

# Public Document Pack



Chairman and Members of the  
Development Management  
Committee

Your contact: Peter Mannings  
Tel: 01279 502174  
Date: 22 February 2022

cc. All other recipients of the  
Development Management  
Committee agenda

Dear Councillor,

## **DEVELOPMENT MANAGEMENT COMMITTEE - 22 FEBRUARY 2022**

Please find attached the Additional Representations Summary as circulated by the Head of Planning and Building Control prior to the meeting in respect of the following:

4. Planning Applications for Consideration by the Committee  
(Pages 3 - 26)

Yours faithfully,

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**MEETING** : DEVELOPMENT MANAGEMENT COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : TUESDAY 22 FEBRUARY 2022  
**TIME** : 5.30 PM

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**East Herts Council: Development Management Committee****Date: 22<sup>nd</sup> February 2022****Summary of additional representations and updates received after completion of reports submitted to the committee, but received by 3pm on the date of the meeting.**

Members are advised that the representations submitted contain comments that are generic or relevant to both Crossing applications: Central Stort Crossing (CSC) (East Herts reference: 3/19/1046/FUL Harlow reference: HW/CRB/19/00220) and Eastern Stort Crossing (ESC) (East Herts reference 3/19/1051/FUL Harlow reference: HW/CRB/19/00221). Where comments within representations are only related to one particular application they are listed in the table below under the relevant application and agenda item.

	<b>Agenda No</b>	<b>Summary of representations/amendments</b>	<b>Officer comments</b>
1.	<b>4a</b> 3/19/1046/FUL  <b>and</b> <b>4b</b> 3/19/1051/FUL	Additional representations received: <b>HEGNPG</b> - Cost of crossings is greater than HIG funding. Additional costs of crossings will increase cost of homes and reduce funding for necessary infrastructure - Applications should not be approved until outcome of viability assessment is known.	As explained in the officer report the HIG funding is not a material consideration. Any Viability Assessment (or reassessment) and implications for mitigation and infrastructure requirements will need to be considered as part of the outline housing scheme for Villages 1-6. (The term ' infrastructure requirements is used in its broad sense here and is not limited to transport infrastructure). It must be borne in mind that viability considerations arise in connection with affordable housing policy requirements and may therefore be relevant to the outline housing application. The Crossing schemes do not attract any section 106 obligations / contributions.

		<ul style="list-style-type: none"> <li>- Applicant required to deliver strategic infrastructure with huge financial risks and will rely on contributions from other sites making delivery of housing uncertain.</li> <li>- Costs of major infrastructure will escalate with detailed design. Detailed flood modelling has not been undertaken, CPO and mitigation costs are uncertain and design of pedestrian/cycle bridge not yet known.</li> </ul>	<p>The Councils can only consider the planning merits of the Crossings applications before them. Land assembly and deliverability concerns, including the need for or the prospects of exercising compulsory purchase powers are distinct from the planning merits and are not matters for the development management committees. Such decisions would be subject to further decisions by the Council and, if CPO powers are exercised, or by the Secretary of State (where relevant).</p> <ul style="list-style-type: none"> <li>- Detailed flood modelling has been undertaken, it has been agreed by the Environment Agency and Lead Local Flood Authority and will be validated through technical design approval controlled by condition.</li> </ul>
3.		<ul style="list-style-type: none"> <li>- Scale and design of roads compromise achievement of Garden City Principles including the sustainable transport targets.</li> <li>- Roads will be used by HGVs making it impossible to deliver villages in the countryside.</li> <li>- Growth of retail in Edinburgh Way will attract more journeys.</li> </ul>	<ul style="list-style-type: none"> <li>- The approach to transport modelling is not based on a 'predict and provide' approach which assumes all residents will wish to drive and is based on planning for capacity to meet such demand, without addressing the root causes of congestion. The transport modelling approach in respect of the Crossings is based on current best practice and 'vision and validate' principles, which means that the vision and targets are set to determine what is needed to sustainably meet future needs and all aspects of transport schemes are planned to meet those targets (e.g. the mode shift). At the core of the infrastructure planning for the Crossings is the creation of Sustainable Transport Corridors to achieve active and sustainable mode share targets. The two Crossings work together, as comprehensive infrastructure with each performing a complementary function with the other in order to achieve key policy objectives and support planned growth. The CSC provides the sustainable transport connection between the Gilston Area site allocated for 10,000 homes and</li> </ul>

