

CABINET

DATE: 24 June 2025

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: Radburn Way, Letchworth Garden City

REPORT OF: Principal Estates Surveyor

EXECUTIVE MEMBERS: Executive Member for Enterprise.

COUNCIL PRIORITY: THRIVING COMMUNITIES and SUSTAINABILITY

1. EXECUTIVE SUMMARY

North Herts Council (“The Council”) owns land off Radburn Way, Letchworth as shown on the plan at Appendix A. The grey shaded area is allocated for residential development in the North Herts Local Plan 2011-2031 (Policy LG6). Part of the allocated area is a former priority orchard.

Hertfordshire County Council owns an adjoining plot of land. In 2015 the Council resolved to work with it for a joint disposal of land at Radburn Way (see background paper link). Subsequently, Hertfordshire County Council has developed its site independently. Development of the Council’s site in isolation is considered unviable due to the cost of providing access, Biodiversity Net Gain and orchard reprovion, and noting the Council’s declared ecological and climate emergency.

It is proposed that the Council should not progress development or disposal of the site. Instead, the Council should capitalise on the site’s biodiversity, with a view to improving public use of the site and exploring the site’s value as part of a habitat bank.

2. RECOMMENDATIONS

- 2.1. That the land should no longer be declared surplus, and development of the site should not be pursued.
- 2.2. That Cabinet approves the Council progressing with plans to improve management of the land with the intention to provide a habitat bank, or similar, with improved public access as appropriate. Officers from Green Space, Estates and other services to work jointly to manage and deliver the project, reporting back to the Executive Members for Enterprise, Resources and Environment.

3. REASONS FOR RECOMMENDATIONS

There are a number of factors impacting the ability to bring the site forward for development as follows:

- 3.1 Difficulty providing a suitable access to the site, with a significant associated capital cost to achieve.
- 3.2 Hertfordshire County Council has advised local planning authorities that the Herts Ecological Networks Map should be used to assess the strategic importance of habitats, and this site has been noted as being strategically significant - the highest rating.
- 3.3 The need, as part of the planning allocation, for the reprovision of the priority orchard habitat elsewhere in North Herts, in addition to the new Biodiversity Net Gain (BNG) requirements. BNG makes sure that habitats for wildlife are left in a measurably better state than they were before the development and is now mandatory.
- 3.4 A biodiversity baseline assessment of the site in July 2024 identified a high baseline biodiversity value due to the presence of the strategically significant Priority Habitat Traditional Orchard, with mixed scrub and mature and irreplaceable trees.
- 3.5 Since the allocation of the site in the Local Plan the Council has declared both an ecological and climate emergency.
- 3.6 Settle Group concluded that a small development on the eastern section of the site with access from the garage site on Radburn Way would not be viable.
- 3.7 A financial assessment attached at Appendix B of the Part 2 Report, indicates residential development of the site is not viable either with access from a third-party ownership on Radburn Way or via Freeman Drive, given the additional costs of developing the site in accordance with planning and climate change requirements.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. The Council could pursue development of the site but for the reasons outlined below this would require removal of a strategically significant orchard and may be considered contrary to the ecological emergency declared by the Council in 2023 identifying nature recovery as a priority for planning, habitat restoration and biodiversity net gain. Appendix B of the Part 2 report confirms that development is not financially viable.
- 4.2. Officers reviewed the potential for development of the eastern portion of the site in isolation. However, this is unviable due to the requirement to deliver an acceptable access over the Settle land and long leasehold garages, in addition to the partial orchard reprovision and biodiversity requirements.
- 4.3. The Council could do nothing further with the site. This would result in the majority of the land remaining as largely unmanaged former orchard and works on the land undertaken on an ad hoc basis as at present. There would be continued uncertainty for residents in the vicinity of the site as to whether the site will be developed in the future and potentially a missed opportunity to improve the site as a habitat bank, increase its biodiversity value and enable some improved public access as appropriate.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

The Executive Members for Resources, Enterprise and Environment have been fully briefed and are in support of the recommendations.

