

## **Wharf Road**

# Supplementary Planning Document

November 2023

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#### Introduction

The Council has sought the views of the residents of the Wharf Road Gypsy and Traveller site and relevant stakeholders including the Lee Valley Regional Park Authority and others on a draft masterplan for the site.

The purpose of the masterplan is to add detail to the existing Local Plan policy for the site, which seeks to provide for the needs of the existing community whilst also securing environmental benefits to the area and protecting the Green Belt.

The SPD is a material consideration in dealing with planning applications.

#### Site location and description

The Wharf Road gypsy and traveller site is situated within the Lee Valley Regional Park, approximately 2 km south of Broxbourne station and 3 km north of Cheshunt station. The site has grown in an ad-hoc fashion from a small number of privately owned caravans in 2003 with substantial expansions and growth in the community in the following years.

There are a two main areas of development. The first area is a cluster of caravans to the north of Wharf Road, which have to been fenced in to create pitches with parking for cars and private space. This area is set back from the riverfront, and was removed from the Green Belt in 2020 in order to provide scope for a fully authorised site with less impact on the River Lee and the enjoyment of Park visitors. The second area is a straggle of caravans fronting onto the River Lee on land designated as Green Belt.

The Wharf Road site includes a number of privately owned pitches that have been acquired by residents over a number of years.

Since the 1970s the Lee Valley Regional Park Authority (LVRPA) has been purchasing land as it comes onto the market for the purposes of achieving environmental enhancements to this part of the Park, which forms part of the Lee Valley Country Park. Some private development has encroached onto land owned by the Park Authority without permission.

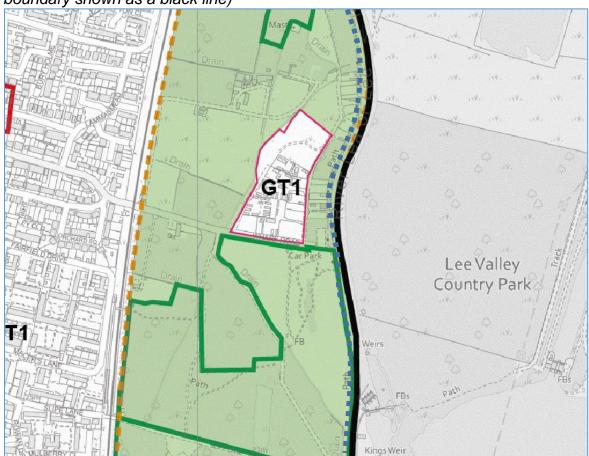
There is no management organisation for the site nor any representative body and so any changes have to be discussed directly with the affected residents.

Some of the caravans within both the main site area and along with waterfront have planning permission (through certificates of lawfulness) and a small number also have caravan licences. However there are a number that are not authorised.

Although there is a private water supply, the site is not serviced with mains gas or waste water. The site is not fully serviced by mains electricity. The facilities on site are very basic and there may be some risk to the safety and wellbeing of residents accordingly.

The site is located in an area at risk of flooding from the River Lee and there are no site-specific flood defences in place.

Figure 1: the site and the surrounding area including Green Belt land (borough boundary shown as a black line)



Source: Broxbourne Local Plan Policies Map

The River Lee towpath Public Right of Way passes along the eastern edge of the site (as shown by the blue dotted line). This is a main artery through the Park and is popular with visitors.

There is a small public car park owned and managed by the Park Authority adjacent to the towpath to the south-eastern edge of the site.

The 'Broxbourne Ditch' runs along the western edge of the site and has been identified by the Park Authority as having significant potential for ecological enhancement (see below).

There are problems with fly tipping and unauthorised expansion and erection of fencing.

Slipe Lane Open Space Local Wildlife Site lies immediately adjacent to the south (encircled by a green line on the Policies Map extract in Figure 1 above) and there is also a Local Wildlife Site at Silvermeade a short distance to the north.

