

## Examination of the Stevenage Local Plan (2011-2031)

### Stage 2 Hearing Sessions

#### Statement of Welwyn Hatfield Borough Council (ID: 970870)

##### Matter 9 – Retail and Town Centre

1. The following is intended to address the questions raised by the Inspector under Matter 9. Welwyn Hatfield Borough Council is content that questions 1-8 are of mainly local interest within Stevenage, and this Statement only addresses questions 9 and 10.

##### *The position to date between the two authorities*

2. Welwyn Hatfield Borough Council made five representations on Retail and Town Centre at the Regulation 19 stage, amounting to two inter-related issues:
  - The Local Plan is unsound by virtue of not being **positively prepared** or **justified**, as the ambition in the supporting text (specifically paras 7.10, 7.61 and 7.62) for Stevenage to become a more dominant town centre – implicitly at the expense of other town centres – is not supported by evidence.
  - The Local Plan is unsound by virtue of not being **justified** or **effective**, as the wording of policies TC4, TC6, TC7 and TC12 is excessively flexible in allowing a potentially much greater quantity of Use Class A1 retail floorspace than the amount found to be needed in Stevenage's evidence (and which is already proposed to be met in full within Policy TC5).
3. Whilst we accept that it is reasonable for Stevenage to seek a degree of flexibility in their proposals to regenerate the town centre, the Council's visions are very aspirational. The Plan as currently worded does not provide us with sufficient comfort that potential harm to Welwyn Garden City Town Centre will not occur as a result of unchecked retail development in Stevenage, particularly in the context of statements such as in para 7.62 of the Plan that 'a more open and permissive attitude will generally be taken' by the Council. We are also mindful that Stevenage has previously had ambitions to focus its town centre regeneration efforts on bringing forward massive amounts of new retail floorspace, notably in the ultimately unsuccessful 2010 Core Strategy.
4. Stevenage's response to our comments on retail in the August 2016 summary of Regulation 19 consultation representations (document [ED113](#)) contended that Welwyn Hatfield's views are alarmist and ill-founded, that retail hierarchies are dynamic and subject to change, and that the delivery of any additional floorspace above Stevenage's need is merely 'consistent with improving the town centre'. This did not satisfy our concerns. Furthermore, any planned change in the sub-regional retail hierarchy is a strategic matter requiring discussions under the Duty to Cooperate – none have taken place.
5. The subsequent Memorandum of Understanding between the two authorities ([ED116](#)) allowed a degree of compromise to be reached. Whilst Stevenage continued to argue that the intention of Policies TC4, TC6, TC7 and TC12 was clear in only intending to

deliver sufficient additional retail floorspace to meet local demand arising from development in those areas, it was agreed that Stevenage would discuss this further with us. It was also agreed that Stevenage would clarify the supporting text within Chapter 7 in order to reassure us of their intentions, and that we would reserve our position until we were able to see what these changes would be.

6. However, we have not been invited to discuss retail matters with Stevenage since the signing of the Memorandum of Understanding and we note that the schedules of main and minor modifications ([ED114](#) and [ED115](#) respectively) included as Examination Documents do not propose any changes that would satisfy our concerns. We understand that Stevenage may still be proposing some changes, but we have not yet been made aware of what these might be. We therefore have little option but to maintain our soundness objections as originally made.

**Q9: Should the policies relating to the Major Opportunity Areas be more prescriptive in terms of the amount of floorspace that will be permitted for some use classes?**

7. The officer responses to our comments and the Memorandum of Understanding both reiterate that Stevenage's only intention in allowing itself to deliver additional retail capacity above the established need, is to ensure that local demand arising directly from (or driven by) residential and employment development in the town centre can be met. Provision e of Policy TC3 and the supporting text at para 7.35 appears to flow from this type of thinking, by requiring new retail floorspace to be of a *de minimis* scale. Whilst '*de minimis*' is not defined, some flexibility is appropriate and for this policy we would accept Stevenage's assertion that the intention of the policy is clear.
8. Policies TC4, TC6 and TC7 lack any such qualifying statement, and effectively provide a permissive policy framework for unrestricted retail development in the parts of the town centre to which they apply. Whilst these policies seem clear in terms of the development management considerations for each area, we contend that their provisions on land use are extremely broad and the overall intention of these policies is therefore not clear. We consider them to be ineffective, and not justified by the evidence as currently worded.
9. Based on Stevenage's assurances that retail development in these areas would only be undertaken to meet need arising from within them, we therefore **request the modification of provision g in Policy TC4 and provision c in Policies TC6 and TC7** to the effect that new A1 retail floorspace will also be of a *de minimis* scale in these areas. This would necessitate a **further modification to add a paragraph in the supporting text below each policy as follows:**  
  
