

**WHARF ROAD, WORMLEY  
POTENTIAL LAND EXCHANGES**

Presented by the Deputy Chief Executive

**EXECUTIVE SUMMARY**

Since 1967 the Authority has acquired a number of plots of land at Wharf Road, Wormley, in order to incorporate it into an extension to the River Lee Country Park. This was considered to be a strategic location in the Regional Park until Broxbourne Borough Council's Local Plan Policy GT1 which when adopted in 2020 provides for a Gypsy/Traveller site in the Wharf Road area including Authority owned land.

This report sets out in summary the current position relating to the Authority's land ownership in the area and following a number of discussions with Broxbourne Borough Council officers seeks Member approval for officers to enter into discussions with residents who are located on the waterfront in the Wharf Road area on potential land exchange with the Authority for land which would allow them to relocate into the designated Gypsy and Traveller area. These discussions would be facilitated by Broxbourne Borough Council. Any land exchange brought forward would be subject to the provisions of the Lee Valley Regional Park Act 1966 relating to best consideration. This will then in turn be subject to future Member approval and Secretary of State consent.

**RECOMMENDATION**

Members Approve:                   (1)   Officers entering into discussions alongside Broxbourne Borough Council with residents in the Wharf Road area on the subject of potential land exchange.

**BACKGROUND**

1    Since 1967 the Authority has been progressively acquiring chalet plots at Wharf Road and the plan attached at Appendix A to this report shows the Authority's current ownership. The Authority had adopted a policy of acquisition in this area to fulfil its long-term future proposals under its successive Park Plan proposals which was to incorporate Wharf Road into an extension of the River Lee Country Park creating a vehicular access track linking Wharf Road and Silvermead. This was to contribute to the Authority's corporate objective of

developing the Regional Park as an 'Accessible Resource' and enhancing the 'Sustainable Environment' by adding to the area of land in public ownership.

- 2 The most recent acquisition of the single plots was in 2012 when the Authority purchased Plot 51 Leaside for £40,000. This land was believed to be the last privately owned plot which was not in Gypsy/Traveller ownership. Since the late 1960's the Authority has spent circa £350,000 in total on a number of the single plots. The Authority has also purchased The Forge site to the west of the single plots for £460,000 in 2013 and Waverley Nursery (the former waste transfer site) for £662,500 in 2016. The total sum spent in this area to further the original strategic objective is circa £1.5m (at the times of purchase), which has an indexed value of £2.37m as at July 2023.
- 3 The Broxbourne Borough Council (the Council) draft local plan in 2016 included a specific policy proposal relating to Wharf Road which stated that the Council would work with the Authority and the travelling communities to develop a Gypsy/Traveller site in the centre of the area involving the relocation of 'the straggle of plots' into a central area. This proposal included land in the ownership of the Authority which was open space. The Authority objected to this proposal on the grounds that it would be inappropriate in terms of Green Belt and contrary to the Authority's adopted Park Plan and its own long term proposals for the area. It was apparent in meetings with Council officers at that time that there was a lack of clarity on how the proposal could be delivered as the Council were clear that it did not intend to manage the site and it expected it to be "self-managing".
- 4 Whilst the Authority maintained its objection the Council succeeded and an area of land was removed from the Green Belt in 2020 and Local Plan Policy GT1: Gypsy and Traveller Sites was included within the Council's adopted Local Plan. The Council are now consulting on a Supplementary Planning Document (SPD) which is out for consultation and consideration of the Authority's comments in response to this consultation will be subject to a report to the Regeneration and Planning Committee later today. This report is attached at Appendix B to this report which Members are encouraged to read as it contains detailed information on the history of the site which was originally developed incrementally for holiday chalets in the 1920's and 1930's.
- 5 For a number of years Authority officers have continued to meet with Council officers and other agencies to discuss some of the issues on site when problems of unlawful planning use and illegal activities have intensified. It is fair to say that in the last couple of years these meetings have been more frequent as the level of crime and general disorder in the area together with encroachment and continued unlawful planning uses have increased. There has been an interagency approach including the Hertfordshire Police who are seeking to tackle crime in this area. It was then a considerable surprise to Authority officers when the SPD went out without any pre-consultation with Authority officers even though it contains clear statements which purport to have been made by the Authority or at least in agreement with it. Despite assurances from Council officers the wording was not revised and re-issued as an amended document so it is now only open to the Authority to respond via the formal consultation and the document as issued will leave the public with inaccurate information in relation to the Authority's position as they themselves are considering their own responses.

## AUTHORITY OWNED LAND

- 6 The plan at Appendix A to this report shows the area of land (edged red) which has been removed from the Green Belt and designated as GT1. This designation in itself does not impact on the Authority's land ownership per se but it does restrict the use of the land for Gypsy and Traveller use and so sterilises it to a degree from Regional Park uses. The Authority's statutory duty under the Lee Valley Regional Park Act 1966 (the Park Act) is to improve and manage the Park as a place for leisure, recreation, sport and nature reserves hence it was opposed to the proposal put forward by the Council.
- 7 Each plot of land is a privately owned piece of land either with single or multiple ownerships involving numerous individuals. Whilst the Authority owns all of the grey plots they are still all individually registered with the Land Registry as they all have separate land titles. There are a number of encroachments on Authority land which have increased over time and in particular in the last couple of years over the period of the pandemic. A number of photographs will be shown at the meeting to show the extent of the problem. In addition, a number of the plots have been sub-let and so it is not entirely clear who is occupying the site although there are some established freehold owners who still occupy their land areas. Inevitably with sites occupied by Gypsies and Travellers and as families grow encroachments will occur as with this area where land owned by the Authority is readily available. An incremental creep will start pushing out a boundary fence to enable an extra caravan on site which is challenging to monitor and measure due to the irregular sizes of the individual plots until the scale that we see today is reached where roads have been built by the Gypsies and Travellers to improve access across land which they do not own.

## POTENTIAL LAND EXCHANGE

- 8 The Council are proposing within its draft SPD that those persons living on the riverside (or waterfront) will be relocated over time into the area which is designated for Gypsy/Traveller use. *"All vacated plots, all fences, hardstandings and other development will be removed and the environment of the waterfront enhanced."*
- 9 Despite the current wording in the SPD Authority officers have been clear that the Authority is unlikely to purchase any more plots of land in the Wharf Road area as the Local Plan Policy GT1 sits squarely against the Authority's long term proposals. The Council would like the Authority to engage in discussions with the waterfront residents on the potential of land swap from the waterfront to the central designated area. The Council has agreed to facilitate these meetings to see if any residents would be interested in such a discussion. Even if the Council were able to successfully implement the GT1 policy there remains the overall concern from the Authority's perspective as to the continued creep of unauthorised development which with a self-managed site is unlikely to be prevented due to the amount of land in the area which is open and undeveloped.
- 10 From a legal perspective any land swap (or exchange) would need to be in accordance with the provisions of the Park Act. This means that if the Authority were minded to exchange any areas of its land for privately owned waterfront plots that the exchange would need to satisfy the Park Act requirements for "best consideration".

