

East Herts Council Report

Executive

Date of Meeting: 11th February 2020

Report by: Cllr Haysey, Leader of the Council

Report title: Gilston Area Charter Supplementary Planning Document – Draft for Consultation

Ward(s) affected: Hunsdon, Eastwick, Gilston and High Wych

Summary

- To seek Members' agreement to publish for consultation the draft Gilston Area Charter Supplementary Planning Document (SPD).
- To agree that a Strategic Environmental Assessment (SEA) of the emerging Gilston Area Charter Supplementary Planning Document (SPD) is not required.

RECOMMENDATIONS FOR Executive:

- (a) That the draft Gilston Area Charter Supplementary Planning Document, as set out in Appendix A, be agreed and published for a minimum four-week period of public consultation;**
- (b) That delegated authority is given to the Head of Planning after consultation with the Leader of the Council to make minor modifications to the draft Charter prior to publication for consultation;**
- (c) That in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 it has been determined that a Strategic Environmental Assessment of the emerging Gilston Area Charter Supplementary Planning Document (SPD) is not required as it is unlikely to have significant environmental effects.**

1.0 Proposal(s)

- 1.1 The purpose of Gilston Area Charter Supplementary Planning Document (“Charter” going forward in this report) is to provide guidance to prospective applicants on the implementation of Policy DES1 Masterplanning of the East Herts District Plan in the context of delivering the policy aspirations of the Gilston Area site allocation (Policy GA1 of the East Herts District Plan).
- 1.2 The Charter sets out guidance on the following:
- A summary of the policy and guidance documents relevant to the production of Masterplans in the Gilston Area;
 - The role of Masterplans and associated Design Codes in shaping the development of the Gilston Area;
 - The process steps that should be taken in the production of Gilston Area Masterplans and associated Design Codes;
 - Clarification on the information that must be included within a Gilston Area Masterplan submission;
 - The submission and approval process for Gilston Area Masterplans;
 - The engagement and consultation that must be undertaken in the production of Gilston Area Masterplans; and
 - How quality outcomes will be embedded into the masterplanning processes for the Gilston Area.
- 1.3 Once adopted as a Supplementary Planning Document, the Charter will be a material consideration in decision making.¹

2.0 Background

- 2.1 Following adoption of the East Herts District Plan (EHDP), the Council agreed a new Local Development Scheme which sets out its commitment to preparing a number of topic related

¹ A material consideration is a matter that should be taken into account in deciding a planning application or an appeal against a planning decision.

Supplementary Planning Documents (SPDs) in order to provide further guidance on the implementation of EHDP policies.

- 2.2 A draft Charter has been prepared in support of EHDP policies GA1 (The Gilston Area) and DES1 (Masterplanning).
- 2.3 Public consultation on the draft Charter will form an important and vital part of its production. Following Executive consideration of the draft Charter, Officers are seeking approval to commence public consultation in mid-February 2020 for a minimum period of 4 weeks.
- 2.4 A copy of the draft Charter is attached at **Appendix A**.

3.0 Reason(s)

- 3.1 The Gilston Area forms part of the wider Harlow and Gilston Garden Town (HGGT) and is allocated in the East Herts District Plan 2018 (Policy GA1) to accommodate significant growth including 10,000 new homes, substantive parkland and associated infrastructure based on Garden City Principles. It also sets out the expectation that delivery of the project will be brought forward in a collaborative manner with the engagement of all key stakeholders.
- 3.2 A Concept Framework was produced collaboratively by landowners and East Herts District Council (EHDC) alongside the District Plan which envisaged the Gilston Area being developed as several “distinct villages.” This concept was translated into Policy GA1 of the District Plan and also carried through into the Harlow and Gilston Garden Town Design Guide 2018.
- 3.3 The East Herts District Plan (EHDP) requires the production of Masterplans for all ‘significant’ developments proposed in the district (Policy DES1).
- 3.4 The production of Masterplans and Design Codes provide an added layer of detail to the planning process. Once approved,

they are a material consideration when determining any detailed planning (Reserved Matters) applications for development plots or buildings that follow.