*'New shops will be limited to a de minimis scale, meeting the day-to-day retail needs of the residents or businesses in [The Station Gateway/Northgate/Marshgate]. No larger-scale facilities will be permitted in order to protect the important role of the adjacent Town Centre shopping streets in the retail hierarchy, as well as to ensure that there is no detrimental impact on other designated retail centres including those outside Stevenage.'*
10. This wording is similar to the acceptable supporting text at Policy TC3, but with the addition of a further final phrase to clarify why the *de minimis* limitation is needed. It is

also considered that for these policies a limitation to convenience retail may not necessarily be required – for example an A1 shop selling and servicing bicycles would be a form of comparison retail that still serves residents' day-to-day needs. However, if the Inspector is minded to accept our requested change we would be content for Stevenage to decide whether any such reference to convenience retail is necessary.

11. As a result of our requested changes to Policies TC4, TC6 and TC7, in order to make Policy TC12 effective and justified by the evidence we also **request a modification so that the first paragraph of the policy reads as follows:**

*'Planning permission will be granted for additional comparison retail floorspace of the order of 4,600m<sup>2</sup> within the Town Centre Shopping Area, plus new retail floorspace within the Central West MOA, Station Gateway MOA, Northgate MOA and Marshgate MOA on a de minimis scale to meet the day-to-day retail needs of the residents of those areas. Unless any future reassessment indicates that the boroughwide need for new comparison retail floorspace has increased, proposals which result in a total boroughwide net plan period comparison retail floorspace increase significantly above 4,600m<sup>2</sup> will be resisted.'*

12. In order to align Chapter 7's supporting text with these policy wording changes, we also request modifications as follows:
  - **A modification to remove the words 'enabling it to regain its former role within northern Hertfordshire and the surrounding area' from para 7.10**, as this signals a desire to change Stevenage's position in the sub-regional retail hierarchy when the impact of doing so has not been considered in the evidence base and has not been subject to discussions under the Duty to Cooperate;
  - **A modification to remove the words 'for people from a wide catchment' from para 7.61**, for the same reasons outlined against 7.10 above;
  - **A modification to remove the final sentence in para 7.62**, as this appears to direct the decision maker to take a more relaxed approach to proposals (potentially contrary to policy) for town centre development when to do so would not be justified by evidence.

**Q10: Has the potential effect of the retail policies in the Plan on Welwyn Garden City Town Centre been considered? If so, what were the findings?**

13. At least from available evidence base documents ([ER7a](#) the 2013 Stevenage Retail Study [ER7a](#) and 2014 Revised Retail Study [ER5](#)), it would appear that there has been no consideration of the Plan's potential impacts on Welwyn Garden City nor on any other centre. However, given that both ER7a and EA5 conclude that Stevenage's market share is likely to remain the same in the future (Scenario 2), there would be no real basis on which they could assess impact. This further highlights the extent to which the statements in the supporting text (which could be considered to be aspirations to change Stevenage's role in the sub-regional retail hierarchy i.e. increase market share) in Chapter 7's supporting text are not underpinned by evidence. This concern also applies to our comments on the unlimited provisions for new A1 retail floorspace in Policies TC4, TC6, TC7 and TC12.

14. Paragraph 14 in the Planning Practice Guidance on [Ensuring the viability of town centres](#) states that '*If the Local Plan is based on meeting the assessed need for town centre uses in accordance with the sequential approach, issues of adverse impact should not arise*'. If the Inspector and Stevenage are minded to accept our requested modifications under Q9, this would provide comfort that the Local Plan is indeed based solely on meeting the assessed retail need for Stevenage. In accordance with the para 14, it therefore follows that it would become unnecessary for the effect of Stevenage's proposed retail policies on Welwyn Garden City Town Centre to be considered.
15. If on the other hand Stevenage wishes to contend our suggested modifications under Q9, we consider that an Impact Test would need to be carried out in accordance with para 14 before it could be determined that the unlimited provisions for A1 floorspace in Policies TC4, TC6, TC7 and TC12 are sound.