#### Flood Risk

Caravans are classed as 'highly vulnerable' to flood risk and riverfront caravans are at particular risk. The EA has advised that vehicles can start to float in flood depths of less than 60cm or less if water is fast-flowing. Residences should be designed so as to be resilient in the case of flood to ensure continued structural integrity.

The EA designates watercourses as Main Rivers those watercourses for which it carries out maintenance, improvements or construction works. A permit is required from the Environment Agency (EA) for activities within 8 metres of a Main River as shown on the EA's statutory Flood Map. Adjacent to the Wharf Road site both the River Lee and the Broxbourne Ditch are designated as Main Rivers.

Further information about permits is available here:

https://www.gov.uk/guidance/flood-risk-activities-environmental-permits

Further information about flood warning and alerts is available here:

https://www.gov.uk/sign-up-for-flood-warnings (or call 0345 988 1188)

#### The River Lee Country Park

Wharf Road lies within the River Lee Country Park which includes the majority of the Park area between Nazeing New Road B194 to the north and the A121 Eleanor Cross Road and Abbey Road B194 to the south. It includes land in both the Borough of Broxbourne and in Epping Forest District which together forms Area 6 of the *Lee Valley Park Development Framework*<sup>1</sup>.

A summary of the Park Development Framework proposals for the 'Wharf Road Inset' (Area Proposal 6.A.4.1) is as follows:

- Protect and maintain the area as a tranquil space for informal recreation, walking and cycling forming part of the wider River Lee Country Park.
- Promote the site as an access to nature area. 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.
- 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.
- 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.

The northern part of the Country Park is shown in **Figure 2**.

5

¹https://www.leevalleypark.org.uk/park-development-framework

Broxbourne Meadows 6.A.4.1 Wharf Road Holyfield Lake

Figure 2: Northern part of the River Lee Country Park

Source: Park Development Framework

The Park Development Framework proposals for the area were in part based upon a more detailed Landscape Strategy for area, part of which is reproduced in **Figure 3**.

Figure 3: Extract from the masterplan within the Wharf Road Landscape Strategy 2013



Source: Wharf Road Environmental Strategy (LUC, 2013)

#### **Broxbourne Council's Approach to Wharf Road**

Paragraph 16.6 of the Local Plan sets out Broxbourne Council's approach to the site:

"Most of the identified need for 22 pitches (see above) relates to the previously unauthorised Wharf Road site. The extent of the allocation of this site addresses the needs of all the resident gypsy and traveller families over the Plan period – both within existing pitches and through the creation of new pitches. The accommodation needs of the more long standing Wharf Road travelling community are recognised by the Council. However, the situation at Wharf Road has become very complex with substantial sub-letting of caravans to individuals with no long term connection to the Borough. The Council is therefore seeking to work with the established community and the Lee Valley Regional Park Authority to create an authorised site at Wharf Road for that community. This will entail the relocation of the straggle of plots along the River Lee onto land currently owned by the Authority in the central area where most of the unauthorised plots are currently located. This will create a central integrated site that can then be authorised, licenced and properly serviced with roads, water, electricity and drainage. It will also entail the discontinuance of sub-letting."2

This approach was endorsed by a Planning Inspector following Examination in Public of the Local Plan. An extract from the Local Plan Inspector's Report (April 2020) in respect of the proposals for Wharf Road is contained at *Appendix* 1<sup>3</sup>.

In summary, the Planning Inspector's key findings were as follows:

- The current ad-hoc, unplanned arrangements are potentially a risk to the safety and amenity of residents (paragraphs 261-2)
- The consolidation of all of the traveller accommodation onto one defined area, away from the river, 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 (paragraph 264-5)
- Provision of planned and formalised infrastructure and utilities, including relating to drainage, water supply, and waste management, would have further environmental as well as social benefits (paragraph 266)

In order to meet identified Gypsy and Traveller accommodation needs, three sites were released from the Green Belt through the Local Plan, including at Hertford Road (near Hoddesdon), St James' Road (near Goffs Oak) and at Wharf Road. The basis for these policies is Local Plan Policy GT1, which is reproduced in full in Appendix 2.