- 11 The Council have indicated in the SPD that subject to securing funding that it will work with statutory utilities providers to provide an authorised supply of gas, electricity, waste water and water supply but the site will continue to be self-managed and owned by the residents. There is no clear plan or budget from the Council to deliver any infrastructure and no commitment from the Council to fund roads and/or footpaths to attempt to contain the site.

#### **COUNCIL PROPOSAL FOR ENFORCEMENT ACTION**

- 12 It is understood from the officer meetings that the Council issued Planning Contravention Notices on those occupiers who are either occupying land without planning permission or for the carrying out of unauthorised uses and/or encroachment. The purpose of these Notices were to obtain information on those who were occupying the plots. They have advised that no responses were received.
- 13 The Council have advised at recent meetings with Authority officers that it is now intending to exercise its discretion to bring enforcement proceedings under the Town and Country Planning Act 1990 to seek to regulate the unlawful occupation and uses in Wharf Road. As the Authority own a number of areas of land which have been encroached on the Council will need to serve enforcement notices on the Authority setting out the "reasonable steps" that it believes the Authority should take to address the enforcement issues. The Council will also serve on the occupiers, but in a number of cases it is likely they will effectively be served on "persons unknown". The Authority will be required to respond to the enforcement notices and will need to use its time and resource to do so and it is not likely then to have the capacity to continue with any resident discussions on land swap (or exchange). This is due to the fact that it appears to be the intention of the Council to commence the enforcement action at the same time as opening up discussions with waterside residents.

#### **ENVIRONMENTAL IMPLICATIONS**

- 14 There are no environmental implications arising directly from the recommendations in this report.

#### **FINANCIAL IMPLICATIONS**

- 15 There are no financial implications arising directly from the recommendations in this report.

#### **HUMAN RESOURCE IMPLICATIONS**

- 16 There are no human resource implications arising directly from the recommendations in this report.

#### **LEGAL IMPLICATIONS**

- 17 The legal implications are dealt with in the body of the report.

#### **RISK MANAGEMENT IMPLICATIONS**

- 18 There are no risk management implications arising directly from the recommendations in this report.

## **EQUALITY IMPLICATIONS**

- 19 There are no equality implications arising directly from the recommendations in this report.

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## **APPENDICES ATTACHED**

Appendix A Plan  
Appendix B Paper RP/73/23

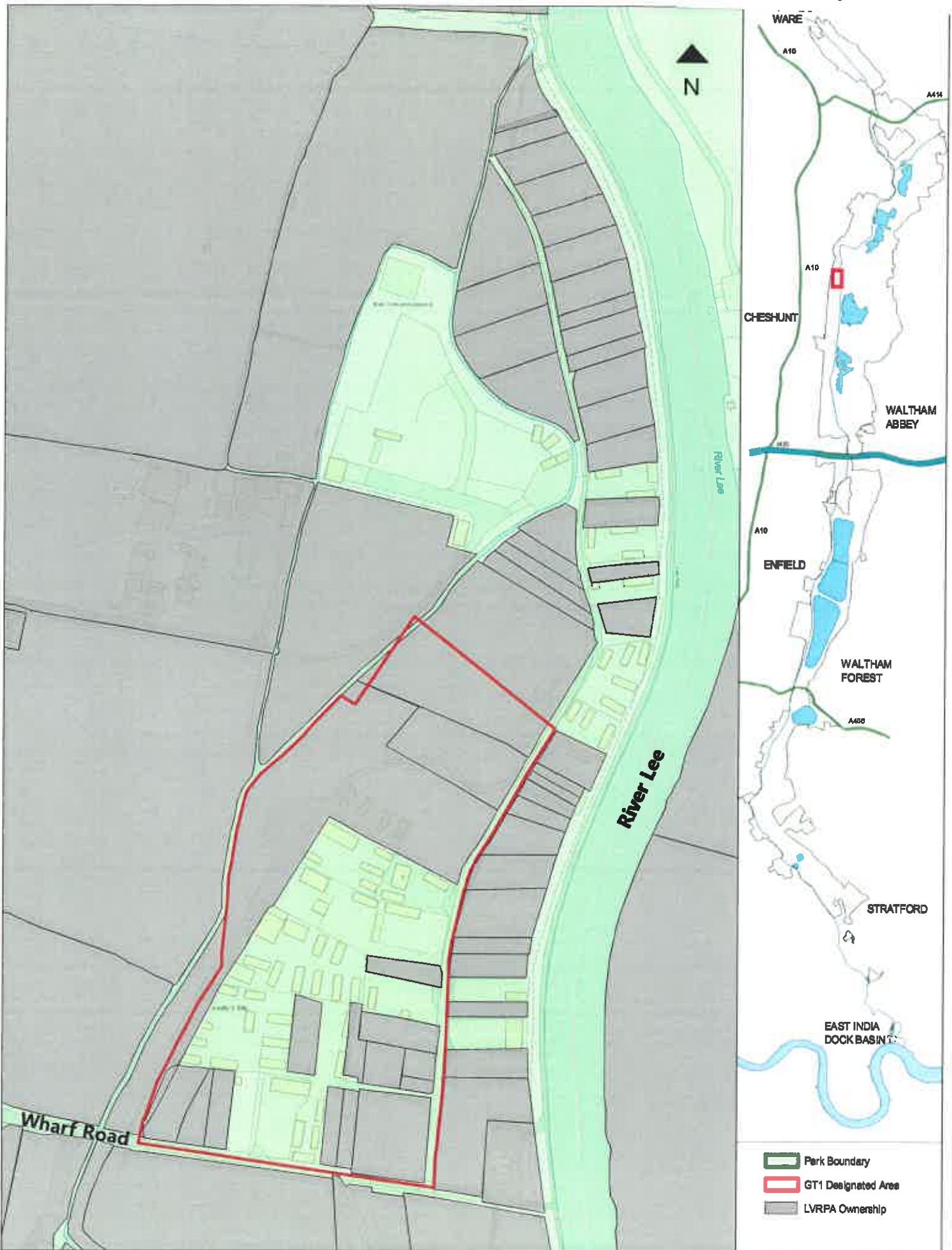
## **ABBREVIATIONS**

the Council	Broxbourne Borough Council
the Park Act	Lee Valley Regional Park Act 1966
SPD	Supplementary Planning Document

## **PREVIOUS COMMITTEE REPORTS**

Executive	E/197/12 Part 2	Wharf Road, Wormley, Proposed Acquisition of Plot 51	23 March 2012
Executive	E/296/13 Part 2	Proposed Acquisition of Wormley Boarding Kennels site, Wharf Road, Wormley – Consideration of terms provisionally agreed	25 July 2013
Executive	E/615/19 Part 2	Potential Acquisition of Property at Wharf Road, Broxbourne, Hertfordshire	21 March 2019


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GT1 Designated Area - LVRPA Context. Wharf Road, Wormley.