			<p>the urban area of Harlow and the ESC provides the capacity required to serve the allocated site and provide alleviation to key routes within the centre of Harlow facilitating the delivery of a wider Sustainable Transport Corridor (to be delivered by Essex County Council) that will serve not only new HGGT communities but existing residents and employment areas in Harlow.</p> <ul style="list-style-type: none"> <li>- HGVs already use the A14 and Eastwick Road which runs past Terlings Park and through the hamlet of Pye Corner. This situation will improve.</li> <li>- Changes in urban area of Harlow are beyond the remit of the Crossings applications and therefore not relevant.</li> </ul>
4.		Images provided from Applicant's Design and Access Statement	These images are illustrative only, provided as examples only; they do not represent final design.
5.		Cross section images provided – scale of roads are too big.	Sections show that instead of roads being placed on the top of ridgelines which would be very prominent, they are cut into the landscape to reduce their visual impact.
6.		Road width and roundabout size images – scale of roads are too big.	The roads and roundabouts have been designed to meet necessary design/engineering standards.
7.		<ul style="list-style-type: none"> <li>- Alternative Option 1: only approve Central Stort Crossing.</li> <li>- Alternative Option 2: redesign the two crossing to serve only the Gilston Area – wider needs of Harlow not the responsibility of the Gilston Area.</li> <li>- Alternative Option 3: accept Eastern Stort Crossing is a strategic road and be public sector led with</li> </ul>	The two Crossings applications are before members for determination now; Local Plan policies identify the need for the Crossings infrastructure and the two applications (albeit submitted separately) are a comprehensive transport scheme, each without the other would not facilitate the achievement of key policy objectives including sustainable transport, mode share targets and enabling planned growth in accordance with the Councils Local Plans. At the core of the infrastructure planning is the creation of Sustainable Transport Corridors to achieve active and sustainable mode share targets. The two Crossings work together, each performing a complementary function with the other as part of a

	<p>clear objectives and cost benefit analysis.                  - Alternative Option 4: Use HIG funding flexibly to divert funds to delivery of sustainable transport measures.</p>	<p>comprehensive infrastructure strategy in order to achieve key policy objectives and support planned growth. The CSC provides the sustainable transport connection between the Gilston Area site allocated for 10,000 homes and the urban area of Harlow and the ESC provides the capacity required to serve the allocated site and provide alleviation to key routes within the centre of Harlow facilitating the delivery of a wider Sustainable Transport Corridor (to be delivered by Essex County Council) that will serve not only new HGGT communities but existing residents and employment areas in Harlow.</p> <p>- Alternatives have been considered as part of the report at Section 13.7 in the context of heritage impacts assessment.</p> <p>- If public sector-led then the public sector bears all costs and risks.</p> <p>- HIG funding is not a material consideration for these applications and the report offers clear guidance to members in this regard.</p>
<p>8.</p>	<p>Benefits of roads do not outweigh the harms, the most balanced solution has not been achieved and community not consulted on these options.</p>	<p>- It is the recommendation of Officers that the benefits of the Crossings schemes do outweigh the harms in both heritage terms and Green Belt terms. Officers recognise that great weight must be given to the harm to heritage assets and consider that there are substantial public benefits that can be weighed against the less than substantial harm to the significance of listed buildings being Fiddler’s Brook Bridge and Fiddlers Cottage. Officers consider that there are very special circumstances that outweigh the harm to the openness of the Green Belt. These matters and harms are considered in detail in Sections 13.7 and 13.8 of the Officer Report.</p> <p>- Sections 13.1 and 13.3 of the Officer Report consider the principle of the applications as they are submitted. Full and comprehensive consultation has occurred on the applications as they stand and also during the Plan-making stage of the East Herts District Plan in which Policy GA1 and GA2 were adopted following the Examination in Public, at which community</p>

			representatives were in attendance and were heard by the Inspector.
9.		Applications have not been assessed against the Neighbourhood Plan policies.	This is inaccurate. The Officer Report clearly considers each development plan policy throughout. Appendix B to the report already sets out Officer's responses to the Neighbourhood Plan Group's representations.
10.		LVIA is flawed.	Officers considered the content of the LVIA and carried out site visits of their own to make their reasoned judgements. The submitted LVIA has also been assessed independently by consultants Barton Willmore and the Council's Landscape Adviser. The LVIA submitted is considered sufficient to inform the judgement of officers. It contained clear summary of relevant policies, description of the methodology and baseline conditions at the Site and surroundings. The study area was appropriate, the methodology for assessment of landscape and visual effects included consideration of the Zone of Theoretical Visibility and was assessed against the Guidelines for Landscape and Visual Impact Assessment Third Edition. Criteria for judgements as to susceptibility, value and magnitude of effects were clearly defined such as to enable appropriate judgements on sensitivity. It is noted that sometimes assessments of landscape and visual effects can have a degree of subjectivity. Hence, officers took care to carry out site visits, to scrutinise the LVIA's conclusions and formulate their own judgements as to landscape and visual impacts. Section 13.2 of the Officer Report considers that the Officers do not agree with all the conclusions of the LVIA in terms of the sensitivity of the Stort Valley, and have therefore assessed the impacts based on a higher level of sensitivity. The Reports acknowledge the visual impact of the Crossings infrastructure and consider that the proposed mitigation, secured by condition 33 (CSC) and 32 (ESC) will reduce these impacts, and that there are overriding benefits arising from the two schemes that outweigh these residual harms.