<sup>&</sup>lt;sup>2</sup> Broxbourne Local Plan, Pages 95-6

<sup>&</sup>lt;sup>3</sup> The full report is on the Council's website at <a href="www.broxbourne.gov.uk/localplan">www.broxbourne.gov.uk/localplan</a>

#### The Masterplan

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

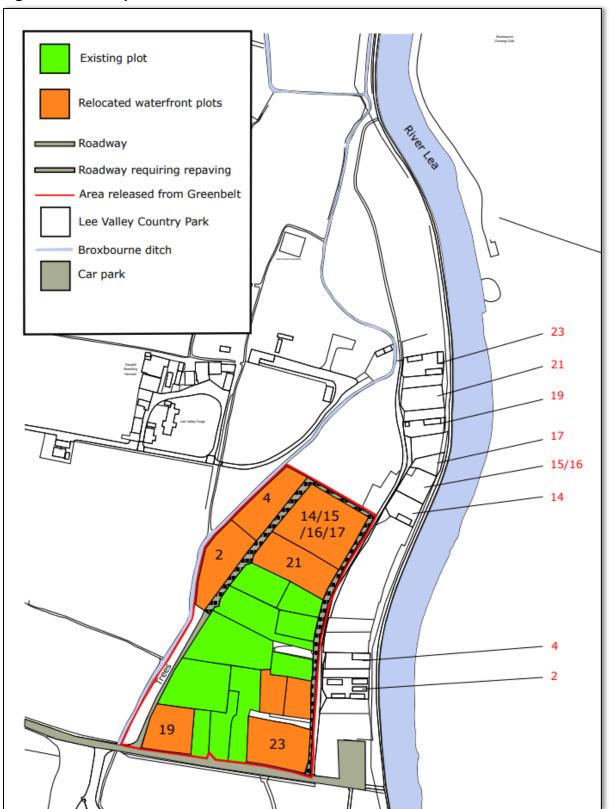
- 1. Existing plots within the consolidated site area (shown in green) will be retained without change.
- Existing waterfront plots (numbers 2-23 inclusive) will be relocated over time
  to the areas shown in orange. At vacated plots all fences, hardstandings and
  other development will be removed and 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 with 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 may consider an exchange of land for Authority land shaded in orange. This is subject to the Lee Valley Regional Park Act 1966.
- 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.
- 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 will work with the Environment Agency to provide site-specific flood defences, an emergency flood plan, appropriate flood resilience and flood storage measures, and appropriate site layout in respect of proximity to Main Rivers.

Figure 4: Masterplan



#### Appendix 1: Local Plan Inspector's report – extract

- 261. The site is within the functional flood plain and is at high risk of flooding. This categorisation is based on up to date and detailed analysis by the Environment Agency and assumes that all flood defences in the catchment are fully operational. National policy is clear that highly vulnerable uses, such as caravan accommodation, should not be accommodated in such areas. So clearly the proposal is contrary to national policy in this respect. The question is, therefore, whether there is robust justification in this case to depart from that national policy bearing in mind its ultimate purpose is to protect the health and safety of people and potentially save lives.
- 262. Significantly, there is clearly an established and growing traveller community in the area. Most of the land is owned by the occupants, and I am advised that they have no intention of selling their land or moving elsewhere. Both the Borough Council and Lee Valley Regional Park Authority ("LVRPA") advised that they have no resources or intentions to acquire the lawfully occupied plots. The fact is, therefore, that in the absence of a new approach the land is highly likely to continue to be used for caravan accommodation in the foreseeable future, including for sub-lets. As it is on an ad hoc and unplanned basis, this land use is likely to continue to be without satisfactory services and utilities, creating amenity and environmental problems. Furthermore, whilst properly designed and maintained flood defences are in place in the catchment, a large number of caravans are likely to remain on the functional flood plain with no effective site specific protection or arrangements in place to reduce the high risk that a flood would threaten the safety of residents.
- 263. On the other hand, the approach proposed in the Plan creates a positive opportunity to reduce the risks to health and safety of residents from flooding through the creation of a contained, authorised and licenced site properly serviced with roads, water, electricity and drainage.
- 264. The Lee Valley Regional Park Authority ("LVRPA"), who has a statutory duty to improve and manage the park as a place for leisure, recreation, sport and nature reserves, is opposed to the proposal. The LVRPA considers that it would prejudice the plans it has been pursuing for many years, through significant investment in land acquisition and the preparation of various strategies, to transform this part of the Park, which adjoins a public car park, wildlife site and popular parkland as well as the river and towpath, into an area of informal recreation and nature conservation. 265. However, it is clear from the evidence submitted during the examination that those aims are unlikely to be achieved with the continuation of the existing unplanned land uses in the area. The consolidation of all of the traveller accommodation onto one defined area, away from the river, 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. 266. Provision of planned and formalised infrastructure and utilities, including relating to drainage, water supply, and waste management, would have further environmental as well as social benefits.
- 267. The detailed arrangements for implementing the proposal and managing the site are not in place. However, it is clear from the Council's evidence that it is committed to delivering the proposal and I am, therefore, satisfied that it is likely to be taken forward.