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 <p><b>LEE VALLEY REGIONAL PARK AUTHORITY</b></p> <p><b>REGENERATION AND PLANNING COMMITTEE</b></p> <p><b>21 SEPTEMBER 2023 AT 11:30</b></p>	<p><b>Agenda Item No:</b></p> <p style="text-align: center;"><b>5</b></p> <p><b>Report No:</b></p> <p style="text-align: center;"><b>RP/73/23</b></p>
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**WHARF ROAD**  
**DRAFT SUPPLEMENTARY PLANNING DOCUMENT**  
**CONSULTATION BY BROXBOURNE BOROUGH COUNCIL**

Presented by the Head of Planning

**SUMMARY**

Broxbourne Borough Council are consulting on a draft Supplementary Planning Document (SPD) for Wharf Road. The SPD sets out a draft masterplan for the Wharf Road Gypsy and Traveller site GT1. Broxbourne Borough Council intend that the masterplan will provide additional detail to the existing Local Plan policy for the Wharf Road site.

Officers have been working with the Council and other stakeholders to find a way forward for the Wharf Road area since the allocation of the Gypsy Traveller site GT1 and adoption of the Local Plan in 2020. These meetings have also included representatives from Environmental Health, Environmental Services, the Police and service providers due to the range of issues encountered on site and concerns raised by local residents in the area.

The Authority was not informed of Broxbourne Borough Council's work on the draft SPD until it was issued for public consultation (12 July to 25 September 2023) and circulated amongst the residents of Wharf Road. Broxbourne Borough Council have apologised for this error but, due to this lack of pre-consultation involvement, the draft SPD has been issued with inaccurate information and has misrepresented the Authority's position regarding its landholdings in the area.

The Authority's draft comments on the SPD attached at Appendix A to this report include the revised wording that should be included as part of the draft masterplan and highlight other corrections needed.

**RECOMMENDATION**

Members Approve:                   (1)   the comments as set out in Appendix A to this report as the Authority's formal response to the consultation by Broxbourne Borough Council on the draft Wharf Road Supplementary Planning Document.

## BACKGROUND

- 1 The Broxbourne Local Plan (2018 – 2033) designates an area north of Wharf Road, 'GT1' as an authorised Gypsy Traveller site, "to accommodate the appropriate needs of the Wharf Road Community". Please refer to the plan at Appendix B to this report, which shows the GT1 site as presented in the Local Plan. This site has been removed from the Green Belt although it is still part of the Regional Park. The Authority objected to this designation during the Local Plan process, but it was endorsed by the Planning Inspector during the Local Plan Examination as a means of consolidating "*all of the traveller accommodation onto one defined area, away from the river*" and which, "*would provide an opportunity to create clear landscaped boundaries around it and allow the implementation of the LVRPA's environmental strategy on the surrounding land*".
  
- 2 Broxbourne Borough Council (BBC) are now consulting on the draft Wharf Road Supplementary Planning Document (SPD). BBC state that the purpose of the SPD is to promote better living conditions for the residents of the Wharf Road traveller site "*as well as supporting action to improve the environment of the Lee Valley Country Park and tackle issues of unlawful expansion of the site*". The SPD includes a draft masterplan for the area.
  
- 3 **Description of Wharf Road Area**  
 The allocated Gypsy and Traveller Site is located within the south eastern portion of the wider Wharf Road area which is defined in the Park Development Framework (PDF) under Proposal 6.A.4.1 see Appendix C to this report. The Wharf Road area forms part of the northern section of the River Lee Country Park (RLCP), located between the areas of Nazeing and Wormley. The site is bounded on the west by the London Cambridge rail line and to the east by the River Lee Navigation. The northern part of the site merges into an area known as Silvermeads a County wildlife site with high ecological values including a significant water vole population. To the south lies the extensive parkland of the RLCP an attractive and popular visitor destination. These areas are of high landscape and ecological value comprising Turnford and Cheshunt Pits Site of Special Scientific Interest (SSSI) which also forms part of the Lee Valley Special Protection Area (SPA) and Ramsar Site
  
- 4 Access to the Wharf Road area is limited. The nearest cross valley route, Old Nazeing Road is 1100m to the north and the east west track adjacent to Turnford Brook is 1900m to the south. There are only three entry points to the site – via the Wharf Road level crossing and the Lee Navigation towpath extending north and south, which carries the Lea Valley Walk and forms the principle pedestrian and cycle route link to the rest of the RLCP and Broxbourne station in the north. The Authority owns and manages a small public car park at the eastern end of Wharf Rd adjacent to the towpath.
  
- 5 **Site History**  
 The Wharf Road area was developed incrementally for holiday chalets in the 1920s and 1930s. Over the years that followed various other uses developed most unauthorised, including allotments, nurseries, and a boarding kennels. By the late 1970s the area consisted of between 69 to 75 plots in various ownerships and by the late 1980s it was clear that the holiday chalets and recreational plots at Wharf Road had ceased to "serve a genuinely recreational function" (1986 Park Plan). Information contained in old committee reports from the early 1980s show that public health, housing and planning concerns were

already being raised by Broxbourne Borough Council. They were concerned about the poor condition of the 'accommodation' and lack of planning permissions for these structures, the lack of water supply and mains drainage/sewage disposal and the increase in unauthorised activities. At that time it was noted that these conditions had existed for at least twenty years, therefore originating before the establishment of the Regional Park and Park Authority.

- 6 The removal of the leisure plots at Wharf Road and their replacement with open space was identified as a priority task during the first few months of the Authority's existence. The first plot was acquired in October 1967 and the Authority continued to acquire land and plots on an 'opportunity' basis. The Authority's plans for this area have remained consistent since the first 1969 'Plan of Proposals' which designated the Wharf Road area as "Open Space Parkland". Successive 'Park Plans' and the proposals contained within have sought to create a landscaped area for informal public recreation through the acquisition of land and buildings and if necessary through the use of the Authority's compulsory purchase powers (CPO).
  