11.		Viability of the scheme is questioned.	Viability data and deliverability of the Crossings is not relevant to the consideration of the planning merits. In terms of planning decisions, viability is relevant in assessing affordable housing delivery against policy requirements, which is not the remit of the Crossing applications. However, deliverability would be relevant to and scrutinised in relation to the exercise of any CPO powers.
12.		Conflict with Neighbourhood Plan policies	Officers have set out responses to the Neighbourhood Plan Group's appraisal of the scheme against the policies in Appendix B to the Reports and indeed throughout both Officer Reports. It is acknowledged that there is a difference of opinion with the NPG's representations based on the professional judgement of Officers, and taking into account ALL the relevant Development Plan policies of the East Herts District Plan, Harlow Local Development Plan and Neighbourhood Plan, plus material considerations in the form of HGGT documents. The latter primarily include the Vision, Transport Strategy and Infrastructure Delivery Plan all of them, alongside the Development Plans, identify the two Crossings as being essential infrastructure to serve not only the Gilston Area developments but the wider allocated growth of the HGGT. These relevant HGGT documents have been endorsed by both District Councils as relevant material considerations subject to case by case assessment.
13.	<b>4a</b> 3/19/1046/FUL  <b>and</b>  <b>4b</b> 3/19/1051/FUL	Additional Representations received: <b>Hunsdon House</b> Applications should be considered alongside the Outline application to make balanced decision on overall benefits and harms. To determine Crossing in advance of Outline means there is a risk of pre-	The Crossings are planning applications in their own right that are ready for determination on their own merits. Appendix B has already addressed this point. The Outline applications are not for determination at this committee. Nonetheless, for context and clarity both the Villages 1-6 and Village 7 applications have been submitted in Outline form with all matters reserved except for access. The Outline applications are supported by detailed parameter plans and Development Specifications providing detail in



		<p>determination. Officer's suggestion that conditions can be placed on the Outline application that prevents development unless changes are made to the crossings or to control the design of Outline to avoid need to change Crossings implies pre-determination.</p>	<p>relation to how the developments are proposed to come forward. The Outline applications will come before Members later this year and will be considered on their own merits; conditions will be recommended as necessary and many matters requiring mitigation will also be subject to detailed Section 106 obligations in due course. Until the LPA has determined the Outline applications, it will not have determined that the proposals are acceptable or fettered its discretion in any way. For example, it is open to the development management committee considering the outline applications to conclude that, regardless of the principle of housing development being established by virtue of the Gilston Area allocation that they will give great weight to specified harms from the developments, and reach an objective view as to the outcome. In short, after careful consideration and appropriate advice, officers are of the view that determining the Crossings does not fetter the Councils' discretion as to any decisions to be made in respect of the Outline application/s.</p>
14.		<p>LVIA conclusions are based on a flawed methodology. The Council's Landscape Officer raised concerns about the Landscape and Visual Impact Assessment (LVIA) and in 2019 Barton Willmore agreed that the ES did not set out an assessment structure to inform decision making. Requests for more information were not met. Disagree with the 2021 assessment by Barton Willmore.</p>	<p>Since concerns were raised in 2019 the Applicant submitted amendments to the applications in November 2020. The Landscape Officer raised some initial concerns to which further amended plans and information were submitted. The Landscape Officer agreed that the revised information was adequate and suggested a number of condition requirements to confirm the proposals through the detailed engineering stage. Barton Willmore considered the revised ES and considered that information is indeed sufficient upon which to make a decision:</p> <p><i>The scope of Chapter 13, including the established study area, appears appropriate and proportionate to the scale of the development. The methodology for the production of the Zone of Theoretical Visibility (ZTV) is clear and concise. The methodology for the assessment of landscape and visual effects is described as being based on the guidance set out within the Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA).</i></p>

*10.4 The methodology for assessment of landscape and visual effects has been clearly separated. The criteria for judging susceptibility and value is transparent, which leads to a clearly determined judgements on sensitivity. Similarly, judgements on the magnitude of effects are also simply and clearly defined. This approach is considered appropriate and based on the guidance within the GLVIA.*

*10.5 Sensitivity and magnitude are combined to provide an overall level of significance for each effect, which again is consistent with the GLVIA, while a helpful definition for each effect is provided in Table 13.10.*

*10.9 Naturally, as is the case with the assessment of landscape and visual effects, there is scope for subjective opinion in the reasoning and assessment of the impacts that such a scheme would have on its context. However, crucially there are no obvious or glaring omissions, or standout poorly substantiated judgements in relation to the magnitude of effects likely to be experienced, and by extension the significance of effects reported.*

*10.10 Differentiation of where mitigation is embedded in the scheme design (primary mitigation, as detailed through the Parameter Plans) and where additional mitigation (secondary mitigation) is required is set out clearly in Chapter 13, with the detail proposed to be delivered and secured through the form of the Village Masterplans, the Landscape Masterplan and Reserved Matters Applications. The level and nature of secondary mitigation proposed is considered acceptable and appropriate given the outline nature of the application, while the embedded mitigation is clearly understood (including that associated with the detailed infrastructure applications).*

*10.11 Monitoring of the effectiveness of the landscape enhancements and new planting is proposed to be agreed with the regulatory authorities, alongside the delivery of Landscape Management Plans and Maintenance Schedules as a means to deliver the landscape works in an appropriate manner. The level of description at this stage is sufficient.*

Notwithstanding the above, Officers considered the content of the LVIA and carried out site visits of their own to make their reasoned judgements.