#### Appendix 2: Local Plan Policy GT1: Gypsy and Traveller Sites

#### Policy GT1: Gypsy and Traveller Sites

The Council will work with the travelling communities to allocate sites as follows as shown on the Policies Map:

- 1. Expansion of Hertford Road where additional appropriate needs cannot be accommodated within the existing site boundaries;
- 2. Accommodation of new pitches within the existing St James' Road site;
- 3. Authorised site at Wharf Road to accommodate the appropriate needs of the Wharf Road Community.

These sites are allocated for the specific needs of the resident travelling communities to which they relate and the future expansion of those communities through new household formation within those communities. They are not to meet the needs of extended family members not currently resident within the Borough of Broxbourne. The means for ensuring that these sites meet the immediate needs of those communities in perpetuity will be set out within planning permissions.

If demonstrated to be necessary in accordance with policy BR4, the Halfhide Lane Gypsy site will be relocated within Brookfield Garden Village to accommodate the appropriate needs of the Halfhide Lane gypsy community.

Source: *Broxbourne Local Plan* page 96 www.broxbourne.gov.uk/localplan

#### **Appendix 3: Consultation Statement**

#### **Background**

The Wharf Road Supplementary Planning Document (SPD) outlines **improvement proposals for the Wharf Road** Traveller site. The SPD includes plans seeking to promote better living conditions for the residents of the site in Wormley as well as supporting action to improve the environment of the Lee Valley Country Park and tackle issues of unlawful expansion of the site.

A masterplan illustrates how the Council, working with the Lee Valley Regional Park Authority, seeks to pursue the relocation of riverfront caravan pitches into a central site that was removed from the Green Belt for that purpose through Local Plan policy GT1. The SPD also includes a set of general principles that further explains the respective actions that the Council and the Park Authority propose to pursue.

#### **Consultation process**

The Council launched a consultation on the Draft Wharf Road Supplementary Planning Document (SPD) on 12<sup>th</sup> July 2023. The consultation complies with the statutory procedure as outlined in *The Town and Country Planning (Local Development) (England) Regulations 2004, Part 5.* 

To ensure ample time for residents and other stakeholders to respond, the consultation ran for over 10 weeks, four weeks longer than the 6 week requirement, terminating on 25<sup>th</sup> September 2023. The consultation was published on the Council's consultation webpage, as seen below.



The Council issued a press release on 12<sup>th</sup> July, outlining the commencement of the consultation, how and where to respond. See Appendix A for full details.

On 13<sup>th</sup> July an email informing recipients of the commencement of the consultation was sent to:

- Chief Inspector for Broxbourne and others, Hertfordshire Police Constabulary
- Deputy Chief Executive and Head of Planning and others, Lee Valley Regional Park Authority

On 19<sup>th</sup> July an email to advertise the consultation was sent to:

- Hertfordshire GATE (Gypsy and Traveller Empowerment)
- Hertfordshire Police Constabulary
- The Lee Valley Regional Park Authority
- Gypsy and Traveller Service, Hertfordshire County Council
- 74 individuals and organisations which comprised the planning policy consultation list.
- 29 statutory consultees,

Please see Appendix B for the full list of statutory consultees and emails sent on 13<sup>th</sup> and 19<sup>th</sup> July.