Shadow Councillors and Ward Councillors for Letchworth South East have also been briefed in advance of this report.

The Council's Senior Ecologist has been consulted and provided guidance and advice, as required, in the drafting of this report and recommendation.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on 17 April 2025.

7. BACKGROUND

- 7.1 The Council owns land between Baldock Road and Radburn Way, Letchworth Garden City as shown on the attached plan at Appendix A. Part of the land is used as allotments. The area shaded grey, extending to around 0.94 hectares (2.33 acres), is allocated for residential development in the North Herts Local Plan 2011-2031.
- 7.2 The land was acquired under a Compulsory Purchase Order in 1958. At the time there were several objections by residents adjoining the land and these were only withdrawn on their understanding that the land would remain as a buffer strip and not be developed. The Council's view is that there are no legal restrictions on the land being developed, but some adjoining residents have indicated recently they would challenge any development of the land.
- 7.3 At its meeting on 28 July 2015 Cabinet resolved to work in partnership with Hertfordshire County Council to proceed with a disposal of the land at Radburn Way.
- 7.4 During the local plan review process, the Planning Inspector, after considering representations from residents, advised the following: *'Whether or not there is an insurmountable impediment is unclear to me. If there is, it will not be possible for the site to be brought forward. This does raise a question about its deliverability. However, rejecting this allocation would thwart the opportunity to overcome any legal obstacles and, in the context here, that would be unwarranted. Consequently, deleting it is not necessary for soundness. Even if, in the event, the site cannot be delivered, that would not undermine the supply of land for housing.'*
- 7.5 The site, together with Hertfordshire County Council's adjoining land, was allocated for residential development of 35 homes in the North Herts Local Plan adopted on 8th November 2022 (Policy LG6). The allocation assumed that the whole site would be accessed from Hertfordshire County Council's land.
- 7.6 There was an illustrative development scheme prepared by Vincent & Gorbing architects indicating how the total allocation of 35 dwellings was arrived at for the allocation and is attached at Appendix C.

- 7.7 The Hertfordshire County Council owned section of the allocated site has now been developed by Herts Living (a company owned by the County Council) as Freeman Drive, a complex of 8 dwellings. This would leave a balance of 27 units that could be built on the Council's land.
- 7.8 Without access over Freeman Drive, the site does not have a vehicular access suitable for residential development and acquiring one has significant capital cost as outlined in Appendix B in the Part 2 report. The allocation in the local plan suggests that if access was required via a garage block off Radburn Way, then any garages that would be lost because of development would need to be relocated.
- 7.9 The allocation in the Local Plan requires the off-site compensatory reprovion of the former priority orchard habitat currently on the land. A priority orchard habitat is defined by Natural England as being of principal importance for the purpose of conserving biodiversity. A copy of Policy LG6 and plan of the allocation is attached at Appendix D.
- 7.10 In addition, since 12th February 2024, it is now mandatory to deliver a Biodiversity Net Gain of 10% on development sites. The aim of the legislation being to ensure that there is a better-quality natural habitat than there was before development. The biodiversity net gain would be in addition to reprovion of the orchard habitat within North Herts.
- 7.11 Since adoption of the Local Plan, the Council has declared an ecological emergency. The Council are now committed to addressing the ecological emergency and nature recovery by identifying appropriate areas for habitat restoration and biodiversity net gain, whilst ensuring that development limits impact on existing habitats in the process.
- 7.12 There have been licences issued in the past to residents on Baldock Road to use part of the land for garden purposes. All but one have been terminated or surrendered. There is one existing garden licence for land at the rear of 177 & 179 Baldock.

8. RELEVANT CONSIDERATIONS

- 8.1. The matters to be considered in detail when considering potential development of this site fall under four categories.