			<p>The submitted LVIA has also been assessed independently by consultants Barton Willmore and the Council’s Landscape Adviser. The LVIA submitted is considered sufficient to inform the judgement of Officers. It contained clear summary of relevant policies, description of the methodology and baseline conditions at the Site and surroundings. The study area was appropriate, the methodology for assessment of landscape and visual effects included consideration of the Zone of Theoretical Visibility and was assessed against the Guidelines for Landscape and Visual Impact Assessment Third Edition. Criteria for judgements as to susceptibility, value and magnitude of effects were clearly defined such as to enable appropriate judgements on sensitivity. It is noted that sometimes assessments of landscape and visual effects can have a degree of subjectivity. Hence, officers took care to carry out site visits, to scrutinise the LVIA’s conclusions and formulate their own judgements as to landscape and visual impacts. Section 13.2 of the Officer Report states that the Officers do not agree with all the conclusions of the LVIA in terms of the sensitivity of the Stort Valley, and have assessed the impacts based on a higher level of sensitivity. The Reports acknowledge the visual impact of the infrastructure and consider that the proposed mitigation, secured by condition will reduce these impacts, and that there are over riding benefits arising from the two schemes that outweigh these residual harms.</p>
15.		<p>Regarding LVIA judgements the public are expected to take the word of Officers that they have considered the effects on the landscape according to a higher value of sensitivity.</p>	<p>Officers consider the content of the LVIA and carry out site visits of their own to make their reasoned judgements. Officers are bound by the code of professional ethics governing the Planning profession and are required to make professional judgements based on relevant policies of the Development Plans and all material considerations. All conclusions and recommendations in planning reports</p>

			<p>are based on the professional judgement of Officers, as they must make appropriate recommendations to Members who are democratically elected to represent their community and as members of Development Management Committee to make objective judgements as to planning merits. To assert or imply that Officers' opinions cannot to be trusted or are somehow misleading or that the Committee cannot following debate formulate its own judgements in an objective manner runs the risk of undercutting this democratic process. In short, this representation is not based on planning merits, but rather seeks to substitute an alternative judgement for that of the Officers advising, whereas the courts recognise professional judgement is for officers and for decision makers.</p>
16.		<p>LVIA does not account for impacts during construction.</p>	<p>The impacts of construction are considered throughout the Officer's Reports, and the harms are acknowledged and weighed in the balance bearing in mind the temporary nature of construction impacts suitable and effective mitigation measures are secured through conditions attached to the recommendations for grant connected with the applications.</p>
17.		<p>LVIA does not take into account the impacts of lighting design. Leaving this to condition means there has been no public scrutiny on the design impacts.</p>	<p>An assessment of the impact of lighting is included in the ES, including consideration of baseline environmental lighting zones and their night time environment. The visual and environmental impacts of lighting are considered in the Officer's Reports in Section 13.2 and 13.6 respectively. Sufficient information has been provided as to the potential impacts of lighting to inform Officer judgement and the detail of the lighting strategy is secured via conditions 12 (CSC) and 11 (ESC), which will involve careful consideration and balance of meeting highway safety, safety in general terms for diverse and vulnerable user requirements and environmental considerations. It is standard practice to condition lighting strategies as</p>

			the detailed engineering design stage may require amendments to lighting schemes.
18.		Green Belt assessment is flawed because it relies on a flawed LVIA.	The assessment of whether an application has an impact on openness in the Green Belt is a different assessment to whether there is an impact in landscape and visual impact terms. A scheme can have an impact on landscape and have a visual impact without harming the openness of the Green Belt and vice versa. In fact the Officer's Reports conclude that there are impacts on openness in the Green Belt and that there are harms in landscape and visual impact terms. There are very special circumstances and significant benefits that outweigh the harm to the Green Belt by reason of inappropriate development and any other harms / impacts. This view is based on a careful application of and assessment against relevant Green Belt policies in the NPPF and Local Plan, and upon the professional judgement of officers taking account of the ES, site visits, their experience and other material considerations.
19.		Proposals are likely to be in conflict with Green Wedge Policy PL5 of the Harlow Local Development Plan, and are in conflict with Policy DES2 Landscape Character of the East Herts District Plan and Neighbourhood Plan policy AG1 Promoting Sustainable development.	These policies are considered in the Officer's Reports. The planning balance required must have regard to and apply the Development Plan Policies as a whole and consider schemes in terms of overall compliance with the Development Plan. In other words, applications are not judged solely against an individual policy or a part of such a policy. The legislative requirement is to have regard to relevant policies of the Development Plan and any other material considerations. The Reports note in Sections 13.1 that the Crossings are allocated as essential pieces of infrastructure necessary to deliver the development strategies of the East Herts and Harlow Development Plans and the Neighbourhood Plan is written to be in general conformity with the East Herts District Plan. Sections 13.1, 13.2