- 3.5 The role of the Charter is to support the implementation of policy DES1 in the production of robust masterplans that deliver the overarching ambitions and aspirations for the Gilston Area as set out in policy GA1, as well as other relevant policy/guidance including the Garden Town Vision and Design Guide. As an SPD, the Charter will be a material consideration in planning decision making.
- 3.6 The guidance contained within the Charter will establish a consistent approach to the production of Masterplans in the Gilston Area to ensure that development comes forward in a comprehensive and cohesive manner that contributes to the creation of successful and sustainable places. This is particularly important to the Gilston Area given the strategic scale of development envisaged and the multiple parties with an interest in its delivery.
- 3.7 Importantly it will establish the principle that Masterplans will be produced for each of the Gilston Area villages, together with an overarching Masterplan that will address the strategic elements of the development and the important network of green spaces that will help knit the development together and integrate it sensitively into its wider context.
- 3.8 It also seeks to embed the role of the Council, key stakeholders such as the Garden Town partner authorities and statutory bodies in the preparation of the Masterplans, as well as the local community in accordance with the emerging Gilston Area Community Engagement Strategy which is a supporting document being produced in parallel to the Charter (but not the subject of this report).
- 3.9 The Charter will also be supported by a Monitoring Framework. This will be a live web based platform that is updated on an ongoing basis to keep the public informed about the progress of development in the Gilston Area. In addition to sign posting the public to planning applications, the Monitoring Framework

will also include a record of what has been delivered post construction and a means for quality checking what's been delivered.

- 3.10 There is statutory requirement to undertake a public consultation on all draft SPDs and for the views of consultees to be considered when finalising their content. The Council is also committed to this through its Statement of Community Involvement (SCI) which identifies consultation with stakeholders and the wider community as being a vital part of the SPD preparation process.
- 3.11 Following Executive consideration of the draft Charter, Officers are seeking approval to commence the public consultation in mid-February for a minimum period of 4 weeks as set out and committed to in the Council's SCI.

4.0 Options

Option 1

- 4.1 EHDP policy DES1 requires all significant development proposals to prepare a Masterplan. The Council could decide not to produce any guidance to support the implementation of Policy DES1 in the context of the Gilston Area Masterplans.
- 4.2 However, given the strategic scale of development envisaged for the Gilston Area, the multiple parties involved in its delivery and the abundance of existing policy and guidance relevant to the area, it is considered that a more tailored approach to masterplanning is warranted for the Gilston Area.
- 4.3 In the absence of the Charter, the masterplans for the Gilston Area run the risk of coming forward in a piecemeal way based on different applicants' interpretation of Policy DES1. The Charter will ensure that the masterplanning process is undertaken in a comprehensive manner, in collaboration with the Council, key stakeholders and the community. Importantly it will establish the principle that Masterplans will be produced for each of the Gilston Area villages, together with an overarching Masterplan that will address the strategic elements of the development and the important network of green spaces

that will help knit the development together and integrate it sensitively into its wider context.

Option 2

- 4.4 The Council could decide to produce guidance to support the implementation of Policy DES1 in the context of the Gilston Area, but not to adopt it as a Supplementary Planning Document.
- 4.5 This option was ruled out as it was considered important to produce a Charter that would be formally recognised as guidance that adds further detail to the policies in the East Herts District Plan with material weight in decision making.
- 4.6 Also, as an SPD, engagement and consultation would be embedded into the production process which was seen as important given the multiple parties with an interest in how the Gilston Area comes forward.

5.0 Risks

- 5.1 In producing the Charter as a Supplementary Planning Document it is important that due process is followed.
- 5.2 As part of that due process, the Town and Country Planning (Local Planning) (England) Regulations 2012 require a local planning authority to consult the public and stakeholders before adopting a Supplementary Planning Document (SPD).
- 5.3 The Council is also committed to this through its Statement of Community Involvement (SCI) which identifies consultation with stakeholders and the wider community as being a vital part of the SPD preparation process.
- 5.4 Failure to undertake appropriate consultation in accordance with the above would open up the Charter production process to challenge and ultimately preclude the Council's ability to adopt it as a Supplementary Planning Document with material weight in decision making.