- 7 Over the years the Authority has supported Broxbourne Borough Council in its work to remove unauthorised use and resolve planning, public health and encroachment issues. However whilst the Authority continued to acquire plots at Wharf Road with the last one in April 2012, it was also evident that a number of plots had been bought by traveller families directly from private owners. These were generally fenced, laid out with hard standing and occupied for permanent residential use. By early 2008 Broxbourne Borough Council had issued 6 planning contravention notices (to establish ownership, residence duration and nature of present use), pre-emptive injunctions on 2 plots (relating to their possible residential use or the laying of hard surfacing) and an operational enforcement notice on 1 plot. By late 2009 there were 9 sites occupied by Gypsies and Travellers (as reported in October 2009 paper A/4080/09) and 2 sites immune from action to remove them. In 2012 planning permission was granted on appeal for two Gypsy and Traveller sites.
  
- 8 This appeal decision going against the Council, together with advice that the Authority obtained from Counsel about developing detailed and robust proposals for Wharf Road to satisfy CPO procedures, and the criteria for acquisition in the public interest, prompted the Authority to commission an environmental strategy for Wharf Road. The Wharf Road Environmental Strategy Feb 2013 informed the development of PDF proposals for the Wharf Road area and was issued as an evidence base document for public consultation (December 2014 to February 2015) alongside the PDF Area 6 proposals. Key aspects of the Wharf Road proposals as adopted in 2019 can be summarised as follows:
  - Planting of native wet woodland to provide enhanced screening of visually intrusive uses.
  - Creation of a major new pedestrian spine parallel with the Broxbourne Ditch corridor.
  - Extension of existing path network and new access point for Silvermeade access.
  - New scrapes and additional ecological interventions, including management works to Broxbourne ditch to improve habitat for water voles.
  - Potential for short or long rotation coppice on the sites currently occupied

- by commercial premises.
  - Develop a long term strategy of removing illegal, non-conforming uses within the area including through use of enforcement action and compulsory purchase if necessary.
- 9 At the conclusion of the Local Plan Examination in 2020 the Authority owned 49 out of 69 plots amounting to around 80% of the site area. It was estimated then that the Authority has 'invested' £1.5m through land acquisition in the area. This considerable amount was predicated on a 'return' which would deliver a significant improvement in the environment of the area in line with its statutory purpose. Significant effort and officer time has also been spent removing unauthorised development and encroachments from Authority land holdings in the area over past years, with limited effect.
- 10 **Current Situation**  
Over the last couple of years the nature of the unauthorised activities at Wharf Road has intensified raising public health and safety concerns. It has also on occasion impacted on visitors and users of the Park and its facilities. Significant encroachments are evident across areas owned by the Authority. A joint interagency team (Community Safety, Environmental Health, and Planning and the local police) has been meeting to tackle some of the issues and to examine options for delivering the Council's policy GT1 to establish a permanent Gypsy Traveller site at Wharf Road.
- 11 At the most recent set of meetings the Council indicated it would commence planning enforcement proceedings against any illegal encroachments within the area outlined in the Local Plan site GT1. This area must be cleared to accommodate the plots which in the Council's proposal will be relocated from the riverfront. Any enforcement action on plots that are owned by the Authority will mean the Council will need to serve enforcement notices on the Authority as landowner as well as on the occupier/s of the land. It was also identified that caravan licencing enforcement action should be taken simultaneously within the GT1 area, to be actioned by the Environmental Health department. While enforcement actions are being undertaken, proceeds of crime will also be investigated.
- 12 The Council are also pressing for meetings to be organised with individual owners of all river-front plots in order to negotiate direct land swaps with the Authority and start the process of moving residents into the central area. The Council are proposing to arrange these meetings and act as facilitator. Enforcement action will be held off for waterfront plots pending land swap negotiations. Enforcement proceeding in the central area will however impact upon the Authority as landowner of areas within the GT1 site.

#### **THE DRAFT WHARF ROAD SPD**

- 13 The SPD sets out a draft masterplan for the Wharf Road Gypsy and Traveller site GT1. The Council intend that the masterplan will provide additional detail to the existing Local Plan policy for the Wharf Road site. The draft SPD was issued for consultation on the 12 July until 25 September 2023. It is understood copies of the document were hand delivered to residents at Wharf Road. Once adopted it will be a material consideration in dealing with planning applications. The document repeats the Council's justification for establishing the Wharf Road site as set out in the Local Plan and the endorsement of this approach by the Planning Inspector who examined the Local Plan in 2020.

- 14 The SPD identifies and describes two main areas of development within the masterplan area; the first is the area to the north of Wharf Road itself where a cluster of caravans have been fenced in to create pitches with parking for cars and private space. This is the area defined as the Gypsy Traveller site GT1 in the Local Plan which has been removed from the Green Belt (Appendix B to this report). The second area refers to land fronting the River Lee Navigation where a number of caravans are located within individual plots. This area remains part of the Green Belt. Some of the caravans within both the designated site and along the waterfront have planning permission through certificates of lawfulness which have been issued by the Council and a small number also have caravan licenses. Some are not authorised. The SPD also recognises that there are problems with unauthorised encroachment and erection of fencing on land owned by the Authority and fly tipping.
- 15 The SPD acknowledges that the allocated site is located in an area at risk from flooding and there are no site specific flood defences in place. It also states that the site is not serviced with mains gas, electricity or waste water although there is a private water supply. It is understood that more recently UK Power Networks (UKPN) have made some connections to the electricity supply following requests from persons they presumed to be landowners and when they have been on site sorting out dangerous illegal connections.
- 16 The SPD refers to the PDF Area proposals relating to Wharf Road and also a detailed 'Landscape Strategy' for the area. Included within the document is the 'masterplan' drawing from what is in fact the 'Wharf Road Environmental Strategy' dated 2013. This work was commissioned by the Authority to inform the development and content of PDF Proposals for Area 6 River Lee Country Park. The SPD also highlights the River Lee towpath which is a Public Right of Way (PRoW) on the eastern edge of the site as a popular route through the Regional Park for visitors.
- 17 The draft masterplan sets out the Council's approach to the consolidation of all the gypsy and traveller plots within the designated site GT1. This requires the plots within the designated site to be retained 'without change' and the remaining riverside plots (9 plots in total) to be relocated over time into the designated site, onto the areas which are shown in orange. Please refer to the SPD draft masterplan included as Appendix D to this report. Once vacated all fences, hardstanding and other development are to be removed and the environment of the waterfront enhanced. A set of General Principles a) to k) inclusive are also set out as part of the masterplan – these are described as representing the position of both the Council and the Authority.
- 18 Through these measures the Council are seeking to create a contained (by natural boundary), authorised and licenced site properly serviced with roads, water, electricity and drainage on the area occupied by the majority of the existing lawful caravans to the north of Wharf Road, along with open land immediately to the north. This would in turn free up land alongside the River Lee Navigation to be re-incorporated into the River Lee Country Park. The Council propose that the site will be managed by the residents.