On 20<sup>th</sup> July a press advert regarding the consultation was published in the Hertfordshire Mercury, see Appendix C.

Social Media posts advertising the consultation were made on; Facebook, X (previously known as Twitter), Instagram and LinkedIn on 20th July and subsequently on 12 September. See Appendix D.

#### Hand delivery of SPD hardcopies

On 19th July hardcopies of the SPD were hand delivered to site.

It was initially envisioned that the delivery of hardcopies would take place on 13<sup>th</sup> July, the day after the consultation was launched. However, due to a violent incident which occurred on site on the evening of 12<sup>th</sup> July, they were delivered one week later to insure staff safety.

The majority of plots received hardcopies to each caravan without incident however, a small number of plots were inaccessible because staff were obstructed by a small number of site residents. The detail of which plots received copies of the SPD is outlined in the table below.

Planning Plot no.	SPD's
2	Delivered
4	Unable to deliver
14	Delivered
15 & 16 (combined plot)	Delivered
17	Delivered
18	Delivered
19	Delivered
20	No caravans
21	Unable to deliver
22	No caravans
23	Delivered
46 (aka 39)	Delivered
Land North of 46	Delivered
47 (aka 41)	Delivered
Land between 47 & 48	No caravans
48	No caravans
49 & 50 (combined plot)	Delivered
51 (aka A)	Delivered
52 (aka B)	Delivered
56	Unable to deliver
57	Unable to deliver
58	Delivered
59	Delivered
60 (aka BEN)	Delivered
64	Delivered
65	Delivered
66	Unable to deliver
Wharfside Nursery (aka 71)	Delivered

To ensure this consultation was accessible to all, the following covering letter was delivered alongside each hardcopy of the SPD. When possible residents were also told orally what the consultation was regarding and that should they wish to respond to the consultation orally a meeting could be organised and their response transcribed.

Borough Offices, Bishops' College, Churchgate Cheshunt, Hertfordshire EN8 9XB

Tel: 01992 785555

E-mail: planning@broxbourne.gov.uk Internet: www.broxbourne.gov.uk



Date: 19 July 2023

The Occupier(s) Wharf Road Wormley Hertfordshire EN10 6HD

Dear Sir/Madam

Broxbourne Borough Council is holding a public consultation on the Wharf Road Supplementary Planning Document (SPD). This SPD outlines plans seeking to promote better living conditions for the residents of the Wharf Road Traveller site in Wormley 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 consultation is aimed at all Borough residents but should be of particular interest to residents of the Wharf Road Traveller site, Lee Valley Regional Park Authority, park users and residents of the Wormley and Turnford Ward.

The SPD for this consultation includes a masterplan that illustrates how the Council, working with the Lee Valley Regional Park Authority, seeks to pursue the relocation of riverfront caravan pitches into a central site that was removed from the Green Belt for that purpose through the Local Plan.

It also includes a set of general principles that further explains the respective actions that the Council and the Park Authority propose to pursue.

#### How to Respond:

- Responses must be made in writing and returned to the Council by:
  - Post to: Planning Policy, Broxbourne Borough Council, Bishops' College, Churchgate, Cheshunt, EN8 9XQ
  - o Email to: planningpolicy@broxbourne.gov.uk
- If you require further assistance please contact the planning department on 01992 785555 and ask to speak to Planning Policy.

Yours Sincerely,

Camille Rantz Mc Donald

Camille Rantz Kc Donald

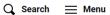
Senior Planner (Policy and Projects)

#### Appendix A



My Account





Home / Latest news / Wharf Road improvements as well as Employment and Skills public consultations are now live

### Wharf Road improvements as well as Employment and Skills public consultations are now live

Supplementary Planning Documents have now been published to inform the public on two public consultations which will be running from 12 July until 25 September 2023.