			<p>and 13.8 of the CSC Report considers the impact of the Crossing on the Green Wedge policy, as the proposed pedestrian and cycle bridge over Eastwick Road and the Stort Navigation are proposed immediately to the east of the existing Fifth Avenue Crossing.</p>
20.		<p>Members are asked to consider the benefits of the Gilston housing applications, they should also consider the totality of the harm and this can only be done by determining all the applications together.</p> <p>This is relevant in Green Belt terms as the NPPF says: “very special circumstances will not exist unless the potential harm to the Green Belt ... and any other harm resulting from the proposal is clearly outweighed by other considerations.”</p>	<p>With or without the Outline applications, the Crossings are proposed in response to an identified policy requirements set out in two Local Plans, the HGGT Vision and their respective Infrastructure Delivery Plans. Applications made in response to Policy GA1 will need to meet the policy requirements, which include the need to provide appropriate mitigation as necessary. The examination process into the District Plan which culminated in the Gilston Area allocation for 10,000 homes included assessments of harm , in particular, environmental assessments, transport modelling and heritage impact assessments. The allocation in the adopted Plan therefore accepts in principle that some of the harms identified through the examination are either acceptable or can be mitigated through appropriate policy requirements and specific mitigation to be assessed on a scheme by scheme basis. It is the professional opinion of officers that the East Herts District Plan Policy GA1 allocation for 10,000 homes in the Gilston Area is capable of providing Very Special Circumstances on its own, even in the absence of any submitted outline application for 8,500 homes in Villages 1-6. The fact of an existing application linked to the Crossings via Condition 4 gives greater confidence of these benefits materialising. The Councils are entitled as a matter of law and policy to factor in these benefits as part of the very special circumstances assessment. This does not impede an objective consideration of the Outline application on its own merits when it is due to be determined course.</p>

			<p>- In accordance with legal requirements, the environmental and habitats impacts have been considered for the Crossings and Villages 1-6 Outline application as a 'single project' and in-combination/cumulatively with other projects, i.e. in the Environmental Statement and the Habitats Regulations Assessment (together with the Update). By virtue of Planning Practice Guidance and legislative provisions for the non-determination of applications, LPAs are required to determine planning applications promptly on their own merits. There is no further obligation on the LPAs or any impediment to assessing the Crossings and Outline applications on their respective planning merits. Proceeding in this manner is consistent with law and relevant planning policies; it is therefore both rational and reasonable to proceed to make the Crossings decisions.</p> <p>As the comment says, the NPPF states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm <b>resulting from the proposal</b>, is clearly outweighed by other considerations. Each Crossing proposal has specific harms arising from that proposal that are acknowledged and mitigated as necessary. The LPAs are entitled to consider the benefits of the policy allocations for 10,000 homes and wider growth. The fact that there are extant Outline applications and the Crossings applications are linked in EIA terms to the Villages 1-6 Outline application for 8,500 homes (85% of the total site allocation) gives greater confidence that the benefits justifying the harm will be forthcoming. Condition 4 is a mechanism which ensures that harm does not arise from the crossings unless the outline is also granted permission.</p>
		<p>The transport modelling assumes a</p>	<p>- See point 3 above. The two Crossings work together, as comprehensive</p>