#### **COMMENTS ON THE DRAFT WHARF ROAD SPD**

##### **19 General Principles and Draft Masterplan**

Officers from both the Authority and the Council have had a number of meetings

over the last couple of years to find a way forward for the Wharf Road area since the allocation of the Gypsy Traveller site GT1 and adoption of the Local Plan in 2020. These meetings have also included representatives from Environmental Health, Environmental Services, the Police and service providers due to the range of issues encountered on site and concerns raised by local residents in the area. There has been a strong desire amongst all parties to find a reasonable solution to the range of problems on and off site as well as moving forward with the planning requirements set out in the Local Plan.

- 20 It was disappointing therefore, that officers of the Authority were not made aware of the Council's proposal to produce and consult upon a supplementary planning document for Wharf Road in advance of its publication and circulation amongst the residents of Wharf Road. This is unfortunate as the General Principles included within the draft SPD, supposedly representing the positions of both the Council and the Authority have in fact misrepresented the Authority's position stating under f) that the Authority will seek to purchase all waterfront plots and/or swap this land for Authority owned land within the central allocated area. Whilst officers have proposed the potential option to exchange land on the waterfront for Authority land within the central allocated area, no proposal has been made to purchase land and the Authority would need to comply with the provisions of the Park Act.
- 21 The Council officers have apologised for this error and the lack of pre-publication consultation with the Authority. Although notified of this error at the earliest opportunity they were not prepared to reissue the document and extend the consultation period. Instead assurances have been given that the revised wording provided by the Authority will be included in the final draft document to be considered by the Broxbourne Cabinet. Whilst these assurances are welcomed, there is concern that the position set out under General Principle f) may have misdirected local residents, and the public more generally. Revised wording for f) is included in the letter attached as Appendix A to this report. This will need to be included within the final approved document particularly if the SPD is to form a basis for planning decisions and enforcement action.
- 22 **General Principle g)** also requires an amendment. It refers to the PDF Area Proposals and the measures these identify as necessary to enhance the area, its environment and improve access for informal recreational purposes. It should be noted, however, that the PDF Wharf Road Area proposals cover a wider area than that referred to in the SPD. When adopted, they did not envisage the allocation of a formal Gypsy and Traveller site, nor that it would extend to the edge of the Broxbourne Ditch in the west and introduce a roadway around the majority of its boundary. Whilst the Area Proposals will still apply to the Wharf Road area the detail would in due course need to be reviewed in respect of the impact of the designated GT1 site on the surrounding public Park spaces and in particular the Broxbourne ditch and its environment. Revised wording for General Principle g) is proposed in the letter attached at Appendix A to this report.
- 23 Minor amendments are also required to General Principle k) which refers to 'site specific flood defences'. The Authority raised concerns about flood risk in relation to the allocated site during the Local Plan examination process. Appropriate flood defence measures will need to be accommodated as part of the design of the allocated site and will be a matter for the Council and the Environment Agency (EA) to resolve.

- 24 Other minor revisions are identified as part of the Authority's formal comments attached as Appendix A to this report. These refer to both the text of the SPD and the draft masterplan at Figure 4.
- 25 It is understood that once the Council have considered the responses to the draft SPD and made any relevant amendments the final version of the document will be presented to BBC Cabinet for approval in the autumn. It is understood that this document will support enforcement proceedings and form a basis for ongoing discussions and with the Authority and other parties in respect of delivering the consolidated Gypsy and Traveller site. It should be noted however that it will be difficult for officers to enter into negotiations on land swaps whilst enforcement action is being taken against the Authority.

#### **ENVIRONMENTAL IMPLICATIONS**

- 26 There are no environmental implications arising directly from the recommendations in this report but the draft Wharf Road SPD once adopted will contain guidance that will assist in the implementation of the Broxbourne Local Plan policy GT1 which will have an impact upon an area of the Park at Wharf Road and the implementation of PDF Area Proposal 6.A.4.1.

#### **FINANCIAL IMPLICATIONS**

- 27 There are no financial implications arising directly from the recommendations in this report.

#### **HUMAN RESOURCE IMPLICATIONS**

- 28 There are no human resource implications arising directly from the recommendations in this report.

#### **LEGAL IMPLICATIONS**

- 29 Planning applications referred to this Authority are submitted under the consultative arrangements of Section 14 (4-7) of the Lee Valley Regional Park Act 1966. The Park Act requires a local planning authority to consult with the Authority on any planning application for development, whether within the designated area of the Park or not, which might affect any part of the Park.
- 30 The Park Act enables the Authority to make representations to the local planning authority which they shall take into account when determining the planning application.

#### **RISK MANAGEMENT IMPLICATIONS**

- 31 There are no risk management implications arising directly from the recommendations in this report.

#### **EQUALITY IMPLICATIONS**

- 32 There are no equality implications arising directly from the recommendations in this report. This may be adequate but just flagging this so we can discuss.

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## **BACKGROUND REPORTS**

Broxbourne Borough Council Wharf Road Supplementary Planning Document Draft for public consultation. This can be viewed in full via the following link:

<https://www.broxbourne.gov.uk/community/consultations>.

## **APPENDICES ATTACHED**

Appendix A	The Authority's draft response to Broxbourne Borough Council
Appendix B	Context Plan showing the allocated site GT1 from the Local Plan adopted in 2020 and LVRPA ownership
Appendix C	PDF Area Proposal 6.A.4.1 for Wharf Road
Appendix D	Extract from the draft SPD General Principles and draft Masterplan

## **LIST OF ABBREVIATIONS**

SPD	Supplementary Planning Document
PDF	Park Development Framework
BBC	Broxbourne Borough Council
RLCP	River Lee Country Park
PDF	Park Development Framework
SSSI	Site of Special Scientific Interest
SPA	Special Protection Area
CPO	Compulsory Purchase Order
UKPN	UK Power Networks
PRoW	Public Right of Way
EA	Environment Agency
GT	Gypsy/Traveller
the Park Act	Lee Valley Regional Park Act 1966





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21 September 2023

Dear Alison

**RE: CONSULTATION ON THE DRAFT WHARF ROAD SUPPLEMENTARY PLANNING DOCUMENT - LEE VALLEY REGIONAL PARK AUTHORITY COMMENTS**

Thank you for consulting the Regional Park Authority on the draft Wharf Road Supplementary Planning Document (SPD). A report on this matter was considered by the Authority's Members, at the Lee Valley Regeneration and Planning Committee on the 21<sup>st</sup> September 2023, when the following comments were agreed.