The Employment and Skills Supplementary Planning Document (SPD) is aimed at businesses, developers, educational institutions and Borough residents, and seeks to further the objectives of the Economic Development Strategy to increase the availability of good quality local jobs for local people while also contributing to the Local Plan goal of 5,000-6,000 net additional jobs in the Borough by 2023.

Building on existing good practice, it promotes partnership working between developers and the Broxbourne Strategic Partnership for Skills (BSPS) to secure work opportunities for local people, including good quality apprenticeships, work placements, training, outreach work, and a better mix of skilled jobs.

It proposes the creation of Employment and Skills Training Action Plans for both the construction phase of development and also the operational phase, involving agreements with the end-users of employment facilities.

Further to this, there is also an ongoing consultation for improvement proposals for Wharf Road with plans seeking to promote better living conditions for the residents of the Wharf Road traveller site in Wormley 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 consultation is aimed at all Borough residents but should be of particular interest to residents of the Wharf Road traveller site, Lee Valley Regional Park Authority, park users and residents of the Wormley and Turnford Ward.

The SPD for this consultation includes a masterplan that illustrates how the Council, working with the Lee Valley Regional Park Authority, seeks to pursue the relocation of riverfront caravan pitches into a central site that was removed from the Green Belt for that purpose through the Local Plan.

It also includes a set of general principles that further explains the respective actions that the Council and the Park Authority propose to pursue.

To view copies of both documents please visit www.broxbourne.gov.uk/consultations. Consultation responses should be made in writing, no later than Monday 25 September 2023 vie email at planningpolicy@broxbourne.gov.uk, or by post to the Planning Policy Team, Broxbourne Borough Council, Bishops College, Churchgate, Cheshunt, Hertfordshire, EN8 9XQ.

Published: 12th July 2023

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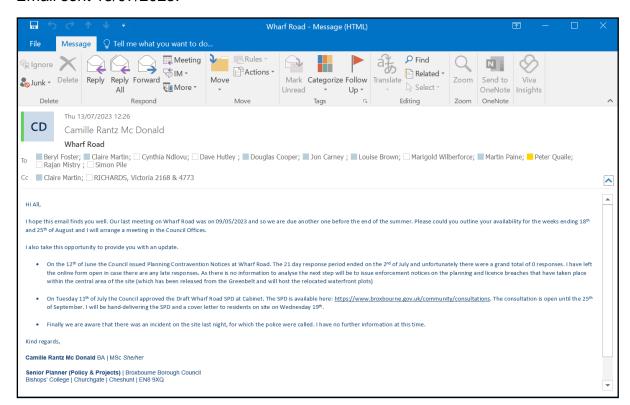
Ambition Broxbourne newsletter