	<p>20% mode shift is delivered. If it is not the crossings will be too small. If road capacity is delivered too early residents will find car travel quick and easy.</p> <p>Opening both crossings early will undermine the achievement of sustainability objectives and there is therefore no need to consider the Crossing applications now.</p>	<p>infrastructure with each performing a complementary function with the other in order to achieve key policy objectives and support planned growth. The CSC provides the sustainable transport connection between the Gilston Area site allocated for 10,000 homes and the urban area of Harlow and the ESC provides the capacity required to serve the allocated site and provide alleviation to key routes within the centre of Harlow facilitating the delivery of a wider Sustainable Transport Corridor (to be delivered by Essex County Council) that will serve not only new HGGT communities but existing residents and employment areas in Harlow.</p> <p>- Assessment of applications has to start somewhere and determining the Crossings as soon as ready and ahead of the Outlines is an appropriate sequence. Moreover as mentioned above, Planning Practice Guidance requires applications to be determined promptly, which means as and when they are ready. Therefore it is not in the gift of LPAs to decline to determine or to delay applications which are ready. If consideration of the Crossings were delayed until after the Outline decisions, a reasonable question would arise in connection with the Outlines as to whether a transport strategy would be effective if what is proposed by way of infrastructure is not clear and that infrastructure is has not as yet been assessed or determined.</p> <p>This would also mean that unless promptly determined the delivery of essential infrastructure (including the sustainable transport corridors and associated measures) would not be in place in good time to support a larger number of homes in the Gilston Area, allowing poor travel habits to form, undermining the ability to achieve the sustainable travel objectives and behavioural change. Officers consider that the transport information /</p>
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			<p>strategy is sufficient to determine the applications, the Environmental Statement appropriately considers the full effects of the Development as a whole (the two Crossings and the Outline applications, taking account of cumulative and in-combination effects). Note the comments at paragraph 2 of item 20 above in that the Crossings have been subject to an Environmental Statement and the Habitats Regulations Assessment. Furthermore, the Highway Authorities consider the Crossings applications can be approved as submitted, after more than two years of careful consideration and amendments.</p>
22.		<p>No incentives are provided to encourage residents to use a bus of travel by active means. An alternative mitigation strategy is needed for when the mobility strategy fails and mode share targets are not met, particularly for later villages that are further away. Car ownership is likely to be high and bus travel expensive.</p>	<p>-The matter of sustainable travel incentives for new home occupants is a matter to be dealt with in the Outline application. A package of incentives is proposed in the Outline application and has been agreed in principle through negotiation that will be considered by Members in due course and secured through the S106 on that application. The Crossings proposals put in place the infrastructure required to support the effective operation of the transport strategy and includes bus lanes and bus priority at junctions as well as dedicated walking and cycling routes. The achievement of the mode share will be secured as much through the design of the new communities themselves as putting the infrastructure in place; for example, by ensuring that everyday services are within walking distance of homes, accessed through safe, direct and attractive routes; it's about parking strategies (at home and destination), travel plans for schools and businesses; by enabling new ways of working in the home and reducing the need to travel; by making car journeys less direct and more convoluted than bus travel to support sustainable and active travel choices. . These are all factors being built into the design of the new communities through collaborative masterplanning with stakeholders, including developers and</p>

			the community. For further context, the Highways Authorities would also be responsible for sustainable transport initiatives and measures in due course.
23.		Now the scale of interventions deemed necessary to make the outline applications sustainable in transport terms are known the decision to allocate the Gilston Area for 10,000 homes should be reviewed.	The extent of the infrastructure determined as being essential for the delivery of the Gilston Area and to enable growth in the wider Harlow area was known, evidenced and explored through the very recent Plan-making process and subject to the Examination in Public bearing in mind that the District Plans of both Councils were adopted in 2018 and 2020. It is beyond the remit of the Crossing applications to change the development strategy of the East Herts District Plan. More importantly the District Plans of both East Herts and Harlow and the evidence base supporting them including the case for the Crossings infrastructure are current and will be until 2033 based on a recent adoptions of Plans.
24.		The commentary in the paper by Edward Leigh on behalf of Hunsdon House emphasises the reasons for and justification for the Crossing proposals. Paper then states that the Crossings will be expensive, budgets will over-run and lead to viability issues and a loss of affordable housing, non-essential public infrastructure and travel plan commitments. Additional funding should be sought and risk management put in place to deal	Viability data and deliverability of the Crossings is not relevant to the consideration of the planning merits. In terms of planning decisions, viability is relevant in assessing affordable housing delivery against policy requirements, which is not the remit of the Crossing applications. However, deliverability would be relevant and scrutinised in relation to the exercise of any CPO powers. Whilst suggestions as to alternative sources of funding and risk management may be sensible, these are not matters for members or planning judgement.

		with economic uncertainties.	
25.		By supporting an increase in road capacity and not proposing a counterbalancing pricing mechanism the Council is not acting in accordance with its Sustainability Action Plan. The pricing mechanism includes a congestion charge for Harlow.	Section 13.4 of the Officer's Reports considers in detail the impact of the Crossings in terms of materials and sustainability. The Crossings proposals will provide the infrastructure required by policy and to support the effective operation of the transport strategy, and include bus lanes and bus priority at junctions as well as dedicated walking and cycling routes. The achievement of the mode share objective in the Transport Strategy will be secured as much through the design of the new communities themselves as putting the infrastructure in place; for example, by ensuring that everyday services are within walking distance of homes, accessed through safe, direct and attractive routes; it's about parking strategies (at home and destination), travel plans for schools and businesses; by enabling new ways of working in the home and reducing the need to travel; by making car journeys less direct and more convoluted than bus travel to support sustainable and active travel choices. These are all factors being built into the design of the new communities through collaborative masterplanning with stakeholders, including developers and the community. For further context, the Highways Authorities would also be responsible for sustainable transport initiatives and measures in due course.
26.		Additional representation received: <b>Places for People</b> The Applicants have submitted a paper entitled Stort Crossings Members Briefing setting out the details of the Crossings schemes in summary form and the justification	This material is a summary of existing application material.