Planning

- 8.2. The planning requirements of the allocation requires reprovion of the priority orchard habitat, and the classification of the orchard has been upgraded to strategically significant following the site's allocation. Having consulted the Council's Senior Ecologist, objections could be raised to loss of the orchard habitat as it would not meet the mitigation or biodiversity gain hierarchy for development as there are other available sites that would be less damaging. As the Radburn Way orchard is in a strategically significant area the Senior Ecologist considers it more appropriate to protect and enhance the habitat.

If, however, a decision was made to allow development of the site, the Senior Ecologist would recommend the imposition of a planning requirement that land three times the size of the existing orchard is acquired and planted within the North Herts area. The financial appraisal attached at Appendix B assumes that it will be possible to acquire a 7-acre site in the North Hertfordshire area for the relocation of the orchard for £140,000. It is likely this land would be arable land or an existing orchard. It is worth noting that it may not be possible to deliver an alternative orchard at this price, particularly in light of the current lack of availability of such land.

- 8.3. The planning requirement to deliver biodiversity net gain is discussed in paragraph 14 below.

Access

- 8.4 As there is no existing suitable access for development, the following options have been considered:

- Acquisition of a third party owned property on Radburn Way - The Council previously had an option to purchase this property which expired in June 2023. The owners of the property have been approached to ascertain their view regarding entering into a new option arrangement and they have indicated they would be willing to do this but at an increased price.
- Herts Living scheme - When developing the Freeman Close site, Hertfordshire County Council retained a 1 metre section of land. Hertfordshire County Council will allow access over Freeman Drive and the ransom strip in return for 50% of the value of the site. This may be open to negotiation, but this was put on hold pending other investigations. To provide a vehicular access through the Hertfordshire County Council's land it would also be necessary to cross a public footpath which is in the North Herts Council ownership. The access to any development on the Council's land would be via an unadopted road owned by a third party, which may deter potential developers. The proposal put forward by Herts Living is attached at Appendix F of the Part 2 report.
- Access via Garages on Radburn Way – The Council has previously transferred its interest in land and properties in Radburn Way to the Settle Group, including the land which provides access to a garage block consisting of 19 garages and the allotments at the rear. Of the 19 garages, 9 have been sold on long leases to local residents. Settle has been approached for a view as to the development of part of the site via the land currently occupied by the garages and this is set out in Appendix E in the Part 2 report.

- Acquisition of a third party owned property on Baldock Road – Contact has been made with the owners of this property who indicated that they may be prepared to consider a sale to potentially provide access. On further investigation there are covenants on their title in favour of Letchworth Garden City Heritage Foundation and they would also require a share of any development value of the land, as evidenced by discussions on other sites. This option is likely to have similar costs to the option off Radburn Way. In addition, the access is very close to a main roundabout (A505 & B656) and the junction with Pixmore Avenue and would need detailed investigation by a Highway Engineer.

Climate Change Strategy

- 8.5 The Council has declared a climate emergency and requires increased standards for all developments on land sold by the Council under the Council's Climate Change Strategy. This includes 'Passivhaus, BREEAM or similar standards for all developments on land sold by the Council.' The emerging draft Sustainability Strategy is to strive, where possible, for developments on land sold by the council to be Net Zero operational in line with the Council's 2040 goals, with monitoring of embodied emissions. This has been factored into the financial appraisal at Appendix B in the Part 2 report. There may be a reduced interest in the site by some potential developer purchasers not prepared to build to more than the Future Homes Standard which is due to be implemented this year.

Financial

- 8.6 The appraisal at Appendix B details the implications of proceeding with a development of the site taking account of the above. In its preparation it is necessary to make certain assumptions, including acquiring a 7-acre site in the North Hertfordshire area for the relocation of the orchard. Advice has been taken including from Maydencroft in respect of establishing an orchard elsewhere in the district. The appraisal uses a gross value of the site ascertained by the external valuer, with a cost to secure access from Radburn Way and Freemans Drive respectively. The assessment confirms the development is not financially viable.