**SPD General Principles and Draft Masterplan**

The Authority welcomes the opportunity to comment on the draft SPD. It is unfortunate that officers were not made aware of this document or engaged earlier in the Council's drafting process for the SPD given that the objective of the document is to represent the position of both parties, building on the joint working that has taken place over the last year or so. Consequently the draft masterplan, as published for consultation, contains a significant error in terms of the Authority's position, which may have misdirected local residents, and the public more generally. This is explained below together with a number of other matters/concerns which will require amendments.

The following corrections are required in terms of **General Principle f)**. This should be rewritten so that it removes any reference to the Authority purchasing plots as part of the masterplan process. The following wording should be included in the revised SPD, (as indicated by the red bold font and strikethrough):

f. For both authorised and unauthorised development on the waterfront (including the plots shown and any others) the LVRPA **may consider an exchange of** ~~will seek to purchase all waterfront plots and/or swap this land for Authority-owned land shaded in orange.~~ **This is subject to compliance with the Lee Valley Regional Park Act 1966.**

The Authority will not be purchasing any further plots at Wharf Road to facilitate the policy requirements of the Local Plan. An exchange of land may be possible, particularly as the Authority owns 58.7% of the area of the allocated site GT1, i.e. the areas in orange shown on Fig 4 Draft Masterplan onto which the Council proposes to move the waterside plots. This would be subject to legal advice and compliance with the requirements of the Park Act 1966.

As you are aware this amendment was raised with officers at the earliest opportunity and assurances have been given that the above wording will be incorporated into the amended version of the SPD to be considered by your Cabinet. This revision is required to ensure the SPD can form the basis of future planning considerations and enforcement action. The Authority wishes to see a copy of the revised SPD prior to its consideration by Cabinet.

#### **Other Matters relating to General Principles and Fig 4: Draft Masterplan**

General Principle g) refers to the PDF. It states that following the plot relocations the PDF indicates that the Authority will undertake environmental enhancements including to the Broxbourne Ditch, the waterfront and surrounding areas to implement the landscape strategy and PDF. The PDF Wharf Road Area proposals, which cover a wider area than that referred to in the SPD did not envisage the allocation of a formal Gypsy and Traveller site, nor that it would extend to the edge of the Broxbourne Ditch in the west and introduce a roadway around the majority of its boundary. It is understood that the roadway and to some extent the ditch will assist in defining the boundaries to the allocated site and assist with future site management. Nonetheless, whilst the Area Proposals will still apply to the Wharf Road area the detail would need to be reviewed in respect of the impact of the designated GT site on the surrounding public Park spaces and the Authority's future consideration of environmental enhancements.

The following revised text is proposed for General Principle g):

**g) Following the necessary plot relocations the Park Development Framework Area Proposals indicate that the LVRPA will work with the Council and other stakeholders to implement environmental improvements and habitat enhancements across the area and increase the amount of space available for informal recreation. ~~undertake environmental enhancements including to the Broxbourne Ditch, the waterfront and surrounding areas to implement the landscape strategy and Park Development Framework~~**

General Principles j) and k) make similar points about the provision of utilities and services. It is suggested that the last part of k) could be deleted.

It is unclear how the Authority will be able to assist with the provision of 'site specific flood defences' mentioned under General Principle k). Issues relating to flood risk in respect of the allocated site were raised from the outset of the Local Plan process. Appropriate flood defence measures will need to be accommodated as part of the design of the allocated site. Revised wording is proposed below for point k):

**k) Subject to securing funding the Council and the Park Authority will work with the Environment Agency to provide site specific flood defences and utilities companies to provide mains electricity, water and gas connections.**

**Fig 4: Draft Masterplan** also requires amendments as follows:

The reference to Lee Valley Country Park should be corrected to **River Lee Country Park** – text on page 5 should also be amended to include the correct title. The notation of the roadway around the boundary of part of the site shown on the map does not correspond to the key and needs to be amended. It would also be helpful to include a boundary indicating the extent of the masterplan area as this is unclear.

**Pages 5 and 6:**

The draft SPD includes a section on the Lee Valley Country Park (page 5). This will need to be amended. It should be made clear that the **Wharf Road area** lies within the **River Lee Country Park** and the title to this section amended accordingly. The Wharf Road Inset should be referenced as Area Proposal 6.A.4.1 and the text included on page 5 should be identified as a summary of the Area Proposals not objectives for the Wharf Road as currently stated. The Wharf Road Proposals are attached in full as an Appendix to this letter for reference.