6.0 Implications/Consultations

- 6.1 In October 2019 the Gilston Area Steering Group was briefed on the intention of the Planning Service to commence with the production of the Charter. Representatives from the main parties that attend the Steering Group (landowner and community representatives) were invited to be part of a smaller “Charter Group” to help inform its production and content.
- 6.2 The Charter Group was subsequently established and has met on several occasions to discuss and inform various elements of the Charter and its supporting documents. The group will continue to meet to assist with the production of the final Charter prior to formal adoption.
- 6.3 Partner authorities and statutory bodies have also been informally notified about the production of the Charter and given the opportunity to inform the process. These include Hertfordshire County Council, Essex County Council, the Environment Agency, Historic England and Natural England. No concerns or negative feedback has been received by any of these parties to date. They will also be formally notified and given an opportunity to comment on the draft Charter as part of the public consultation.
- 6.4 The Harlow and Gilston Garden Town (HGGT) Board has been notified of the production of the Charter and HGGT officers have been party to various work streams associated with developing its content.
- 6.5 Elements of the draft Charter were also presented to HGGT Quality Review Panel (QRP) for a “Chair’s Review” in November 2019. Feedback from the QRP was generally supportive and it was recommended that a case study exercise should be undertaken to review example masterplans and design codes to help inform the guidance in the Charter. Officers (including HGGT officers) held a workshop in early January 2020 to undertake this exercise. A summary of the workshop and its

outcomes is provided as an appendix to the draft Charter.

- 6.6 Subject to Executive approval, the intention is to undertake a formal consultation on the draft Charter for a minimum period of 4 weeks in mid-February. Key stakeholders and statutory bodies will be notified and given the opportunity to make comments.
- 6.7 A draft consultation statement has been produced which summarises the above; this is included at **Appendix B**. This outlines the statutory requirements and summarises the early engagement that has taken place with stakeholders. Following the 4 week public consultation, a final version of the SPD will be produced. At the same time the statement of consultation will be expanded, setting out who was consulted during the preparation of the SPD; a summary of the main issues raised; and how those issues have been addressed in the SPD. It is currently anticipated that the final SPD will be presented to Members in April 2020.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

Yes

Under the requirements of the European Union Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations (2004), certain types of plans that set the framework for the consent of future development projects, must be subject to an environmental assessment. It is therefore a requirement that the Council undertakes a Screening Assessment to determine whether

the Gilston Area Charter SPD should be subject to a Strategic Environmental Assessment.

The Council's draft Screening Statement concludes that the Charter is unlikely to have significant environmental, social or economic effects beyond those of the District Plan policies it supplements; does not create new policies and only serves to provide useful guidance on how to effectively and consistently implement the District Plan policies and therefore does not require a Strategic Environmental Assessment.

The Regulations require that the Council consults three statutory bodies in reaching this determination. Consultation has therefore been carried out with the Environment Agency, Natural England and Historic England. At the time of writing this report no responses have been received, though no contrary view is anticipated. The Screening Statement attached at **Appendix C** is therefore provided in draft, pending the receipt of consultation responses.

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

Hunsdon, Eastwick, Gilston and High Wych

7.0 Background papers, appendices and other relevant material

7.1 East Herts District Plan October 2018 – With particular

reference to Policies GA1 Gilston Area (Chapter 11) and
DES1 Masterplanning (Chapter 17) see;

<https://www.eastherts.gov.uk/districtplan>

- 7.2 **Appendix A:** Draft Gilston Area Charter Supplementary
Planning Document.
- 7.3 **Appendix B:** Draft Consultation Statement
- 7.4 **Appendix C:** Strategic Environmental Assessment
Screening Statement

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