9. LEGAL IMPLICATIONS

- 9.1. The Local Government Act 1972 (s111) confirms that a local authority has the power to do anything (including in relation to finance and property) which is calculated to facilitate or is conducive or incidental to, the discharge of its functions.
- 9.2. The Localism Act 2011, section 1 provides local authorities with a general power of competence, allowing them the power to do anything individuals can do which are not prohibited. This includes meeting the needs of the community. The proposed improvement to the management of the site and the proposed use of the site to deliver offsite biodiversity gain required by other developments in the area falls within this power and meet the criteria of meeting the needs of the community.
- 9.3. The Terms of Reference at section 5.7.15 of the Council's Constitution states that the Cabinet may by resolution 'oversee the provision of all the Council's services other than those functions reserved to the Council.' The proposal does encroach on a function reserved to the Council.

10. FINANCIAL IMPLICATIONS

- 10.1. The Council had originally anticipated receiving a capital sum on the sale of this site which will no longer be received.
- 10.2. Cost to date have been for occasional maintenance costs and the biodiversity report that was carried out last year all, of which have been met from existing Estates budgets.
- 10.3. Undertaking works to provide an improved habitat site may provide the Council with an opportunity to sell habitat units to developers who were unable to provide a biodiversity net gain on their sites and/or for offsetting biodiversity requirements for other Council owned development sites. For these gains to be realised it would be necessary for the site to be restored, enhanced, and maintained for a period of no less than 30 years. Providing a habitat bank on Council land could also assist in freeing up the delivery of other development sites which are dependent on finding off-site biodiversity units and keep the BNG benefit in the district. If this recommendation is accepted more work could be carried out to investigate the cost of turning the land into a habitat bank, but it is hoped that the work could be carried out in stages and using volunteers, where possible, to keep costs to a minimum. A further report will be taken to Council if additional capital and revenue funding is required and with details for any associated financial returns.

11. RISK IMPLICATIONS

- 11.1. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2. Should the Council decide to continue to manage the land as at present there is the risk of increasing costs of maintenance with no associated public gain from improved access and potentially no ability to achieve financial returns from additional biodiversity gain units on the site. However, these risks would be managed as part of project management governance arrangements, should a decision be made to pursue the greater associated opportunity of improving the current site as a habitat bank and increasing its biodiversity value. This could enable other developments in the district to proceed (and for the Council to receive income) via the provision of habitat units to offset biodiversity requirements and could improve public access to the land.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. The Radburn Way green space currently provides community benefits through the allotments. The intention stated at 2.2 to provide improved public access to the space as appropriate will enhance the community benefits as there are mental and physical health benefits associated with access to green space.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1 To fully understand the biodiversity net gain requirements, a biodiversity baseline assessment was undertaken by Maydencroft, in July 2024. This is a comprehensive report and can be made available on request.
- 14.2 This established, inter alia, that the National Priority Habitat Inventory recognises the site as a greenspace with important biodiversity value and mapped the full area as Priority Habitat Traditional Orchards.
- 14.3 It is one of five areas across Letchworth Garden City which are mapped as Traditional Orchards. Apart from the area currently held under licence there is considerable bramble growth and there has been limited management for a number of years. Around 0.2ha of land on the eastern side near the allotments has been cleared of fruit trees and is reverting to scrub and woodland rather than orchard. As previously mentioned, Hertfordshire County Council has now advised local planning authorities that the Herts Ecological Networks Map should be used to assess the strategic importance of such orchards, and this site has been noted as being strategically significant.
- 14.4 The assessment split the site into three parcels; the western portion of the site, the central portion of the site (currently held under a licence by a house owner on Baldock Road) and the eastern section of the site.
- 14.5 The western portion of the site is in poor condition, although consisting of a high proportion of fruit trees including apple, pear and plum as well as hazel.
- 14.6 The central area is in good condition and is much closer to the typical physical structure of a traditional orchard although there are benches, log store, shed and other items which have been put on the land by the licence holders. The floor of the orchard is grassland which has been well maintained. The trees on this portion also consist of apple, pear and one hazel and there are several mature specimens.
- 14.7 The section of land to the east consists mainly of bramble shrub and this may be more suitable for development than other areas of the site.
- 14.8 Some of the trees on site are regarded as veteran trees with one veteran apple tree being regarded as irreplaceable.
- 14.9 The assessment concluded that the site has a high baseline biodiversity value due to the site being Priority Habitat Traditional Orchards, with mixed scrub and veteran trees. This high value is squeezed into a small site, and it would not be possible to generate any improvement in biodiversity on site should there be development of the whole of the land. In addition, Policy LG6 (Appendix D) also requires the reprovion of the priority orchard habitat elsewhere in North Hertfordshire. A site would need to be acquired or provided from existing land holdings (if available) and an orchard created using mature trees rather than young saplings, with the associated cost (assuming that a suitable site could be secured). The biodiversity net gain would be in addition to reprovion of the orchard habitat within North Herts.