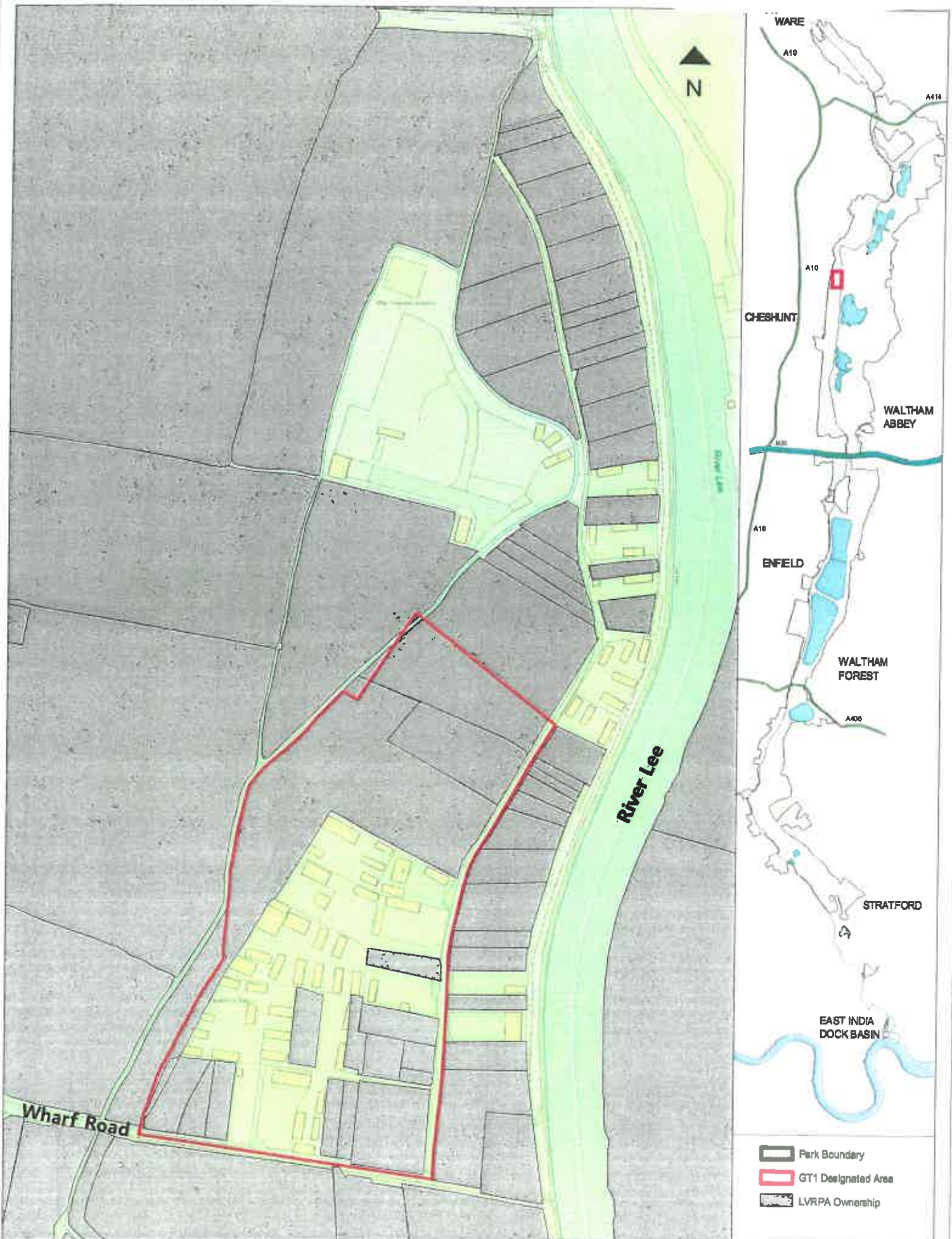
Finally Page 6 makes reference to the Wharf Road Environmental Strategy commissioned by the Authority in 2013 to inform the development of the Area Proposals. The plan included as Fig 3 in the SPD is actually an extract of the 'Masterplan' from this document and should not therefore be identified as a landscape strategy.

The Authority looks forward to seeing a revised version of the SPD prior to its consideration by Cabinet. In the meantime the Authority welcomes the opportunity to continue to discuss these matters with the Council on an informal basis.

Yours sincerely

Claire Martin  
Head of Planning

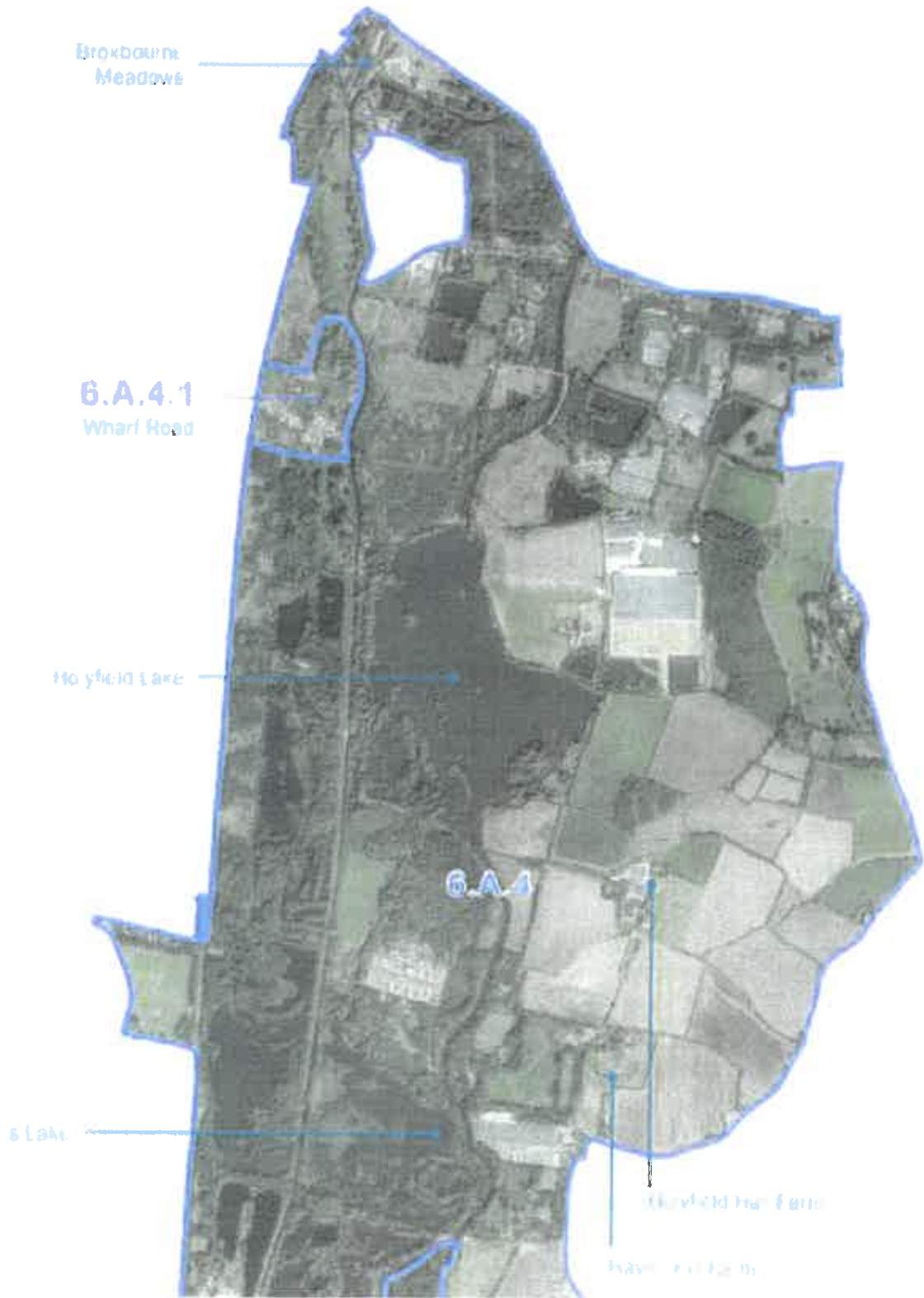
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GT1 Designated Area - LVRPA Context. Wharf Road, Wormley.