		for the determination and approval of the applications.	
	<b>Agenda No</b>	<b>Summary of representations/amendments</b>	<b>Officer comments</b>
27.	<b>4a</b> 3/19/1046/FUL	Additional representation received: <b>HEGNPG</b> New residents will need to cross 6 lanes at Eastwick junction.	Residents in new Village 1 will have the option of crossing the junction via two islands (east side), one island (west side) or use a bridge dedicated to walking and cycling (east side). This is a significant improvement to the current crossing arrangement.
28.		Additional representation received: <b>Hunsdon House</b> 1,000 homes will be occupied before pedestrian and cycle bridge is open.	The triggers referred to are related to the proposed S106 obligations relating to the Outline application and are therefore not relevant to the Crossings. Triggers are a back stop positions and are used to incentivise developers to complete relevant stages of the proposals by a key stage/trigger. It is intended that the final pedestrian and cycle path is operational once the Central Stort Crossing is operational. In the interim, proposals are included to ensure safe and direct pedestrian and cycle routes across the Crossing are provided.
29.		The elevated bridges are unsafe for many non-motorised users (NMU) users in particular women and girls. No references to other protected characteristics or different types of disability.  Instead of an elevated bridge the road itself should be elevated and an underpass created.	Non-motorised user is no longer a term used to describe only pedestrians and cyclists or other active forms of travel; in industry design guidance it encompasses all potentially vulnerable users. The objection suggests not to build a segregated, dedicated pedestrian / cycle bridge because it would be unsafe due to the length of the bridge prohibiting escape from assault against a person yet also says that the proposed route adjacent to the road would also be unsafe and inconvenient because it requires crossing the road junction. The pedestrian and cycle path provided at the level of the road will be separated from the main vehicle running lane by the bus lane and will be designed according to prevailing standards such as LTN1/20

			<p>Guidance on cycle infrastructure design. The bridge over the Stort Navigation is at the same level as the road. Safety of the bridge over Eastwick Road will continue to be a key factor as conditions are discharged and as part of detailed design considerations for the elevated bridge structure through a design competition process. The safety of a diverse range of users of the infrastructure is being and will be factored in, with regard to any protected characteristics (e.g. age, race, gender, religion or belief, are married, in a civil partnership or single, belong to the LGBTQ+ community, are pregnant, or have a disability) by virtue of requirements set out in Condition 11 of the CSC report.</p> <p>- It is unclear how an underpass would be any safer than an elevated bridge, or be less impactful in a floodplain environment.</p>
30.		<p>No additional lanes should be created on the Fifth Avenue Crossing but once the ESC is open it should be converted to bus lane only. Only vehicular access to or from Harlow to the north would travel along ESC to reach Harlow.</p>	<p>This suggestion ignores the vast number of businesses and residents in the western half of Harlow, it would result in routing these trips westwards along rural lanes and residential streets through Nazeing and Hoddesdon to reach the A10 before continuing their westward journey, or routing eastwards through Harlow in order to travel westwards on the ESC and A414. This is not an option supported by the Highway Authorities of Hertfordshire or Essex. Nor does it put in place the sustainable priority along the CSC to serve the new communities early enough.</p>
31.		<p>Burnt Mill Lane should be closed to general traffic.</p>	<p>Burnt Mill Lane is currently only used by a small number of vehicles and access would need to be maintained for businesses and properties. The CSC application proposes public realm improvements to the section between Fifth Avenue and Burnt Mill Close to make it a more pleasant walking and cycling environment, which will be secured via Condition 13 in the Report.</p>

32.		<p>Additional representation received: <b>Viesturs</b> Not against crossing. But should an alternative solution such as connecting the river way with Harlow Rd A1184 or Edinburgh Way roundabout have been considered prior to the current submissions.</p>	The issue raised has been addressed in the officers report
	<b>Agenda No</b>	<b>Summary of representations/amendments</b>	<b>Officer comments</b>
33.	<b>4b</b> 3/19/1051/FUL	<p>Additional representation received: <b>HEGNPG</b> Environmental impacts will be significant – noise, tranquillity, severance between communities.</p>	These matters have been comprehensively addressed in the Officer Report (Section 13.2, 13.3, 13.6 and 13.7)
34.		<p>Additional Representations received: <b>Hunsdon House</b> - Council should consider a smaller Eastern Stort Crossing</p>	The Councils can only consider the planning merits of the Crossings applications before them. The Eastern Stort Crossing is designed as a single carriageway for the entirety of the route with the exception of the junctions at A414/Fifth Avenue/Eastwick Road, Village 1 All modes junction and Village 2/Eastwick Road where additional lanes are required for either bus priority or turning lanes. It cannot be constructed any smaller and still meet Highways standards or achieve the policy objectives.
35.		HIG funding is the reason for making decisions on the Crossings now but there is no need to approve	As explained in the officer report the HIG funding is not a material consideration and is not weighed in the balance in any manner. The existence of the HIG funding is a matter of public record, hence Officers