- 14.10 Avoiding development protects the significant biodiversity of the site, including irreplaceable veteran trees. The creation of a habitat bank provides opportunities for improving biodiversity and supporting required biodiversity net gain from development taking place within North Herts to be delivered within the district. Maintaining the space in this way can also have positive impacts around improving air quality and minimising flood risk through the ability of trees and shrubs to absorb both carbon dioxide and rainwater.
- 14.11 If public access to the site is improved as indicated at 2.2, consideration should be given to protecting the biodiversity.
- 14.12 Since adoption of the Local Plan, the Council has declared an ecological emergency. The Council are now committed to addressing the ecological emergency and nature recovery by identifying appropriate areas for habitat restoration and biodiversity net gain, whilst ensuring that development limits impact on existing habitats in the process.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no human resource implications.

16. APPENDICES

- 16.1 Appendix A – Site plan.
- 16.2 Appendix B - Financial assessment. (Part 2 only)
- 16.3 Appendix C - Vincent & Gorbing architect's scheme.
- 16.4 Appendix D – Planning Policy LG6.
- 16.5 Appendix E - Email from Settle (Part 2 only).
- 16.6 Appendix F - Email from Herts Living (Part 2 only).

17. CONTACT OFFICERS

- 17.1 Stephen Hensby
Estates Surveyor
stephen.hensby@north-herts.gov.uk ext 4190
- 17.2 Philip Doggett
Principal Estates Surveyor
Philip.Doggett@noth-herts.gov.uk ext 4141
- 17.3 Steve Crowley
Service Director – Enterprise
steve.crowley@north-herts.gov.uk ext 4211

- 17.4 Ian Couper
Service Director - Resources
Ian.couper@north-herts.gov.uk ext 4243
- 17.5 Georgina Chapman
Policy & Strategy Team Leader Georgina.Chapman@north-herts.gov.uk ext 4121
- 17.6 Daisy Harris
Policy & Strategy Apprentice
Daisy.Harris@north-herts.gov.uk ext 4209
- 17.7 Tim Everitt
Performance & Risk Officer
Tim.Everitt@north-herts.gov.uk ext 4646
- 17.8 Liz Anderson
Senior Ecologist
liz.anderson@north-herts.gov.uk Ext 07918363500
- 17.9 Douglas Traill-Stevenson
Property Lawyer, acting Legal Manager & deputy Monitoring Officer
Douglas.Traill-Stevenson@north-herts.gov.uk ext 4346

18. BACKGROUND PAPERS

- 18.1 Link to Cabinet report September 2015:

[https://democracy.north-herts.gov.uk/Data/Cabinet/201509291930/Agenda/\\$att9982.docx.pdf](https://democracy.north-herts.gov.uk/Data/Cabinet/201509291930/Agenda/$att9982.docx.pdf)

and Minute 63 decision link below:

[Meeting of Cabinet on Tuesday, 10th November 2015, 7.30 pm | North Herts Council](#)