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Park Development Framework Extract - Area Proposal 6.A.4.1 Wharf Road



## Area 6.A.4.1 Wharf Road Proposals

### Paths

Create a new pedestrian spine parallel with the Broxbourne Ditch corridor to provide a different pedestrian environment and relieve pressure on the Navigation towpath. Extend the existing path network by providing further new tracks and paths to form extra links and circuits including an additional path along the southern edge of Silvermeade Wildlife site.

Upgrade Wharf Road as an entrance and gateway point into the River Lee Country Park. Work with Broxbourne Council, Hertfordshire County and Network Rail to sign the Regional Park from the High Road and improve the environmental quality of the route along residential roads and Wharf Road into the Park at this point. Assess existing entrance signage and ensure appropriate site signage is provided that promotes both the River Lee Country Park and safe crossing of the railway.

Maintain and enhance the small car park and provide an illustrated information board along with additional signage for information, interpretation and orientation throughout the area.

### Sport and Recreation

Protect and maintain the area as a tranquil space for informal recreation, walking and cycling forming part of the wider River Lee Country Park. Work with Broxbourne Council and landowners to increase the amount of space available for informal recreation, particularly in the southern half of the site.

Improve and extend the existing network of tracks and paths to create circular routes with links through to adjoining areas of the River Lee Country Park for walkers and cyclists.

### Biodiversity

Extend the ecological qualities of Silvermeade to the north eastern part of the site and along the Broxbourne Ditch to encourage species such as Water Vole. Areas in the north west to be managed as grassland and scrub grassland matrix. To the south areas of species rich grassland to be planted and managed as meadows.

This will be achieved through the following initiatives:

- Investigate provision of new scrapes, shallow pools and marsh habitat creation to the north and south of Nut Tree Nursery to extend existing habitats in Silvermeade and provide visually accessible habitats adjacent to new paths. Arisings to be disposed of in selected locations on site to avoid any reduction in flood plain capacity. Contamination surveys and Phase 1 and Phase 2 Ecological surveys are also required.
- Along Broxbourne Ditch removal of selected trees and pollarding of ditchside willows to reduce excessive shading; removal of litter; desilting and possible easing of bank gradients in limited numbers of selected locations to create habitat suitable for Water Vole.
- Introduction of a scrub control programme for areas south-west of Silvermeade, and north of Wharf Road, to conserve potentially interesting grassland and reedbed habitat.
- Removal and control of Great Willowherb in the north west of the site and Himalayan Balsam in the north east.
- Undertake cyclical management of hedgerows on Wharf Road and on the Navigation, removal of inappropriate species and localised gapping up



- Introduce meadow management on land west of Silvermeade and investigate feasibility of using cattle for grazing.

Promote the site as an access to nature area with opportunities to view species such as the Water Vole.

### Landscape and Heritage

#### Landscape

Protect, enhance and manage the landscape as set out in the Landscape Strategy Guidelines for Character Area: A4 Kings Weir to Wallham Town Lock

Extend the positive landscape character of surrounding areas to the south and north into the site and strengthen existing landscape features including the Broxbourne ditch and the river edge.

Plant locally native wet woodland to extend and consolidate existing scattered tree clumps to provide enhanced screening to visually intrusive uses. Species should be mainly willow, alder and birch with some oak, with a focus on the creation of alder carr.

Thin and remove existing vegetation to improve inter-visibility of areas such as the Navigation and to remove the legacy of chalet plot development. The focus will be on the removal of inappropriate species (mainly surviving garden species from previous chalet development) and poor quality trees.

#### Heritage

Work with Broxbourne Council and other stakeholders to develop a long term strategy of removing illegal, non-conforming and non Park compatible uses within the area, including through the use of planning enforcement action, and compulsory purchase if necessary

Larger areas of non-conforming use may present issues of contamination and unsafe ground conditions unsuitable for public access. Given that remediation is likely to have significant costs it is suggested that these areas are assumed to be fenced to prevent public access, and to serve as a refuge area for wildlife.

Investigate demand for the medium term lease of land that presents issues of contamination or unsafe ground unsuitable for public access to be planted, managed and cropped for short rotation coppice. This could include areas of hazel coppice and/ or the cultivation of cricket bat willows.

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## Extract from Draft SPD

*Wharf Road – Draft SPD for public consultation - July 2023*

### **The Masterplan**

The draft masterplan is set out in **Figure 4**. The masterplan indicates the following approach to consolidation of the site in accordance with the Local Plan:

1. Existing plots within the consolidated site area (shown in green) will be retained without change.
2. Existing waterfront plots (numbers 2-23 inclusive) will be relocated over time to the areas shown in orange. At vacated plots all fences, hardstandings and other development will be removed and the environment of the waterfront enhanced.

### **General principles**

The Council has had a number of meetings with the LVRPA and the following general principles have emerged in respect of the positions of both bodies:

- a. The Council will look favourably upon applications for planning permission for all developments on plots shaded in green or orange on the masterplan.
- b. The Council will upon request provide without charge free advice and assistance to any resident who indicates a desire to seek planning permission for pitches shown coloured on the plan.
- c. The Council will use all available statutory powers to enforce against unauthorised developments.
- d. In accordance with Local Plan Policy GT1, new or relocated pitches are to meet the specific accommodation needs of existing communities and expansion through their new household formation, not to meet the needs of their extended families or those of other families
- e. The LVRPA will take action against unlawful expansion onto land within its ownership.
- f. For both authorised and unauthorised development on the waterfront (including the plots shown and any others) the LVRPA will seek to purchase all waterfront plots and/or swap this land for Authority-owned land shaded in orange.
- g. Following the necessary plot relocations, the Park Development Framework indicates that the LVRPA will undertake environmental enhancements including to the Broxbourne Ditch, the waterfront and surrounding areas to implement the landscape strategy and Park Development Framework.
- h. The site will continue to be self-managed and owned by the residents.
- i. The masterplan will be used as the basis for seeking funding opportunities as they become available in order to work with the providers of statutory utilities to seek to provide authorised provision to the site.
- j. Subject to securing funding, the Council will work with statutory utilities providers to provide an authorised supply of gas, electricity, waste water and water supply.
- k. Subject to securing funding, the Council and the Park Authority will work with the Environment Agency to provide site-specific flood defences and utilities companies to provide mains electricity, water and gas connections.

Figure 4: Draft Masterplan