		<p>the ESC because the ESC will not be delivered by 2025 so HIG funding will not be used for its delivery.</p>	<p>considered it appropriate to clarify the context and guide members as to how they should approach it;</p> <ul style="list-style-type: none"> <li>- The grant funding arrangements between the Applicant, HCC as the administering authority and Homes England are not relevant matters to the planning merits of the Crossings applications in the same way that other funding or commercial arrangements between a developer / applicant for permission and other third parties are usually not relevant to planning decisions;</li> <li>- HIG is not treated as a material consideration, and Officers do not consider deliverability and funding as part of the assessment of the planning merits. These matters are typically considered as part of any decisions relating to the exercise of compulsory purchase powers, including those of the Secretary of State.</li> </ul>
<p>36.</p>		<p>The heritage assessment is flawed because it says that repairs to the listed bridge outweigh harms caused to the setting of the bridge.</p>	<p>The Officer’s Report at paragraph 13.7.17 states that Officers agree that repairs to the bridge are a benefit of the proposal but this does not outweigh the harms caused. Section 13.7 considers in detail the impacts of the ESC on heritage assets. Members are required to give great weight to these harms but are also able to weigh in the balance the substantial public benefits of the proposal including the benefit by reason of restoration. These benefits are detailed at paragraphs 13.7.44 and 13.7.45 of the ESC Report.</p> <p>Paragraph 13.7.41 states that</p> <p><i>“The harm to the significance of the Grade II listed Fiddlers Cottage which is considered to be less than substantial given the context of the diminished setting. However, when viewed as part of the ‘picturesque group’ of the two</i></p>

			<p><i>listed buildings of Fiddlers Cottage and the Footbridge, as cited in the list entries for both assets, this setting is preserved through retention of the viable use of the Footbridge in situ and improvements to the public realm through Pye Corner northwards of the Footbridge, which will be secured through Condition 43 on this application."</i></p> <p>The road bridge is located approximately 6m south of the footbridge, not overhead, and between the two bridges new tree planting is proposed that will assist in partially screening view of the road bridge from the Footbridge.</p> <p>The Officers are confident that the Heritage Assessment set out in the Report at Section 13.7 is sound.</p>
37.		<p>Heritage Assessment by Donald Insall re-submitted. Covering note acknowledges that it has not considered any other policy interests and is only focussed on the heritage impacts on the listed Fiddlers' Brook Footbridge. Consider there will be serious harm to the setting of Fiddler's Bridge and Fiddlers Cottage. Do not consider that great weight has been given to the conservation of the asset because consideration has also been given to protecting residential</p>	<p>Officers have already summarised and considered the Heritage Assessment by Donald Insall in Appendix B and in Section 13.7 of the Officer's Report. Donald Insall acknowledge that they have not carried out a comprehensive policy assessment which weighs other policy considerations against heritage harms. Essentially they have considered heritage implication in isolation of other relevant policies.</p> <ul style="list-style-type: none"> <li>- To only focus on one aspect of relevant planning policy or considerations, ignores other policy imperatives, including the significant public benefits arising from the ESC that must be weighed in the balance when considering the less than substantial harm to the heritage assets.</li> <li>- there is no definition of 'serious harm' in the NPPF. Harm to heritage assets are designated as 'less than substantial harm', 'substantial harm' and 'total loss'. Great weight should be given to the asset's conservation, and the more important the asset the greater the weight should be. Harm,</li> </ul>



	amenity which has amended the location of the road bridge closer to the Footbridge. Residential amenity and ecology are not legal duties unlike the preservation of heritage assets.	such as development within the setting of a heritage asset should require clear and convincing justification. Section 13.7 of the Officer's Report describes how the harm to the significance of heritage assets (including setting) is 'less than substantial' and that there are clear and convincing justification for the harm occurring. The Officers assessment applies the test in paragraph 202 of the NPPF: the public benefits of the proposal including, where appropriate, securing its optimum viable use, should be weighed against the less than substantial harm.
38.	The LVIA does not include photos taken in winter or at night time or from footpaths within the valley. Illustrations should be provided of the proposal from the listed Footbridge.	Officers have conducted site visits on numerous occasions in all seasons. Members have also taken a site tour. Illustrations have been submitted which show the relationship of the Fiddlers' Brook road bridge with the listed Footbridge and also from the entrance to Terlings Park. Sections 13.2 and 13.7 of the Officers consider the visual impacts of the proposals. Please also see point 14 above.
39.	Additional representation received: <b>Mark Gibbs</b> Objection - Damage the natural habitat of the area	The planning issue raised has been considered in the officers report
40.	Additional representation received: <b>Viesturs</b> Not against crossing. But should an alternative solution such as connecting the river way with Harlow Rd A1184 or Edinburgh Way roundabout have been considered prior to the current submissions.	The issue raised has been addressed in the officers report

	<b>Agenda No</b>	<b>Summary of representations/amendments</b>	<b>Officer comments</b>
41.	<b>4c</b> 3/19/1049/ LBC	<b>NO LATE REPS RECEIVED</b>	