Customer satisfaction Sign up for email alerts

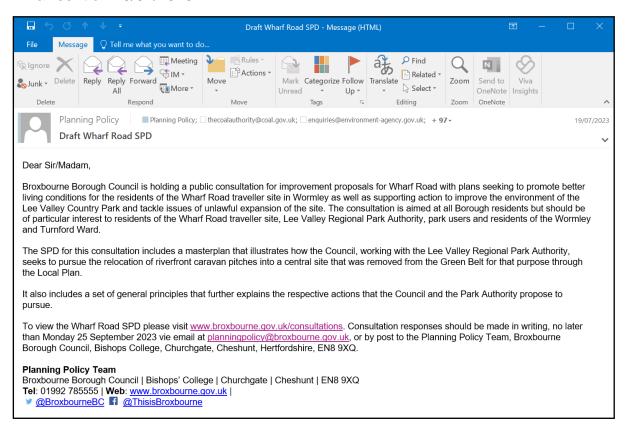


#### **Appendix B**

#### Email sent 13/07/2023:



#### Email sent on 19/07/2023:

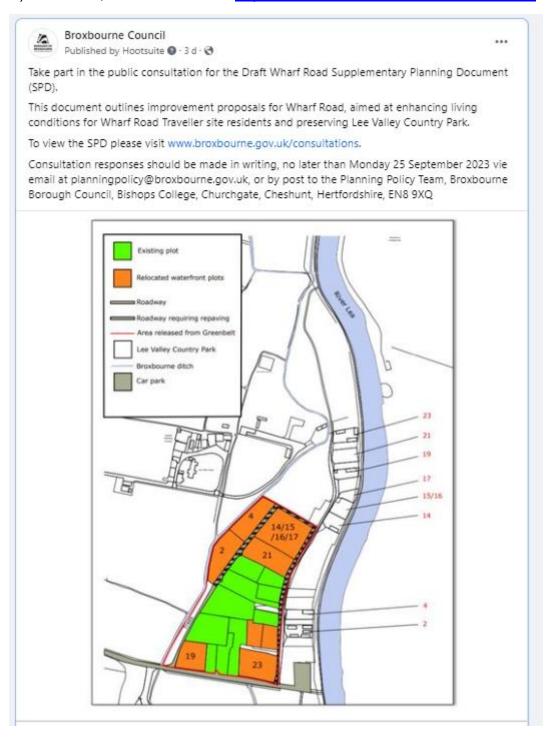


# Wharf Road – Supplementary Planning Document - November 2023 Statutory consultees emailed on 19/07/2023:

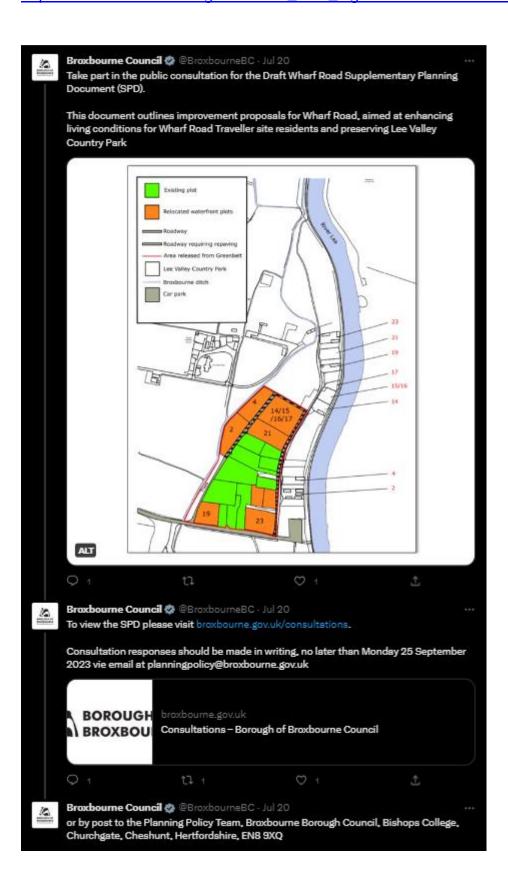
The Cool Assume
The Coal Agency
Environment Agency
Historic England
Natural England
Network rail
Highways Agency
Lee Valley Regional Park Authority
North and East Herts Clinical Commissioning Group - property
team
Telecommunication companies: BT Telecommes exchange
Thames water
UK Power Networks
Hertfordshire Constabulary:
Hertfordshire Constabulary:
Hertfordshire LEP
Welwyn Hatfield Council,
London Borough of Enfield,
Harlow Council,
St Albans District Council,
Watford Borough Council,
Three Rivers Council,
North Hertfordshire District Council
Stevenage Borough Council,
Hertsmere Borough Council,
East Herts District Council,
Greater London Authority,
Dacorum Borough Council,
Epping Forest District Council,
Hertfordshire County Council- HCC Growth and Infrastructure
Essex County Council



#### A) Facebook, available to view: <a href="https://www.facebook.com/BroxbourneBC/">https://www.facebook.com/BroxbourneBC/</a>

