. The provision of two super sites along this corridor, potentially distributed close to the A414 and A1(M) and one near the A414/A41 corridor could better serve the Welwyn-Hatfield area, alongside Potters Bar, St Albans, Hemel Hempstead Berkhamsted and Tring.
- 4.26 The needs of the Waste Management Service are acute and the identification of an alternative HWRC (to replace Cole Green) is a priority.

The County Council as the Local Education Authority

- 4.27 As previously outlined, alongside the met need for primary education, the County Council has identified the need for in excess of 20FE of secondary education to meet the demand proposed within the WHBC Local Plan alongside that from existing demand. This need can be met through expansions to existing schools and across two new sites at the two strategic site allocations at Birchall Garden Suburb and North West Hatfield.
- 4.28 Additional demand arising from any alternative growth scenarios will result in the need to identify options for meeting this additional need which cannot be met from existing identified capacity. It is considered that pressures would be greatest in the south of the Borough.
- 4.29 The allocation of sites included within the Local Plan is now under re-assessment due to a direction by the Inspector at the Examination in Public, and a Green Belt review is currently underway by WHBC. Any increase to housing numbers as part of the Local Plan process will require the identification of a further secondary school site. With no other current options available to the County Council, the site at New Barnfield is considered to be the most suitable and most preferred option (in spatial distribution terms) to meet this additional demand.

¹ For further information see the Local Authority Collected Waste Spatial Strategy at: <https://www.hertfordshire.gov.uk/media-library/documents/waste/spatial-strategy/hwrc-annex-to-the-lacw-spatial-strategy-2017.pdf>

4.30 A 9ha site is capable of delivering a new secondary school.

5. Financial Implications

5.1 The development of New Barnfield as a secondary school is likely to require, as a minimum, the acquisition of an alternative 1ha site for a HWRC.

5.2 There are a number of strategic developments coming forward in the Borough of Welwyn Hatfield which could contribute to the cost of the site and its development as a HWRC. However, those developments can only reasonably contribute a proportionate amount of funding through the S106 process – proportionate to their impact. Due to the wider strategic benefits of a HWRC it is likely that the majority of cost would need to be borne by the County Council.

5.3 The retention of the site at New Barnfield for waste may require the County Council to acquire an alternative secondary school site. The area available for a new school at New Barnfield is estimated to be approximately 9ha.

5.4 The strategic developments coming forward in the Borough could contribute towards the cost of the site and its development. Given the major impact of those sites on secondary education, the County Council would expect those sites to proportionally contribute towards the cost of the school. However, given the pooling restrictions surrounding S106, and with no adopted CIL at Welwyn Hatfield, the County Council would inevitably be faced with a funding gap.

5.5 Any proposal to acquire new land would need to be the subject of a capital bid with a full business case in due course. Inevitably this decision requires a trade-off between the potential acquisition of a new waste site or the potential acquisition of a new school site. Either scenario would be partially offset by S106 or CIL contributions towards costs.

6. Issues for Consideration

6.1 Any decision to make the land at New Barnfield available for secondary education purposes puts the needs of the WDA at risk. The service has a priority need for a new HWRC, and a wider need for a 'super site' along the A414 corridor.

6.2 Balanced alongside this is the need for secondary education which would require a larger site allocation. Site search work has identified this site as a potential option for delivery, alongside the two new schools identified at the strategic development locations.

6.3 The site at New Barnfield is still within the Green Belt, but was formerly a secondary school. Should the Green Belt review by WHBC consider this section of the Green Belt, between south Hatfield and Welham Green, to be of significant importance then returning the site to educational use will be a relatively straightforward process in town planning terms.

6.4 Assuming retention of the existing Green Belt boundary and assuming all woodland areas are retained, the New Barnfield site totals 9ha. Owing to a

possible lack of compatibility between school uses and a HWRC, an area of buffer may be required which would limit the amount of land available and may limit functionality. It is therefore not considered feasible to co-locate a secondary school and HWRC on the 9ha site. The potential to identify a 1ha HWRC site would be considered comparatively easier than a 9ha site for a new school. WHBC officers have indicated that they are committed to working with the County Council to identify a site, and will consider any opportunities that might present themselves through the new Green Belt review.

- 6.5 Finally, without the availability of the site at New Barnfield for secondary education, WHBC will be unable to meet demand for secondary education places to meet the growth expected to be identified in the Local Plan process. The Plan would likely fail at Examination and the Authority could be at risk of speculative development applications requiring County Council services to forward plan in a piecemeal fashion.
- 6.6 Officers recommend that Members agree that the land at New Barnfield would be made available for education purposes, on the condition that, as a minimum, an alternative HWRC site can be identified.
- 6.7 It is further recommended that the January 2018 Statement of Common Ground and the County Council Hearing Statement are revised, as highlighted below, and resubmitted as part of the Local Plan process:

*If additional housing is proposed, **and an alternative HWRC site is identified in a mutually agreeable location elsewhere in the Welwyn-Hatfield area**, the County Council would make the New Barnfield site available for a secondary school **as part of a review of the education strategy** and as and when it does so it would ensure that capacity of adjacent lands to contribute to the future needs of the District is not prejudiced. In the event that **the use of the site as a school** becomes necessary WHBC and HCC would work together to **secure an alternative location for an HWRC** and consider appropriate revision to the Infrastructure Delivery Plan to set out the approach to funding/planning obligations and/or CIL.*

- 6.8 The Statement of Common Ground (dated 23/01/18) is attached at Appendix 1 to the report and the relevant paragraph is shown at 6.2.
- 6.9 The Hearing Statement (dated 25/01/18) is attached at Appendix 2 to the report and the relevant paragraph is shown at 2.13.

7. Equalities Implications

- 7.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 7.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum, this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.

- 7.3 The Equality Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.
- 7.4 This report is concerned with Hertfordshire County Council's amendment to an existing Statement of Common Ground and Hearing Statement. There are no direct or indirect implications for any persons with protected characteristics of this decision.
- 7.5 No EqIA was undertaken in relation to this matter.

Background Information

Report to the Growth, Infrastructure, Planning and the Economy Cabinet Panel, 5 July 2018

<http://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/976/Committee/143/Default.aspx>

Report to Cabinet, 9 July 2018

<http://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/663/Committee/8/Default.aspx>