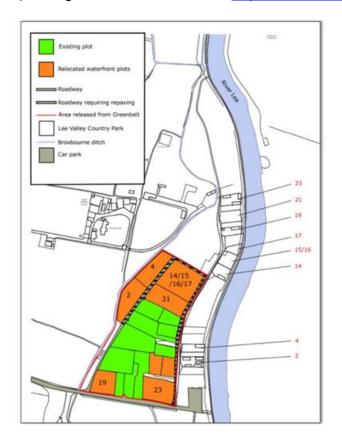


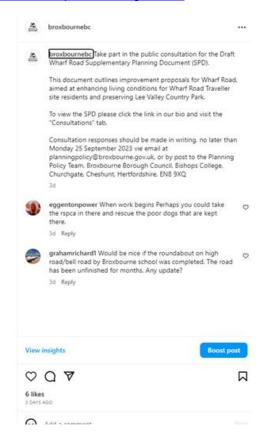
B) X (previously known as Twitter), available to view: https://twitter.com/i/flow/login?redirect\_after\_login=%2FBroxbourneBC



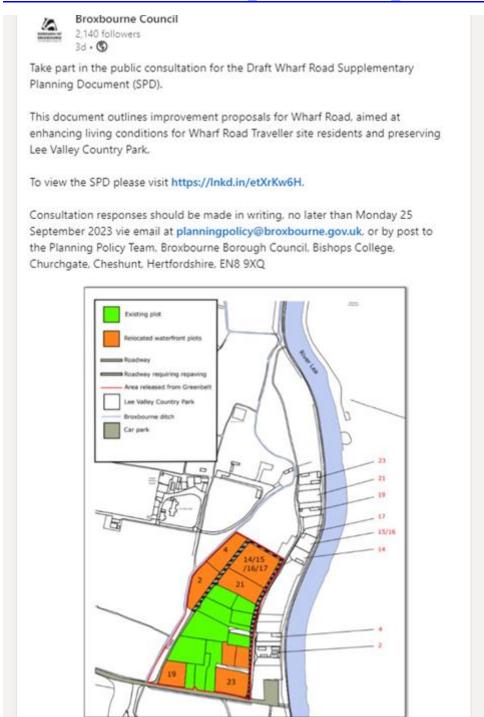
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### C) Instagram available to view: <a href="https://www.instagram.com/p/Cu6x71gNoL/">https://www.instagram.com/p/Cu6x71gNoL/</a>





D) LinkedIn, available to view here: <a href="https://www.linkedin.com/posts/broxbourne-borough-council\_take-part-in-the-public-consultation-for-activity-7087763545701892096-3mtv?utm\_source=share&utm\_medium=member\_desktop">https://www.linkedin.com/posts/broxbourne-borough-council\_take-part-in-the-public-consultation-for-activity-7087763545701892096-3mtv?utm\_source=share&utm\_medium=member\_desktop</a>



#### **Appendix 4: Adoption Statement**



In accordance with Regulation 14 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) this Adoption Statement hereby gives notice that on **7 November 2023** Broxbourne Borough Council adopted the Wharf Road Supplementary Planning Document (SPD) to the Broxbourne Local Plan 2018-2033.

The purpose of the SPD is to provide clear guidance on the relocations and the pattern of consolidated sites on land removed from the Green Belt for the purpose of implementing the Local Plan Policy. It also sets out general principles for the Wharf Road site.

A draft copy of the SPD was subject to public consultation between 12 July and 25 September 2023, in line with Regulation 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Any person with sufficient interest in the decision to adopt the SPD may apply to the High Court for permission to apply for judicial review of that decision. Any such application must be made promptly and, in any event, not later than three months after the date on which the SPD was adopted.

The adopted SPD, an updated Consultation Statement (setting out the issues raised during the formal consultation period and those were addressed by the council) and this Adoption Statement can be viewed online at: <a href="https://www.broxbourne.gov.uk/localplan">www.broxbourne.gov.uk/localplan</a>

Hard copies of the same documents are available for inspection during normal opening hours at the Council's offices: Bishops' College, Churchgate, Cheshunt, EN8 9XQ.

If you require further information, please email <u>planningpolicy@broxbourne.gov.uk</u> or phone 01992 785555.